



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 April 27, 2017

**SUBJECT:** Initial Study Application No. 6674 and Unclassified Conditional Use Permit Application No. 3432

Allow the phased development a High-Intensity Park (event facility) on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District

**LOCATION:** The project site is located at the southwest corner of Dakota Avenue and Rolinda Avenue, approximately two miles west of the nearest city limits of the City of Fresno (9645 W. Dakota Avenue, 3275 N. Rolinda Avenue) (SUP. DIST. 1) (APNs 016-100-69, 016-100-70)

**OWNER/APPLICANT:** Bret Engelman

**STAFF CONTACT:** Derek Chambers, Planner  
(559) 600-4205

Chris Motta, Principal Planner  
(559) 600-4227

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6674; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3432 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. Assessor’s Parcel Map
6. Site Plans
7. Floor Plan
8. Elevation Drawings
9. Applicant’s Operational Statement
10. Summary of Initial Study Application No. 6674
11. Public Correspondence (opposition email)
12. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	40.00 acres [APN 016-100-69 and APN 016-100-70 (Life Estate) are a single parcel]	No change
Project Site	37.31-acre (net) vineyard; 0.90-acre Life Estate; winery (authorized by CUP No. 2953); 2,176 square-foot agricultural storage building utilized for winery operations (identified as “Existing Storage Building” on Site Plans); 2,400 square-foot single-family residence with 864 square-foot garage and septic system; two water wells; 1,424 square-foot covered patio addition to the 2,176 square-foot agricultural	Phased development of 1.86-acre High-Intensity Park including 1.47-acre outdoor assembly area  Phase I: installation of 400 amp electrical service; construction of paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped; construction of 20,770 square-foot gravel-surfaced parking lot; installation of ADA-compliant

Criteria	Existing	Proposed
	<p>storage building (identified as “Existing Roofed Area” on Site Plans); 1,920 square-foot personal storage building (pole barn identified as “Existing Concrete Patio and Roofed Area” on Site Plans); 1,000 square-foot agricultural storage building (identified as “Existing Storage Building” on Site Plans); 2,028 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans); 480 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans); 540 square-foot mobile home with septic system (identified as “Existing Trailer” on Site Plans)</p>	<p>portable restroom facility with eight toilets and/or urinals; construction of septic system for portable restroom facility to ultimately serve building to be constructed during second phase</p> <p>Phase II: construction of 3,000 square-foot building for wine tasting, wine storage, grape crushing for winemaking, and permanent restrooms to replace portable restroom facility installed during first phase</p>
Structural Improvements	<p>2,176 square-foot agricultural storage building utilized for winery operations (identified as “Existing Storage Building” on Site Plans); 2,400 square-foot single family residence with 864 square-foot garage and septic system; 1,424 square-foot covered patio addition to the 2,176 square-foot agricultural storage building (identified as “Existing Roofed Area” on Site Plans); 1,920 square-foot personal storage building (pole barn identified as “Existing Concrete Patio and Roofed Area” on Site Plans); 1,000 square-foot agricultural storage building (identified as “Existing Storage Building” on Site Plans); 2,028 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans); 480 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans); 540 square-foot mobile home with</p>	<p>Phase I: ADA-compliant portable restroom facility with eight toilets and/or urinals</p> <p>Phase II: 3,000 square-foot building for wine tasting, wine storage, grape crushing for winemaking, and permanent restrooms to replace portable restroom facility installed during first phase</p>

Criteria	Existing	Proposed
	septic system (identified as "Existing Trailer" on Site Plans)	
Nearest Residence	Approximately 105 feet east of the subject property	No change
Surrounding Development	Agricultural land uses with residential land uses dispersed throughout; City of Fresno approximately two miles east of the subject property; Central Unified High School West Campus approximately one mile southwest of the subject property	No change
Operational Features	N/A (existing winery operation was previously authorized by CUP No. 2953)	See discussion under the <b>Background Information</b> section of this Staff Report
Employees	N/A	Approximately three employees on site during event days
Customers	N/A	<p>Up to 40 guests from 12:00pm (noon) until 5:00pm on Friday through Sunday, year-round;</p> <p>Up to 200 guests from 5:00pm until 10:00pm on Friday through Sunday, year-round;</p> <p>Up to 200 guests from 5:00pm until 10:00pm on Monday through Friday, year-round</p>
Traffic Trips	N/A	<p>Up to 80 one-way guest trips (40 round trips) from 12:00pm (noon) until 5:00pm on Friday through Sunday, year-round;</p> <p>Up to 400 one-way guest trips (200 round trips) from 5:00pm until 10:00pm on Friday through Sunday, year-round;</p> <p>Up to 400 one-way guest trips (200 round trips) from 5:00pm until 10:00pm on Monday through Friday, year-round</p>

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Lighting	N/A	Outdoor lighting in parking area and outdoor assembly area
Hours of Operation	N/A	12:00pm (noon) until 10:00pm on Friday through Sunday, year-round;  5:00pm until 10:00pm on Monday through Friday, year-round;

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

On July 17, 2008, Code Enforcement staff from the Department of Public Works and Planning issued Violation No. 08-103961 in response to a complaint that a High-Intensity Park (event facility) had been established on the subject property without an approved Conditional Use Permit. Subsequently, on October 31, 2013, the subject application was filed in an effort to abate Code Enforcement Violation No. 08-103961.

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 10.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: March 24, 2017

**PUBLIC NOTICE:**

Notices were sent to 9 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

An Unclassified Conditional Use Permit (CUP) 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:**

This proposal entails the phased development of a High-Intensity Park to be utilized as an event facility for wine tasting, fundraisers, weddings, birthdays, anniversaries, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is a single legal parcel comprised of a 0.90-acre Life Estate identified as Assessor's Parcel Number (APN) 016-100-70 and a 37.31-acre (net) vineyard identified as APN 016-100-69. Further, the subject property has an existing winery operation

located thereon that was authorized by Classified Conditional Use Permit No. 2953, which was approved by the Fresno County Planning Commission on November 30, 2000. The proposed High-Intensity Park use will encompass approximately 1.86 acres of land, including an approximately 1.47-acre outdoor assembly area, and will be partially located on the 0.90-acre Life Estate identified as APN 016-100-70 and the 37.31-acre (net) vineyard site identified as APN 016-100-69.

The first phase of the proposed High-Intensity Park development includes installation of a 400 amp electrical service, construction of a paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped, construction of a 20,770 square-foot gravel-surfaced parking lot, installation of an ADA-compliant portable restroom facility with eight toilets and/or urinals, and construction of a septic system for the portable restroom facility that will ultimately serve the building to be constructed during the second phase of the High-Intensity Park development.

Development of the second phase of the proposed High-Intensity Park is dependent on the availability of funding; however, according to the Applicant, construction of said phase should commence within five years of the subject proposal being approved. Further, the second phase of the proposed High-Intensity Park development includes construction of a 3,000 square-foot building to be utilized for wine tasting, wine storage, grape crushing for winemaking, and permanent restrooms for the High-Intensity Park that will replace the portable restroom facility installed during the first phase of the High-Intensity Park development. Construction of the building proposed for the second phase of the High-Intensity Park will require fire sprinklers and water storage for fire suppression.

With regard to scheduled operations, the proposed High-Intensity Park will host Regular Wine Tasting from 12:00pm (noon) until 5:00pm, Friday through Sunday year-round for up to 40 guests per day. Additionally, the proposed High-Intensity Park will host Private Wine Tasting by appointment for up to 10 guests per appointment. Further, the proposed High-Intensity Park will host Friday Night Wine Tasting from 7:00pm until 10:00pm every Friday from May through September for up to 200 guests per day. It is noted by Staff that the Friday Night Wine Tasting events may include live entertainment such as musicians.

With regard to special events, the proposed High-Intensity Park may host Fundraisers from 5:00pm until 10:00pm, Monday through Friday year-round for up to 200 guests per fundraiser event. Additionally, the proposed High-Intensity Park may host weddings, birthdays, anniversaries and similar celebrations from 5:00pm until 10:00pm, Friday through Sunday year-round for up to 200 guests per celebration event. Further, the proposed High-Intensity Park will participate in the Fresno County Wine Journey, which is a winery tourism event that occurs three times per year, and up to 200 guests will be on site per event day. Additionally, the proposed High-Intensity Park will host an on-site wine selling event (Engelmann Cellars Door Wine Club) four times per year, and up to 90 guests will be on site at any given time during each wine selling event.

***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	Front: 35 feet	Front (east property line):	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	Side: 20 feet Street Side: 35 feet Rear: 20 feet	69 feet Side (south property line): 92 feet Street Side (north property line): 1,025 feet Rear (west property line): 989 feet	
Parking	<u>High-Intensity Park:</u> One standard parking space for every 40 square feet of area within the main auditorium or meeting hall; uses without a building require one standard parking space for each five persons attending the park and one standard parking space for every two permanent employees  <u>California Building Code:</u> At least one parking space for the physically handicapped per every 25 parking spaces at a facility	Paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped; 20,770 square-foot gravel-surfaced parking lot (equivalent to 97 standard parking spaces discounting driveway)	Yes
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	13 feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	Septic system for High-Intensity Park to be designed and installed in accordance with California Well Standards, California Plumbing Code, and the ASR Engineering, Inc. Septic Feasibility Study and Conceptual Design Report (Project No. 13-14011 dated July 9, 2014)	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

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

Zoning Section of the Fresno County Department of Public Works and Planning: The existing and proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The Applicant shall obtain Building Permits for the 1,000 square-foot agricultural storage building (identified as “Existing Storage Building” on Site Plans provided), the 2,028 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided), and the 480 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided) as these structures were constructed without Building Permits. This mandatory requirement has been included as a Project Note. Classified Conditional Use Permit (CUP) No. 2953 has a Condition of Approval requiring Building Permits to be acquired to change the Occupancy of the 2,176 square-foot agricultural storage building to that of a winery facility; however, the required permits have not been issued. The Applicant shall obtain the change of Occupancy permit required by CUP No. 2953 prior to continuing winery operations. This requirement has been included as a Condition of Approval. Completion of a Site Plan Review (SPR) is recommended to ensure compliance with development standards.

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

**Analysis:**

Staff review of the Site Plans demonstrates that the proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

With regard to off-street parking, High-Intensity Parks that do not utilize a main auditorium or meeting hall are required to provide at least one standard parking space for each five persons attending the park and one standard parking space for every two permanent employees, per Zoning Ordinance Section 855-I.2.b. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces at a facility. In this case, the proposed High-Intensity Park will have up to 200 guests attending each event day. Additionally, the proposed High-Intensity Park will also be staffed by three employees per event day. As such, the proposed High-Intensity Park needs to have at least 42 total parking spaces, two of which need to be provided for the physically handicapped. The Applicant proposes to provide a paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped and a 20,770 square-foot gravel-surfaced parking lot, which is equivalent to 97 standard parking spaces discounting the proposed driveway.

Based on the above information and with adherence to a Site Plan Review (SPR) required as a Condition of Approval, staff finds that the project site is adequate in size and shape to accommodate the proposed use. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.



**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.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change
Public Road Frontage	Yes	Rolinda Avenue: Very good condition  Dakota Avenue: Very poor condition	No change
Direct Access to Public Road	Yes	Rolinda Avenue: Paved driveway	Rolinda Avenue: Additional driveway (required to be paved)
Road ADT		Rolinda Avenue: 200  Dakota Avenue: 200	Less than significant traffic increase
Road Classification		Rolinda Avenue: Local  Dakota Avenue: Local	No change
Road Width		Rolinda Avenue: No existing right-of-way  Dakota Avenue: 40-foot total existing right-of-way	30-foot right-of-way dedication required from eastern side of subject property which abuts Rolinda Avenue
Road Surface		Rolinda Avenue: Paved (pavement width: 18.4 feet)  Dakota Avenue: Paved (pavement width: 18.4 feet)	No change
Traffic Trips		N/A (existing winery operation was previously authorized by CUP No. 2953)	Up to 80 one-way guest trips (40 round trips) from 12:00pm (noon) until 5:00pm on Friday through Sunday, year-

		Existing Conditions	Proposed Operation
			<p>round;</p> <p>Up to 400 one-way guest trips (200 round trips) from 5:00pm until 10:00pm on Friday through Sunday, year-round;</p> <p>Up to 400 one-way guest trips (200 round trips) from 5:00pm until 10:00pm on Monday through Friday, year-round</p>
Traffic Impact Study (TIS) Prepared	No	N/A	TIS not required; however, Traffic Management Plan submitted by Applicant was deemed sufficient 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: The Traffic Management Plan prepared for the High-Intensity Park use by Bret Engelman (Applicant) is sufficient.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Rolinda Avenue or Dakota Avenue. A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of Rolinda Avenue and Dakota Avenue. These requirements have been included as Project Notes.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Rolinda Avenue is a County-maintained road classified as a Local road. The minimum total width for a Local road right-of-way is 60 feet. As Rolinda Avenue has a prescriptive right-of-way along the subject property (no right-of-way existing), 30 feet of right-of-way dedication is needed from the eastern side of the subject property which abuts Rolinda Avenue in order to satisfy the minimum right-of-way requirement for the Local road classification. This requirement has been included as a Condition of Approval. Dakota Avenue is a County-maintained road also classified as a Local road. Dakota Avenue has a total existing

right-of-way of 40 feet at the subject property, with 20 feet north and 20 feet south of the center line. The Applicant shall provide a paved driveway approach for the proposed driveway, and the first 100 feet of the proposed driveway shall be paved in order to preclude sediment track-out onto Rolinda Avenue. This requirement has been included as a Condition of Approval. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. This mandatory requirement has been included as a Project Note.

