



## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: March 12, 2020  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12817 - INITIAL STUDY APPLICATION NO. 7721 and DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4602

APPLICANT/  
OWNER: Charles Maxwell

REQUEST: Allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and changing operational time limits to allow 30 event days to operate during the evening hours from 4:00 PM to 10:00 PM.

LOCATION: The subject parcel is located on the west side of Rusty Spur Lane approximately 690 feet south of its nearest intersection with Millerton Road, and is approximately 6.35 miles east from the unincorporated community of Friant (10925 Rusty Spur Lane, Clovis, CA) (Sup. Dist. 5) (APN 138-061-49).

### PLANNING COMMISSION ACTION:

At its hearing of March 12, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Vice Chair Lawson and seconded by Commissioner Hill to adopt the recommended Findings of Fact for approval of a Director Review and Approval, and approve Director Review and Approval No. 4602, subject to the Conditions listed in Exhibit B with the addition of a Condition that no overnight camping be allowed.

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Lawson, Hill, Abrahamian, Burgess, Chatha, and Ede  
                  No:            Commissioners Eubanks and Woolf  
                  Absent:        Commissioner Carver  
                  Abstain:      None

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

By:   
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William M. Kettler, Manager  
Development Services and Capital Projects Division

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NOTE:      The approval of this project will expire two years from the date of approval. 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 Director Review and Approval.

Attachments

EXHIBIT A

Initial Study Application No. 7721  
Director Review and Approval Application No. 4602

Staff: The Fresno County Planning Commission considered the Staff Report dated March 12, 2020 and heard a summary presentation by staff.

Applicant: The Applicant's representative and the Applicant concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:

- The arena is operated as a non-profit organization established to provide healthy equestrian activities principally for youth; we we have been operating in accordance with the prior conditions of approval since we first were given the permit.
- Most of the site is open space and improvements have been installed with significant setbacks in mind; the site is well kept; and the Applicant has planted many trees, which provide a visual barrier for adjacent properties.
- Rusty Spur Lane is paved and has adequate sight lines at its intersection with Millerton Road; we paid for the most recent repair to the bridge; event traffic uses a service access drive on the project site to enter and exit the arena; and a Traffic Management Plan is already being used for event days.
- The public address system is hooded and directed downward avoid noise impacts to surrounding property owners.
- Visitors to the arena cannot access the rest of the Rusty Spur Lane community because there is a gate just south of the arena access road.
- Demand for events has increased; added event types are being planned to address age-specific competitions; and added events would provide scholarships and training opportunities.
- We have done extensive outreach among neighbors along Rusty Spur Lane and throughout the area.
- No alcohol is sold or provided by the Applicant and it is discouraged from being brought to the site; the events are intended as family events; and there is no camping on the project site after events conclude.

Others: Four individuals spoke in support of the application.

- Allowing events to occur in the evening will provide cooler temperatures and a safer environment during the summer.

## RESOLUTION # 12817

- The arena hosts clinics and training for children and adults who want to learn the different disciplines of horsemanship; this activity is a positive influence on many children; and we brought letters of support for this project.
- I volunteer at the arena teaching children horsemanship and more places like this arena are needed for children.

Four individuals spoke in opposition of the application.

- Rusty Spur Lane is a private road that is maintained by the property owners living on the road; we are concerned about damage to the road from additional traffic.
- The intersection of Rusty Spur Lane and Millerton Road is a dangerous blind intersection; vehicle and bicycle safety will be adversely affected due to the increase in traffic.
- The past approvals related to this project provided that no night events or overnight camping was allowed; the requested event days are commercial rather than educational.
- The existing stadium lights shine into our home; we can hear noise produced from the arena, especially at night; and we are concerned that participants will linger or camp overnight.

Correspondence: One letter of support was presented to the Planning Commission stating the arena will give children scholarships, help people learn to ride horses, and will host police and sheriff events. Six letters in opposition to the project were presented to the Planning Commission citing concerns with traffic safety, maintenance of the private road, noise and light pollution, and being a detriment to the neighborhood.

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# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 March 12, 2020

**SUBJECT:** Initial Study Application No. 7721 and Director Review and Approval Application No. 4602

Amend DRA No. 4112 and DRA No. 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and changing operational time limits to allow 30 event days to operate during the evening hours from 4:00 PM to 10:00 PM.

**LOCATION:** The project site is located on the west side of Rusty Spur Lane approximately 690 feet south of its nearest intersection with Millerton Road, and is approximately 6.35 miles east from the unincorporated community of Friant (10925 Rusty Spur Lane, Clovis, CA) (Sup. Dist. 5) (APN 138-061-49).

**OWNER/  
APPLICANT:** Charles Maxwell

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7721; and
- Approve Director Review and Approval No. 4602 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 7721
8. Draft Mitigated Negative Declaration
9. Letters of Opposition

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Specific Plan Reserve – Sierra-North Regional Plan	No change
Zoning	AL-40 (Limited Agricultural, 40-acre minimum parcel size)	No change
Parcel Size	40.05 acres	No change
Project Site	Commercial horse arena	No change
Structural Improvements	Single-Family Residence, swimming pool, barn, restroom facility, and horse arena	No change
Nearest Residence	Approximately 975 feet north of the project site	No change
Surrounding Development	Grazing land and single-family residences	No change
Operational Features	Total of 24 event days  Six equestrian events per year for youths  Six equestrian events per year for adults	Total of 72 event days  10 Roping event days to occur on Fridays from 4:40 PM to 10:00 PM and on Saturdays or Sundays between 7:30 AM and 6:00 PM

Criteria	Existing	Proposed
	<p>12 additional equestrian event days per year primarily youth-focused</p> <p>Event days occur year-round and are conducted between the hours of 8:00 AM and 6:00 PM.</p> <p>There is no on-site boarding of horses that are not owned by the Applicant.</p> <p>The selling of alcohol is not allowed on site.</p> <p>Camping is not allowed on site.</p>	<p>10 Sorting event days to occur on any day between 7:30 AM to 6:00 PM</p> <p>1 3-day roping event to occur between 4:30 PM and 10:00 PM, and 7:30 AM and 6:00 PM</p> <p>6 Gymkhana event days to occur on Saturday or Sunday between 7:30 AM and 6:00 PM</p> <p>10 Trail Course event days to occur any day from 7:30 AM to 6:00 PM with 5 of the 10 days exclusively for Law Enforcement</p> <p>1 3-day Trail event to occur Friday from 4:30 PM to 10:00 PM, and on Saturdays and Sundays between 7:30 AM and 6:00 PM</p> <p>8 Riding Clinics to occur any day from 7:30 AM to 6:00 PM</p> <p>20 Barrel Racing events to occur any day from 4:30 PM to 10:00 PM</p> <p>1 Dance event to occur from 5:00 PM to 10:00 PM</p> <p>1 Charity Fundraiser event to occur from 5:00 PM to 10:00 PM</p>
Employees	None (the commercial horse arena is operated by the owner of the subject parcel), but depending on the event, volunteers could be present	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Customers	Up to 60 guests per event day with a maximum of 24 event days	20-60 customers for majority of proposed event days with two event days planned for 100 customers
Traffic Trips	Up to 120 one-way guest trips per event day (60 round trips per event)	Up to 120 one-way guest trips for majority of event days (up to 60 round trips per event) and 200 one-way guest trips for two event days (up to 100 round trips for two event days)
Lighting	Residential: personal use of exterior light standards	Site lighting for the commercial horse arena during night events (30 event days)
Hours of Operation	8:00 AM until 6:00 PM on event days	7:30 AM to 6:00 PM for certain event days  4:30 PM to 10:00 PM for certain event days  5:00 PM to 10:00 PM for certain event days

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

Potential environmental impacts associated with Director Review and Approval Application No. 4112 were assessed under Initial Study No. 6062 (IS No. 6062). Director Review and Approval Application No. 4465 utilized IS No. 6062 under the provisions of Section 15162 of the California Environmental Quality Act (CEQA), where it was determined that a subsequent mitigated negative declaration was not required.

Under the current proposal, Initial Study Application No. 7721 was prepared for the project by County staff in conformance with the provision of the California Environmental Quality Act (CEQA). It was determined under Section 15162(a)(1) that substantial changes are proposed for the project that require revisions of the previously-approved Mitigated Negative Declaration due to the involvement of new environmental effects or a substantial increase in the severity of previously-identified environmental effects. Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

The State Water Resources Control Board provided comments after review of the Initial Study. Their comments and concerns have been updated in the Initial Study, and did not require significant changes to the determinations in the study. Changes in the document are shown in



bold text and deletions are shown in strike-through text. Therefore, it was determined that the Initial Study did not require recirculation based on the comments from the State Water Resources Control Board.

Notice of Intent of Mitigated Negative Declaration publication Date: February 7, 2020

**PUBLIC NOTICE:**

Notices were sent to 19 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

The Zoning Ordinance provides that the Director of the Department of Public Works and Planning, at his discretion, may refer a Director Review and Approval (DRA) Application directly to the Planning Commission for a public hearing and decision.

A Director Review and Approval may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 872.C are made by the Planning Commission.

The decision of the Planning Commission on a Director Review and Approval Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The proposal entails the modification of operational characteristics of an approved commercial horse arena. The modifications will include increasing the amount of event days from 24 event days to 72 event days and allow 30 event days to operate during evening/nighttime hours. The Applicant's Operational Statement details the number of event days, the type of activity held on an event day, estimated number of customers, and operational time limits for each specific event. No new development is being proposed with the current application. The project site is on a portion of the 40.05-acre parcel and is located on the west side of Rusty Spur lane, approximately 6.35 miles east of the unincorporated community of Friant.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance. Based on the 1971-1972 Assessor's Map Rolls, the subject property was originally a portion of a 200-acre parcel. On October 2, 1992, Parcel Map Waiver 91-39 was approved, and a Record of Survey was recorded exhibiting five approximately 40-acre parcels. The subject parcel matches the configuration of the recorded Record of Survey and Parcel Map Waiver. The subject parcel was originally zoned A-1 by Board of Supervisors adoption of the Zoning Ordinance on June 8, 1960. On April 21, 1980, the Board of Supervisors approved County-initiated Amendment Application No. 3140 (AA No. 3140) to rezone the subject parcel from the A-1 to an AE-40 Zone District. On May 4, 1982, the Board of Supervisors approved AA No. 3244 to rezone the subject parcel from the AE-40 Zone District to an AL-40 Zone District to bring the property into conformance with policies of the concurrently-adopted Sierra-North Regional Plan. The subject parcel is currently zoned AL-40, and is consistent with both its past and current zoning. Therefore, based on approved Parcel Map Waiver No. 91-39 and consistency with its current

zoning, the subject parcel is a legal conforming parcel.

Building permit records indicate that building permits for the single-family residence were finalized on January 30, 1998. After approval of Director Review and Approval No. 4112 and subsequent approval of the associated Site Plan Review, building permits were issued and completed for improvements related to the commercial horse arena. Improvements for the commercial horse arena include a restroom building and an announcement stand.

The project proposes to amend Director Review and Approval No. 4112 (DRA No. 4112) and Director Review and Approval No. 4465 (DRA 4465). DRA No. 4112 proposed a commercial horse arena. On December 10, 2009, the Fresno County Planning Commission voted to approve the subject DRA. An appeal of the Planning Commission’s approval was received, and the project was taken before the Board of Supervisors on February 23, 2010. The Board voted to continue the appeal pending the outcome of a civil lawsuit filed against the Applicant by the Appellants of DRA No. 4112, which sought to prohibit the commercial horse arena use by prohibiting the Applicant from utilizing the existing site access for access to the commercial horse arena. After receiving judgment on August 8, 2011, the Board of Supervisors, at their hearing on September 27, 2011, denied the appeal filed against the Planning Commission’s approval of DRA No. 4112 and approved the commercial horse arena use, subject to modified Conditions, which included limiting the operation to 12 event days and only allowing the events to occur between the months of April and September.

DRA No. 4465 was applied for to amend previously-approved DRA No. 4112 to allow operational modification of the existing commercial horse arena. The modifications included increasing the amount of event days per year from 12 event days to 26 event days, allowing event days to occur year-round, and increasing hours of operation for event days from 8:00 AM until 5:00 PM to 8:00 AM until 6:00 PM. DRA No. 4465 was heard by the Planning Commission on February 16, 2017 and was denied by the Planning Commission. An appeal of the Planning Commission’s decision was received, and DRA No. 4465 was taken to the Board of Supervisors on April 25, 2017. The Board of Supervisors granted the appeal and approved DRA No. 4465, subject to additional Conditions of Approval, including reducing the number of authorized event days from 26 event days to 24 event days. The current proposal will amend the previous DRA approvals to allow an increase in authorized event days to 72 and allow 30 of those event days to occur during evening/nighttime hours.

***Finding 1:** That 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	AE-40 Front: 35 feet  Side: 20 feet  Rear: 20 feet	Front (east property line): 243 feet  Side (north property line): 41 feet  Side (south property line): 270 feet	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		Rear (west property line): 63 feet	
Parking	Places of Assembly: Uses without a building require one standard parking space for each five persons attending and one standard parking space for every two permanent employees  California Building Code: At least one parking space for the physically handicapped per every 25 parking spaces at a facility	40 unpaved parking spaces for trucks and trailers; seven unpaved standard parking spaces; two paved parking spaces for the physically handicapped	Y
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Six feet minimum between main buildings  75-foot minimum between buildings used for human habitation and structures utilized to house animals		Y (existing barn and single-family residence were constructed with permits prior to the processing of DRA No. 4112)
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent replacement	No change	Y
Water Well Separation	Septic Tanks: 100 feet  Disposal Field: 100 feet  Seepage Pit: 150 feet	No change	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

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

**Analysis:**

Based on the proposed amendment to the previous Director Review and Approvals, the project proposes no expansion in terms of the project site. Although there is an increase in event days, the average number of attendees per a singular event day will remain similar to the previous DRA approvals and will not result in changes to the design of the site that could cause adverse impacts. Therefore, staff finds that the proposed use is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

None.

**Conclusion:**

Finding 1 can be made.

Finding 2: *That 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	Yes	Access to project site from Rusty Spur Lane	No change
Public Road Frontage	No	The project site does not front a public road.	No change
Direct Access to Public Road	Yes	Millerton Road is approximately 690 feet north of the project site, with Rusty Spur Lane providing access to Millerton Road and the project site	No change
Road ADT		Rusty Spur Lane: Unknown (private road)	No change
Road Classification		Rusty Spur Lane: Private road (60-foot-wide non-exclusive access easement)	No change
Road Width		Rusty Spur Lane: 60-foot-wide non-exclusive access easement	No change
Road Surface		Paved	No change
Traffic Trips		Up to 120 one-way guest trips per event day (60 round trips)	Up to 120 one-way guest trips for majority of event days (60 round trips per

		Existing Conditions	Proposed Operation
		per event day); 24 event days per year	event day); 72 event days per year  2 event days of the 72 event days are planned for up to 200 one-way guest trips (100 round trips)
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	None required

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Design Division of the Fresno County Department of Public Works and Planning: A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP can be designed to address their biggest event and be used for smaller events. **This shall be included as a Mitigation Measure.**

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

**Analysis:**

The project site is accessed via an unpaved driveway from Rusty Spur Lane. Rusty Spur Lane is a private road that exists as a 60-foot-wide non-exclusive access easement that has a minimum pavement width of 17 feet.

