



Inter Office Memo

DATE: January 25, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12690 - INITIAL STUDY APPLICATION NO. 7258 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3565

APPLICANT: Elodia Martinez

OWNER: Rolando & Elodia Martinez

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of January 25, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Abrahamian to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Unclassified Conditional Use Permit Application No. 3565, with a modification to Condition of Approval No. 5 to restrict development within the ultimate right-of-way for S. Madsen Avenue in lieu of requiring a ten-foot irrevocable offer to the County (Exhibit B).

EXHIBIT A

Initial Study Application No. 7258
Unclassified Conditional Use Permit Application No. 3565

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 25, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:
- We have never had a complaint in the seven years that we've been in operation; the violation was identified by an inspector who came out to inspect our neighbor's pump.
 - The letter of opposition discusses potential impacts to farming activities, but does not identify that there have been any impacts to farming operations over the past seven years.
 - All events will end by 11:00 P.M.
 - Code Violation Staff indicated that we could continue operations while we pursued the Conditional Use Permit.
 - We rely on income from this operation to make payments on our home.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: One letter was presented to the Commission in opposition to the application, identifying concerns with the potential for conflict with normal farming operations, which often take place in the evenings and on weekends, and concerns that guests to the area will be more likely to take additional risks when driving. No letters were presented to the Planning Commission in support of the application.

**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.
5.	No development shall occur within the future right-of-way for Madsen Avenue. Setbacks for new structures shall be measured from this ultimate right-of-way line, as measured 65 feet from the centerline.
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 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.



County of Fresno

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

February 12, 2018

Elodia Martinez
13176 S. Madsen Avenue
Kingsburg CA 93631

Dear Mrs. Martinez:

Subject: Resolution No. 12690 - Initial Study Application No. 7258 and Unclassified
Conditional Use Permit Application No. 3565

On January 25, 2018, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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

If you have any questions regarding the information in this letter please contact me at cmonfette@co.fresno.ca.us or 559-600-4245.

Sincerely,

Chrissy Monfette, Planner
Development Services and Capital Projects Division

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Enclosure