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

**Analysis:**

The subject property currently has access from Rolinda Avenue via an existing paved driveway. The proposed High-Intensity Park will utilize a proposed 20-foot-wide driveway on Rolinda Avenue to access a proposed paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped and a 20,770 square-foot gravel-surfaced parking lot, which is equivalent to 97 standard parking spaces discounting the proposed driveway. According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the Applicant will be required to provide a paved driveway approach for the proposed driveway, and the first 100 feet of the proposed driveway shall also be paved in order to preclude sediment track-out onto Rolinda Avenue. This requirement has been included as a Condition of Approval.

With regard to traffic, according to the Operational Statement provided by the Applicant, the proposed High-Intensity Park will host Regular Wine Tasting from 12:00pm (noon) until 5:00pm, Friday through Sunday year-round for up to 40 guests per day. Additionally, the proposed High-Intensity Park will host Private Wine Tasting by appointment for up to 10 guests per appointment. Further, the proposed High-Intensity Park will host Friday Night Wine Tasting from 7:00pm until 10:00pm every Friday from May through September for up to 200 guests per day. With regard to special events, the proposed High-Intensity Park may host Fundraisers from 5:00pm until 10:00pm, Monday through Friday year-round for up to 200 guests per fundraiser event. Additionally, the proposed High-Intensity Park may host weddings, birthdays, anniversaries and similar celebrations from 5:00pm until 10:00pm, Friday through Sunday year-round for up to 200 guests per celebration event. Further, the proposed High-Intensity Park will participate in the Fresno County Wine Journey, which is a winery tourism event that occurs three times per year, and up to 200 guests will be on site per event day. Additionally, the proposed High-Intensity Park will host an on-site wine selling event (Engelmann Cellars Door Wine Club) four times per year, and up to 90 guests will be on site at any given time during each wine selling event. Further, a Traffic Management Plan was prepared for the proposed High-Intensity Park use by the Applicant, Bret Engelman.

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which commented that the Traffic Management Plan prepared by the Applicant is sufficient for the High-Intensity Park use described in the Applicant's Operational Statement. As such, operation of the High-Intensity Park use shall be in accordance with the Traffic Management Plan prepared by Bret Engelman (Applicant). This requirement has been included as a Mitigation Measure to reduce adverse transportation and traffic impacts to a less than significant level.

With regard to right-of-way, Rolinda Avenue is a County-maintained road classified as Local road. The minimum total right-of-way for a Local road is 60 feet, which would require Rolinda

Avenue to have at least 30 feet of right-of-way west of the center line and at least 30 feet of right-of-way east of the center line. In this case, Rolinda Avenue has no existing right-of-way. As the subject proposal is requesting a new driveway on Rolinda to serve the parking areas for the High-Intensity Park, 30 feet of right-of-way dedication is needed from the eastern side of the subject parcel which fronts Rolinda Avenue. This requirement has been included as a Condition of Approval.

The subject property also has frontage on Dakota Avenue, which is a County-maintained road also classified as a Local road. In this case, Dakota Avenue has an existing total right-of-way of 40 feet at the subject parcel, with 20 feet north and 20 feet south of the center line. However, considering that no vehicular access is being proposed from Dakota Avenue, no additional Dakota Avenue right-of-way dedication is being required for this application.

Based on the above information, and with adherence to the Mitigation Measure, recommended Conditions of Approval and mandatory Project Notes described above, staff finds that the surrounding streets serving the project site will remain adequate 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.*

<b>Surrounding Parcels</b>				
	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North	38.44 acres	Single-family residence Vineyard	AE-20	1,019 feet
South	40.00 acres	Single-family residence Vineyard	AE-20	657 feet
East	29.40 acres	Single-family residence Vineyard	AE-20	102 feet
West	80.00 acres	Single-family residence Vineyard	AE-20	1,045 feet

**Reviewing Agency/Department Comments:**

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This mandatory requirement has been included as a Project Note.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1540H, the project site is not subject to flooding from the 1%-chance storm (100-year storm). Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards. A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal. These mandatory requirements have been included as Project Notes.

Fresno County Department of Agriculture (Agricultural Commissioner's Office): No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: Prior to issuance of Building Permits, the Applicant shall submit complete restroom and utility room facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operations, the Applicant shall apply for and obtain a permit to operate a food facility. The food and beverages (excluding wine produced by the Applicant) shall be provided by a caterer permitted by the Fresno County Department of Public Health, Environmental Health Division. These mandatory requirements have been included as Project Notes.

The Acoustical Analysis prepared for this proposal by Maximus Media, Inc., indicates that the proposed High-Intensity Park use will comply with the Fresno County Noise Ordinance if the utilization of sound amplification equipment ends by 10:00pm. The Environmental Health Division of the Fresno County Department of Public Health has identified the following requirements to be included as Mitigation Measures to reduce adverse noise-related impacts to a less than significant level: 1) In concurrence with the Applicant's Operational Statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm; 2) If, based on complaints from noise sensitive receivers and resulting investigations by the Fresno County Department of Public Health, Environmental Health Division, it is determined that the High-Intensity Park Operator is failing to adequately control noise levels occurring at the facility, the Operator shall be required to provide a sound level meter and calibrator on the High-Intensity Park premises during all outdoor events utilizing sound amplification. The sound level meter shall be of Type 1 or Type 2, meeting American National Standard Institute's Standard S1.4-1971 or an instrument and associated recording and analyzing equipment which will provide equivalent data and which is capable of displaying the statistical noise metrics used in the Fresno County Noise Ordinance in real time. The Operator shall be trained by a qualified acoustical consultant in the proper use of the sound level meter. Instruction shall be provided to ensure noise level measurements taken by the Operator comply with the criteria set forth in Fresno County Noise Ordinance Section 8.40.030. Following confirmation of non-compliance with the Fresno County Noise Control Ordinance, the Operator shall conduct noise level measurement surveys during all events and keep records of all data/readings, which will be available upon request to the County.

The Environmental Health Division of the Fresno County Department of Public Health has identified the following requirement to be included as a Mitigation Measure to reduce adverse impacts related to wastewater disposal to a less than significant level: The sewage disposal system shall be designed and installed in accordance with the ASR Engineering, Inc. Septic Feasibility Study and Conceptual Design Report (Project No. 13-14011 dated July 9, 2014) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division.

Fresno Irrigation District (FID): FID Martin No. 363 pipeline traverses the subject property in proximity to the western and northern boundaries of the proposed High-Intensity Park. The Applicant is not proposing any encroachments into FID easements. Plans shall be submitted to FID for review and approval prior to issuance of Building Permits for any improvements that affect FID easements or canals/pipelines. This requirement has been included as a Condition of Approval.

North Central Fire Protection District (Fire District): This proposal was reviewed by the Fire District for requirements related to water supply, fire hydrants, and fire apparatus access. Any development associated with this proposal must comply with the California Code of Regulations Title 24 – Fire Code. Emergency vehicle access shall be provided within 200 feet of all building openings. Single entry driveways require turnarounds when the driveway length exceeds 150 feet. Required turnarounds shall be located within 150 feet of the end of the driveway. Sections of the driveway requiring fire apparatus to back-up (travel in reverse) shall not include any turns or bends (except required turnarounds). Turns in driveways for fire apparatus access shall have a minimum 44-foot centerline turn radius. If gates are installed along the required access, they shall remain unlocked or be provided with Police/Fire bypass locks (“Best” padlock model 21B700 series). The size and use of the building proposed for construction during Phase II will require the installation of a fire sprinkler system, water tank and listed fire-rated pump. The minimum water supply shall be 35,000 gallons. The water tank shall be located not less than 50 feet and not more than 150 feet from any building as measured along a driveway accessible by Fire Department equipment. The water tank shall be no more than 8 feet from an all-weather driving surface accessible to fire apparatus. These requirements have been included as Project Notes.

San Joaquin Valley Unified Air Pollution Control District (Air District): This proposal is expected to have no significant adverse impact on air quality. This proposal may be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).

State Water Resources Control Board, Division of Drinking Water: This proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards. These mandatory requirements will be included as Project Notes.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as the subject property is not located in a designated water-short area.

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

**Analysis:**

The subject property is located in a predominately agricultural area with residential land uses dispersed throughout. The City of Fresno is located approximately two miles east of the subject property, and a high school (Central Unified High School West Campus) is located approximately one mile southwest of the subject property. The project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the project analysis.

Visibility of the proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility from easterly neighboring properties will be screened from view by the existing structures located on the subject property.

The proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility will be visible from neighboring properties located to the west; however, no significant adverse aesthetic impacts are anticipated west of the proposal considering the distances between the project site and neighboring dwellings located to the west, the closest of which is located approximately 1,790 feet west of the proposed 1.47-acre outdoor assembly area.

The proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility will be visible from neighboring properties located to the north; however, no significant adverse aesthetic impacts are anticipated north of the proposal considering the distances between the project site and neighboring dwellings located to the north, the closest of which is located approximately 1,203 feet northeast of the proposed 1.47-acre outdoor assembly area.

The proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility will be visible from a neighboring dwelling located to the south. As such, drought-tolerant landscaping shall be provided along the south side of the proposed outdoor assembly area. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer of the High-Intensity Park operation shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo). Further, said landscaping shall be maintained in healthful condition and shall consist of trees and shrubs of reasonable size and density to provide visual screening. This landscaping requirement will be included as a Condition of Approval. Additionally, the design of the required landscaping shall be reviewed for approval during Site Plan Review (SPR), which has been required as a Condition of Approval.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff finds that 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.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to the surrounding area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) Use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius; d) a probable workforce should be located nearby or readily available.</p>	<p>With regard to Criteria “a”, this proposal entails the authorization of a High-Intensity Park to be utilized as an event facility for wine tasting, fundraisers, weddings, birthdays, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. With regard to scheduled operations, the proposed High-Intensity Park will host Regular Wine Tasting from 12:00pm (noon) until 5:00pm, Friday through Sunday year-round for up to 40 guests per day. Additionally, the proposed High-Intensity Park will host Private Wine Tasting by appointment for up to 10 guests per appointment. Further, the proposed High-Intensity Park will host Friday Night Wine Tasting from 7:00pm until 10:00pm every Friday from May through September for up to 200 guests per day. With regard to special events, the proposed High-Intensity Park may host Fundraisers from 5:00pm until 10:00pm, Monday through Friday year-round for up to 200 guests per fundraiser event. Additionally, the proposed High-Intensity Park may host weddings, birthdays, anniversaries and similar celebrations from 5:00pm until 10:00pm, Friday through Sunday year-round for up to 200 guests per celebration event. Further, the proposed High-Intensity Park will participate in the Fresno County Wine Journey, which is a winery tourism event that occurs three times per year, and up to 200 guests will be on site per event day. Additionally, the proposed High-Intensity Park will host an on-site wine selling event (Engelmann Cellars Door Wine Club) four times per year, and up to 90 guests will be on site at any given time during each wine selling event.</p> <p>With regard to Criteria “b”, the project site is classified as Prime Farmland on the Fresno County Important Farmland Map (2014). Regarding the Prime Farmland classification of the project site, this proposal will preclude the agricultural cultivation of approximately 1.86 acres of Prime Farmland. However, this loss of farmland is less than significant in that the approximately 38-acre balance of the subject 40-acre property will remain agriculturally productive. Further, the proposed High-Intensity Park use is related to and supportive of an existing winery, which is an existing on-site agricultural activity.</p> <p>With regard to Criteria “c”, this proposal was reviewed by the Water/Geology/Natural Resources Section of</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
	<p>the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal, as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.</p> <p>With regard to Criteria “d”, the project site is located approximately two miles west of the nearest city limits of the City of Fresno, which has the ability to provide an adequate workforce.</p>
<p>General Plan Policy LU-A.12: In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>General Plan Policy LU-A.14: 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.</p>	<p>The subject property is a single legal parcel comprised of a 0.90-acre Life Estate identified as Assessor’s Parcel Number (APN) 016-100-70 and a 37.31-acre (net) vineyard identified as APN 016-100-69. This proposal will preclude the agricultural cultivation of approximately 1.86 acres of farmland; however, this loss of farmland is less than significant in that the approximately 38-acre balance of the subject 40-acre property will remain agriculturally productive. Further, the proposed High-Intensity Park use is related to and supportive of an existing winery, which is an existing on-site agricultural activity.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal, as the subject property is not located in a designated water-short area.</p>
<p>General Plan Policy PF-D.6: County shall permit individual on-site sewage disposal systems on parcels that have the area, soils,</p>	<p>Septic system for High-Intensity Park to be designed and installed in accordance with California Well Standards, California Plumbing Code, and the ASR Engineering, Inc. Septic Feasibility Study and</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
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.	Conceptual Design Report (Project No. 13-14011 dated July 9, 2014) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Agriculture in the Fresno County General Plan, and is currently enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 70. According to General Policy LU-A.3, non-agricultural uses such as the proposed High-Intensity Park may be allowed by means of a discretionary use permit subject to a number of specific criteria. According to General Plan Policy LU-A.12, the County shall seek to protect agricultural activities from encroachment of incompatible land uses when adopting land use policies, regulations and programs. According to General Plan 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. According to General Plan 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. According to General Plan Policy PF-C.17, the County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. According to 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 service is not available and cannot be provided.