Per the Applicant’s Operational Statement, there are two events that are planned for 100 attendees, with the majority of the other events hosting between 20 and 60 attendees. Review of the projected attendees for event days from the proposed amendment did not exceed established County thresholds for trip generation. No additional site access is sought with this application. Although an increase in event days will increase overall traffic, the inclusion of a Mitigation Measure requiring the Applicant to submit and receive approval of a traffic management plan will provide adequate planning for event days and create a safer environment for arrival and departure at the site during event days. Therefore, staff believes that Rusty Spur Lane is adequate to carry the additional traffic generated by the project proposal.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	50.19 acres	Grazing	AL-40	Approximately 1,220 feet
South	39.64 acres	Vacant	AL-40	N/A
East	40 acres	Grazing and Single-Family Residential	AE-40	Approximately 1,760 feet
West	150 acres	Grazing	AE-40	N/A

**Reviewing Agency/Department Comments:**

Department of Public Health, Environmental Health Division: The Environmental Health Division has not received any noise complaints resulting from the use of amplified announcements during the horse arena events.

It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. **This shall be included as a Project Note.**

The sewage disposal system proposed for new restrooms for the horse arena shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system. **This shall be included as a Project Note.**

State Water Resources Control Board, Division of Drinking Water: The proposed project will meet the definition of a transient noncommunity Public Water System and must obtain a drinking water supply permit to use the on-site well. If the well has already been drilled, the Applicant shall submit a well driller's log for immediate review. The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new Public Water System (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvement. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is reasonably foreseeable that the proposed new PWS will be unable to provide affordable safe drinking water in the reasonably foreseeable future. **This shall be included as a Condition of Approval.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The subject application proposes to modify operational characteristics of the existing commercial horse arena to increase the number of authorized event days from 24 event days to 72 event days and to allow 30 event days to occur during evening/nighttime hours. A detailed list of the proposed events and their operational time limits are shown in the Applicant’s Operational Statement provided as Exhibit 6. It should be noted that the subject application does not request expansion of existing structures or new structural improvements for the existing commercial horse arena.

Potential environmental impacts associated with the commercial horse arena were discussed in Initial Study Application No. 6062, which was filed with DRA No. 4112. As the current proposal increases the number of event days and modifies operational times to allow events to occur during evening/nighttime hours, a new Initial Study was completed to discuss potential impacts resulting from the current project proposal. Impacts related to lighting and noise were noted in the current Initial Study, as events occurring in the evening and at night will utilize site lighting to illuminate the arena, and stricter standards from the Fresno County Noise Ordinance would be in effect during evening/nighttime hours. Identified impacts have been determined to be less than significant with implementation of Mitigation Measures. The discussion of the potential impacts of the project proposal is in Initial Study Application No. 7721, and is attached to the Staff Report as Exhibit 7. With the project’s adherence to the Mitigation Measures, recommended Conditions of Approval and project notes of the subject application; and adherence to Mitigation Measures, Conditions of Approval, and project notes of DRA No. 4112 and DRA No. 4465, staff believes that the project proposal will not have an adverse impact on the abutting property and the surrounding neighborhood.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<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> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>The Water and Natural Resources Division and the State Water Resources Control Board were notified of the subject application. The Water and Natural Resources Division did not express concern, and the proposed amendment will not require a water supply evaluation. The State Water Resources Control Board did express concern with the increase of operational days, and requires that the project obtain a drinking water supply permit for the commercial horse arena. With the project’s compliance to the State Water</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>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>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	<p>Resources Control Board requirements, the project is consistent with General Plan Policy PF-C.17.</p>
<p>General Plan 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 disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer services are not available and cannot be provided.</p>	<p>The subject parcel is a 40.05-acre lot with a single-family residence and commercial horse arena. The single-family residence is served by a permitted septic system. A restroom building has been permitted and is served by a separate permitted septic system. With permit records indicating the approval of both septic systems, and no additional septic system being proposed, the project is consistent with General Plan Policy PF-D.6.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Specific Plan Reserve in the Sierra-North Regional Plan, and is not enrolled in the Williamson Act Program. The Policy Planning Section has determined that



the proposed operational modifications do not conflict with General Plan Policies or Sierra-North Regional Plan Policies, nor are there any conflicts with the Williamson Act.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

Based on the above considerations, the project is believed to be consistent with both the Fresno County General Plan and Sierra-North Regional Plan. Therefore, staff is able to make Finding 4.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

Staff has received three (3) items of correspondence in opposition of the subject application. Concerns stated in the correspondence address traffic impacts, light impacts, noise impacts, and the need for an increase in number of events.

All three items of correspondence state concerns of traffic along Millerton Road, stating that the single-lane rural road contains blind curves and no street lighting or speed signs. The correspondence states that allowing night events will provide dangerous traffic conditions by allowing increased traffic during nighttime hours on the road environment. Review of the subject application by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division determined that the increase in event days did not require a Traffic Impact Study to be conducted. A Mitigation Measure addressed in Initial Study Application No. 7721 requires a Traffic Management Plan be submitted and approved to address event traffic for the largest event and be utilized for smaller events. The Traffic Management Plan will allow staff's review and approval to ensure safe management of traffic entering and exiting the project site.

With the proposal of night events, impacts from site lighting have been analyzed in the Initial Study. A Mitigation Measure has been implemented to reduce light and glare issues that could arise from site lighting during night events. All outdoor lights would be hooded and directed downward to reduce glare to adjacent properties and public right-of-way. Additionally, the presence of mature trees and the terrain of the area will buffer site lighting from adjacent parcels and public right-of-way.

Concerns related to noise have been addressed in the Initial Study. Due to the proposed evening/nighttime events, different noise thresholds would be in effect compared to the previously-approved DRAs. In considering the evening/nighttime thresholds, a Mitigation Measure has been implemented to address noise impacts if the operation exceeds noise thresholds during an event. If a noise complaint is received and validated by the Department of Public Health, Environmental Health Division, the Applicant will be required to cease utilization of sound amplification equipment or submit an acoustical analysis prepared by a qualified

acoustical consultant to the Department of Public Health for review and approval. Any mitigation resulting from the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance. The Department of Public Health, Environmental Health Division has reviewed the current application and states that they have not received any noise complaints resulting from the use of amplified announcements occurring during horse arena events.

Two of the three pieces of correspondence question the need for additional events. The letters state that 12 horse events were held last summer and question the need for 60 additional event days. A detailed list of events, including number of participants, days, and times they are to be held, has been provided by the Applicant in the Operational Statement. Although staff cannot confirm the number of events held at the horse arena last summer, the Applicant, per approval of DRA No. 4465, is allowed to have 24 event days per year. Events can be held throughout the year and are not restricted to a specific season or specific months.

### **CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Director Review and Approval can be made. Staff therefore recommends approval of Director Review and Approval No. 4602, subject to the recommended Mitigation Measures, Conditions of Approval, and Project Notes.

### **PLANNING COMMISSION MOTIONS:**

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

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7721; and
- Move to determine the required Findings can be made and move to approve Director Review and Approval No. 4602, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in 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 Director Review and Approval No. 4602; 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.

TK:ksn  
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**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7721  
Director Review and Approval Application No. 4602  
(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 away from public streets and adjacent properties to reduce glare.	Applicant	Applicant/ Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/Tribal 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, videos, 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
3.	Noise	Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise-sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for review and approval.  Mitigation Measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.	Applicant	Applicant/ Department of Public Health, Environmental Health Division (EHD)	Ongoing

**EXHIBIT 1**

4.	Transportation	A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP shall be designed to address the largest event and be used for smaller events.	Applicant	Applicant/PW&P	Ongoing
<b>Conditions of Approval</b>					
1.	All Conditions of Approval, Mitigation Measures, and Project Notes for Director Review and Approval (DRA) No. 4112 and 4465 shall remain in full force and effect, except as modified with the approval of DRA No. 4602.				
2.	There shall be no more than 72 event days per year in accordance with the event list provided in the approved Operational Statement.				
3.	The proposed project will meet the definition of a transient noncommunity public water system and must obtain a drinking water supply permit to use the on-site well. If the well has already been drilled, the Applicant shall submit a well driller's log for immediate review. The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new Public Water System (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvement. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is reasonably foreseeable that the proposed PWS will be unable to provide affordable safe drinking water in the reasonably foreseeable future.				

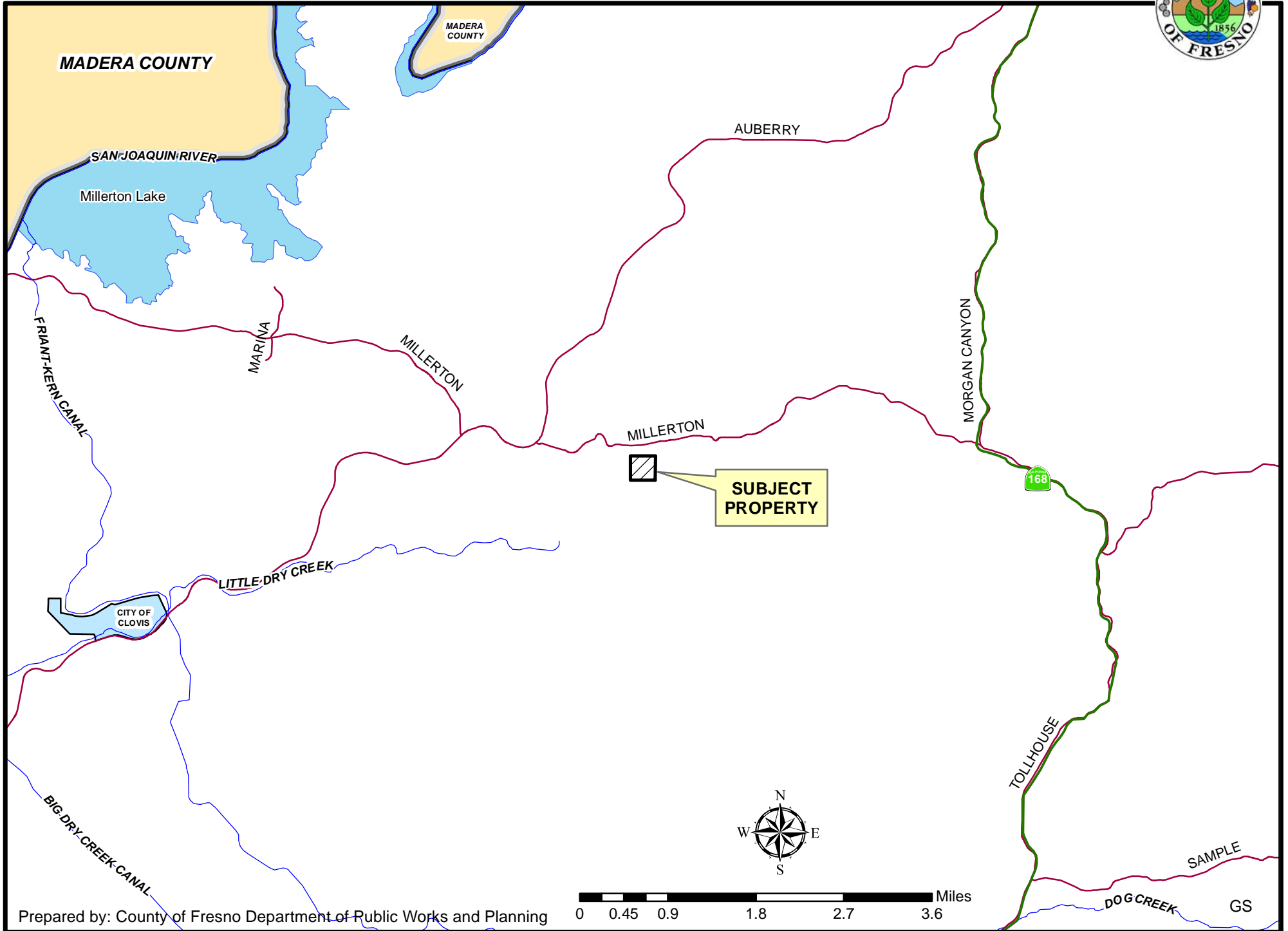
\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.  
Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
2.	The sewage disposal system proposed for new restrooms for the horse arena shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system.

