



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Consent Agenda Item No. 1C August 22, 2024

**SUBJECT:** Initial Study No. 8148, Unclassified Conditional Use Permit  
Application No. 3723–Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit Application No. 3723, which authorizes a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional) Zone District.

**LOCATION:** The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (16399 Auberry Road, Clovis) (SUP. DIST. 5) (APN: 300-370-23, 24 & 25).

**OWNER:** Jamie Bratton

**APPLICANT:** Dirk Poeschel

**STAFF CONTACT:** Alyce Alvarez, Planner  
(559) 600-4204

### RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit No. 3723; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated June 9, 2022
5. Applicant's letter requesting a first one-year time extension

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration prepared for Initial Study Application No. 6618 was approved by the Planning Commission, in accordance with the California Environmental Quality Act (CEQA), with approval of Unclassified Conditional Use Permit Application No. 3723 on June 9, 2022.

Section 15162(b) of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

**PUBLIC NOTICE:**

Notices were sent to 12 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

The Fresno County Zoning Ordinance requires that an Unclassified Conditional Use Permit (CUP) shall become void when substantial development has not occurred within two years after approval of the permit. On August 2016, the County amended Zoning Ordinance Article 6 to authorize the Planning Commission to grant up to a maximum of four (4) one (1)-year time extensions when it can be demonstrated that circumstances beyond the control of the Applicant has caused the delay, provided that the request for extension is filed prior to the expiration of the permit.

**BACKGROUND INFORMATION:**

On June 9, 2022, the Planning Commission considered the subject application. After receiving staff's presentation and considering public testimony from the Applicant, the Commission voted seven to zero (one Commissioners absent) to adopt the Mitigated Negative Declaration and approve Unclassified CUP No. 3723.

## **ANALYSIS/DISCUSSION:**

Unclassified Conditional Use Permit No. 3723 was approved by the Planning Commission on June 9, 2022. The subject application to allow a first one-year time extension was filed by the Applicant on May 17, 2024. If the time extension is granted, the Applicant will have an additional year (until June 9, 2025) to achieve substantial development of the subject high-intensity park facility.

The Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved. In a letter dated May 14, 2024, the Applicant states that the project has been delayed due to market conditions over which the owner has no control and the complexity of completing the traffic mitigation measures necessitate the extension. The subject Time Extension will allow the Applicant additional time until June 9, 2025 to complete these requirements and finish the project.

The proposed Time Extension was routed to the same Agencies that reviewed this project on June 3, 2024. None of the Agencies identified any change in circumstances or the need for additional Conditions, and did not express concern with the proposed extension of time.

## **PUBLIC COMMENT:**

None

## **CONCLUSION:**

Staff believes the first one-year Time Extension for Unclassified Conditional Use Permit No. 3723 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to June 9, 2025.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit No. 3723; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to deny the first one-year Time Extension request for Unclassified Conditional Use Permit No. 3723 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

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# LOCATION MAP

CUP 3723

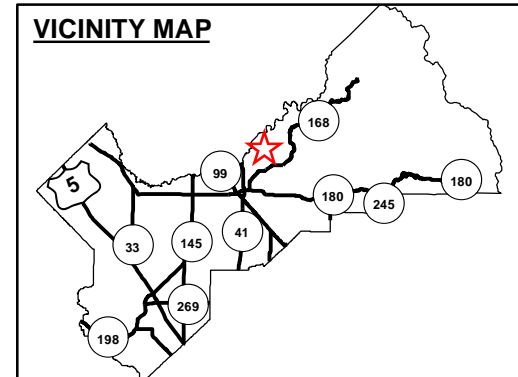
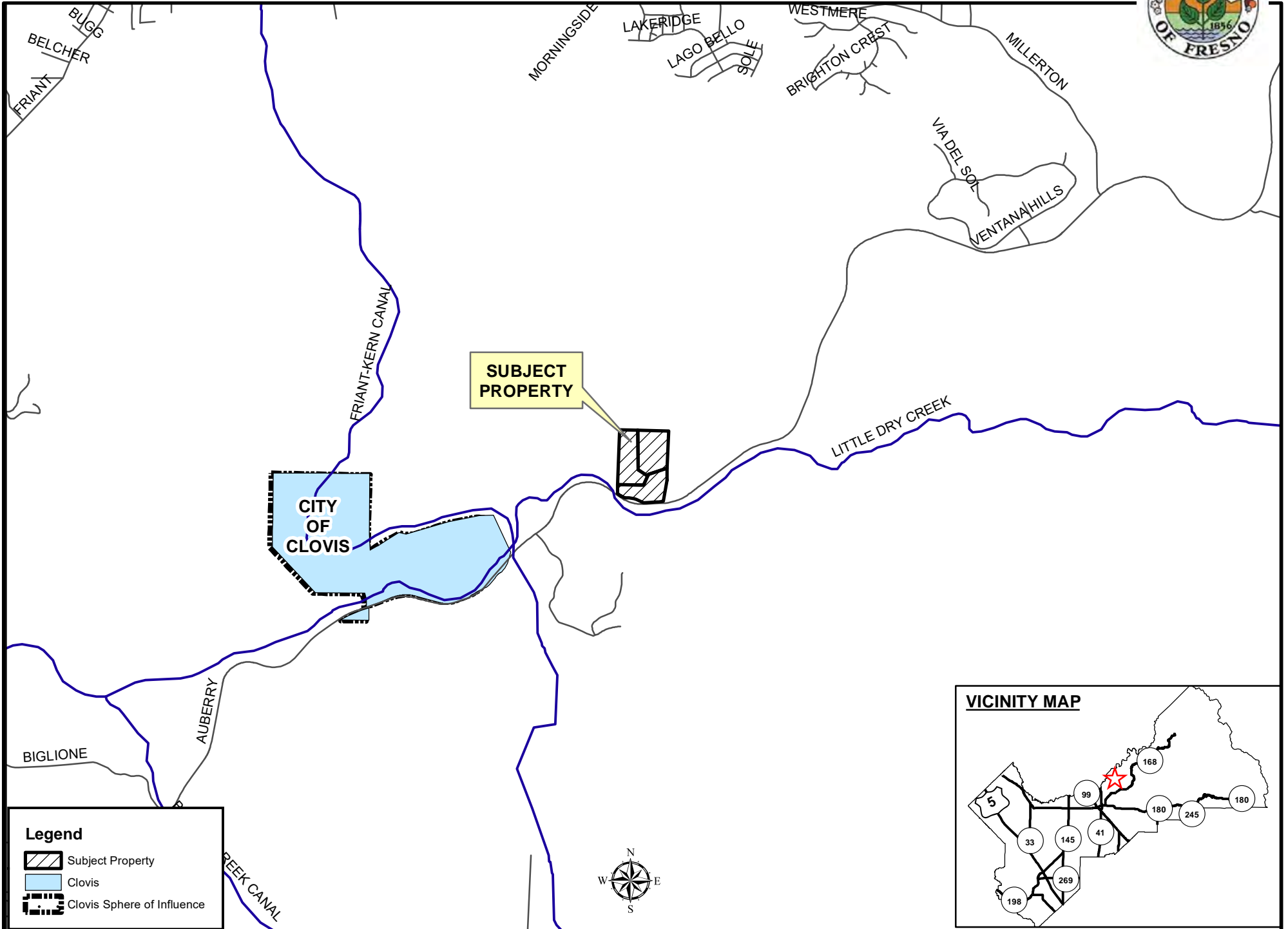