The proposed High-Intensity Park is not a compatible use on property subject to a Williamson Act Contract unless a cancellation of the Contract has occurred. An application for partial cancellation of Williamson Act Contract No. 70 for the 1.86-acre High-Intensity Park has been filed and is in process. The Agricultural Land Conservation Committee heard the request for partial cancellation during their March 4, 2015 Meeting and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the proposed High-Intensity Park use will be contingent upon approval of the partial cancellation of Williamson Act Contract No. 70 by the Board of Supervisors, which would occur after final action on the subject land use application.

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

**Analysis:**

As discussed above, this proposal is consistent with the General Plan Policies applicable to the project. The proposed High-Intensity Park will be sited at the location of an existing winery and vineyard, which will remain active with the implementation of the proposal. Further, adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report will ensure that the

proposal does not have a detrimental impact on the use or management of surrounding agricultural properties.

Based on the above information, the proposed High-Intensity Park is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

One email in opposition of the application is attached to this Staff Report as Exhibit 11.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3432, 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. 6674; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3432, 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 No. 3432; 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.

DC:cwm:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3400-3499\3432\SR\CUP3432 SR.docx

**Mitigation Monitoring and Reporting Program**  
**Initial Study (IS) Application No. 6674 / Unclassified Conditional Use Permit (CUP) Application No. 3432**  
**(Including Conditions of Approval and Project Notes)**

**EXHIBIT 1**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to operation of the High-Intensity Park, all lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	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 shall be followed by photographs, reports and video. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	During ground-disturbing activities
*3.	Geology and Soils	The sewage disposal system shall be designed and installed in accordance with the ASR Engineering, Inc. Septic Feasibility Study and Conceptual Design Report (Project No. 13-14011 dated July 9, 2014) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*4.	Noise	In concurrence with the Applicant's Operational Statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*5.	Noise	If, based on complaints from noise sensitive receivers and resulting investigations by the Fresno County Department of Public Health, Environmental Health Division, it is determined that the High-Intensity Park Operator is failing to adequately control noise levels occurring at the facility, the Operator shall be required to provide a sound level meter	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing

		and calibrator on the High-Intensity Park premises during all outdoor events utilizing sound amplification. The sound level meter shall be of Type 1 or Type 2, meeting American National Standard Institute's Standard S1.4-1971, or an instrument and associated recording and analyzing equipment which will provide equivalent data and which is capable of displaying the statistical noise metrics used in the Fresno County Noise Ordinance in real time.  The Operator shall be trained by a qualified acoustical consultant in the proper use of the sound level meter. Instruction shall be provided to ensure noise level measurements taken by the Operator comply with the criteria set forth in Fresno County Noise Ordinance Section 8.40.030. Following confirmation of non-compliance with the Fresno County Noise Control Ordinance, the Operator shall conduct noise level measurement surveys during all events and keep records of all data/readings, which will be available upon request to the County.			
*6.	Transportation/ Traffic	Operation of the proposed High-Intensity Park shall be in conformance with the Traffic Management Plan Approved by the County and dated May 13, 2014.	Applicant	Applicant/PW&P	Ongoing
<b>Conditions of Approval</b>					
1.		Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review.			
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.		At the time a Site Plan Review (SPR) is filed, the Applicant shall obtain a Change of Occupancy permit required by Classified Conditional Use Permit (CUP) No. 2953 for the 2,176 square-foot agricultural storage building used as part of the winery operation. Classified CUP No. 2953 has a Condition of Approval requiring Building Permits to be acquired to change the Occupancy of the 2,176 square-foot agricultural storage building to that of a winery facility; however, the required permits have not been issued.			
4.		At the time a Site Plan Review (SPR) is filed, the Applicant shall pay the \$10,625.00 Williamson Act Cancellation Fee as certified by the Board of Supervisors for cancellation of Williamson Act contract on the subject parcel and issuance of a Certificate of Cancellation as described in Project Note No. 18 of Unclassified Conditional Use Permit (CUP) No. 3432.			
5.		The owners of the subject property shall record a document irrevocably offering 30 feet of the subject property to the County of Fresno as future right-of-way for Rolinda Avenue (no existing right-of-way). The western line of said offer shall establish the building setback line for future development.			

	<p>Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
6.	<p>The Applicant shall provide a paved driveway approach for the driveway proposed on Rolinda Avenue, and the first 100 feet of the proposed driveway shall also be paved in order to preclude sediment track-out onto Rolinda Avenue.</p>
7.	<p>Due to the presence of the Fresno Irrigation District (FID) Martin No. 363 pipeline which traverses the subject property in proximity to the western and northern boundaries of the proposed High-Intensity Park, the Applicant shall submit Plans to FID for review and approval prior to issuance of Building Permits for any improvements that affect FID easements or canals/pipelines.</p>
8.	<p>Prior to occupancy, the developer of the High-Intensity Park operation shall provide an irrigation system and drought-tolerant landscaping along the south side of the proposed outdoor assembly area. Said landscaping shall be maintained in a healthy condition and shall consist of trees and shrubs of adequate size and density to provide visual screening of the proposed outdoor assembly area. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer of the High-Intensity Park operation shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO).</p>

\*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**

<p><b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b></p>	
1.	<p>The Applicant shall obtain Building Permits for the 1,000 square-foot agricultural storage building (identified as "Existing Storage Building" on Site Plans provided), the 2,028 square-foot agricultural storage building (identified as "Existing Shed" on Site Plans provided), and the 480 square-foot agricultural storage building (identified as "Existing Shed" on Site Plans provided), as these structures were constructed without Building Permits.</p>
2.	<p>A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Rolinda Avenue or Dakota Avenue.</p>
3.	<p>A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of Rolinda Avenue and Dakota Avenue.</p>
4.	<p>An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.</p>
5.	<p>Plans related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.</p>
6.	<p>Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.</p>

**Notes**

7.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
8.	Prior to issuance of Building Permits, the Applicant shall submit complete restroom and utility room facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval.
9.	Prior to operations, the Applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.
10.	Food and beverages provided at the High-Intensity Park (excluding wine produced by the Applicant) shall be provided by a caterer permitted by the Fresno County Department of Public Health, Environmental Health Division.
11.	Any development associated with this proposal must comply with the California Code of Regulations Title 24 – Fire Code.
12.	Emergency vehicle access shall be provided within 200 feet of all building openings.
13.	Single-entry driveways require turnarounds when the driveway length exceeds 150 feet. Required turnarounds shall be located within 150 feet of the end of the driveway. Sections of the driveway requiring fire apparatus to back-up (travel in reverse) shall not include any turns or bends (except required turnarounds). Turns in driveways for fire apparatus access shall have a minimum 44-foot centerline turn radius.
14.	If gates are installed along the required access, they shall remain unlocked or be provided with Police/Fire bypass locks ("Best" padlock model 21B700 series).
15.	The size and use of the building proposed for construction during Phase II will require the installation of a fire sprinkler system, water tank and listed fire rated pump. The minimum water supply shall be 35,000 gallons. The water tank shall be located not less than 50 feet and not more than 150 feet from any building as measured along a driveway accessible by Fire Department equipment. The water tank shall be no more than 8 feet from an all-weather driving surface accessible to fire apparatus.
16.	This proposal may be subject to the following San Joaquin Valley Unified Air Pollution Control District (Air District) Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
17.	This proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards.

Notes	
18.	Establishing the proposed High-Intensity Park on the subject parcel shall be contingent upon approval of the partial cancellation of Williamson Act Contract No. 70 by the Fresno County Board of Supervisors, and payment of \$10,625.00 Cancellation Fee to allow issuance of a Certificate of Cancellation by the Board of Supervisors.

DC:cwm:ksn  
G:\4360Devs&Pin\PROJUSEC\PROJDOCS\CUP\3500-3599\3432\SR\CUP\3432 MMRP (Ex 1).docx



# LOCATION MAP

CUP 3432

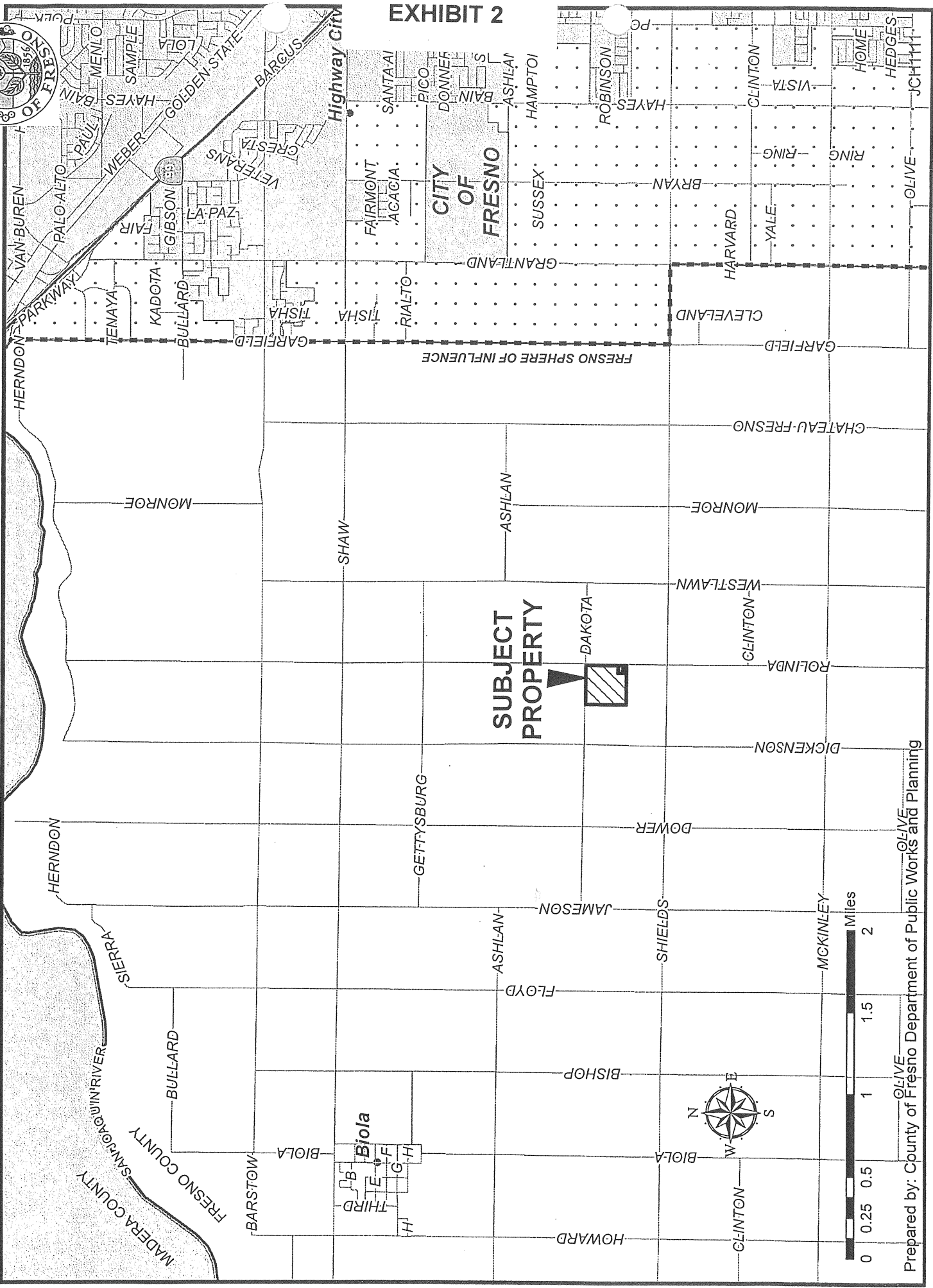
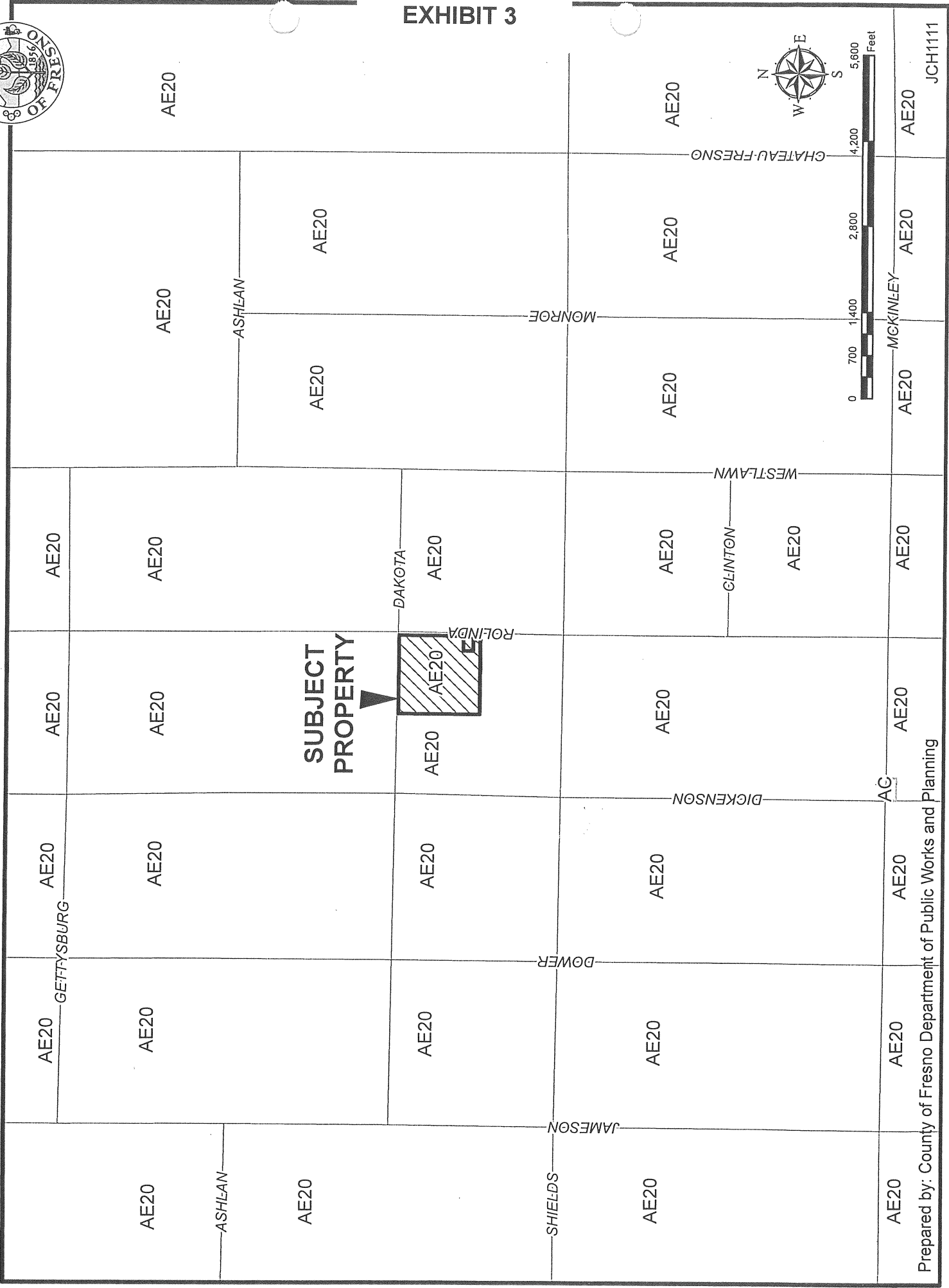