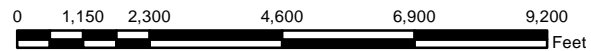
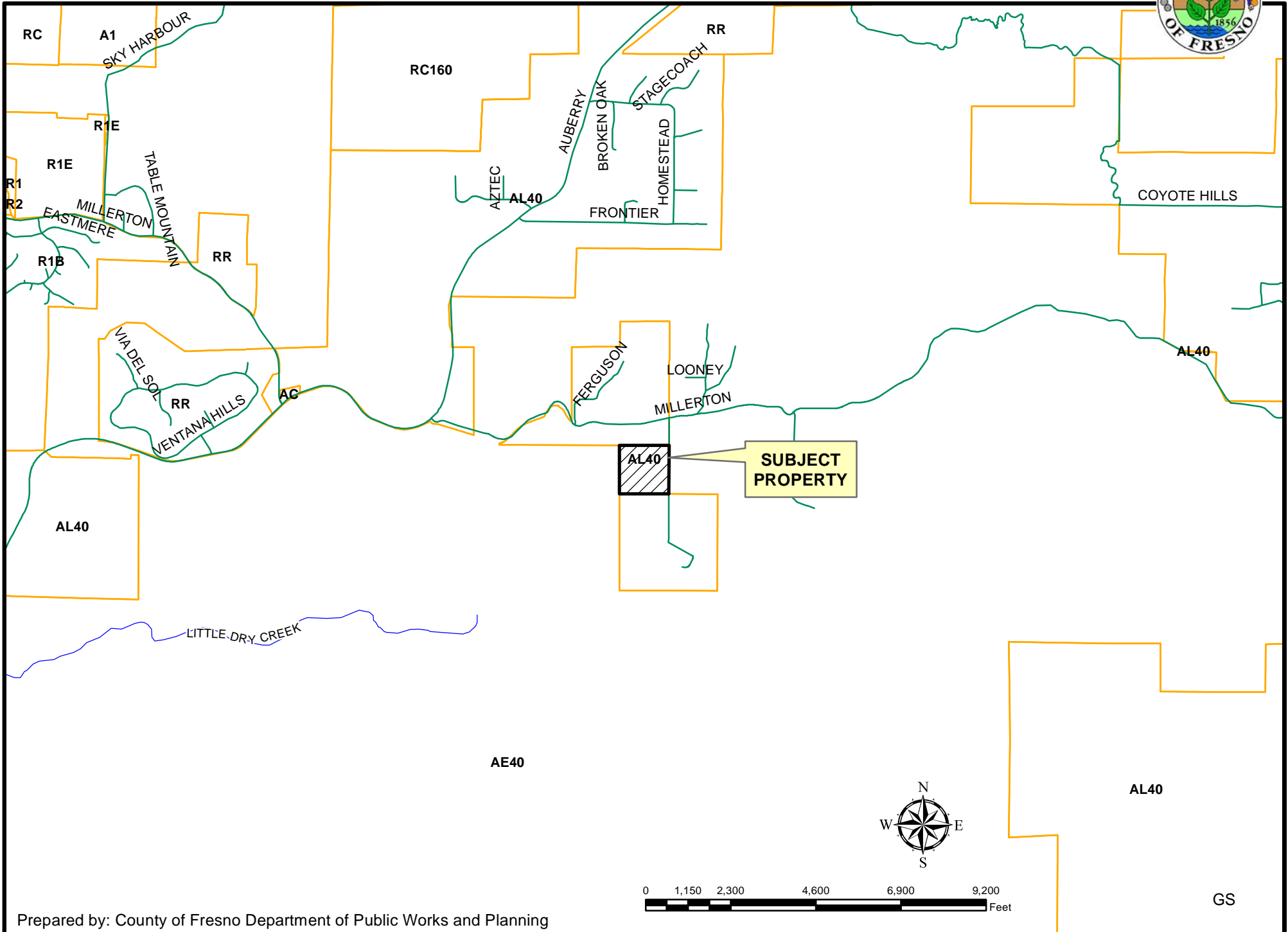
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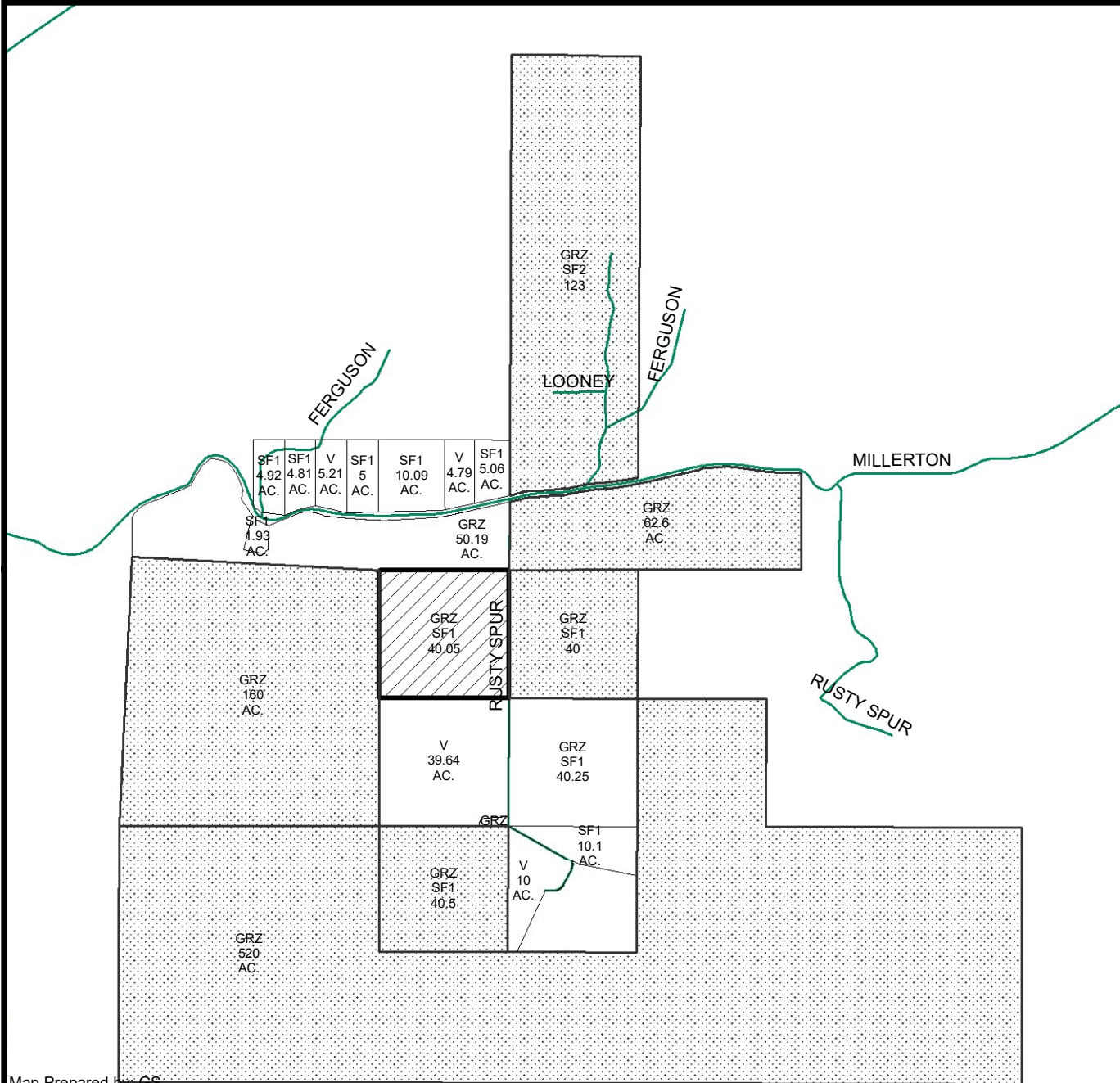
# LOCATION MAP



# EXISTING ZONING MAP



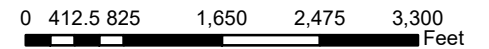
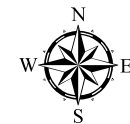
# EXISTING LAND USE MAP



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

LEGEND:

- Subject Property
- Ag Contract Land



Map Prepared by: GS  
 G:\4360Devs&PIn\GIS\  
 Maps\Landuse\

Department of Public Works and Planning  
 Development Services Division

# FRESNO COUNTY DRA 4112 SHEET 1 OF 1 GRADING AS-BUILTS

RECEIVED  
OCT 04 2019  
DEPARTMENT OF PUBLIC WORKS  
DEVELOPMENT SERVICES DIVISION



Know what's below.  
Call before you dig.

### GRADING REQUIREMENTS:

- THE WORK EMBRACED HEREIN SHALL BE DONE IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF CHAPTER 33 OF 2007 CALIFORNIA BUILDING CODE AS ADOPTED BY AMENDED BY CHAPTER 15.28 OF THE FRESNO COUNTY ORDINANCE CODE.
- A GRADING PERMIT OR VOUCHER SHALL BE OBTAINED FROM THE COUNTY OF FRESNO PUBLIC WORKS AND PLANNING DEPARTMENT, DEVELOPMENT ENGINEERING SECTION PRIOR TO ANY GRADING AND PAVING WORK FOR THIS PROJECT.
- THIS PROPERTY HAS BEEN IDENTIFIED AS BEING WITHIN OR ADJACENT TO A KNOWN FLOOD ZONE (SFHA) AS IDENTIFIED ON THE FEDERAL EMERGENCY MANAGEMENT (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) FOR THIS AREA. COMPLIANCE WITH ALL ASPECTS OF THE COUNTY FLOODPLAIN ORDINANCE SECTION 15.48 AND COMPLETION OF AN ELEVATION CERTIFICATE, PREPARED BY A LICENSED ENGINEER OR LAND SURVEYOR IS REQUIRED.
- APPROVAL BY COUNTY DEVELOPMENT ENGINEERING OF THIS SITE PLAN DOES NOT CONSTITUTE APPROVAL OF ANY OFF-SITE WORK IN THE PUBLIC RIGHT OF WAY THAT MAY BE SHOWN ON THIS PLAN. OFF-SITE WORK IS SHOWN ON THIS PLAN FOR INFORMATION AND COORDINATION PURPOSES ONLY AND WILL REQUIRE AN ENCROACHMENT PERMIT FROM THE COUNTY ROADS & MAINTENANCE DIVISION'S PERMIT ENGINEER.
- DUST CONTROL, NOTIFICATION, EARTHMOVING ACTIVITIES ON SMALL CONSTRUCTION SITES: WRITTEN NOTIFICATION TO BE PROVIDED TO THE AIR POLLUTION CONTROL DISTRICT 48 HOURS PRIOR TO INTENT TO COMMENCE ANY EARTHMOVING ACTIVITIES FOR RESIDENTIAL CONSTRUCTION SITES RANGING FROM 1.0 TO LESS THAN 10.0 ACRES IN AREA, OR FOR NON-RESIDENTIAL CONSTRUCTION SITES RANGING FROM 1.0 TO LESS THAN 5.0 ACRES IN AREA.
- A NOI & SWPPP IS REQUIRED FOR THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES DISTURBING 1.0 ACRE OR MORE OF AREA. PROVIDE COPY OF FILING NOTICE OF INTENT (NOI) WITH STATE WATER RESOURCES CONTROL BOARD AND STORM DRAIN WATER POLLUTION PREVENTION PLAN (SWPPP) WHICH SHALL BE COMPLETED PRIOR TO STARTING WORK.
- OWNERS OR THEIR AUTHORIZED REPRESENTATIVE (CONTRACTOR) NOT ENROLLED IN THE NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEMS) STORMWATER PROGRAM SHALL PROVIDE A LETTER, PRIOR TO COMPLETION OF THE PROJECT, TO FRESNO COUNTY DEPARTMENT OF PUBLIC WORKS & PLANNING INDICATING THE DISCHARGER/OWNER CHOOSES NOT TO DO SO AT HIS OR HER OWN RISK.
- IF THE OWNER OR HIS CONTRACTOR CHOOSES NOT TO ENROLL IN NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEMS) STORMWATER PROGRAM TO OBTAIN COVERAGE UNDER AN NPDES STORMWATER PERMIT WITH IMPLEMENTATION OF A SWPPP, AND A LARGER EVENT OCCURS, DISCHARGES FROM A PREDETERMINED STORAGE FACILITIES WOULD BE SUBJECT TO ENFORCEMENT UNDER THE FEDERAL CLEAN WATER ACT, INCLUDING THIRD PARTY CITIZEN SUITS, I.E. THE DISCHARGER WOULD NOT HAVE THE SHIELD AFFORDED BY PERMIT COVERAGE.
- INSPECTION OF THE ROUGH GRADED PAD IS REQUIRED PRIOR TO ACCEPTANCE AND RELEASE OF THE GRADING PERMIT.
- COMPACTIONS REPORTS ARE REQUIRED TO BE SUBMITTED TO DEVELOPMENT ENGINEERING FOR ANY FILL DEPTH IN EXCESS OF 24". AREAS WITHIN FLOOD ZONES REQUIRED 95% MINIMUM COMPACTION.
- A "HOLD ON OCCUPANCY" WILL BE IN EFFECT UNTIL SUCH TIME AS THE DEVELOPMENT IS CERTIFIED "AS-GRADED" BY THE ENGINEER OF RECORD.
- MAXIMUM CUT AND FILL SLOPES SHALL BE 2H:1V OR AS ALLOWED PER AN APPROVED AND FILED SOILS REPORT.
- UNPAVED GROUND IMMEDIATELY ADJACENT TO FOUNDATIONS SHOULD BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 2% A MINIMUM DISTANCE OF 10' AS MEASURED PERPENDICULAR TO THE FACE OF THE WALL AND IMPERVIOUS SURFACES WITHIN 10' OF THE BUILDING FOUNDATION SHOULD BE SLOPED A MINIMUM OF 2% AWAY FROM THE BUILDING OR AS APPROVED BY THE BUILDING OFFICIAL.

ESTIMATED EARTHWORK QUANTITIES:

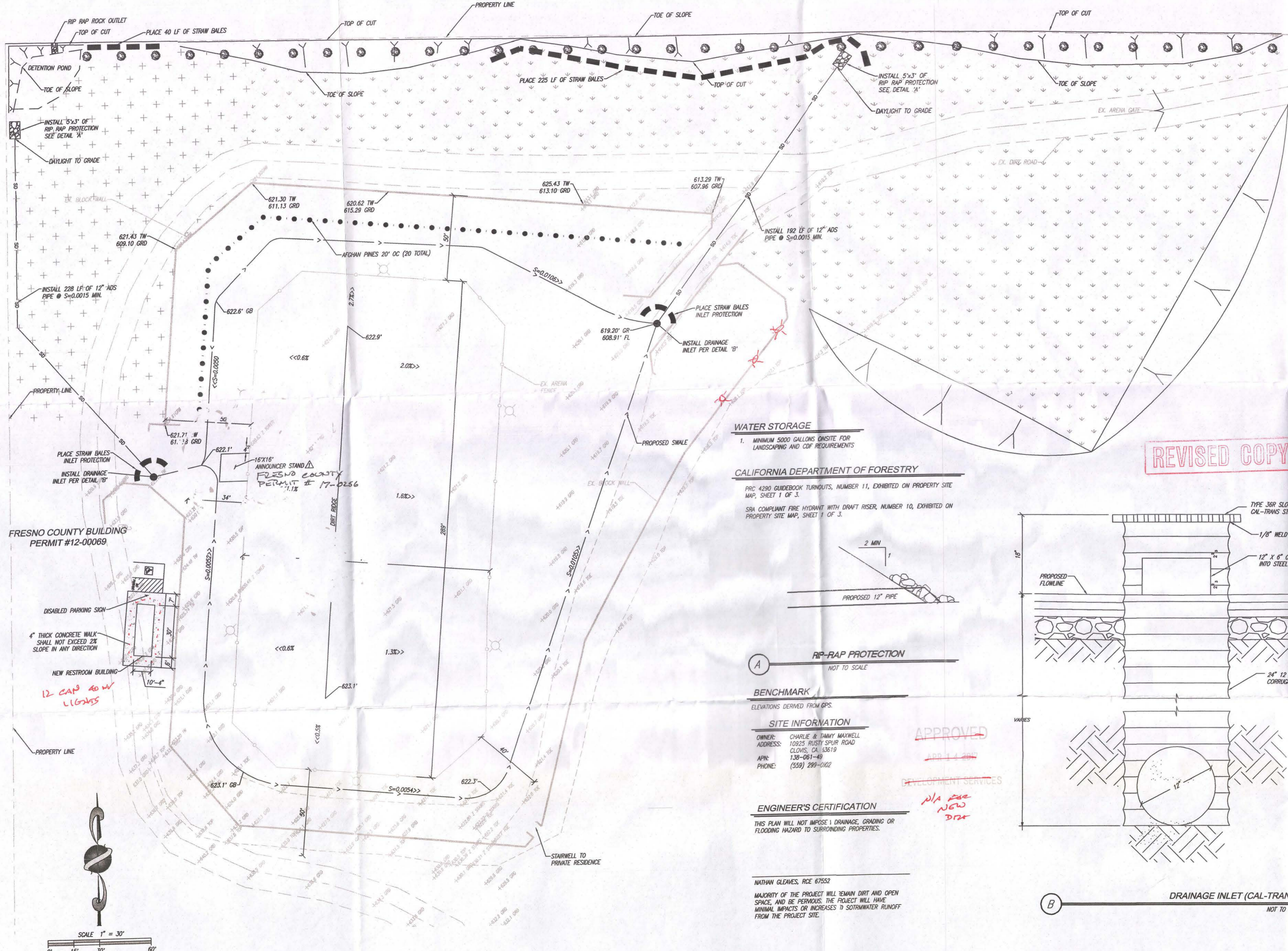
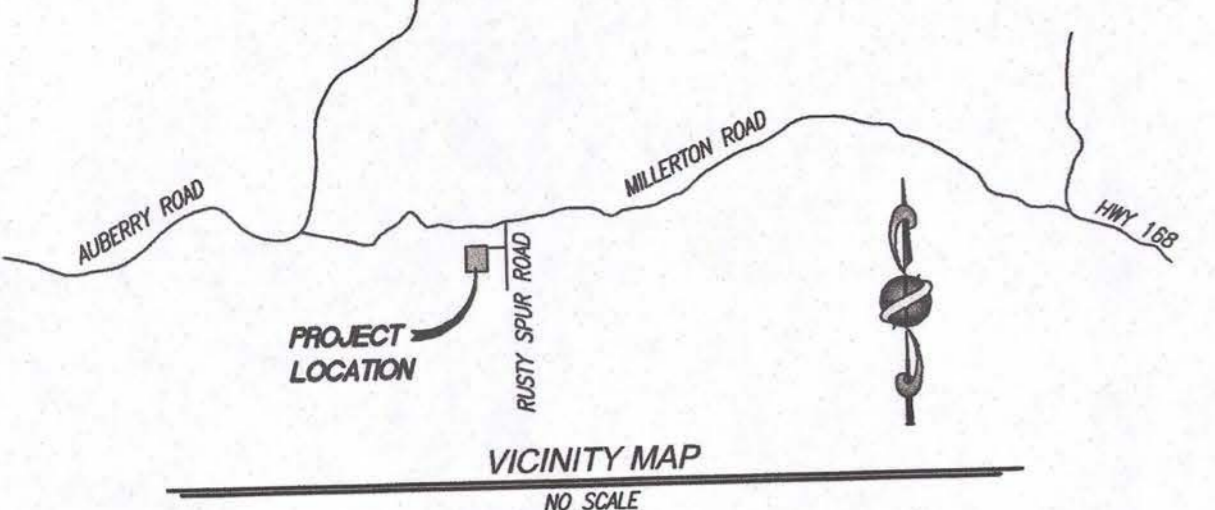
CUT	1,225	C.Y.
FILL	885	C.Y.
ENGINEERED FILL		C.Y.

NOTE: ESTIMATED GRADING QUANTITIES ARE "IN PLACE" NO SHRINKAGE HAS BEEN TAKEN INTO ACCOUNT. ESTIMATED GRADING QUANTITIES ARE SHOWN FOR PERMIT PURPOSES ONLY. THE CONTRACTOR IS RESPONSIBLE FOR FINAL BID QUANTITIES.

LEGEND:

101.50 TC	PROPOSED ELEVATION	DIRECTION OF WATER FLOW
101.50 TC	EXISTING ELEVATION	EXISTING CUY WIRES
EC	EXISTING CONCRETE	EXISTING POWER POLES
OP	EDGE OF PAVEMENT	EXISTING AREA LIGHT
FL	FLOW LINE	
G	GUTTER/FLOWLINE	
GB	GRADE BREAK	
GRD	GROUND	
TOE	TOE OF SLOPE	
TOP	TOP OF SLOPE	
TW	TOP OF WALL	

- LANDSCAPING NOTES
- TREES FOR LANDSCAPING AFGHAN PINES AS PER LIVE OAK CONSULTING
  - 20 AFGHAN PINE TREES 20' O/C TO BE PLANTED ON THE NORTH AND WEST WALLS AS PER CONDITIONS OF APPROVAL
  - IRRIGATION PROVIDED BY THE ARENA WATERING SYSTEM
- PLACE STRAW MULCH
  - PLACE NATIVE GRASS SEEDS
  - HAY BALES SEASONAL (OCT-MAY)



**WATER STORAGE**  
1. MINIMUM 5000 GALLONS ONSITE FOR LANDSCAPING AND CDF REQUIREMENTS

**CALIFORNIA DEPARTMENT OF FORESTRY**  
PRC 4290 GUIDEBOOK TURNOUTS, NUMBER 11, EXHIBITED ON PROPERTY SITE MAP, SHEET 1 OF 3.  
SSA COMPLIANT FIRE HYDRANT WITH DRAFT RISER, NUMBER 10, EXHIBITED ON PROPERTY SITE MAP, SHEET 1 OF 3.

FRESNO COUNTY BUILDING PERMIT #12-00069

FRESNO COUNTY PERMIT #17-0256

REVISED COPY

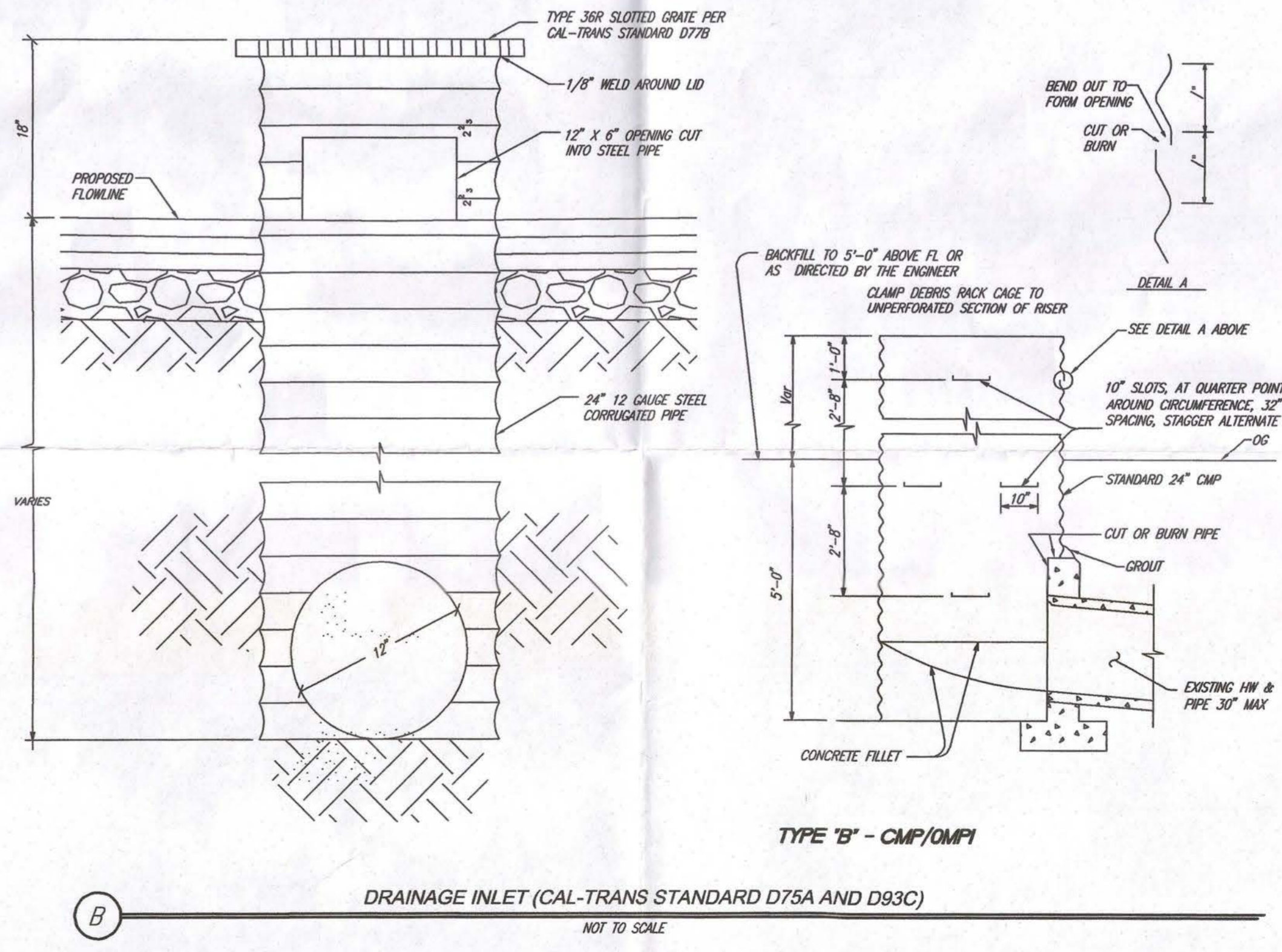
**RIE-RAP PROTECTION**  
NOT TO SCALE

**BENCHMARK**  
ELEVATIONS DERIVED FROM GPS

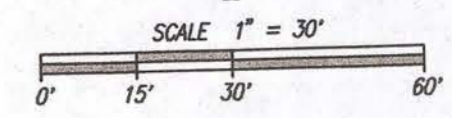
**SITE INFORMATION**  
OWNER: CHARLIE & TAMMY MAXWELL  
ADDRESS: 10925 RUSTY SPUR ROAD  
CLOVIS, CA 93619  
APR: 138-061-49  
PHONE: (559) 299-0102

**ENGINEER'S CERTIFICATION**  
THIS PLAN WILL NOT IMPOSE A DRAINAGE, GRADING OR FLOODING HAZARD TO SURROUNDING PROPERTIES.

NATHAN GLEAVES, RCE 67552  
MAJORITY OF THE PROJECT WILL REMAIN DIRT AND OPEN SPACE, AND BE PERVIOUS. THE PROJECT WILL HAVE MINIMAL IMPACTS OR INCREASES TO STORMWATER RUNOFF FROM THE PROJECT SITE.



P:\CIVIL 3D PROJECTS\2010\10-022\PRODUCTION DRAWINGS\10-022 CIV GRADING PLANNING 4/12/2017 3:43:24 PM



PRECISION CIVIL ENGINEERING, INC.

PROJECT TITLE: EQUINESTRAN ARENA  
SHEET DESCRIPTION: GRADING PLAN  
CITY OF: CLOVIS  
COUNTY OF: FRESNO

PREPARED FOR: CHARLIE & TAMMY MAXWELL  
10925 RUSTY SPUR ROAD  
CLOVIS, CA. 93619  
(559) 299-0502

REVISIONS  
4-11-2017 JML

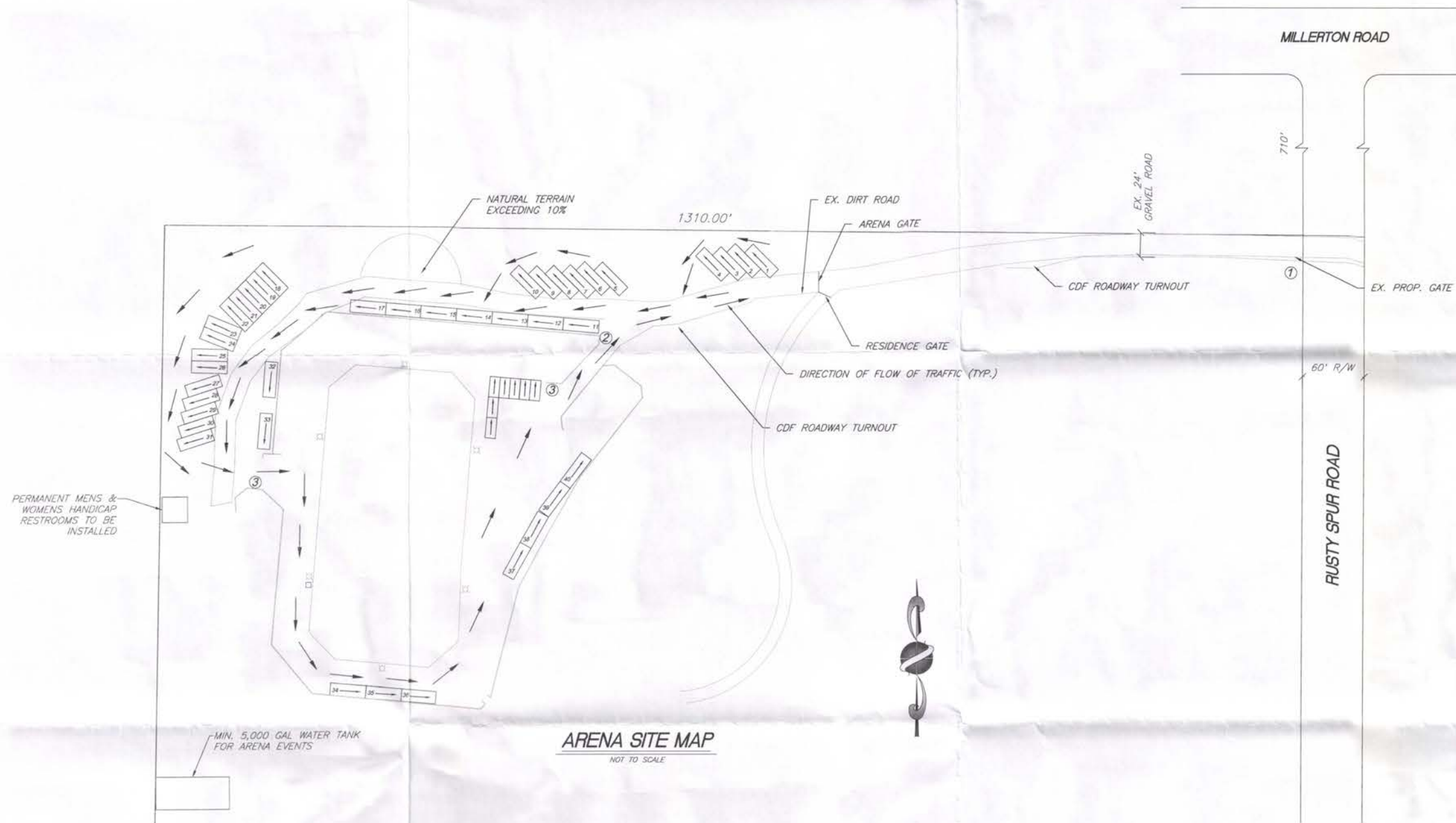
DRAWN BY: PLS  
CHECKED BY: NMG  
DATE: 03-31-17