EXHIBIT 1

EXHIBIT 2  
**EXISTING ZONING MAP**

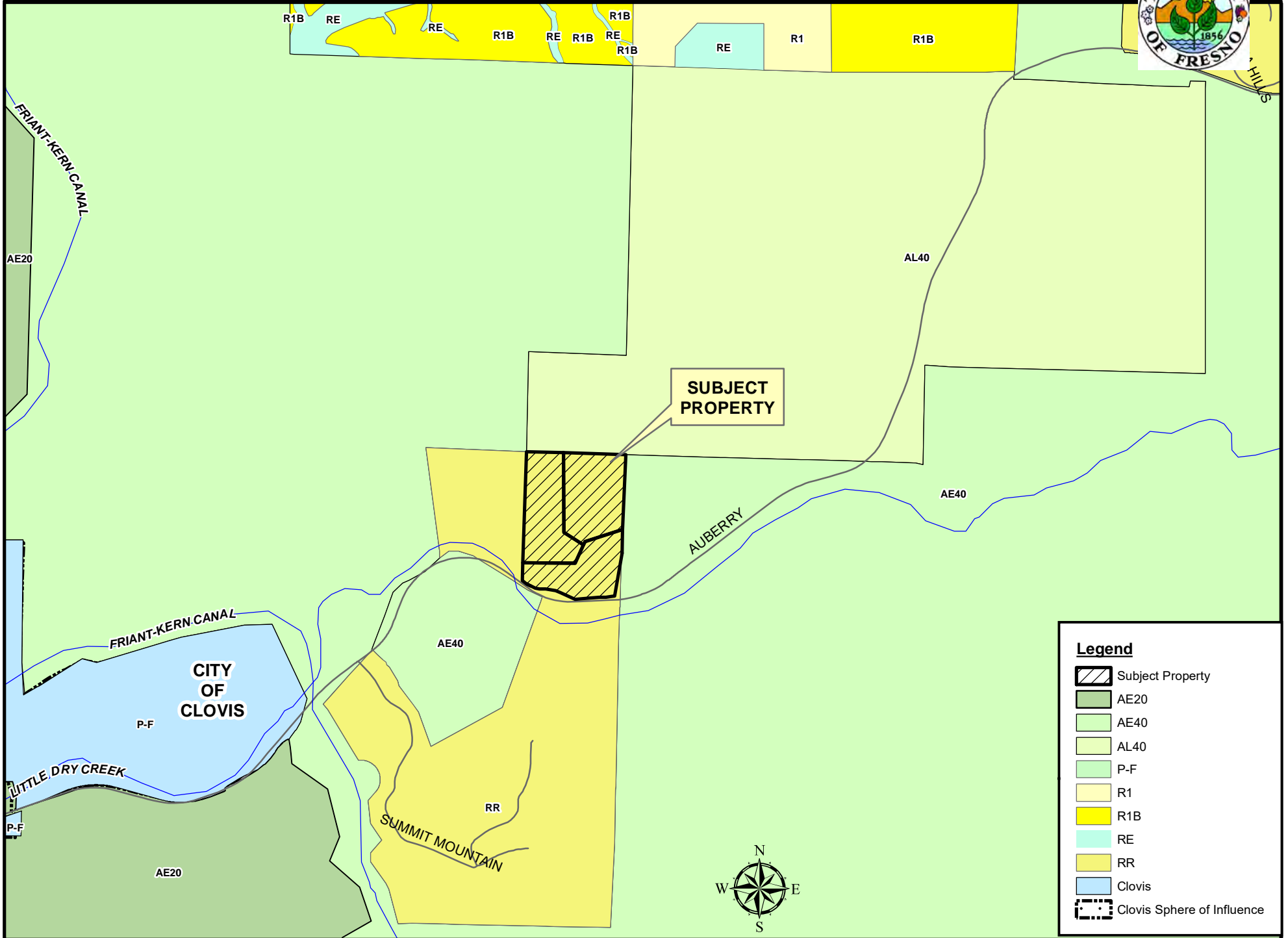
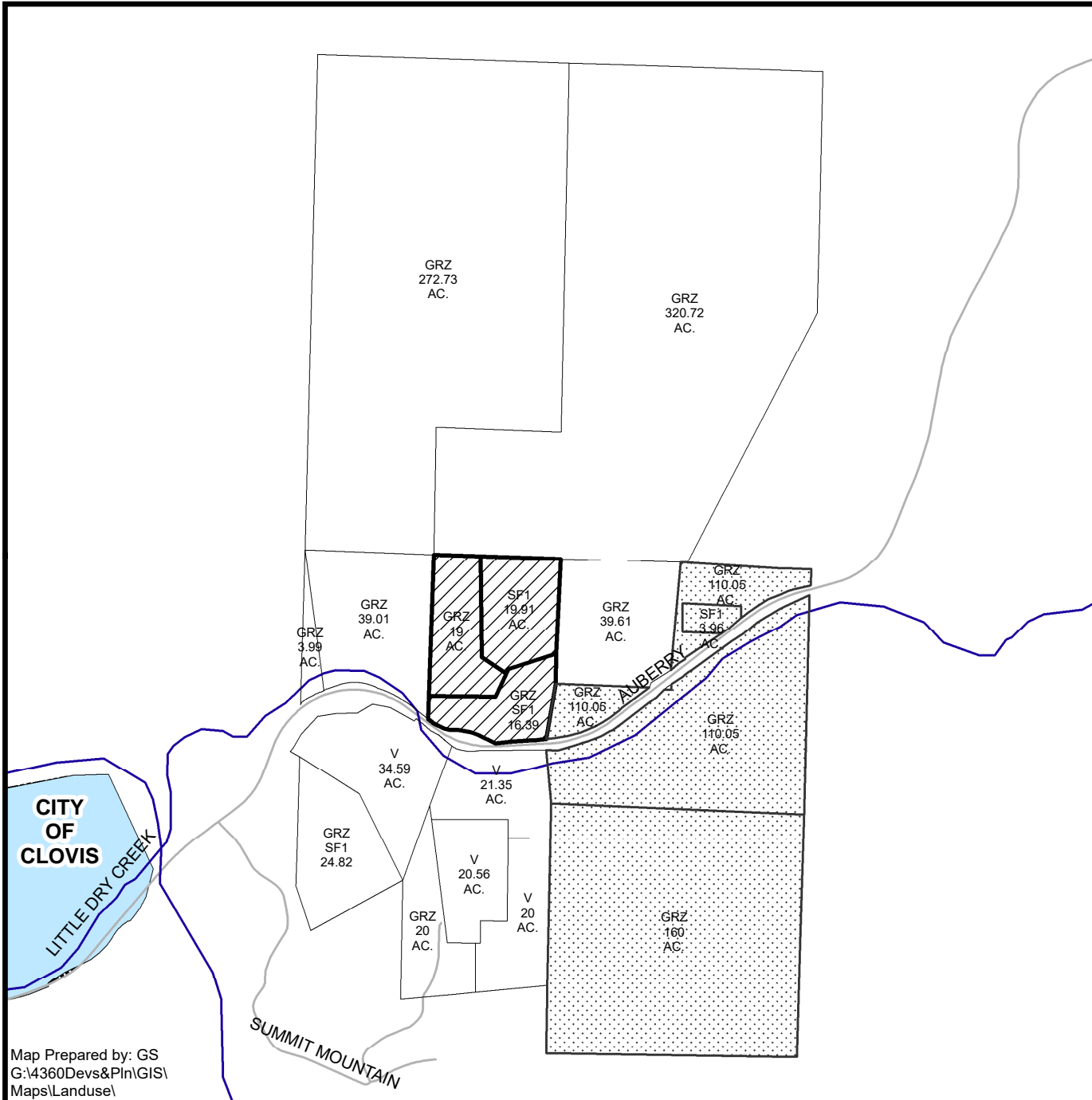


