



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 January 25, 2018

SUBJECT: Initial Study Application No. 7258 and Unclassified Conditional Use Permit Application No. 3565

Allow the operation of a high-intensity park for weddings on a 2.7-acre portion of a 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of S. Madsen Avenue, approximately 600 feet south of its intersection with E. Mountain View Avenue, approximately 1.5 miles north of the nearest city limits of the City of Kingsburg (SUP. DIST. 4) (APN 393-124-02).

OWNER: Rolando and Elodia Martinez and the Martinez Family Trust
APPLICANT: Rolando and Elodia Martinez

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7258; and
- Approve Unclassified Conditional Use Permit Application No. 3565 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. 7258
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	10 acres	No change
Project Site	Approximately 2.5 acres	No change
Structural Improvements	Storage shop, estate, guest estate, pavilion, restroom	No change
Nearest Residence	415 feet north*	No change
Surrounding Development	Agricultural	No change
Operational Features	68-space parking lot, storage shed, pavilion, restroom building, front lawn used for ceremonies	No change
Employees	3 Parking Ushers 2 Contracted Security Officers	No change
Customers	150-180 average, 200 max	No change
Traffic Trips	~40-50 round trips	No change

Criteria	Existing	Proposed
Lighting	Exterior lights attached to estate, pavilion, restrooms, storage shop building, and low-voltage landscape spotlights and path lights	No change
Hours of Operation	4:00 PM to 11:00 PM	No change

*From nearest property line

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

On June 30, 2016, Violation No. 16-105466 was filed against the subject parcel for the operation of a high-intensity park without approval of an Unclassified Conditional Use Permit and the construction of structures without permits. The subject Application was submitted to the Department of Public Works and Planning on January 13, 2016 in an effort to abate said violation. Approval of this Permit would address the operation of the high-intensity park without permits, and a condition of approval has been integrated into this Permit to require that the Applicant obtain permits for those structures which were built without them.

ENVIRONMENTAL ANALYSIS:

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

Notice of Intent to adopt a Mitigated Negative Declaration publication date: December 15, 2017.

PUBLIC NOTICE:

Notices were sent to 17 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:

An Unclassified Conditional Use Permit Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The subject parcel was originally zoned A-1 (Agricultural). On August 31, 1976, it was rezoned to its current AE-20 zoning as part of County-initiated Amendment Application No. 2870. There have been no zoning amendments adopted for this area since that time.

This proposal entails the operation of a high-intensity park to be used for weddings and other special events. The project site is located on approximately 2.5 acres of the parcel, with 7.5 acres remaining for agricultural uses. The wedding services are performed on the front lawn

areas and receptions are held in the rear of the house, under the pavilion. Parking ushers and security officers are hired for each event and all food is catered. The guests will be permitted to select a DJ from the venue's approved DJ list. Restrooms are available between the pavilion and the parking lot. A Traffic Management Plan was approved to show how traffic will be controlled and to reduce impacts to South Madsen Avenue due to queuing.

Tuscan Gardens has been in operation without permits since 2010. As discussed above, a complaint violation was filed on June 30, 2016 and the Applicant subsequently filed for this Application to abate the violation.

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*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front (west): 35 feet Side: 20 feet Rear: 20 feet	Front: 173 feet Side (North): 218 feet Side (South): 161 feet Rear: 289 feet	Yes
Parking	High-Intensity Park: One standard parking space for each five persons attending the park and one standard parking space for every two permanent employees. In addition, at least one parking space for the physically handicapped per every 25 spaces at the facility	62 regular parking spaces, 6 handicap parking spaces	200 guests (max) would require 40 parking spaces and two handicap spaces. Standard is met.
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six feet minimum	~15 feet between primary residence and guest house	Yes
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100%	Per Feasibility Study dated 9/8/2017, the existing septic system is sufficient	Yes
Water Well Separation	Septic Tank: 50 feet; Disposal Field: 100 feet; Seepage Pit: 150 feet	Septic Tank 1: 67 feet Disposal Field: 100 feet Seepage Pit: N/A Septic Tank 2: 100 feet	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		Disposal Field: 100 feet Seepage Pit: N/A	

Reviewing Agency/Department Comments Regarding Site Adequacy:

Agricultural Commissioner: The property is surrounded by existing agricultural production. The Applicant must acknowledge the Fresno County “Right to Farm” Ordinance.

Development Services and Capital Projects Division, and Building and Safety/Plan Check Section of the Fresno County Department of Public Works and Planning: Fresno County Amanda permit system and permit file “jacket” records do not reflect permits and inspections for all structures and rear septic system shown on proposed site plan or as observed via satellite imagery.

Plans, approvals, permits, and inspections are required for all qualifying structures and those structures which cannot be permitted must be removed. All areas and buildings/shade structures where public or employees have access to or use of must comply with the Accessibility requirements of the current edition of the California Building Code at the time of application for building permits. Site plans provided for the CUP application shall correlate with building permit-approved site plans. Areas to only be used for private residential use are to be clearly identified.

Fresno County Fire Department: This Application shall comply with California Code Of Regulations Title 24 – Fire Code. The Applicant must submit three sets of plans to the Department, and development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

Fresno County Department of Public Health, Environmental Health Division: The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, the California Plumbing Code and the Lyle Brewer Engineering report dated September 8, 2017 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Any changes in the proposed project may require additional review to ensure adequacy of the on-site wastewater treatment systems’ adequacy to serve the proposed changes. No more than 200 customers per day shall be permitted at the facility until such time as a revision to the on-site wastewater treatment system is completed, approved and installed in accordance with current regulations, codes and/or local ordinances.

All food shall be catered in compliance with the Operational Statement. The Applicant should contact the California Alcoholic Beverage Control Department for information and requirements if alcohol is proposed at any events.

Zoning Section of the Fresno County Department of Public Works and Planning: There are several structures which do not have permit history records. Structures over 120 square feet and within 6 feet of the existing residence, if built after March 1, 1958, require zoning review and approval as well as permits and inspections.

This project was reviewed by the following agencies who had “no comments” or “no concerns” with this application: U.S. Fish and Wildlife Service. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Review of the site plan shows the following improvements on the subject parcel: a single-family residence, a guest residence, patio, pavilion, storage shop, restroom building, swimming pool, parking lot, 2 septic systems, and solar panels. The Zoning Section has identified the following buildings were built without permits: patio, pavilion, restroom building, storage shop, and an outbuilding near the solar panels which was not identified on the site plan. A condition of approval has been included which will require that the Applicant obtain permits for those buildings, have them removed, or show proof that they were built before permits were required.