REGISTERED PROFESSIONAL ENGINEER  
NATHAN M. GLEAVES  
NO. 67552  
CIVIL  
STATE OF CALIFORNIA

SHEET NUMBER: 1 OF 1  
JOB NUMBER: 10-022



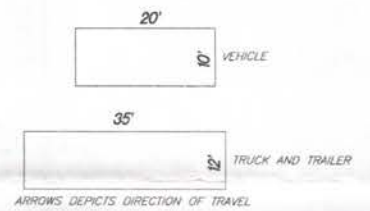
# FRESNO COUNTY DRA 4112 SHEET 2 OF 3 ARENA SITE MAP



**ARENA SITE MAP**  
NOT TO SCALE

### ARENA SIGNAGE

- ① 4'-5' HEIGHT, 40' LENGTH, STONE COVERED WALL W/ 1 1/2" GOLD LETTERS (RUSTY SPUR ARENA) W/ 2" DIRECTIONAL ARROWS INDICATING ARENA LOCATION (8" X 24") WITH INDIRECT LIGHTING.
- ② 4'X8' 8" HEIGHT DEPICTING RUSTY SPUR ARENA TRAFFIC CIRCULATION PATTERN PAINTED ON BLOCK WALL, NO LIGHTS. (PAINTED ON BLOCK WALLS)
- ③ 2'X4' 4" HEIGHT EXIT SIGNS (2, PAINTED ON BLOCK WALLS)



### TYPICAL ARENA PARKING STALL

NOT TO SCALE  
PARKING ON NATIVE GRASS MOWED PRIOR TO EVENTS

### ARENA FACTS

1. DUST CONTROL PRIOR TO EACH EVENT
2. ARENA WATERED PRIOR TO EACH EVENT
3. LIGHTS ARE TO BE HOODED & DIRECTED TOWARDS ARENA, AND UTILIZED FOR PERSONAL USE ONLY

### TRAFFIC CIRCULATION AND PARKING NOTES

- PARKING STALL COUNT: 40 TRUCK AND TRAILER  
10 VEHICLE  
ARENA TRAFFIC CIRCULATION AND PARKING PLAN DEPICTED, ARENA SITE MAP SHEET 2 OF 3  
VEHICLE INGRESS, STACKING DISTANCES
1. MILLERTON ROAD 10925 RUSTY SPUR ROADWAY 710'
  2. 10925 RUSTY SPUR ROADWAY ENTRANCE TO FIRST PARKING SPACE 715', WITH 2 CDF REQUIRED TURNOUTS
  3. TRAFFIC CIRCULATION PARKING SURROUNDING ARENA 1050'
  4. PARKING STALLS DESIGNED FOR FORWARD MOVING PARKING AND FORWARD MOVING EXIT ONLY, WITH MINIMAL BACKING UP REQUIRED, IF ANY.
  5. ← DIRECTION OF FLOW OF TRAFFIC (TYPICAL)

### CALIFORNIA DEPARTMENT OF FORESTRY

PRC 4290 GUIDEBOOK TURNOUTS, NUMBER 11, EXHIBITED ON PROPERTY SITE MAP, SHEET 1 OF 3.  
SRA COMPLIANT FIRE HYDRANT WITH DRAFT RISER, NUMBER 10, EXHIBITED ON PROPERTY SITE MAP, SHEET 1 OF 3.

FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPT.

## APPROVED PLAN

SPR # 7821	MVP	S/P
DATE 7/16/12	BY H. LUNA	

**NOTE:** 1) THIS APPROVAL IS SUBJECT TO ALL CONDITIONS NOTED HEREON AND BY THE APPROVAL LETTER  
2) ALL IMPROVEMENTS MUST BE INSPECTED AND APPROVED BY THE DEVELOPMENT SERVICES DIVISION

RECEIVED  
JUL 16 2012  
SPR 7814

REVISION

# MAXWELL RUSTY SPUR ARENA

## OPERATIONAL STATEMENT

for a Revision to Directors Review and Approval No. 4465 & No. 4112  
October 4, 2019

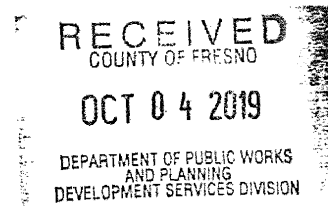
### PROPERTY OWNERS

Charlie & Tammy Maxwell  
10925 Rusty Spur Lane  
Clovis, CA 93619



### PROJECT APPLICANTS

Rusty Spur Arena, Inc. a California Nonprofit Corporation  
c/o Charlie & Tammy Maxwell  
10925 Rusty Spur Lane  
Clovis, CA 93619  
(559) 299-0502  
[charliemaxwell@ymail.com](mailto:charliemaxwell@ymail.com)



### REPRESENTATIVE

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., No. 200  
Fresno, CA 93721  
(559) 445-0374  
E-Mail: [dirk@dplds.com](mailto:dirk@dplds.com)

John Kinsey  
Wanger Jones Helsley PC  
265 River Park Circle, Suite 310  
Fresno, CA 93720  
(559) 233-4800

### PROJECT LOCATION

10925 Rusty Spur Lane, Clovis  
APN 138-061-49

### PROJECT DESCRIPTION

Amend Directors Review & Approval (DRA) No. 4112 and Initial Study No. 6062 which allows operational commercial horse arena on a 40.05 +/- acre parcel in the AL-40 Zone District.

## 1. BACKGROUND

The applicants have owned the subject site since 1992. Subsequent to their acquisition, Applicants have made improvements to the site for his personal use and enjoyment of equestrian activities.

On September 27, 2011 Fresno County Board of Supervisors approved DRA No. 4112 for a limited number of commercial equestrian events. Initial Study No. 6062 with Site Plan Review No. 7814 was subsequently approved which established further project details and improvement requirements.

On April 25, 2017 Fresno County Board of Supervisors approved DRA no. 4465 for an increase in the number off commercial event days, with the modification of events allowed year-round.

This request seeks additional event days and a limited change in hours for specific events.

### Proposed Event List

# of Days Requested	Event	Hours	Average # of Attendees
10	Roping	16:30 - 22:00 Fridays 07:30 – 18:00 Saturdays or Sundays	50
10	Sorting	07:30 - 18:00 Any Day	50
3	Three day roping event 1X per year	16:30 – 22:00 07:30 – 18:00 Any Three Days	60
6	Gymkhana	07:30 – 18:00 Saturday or Sunday	60
10	Trail Course *5 of 10 days exclusively for Law Enforcement	07:30 – 18:00 Any day	60
3	3-day Trail Once Every Other Year	16:30 – 22:00 Friday 07:30 – 18:00 Saturday and Sunday	60 *Exclusively for Law Enforcement
8	Riding Clinics	07:30 – 18:00 Any Day	20
20	Barrel racing	16:30 – 22:00 Any Day	20
1	Dance	17:00 – 22:00	100
1	Charity Fundraiser	17:00 – 22:00	100

The Applicants propose modifications to the previously approved DRA's No. 4112 & 4465 and Initial Study No. 6062 which are:

## **2. Operational Time Limits**

There shall be no more than 72 days of planned public events per calendar year. Operational hours for daytime events are from 07:30 to 18:00. Operational hours for evening events are from 16:00 to 22:00. Venue increase is from current 24 events days to a maximum of 72 days. 30 days of the events occur in the evening hours. 28 event days have restricted a restricted number of attendees. (refer to the matrix for a typical yearly schedule)

## **3. Number of customers or visitors**

There will be no change in visitor intensity from the previous approvals. The facility will host a maximum of 50 to 60 riders and 30 trailers for all events, with 28 event days limited in the number of participants

The applicant believes that the arena will attract tourists or participants from out of Fresno County that will rent rooms and spend other tourism related dollars on food and lodging. Some instances during a limited number of events, contestants will stay on the property in their trailers or motorhomes. These vehicles will leave immediately after the events end.

## **4. Number of employees**

There will be no change from the previous approvals. There will be no employees, however with the youth events there would be people who will volunteer, including retired CDF employees.

## **5. Service and delivery vehicles**

There will be no change from the previous approvals. No large service or delivery trucks will visit the site.

## **6. Access to the site**

There will be no change from the previous approvals. The arena is located as the first residence off of Rusty Spur Lane, which connects to the public roadway of Millerton Road. Per Site Plan Review No. 7814, the access drive has been graded to conform to county standards.

## **7. Number of parking spaces for employees, customers, and service/delivery vehicles.**

There will be no change from the previous approvals. The arena is located on a forty-acre parcel with the arena being located in the extreme north/west portion of the parcel. Applicant is in compliance with parking regulations established by Site Plan Review No. 7814 and has applicants have planted native grass to mitigate dust. The design of the arena and surrounding parking area adjacent to the arena would be limited to sixty trailers. All parking stalls will be chalked or painted per county standards.

**8. Are any goods to be sold on-site?**

There will be no change from the previous approvals. This is primarily a youth activity and numerous groups have offered to sell food and drinks to support their youth activities and the activities of the arena. The applicant will not cook or produce food for any public event.

**9. What equipment is used?**

There will be no change from the previous approvals. The applicant's tractors and related equipment are used on the property.

**10. What supplies or materials are used and how are they stored?**

There will be no change from the previous approvals. Event equipment is utilized in the arena on the day of the event and stored in a personal on site storage building.

**11. Does the use cause an unsightly appearance?**

There will be no change from the previous approvals. By design, the arena was placed in the extreme north/west corner of the property. The location is as far as possible removed from any other residences on Rusty Spur Lane. The neighbors to the north are separated from the arena by a vacant 80-acre parcel, a public roadway (Millerton Road) and a seasonal stream (Little Dry Creek).

Seventy Afghan Pines, five Bradford Pear, five Raywood Ash and eight Chinese Elm were planted in strategic locations to block views into the site, provide shade and block lighting emitted from the site.

Since the approval of DRA No. 4465, a total of 88 trees have been planted on the subject property, which are maintained on an existing irrigation system.

A solid masonry decorative block wall was installed along the north boundary of the arena in accordance with Site Plan Review No. 7814 that provides an additional noise and aesthetic barrier to surrounding properties. An earthen berm exists along the south and east boundaries of the arena which provides an additional noise barrier by deflecting event sound upwards.

The distance from the neighbor's home to the north to the center of the arena is approximately 1,266 feet or 422 yards. Odor and dust are both controlled by an existing arena watering system.

As previously approved, the arena is lighted per county standards with all lights hooded and directed to not annoy nearby property owners

During event days, an arena public announcing system will be utilized and controlled by the applicant to assure compliance with county noise standards. Further, the public announcement speakers are enclosed in a metal directional hood to force noise energy downward.

**12. List any solid or liquid wastes to be produced.**

There will be no change from the previous approvals. Event days generate very little animal waste because the participant's animals are not eating. On event days the arena is disced at the end of the day disposing of any waste or urine into the arena surface.

A fully accessible ADA compliant restroom building was constructed in accordance with Site Plan Review No. 7814 in a location consistent with applicable regulations for such restroom facilities. Said restrooms have ADA compliant parking.

The subject site is served by Ponderosa Disposal that the contract region established by Fresno County for waste collection. The applicant complies with all public health, disposal and recycling requirements mandated by law. In addition, the applicant has installed approximately thirty, 50-gallon waste collection drums for the ease of attendees to dispose of small waste such as paper plates etc.

**13. Estimated volume of water to be used (gallons per day)**

An irrigation system is used to water the arena to reduce dust. A 5,000 gallon potable water storage tank has been installed south of the arena approximately 145 feet above the arena floor. This water system will allow the arena to be watered completely with minimum effort to allow for maximum dust control. The facility uses approximately 2,000 gallons of water on event days. The water is provided from an on-site well which has sufficient capacity to allow for this usage and more.

**15. Will existing buildings be used or will new buildings be constructed?**

There will be no change from the previous approvals. As indicated on the attached project site plan, all buildings exist and are operational consistent with county approvals. All such improvements and structures were constructed with building permits associated with Site Plan Review No. 7814.

**16. Explain which buildings or what portion of buildings will be used in the operation.**

There will be no change from the previous approvals. Only the existing barn will be used for storage of the event timing equipment. The applicant believes that the arena will attract tourists or participants from out of Fresno county that will rent rooms and spend other tourism related dollars on food and lodging. Some instances during a limited number of events, contestants will stay on the property in their trailers. These vehicles will leave immediately after the events end.

**17. Will any outdoor lighting or an outdoor sound amplification system be used?**

There will be no change from the previous approvals. A conjunctive lighting and sound pole system has been installed by the applicant that utilizes lighting and sound on the same pole. The lighting system is hooded and directed downwards to

avoid annoying nearby property owners. In addition, the applicant has calculated the height of the aforementioned poles to optimize lighting and reduce the potential for light to annoying adjacent properties. Lighting is only used as necessary, as the majority of events take place in daylight hours.

The sound amplification speakers are encased in a metal shield that directs sound downward to assure that nearby property owners are not annoyed by the arena. In addition, the applicant has established the height and location of the aforementioned poles to optimize the sound system's efficiency without annoying nearby property owners. Precision Engineering of Fresno for DRA No. 4465 submitted a noise study to Fresno County Development Services which placed the noise level of the arena below Fresno county noise standards.

**18. Landscaping or fencing proposed?**

There will be no change from the previous approvals. Sixty Afghan Pines, five Bradford Pears five Raywood Ash and eight Chinese elm were planted in strategic locations to block views into the site, provide shade and block lighting emitted from the site. 88 additional trees exist since the approval of DRA No. 4465. Said trees are on an existing irrigation system.

A series of fences and gates exist on the subject site to segregate private residence from the arena area. The arena fencing was specifically designed and constructed to restrict movement on and off the applicant's property so visitors or guests will not wander onto adjacent parcels.

Since Site Plan Review No. 7814, electric access gate controlling access to Rusty Spur Lane has been moved 760 feet south of Millerton Road and south of the applicant's driveway. This allows participants of the arena to enjoy over 2,600 feet of "stacking distance" upon entry to Rusty Spur Lane prior to having to park their vehicles.

**19. Any other information that will provide a clear understanding of the project or operation.**

A primary goal or propose of the project to "give back" to the community the same enjoyment that our children and numerous other foothill children enjoyed while growing up. Numerous families and community groups have approached the applicant with the idea of providing safe, clean, and fun activities for the children of this community, such as those involved in the American Legion youth equestrian training program. Handicapped children are especially welcomed and accommodated at the arena. Select riding clinics and trail events have been designed around the goals of having all participants be a winner and win prizes that will be donated from the Rusty Spur Arena and local merchants of the surrounding community.

The site is within an area zoned exclusively for agricultural use, with a 40-acre minimum lot size. For perspective, a 40-acre parcel contains 1,742,200 square feet, theoretically enough room for approximately 139, 12,500 sq. ft. lots zoned Single Family Residential R-1-B.

**20. Identify all Owners**

Charlie and his wife Tammy Maxwell are the property owners of the Rusty Spur Arena, Inc. a nonprofit corporation.