EXHIBIT 2

Prepared by: County of Fresno Department of Public Works and Planning

# EXISTING ZONING MAP



# EXISTING LAND USE MAP



## EXHIBIT 4

LEGEND	
SF#-	SINGLE FAMILY RESIDENCE
V -	VACANT
VIN -	VINEYARD

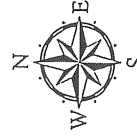
### LEGEND:



Subject Property



Ag Contract Land



Department of Public Works and Planning  
Development Services Division



NOTE ...  
 This map is for Assessment purposes only.  
 It is not to be construed as portraying  
 legal ownership or divisions of land for  
 purposes of zoning or subdivision law.

SEC'S. 23&24, T.13S., R.18E. M.D.B.&M.

Tax Rate Area

- 62-001
- 62-003
- 62-017

016-10

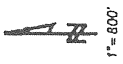
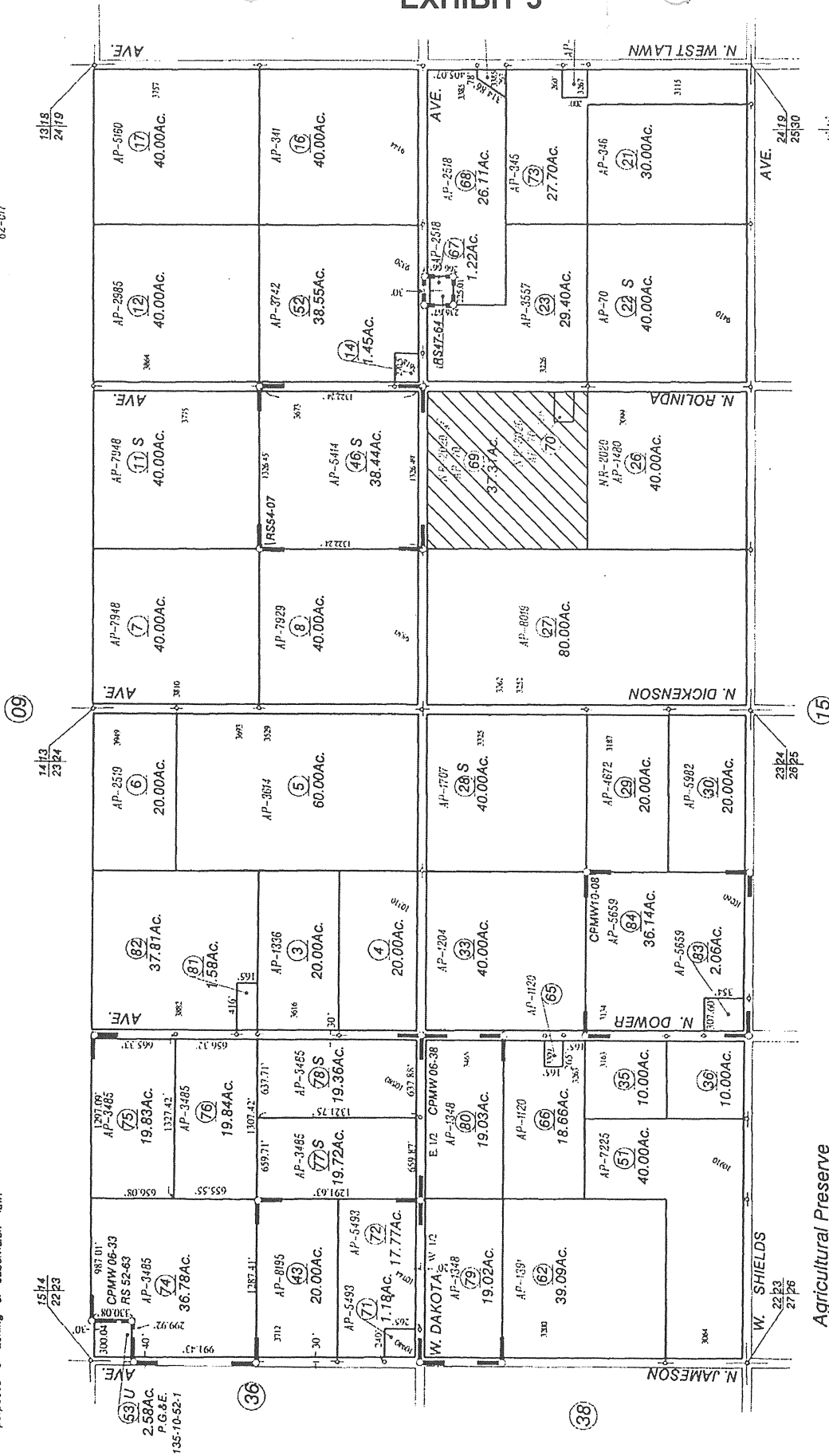


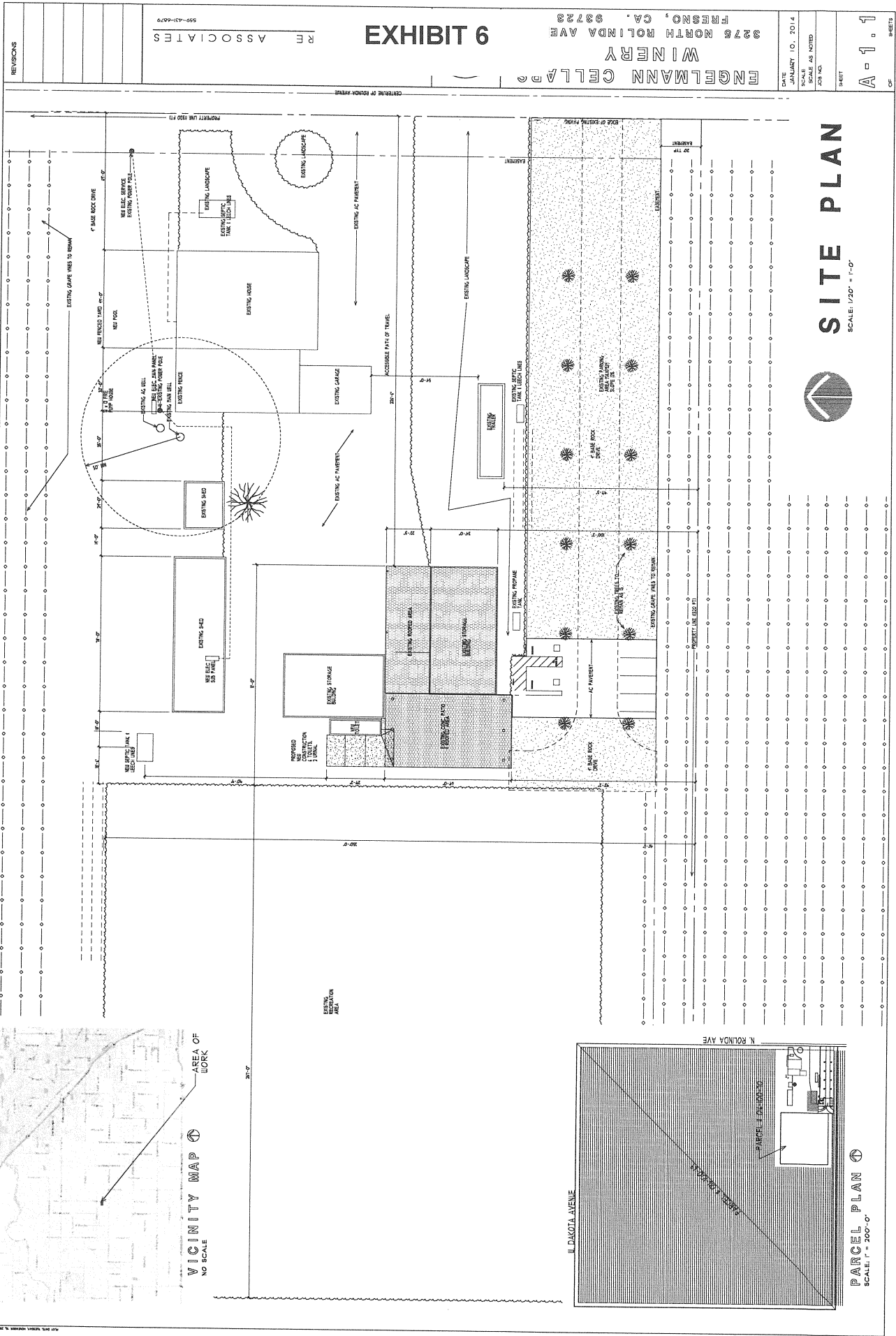
EXHIBIT 5



Agricultural Preserve  
 Certificate of Parcel Map Waiver No. 06-33, Doc. 140686, 7/23/07  
 Certificate of Parcel Map Waiver No. 06-38, Doc. 197726, 10/29/07  
 Record of Survey - Bk. 47, Pg. 64  
 Record of Survey - Bk. 52, Pg. 63  
 Record of Survey - Bk. 54, Pg. 07

Assessor's Map Bk. 16 - Pg. 10  
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
 Assessor's Parcel Numbers Shown in Circles.