EXHIBIT 2

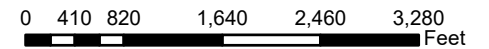
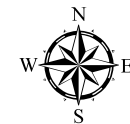
# EXISTING LAND USE MAP



LEGEND	
GRZ	- GRAZING
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

### LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning  
Development Services Division



# Inter Office Memo

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DATE: June 9, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12947 – INITIAL STUDY NO. 8148 AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3723

APPLICANT: Dirk Poeschel

OWNER: James and Louella Bratton

REQUEST: Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 2-acre minimum parcel size, Conditional) Zone District.

LOCATION: The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (APN: 300-370-23, 24 & 25) (16399 Auberry Road) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of June 9, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Arabian and seconded by Vice-Chairman Hill to adopt the Mitigated Negative Declaration prepared based on Initial Study (IS) No. 8148 and determine that the five required Findings of Fact could be made in agreement with Staff and to approve Conditional Use Permit No. 3723, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING: Yes: Commissioners Arabian, Hill, Abrahamian, Carver, Chatha, Woolf, and Zante

No: None

Absent: Commissioner Ewell

Abstain: None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By: 

William Kettler, Manager  
Development Services and Capital Projects Division

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NOTES: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

Attachments



EXHIBIT A

Initial Study No. 8148 and  
Unclassified Conditional Use Permit Application No. 3723

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 9, 2022 and heard a summary presentation by staff.
- Presenters: The applicant's representative agreed with the Staff's recommendation. They described their operation and offered the following information to further support the proposal:
- The Site Plan Review process was never completed following the approval of Conditional Use Permit No. 3388.
  - The proposed improvements are identical to those which were approved in the previous CUP.
  - New studies have been completed to ensure there will be no significant environmental impact.
- Others: One neighbor spoke in favor of the project. There was no testimony in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the proposal.

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# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 6 June 9, 2022

**SUBJECT:** Initial Study Application No. 8148 and Unclassified Conditional Use Permit Application No. 3723

Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 2-acre minimum parcel size, Conditional) Zone District.