There are currently two points of access from South Madsen Avenue onto the property. The northern entrance is an access road which feeds directly into the 68-space parking area. The southern entrance provides access to the residence and garage, and use of that driveway is limited to residents. The traffic management plan shows that vehicles entering the parking lot will generally continue eastward to the end of the lot where they can turn north and back west to access all spaces.

A sewage feasibility study was prepared by Lyle Brewer Engineering and approved by the Health Department on September 18, 2017. The Initial Study prepared for this application identified that a poor septic system could cause adverse impacts on surrounding properties. Therefore, this project is required in a Mitigation Measure to limit the maximum number of guests until and unless the system is redesigned. The existing septic was determined to be sufficient to serve the Event Center up to a maximum of 200 guests per week. Staff notes that the Applicant would be required to file a revision to their CUP to increase the maximum allowed attendance.

The project is able to meet all building setback standards without the need for a variance. As discussed in comments from the Zoning Section, some of the structures which were built without permits may require review and approval by that department and the Applicant will be required to obtain permits or remove all buildings which have not been permitted prior to the operation at the venue.

Staff finds that the proposed use is adequate in size and shape to accommodate the proposed high-intensity park/event center.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

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*

		Existing Conditions	Proposed Operation
Private Road	No	Madsen Avenue is a public road	No change

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	660 feet along Madsen	No change
Direct Access to Public Road	Yes	One driveway, one access road to parking lot	No change
Road ADT		200	Saturday-only increase
Road Classification		Local	N/A
Road Width		16.3 feet	N/A
Road Surface		4 inches of road mix surfacing	N/A
Traffic Trips		40-50	No change
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		None	N/A

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

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Events that trigger additional traffic on roads less than 18 feet wide are deemed to have an impact on the County roadway system. As indicated, the road is currently 16 feet wide. The County is improving Madsen in conjunction with the Mountain View reconstruction project. Improvements on Madsen extend approximately 210 feet from the centerline of Mountain View; the Applicant’s driveway is about 950 feet from the centerline of Mountain View. The majority of conflicts on Madsen due to this additional traffic would likely occur near the intersection with Mountain View due to traffic waiting for safe entry from Madsen onto Mountain View. Since the County is widening this intersection to 32 feet wide on Madsen at Mountain view, conflicts along Madsen from this event traffic should be minimized.

There is currently 40 feet of road right-of-way for Madsen Avenue: 20 feet on each side of the section line. An additional 10 feet of right-of-way is required to bring the road up to local standards.

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

Analysis:

The Applicant’s traffic management plan (TMP) indicates that the property owners will place up to six signs on their property to help control traffic. The majority of these signs will be located within the parking lot to direct vehicles along the preferred path as defined by the TMP and existing slant to the parking spaces. The planned expansion to the intersection of Madsen and Mountain View will be sufficient to accommodate the increase in traffic on Saturdays during heavy use. Traffic generation will be limited to the hours of operation at the venue, which are

5:00 PM to 11:00 PM on Saturdays during the months of April, May, June, September, October, and November.

With the condition of approval to dedicate ten feet of right-of-way to the County for future development of Madsen Avenue, this project is not anticipated to cause adverse impacts to the roadway.

Based on the above information, South Madsen Avenue is sufficient in width and pavement to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	9.17 acres	Single-Family Residence, Vineyard	AE-20	430 feet
South	18.60 acres	Field Crops	AE-20	1,170 feet
East	10.00 acres	Two Single-Family Residences, Orchard	AE-20	525 feet
West	9.66 acres	Vineyard	AE-20	None
	9.66 acres	Vineyard	AE-20	None

*As measured from the nearest property line

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District: The District has reviewed the subject Application and determined that the proposed project would not have a significant impact on air quality. Further, as there is no development proposed, the project is not subject to District Rule 9510 (Indirect Source Review).

State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW): The proposed high-intensity park will not meet the definition of a public water system. The proposal shows Saturday-only weddings from April to June and September to November. This totals only 24-25 days per year. As such, the SWRCB-DDW has no comments on the proposed Application.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The project is not located in a water-short area and therefore we have no water quantity concerns.

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

Analysis:

The subject parcel is located in a predominately agricultural area, with some residential uses dispersed throughout. Tuscan Gardens has been in operation (without a use permit - see violation discussion on Page 3) since 2010 and therefore all associated buildings had been constructed prior to submission of this Application. Review of nearby homes shows a trend of large residential buildings with some accessory structures, similar to what is shown on the Applicant's site plan. Both access roads have been paved, reducing the chance that dust will transfer to an adjacent property. Further, the existing almond orchard provides some screening from visual, audial, and air impacts from actions on this parcel.

Photographs of the site provided by the Applicant show that the two residences, the patio and the pavilion have complimentary designs. The pavilion has been designed with tan brick support structures and a tile roof. The adjacent patio is made of wood that has been stained in a shade to match the tiles of the pavilion. Both residences have been designed with the same roof as the pavilion and are painted tan. All buildings proposed for use as part of the commercial event venue appear to be compatible with the residential use in this area and will not create an incongruous view.

There is some lighting proposed with this project and a mitigation measure was included as part of the Initial Study prepared for this Application which requires that the Applicant provide hooding for the lights and direct them downward, away from public roads and neighboring properties. The Initial Study also reviewed this project for its potential to impact endangered and threatened species and cultural resources. Due to the lack of construction and its location in an agricultural area, impacts to both resources were determined to be less than significant without the need for additional mitigation measures.

There are two septic systems on the subject parcel. These were reviewed for their potential to impact local groundwater. It was determined that they were both distant enough from the nearest wells to avoid contamination. A mitigation measure limiting the number of guests will ensure that the septic tank for the venue will be able to accommodate the anticipated amount of waste. The Applicant will be required to redesign their system and apply for a revision to the Conditional Use Permit if they wish to increase the maximum number of guests at an event.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
Policy LU-A.12: In adopting land use policies, regulation and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.	Not Applicable – Policy relates to County policies, programs, and actions not individual development projects.
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Consistent: The Applicant is required to acknowledge the “Right to Farm” and there is existing almond orchard around the venue.
Policy LU.A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.	Impacts to farmland were discussed in Section II of the Initial Study (Exhibit 7). The project is consistent with this policy without the need for additional mitigation.
Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.	This project is not in a water-short area and review by the Water and Natural Resources Division did not identify any issues.
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 service is not available and cannot be provided.	The Applicant provided a sewage feasibility analysis which concluded that the parcel had sufficient soil and area to support the existing septic systems.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The General Plan seeks to protect Prime agricultural land as the County’s most valuable natural resource. Policy LU-A.12 of the General Plan is aimed at protecting agricultural land from incompatible uses that may interfere with the normal agricultural operations such as disking, application of pesticides and other agricultural-related activities that may cause dust or odor.