REVISIONS

DATE: JANUARY 10, 2014  
 DRAWN BY: [Name]  
 SCALE: AS NOTED  
 JOB NO.: [Number]  
 SHEET: [Number]

3275 NORTH ROLINDA AVE  
 FRESNO, CA 93723  
**ENGELMANN CELLARS**  
**WINERY**

RE ASSOCIATES  
 555-43-6279

# EXHIBIT 6

## SITE PLAN

SCALE: 1/20" = 1'-0"



A = 1 of 1

SHEET

CF

DATE: JANUARY 10, 2014

SCALE: AS NOTED

JOB NO.

DRAWN BY

DATE

3275 NORTH ROLINDA AVE

FRESNO, CA 93723

ENGELMANN CELLARS

WINERY

RE ASSOCIATES

555-43-6279

REVISIONS

DATE

DRAWN BY

SCALE

JOB NO.

DATE

3275 NORTH ROLINDA AVE

FRESNO, CA 93723

ENGELMANN CELLARS

WINERY

RE ASSOCIATES

555-43-6279

**DESIGN CRITERIA**

**DESIGN CODE AND PROJECT LOCATION**  
 LOCATION: 375 NORTH ROLINDA AVENUE  
 BUILDING CODE: 200 CALIFORNIA BUILDING CODE TITLE 24, PART 2, VOLUME 2  
 BASED ON 2001 INTERNATIONAL BUILDING CODE

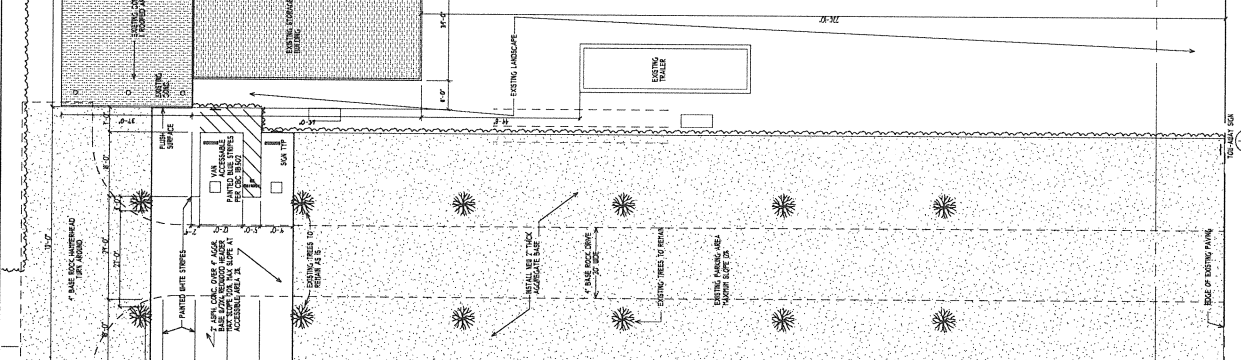
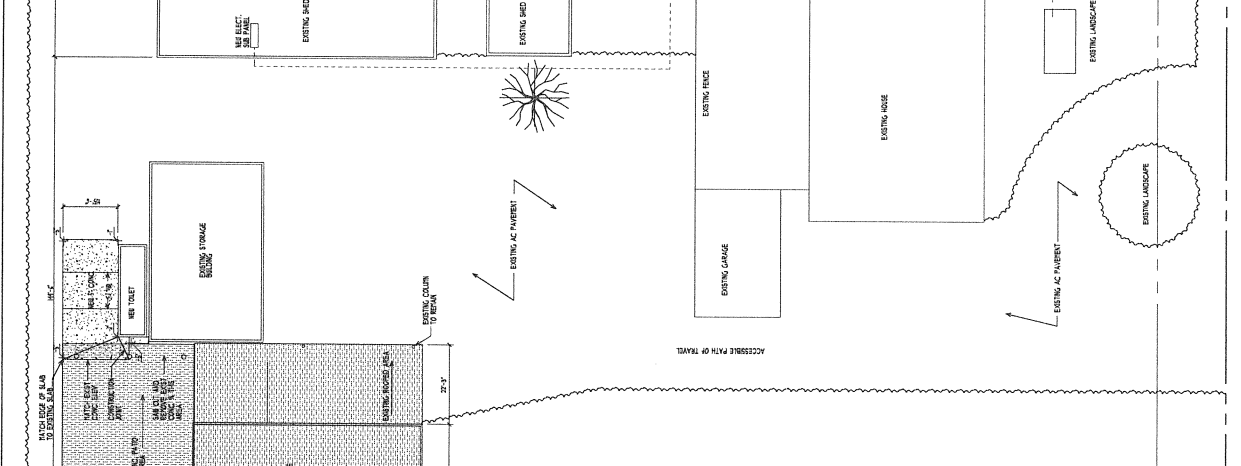
**DESIGN LIVE LOADS**  
 ROOF LOAD: 30 PPF ADJUSTED FOR WIND AND SEISMIC AREA  
 SOIL PRESURE: 1000 PPF  
 D.L. LAND ON SEISMIC: 1000 PPF  
 SEISMIC CRITERIA  
 LATITUDE - SLEVE: LONGITUDE - SLEVE ALTITUDE - SLEVE  
 SEISMIC CRITERIA IS BASED UPON VALUES FROM ASCE-05  
 SITE CLASS IS BASED ON THE DEVELOPMENT OF THESE COEFFICIENTS  
 S.A. - 0.08 S.S. - 0.14 S.D. - 0.15  
 S.I. - 0.08 S.S. - 0.14 S.D. - 0.15  
 SITE COEFFICIENT "C": 0.15  
 INTERNAL STRENGTH COEFFICIENT "I": 0.15  
 IMPORTANCE FACTOR OCCUPANCY CATEGORY: J I = 2.0  
 SEISMIC DESIGN CATEGORY: B

**GENERAL NOTES**

A CHEMICAL TOILET IS REQUIRED ON-SITE DURING CONSTRUCTION.  
 CHANGES FROM THE APPROVED PLANS DURING THE COURSE OF CONSTRUCTION  
 MUST BE APPROVED BY THE DESIGNER AND SUBMITTED TO THE COUNTY PER  
 INSTANT STREET ADDRESS NUMERALS AT LEAST FOUR INCHES HIGH WITH FINISH  
 THE STREET FRONTED ON A CONTRASTING BACKGROUND CLEARLY VISIBLE THROUGH  
 SPECIAL INSPECTION SHALL BE PERFORMED AS REQUIRED BY THE COUNTY OF  
 FRESNO.

**GOVERNING CODES**

CONSTRUCTION SHALL BE COMPLIANT WITH THE  
 FOLLOWING CODES:  
 209 CALIFORNIA BUILDING CODE (PART 2, TITLE 24, VOLUME 2)  
 209 CAL ELECTRICAL CODE (ADDITIONS)  
 209 CAL MECHANICAL CODE (ADDITIONS)  
 209 CAL FIRE CODE (ADDITIONS)  
 209 CALIFORNIA FIRE CODE (PART 2, TITLE 24, VOLUME 2)



**REVISIONS**


**ENGINEERING**  
 ENGLMANN CELLARS  
 215 NORTH COLLEGE AVENUE  
 FRESNO, CALIFORNIA 93723

**ARCHITECT**  
 CURATORS ASSOCIATES  
 559-A 31st AVE  
 FRESNO, CA 93703

**DATE:** JANUARY 10, 2014  
**SCALE AS NOTED**  
**JOB NO.**  
**SHEET**

**PROJECT DATA**

A-10 SITE PLAN OVERALL SITE & VICINITY PLAN

**SITE DATA**

OWNER / JOB ADDRESS: 375 N. ROLINDA AVE.  
 OWNER NAME: BRIET ENGLMANN  
 OWNER PHONE: 559-714-1413  
 PROJECT NO.: 08-00-24-05-00-0-1 08-00-10  
 ZONE DISTRICT: VM  
 PARCEL SIZE: 52.43  
 OCCUPANCY GROUP: 52.43  
 PLAN DISTRICT AREA: 52.43

**SITE STATISTICS**

TOTAL EXISTING BUILDING AREA: 376 SQ. FT.  
 TOTAL NEW BUILDING AREA: 200 SQ. FT.  
 TOTAL AREA DEDICATED TO OFFICE USE: 0 SQ. FT.  
 PROPOSED TOTAL ROOF AREA: 830 SQ. FT.  
 EXISTING PARKING AREA: 2050 SQ. FT.  
 TOTAL ACCESSIBLE STALLS: 2 (ONE VAN)

**SCOPE OF WORK**

THE NEW SCOPE OF WORK SHALL INCLUDE: METEOROLOGICAL DATA AND WIND BLOWING ANGLE ANALYSIS FOR DESIGN OF EXTERIOR WALLS AND ROOFING SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES. THIS PERMIT DOES NOT INCLUDE THE INSTALLATION OF SPRINKLERS.