**LOCATION:** The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (APN: 300-370-23, 24 & 25) (16399 Auberry Road, Clovis) (Sup. Dist. 5).

**Owner/  
Applicant:** James & Louella Bratton

**STAFF CONTACT:** Marissa Parker, Planner  
(559) 600-9669

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 8148; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3723 with recommended Findings; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 FAX 600-4200  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 8148

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Foothill Rural Residential in the Sierra-North Regional Plan	N/A
Zoning	R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional)	N/A
Parcel Size	57.91 acres	N/A
Project Site	<ul style="list-style-type: none"> <li>• 6,500 square-foot single-family residence (approved as a bed &amp; breakfast facility by SPR 7807)</li> <li>• 3,000 square-foot observation tower (1,756 square feet converted into a single-family residence by DRA 4057)</li> <li>• Wedding Sites 1 and 2</li> <li>• Parking and related improvements.</li> </ul>	A high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of a 57.91-acre property.
Structural Improvements	<ul style="list-style-type: none"> <li>• 6,500 square-foot single-family residence</li> <li>• 3,000 square-foot observation tower</li> </ul>	<ul style="list-style-type: none"> <li>• 1,973 square-foot existing garage will be converted into a food commissary.</li> <li>• Restrooms (Phase I)</li> <li>• Restrooms and a commissary (Phase II)</li> </ul>
Nearest Residence	945 feet to the southwest	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Surrounding Development	Single-family home; agriculture-exempt structures	No change
Operational Features	<p>A high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of a 57.91-acre property</p> <p>Phase I of the project:</p> <ul style="list-style-type: none"> <li>• Outdoor area on the property will be used for outside venue and 6,500 square-foot single-family residence will be used as an inside venue for events.</li> <li>• 1,973 square-foot residential garage will be converted into a food commissary for outside vendors to use during events.</li> <li>• New restrooms will be constructed.</li> </ul> <p>Phase II of the project:</p> <ul style="list-style-type: none"> <li>• A portion of the 3,000 square-foot observation tower will be used as a meeting venue.</li> <li>• New restrooms and a food commissary will be constructed.</li> </ul>	No change
Employees	<ul style="list-style-type: none"> <li>• Up to five at any given time (full-time)</li> <li>• Five to 20 during events (part-time)</li> </ul>	No change
Customers/visitors	200 guests per event (only one event at a time); 60 events each year	No change
Traffic Trips	Per the Traffic Impact Study (TIS) prepared for the project	No change

Criteria	Existing	Proposed
	<p>by Peters Engineering Group, dated September 22, 2014.</p> <p>Peak-hour trip generation:</p> <ul style="list-style-type: none"> <li>• Seven AM peak-hour trips (one-way trips: 5 in, 2 out)</li> <li>• 146 PM peak-hour (before event) trips (one-way trips: 136 in, 10 out)</li> <li>• 145 PM peak-hour (after event) trips (one-way trips: 10 in, 135 out)</li> </ul> <p>Daily project trip generation:</p> <ul style="list-style-type: none"> <li>• 346 trips from employees, delivery and event guests (one-way trips: 173 in, 173 out)</li> </ul>	
Lighting	Event lighting; parking lot lighting	No change
Hours of Operation	<ul style="list-style-type: none"> <li>• Event venues: 365 days of the year</li> <li>• Outside venue hours: 10:00 a.m. to 11:30 p.m., seven days a week</li> <li>• Inside venues hours: 8:00 a.m. to midnight, seven days a week (guests vacate the site by 12:30 a.m.)</li> <li>• Office hours: 10:00 a.m. to 6:00 p.m., five days a week (Monday – Friday)</li> </ul>	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION:** Yes. Violation File No. 16-105493; Operation of a High Intensity Park to host wedding events without complying to conditions of approval of Unclassified Conditional Use Permit 3388 (Fresno County Zoning Ordinance Section No. 853, B. 12). The Violation has not ceased, completion of this CUP and compliance with the conditions of approval of Unclassified Conditional Use Permit.

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has

determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: April 25, 2022.

**PUBLIC NOTICE:**

Notices were sent to 15 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An unclassified conditional use permit (CUP) application may be approved only if five Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a CUP application is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

On March 10, 2008, Director Review and Approval (DRA) No. 4057 was approved to allow conversion of a 1,756 square-foot portion of the existing 3,000 square-foot observation tower on the property into a permanent residence (second dwelling). Later, on April 23, 2012, Site Plan Review Application No. 7807 was approved to allow the conversion of an existing 6,500 square-foot single-family residence (primary dwelling) into a bed and breakfast facility. Additionally, building permits were issued for various improvements on the property between 1999 and 2012.

The subject proposal entails establishment of a high-intensity park with related improvements for weddings and similar special events on an approximately 10-acre portion of a 57.91-acre property. The project consists of two phases and will mostly utilize existing improvements on the property. Additional improvements to be constructed for the use include restrooms, food commissary, and on-site parking.

On November 13, 2014, the Planning Commission approved Unclassified Conditional Use Permit Application No. 3388 and Initial Study Application No. 6818 to allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 19-acre minimum parcel size, Conditional) Zone District.

However, on June 30, 2016, a zoning violation was issued due to the operation of the high-intensity park without complying to the conditions of approval of Unclassified Conditional Use Permit Application No. 3388 and Initial Study Application No. 6818. The Violation was issued due to the fact that the previous CUP expired, before the Applicant was able to complete the Site Plan Review process. To abate the violation, a Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to holding further events at the facility.