Although the zoning ordinance provides for non-agriculturally-related uses in areas designed for agricultural uses, those uses should be evaluated as to whether or not they should be located in an agricultural area of the County. Certain non-agriculturally-related uses that due to the nature of the use require a large parcel of land or location in a sparsely populated area may be allowed in agricultural areas. The Policy Planning Section does not believe the proposed facility for private weddings is a type of use that requires location in an agricultural area of the County. As such, the Policy Planning Section does not believe the proposed use is consistent with Policy LU-A.12

because it is an encroachment of a non-agricultural use in an area of the County designated for agricultural uses.

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

Analysis:

Policy LU-A.12 is intended to guide the creation of policies, regulations, and programs to ensure that policies are not created which would be unfavorable to agricultural operations. The operation of a high-intensity park is a use which is permitted in all zone districts (by approval of an Unclassified Conditional Use Permit). In the case of this Application, the residential development has been in place since at least 2004 and the venue has been in operation since 2010. The ~2.5 acres of commercial use is of a size consistent with residential uses on other agricultural parcels. Staff further recognizes the need for this facility to be located in an agricultural area of the County due to the unique atmosphere that can be found in the countryside.

Regarding LU-A.13, the Applicant will be required to acknowledge the Fresno County Right to Farm Ordinance. This ensures that the Applicant is aware of the inconveniences and discomforts associated with their location in an agricultural area. Further, this site maintains approximately seven acres of almond orchard. These trees provide a buffer around the commercial use, isolating it from the farmland on adjacent parcels.

Policy LU-A.14 requires that an assessment is made regarding the impacts to active farmland. The subject parcel has been developed with an approximately 2-acre homesite separated from the almond orchard. Historical aerial photographs indicate that the house and many of the residential improvements were developed by 2004. The improvement of a residential area on a parcel zoned AE-20 is not considered to be an impact to farmland. In 2010, the site was expanded by approximately half an acre to include the parking lot. Considering that the total combined encroachment of the commercial use and the residential use on this parcel is similar in size to a typical homesite, there are no adverse impacts to active farmland.

Policy PF-C.17 requires projects to undergo a water supply evaluation; review of the project by the Water and Natural Resources Division indicated that there were no concerns and that formal evaluation was not necessary to make a determination of sustainable water supply. The State Water Resources Control Board will not permit the property as a separate water system due to the limited number of events to be held throughout the year.

In regard to Policy PF-D.6, a sewage feasibility analysis of the two existing septic systems was performed. There were no concerns with the residential system that serves the property owners' residence. The system serving the restroom facilities for the event center was determined to be sufficient for the maximum proposed number of attendees (200). A mitigation measure was included on this project which restricts events to 200 guests in order to reduce the potential impacts from overuse of the septic system to less than significant.

Based on these factors, the Tuscan Gardens event venue is consistent with the General Plan.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3565, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7258; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3565, 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 Unclassified Conditional Use Permit Application No. 3565; 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.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7258/Unclassified Conditional Use Permit Application No. 3565
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.	Applicant	Applicant/ Department of Public Works and Planning (PW&P)	Ongoing
*2.	Geology and Soils	No more than 200 customers per day shall be permitted at the facility.	Applicant	Applicant/PW&P	During all events
*3.	Geology and Soils	The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, the California Plumbing Code and the Lyle Brewer Engineering report dated September 8, 2017 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Any changes in the proposed project may require additional review to ensure adequacy of the on-site wastewater treatment systems' adequacy to serve the proposed changes.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*4.	Noise	Operation of the proposed High-Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated November 28, 2017.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	During all events
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission.				
2.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.				
3.	Prior to issuance of Building Permits, the owner of the subject property shall enter into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).				
4.	Prior to operation of the high-intensity park, the Applicant will obtain permits for all unpermitted structures on the property. Said structures shall either be permitted by the Department of Public Works and Planning or removed.				