## **SUPPLEMENTAL INFORMATION**

### **Agriculture Resources:**

The proposed use is allowed with approval of a Directors Review and Approval. Since Directors Review & Approval (DRA) No. 4112 was approved, the site remains generally surrounded by rural residential uses on 40 acre parcels. Other than cattle, no agricultural product has been grown on the site for decades.

### **Air Quality:**

The development will comply with all San Joaquin Unified Air Pollution Control District standards and pay applicable fees as required. Said District evaluated the previous entitlements and expressed no concerns.

### **Biological Resources:**

All site improvements exist. The site is in a rural, agricultural area substantially disturbed by general equestrian and typical rural, weed and fire prevention activities that have occurred on the site for decades. California Department of Fish and Game evaluated the previous entitlements and expressed no concerns therefore no impacts were identified.

### **Cultural Resources:**

All site improvements exist. General equestrian and typical rural, weed and fire prevention activities have occurred on the site for decades. Therefore, there will be no impacts to prehistoric or historic subsurface cultural resources that have not already occurred

### **Geology and Soils:**

All site improvements exist. The project complies with all applicable building and development codes that have proven to be effective in addressing potential impacts to geology and soils. The site is not in an active seismic safety zone or an Alquist Priolo zone. All site improvements requiring a building permit comply with mandatory soils and geologic construction requirements.

### **Land Use and Planning:**

As was previously determined, the proposed project is consistent with the site's adopted land use designation and zoning. The subject property remains designated Specific Plan Reserve area in the county adopted Sierra North Regional Plan. According to general plan policy LU.A-3, certain agriculturally related activities such as commercial horse arenas may be allowed by means of a discretionary use permit.



Other general plan policies were evaluated as part of the review and approval process for Directors Review & Approval (DRA) No. 4112. The county staff, planning commission and Board of Supervisors determined the project was consistent with the general plan.

As was the status when Directors Review & Approval (DRA) No. 4112 was approved, the subject property is not subject to an Agricultural Land Conservation Contract. Said site is not located with any clear zone or other protection surface of a public use or private use airport or within an identified airport noise contour. The site is not within a Mineral Resource Zone (MRZ) area.

None of the aforementioned information has changed since Directors Review & Approval (DRA) No. 4112 was approved.

**Traffic:**

Initial Study No. 6062 evaluated potential environmental impacts associated with the approval of Directors Review & Approval (DRA) No. 4112. As part of the environmental analysis associated with that project, Fresno County Traffic Engineering staff determined that a formal traffic study was not required per Fresno county standards due to the location, type and kind of traffic and low volume of Millerton Road traffic.

County staff visited the subject site and evaluated the curvilinear nature, bridges and road conditions that provide access to and from the site on Millerton Road. Traffic counts developed by Fresno County staff in 2011 indicate 600 daily trips east of Auberry Road on Millerton Road west of the subject site and 400 daily trips on Millerton Road east of the subject site. County staff evaluated the aforementioned roadway characteristics and project details and concluded that said traffic would not result in a significant increase in vehicle or traffic congestion nor exceed established levels of service standards.

County staff also evaluated site access and determined that site visibility in both directions met applicable standards. County staff also determined queuing of traffic coming into and out of the site met applicable standards. The applicant's operational statement identified that the project's existing residential entry gate would be maintained open at all times during events and that a queuing distance of over 2,600 feet was available from Rusty Spur Lane onto the applicant's property from Millerton Rd. Therefore, the potential for project traffic to back up on to Millerton Road was not reasonably probable.

The applicant has recently confirmed no traffic congestion or other arena related traffic problems have been reported to the California Highway Patrol, since approval of DRA # 4112. Further the applicant is not aware of any traffic related incidents associated with the arena or its events.

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# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Charles Maxwell
- APPLICATION NOS.: Initial Study Application No. 7721 and Director Review and Approval Application No. 4602
- DESCRIPTION: Amend DRA No. 4112 and DRA No. 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and change operational time limits to allow 30 of the event days to operate during the evening hours from 4:00 PM to 10:00 PM.
- LOCATION: The project site is located on the west side of Rusty Spur Lane approximately 690 feet south of its nearest intersection with Millerton Road, and is approximately 6.35 miles east from the unincorporated community of Friant (APN: 138-061-49).

### I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is already improved with a commercial horse arena and is proposing an increase of event days and change in operational hours to allow events to operate in

evening/nighttime hours. Based on the existing nature of the horse arena, adverse effects on scenic vistas and resources are less than significant. According to Figure OS-2, Millerton Road between Auberry Road and Morgan Canyon Road is not an identified Scenic Road. The project site is accessible from Rusty Spur Lane, a private road off Millerton Road. Public views of the site from Millerton Road is buffered by existing vegetation and is built approximately 852 feet west of Rusty Spur Lane. Based on the existing nature of the operation, its distance from Rusty Spur Lane and Millerton Road, and vegetative buffering between Millerton Road and the project site, impacts will be less than significant.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

With the proposal of events operating in the evening/nighttime hours, light sources will be utilized to illuminate events. A Mitigation Measure will be implemented to address light and glare issues that could arise with the operation of night events.

\* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

According to the California Department of Conservation, 2016 Fresno County Important Farmland Map, the project site is designated as Grazing Land. The project site is already improved with a commercial horse arena. The project does not convert Prime

Farmland, Unique Farmland, or Farmland of Statewide Importance and does not conflict with existing zoning for agricultural use as a Director Review and Approval application for the subject property has already been approved. The subject parcel is not restricted by a Williamson Act Contract.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not zoned for forest land, timberland or timberland zoned Timberland Production and will result in the loss of forest land or conversion of forest land to non-forest use. As the project is proposing to alter operational characteristics of an existing commercial horse arena, no conversion of land is proposed.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project entails a change in the operational characteristics of an existing operation to allow more event days and to allow events to operate during evening hours. No expansion or new building are proposed with the subject application. Based on the project proposal, the project will not result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District has reviewed the subject application and did not express any concerns to indicate that the proposed modification will have a significant impact on air quality. The project will still be subject to Conditions of Approval and Project Notes that were implemented with the previously approved Director Review and Approval applications. Specifically, a Condition of Approval associated with the project directly address dust impacts from the project in that a dust palliative be applied to active parking, circulation areas, and the riding arena to minimize creation of dust by vehicles and animals. With the project adhering to previous Conditions of Approval and Project Notes, the project will have a less than significant impact and will not result in a cumulatively considerable net increase of any criteria pollutant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

According to the California Natural Diversity Database (CNDDDB), the subject parcel is located near reported occurrences of the Western Pond Turtle, which is not a federal or state listed species. The project proposal only requests to modify operational aspects of an existing horse arena. No improvements are proposed with this application and will utilize existing structures and improvements for the operation. As there are no listed federal and state species reported on or near the project site, the existing operation, and no expansion of existing improvements, therefore, there will be no impact on special status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory, there is an identified wetland that goes through the subject parcel. The National Wetlands Inventory classifies the identified wetland as a Riverine System, Intermittent Subsystem, Streambed Class, and Seasonally Flooded Water Regime. A private driveway used to access the single-family residence and parking areas of the existing horse arena currently intersects with the identified wetland. There are no identified riparian habitats or other sensitive natural

community identified on or near the project site. Although, there is an identified wetland, the private driveway has been in use for an existing residence and horse arena. Therefore, the increase in event days will not have a substantial adverse effect on the identified wetland.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject property has already been improved with a single-family residence, accessory structures, and a commercial horse arena. No new development is proposed with the application and is only requesting modification to operational characteristics. The potential for additional event days are not expected to interfere substantially with the movement of any native resident and will not interfere with established migratory wildlife corridors or impede the use of a native wildlife nursery site. The project will not conflict with any local policies or ordinances protecting biological resources and will not conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conversation Plan or other approved local, regional, or state Habitat Conservation Plan. The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife have reviewed the subject application and did not express concerns the project would conflict with any policies, ordinances or plans.

## V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject property is located within an area designated to be moderately sensitive for archeological resources. The commercial horse arena has already been developed as per the previously approved Director Review and Approval (DRA) application with no

additional construction being proposed with the subject amendment. A Mitigation Measure will be implemented to address any development related to the previously approved DRA in the event that cultural resources are unearthed during ground disturbing activities.

\* **Mitigation Measure(s)**

1. *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, 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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal will increase the number of operating days from 24 days as approved by Director Review and Approval Application No. 4465 (DRA 4465) to 72 days. Additionally, the project proposes that up to 30 event days will be held during evening hours. Both the increase in operational days and the addition of evening hours will increase the amount of energy being consumed to operate the commercial horse arena. Although an increase of energy consumption will occur, a commercial horse arena is not an energy intensive use with most energy consumption being used for site lighting and sound amplification, which will be in use during operational hours. Any future development that has been already approved via the previously approved DRA applications will be built to current state and local energy efficiency codes. Therefore, based on the existing use and the proposed operational modification, the project will have a less than significant impact on the environment in terms of energy consumption and will not result in wasteful, inefficient, or unnecessary consumption of energy resources.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

Based on the Earthquake Zone Application administered by the California Department of Conservation and per Figure 9-2 and 9-3 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not located on or near an identified earthquake fault.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

Per Figure 9-5 of the FCGPBR, the project site is not located in an area identified as being a probabilistic seismic hazard. As the project site is not located in the identified seismic hazard area, the site is not likely to be subject to strong seismic shaking or seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the subject parcel is not located on or near land identified as being a landslide hazard.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

The commercial horse arena is an existing facility. The current project proposal does not include expansion of the facility and only requests a modification of operational days and operational times. The project proposal will not result in substantial soil erosion or loss of topsoil as the proposal will only modify operational characteristics and does not include additional development.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:



No geologic unit or unstable soil has been identified on the subject parcel. The project is requesting modification to operational days and hours and does not propose any type of construction that could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- C. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR, the subject property is not located on or near identified expansive soil hazard areas.

- D. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant, the commercial horse arena is improved with a fully accessible ADA compliant restroom building. No new facilities utilizing the existing septic system is proposed with this application. An increase of operational days and modification to operational times may increase the usage of the existing septic system. No reviewing Agencies or Departments expressed concerns regarding soil capability for supporting the septic system. As such, the increase of usage from the provision of additional operational days is believed to have a less than significant impact as the existing septic system has been approved and no concerns were brought from reviewing Agencies and Departments.

- E. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No unique paleontological or unique geologic feature has been identified on the subject parcel or being affected by the project proposal.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No construction is proposed with the subject application, therefore no construction greenhouse gas (GHG) emissions are expected. With the addition of more operational days, an increase of customer and visitor traffic is expected. Operational greenhouse gas emissions are considered minimal with the majority of GHG emissions occurring from vehicular traffic coming to an event and leaving after the event ends. The increase in operational days will not generate a significant amount of greenhouse gas emissions that would have an impact on the environment.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

Per the Applicant, the originally approved commercial horse arena does not transport, use, or dispose of hazardous materials. The project proposal requests modification to the number of allowed operational days and hours of operation to allow some events to occur during evening hours. The proposal does not include the handling or disposal of hazardous materials or waste, therefore the project will not create a significant hazard to the public or the environment.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within a one-quarter mile of an existing or proposed school. The approved commercial horse arena does not emit hazardous emissions or handle hazardous materials or waste. The project proposal will not modify operational aspects that would cause hazardous materials or waste to be handled on the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to a NEPAAssist Report created for the project site, there are no listed hazardous materials sites located within a half-mile radius of the project site.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Reviewing Agencies and Departments did not express concern to indicate that the project would impair an adopted emergency response plan or emergency evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is subject to State Responsibility Area (SRA) fire requirements. According to the 2007 Fire Hazard Severity Zone Map, the project site is located in a moderate fire hazard severity zone. Although located in a moderate fire hazard severity zone, the approved commercial horse arena has already been subject to applicable fire protection standards during initial development of the site. The subject proposal does not increase capacity of a single event, but will increase the amount of event days that can occur at the project site. With fire protection standards already in place, the project proposal will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division of the Department of Public Works and Planning were both notified of the

subject application. Neither reviewing Agency expressed concerns that the commercial horse arena would violate water quality standards or waste discharge requirements resulting from the proposal to increase operational days and modify operational times.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's operational statement, water for the existing commercial horse arena is supplied by an onsite well with a 5,000-gallon potable water storage tank installed to further support water availability for the operation. An increase in operational days will result in an increase in total water usage, with the Applicant stating that the facility uses approximately 2,000 gallons of water per event day. ~~The State Water Resources Control Board and the County Water and Natural Resources Division did not express concerns that the increase in event days will significantly impact groundwater supplies or interfere with groundwater recharge.~~ **The State Water Resources Control Board reviewed the subject application and determined that the project meets the definition of a transient noncommunity public water system and must obtain a drinking water supply permit to use the onsite well. Although there will be a requirement for a drinking water permit, the project will not have a significant effect on water supplies in the area.** ~~Therefore, the increase in event days will increase water usage, but will not have a significant impact on water supplies for the area.~~

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site;
  2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
  3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: NO IMPACT:

No development is proposed with the subject application. The project proposes to modify certain operational characteristics which include increasing the amount of event days and allowing a certain amount of event days to occur during evening hours. The project will not alter existing drainage patterns, will not result in substantial erosion or

siltation, will not increase the rate or amount of surface runoff, and will not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

According to FEMA FIRM Panel C1055H, the northeast corner of the subject parcel is subject to flooding from the 100-year storm. Although the northeast corner is subject to flooding from the 100-year storm, the commercial horse arena is located outside identified flood hazard areas. Per Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), the subject parcel is not subject to dam failure flood inundation areas. Additionally, the project site is not located near any body of water that would be subject to tsunami or seiche risks. The project proposal will not increase the risk of release of pollutants due to project inundation as the horse arena is located outside of identified flood zone areas.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

~~The State Water Resources Control Board (SWRCB) and the County Water and Natural Resources Division did not express concerns that the project proposal of increasing operational days and allowing a limited amount of evening events will conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.~~ **The State Water Resources Control Board will require that the Applicant apply for a drinking water supply permit. The requirement is included as a Condition of Approval for the project and with expected compliance, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.**

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project proposal will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Specific Plan Reserve in the Sierra-North Regional Plan. The subject parcel is not subject to a Williamson Act Contract.

General Plan Policy PF-C.17 states that 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:

Criteria “a” of General Plan Policy PF-C.17 states that 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.

Criteria “b” of General Plan Policy PF-C.17 states that a determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.

Criteria “c” of General Plan Policy PF-C.17 states that a determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.

In regard to Criteria “a”, “b”, and “c” of General Plan Policy PF-C.17, the project proposal was reviewed by the Fresno County Water and Natural Resources Division and the State Water Resources Control Board. No reviewing Department or Agency expressed concern that the proposed operational modification would negatively impact water supplies in the area. Reviewing Agencies and Departments did not require a hydrogeologic investigation to be conducted to verify adequate water supplies.