**ANALYSIS/DISCUSSION:**

***Finding 1:***     *The site of the proposed use is adequate in size and shape to*

**accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Sides: 20 feet Rear: 20 feet	Front: 460 feet Sides: Over 20 feet Rear: Over 20 feet	Yes
Parking	One parking space for each five (5) persons attending/using the facility plus one parking space for every two permanent employees.	189 (43 required)	Yes
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	<ul style="list-style-type: none"> <li>• 40 feet between animal shelter and building for human occupancy</li> <li>• Six feet between the main building and accessory building</li> </ul>	N/A	N/A
Wall Requirements	<ul style="list-style-type: none"> <li>• Six feet (maximum) on rear and side property lines</li> <li>• Three feet (maximum) in any required front or side yards</li> </ul>	None	N/A
Septic Replacement Area	100 percent for the existing system	N/A	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	On-site sewage disposal systems for new restrooms will be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum).	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>

**Reviewing Agency/Department Comments:**

Zoning Section, Development Services Division: Completion of a Site Plan Review (SPR) is recommended to ensure compliance with development standards. This requirement has been included as a Condition of Approval.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Finding 1 Analysis:**

Staff review of the Site Plan demonstrates that the existing and proposed improvements meet minimum building setback requirements of the R-R Zone District. Additionally, the project provides for adequate on-site parking for guests, event support staff, and facility employees. The project site is adequate in size and shape to accommodate the parking and circulation area, ingress and egress, and buildings/structures related to the use.

Based on the above information and with adherence to Conditions of Approval, staff believes the site is adequate to accommodate the proposed use.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Finding 1 Conclusion:**

Finding 1 can be made as the proposed use is adequate in size and shape to accommodate the proposed use.

***Finding 2:*** *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Auberry Road	No change
Direct Access to Public Road	Yes	Auberry Road - Good condition	No change



		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Road ADT (Average Daily Traffic)		5,200	No change
Road Classification		Arterial	No change
Road Width		Auberry Road is classified as an arterial road with an existing total right-of-way width of 60 feet.	23 feet of additional right-of-way (north of section line) is required to accommodate future widening of Auberry Road from two lanes to four lanes, and to provide for trails/bikeways pursuant to General Plan Policy OS-I.4.
Road Surface		Asphalt concrete paved; 32 feet pavement width	No change
Traffic Trips		<p>Per the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group and dated September 22, 2014.</p> <p>Peak-hour trip generation:</p> <ul style="list-style-type: none"> <li>• Seven AM peak-hour trips (one-way trips: 5 in, 2 out)</li> <li>• 146 PM peak-hour (before event) trips (one-way trips: 136 in, 10 out)</li> <li>• 145 PM peak-hour (after event) trips (one-way trips: 10 in, 135 out)</li> </ul> <p>Daily project trip generation:</p> <ul style="list-style-type: none"> <li>• 346 trips from employees, delivery and event guests (one-way trips: 173 in, 173 out)</li> </ul>	No change
Traffic Impact Study (TIS) Prepared	No	Traffic Impact Studies, including a Traffic Management Plan (TMP), were prepared for the project by Peters Engineering Group, dated September 22, 2014 and reviewed and approved by the Design and Road Maintenance & Operations Divisions of the	No change

	<b>Existing Conditions</b>	<b>Proposed Operation</b>
	Fresno County Department of Public Works and Planning. Mitigation Measures require that the project shall pay an equitable share percentage for future widening of Auberry Road and adhere to the recommended Conditions of Approval for implementation of the TMP.	
Road Improvements Required	Good	Not required

**Reviewing Agency/Department Comments:**

Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning: The project shall pay its equitable share percentage for future widening of Auberry Road from two lanes to four lanes between Copper Avenue and Millerton Road (approximately 8.6 miles). This requirement has been included as a Mitigation Measure (refer to Exhibit 1 of this report). Further, the project shall adhere to a Traffic Management Plan (TMP) and recommended Conditions of Approval relating to the implementation of the TMP. This requirement has been included as a Condition of Approval (refer to Exhibit 1 of this report).

Development Engineering Section of the Fresno County Department of Public Works and Planning: Auberry Road is classified as an arterial road with an existing total right-of-way width of 60 feet. The total right-of-way width for an arterial road is 106 feet.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Finding 2 Analysis:**

According to the Traffic Impact Studies (TIS) prepared for the project by Peters Engineering group dated September 22, 2014, the subject proposal will generate seven AM peak-hour trips (one-way trips: 5 in, 2 out), 146 PM peak-hour (before event) trips (one-way trips: 136 in, 10 out), and 145 PM peak-hour (after event) trips (one-way trips: 10 in, 135 out) by employees, delivery, and event guests.

The Design and Road Maintenance & Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the TIS and approved the Traffic Management Plan (TMP) prepared for the project. The TPM recommends several Conditions of Approval relating to control and management of event-related traffic on Auberry Road. This includes temporary warning signs and beacons to warn motorists on Auberry Road; street lighting and signage at the project entrance to enhance driver awareness of the driveway; pro-rata shares costs for the construction of off-site traffic-related improvements; and suggested Conditions of Approval for implementation of the TMP.

Additionally, the project site has frontage on Auberry Road with 32 feet of pavement width and a total existing right-of-way of 60 feet. Auberry Road is an Arterial and requires 106 feet of ultimate

right-of-way. The project will require an irrevocable offer of dedication of an additional 23 feet to accommodate future widening of Auberry Road from two lanes to four lanes and to provide for trails/bikeways pursuant to General Plan Policy OS-I.4.

Based on the above discussion, and with adherence to the aforementioned traffic Mitigation Measure and Conditions of Approval, staff believes Auberry Road can accommodate the traffic generated by this proposal.

**Recommended Conditions of Approval:**

*See Mitigation Measures and Recommended Conditions of Approval Attached as Exhibit 1.*

**Finding 2 Conclusion:**

Finding 2 can be made based on the above information, adequate to accommodate the proposed use.