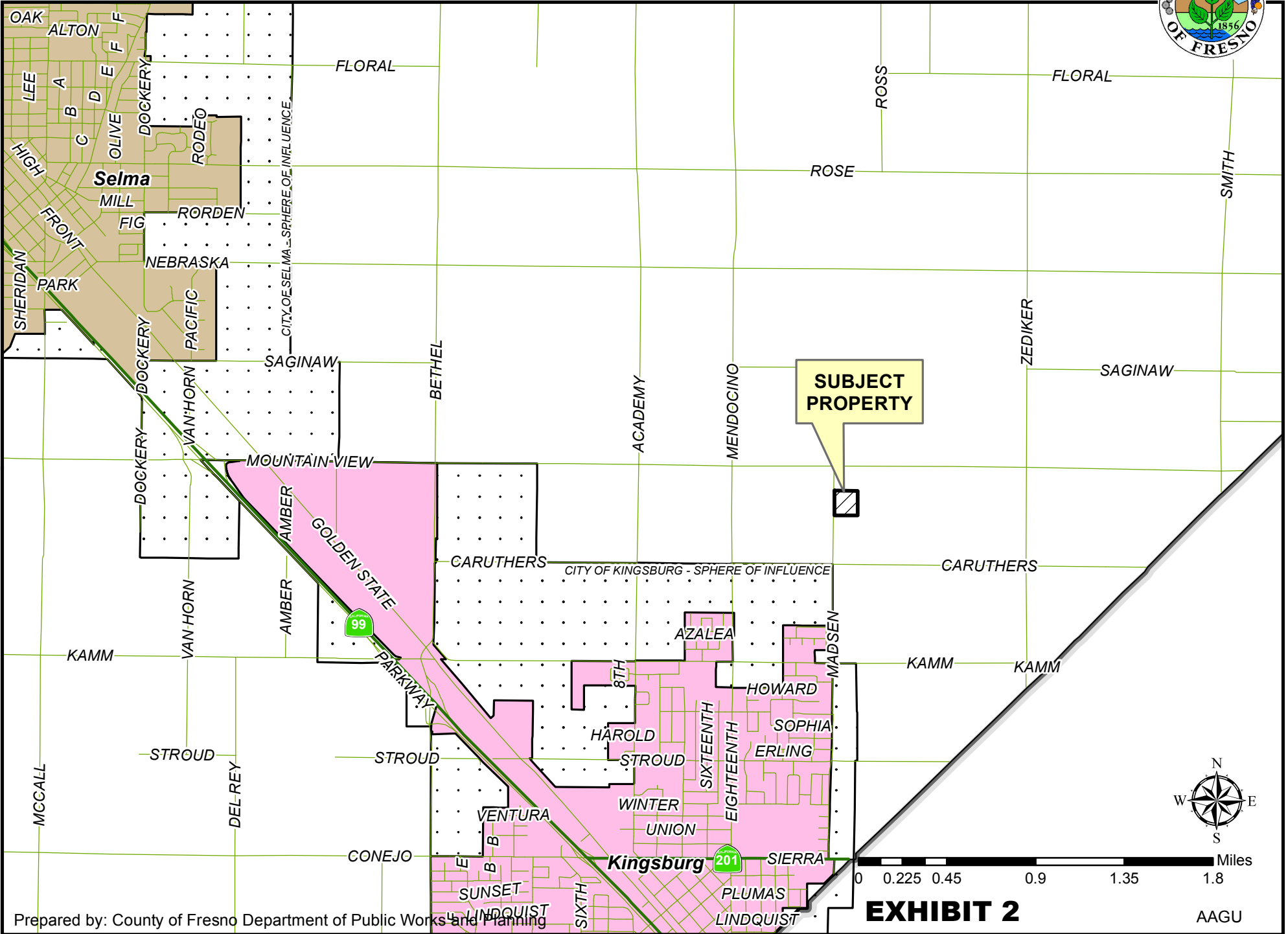
EXHIBIT 1

5.	The Applicant shall dedicate ten feet of road-right-of-way along S. Madsen Avenue to meet minimum local road standards.
6.	No food shall be prepared on site; all events shall be catered.

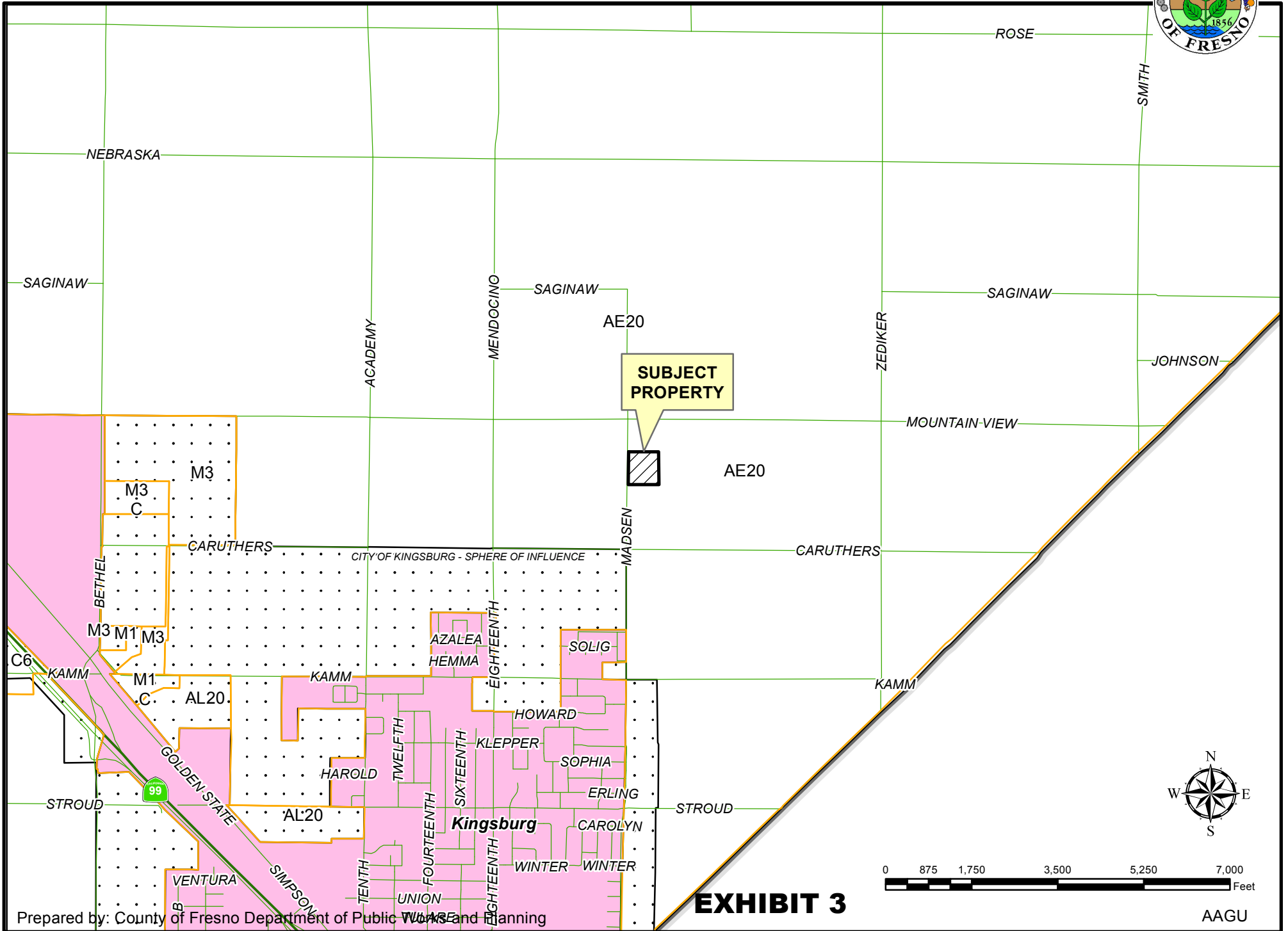
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher may be required for any grading proposed with this application.
2.	This project is subject to the California Code of Regulations Title 24 – Fire Code. The property owner is responsible for delivery of three sets of plans to the Fresno County Fire Protection Department. The project will be required to annex to Community Facilities District No. 2010-01.
3.	It is recommended that the Applicant consider having the existing septic tanks pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years.
4.	Buildings and/or facilities providing a “Public Use” must comply with the Accessibility requirements of Chapter 11B of the California Building Code (CBC), per CBC 1.9.1.2 through CBC 1.9.1.2.2. 1. Construct Accessible Parking Spaces. 2. Provide Accessible Routes from the site arrival point (Accessible Parking Area) to the public areas served and to connect buildings and facilities (event areas) providing public access, per CBC 11B-206. 3. Modify buildings being converted to a public use to comply with the requirements of CBC Chapter 11B. 4. Provide Accessible toilet facilities per CBC 11B-213 & CBC 11B-603. 5. Event seating must comply with applicable sections of CBC 11B-221. 6. Event Dining Areas must comply with CBC 11B-226.
5.	This project is subject to California Code of Regulations Title 24 – Fire Code. The Applicant must submit three sets of plans to the Department, and development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. The project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
6.	The Applicant is advised to contact the California Alcoholic Beverage Control Department at (559) 225-6334 for information and requirements if alcohol is proposed at any events.
7.	Proposed operations of the facility include the use of a caterer to provide food and beverages (no food shall be prepared on site); the food and beverages shall be provided by a caterer permitted by the Fresno County Department of Public Health, Environmental Health Division. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
8.	If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at any exiting driveway.