General Plan Policy PF-D.6 states that 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 disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.

In regard to General Plan Policy PF-D.6, the project does not propose additional development outside of what has already been approved in previous applications. Plans, permits, and inspections would be required for any on-site sewage disposal system and the sewage disposal system would be subject to Local Area Management Plan (LAMP) standards.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

Per Figure 7-7 of the FCGPBR, the subject property does not appear to be located on or near any identified mineral resource area. The subject proposal is to modify operational characteristics of an approved commercial horse arena to allow an increase in event days and to allow a limited amount of event days to occur during evening and night hours. No expansion of the facility will occur, therefore no loss of availability of a known mineral resource will occur.

## XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The approved commercial horse arena utilizes outdoor sound amplification, which will be utilized more frequently as a result of the project proposal. Additionally, the previously approved horse arena was restricted to events being held during the daytime. The proposal will increase the amount of event days which will result in the more frequent use of the outdoor sound equipment. The proposal will also allow events to occur during evening hours. The Fresno County Noise Ordinance addresses two timeframes with established thresholds for noise levels. The timeframes are morning/afternoon hours and evening/night hours. The existing horse arena was approved to operate during morning/afternoon hours, and the current proposal will allow evening/nighttime events. The proposed evening/nighttime events will be subject to the evening/night noise thresholds which are stricter standards compared to the

morning/afternoon thresholds. As outdoor sound amplification will be utilized for the proposed use in both morning/afternoon events and evening/night events, a mitigation measure will be implemented to address noise impacts in the event that the operation exceeds established noise thresholds. Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis to the Environmental Health Division for review and approval. Actions to reduce noise that may be identified in the acoustical analysis shall be implemented within 30-days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance. Adherence to this requirement will be included as a mitigation measure, and address potential noise-related impacts.

\* **Mitigation Measure(s)**

1. *Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for review and approval. Mitigation measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.*

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located within two miles of a private airstrip or public airport.

#### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:



The project proposal will not induce substantial unplanned population growth as the use has been existing and has not resulted in substantial population growth. The proposed project will not displace a substantial number of people or housing to necessitate the construction of replacement housing elsewhere.

## XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) was notified of the proposed operational modification and did not express concern that the proposal would result in the need for new or altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

No reviewing agencies or departments expressed concerns that the proposal would result in the need for new or altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives.

## XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood and regional parks. The project proposal does not expand the commercial horse arena outside of its existing footprint and will only modify operational aspects to increase the amount of event days that can be held on the site and allow a certain amount of event days to occur during evening/nighttime hours.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal will modify operational characteristics to allow an increase of event days. Per the Applicant's proposal event days will increase from 24 event days to 72 event days with different events having varying numbers of participants. In allowing the commercial horse arena to operate on more days, traffic trips will increase compared to when the use was first proposed. Based on the Operational Statement produced by the Applicant, the lowest average amount of estimated customers for events will be 20 customers and the highest average amount is 100 customers. The Road Maintenance and Operations Division and the Design Division reviewed the subject amendment to the existing DRA and did not express concern that the increase in operational days will conflict with a program, plan, ordinance, or policy addressing the circulation system, or would conflict with or be inconsistent with CEQA guidelines.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The increase in event days along with allowing certain events to operate during evening/nighttime hours does cause concern as existing road conditions are not ideal. Millerton Road is a rural County-maintained road, with Rusty Spur Lane as a private road that provides access to the subject parcel. After review of the project proposal, the Design Division and the Road Maintenance and Operations Division has provided comment on the application to address safer road conditions during event days. A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP can be designed to address their biggest event and can be used for smaller events. The requirement of a TMP will allow vehicular traffic access to safely enter and exit the project site.

\* **Mitigation Measure(s)**

1. *A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP can be designed to address their biggest event and be used for smaller events.*

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern that the proposal will result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

No new development is proposed with the subject application. In the event that new development is proposed, a Mitigation Measure will be incorporated with the project to address Tribal Cultural Resources, if they are discovered during further development of the project site.

\* **Mitigation Measure(s)**

1. *See Section V. Cultural Resources A., B., and C., Mitigation Measure 1*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The subject proposal does not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The proposal is to modify operational characteristics of an existing commercial horse arena to allow more operational event days and allow some events to occur during evening/nighttime hours. The commercial horse arena is in operation and the proposed expansion in operational days will not cause an expansion in the mentioned utilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

~~The State Water Resources Control Board and the Water and Natural Resources~~ Division did not express concern to indicate that the increase in event days will hinder water supplies for the existing operation. **The State Water Resources Control Board requires the Applicant to obtain a drinking water supply permit.** Per the Applicant's Operational Statement, a 5,000-gallon potable water storage tank had been installed for the arena to ensure sufficient water supplies for the use. **With compliance of the State Water Resources Control Board requirement, and no other indication that the project proposal would result in insufficient water supplies,** † the increase in operational days will not require additional mitigation outside of what has already been done to ensure sufficient water supplies are available **and compliance with State Water Resources Control Board requirements** for the existing use.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is currently improved with onsite wastewater treatment systems. A restroom building and associated septic system were permitted after approval of DRA 4112 that allowed the commercial horse arena. Reviewing Agencies and Departments did not express concerns that the increase in operational event days will require change to the existing onsite wastewater treatment systems.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No reviewing Agencies or Departments provided comments to indicate that the project proposal will generate solid waste in excess of State or local standards. The project will comply with Federal, State and local management and reduction statutes and regulations related to solid waste.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the 2007 Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection, the subject parcel is located within a State Responsibility Area (SRA) and is classified as a moderate fire hazard area. Per the Applicant an existing irrigation system provides water throughout the project site to reduce the potential of dust generation along with upkeeping landscaping. Additionally, a 5,000-gallon potable water storage tank is present to ensure water capacity for the arena. The project proposal will not substantially impact an adopted emergency response plan or emergency evacuation plan or telecommunications facility. The Fresno County Fire Protection District did not express concerns that the project would exacerbate wildfire risks and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No reviewing

Agency or Department required the installation or maintenance of associated infrastructure that may exacerbate fire risk. Although the current application does not propose new development of the site outside of what has been previously approved, any new proposed development would be subject to the most current building and fire code, thereby reducing impacts. Reviewing Agencies and Departments did not express concern that a significant risk to project occupants and structures is present.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposes to modify operational characteristics of an existing commercial horse arena. The application does not propose expansion of the horse arena that would degrade the quality of the environment. The project will not substantially reduce the habitat of a fish or wildlife species or threaten to eliminate a plant or animal community. As no development is proposed with the application, no impacts to cultural resources are expected. Mitigation has been implemented for cultural resources in the event that development associated with previously approved DRA 4112 identifies cultural or tribal cultural resources during ground-disturbing activities.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section 1.D., Section V.A., B., and C., Section XIII.A., and B., Section XVI.C., and Section XVII.A.1 and 2.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the project analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Director Review and Approval Application No. 4602, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land-Use Planning, Hydrology and Water Quality, Utilities and Service Systems, and Wildfire have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources have determined to be less than significant with compliance with incorporated Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

TK

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7721</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Charles Maxwell	Project Title: Director Review and Approval Application No. 4602		
Project Description: Amend DRA No. 4112 and DRA No. 4465 to allow operational modifications for an approved commercial horse arena on a 40.05-acre parcel in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District. Operational modifications include increasing the number of authorized event days from 24 event days to 72 event days and change operational time limits to allow 30 of the event days to operate during the evening hours from 4:00 PM to 10:00 PM.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Director Review and Approval Application No. 4602, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Public Services, and Recreation.  Potential impacts related to Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land-Use Planning, Hydrology and Water Quality, Utilities and Service Systems, and Wildfire have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources have determined to be less than significant with compliance with incorporated Mitigation Measures.  A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – February 7, 2020		Review Date Deadline: Planning Commission – March 12, 2020	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

G:\4360Devs&PIn\PROJSEC\PROJDOCS\DRA\4600-4699\4602\IS-CEQA\DRA 4602 MND.docx

**EXHIBIT 8**



Department of Public Works and Planning  
Development Services and Capital Projects Division  
Mr. Thomas Kobayashi  
2220 Tulare Street, Sixth floor  
Fresno, CA 93721

Date: October 19, 2019

RECEIVED  
OCT 23 2019

Re: Director Review and Approval Application No. 4602  
(Amending approved DRA. 4112 & DRA 4465))

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

We oppose the modification of the approved land use permit increasing the authorized event days from 24 event days to 72 event days per year and oppose the operational time limits to allow 30 of the 72 event days to operate during the evening hours of 4:00 PM to 10:00 PM @ 10925 Rusty Spur for the following reasons:

- 1) Approval of the application will increase the days of excessive traffic on Millerton Road, which is currently and permanently a single lane rural road with single lane bridges, blind curves and no street lighting or speed signs.
- 2) Approval of the application will increased days of noise pollution from activities held at the arena to surrounding residences and far into the night.
- 3) Increased visual blight to surrounding residences at night with the stadium lights at the arena and extended noise pollution to 10:00PM at night.
- 4) The applicant conducted less than 12 horse events last summer. Why is there a need for 72 event days? What are the additional events being proposed? Is there truly a need for the additional events?

Traffic on Millerton Road has increased significantly over the years not only on event days but everyday. Typically an event will have over 40 plus truck and trailers and over 30 single vehicles. The amount of traffic on the event days makes an unsafe environment for bicyclist and joggers using the road. To allow 48 additional event days and especially at night is not only dangerous but reckless.

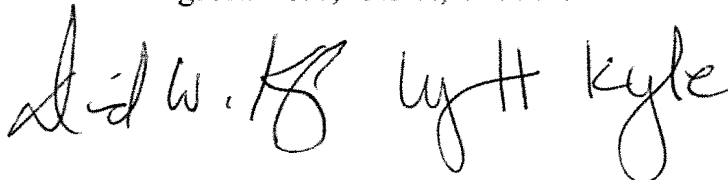
This project, when first approved, by the Board of Supervisors, allowed only 12 days of operation and no evening events and this condition was accepted by the Applicant. The issues surrounding this project that were of a concern by the Planning Commission and the Board of Supervisors many years ago are still present today. Nothing has changed. The rural road has stayed the same. People still drive too fast and traffic has increased dramatically over the past 10 years. The residential neighborhood around the arena has grown. To impose additional event days upon this neighborhood not only creates an additional negative environmental impact, it increases the negative quality of life forced upon the neighborhood.

Please keep us informed of any further development in regards to this application

Thank-you,  
Dave Kyle  
10471 Ferguson Road, Clovis, Ca 93619

Lynn Kyle

Phone: 559-298-4014



RECEIVED  
OCT 28 2019

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

STATE CENTER CONSORTIUM



A Partnership For Success

Fresno County  
Dept. of Public Works & Planning  
Administration

RECEIVED  
OCT 25 2019

Application 4602.

10/20/19

County of Fresno Planning

Steven White:

Years ago Charter Maxwell approached all of us with this simple proposal - a small arena for his wife to use for 4th events & there would never be any night events with lights. We all knew he was intending to expand this business & our small road & area should not be exposed to this increased traffic & people & lights at night. Our land has been in our family for 3 generations & I am holding on to it for our sons because we had hoped this part of our foothills that we have loved all our lives would not be spoiled by commercial development & traffic.

Please do not allow Charter Maxwell get another expansion of this event area. We own 100 acres that come up to Rusty Spur.

Amanda Miles Hopkin's  
14689 Academy Oaks  
Culver's Co 93619

University of California Center  
550 East Shaw Avenue, Suite 250  
Fresno, CA 93710  
(559) 241-6530 • Fax (559) 241-6533  
<http://www.statecenter.com>

559-3231042

Department of Public Works and Planning

Development Services and Capital Projects Division  
Mr. Thomas Kobayashi  
2220 Tulare Street, Sixth floor  
Fresno, CA 93721

RECEIVED  
OCT 30 2019

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

October 26, 2019

Re: Director Review and Approval Application No. 4602

(Amending approved DRA. 4112 & DRA 4465)

Dear Mr. Kobayashi:

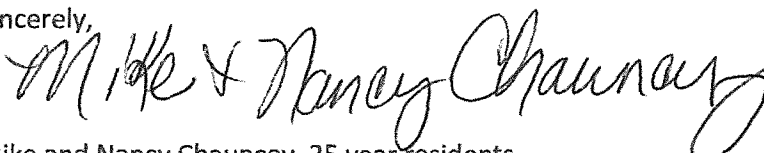
We are writing to oppose the modification of the approved land use permit increasing the authorized event days from 24 event days to 72 event days per year and oppose the operational time limits to allow 30 of the 72 event days to operate during the evening hours of 4:00PM to 10:00 PM @ 10925 Rusty Spur for the following reasons:

- 1) SAFETY: Approval of the application will increase the days of excessive traffic on Millerton Road, which is currently and permanently a single lane rural road with single lane bridges, blind curves and no street lighting or speed signs.
- 2) NOISE POLLUTION: Approval of the application will increase days of noise pollution from activities at the arena to surrounding residences.
- 3) VISUAL BLIGHT: Increased visual blight to surrounding residences at night with the stadium lights at the arena and extended noise pollution to 10:00 PM at night.
- 4) NO NEED: Because the applicant conducted less than 12 horse events last summer (of the total 24 already approved) demonstrates there is NOT a need to increase to 72 event days. Originally the proposal was based on promoting "kid events" and these would only be held during the daylight hours. It appears the applicant is looking to increase the event days to accommodate more evening events which will have the *most* negative impact on the surrounding areas and safe travels on Millerton.

This project, when first approved, by the Board of Supervisors, allowed *only 12 days* of operation and *no evening events* and this condition was accepted by the Applicant. The issues surrounding this project that were of a concern by the Planning Commission and the Board of Supervisors many years ago are *still present today*. Nothing has changed. The rural road has stayed the same. People still drive too fast and traffic has increased dramatically over the past 10 years. The residential neighborhood around the arena has grown. To impose additional event days upon this neighborhood not only creates an additional negative environmental impact, it increases the negative quality of life forced upon the neighborhood.

Thank you for listening to our concerns.