***Finding 3: The proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.***

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	320.7 acres	Vacant land	AE-20	None
South	21.3 acres	Vacant land	R-R(c)	945 feet to the southwest
East	39.6 acres	Vacant Land	AE-20	None
West	39 acres	Vacant land	R-R(c)	None

**Reviewing Agency/Department Comments:**

California Department of Fish and Wildlife (CDFW): Project-related impacts to the California Tiger Salamander (CTS) shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the *“Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)”*. In the absence of protocol surveys, the Applicant can assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species.

Southern San Joaquin Valley Information Center (SSJVIC): A qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities.

The aforementioned requirements have been included as Mitigation Measures.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required to show how additional storm water run-off generated by the proposal will be handled without adversely affecting

adjacent properties. A Grading Permit or Voucher shall be required for any grading proposed with this application. Any additional storm water run-off generated by the site development cannot be drained across property lines or into County right-of-way and shall be retained on site per County Standards. Federal Emergency Management Agency (FEMA) FIRM Panel 1035H shows the southwest corner of the parcel with Assessor's Parcel Number 300-370-25 under flood zone A, subject to flooding from the 100-year storm. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance and no net dirt import shall be allowed within the zone district. Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. On-site turnarounds are required for vehicles leaving the site to enter Auberry Road in a forward motion and no new access points are allowed without prior approval from the County Road Maintenance and Operations Division (RMOD).

Fresno County Department of Public Health, Environmental Health Division (Health Department): Sewage disposal systems for the project shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Health Department. Food Facility Plans and specifications shall be submitted for review and approval consistent with the proposed project. Information provided in the acoustical survey report (ESR, Inc., dated September 5, 2013) indicates the proposed project will meet Fresno County Noise Ordinance standards. However, if complaints are received from adjacent noise-sensitive receivers and confirmed by the Health Department, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.

Fresno County Fire Protection District: The project shall comply with the latest approved California Code of Regulations Title 24 – Fire Code. After County approval of the project and prior to issuance of building permits, copies of approved Site Plans shall be submitted to the District's office to receive the District's Conditions of Approval for the project.

San Joaquin Valley Air Pollution Control District (Air District): The project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

The aforementioned comments have been included as Project Notes.

Central Valley Regional Water Quality Control Board; California Department of Public Health, Office of Drinking Water; Water/Geology/Natural Resources and Site Plan Review Sections of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

### **Finding 3 Analysis:**

The Initial Study prepared for this project identified potential impacts related to aesthetics, biological resources, cultural resources, and transportation/traffic. To minimize light impacts, a mitigation measure requires that all outdoor night lighting shall be hooded and directed downward so as not to shine upon adjacent roads and properties. Regarding biological resources, mitigation measures require that impacts to sensitive habitats be evaluated prior to any ground-disturbance activities and Incidental Take Permits shall be

obtained where necessary. For cultural resources, a mitigation measure requires field surveys prior to ground-disturbance activities. Regarding transportation/traffic, a mitigation measure requires the project to pay its fair share towards widening of Auberry Road and adhere to a Traffic Management Plan (TMP) and Conditions of Approval for implementation of the TMP.

Impacts related to air quality, geology and soils, hydrology and water quality, hazards and hazardous materials, hydrology and water quality, and noise have been determined to be less than significant. In this regard, a Groundwater Supply Report prepared by Strahm Engineering Association, Inc., dated March 11, 2013, has determined that sufficient groundwater supply exist to meet the demand of the proposal without impacting other users in the area; an Acoustical Survey Report prepared for the project by ESR, Inc., dated September 5, 2013, has determined that the project will meet Fresno County Noise Ordinance standards, and new restroom facilities will be constructed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum).

Based on the above information and with the adherence to Mitigation Measures, recommended Conditions of Approval, including Site Plan Review for design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon adjoining properties or surrounding neighbors.

**Recommended Conditions of Approval:**

*See Mitigation Measures, recommended Conditions of Approval and Project Notes attached as Exhibit 1.*

**Finding 3 Conclusion:**

Finding 3 can be made based on the above information that the proposal will not have an adverse effect upon surrounding properties.

***Finding 4: The proposed development is consistent with the General Plan***

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
Policy OS-I.4: The County shall require that adequate rights-of-way or easements are provided for designated trails or bikeways as a condition of land development approvals.	The County will require granting of additional road right-of-way for future expansion of Auberry Road from the current two lanes to four lanes and to accommodate trails/bikeways as required by this Policy.
Policy OS-L.3 d. g.: The County shall manage the use of land adjacent to scenic drives and scenic highways based on the following principals:  d. Intensive land development proposals including... commercial developments ... shall be designed to blend into the natural landscape and minimize visual scarring of vegetation	Auberry Road is designated as a Scenic Drive in the County General Plan. It is located approximately 380 feet south of the nearest improvement (Wedding Site 2) on the property. Besides the visibility of the existing lighthouse from Auberry Road and rock retaining wall at the site entrance, no other improvements on the property will be visible from Auberry Road, mainly

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area 200 feet in depth parallel to the right-of-way.</p> <p>g. Outside storage areas associated with commercial activities shall be completely screened from view of right-of-way with landscape plantings or artificial screens which harmonize with the natural landscape.</p>	<p>due to the site's elevation and distance from the road. The proposal is consistent with this policy.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p>	<p>A Groundwater Supply Report dated March 11, 2013, was prepared for the project by Strahm Engineering Associates, Inc. The Water/Geology/Natural Resources section of the Fresno County Department of Public Works and Planning reviewed the report and determined that sufficient groundwater supply exists for the proposal and that other water users in the area will not be impacted. The proposal is consistent with this policy.</p>
<p>Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>No community sewer service is currently available to the property. Additional restroom facilities on the property will be constructed according to the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division. The proposal meets this policy.</p>
<p>General Plan Policy TR-A.7: The County shall assess fees on new development sufficient to cover the fair share portion of the development's impacts on the local and regional transportation system.</p>	<p>Based on the Traffic Impact Study prepared for the project by Peters Engineering Group and reviewed by the Design Division and Road Maintenance and Operations Division of the Fresno</p>