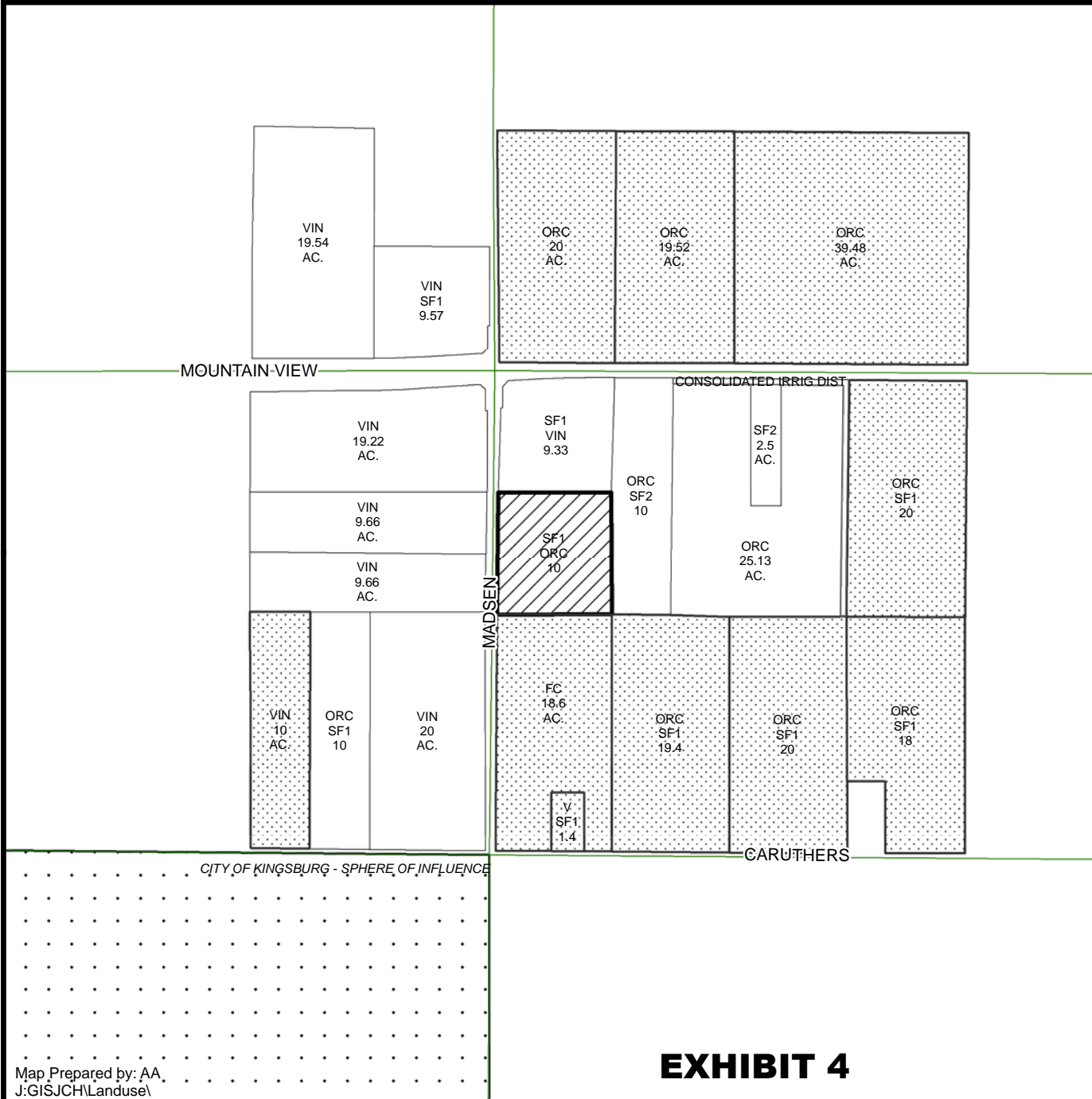
LOCATION MAP



EXISTING ZONING MAP



EXISTING LAND USE MAP



LEGEND	
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

LEGEND:

- Subject Property
- Ag Contract Land

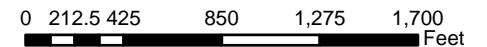
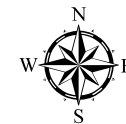
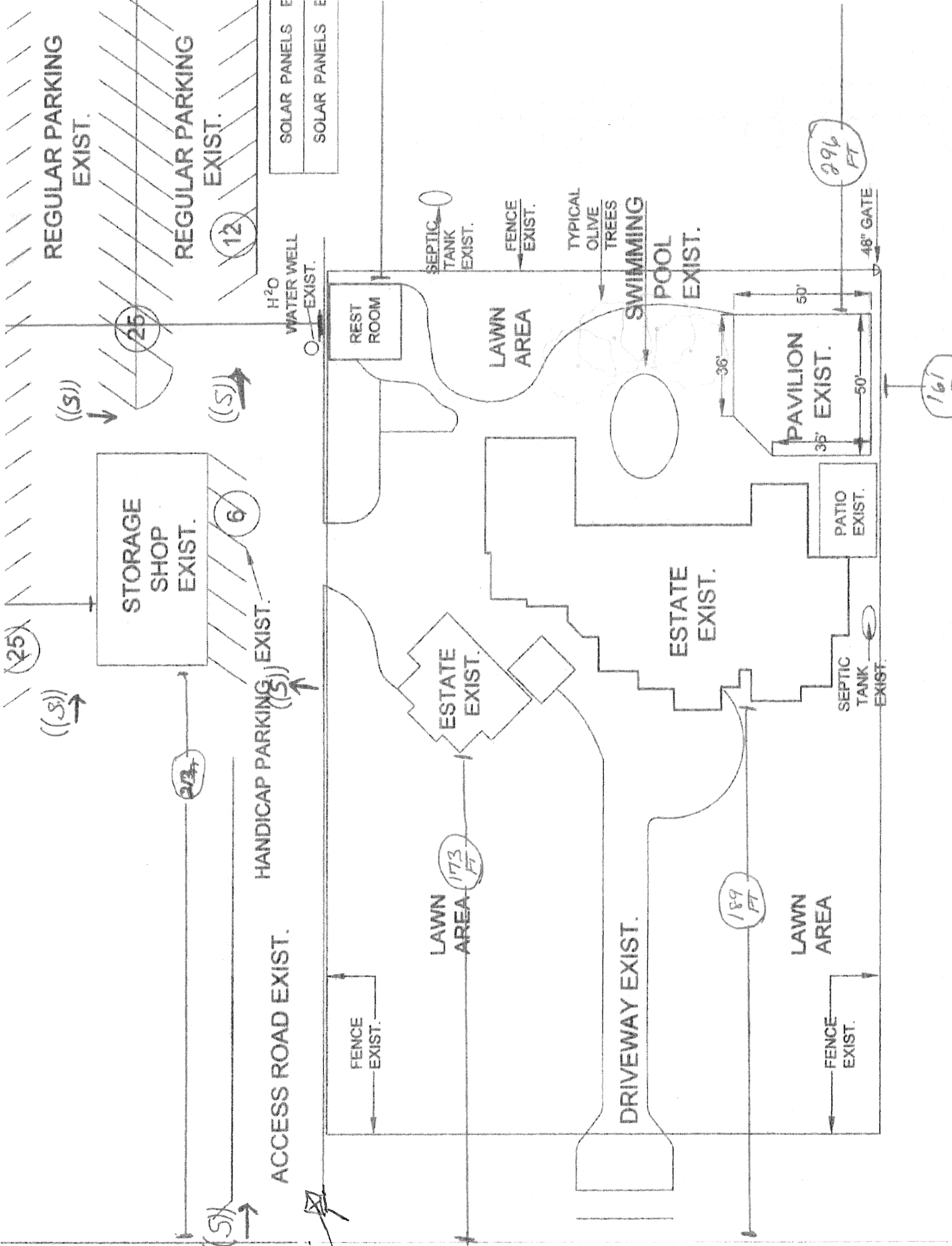