**DATE:** JANUARY 10, 2014  
**SCALE AS NOTED**  
**JOB NO.**  
**SHEET**

**SHEET INDEX**

**SITE PLAN**  
 SCALE: 1/4" = 1'-0"

CENTRELINE OF ROLINDA AVENUE

A-10  
 SHEETS  
 CP  
 DRAW NUMBER: 6-12-14-070

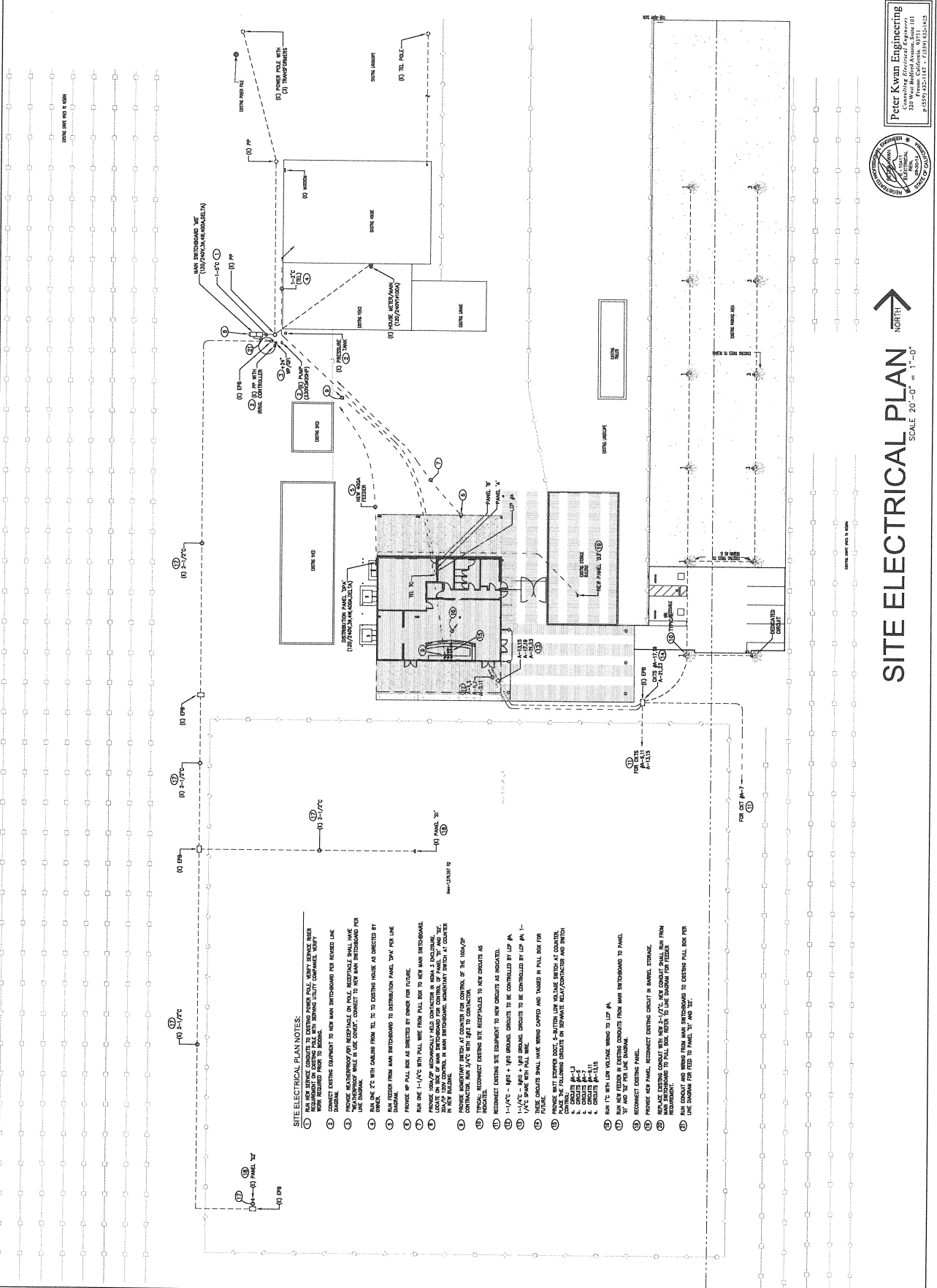
NO.	DESCRIPTION	DATE	BY

3275 NORTH ROLINDA AVENUE  
 FRESNO, CA. 93723  
**ENGELMANN CELLARS**  
**WINERY**

**PURVIS ASSOCIATES**  
 2220 N. FOLKLA  
 FRESNO, CA. 93701  
 559.431.8279

DATE: JANUARY 15, 2014  
 DRAWING NO.: 14-01  
 SCALE: AS NOTED  
 SHEET NO.: 8 OF 8

**E-1B**  
 SHEET

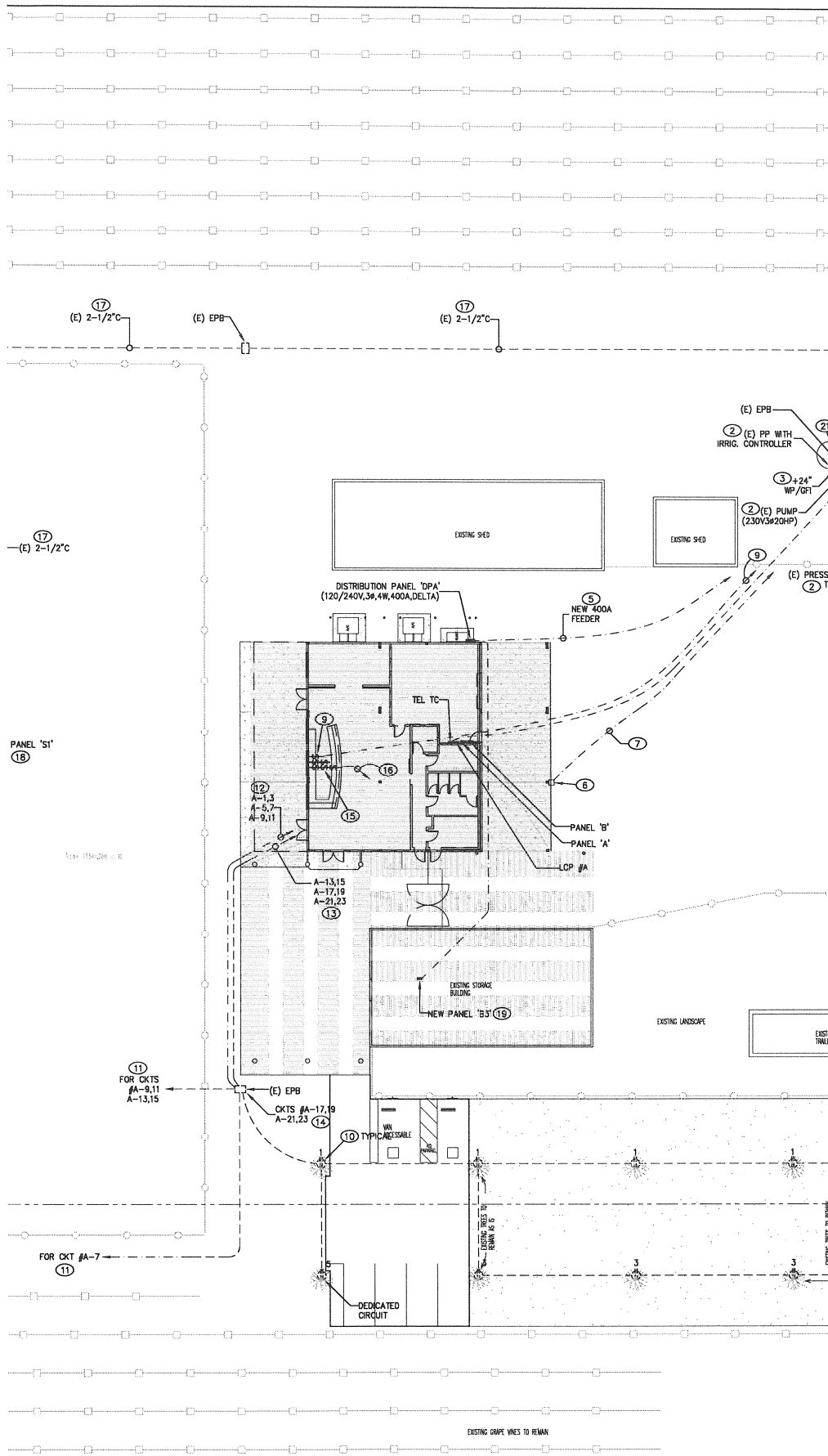


- SITE ELECTRICAL PLAN NOTES:**
1. RUN NEW SERVICE CONDUIT TO EXISTING POWER POLE. VERIFY SERVICE AREA WITH SHOWN UTILITY COMPANIES. VERIFY WORK REQUIRED PRIOR TO BEGIN.
  2. CONNECT EXISTING EQUIPMENT TO NEW MAIN SWITCHBOARD PER REFERRED LINE.
  3. PROVIDE WEATHERPROOFING PROTECTION ON ALL EXPOSED PANELS HAVE WEATHERPROOF WHILE IN USE. CONNECT TO NEW MAIN SWITCHBOARD PER DRAWING.
  4. RUN ONE 2" EMT CHAINUP FROM TEL TO EXISTING HOUSE AS DIRECTED BY OWNER.
  5. RUN FEEDER FROM MAIN SWITCHBOARD TO DISTRIBUTION PANEL 20A PER LINE.
  6. PROVIDE 4" PULL BOX AS DIRECTED BY OWNER FOR USE.
  7. PROVIDE ONE 1-1/2" EMT PER PULL LINE FROM PULL BOX TO NEW MAIN SWITCHBOARD.
  8. PROVIDE ONE 1-1/2" EMT PER PULL LINE FROM PULL BOX TO NEW MAIN SWITCHBOARD. LOCATE ON SIDE OF MAIN SWITCHBOARD FOR CONTROL OF PANEL 31 AND 32. PROVIDE WEATHERPROOFING PROTECTION ON ALL EXPOSED PANELS HAVE WEATHERPROOF WHILE IN USE. CONNECT TO NEW MAIN SWITCHBOARD AT COUNTER IN NEW BUILDING.
  9. PROVIDE WEATHERPROOFING PROTECTION AT COUNTER FOR CONTROL OF THE 600V/2P CONTROLLER. RUN 2-1/2" EMT WITH 3/4" TO CONTROLLER.
  10. RECONNECT EXISTING SITE EQUIPMENT TO NEW CIRCUITS AS INDICATED.
  11. RECONNECT EXISTING SITE EQUIPMENT TO NEW CIRCUITS AS INDICATED.
  12. 1-1/2" - 1/2" + 1/2" BONDING CIRCUITS TO BE CONTROLLED BY LCP 3A.
  13. 1-1/2" - 1/2" + 1/2" BONDING CIRCUITS TO BE CONTROLLED BY LCP 3A.
  14. 1-1/2" - 1/2" + 1/2" BONDING CIRCUITS TO BE CONTROLLED BY LCP 3A.
  15. PROVIDE ALL NEW EQUIPMENT TO BE CONTROLLED BY LCP 3A.
  16. PROVIDE ALL NEW EQUIPMENT TO BE CONTROLLED BY LCP 3A.
  17. PROVIDE ALL NEW EQUIPMENT TO BE CONTROLLED BY LCP 3A.
  18. PROVIDE ALL NEW EQUIPMENT TO BE CONTROLLED BY LCP 3A.
  19. PROVIDE ALL NEW EQUIPMENT TO BE CONTROLLED BY LCP 3A.
  20. PROVIDE ALL NEW EQUIPMENT TO BE CONTROLLED BY LCP 3A.

**Peter Kwan Engineering**  
 Consulting Electrical Engineers (P) EIT  
 3200 N. FOLKLA AVENUE  
 FRESNO, CALIFORNIA 93701  
 P: (559) 435-1187 - F: (559) 435-1425

**SITE ELECTRICAL PLAN**  
 SCALE: 20'-0" = 1'-0"

NORTH  
 SHEET NO.: 8 OF 8



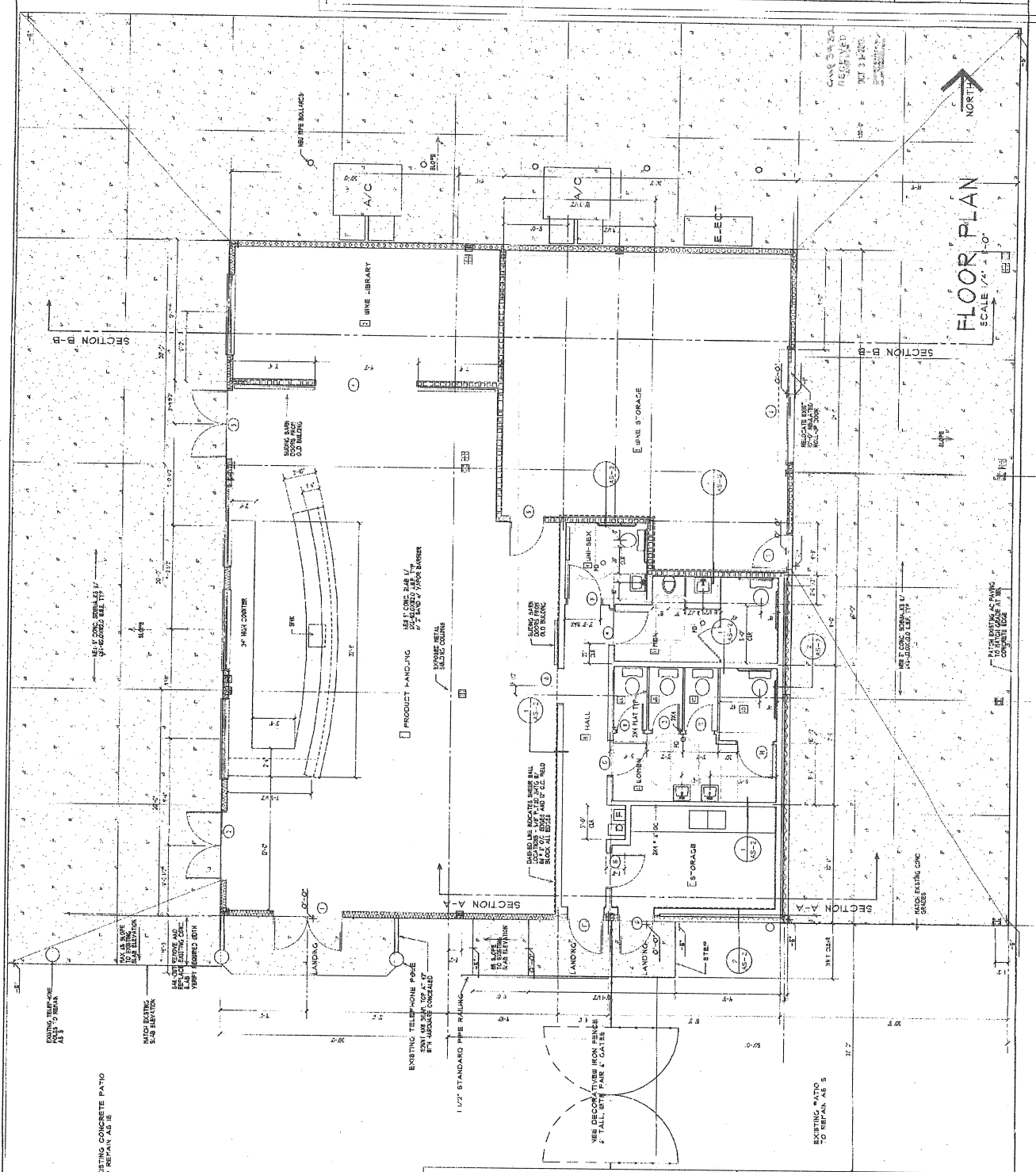
# SITE ELECTRICAL PLAN

SCALE 20'-0" = 1"-(



# LEGEND

- 1. 1/2" STANDARD PIPE RAILING
- 2. 3/4" FALL IRON RAILING
- 3. 1/2" FALL IRON RAILING
- 4. 3/4" FALL IRON RAILING
- 5. 1/2" FALL IRON RAILING
- 6. 3/4" FALL IRON RAILING
- 7. 1/2" FALL IRON RAILING
- 8. 3/4" FALL IRON RAILING
- 9. 1/2" FALL IRON RAILING
- 10. 3/4" FALL IRON RAILING
- 11. 1/2" FALL IRON RAILING
- 12. 3/4" FALL IRON RAILING
- 13. 1/2" FALL IRON RAILING
- 14. 3/4" FALL IRON RAILING
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- 58. 3/4" FALL IRON RAILING
- 59. 1/2" FALL IRON RAILING
- 60. 3/4" FALL IRON RAILING
- 61. 1/2" FALL IRON RAILING
- 62. 3/4" FALL IRON RAILING
- 63. 1/2" FALL IRON RAILING
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- 90. 3/4" FALL IRON RAILING
- 91. 1/2" FALL IRON RAILING
- 92. 3/4" FALL IRON RAILING
- 93. 1/2" FALL IRON RAILING
- 94. 3/4" FALL IRON RAILING
- 95. 1/2" FALL IRON RAILING
- 96. 3/4" FALL IRON RAILING
- 97. 1/2" FALL IRON RAILING
- 98. 3/4" FALL IRON RAILING
- 99. 1/2" FALL IRON RAILING
- 100. 3/4" FALL IRON RAILING