Relevant Policies:	Consistency/Considerations:
	County Department of Public Works and Planning, the project will be required to pay its fair share toward the future widening of Auberry Road.
Sierra-North Regional Plan Policy 402-01:10.02b, a. 1. b. c: Development proposals (e.g. Conditional Use permits) shall show that water quality and quantity are adequate to serve domestic and fire protection needs, and the installation of individual sewage disposal systems shall not degrade the environment.	As noted above, the Water/Geology/Natural Resources section of the Fresno County Department of Public Works and Planning reviewed the proposal and has determined that sufficient groundwater supply exists to meet the domestic and fire needs of the project. California Department of Public Health (CDPH), Environmental Health Division, also reviewed the proposal and expressed no concerns with water quality of the current water system facilities on the property. Further, new restroom facilities will be installed according to the disposal system designed by the Applicant's engineer and approved by the Fresno County Department of Public Health, Environmental Health Division.

**Reviewing Agency Comments:**

Policy Planning Section of the Development Services Division: The property is designated Foothill Rural Residential in the Sierra-North Regional Plan. Policy OS-L.3 d. g. requires the blending of developments into the natural landscape, a 200-foot natural buffer parallel to the right-of-way, and screening of outside storage areas associated with the use from view of the road. As reflected in the Conditions of Approval, Policy PF-C.17 requires evaluation of adequacy and sustainability of a water supply for the project. Policy PF-D.6 requires individual on-site sewage disposal systems to be allowed on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening surface or groundwater quality.

**Finding 4 Analysis:**

The project meets General Plan Policies OS-I.4, OS-L.3 d. g., PF-C.17, PF-D.6, TR-A.7, and Sierra-North Regional Plan Policy 402-01:10.02b, a. 1. b. c. The subject proposal will: 1) require granting of additional road right-of-way for future expansion of Auberry Road; 2) maintain a 200-foot scenic buffer along Auberry Road with all proposed improvements on the property not visible from Auberry Road due to distance and the site's elevation; 3) have sufficient groundwater supply available for events without impacting other water users in the area; 4) additional restroom facilities are to be constructed per Fresno County Department of Public Health, Environmental Health Division; 5) pay its fair share for the future widening of Auberry Road from two lanes to four lanes; and 6) as reflected upon in the project notes, the project must meet water quality standards required of a public water system as determined by the California Department of Public Health (CDPH), Office of Drinking Water.

Based on the above information, staff believes the project is consistent with the County General Plan and County-adopted Sierra-North Regional Plan.

**Recommended Conditions of Approval:**

*See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.*

**Finding 4 Conclusion:**

Finding 4 can be made based on the above information, and with adherence to the Mitigations Measures, Conditions and Projects Notes. Staff believes that the proposed Unclassified Conditional Use Permit will not have an adverse effect upon surrounding properties and is consistent with the General Plan.

**Finding 5:** *That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.*

**Finding 5 Analysis:**

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

**Finding 5 Conclusion:**

Finding 5 can be made based on staff's analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3723, subject to the recommended Conditions.

**SUMMARY CONCLUSION:**

Staff believes that the proposed project is consistent with the Fresno County General Plan and will not have any significant impacts on the surrounding properties.

**PUBLIC COMMENT:**

None



## **CONCLUSION:**

Staff believes the required Findings for granting Unclassified Conditional Use Permit (UCUP) Application No. 3723 can be made based on the factors cited in the Analysis with inclusion of the Mitigation Measures, recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit Application No. 3723 subject to the recommended Conditions.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 8148; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3723, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3723; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

MP:

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**Mitigation Monitoring and Reporting Program  
Initial Study No. 8148  
Classified Conditional Use Permit Application No. 3723  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Biological Resources	Project related impacts to the California Tiger Salamander (CTS) shall be evaluated prior to any ground disturbing activities by a qualified biologist using the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)".	Applicant	Applicant/PW&P	During ground-disturbing activities.
3.	Biological Resources	In the absence of protocol surveys, the applicant can assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species.	Applicant	Applicant/PW&P	During ground-disturbing activities.
4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
5.	Noise	Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.	Applicant	Applicant/PW&P	Ongoing
6.	Transportation	Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by	Applicant	Applicant/PW&P	Ongoing

		the County and dated October 27, 2021 or other Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.			
7.	Transportation	Regarding transportation/traffic, a mitigation measure requires the project to pay its fair share towards widening of Auberry Road and adhere to a Traffic Management Plan (TMP).	Applicant	Applicant/PW&P	Ongoing

**Conditions of Approval**

1.	Development shall be in substantial compliance with the Site Plan, Floor Plan, Elevations, and Operational Statement as approved by the Planning Commission.
2.	The applicant shall provide an offer of dedication for an additional 23 feet of right-of-way (north of section line) to accommodate future widening of Auberry Road from two lanes to four lanes, and to provide for trails/bikeways pursuant to General Plan Policy OS-1.4
3.	The Applicant shall submit for approval by the County a Traffic Management Plan (TMP) which addresses construction activity impacts and impacts of future special events.
4.	The Applicant shall provide for continued maintenance of a natural open space area 200 feet in depth parallel to the ultimate right-of-way.
5.	A Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to holding further events at the facility.
6.	The project must also adhere to all Conditions of Approval of the previously approved Conditional Use Permit No. 3388.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.