EXHIBIT 4



SOLAR PANELS E
SOLAR PANELS E

REGULAR PARKING EXIST.
REGULAR PARKING EXIST.

STORAGE SHOP EXIST.
HANDICAP PARKING EXIST.

REST ROOM
LAWN AREA

ESTATE EXIST.
DRIVEWAY EXIST.

SWIMMING POOL EXIST.
PAVILION EXIST.
PATIO EXIST.
LAWN AREA
FENCE EXIST.

SOLAR PANELS E
SOLAR PANELS E

WATER WELL EXIST.
SEPTIC TANK EXIST.

REST ROOM
LAWN AREA

ESTATE EXIST.
DRIVEWAY EXIST.

SWIMMING POOL EXIST.
PAVILION EXIST.
PATIO EXIST.
LAWN AREA
FENCE EXIST.

SEPTIC TANK EXIST.
LAWN AREA
FENCE EXIST.

REGULAR PARKING EXIST.
REGULAR PARKING EXIST.

WATER WELL EXIST.
SEPTIC TANK EXIST.

REST ROOM
LAWN AREA

ESTATE EXIST.
DRIVEWAY EXIST.

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July 14, 2016

November 28, 2017 - Revision

Operational Statement Checklist for Tuscan Gardens Venue
Fresno County

Attn: Bill Nebeker, Senior Planner

File No. 16-105466

Address: 13176 S. Madsen Ave, Kingsburg CA

Rolando & Elodia (Lori) Martinez

Checklist Questions:

1. Tuscan Gardens is a weddings only Venue.
Clients are able to rent the outdoor spaces and restrooms.
Wedding Ceremonies are preformed in front lawn areas west of the estate and Receptions are under the back Pavilion area east of the estate. Our services are location only no other services are provided by Venue except for Security Officers and Parking Ushers. No food is provided by Venue or prepared on site. All food is provided by a Catering Company and made in their commercial kitchen and served only at the Venue.

2. Seasonal: Spring wedding season: April thru June
Fall wedding season: September thru November
Hours: 5:00pm to 11:00pm
Saturday weddings
Outdoor Venue

3. Saturday only
Average guests: 150-180
Max. guests: 200
Most of our guests are families.
Hours: 5:00pm-11:00pm

4. Current: 3 Parking Usher and 2 – Security Officer (Contracted from a Security Firm)
Future: Same Hours: 4:00pm-11:30pm
5. Service Vehicles: Two total
Catering – 1 vehicle & Florist – 1 vehicle
Small Van type Vehicles
6. Public Road: S. Madsen Ave.
Private Road: Asphalt Road.
7. Parking spaces: 62 Regular Parking, Gravel Surface
6 Handicap Parking, Asphalt / Concrete Surface
8. None
9. None
10. Tables and Chairs, stored on site in storage area.
11. None
12. Solid Waste:
Trash – est. $\frac{1}{2}$ cu. yd. per day stored in trash bin provided and serviced by Mid Valley Disposal hauled away weekly.
Card board – est. $\frac{1}{4}$ cu yd per day stored in recycle containers provided by Mid Valley Disposal hauled away weekly.
13. 240 gallon per week-Saturdays only
Private Well
14. None
15. All building are existing.
16. Pavilion and Restrooms.

17. Outdoor Lighting:

Existing outdoor lighting consist the following:

Exterior lights attached to estate, pavilion, restrooms, storage shop building and low voltage landscape spotlights and pathlights.

Outdoor Sound Amplification System:

DJ does bring a sound system.

Our DJ must be selected from our Venue DJ list only.

Sound level is monitored and is always at a low level.

18. Existing Landscape consist of a professional, beautifully installed landscape mature sizes of Palm Trees, Olive Trees, Oak Trees, Crape Myrtle Trees and a variety of other misc. trees with flowering shrubs and vines. Concrete walkways and landscape lighting. Entire Landscape grounds are fenced with a brown chain link fences with several gates.

19. Tuscan Gardens is a small wedding only Venue.

We have been providing wedding venue services in our local Kingsburg area since 2010. Our neighbors are all aware of our operations and have also support us by having their own Family weddings at our Venue. Our Venue provides business for local vendors which are hired by our clients that included Photographers, Florist, DJ , Security and Catering Companies.

Our clients' guests also reserve Hotel rooms at our local establishments.

We kindly ask for the opportunity to correct any items which need to be addressed due to the incorrect information we received back in 2010 when the Venue opened. Please allow us time to do corrections and allow us to continue servicing our wonderful Brides and Grooms and their families which rely on our Venue for their special day celebration.

20. Rolando & Elodia (Lori) Martinez
PO Box 978
Kingsburg, CA 93631
Contact # 559.977.1731



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Rolando and Elodia Martinez

APPLICATION NOS.: Initial Study Application No. 7258 and Conditional Use Permit Application No. 3565

DESCRIPTION: Allow the operation of a high-intensity park on a 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: 13176 S. Madsen Avenue, Kingsburg CA 93631 (APN 393-124-02)

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The subject parcel is located on the east side of South Madsen Avenue, approximately 600 feet south of East Mountain View Avenue. Neither of these roads have been designated by the Fresno County General Plan as a Scenic Highway, Scenic Drive or Landscaped Drive. The General Plan also has not identified any scenic vistas in this area. Further, there is no development proposed with this application and the existing improvements are visually compatible with the residential development on the property. Therefore, this project will have no impacts to scenic resources.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: NO IMPACT:

There is no new development, including lighting, proposed with this application. The Conditional Use Permit relates only to the use of existing buildings. Those buildings are visually compatible with the existing residence on the parcel and other residences in the vicinity. There will be no impact on the character or quality of the site or its surroundings.