Sincerely,



Mike and Nancy Chauncey, 25 year residents  
10366 Millerton Road, Clovis, CA 93619 Phone: 559-903-8435

**From:** Nancy Chauncey  
**To:** [Kobayashi, Thomas](#)  
**Subject:** Opposal to Application No. 4602 Charlie Maxwell  
**Date:** Monday, October 28, 2019 7:22:12 AM

---

Attn: Department of Public Works and Planning

Development Services and Capital Projects Division  
Mr. Thomas Kobayashi  
2220 Tulare Street, Sixth floor  
Fresno, CA 93721

Re: Director Review and Approval Application No. 4602  
(Amending approved DRA. 4112 & DRA 4465)

Dear Mr. Kobayashi:

We are writing to oppose the modification of the approved land use permit increasing the authorized event days from 24 event days to 72 event days per year and oppose the operational time limits to allow 30 of the 72 event days to operate during the evening hours of 4:00PM to 10:00 PM @ 10925 Rusty Spur for the following reasons:

- 1) SAFETY: Approval of the application will increase the days of excessive traffic on Millerton Road, which is currently and permanently a single lane rural road with single lane bridges, blind curves and no street lighting or speed signs.
- 2) NOISE POLLUTION: Approval of the application will increase days of noise pollution from activities at the arena to surrounding residences.
- 3) VISUAL BLIGHT: Increased visual blight to surrounding residences at night with the stadium lights at the arena and extended noise pollution to 10:00 PM at night.
- 4) NO NEED: Because the applicant conducted less than 12 horse events last summer (of the total 24 already approved) demonstrates there is NOT a need to increase to 72 event days. Originally the proposal was based on promoting "kid events" and these would only be held during the daylight hours. It appears the applicant is looking to increase the event days to accommodate more evening events which will have the *most* negative impact on the surrounding areas and safe travels on Millerton Road.

This project, when first approved, by the Board of Supervisors, allowed *only 12 days* of operation and *no evening events* and this condition was accepted by the Applicant. The issues surrounding this project that were of a concern by the Planning Commission and the Board of Supervisors many years ago are *still present today*. Nothing has changed. The rural road has stayed the same. People still drive too fast and traffic has increased dramatically over the past 10 years. The residential neighborhood around the arena has grown. To impose additional event days upon this neighborhood not only creates an additional negative environmental impact, it increases the negative quality of life forced upon the neighborhood.

Thank you for listening to our concerns.

Sincerely,

Mike and Nancy Chauncey, 25 year residents  
10366 Millerton Road, Clovis, CA 93619 Phone: 559-903-8435

## ATTACHMENT C

### Kobayashi, Thomas

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**From:** Amanda Hopkins <amandahopkins328@gmail.com>  
**Sent:** Sunday, March 08, 2020 12:08 PM  
**To:** Kobayashi, Thomas  
**Subject:** Application 4602, initial study 7721

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sirs,

I will not be able to attend the meeting on 3\12 where Charlie Maxwell is asking to extend his right to use the rodeo arena on Millerton Road. The commercial use of this land is very inappropriate and I believe dangerous. Millerton road is a small narrow road with one lane bridges and the increased traffic needs to be addressed for the many bicycle riders who use that road and for residents who would have to navigate the narrow dark road at night with the increased traffic 72 new events would create. Mr. Maxwell, like other developers, should be required to improve the roads and bridges if he will be solely responsible for for the increase in traffic on this small country road.

The question also should be asked if commercial development is really the vision Fresno County had for this lovely, pastoral section of our foothills. Our family has owned this land for generations and I had hoped to pass this land to our sons because it was my grandfather, William Blasingame's, favorite section of all his cattle lands. Now you are allowing one man's dream to ruin the rest of the neighbors dreams of living in a quiet countryside with no city lights, no noise and no traffic.

If Charlie is going to develop this arena and increase his financial gain, in spite of all his neighbors objections, then at least make him responsible for widening the roads and bridges that his events will impact.

Sincerely,  
Amanda Hopkins  
559-3251042

## Kobayashi, Thomas

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**From:** john sample <johnsample@myedgemail.com>  
**Sent:** Friday, March 06, 2020 10:03 AM  
**To:** Kobayashi, Thomas  
**Subject:** Applications 7721 & 4602: Maxwell

Dear Thomas,

I understand we are supposed to send comments to you concerning these applications in time to review them before the hearing date on March 12th.

We are adamantly opposed to this increase in operations. We live on Rusty Spur, which is a narrow - private- road. We are one of only seven families that paid to build and now maintain this road.

The proposed new event calendar is larger than for the Save Mart Center, or the county fairgrounds. If Fresno County wanted to build a new event center they would need to go through an extensive environmental review, likely need to use eminent domain to acquire the property, and they certainly would not go to seven Fresno families and expect them to foot the bill for building and maintaining a road to the new event center. And if they were operating it next to a seasonal stream, like Maxwell's property is, they would also have to deal with mitigating any damage, with Fish & Game for this size of operation. To my understanding, none of this has been required of Maxwell.

To this date, we have not received any notice from the county that they are using eminent domain to seize our road. Originally Maxwell only wanted six events, so that type of action would not have been appropriate, but for an event center of this size, you are in effect seizing our private property, without notice, cause, or compensation.

If you have any questions concerning this note, please feel free to reach out at any time.

Thank you.

Sincerely,

John & Dorinda Sample  
11596 Rusty Spur Lane  
Clovis, CA -93619-

559-324-1662

Fresno County Planning

Re: Charles Maxwell on Rusty Spur, Clovis, CA. Modification 4602 & 7721

Mr Maxwell has already increased the amount of scheduled event from his initial request. Now he wants to triple the days allowed.

Living on Millerton Rd we see daily how increasingly dangerous it is to drive this road. People are driving faster and faster. Bicyclist are increasing and also the number of motorcyclist has increased.

Mr Maxwell also hosts numerous events not related to the "arena". In the past he has been host to weddings and receptions, birthdays, memorial services, etc. All of these events impact our previously quiet neighborhood.

We feel it would be reckless to encourage more traffic on this poorly maintained road.

Thank you

Jeffrey and Eujeannie Kiser

*Jeffrey H. Kiser*  
*Eujeannie K. Kiser*



(Re) Application #1721 and #4602

This was pitched as a place to go where kids and their families could get together on weekends and enjoy their love of horses. I am all for activities that keep kids off of their electronics. However, tripling the event days leaves neighbors with no quiet weekends free from an overly loud public address system. Possibly doubling the event days would be compromise enough. Please note that the property is also used for weddings and large parties. It is also used as a ten range

Welle Foster Brown  
10298 Millerton Rd  
Clovis, CA 93619

3-8-2020

Development Services and Capital Projects Division  
Mr. Thomas Kobayashi  
2220 Tulare Street, Sixth floor  
Fresno, CA 93721

Date: March 7, 2020

Re: Director Review and Approval Application No. 4602  
Initial Study Application No. 7721

We oppose the modification of the approved land use permit increasing the authorized event days from 24 event days to 72 event days per year and oppose the operational time limits to allow 30 of the 72 event days to operate during the evening hours of 4:00 PM to 10:00 PM @ 10925 Rusty Spur for the following reasons:

- 1) Approval of the application will increase the days of excessive traffic on Millerton Road, which is currently and permanently a single lane rural road with single lane bridges, blind curves and no street lighting or speed signs.
- 2) Approval of the application will increased days of noise pollution from activities held at the arena to surrounding residences and far into the night.
- 3) Increased visual blight to surrounding residences at night with the stadium lights at the arena and extended noise pollution to 10:00PM at night.
- 4) The hooded stadium lights only block the stadium light to the residences above the arena. The lights flood the residences that are at the same level as the arena.
- 5) The applicant conducted less than 12 horse events last summer. Why is there a need for 72 event days? What are the additional events being proposed? Is there truly a need for the additional events?

Traffic on Millerton Road has increased significantly over the years not only on event days but everyday. The amount of traffic on the event days makes an unsafe environment for bicyclist and joggers using the road. To allow 48 additional event days and especially at night is not only dangerous but reckless.

This project, when first approved, by the Board of Supervisors, allowed only 12 days of operation and no evening events and this condition was accepted by the Applicant. The issues surrounding this project that were of a concern by the Planning Commission and the Board of Supervisors many years ago are still present today. Nothing has changed. The rural road has stayed the same. People still drive too fast and traffic has increased dramatically over the past 10 years. The residential neighborhood around the arena has grown. To impose additional event days upon this neighborhood not only creates an additional negative environmental impact, it increases the negative quality of life forced upon the neighborhood.

Thank-you,  
Dave Kyle  
10471 Ferguson Road, Clovis, Ca 93619

Lynn Kyle

Phone: 559-298-4014

## Kobayashi, Thomas

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**From:** Nancy Chauncey <spraytannan@gmail.com>  
**Sent:** Tuesday, March 10, 2020 11:39 AM  
**To:** Kobayashi, Thomas  
**Subject:** Letter in Opposition of Maxwell # 4602

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Department of Public Works and Planning

3/10/20

Development Services and Capital Projects Division  
Mr. Thomas Kobayashi  
2220 Tulare Street, Sixth floor  
Fresno, CA 93721

Re: Director Review and Approval Application No. 4602  
(Amending approved DRA. 4112 & DRA 4465))

We oppose the modification of the approved land use permit increasing the authorized event days from 24 event days to 72 event days per year and oppose the operational time limits to allow 30 of the 72 event days to operate during the evening hours of 4:00 PM to 10:00 PM @ 10925 Rusty Spur for the following reasons:

- 1) Approval of the application will increase the days of excessive traffic on Millerton Road, which is currently and permanently a single lane rural road with single lane bridges, blind curves and no street lighting or speed signs.
- 2) Approval of the application will increased days of noise pollution from activities held at the arena to surrounding residences and far into the night.
- 3) Increased visual blight to surrounding residences at night with the stadium lights at the arena and extended noise pollution to 10:00PM at night.

Traffic on Millerton Road has increased significantly over the years not only on event days but every day. Typically an event will have over 40 plus truck and trailers and over 30 single vehicles. The amount of traffic on the event days makes an unsafe environment for bicyclist and joggers using the road. To allow 48 additional event days and especially at night is not only dangerous but reckless.

This project, when first approved, by the Board of Supervisors, allowed only 12 days of operation and no evening events and this condition was accepted by the Applicant. The issues surrounding this project that were of a concern by the Planning Commission and the Board of Supervisors many years ago are still present today. Nothing has changed. The rural road has stayed the same. People still drive too fast and traffic has increased dramatically over the past 10 years. The residential neighborhood around the arena has grown. To impose additional event days upon this neighborhood not only creates an additional negative environmental impact, it increases the negative quality of life forced upon the neighbors.

Thank you for your time and attention to this important matter,

Sincerely,

Mike and Nancy Chauncey, 26 year residents

10366 Millerton Road

Clovis, CA 93619

559.903.4600

FRESNO COUNTY DEPARTMENT OF  
PUBLIC WORKS AND PLANNING  
THOMAS KOBAYASHI PLANNER  
2200 TULARE STREET 6<sup>TH</sup> FLOOR  
FRESNO, CA 93721  
(559) 600-4230

02/2020

RE: FRESNO COUNTY DIRECTORS AND  
REVIEW APPROVAL # 4602

RUSTY SPUR ARENA INC.  
10925 RUSTY SPUR LANE  
CLOVIS, CA 93619  
(559) 299-0502  
C/O CHARLES MAXWELL

MR. KOBAYASHI I HAVE BEEN AWARE AND MADE AWARE  
BY SUPPORTERS OF RUSTY SPUR ARENA INC. THAT THIS HORSE  
ARENA FACILITY HAS UNDER GONE NUMEROUS CIVIL LEGAL  
ACTIONS AND NUMEROUS PUBLIC HEARINGS, ALL OF WHICH  
HAVE BEEN RESOLVED AND RESOLVED IN FAVOR OF THE  
ARENA.

COMPLAINING PARITIES HAVE ARGUED TRAFFIC, NOISE,  
DUST AND A HOST OF UNTOLD ISSUES, INCLUDING FAILURE TO  
STRIPE THE ARENA PARKING LOT.

I HAVE MET WITH SUPPORTERS OF THE ARENA AND  
FOUND PERSONALLY NONE OF THESE COMPLAINTS ARE VALID.

NOISE AS SUCH CONSISTS OF THE ARENA PLAYING OUR NATIONAL ANTHEM AND OCCASIONAL NOISE FROM CHILDREN HAVING FUN.

I KNOW AFTER MEETING WITH SUPPORTERS OF THE ARENA, I HAVE FOUND THAT THE INCREASE IN ALLOWABLE USEAGE DAYS WILL GIVE CHILDREN THE CHANCE AT STATE COLLEGE SCHOLARSHIPS IN THE EQUESTRIAN FIELDS, WHICH CURRENTLY DOES NOT EXIST IN FRESNO COUNTY.

THE ARENA DOES AND WILL BE HOSTING ROPINGS AND CATTLE SORTINGS WITH CLINICS FOR ADULTS AND CHILDREN TO IMPROVE THEIR RESPECTIVE RIDING SKILLS.

THE ARENA WILL ALSO, AND MORE IMPORTANTLY BE HOSTING POLICE TRAIL TRIALS, BENEFITTING OUR LOCAL POLICE AND SHERIFF DEPARTMENTS, WHICH IS A BENEFIT TO ALL.

I HAVE NO ISSUES WITH THE OPERATION OF RUSTY SPUR ARENA INC.

Julie Burkdoll	03082020
NAME	DATE
35544 Rd 124	Visalia Ca. 93291
ADDRESS	
_559-901-1433	P
PHONE	
ASSESSOR PARCEL NUMBER	

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7721  
Director Review and Approval Application No. 4602  
(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 away from public streets and adjacent properties to reduce glare.	Applicant	Applicant/ Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/Tribal 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, videos, 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
3.	Noise	Upon receipt and validation of noise complaints by the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall either refrain from utilizing sound amplification equipment or submit an acoustical analysis prepared by a qualified acoustical consultant with experience in evaluating community noise levels and standards. The acoustical analysis shall address potential impacts to nearby noise-sensitive receivers from the proposed operation of arena events. The acoustical analysis shall be submitted to the Department of Public Health, Environmental Health Division for review and approval.  Mitigation Measures that may be identified in the acoustical analysis shall be implemented within 30 days of the on-site measurements to ensure conformance with the standards of the Fresno County Noise Ordinance.	Applicant	Applicant/ Department of Public Health, Environmental Health Division (EHD)	Ongoing

4.	Transportation	A Traffic Management Plan (TMP) will be required to be submitted for review and approval. The TMP shall be designed to address the largest event and be used for smaller events.	Applicant	Applicant/PW&P	Ongoing
<b>Conditions of Approval</b>					
1.	All Conditions of Approval, Mitigation Measures, and Project Notes for Director Review and Approval (DRA) No. 4112 and 4465 shall remain in full force and effect, except as modified with the approval of DRA No. 4602.				
2.	There shall be no more than 72 event days per year in accordance with the event list provided in the approved Operational Statement.				
3.	The proposed project will meet the definition of a transient noncommunity public water system and must obtain a drinking water supply permit to use the on-site well. If the well has already been drilled, the Applicant shall submit a well driller's log for immediate review. The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new Public Water System (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvement. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is reasonably foreseeable that the proposed PWS will be unable to provide affordable safe drinking water in the reasonably foreseeable future.				
4.	There shall be no overnight camping on the site				

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

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank and leach fields evaluated by an appropriately licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
2.	The sewage disposal system proposed for new restrooms for the horse arena shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system.

TK:ksn

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