FLOOR PLAN  
SCALE 1/4" = 1'-0"



ENGELMANN CELLARS  
WINERY  
3276 NORTH HOLINDA AV  
FRESNO, CA 93721

# EXHIBIT 7

OZRE ASSOCIATES  
009-431-6679

REVISIONS	BY

REVISIONS	BY

RE ASSOCIATES  
559-CR-0976

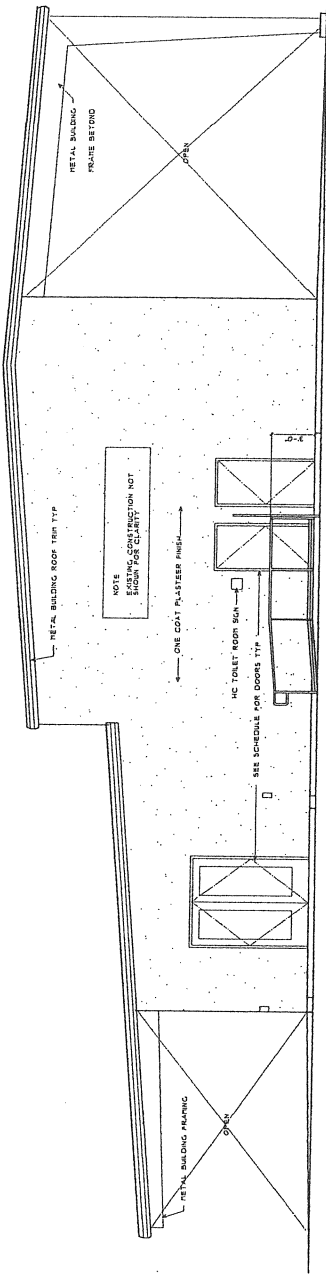
# EXHIBIT 8

ENGLEMAN CELLARS  
WINERY  
2275 NORTH ROLINDA AVE  
FRESNO, CA. 93723

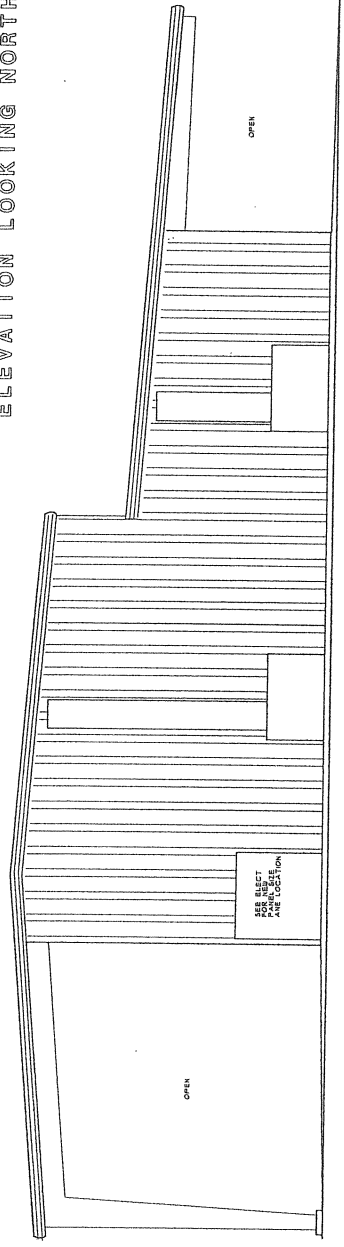
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SCALE	SCALE AS NOTED
DATE	

A = 4  
SHEET

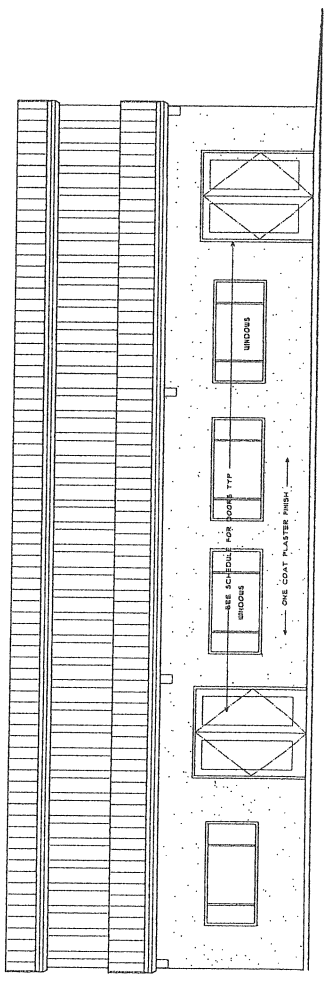
ELEVATIONS DRAWN AT 1/8" = 1'-0"



ELEVATION LOOKING NORTH



ELEVATION LOOKING SOUTH



ELEVATION LOOKING EAST

# EXHIBIT 9

## Operational Statement

Revised Jan. 11, 2017

### 2 phase project

Engelmann Cellars

We are revising our operational statement to a 2 phase project instead of building it all out at one time. The fire sprinklers and water storage that was added to this project made it financially difficult for us to do the whole project at one time because of the extra \$200,000 the fire sprinklers and water storage added to the budget. We are proposing to do all major infrastructure in in phase 1 leaving only the new tasting room building and fire protection for phase two of this project.

In Phase 1 we will:

1. Pull 400 amp service from PG&E at the street to a temporary panel near where the new tasting room building will be erected in Phase 2.
2. Finish the winery parking lot with concrete ADA parking stalls and the rest with ag base and decomposed granite (same as original plans)
3. Install septic system that will be used for the new building in Phase 2 (same as original plans)
4. Purchase an 8 station skid mount CA ADA compliant portable restroom and install near our Vineyard Park.

<http://www.portablerestroomtrailers.com/property/new-2016-park-model-luxury-series-7-station-ada-portable-restrooms-trailer/#tab3>

5. Pour concrete in front of skid mount restrooms to flush up to restroom doors so no ramps or stairs are required.

In Phase 2 we will:

1. Build new tasting room/wine storage/crush pad building
2. Install water storage and fire sprinklers

The tasting room building in phase 2 has 7 toilets enough for 200 people (50 per toilet) at an event (as stated in original operational statement). The portable skid mount restroom proposed in phase 1 has 8 toilets (4 – men's, 3- women's and 1 ADA) so we will keep all the

below information from the original operational statement for event size, times, number of events, wine processing, etc. here at Engelmann Cellars in phase 1 of the project.

#### Time Frame for both Phase 1 and Phase 2

##### Phase 1

We expect to have Phase 1 done 6-9 months after permit approval. If permits happen before the end of 2016 we would like to have Phase 1 done by May 2017.

##### Phase 2

We will start on Phase two in approximately 4-5 years (2020-2021). In 4-5 years we will have 30 acres of almonds in production that will help raise our income substantially along with the increase in business from Phase 1 improvements. This increase in income is what we need to get the loan for phase 2 of the project. We expect Phase 2 to be completed in 6-9 months after permit approval.

#### 1. Nature of Operation

##### A. Project Site

The project site for this proposed update to Engelmann Cellars operational statement to include a high intensity park approximately 1.5 acres located 310' west of Rolinda Ave. from the South East corner of the following 40 acre parcel plus the construction of a new mix use tasting room, restroom, wine case good storage and crush pad building:

APN 016-100-69 and 016-100-70

##### B. Overall use of property

The nature of business for Engelmann Cellars is to grow, produce and sell local wines in the Fresno countryside and to the wholesale market. For the past 14 years all production and sales has taken place in the yard and one building on site. We are proposing to build a new mix use building to house our tasting room, ADA restrooms, bottled wine storage, and crush pad for harvest, racking, blending and bottling of our wine. This new building will also provide adequate permanent sanitation and size to accommodate larger crowds associated with our growing winery weekend tastings, our Fresno County Wine Journey Weekends and wine club pickups.

C. Specific uses:

1. Grow grapes and make wine.
2. Promote and sell wine through wine tasting and special events
  - a. Special Events shall include:
    1. Private Wine Tastings
    2. Fundraisers
    3. Weddings
    4. Birthday, Anniversary, or other celebrations

2. Operational Times

Regular wine tasting will be every Friday thru Sunday from 12 - 5PM year round (New mix use tasting room crush pad building)

\*\*Private wine tasting usually small groups of 10 people or less. (New mix use tasting room crush pad building)

Harvest is mainly late August - mid October. Hours will vary depending on when grapes are ripe and how much wine we are producing, but we will not operate loud machinery after 10PM. (New mix use tasting room crush pad building)

Random wine making processes, bottling, and other maintenance will happen mostly during the day between 7AM- 7PM, 3-5 days every two months. (New mix use tasting room crush pad building)

\*Friday Night Wine Tasting every Friday May - Sept from 7 PM - 10PM (1.5 acre park)

Fundraisers will be occasional after regular business hours and during the week. These will never take place after 10PM. (1.5 acre park)

\*\*Weddings, birthdays, anniversaries or any other celebrations will mostly occur after regular wine tasting hours but will all conclude before 10PM. (1.5 acre park)

\*Friday Night Wine Tasting happens every Friday night May - Sept. from 7-10PM in the 1.5 acres park. They are free to enter and usually have live entertainment. We charge for tasting and wine sales. These events are geared towards building excitement and awareness of Engelmann Cellars brand and Fresno wineries.

\*\* Special events in the 1.5 acre park - Engelmann Cellars is a location only venue. We do not supply table or chair rentals, catering, music. These are all supplied with licensed companies by the party using our venue. We do supply wine, two attendants, and lighting during all events. Once again these are great events to build awareness and excitement of the Engelmann Cellars brand and Fresno wineries.

Caterers are responsible for all hand washing and sanitation. Dish and utensils are cleaned off site.

### 3. Number of Visitors

Our tasting room will be open year round Friday - Sunday, on a typical weekend we will expect to see approximately 40 - 100 customers per weekend between 12 - 5PM. (Winery tasting room)

Fresno County Wine Journey (three times a year) will typically bring over 1000 visitors to all the local Fresno County wineries. We may have up to 200 people visiting the winery at one time mostly on the patio with no more than 90 in the tasting room at any time.

Engelmann Cellars Door Wine Club pickups happen 4 times a year. With over 65 wine club members and growing we may have up to 90 people at the winery at one time including spouses and potential new wine club members. (Winery tasting room and patio) Many club members are out of town and have their wines shipped.

Special events take place mostly in the summer months May - Oct after 5PM. Most of these events range from 150 - 200 people. (1.5 acre park)

Friday Night Wine Tasting occur every Friday May - Sept from 7-10PM with an average attendance of 150 - 200 people. (1.5 acre park)

### 4. Number of Employees on the Property

As of right now Engelmann Cellars currently has no employees. We are still a small winery run by myself (Bret Engelman) and my wife (Elainea Engelman). We do have two interns from Fresno State that help in the tasting room and wine making so that they can gain experience on owning and operating a small winery when they graduate CSU Fresno. With this new expansion we do plan on having one full time and 2 part time employees within 3 year of construction completion.

## 5. Vehicles and Parking

Public Parking for wine tasting or special events is located on the South side of the property where we have a 310' x 67' parking lot. Our parking lot is currently a sandy soil parking lot with sprinklers installed for dust control. In our current building permits we are proposing to concrete a 42'x67' area closest to the entrance to the winery for two ADA parking spots and 4 regular spots, the rest of the parking lot will be filled with decomposed granite for overflow parking. We currently have 12 Drake Elm trees planted to shade this parking area when they fill in. Employee or intern parking is located in the back of the winery in the asphalt yard.

## 6. Access to the Site

Customer access is facilitated by turning directly off of Rolinda Ave. into the parking lot. There is no gate or restrictions to this parking lot. Delivery or winery operations will also turn directly off of Rolinda onto our asphalt driveway for the house, there are also no gates or restrictions on this entrance to the winery.

## 7. Equipment to be used

The most used equipment would be a riding lawnmower to mow the 1.5 acre grass area behind (west) the winery located in the vineyard. We also use an electric leaf blower to keep the grounds clean. Winery operations equipment used occasionally is a crusher destemer, bladder press, pump, forklift. None of this equipment is loud enough to hear beyond our property.

## 8. Supplies and Materials

Most small equipment and materials are stored in the current winery building. This includes wine filter, filter pads, lab equipment, wine making supplies like yeast, sulfur, citric, malic, and tartaric acid for wine additions, hose fittings. We also store paper towels, toilet paper, soap, trash bags in this building too. Larger equipment such as lawn mower, fork lift, crusher, bladder press, harvest bins are stored outside or in surrounding shops.