- D. Would the project 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:

There is existing lighting on the property to improve safety as events are usually scheduled past sundown. Exterior lights are attached to the estate building, the pavilion, the restrooms, the storage shop building, and there are additional low-voltage spotlights and path lights. As these lights could cause adverse impacts if they are not properly screened, a mitigation measure has been included requiring that all exterior lights are hooded and pointed away from neighboring properties.

* **Mitigation Measure**

1. *Prior to the operation of the High Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine towards adjacent properties and public roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel contains land designed as Prime Farmland; however, there is no conversion of active farmland as part of this application. The building improvements and commercial area have been developed on approximately 2.75 acres of the 10-acre parcel. Historical aerial photos indicate that the residential area was developed in 2004 and expanded to include the current parking lot and commercial operation in 2010. The remaining acreage was been dedicated to the cultivation of an almond orchard. The parcel is not restricted by a Williamson Act Contract.

Therefore, because the existing agricultural use will not be impacted by this application there will be no impacts to the conversion of farmland. There is no land zoned for

Timberland Production near the subject parcel and therefore no impacts to such land. Approval of this application is not likely to result in the conversion of other lands to nonagricultural or non-forest uses because the existing almond orchard provides buffering between the commercial use on this parcel and the agricultural uses on adjacent parcels.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. 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
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

This project was reviewed by the San Joaquin Valley Air Pollution Control District who determined that the project would not have a significant impact on Air Quality. Further, because there is no construction proposed, the project is not subject to District Rule 9510 (Indirect Source Review). Use of the parcel as a high-intensity park is not anticipated to release objectionable odors.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: NO IMPACT:

There is no development proposed with this application. Much of the 2.75-acre project site has been paved or is landscaped (mowed) and does not provided habitat for special-status species. Further, the use of these improvements for weddings and banquets is not anticipated to impact such species.

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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?

FINDING: NO IMPACT:

According to the U.S. Fish and Wildlife's National Wetlands Inventory and the U.S.G.S. Quad maps there are no wetlands running through or adjacent to the subject parcel. There is a canal located northwest of the parcel, running along East Mountain View Avenue. The subject parcel is more than 600 feet from the closest portion of this canal and therefore will have no impact.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project 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 is not subject to a Natural Community Conservation Plan or other habitat conservation plan. Further, there is no development proposed and the operation of the park is limited to those areas where pavement has been installed or where landscaping has been developed.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

Pursuant to the provisions of Assembly Bill 52 (AB 52), this project was sent to four Tribal Governments who requested such consultation: Table Mountain Rancheria, Santa Rosa Tachi Yokut, Dumna Wo Wah, and Picayune Rancheria of Chukchansi Indians. Santa Rosa Rancheria did not respond within 30 days and therefore declined participation; Table Mountain Rancheria and Picayune Rancheria sent letters declining participation; and the Dumna Wo Wah Tribal Government requested consultation in a letter dated August 23, 2017. Following a meeting and discussion with the Tribal Government, consultation was concluded on December 6, 2017 with a determination that no resources would be affected because no development was proposed. Therefore, there are no impacts to historical resources or tribal cultural resources.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
1. Rupture of a known earthquake?
 2. Strong seismic ground shaking?
 3. Seismic-related ground failure, including liquefaction?
 4. Landslides?

FINDING: NO IMPACT:

According to the Department of Conservation's Regulatory Maps for fault lines, the subject parcel is not located near an active fault. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the parcel is not located in an area at risk of Seismic Hazards. Similarly, Figure 9-6 (FCGPBR) shows that the parcel is not located in an area at risk of landslide hazards or subsidence.

- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

Figure 7-1 (FCGPBR) indicates that the subject parcel is not located in an area of expansive soils. As noted above, it is also not located in an area at risk from landslide hazards and therefore will have no impact on the risk associated with these hazards.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Due to the potential for use of the septic system associated with this high-intensity park to have an adverse impact on groundwater quality, a sewage feasibility study was performed by Lyle Brewer Engineering (dated September 8, 2017). Field investigation consisted of digging a deep backhoe test pit, three percolation tests, and a site review. The backhoe test pit revealed a light brown, loamy sand, easy digging to a depth of nine feet, followed by a grey sand to eleven feet. The soil conditions, site area, and type of use are feasible for on-site treatment and disposal.

Two septic tanks have been installed on the property. There are no concerns with the function of the system at the southern property line, which serves the existing residence. The tank that will serve the restrooms associated with the high-intensity park is located east of the existing improvements on the parcel, outside the existing fence-line. Based on the limit of 200 guests maximum, the existing 1,500 gallon tank and 75 feet of leach line will be adequate for the proposed use. Deviation from the system reviewed by the September 8, 2017 study would require additional review and approval by the Fresno County Department of Public Health. Therefore, a mitigation measure requiring adherence to this study is included. Another measure is included to limit the maximum number of guests to 200. Any revisions to increase the maximum number of guests would require a revised Conditional Use Permit and a new environmental review.

* **Mitigation Measures**

1. *No more than 200 customers per day shall be permitted at the facility.*
2. *The onsite wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the Lyle Brewer Engineering report dated September 8, 2017 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. Any changes in the proposed project may require additional review to ensure adequacy of the onsite wastewater treatment systems' adequacy to serve the proposed changes.*

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: NO IMPACT:

Review of this project by the San Joaquin Valley Air Pollution Control District determined that there would be no impacts on greenhouse gas generation and that the project would not conflict with any policies, plans, or regulations adopted for the purposes of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

There is no transport or use of hazardous materials associated with this application. Further, there are no schools located within one quarter-mile of the project site; the nearest schools are within the limits of the City of Kingsburg. The nearest city limits are located approximately one half-mile south of the subject property.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

Review of the National Priorities Superfund List and the Fresno County Certified Unified Protection Agency Program's Hazardous Waste list did not identify the project location as a known hazardous materials site. Prior to its development as a high-intensity park, the parcel was used for agricultural purposes.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within 2 miles of a public airport. Review of aerial photos (Google Earth - August 7, 2017) indicates no private airstrips within 2 miles of the project site.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

Impacts to nearby roads are discussed in Section XVI of this document. Given that this project will have a less than significant impact on nearby roads and no new improvements, there will be no impact on the risk of loss, injury or death involving wildfire and no adverse impacts on any Emergency Response Plan or Emergency Evacuation Plan.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is the possibility that the project will adversely impact water quality standards due to overuse or improper use of the existing septic system. With compliance to the mitigation measures requiring adherence to the approved septic design, impacts to water quality will be less than significant.