**Notes**

**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1.	All proposed structures and buildings will require a building permit.
2.	<p>The Site Plan Review Section provide the following comments:</p> <ul style="list-style-type: none"> <li>a. Parking spaces shall be constructed in compliance with County and State standards.</li> <li>b. Vehicle back up clearance area labeled on the site plan of 27 feet is not sufficient. A minimum back up clearance of 29 feet should be provided and clearly labeled to conform to county parking standards.</li> </ul> <p>Note: Fresno County parking requirements information can be sent to applicant upon request</p> <ul style="list-style-type: none"> <li>c. A minimum of six (6) ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum. A minimum of one ADA stall shall be designated van accessible. These spaces must be concrete or asphalt-concrete paved and must be located on the shortest possible route to the main entrance so disabled person does not cross the driveway into parking lot.</li> </ul>

**Notes**

	<ul style="list-style-type: none"> <li>d. A four (4) feet path of travel for disabled persons shall be constructed and stripped in accordance with state standards.</li> <li>e. An over-and-across agreement or Voluntary Merger (VM) shall be completed by the applicant to allow drainage and access across property lines.</li> <li>f. It is recommended that the applicant consult with Development Engineering and Road Maintenance staff to ensure that gravel/aggregate is an acceptable surface for access aisles, circulation, and parking areas.</li> <li>g. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right- of-way shall be concrete or asphalt.</li> <li>h. An encroachment permit shall be required from Road Maintenance and Operations for any improvements within the County right-of-way prior to commencement of construction.</li> <li>i. Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li> <li>j. A dust palliative should be required on all unpaved parking and circulation areas.</li> <li>k. Any proposed or existing gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</li> <li>l. Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits.</li> <li>m. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li> <li>n. No building or structure erected in the R-R District shall exceed 35 feet in height per Section 820.5-D of the Fresno County Zoning Ordinance.</li> </ul>
<p>3.</p>	<p>The Development Engineering Section provide the following comments:</p> <ul style="list-style-type: none"> <li>a. The subject property is within the Low Water Area (Water Short Area). For any development, Water &amp; Natural Resources Division should be consulted regarding any requirements they may have.</li> <li>b. According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100- year storm. No net import of fill shall be allowed within the flood zone. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.</li> </ul>

## Notes

- c. The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
- d. According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100- year storm. No net import of fill shall be allowed within the flood zone. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.
- e. The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
- f. According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Any work within or near a stream will require clearance from California Department of Fish and Wildlife (CDFW). According to the attached Parcel Map No.7733, there is a 50-foot building setback line on either side of the stream.
- g. An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an engineered grading and drainage plan is not necessary because the proposed development does not substantially increase the net impervious surface on-site and will not adversely impact surrounding properties and itself, and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.
- h. Any future/proposed landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELo) and may require MWELo form/s and/or separate landscape and irrigation design plan.
- i. Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on-site, per County Standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
- j. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
- k. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standard Stalls should be 18' x 9' and backing distance must be a minimum of 29' for 90-degree parking stalls. Also 5' should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.

**Notes**

	<ul style="list-style-type: none"> <li>l. Any existing or proposed driveway should be set back a minimum of 10' from the property line.</li> <li>m. For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.</li> <li>n. Any existing or proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.</li> <li>o. If not already present, a 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Auberry Road.</li> <li>p. Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</li> <li>q. A grading permit or voucher is required for any grading proposed with this application.</li> </ul>
4.	<p>The Road Maintenance and Operations Division provide the following comments:</p> <ul style="list-style-type: none"> <li>a. A Traffic Management Plan (TMP) must be produced and approved before the first event of operation. The TMP must include details on the usage of temporary warning signs and warning beacons, and the installation of street lighting and signage. A Traffic Engineer is required to be present during events to observe the efficiency and effectiveness of the project TMP during the first year of operations. Further details of these recommendations are found in the VMT Impact Analysis provided by Peters Engineering Group dated October 27, 2021.</li> <li>b. All other conditions of approval for CUP 3388 shall remain applicable.</li> <li>c. Any work to be performed within the County road right-of-way will require an encroachment permit.</li> </ul>
5.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <ul style="list-style-type: none"> <li>a. The sewage disposal systems for the proposed high-intensity park shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division.</li> <li>b. The Environmental Health Division will require Food Facility Plans and specifications be submitted for review and approval consistent with the proposed project. A change in the Food Facility Permit will be required to cover the proposed expanded uses.</li> <li>c. Information provided in the Acoustical Survey Report (ESR, Inc., dated September 5, 2013) indicates the proposed project will meet Fresno County Noise Ordinance standards. However, if complaints are received from adjacent noise-sensitive receivers and confirmed by Department of Public Health, Environmental Health Division staff, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.</li> </ul>

<b>Notes</b>	
6.	<p>The Fresno County Fire Protection District provide the following comments:</p> <ul style="list-style-type: none"> <li>a. The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits.</li> <li>b. The Applicant shall submit three Site Plans stamped “reviewed” or “approved” from the Fresno County Department of Works and Planning to the Fresno County Fire Department for their review and approval.</li> <li>c. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to occupancy granted to the use.</li> <li>d. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</li> </ul>
7.	<p>According to the San Joaquin Valley Air Pollution Control District, the project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.</p>

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**DIRK POESCHEL**

*Land Development Services, Inc.*

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

May 14, 2024

Bernard Jimenez, Manager  
Development Services Division  
Department of Public Works and Planning  
2220 Tulare Street  
Fresno, CA 93721

SUBJECT: Conditional Use Permit No. 3723 (Bratton Private Park)

Dear Bernard:

Reference is made to Conditional Use Permit No. 3723 proposing a private park at 16399 Auberry Road. On behalf of my client, Ms. Jamie Bratton and Bratton Investments, I respectfully request that an extension of time be granted to complete the required conditions of approval. Attached is a check for the required extension request submittal fee.

Market conditions over which my client has no control and the complexity of completing the traffic mitigation measures necessitate the subject extension. If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

Attachments

cc: Ms. Jamie Bratton

m:\inactive\bratton-clovis castle ext. 18-16\correspondence\extension request to b. jimenez.docx