* **Mitigation Measures**

See Section VI.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

This project was reviewed by the State Water Resources Control Board, who determined that the proposed maximum number of events was beneath the threshold that would require the project to be permitted as its own water system. The subject parcel is not located in an area of the County designated as "low water". No impacts to the local groundwater table were identified.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or

- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

As discussed in Section IV, there are no streams or rivers located near the subject parcel. Further, there is no development proposed and therefore no potential changes to drainage patterns, rivers, or run-off. Any new grading requires a permit or permit voucher to ensure that the development meets County of Fresno standards.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows

FINDING: NO IMPACT:

No houses or other structures are proposed as part of this application and according to FEMA FIRM Panel 2675H, the subject parcel is not subject to flooding from the 1% chance storm.

- I. Would the project expose persons or structures to levee or dam failure?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area that is at risk of inundation due to dam failure; however, with compliance to existing development regulations relating to structures built within areas of flood hazard, impacts to persons and structures as a result of this project will be less than significant.

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

There are no nearby bodies of water that could cause seiche. The nearest ocean shore is more than 300 miles west precluding the risk of tsunami. The area of the project is flat precluding significant mudflow. Therefore, there is no risk of inundation by seiche tsunami or mudflow associated with this project.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community; or
- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT:

The boundaries of the proposed project are limited to the extent of the subject parcel (10 acres). The nearest community is the city of Kingsburg, which is one half-mile south of the nearest property line.

The development and use on the parcel is subject to County of Fresno regulations. The use is permitted with approval of a Conditional Use Permit, which is being processed concurrently with this Initial Study. There are no conflicts with the Fresno County General Plan, and no variations from the standards outlined in the Zoning Ordinance. Therefore, this project will have no impact on the division of established communities or Fresno County land use plans, policies, or regulations.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

There are no Habitat Conservation Plans or Natural Community Conservation Plans applicable to the subject property.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

According to Figure 7-7 (FCGPBR), the subject parcel is not located in an area dedicated to mineral resource recovery.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?

FINDING: NO IMPACT:

There is outdoor noise amplification associated with approval of this application in the form of speeches, toasts, and music. These activities will not result in severe noise levels, ground-borne vibration, or permanent increases in ambient noise levels in the project vicinity. Events will be permitted only on Saturdays, during the months of April, May, June, September, October, and November.

- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed above, outdoor noise amplification is allowed on Saturdays during events. All noise is required to abide by the Fresno County Noise Ordinance, which limits excessive volume. The majority of sound generation will occur behind the house, along the eastern side of the developed area of the parcel. This location is surrounded by the existing almond orchard on three sides with the house on the fourth. The fence surrounding this area does not provide any sound screening. The nearest residence to the project site is approximately 750 feet to the north of the pavilion where the speakers are likely to be placed. This property is approximately 425 feet north of the nearest property line. Given the limited hours of operation, the distance to the nearest residence, and the existing orchard surrounding the use, there will be a less than significant impact on temporary increase in noise levels.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located in the vicinity of a public or private airport.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The issuance of a use permit to allow the operation of a high-intensity park for weddings will not induce substantial population growth. There is no development proposed with this application and therefore no displacement of persons or housing.

XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection;
2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

This application was reviewed by the Fresno County Fire Department who identified some regulations which apply to this application but did not note any specific concerns with this project. This project will bring visitors from outside the area into the vicinity, but this population will be engaged in activities on the site and will not result in the need for improved parks or schools.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

This project will not result in increased use of neighborhood or regional parks. Visitors to the site will spend their time on the property for their event and will not seek additional recreational options in the neighborhood.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or

- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures; or
- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

In accordance with the Applicant's Operational Statement, all events will be held on Saturdays, which is outside of the peak hours of concern for traffic congestion. There are no airports near the project and therefore no changes in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The maximum number of guests permitted on site at an event is 200. The applicant has prepared a traffic management plan to reduce backup onto County Roads. A mitigation measure requiring the applicant to adhere to the approved Traffic Management Plan will reduce impacts from the local increase in traffic to less than significant.

Mitigation Measure

1. *Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated November 28, 2017.*

- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

This project is not in conflict with any adopted plans, policies, or programs regarding public transit. Impacts to the traffic flow are limited to off-peak hours (Saturdays). There is no development proposed with this application and therefore no impacts on emergency access.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: NO IMPACT:

The project is not proposed to connect to municipal sewer or water services. Review of the existing septic systems on the parcel determined they were adequate to support the existing residential use and the proposed event center use.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: NO IMPACT:

No impacts to the storm water drainage facilities were identified. There is no development proposed with this application and any new development would require a grading permit to be issued by the County.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

The on-site well provides enough water to serve the weekly events. Review of this application by the State Water Resources Board did not indicate any concerns. The estimated maximum water usage is 1,000 gallons on Saturdays (5 gallons/guest).

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The subject property has an existing agreement with Mid-Valley Disposal to haul trash and recyclables. The applicant estimates that each event will produce approximately 1/2 cubic yard of trash and 1/4 cubic yard of recyclable waste that is within Mid-Valley Disposal's capacity to handle. The amount of solid waste generated by event center usage is anticipated to be equivalent to residential uses and able to be contained within the applicant's existing Mid-Valley Disposal cans.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history; or

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

There is no development proposed with this application and therefore no impacts to special-status species. All proposed areas of use have been cleared and/or paved prior to this application. No cumulative impacts were identified.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No adverse impacts are anticipated as a result of this application.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3565, 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, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Services Systems.

Potential impacts related to Noise have been determined to be less than significant.

Potential impacts relating to Aesthetics, Geology and Soils, Hydrology and Water Quality, and Transportation/Traffic have determined to be less than significant with compliance with the listed mitigation measures.

A Mitigated Negative Declaration/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 southeast corner of Tulare and "M" Street, Fresno, California.

CMM

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7258	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
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): Chrissy Monfette, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Rolando and Elodia Martinez	Project Title: Tuscan Gardens: Conditional Use Permit No. 3565		
Project Description: Allow the operation of a high-intensity park on a 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Conditional Use Permit Application No. 3565, 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, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Services Systems. Potential impacts related to Noise have been determined to be less than significant. Potential impacts relating to Aesthetics, Geology and Soils, Hydrology and Water Quality, and Transportation/Traffic have determined to be less than significant with compliance with the listed mitigation measures. A Mitigated Negative Declaration/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 southeast 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 – December 15, 2017		Review Date Deadline: Planning Commission – January 25, 2018	
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Chrissy Monfette, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**