## 9. Liquid and Solid Wastes

### Event and wine tasting waste

Recycling and trash are picked up weekly by Waste Management and the City of Fresno youth employment. This is sufficient for all events and processing here at Engelmann Cellars.

### Wine processing waste

There is very little waste involved in the making of wine. The only liquids used are water for cleaning and wine. Wine is bottled and sold, water gravity flows back to one of our two lawn areas where it filters back into our sandy soil. Approximately 3000 gallons of water is used each year to clean equipment and barrels, which then waters our lawn and trees. No waste water is pumped. Solid waste (grape seeds and skins) are either spread back into the vineyards or distributed into our flowerbeds as ground cover. All grape stems are distributed back into the vineyards.

## 10. Water Usage

All water used comes from our existing 185' deep domestic well located behind the house on this property. This well also supplies the single family residence with all water needs and is more than adequate to handle both the grounds and the buildings.

## 11. Property Improvements

At this time we are waiting on building permits to build a new tasting room with 3 ADA restrooms, wine storage, and crush pad. This new building will have a tasting room on the South West Corner and a sales office with wine storage for restocking the tasting counter on the North West corner of the new building. On the North East corner we have pallet case good storage and the South East corner are restrooms and non-wine storage.

With these same plans we plan to concrete in a 42' x 67' foot area of our current parking lot for two ADA parking stalls and 4 regular parking stalls close to the entrance to the winery. We plan to put decomposed granite in the rest of the 310' x 67' parking lot. These two improvements should give us adequate room for wine tasting, and meet all our ADA requirements. We also have PG&E working to upgrade us to a 400 amp underground service for the new construction.



## 12. Outdoor Lighting and Sound Amplification

Light to moderate sound amplification will be used for special events, and Friday Night Wine Tastings. These events will all be over by 10PM to stay in accordance with the Fresno County outdoor noise ordinance. We have 24 10W LED lights shining both down on the parking lot and up into trees to illuminate the driveway/parking lot. None of these lights shine on the street. The lights in the lawn area are small led bistro hanging lights (four strands) that light up about a .6 acre area of the lawn where most special events set up. These do not shine towards any street or surrounding properties since this location sits in the middle of 80 acres owned by the Engelman family.

## 13. Landscaping

We currently have a 1.5 acre area in the vineyard behind (west) the winery (proposed High Intensity Park) that we improved with sprinklers, lawn and trees. This landscaping improvement is on file with the county for this property. We also have a flowerbed at the entrance and down the side of the parking lot that is all on drip irrigation. No additional landscaping is planned at this time.

## 14. Building uses

There are six buildings on this 1.5 acre property located east of the 1.5 acre park that is used as private residence, wine making, wine storage, wine tasting, and farming operations.

1. **House and garage** are used as private residence.
2. **Mobile home** used as storage for Engelmänn Cellars decorations, apparel, wine glasses, etc.
3. **64' X 34' winery building on south side of yard.** Currently used for wine making, wine storage, tasting room. When new building is complete this will be limited wine making and wine storage only.
4. **26' x 78' storage building and 20' x 24' shed on north side of yard** are used for farming operations storage.
5. **New tasting room building located on west side of yard.** This building will be used for wine tasting, ADA restrooms, wine case good storage, and an 1800 sq ft crush pad for making wine (crushing and pressing grapes, racking wine, blending wine, bottling wine).

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- APPLICANT: Bret Engelman
- APPLICATION NOS.: Initial Study Application No. 6674 and Unclassified  
Conditional Use Permit Application No. 3432
- DESCRIPTION: Allow the phased development a High Intensity Park (event facility) on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located at the southwest corner of Dakota Avenue and Rolinda Avenue, approximately two miles west of the nearest city limits of the City of Fresno (9645 W. Dakota Avenue, 3275 N. Rolinda Avenue) (SUP. DIST. 1) (APNs 016-100-69, 016-100-70).

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal entails the phased development of a High Intensity Park to be utilized as an event facility for wine tasting, fundraisers, weddings, birthdays, anniversaries, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is a single legal parcel comprised of a 0.90-acre Life Estate identified as Assessor's Parcel Number (APN) 016-100-70 and a 37.31-acre (net) vineyard identified as APN 016-100-69. Further, the subject property has an existing winery operation located thereon that was authorized by Classified Conditional Use Permit No. 2953, which was approved by the Fresno County Planning Commission on November 30, 2000. The proposed High Intensity Park use will encompass approximately 1.86 acres of land, including an approximately 1.47-acre outdoor assembly area, and will be partially located on the 0.90-acre Life Estate identified as APN 016-100-70 and the 37.31-acre (net) vineyard site identified as APN 016-100-69.*

*Existing improvements located on the subject property include a 2,400 square-foot single family residence with 864 square-foot garage and septic system; two water wells; 2,176 square-foot agricultural storage building utilized for existing winery operations (identified as “Existing Storage Building” on Site Plans provided for subject proposal); 1,424 square-foot covered patio addition to the 2,176 square-foot agricultural storage building (identified as “Existing Roofed Area” on Site Plans provided for subject proposal); 1,920 square-foot personal storage building (pole barn identified as “Existing Concrete Patio and Roofed Area” on Site Plans provided for subject proposal); 1,000 square-foot agricultural storage building (identified as “Existing Storage Building” on Site Plans provided for subject proposal); 2,028 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided for subject proposal); 480 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided for subject proposal); and a 540 square-foot mobile home with septic system (identified as “Existing Trailer” on Site Plans provided for subject proposal).*

*With regard to building permits, it has been verified that the 2,400 square-foot single family residence with 864 square-foot garage and the 2,176 square-foot agricultural storage building currently utilized for winery operations were constructed prior to March 1, 1958, which is the time that building permits became required in Fresno County. Further, building permits were issued for the construction of the 1,424 square-foot covered patio addition to the 2,176 square-foot agricultural storage building (identified as “Existing Roofed Area” on Site Plans provided for subject proposal), and the 1,920 square-foot personal storage building (pole barn identified as “Existing Concrete Patio and Roofed Area” on Site Plans provided for subject proposal). Additionally, the 540 square-foot mobile home (identified as “Existing Trailer” on Site Plans provided for subject proposal) was installed with permits.*

*There are no permit records for the 1,000 square-foot agricultural storage building (identified as “Existing Storage Building” on Site Plans provided for subject proposal), the 2,028 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided for subject proposal), or the 480 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided for subject proposal). Further, Classified Conditional Use Permit No. 2953 has a Condition of Approval requiring building permits to be acquired to change the Occupancy of the 2,176 square-foot agricultural storage building to that of a winery facility. With regard to this requirement from Classified Conditional Use Permit No. 2953, Plan Check No. 30453 was filed on May 21, 2012 for the required change of Occupancy; however, the Plan Check was never completed and the required permits have not been issued. As such, the Applicant must obtain the change of Occupancy permit required by Classified Conditional Use Permit No. 2953 for the existing winery operation prior to continuing said winery operations. This requirement will be included as a Condition of Approval.*

*The first phase of the proposed High Intensity Park development includes installation of a 400 amp electrical service, construction of a paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped, construction of a 20,770 square-foot gravel-surfaced parking lot, installation of an ADA-compliant portable restroom facility with eight toilets and/or urinals, and construction of a septic*

*system for the portable restroom facility that will ultimately serve the building to be constructed during the second phase of the High Intensity Park development.*

*Development of the second phase of the proposed High Intensity Park is dependent on the availability of funding; however, according to the Applicant, construction of said phase should commence within five years of the subject proposal being approved. Further, the second phase of the proposed High Intensity Park development includes construction of a 3,000 square-foot building to be utilized for wine tasting, wine storage, grape crushing for winemaking, and permanent restrooms for the High Intensity Park that will replace the portable restroom facility installed during the first phase of the High Intensity Park development. Construction of the building proposed for the second phase of the High Intensity Park will require fire sprinklers and water storage for fire suppression.*

*With regard to scheduled operations, the proposed High Intensity Park will host Regular Wine Tasting from 12:00 (noon) until 5:00pm, Friday through Sunday year-round for up to 40 guests per day. Additionally, the proposed High Intensity Park will host Private Wine Tasting by appointment for up to 10 guests per appointment. Further, the proposed High Intensity Park will host Friday Night Wine Tasting from 7:00pm until 10:00pm every Friday from May through September for up to 200 guests per day. It is noted by Staff that the Friday Night Wine Tasting events may include live entertainment such as musicians.*

*With regard to special events, the proposed High Intensity Park may host Fundraisers from 5:00pm until 10:00pm, Monday through Friday year-round for up to 200 guests per fundraiser event. Additionally, the proposed High Intensity Park may host weddings, birthdays, anniversaries and similar celebrations from 5:00pm until 10:00pm, Friday through Sunday year-round for up to 200 guests per celebration event. Further, the proposed High Intensity Park will participate in the Fresno County Wine Journey, which is a winery tourism event that occurs three times per year, and up to 200 guests will be on site per event day. Additionally, the proposed High Intensity Park will host an on site wine selling event (Engelmann Cellars Door Wine Club) four times per year, and up to 90 guests will be on site at any given time during each wine selling event.*

*The subject property is located in a predominately agricultural area with residential land uses dispersed throughout. The City of Fresno is located approximately two miles east of the subject property, and a high school (Central Unified High School West Campus) is located approximately one mile southwest of the subject property. The project site is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the project analysis.*

*Visibility of the proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility from easterly neighboring properties will be screened from view by the existing structures located on the subject property.*

*The proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility will be visible from neighboring properties located to the west; however, no significant adverse aesthetic impacts are anticipated west of the proposal*

*considering the distances between the project site and neighboring dwellings located to the west, the closest of which is located approximately 1,790 feet west of the proposed 1.47-acre outdoor assembly area.*

*The proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility will be visible from neighboring properties located to the north; however, no significant adverse aesthetic impacts are anticipated north of the proposal considering the distances between the project site and neighboring dwellings located to the north, the closest of which is located approximately 1,203 feet northeast of the proposed 1.47-acre outdoor assembly area.*

*The proposed 1.47-acre outdoor assembly area and the proposed ADA-compliant portable restroom facility will be visible from a neighboring dwelling located to the south. As such, drought-tolerant landscaping shall be provided along the south side of the proposed outdoor assembly area. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer of the High Intensity Park operation shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0). Further, said landscaping shall be maintained in healthful condition and shall consist of trees and shrubs of reasonable size and density to provide visual screening. This landscaping requirement will be included as a Condition of Approval. Additionally, the design of the required landscaping shall be reviewed for approval during Site Plan Review (SPR), which will also be required as a Condition of Approval. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.*

- 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:

*This proposal will utilize outdoor lighting which has the potential of generating new sources of light and glare in the area. As such, all outdoor lighting fixtures shall be required to be hooded and directed so as to not shine towards adjacent properties and roads. This requirement will be included as a Mitigation Measure.*

\* **Mitigation Measure**

- 1. Prior to operation of the High Intensity Park, all lighting shall be hooded, directed and permanently maintained as to not shine towards adjacent properties and 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: LESS THAN SIGNIFICANT IMPACT:

*The project site is not located on forest land, is classified as Prime Farmland on the Fresno County Important Farmland Map (2014), and is enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 70.*

*Pursuant to Fresno County Williamson Act Guidelines, the proposed High Intensity Park is not a compatible use on property subject to Williamson Act Contract, unless a cancellation of the Contract has occurred. In this case, an application for partial cancellation of Williamson Act Contract No. 70 has been filed for the proposed 1.86-acre High Intensity Park project site and is in process. Further, the approximately 38-acre balance of the subject property will continue to be agriculturally productive.*

*The Agricultural Land Conservation Committee heard the request for partial cancellation during their March 4, 2015 Meeting and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. If approved by the Planning Commission, implementation of the proposed High Intensity Park use will be contingent upon approval of the partial cancellation of Williamson Act Contract No. 70 by the Board of Supervisors, which would occur after final action on this Unclassified Conditional Use Permit request.*

*With regard to the Prime Farmland classification of the project site, this proposal will preclude the agricultural cultivation of approximately 1.86 acres of Prime Farmland. However, this loss of farmland is less than significant in that the approximately 38-acre balance of the subject 40-acre property will remain agriculturally productive. Further, the proposed High Intensity Park use is related to and supportive of an existing winery, which is an existing on-site agricultural activity.*

*The project site is located in an area of agricultural land uses. As such, prior to occupancy, the owner of the subject property shall acknowledge the inconveniences and discomforts associated with agricultural land uses. This requirement has been included as a Condition of Approval, and shall be satisfied by the owner of the subject property entering 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).*

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District) which commented that the project is expected to have no significant adverse impact on air quality. However, this proposal may be subject to the following Air District Rules and Regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Compliance with Air District Rules and Regulations will reduce air quality impacts from the subject proposal to a less than significant level.*

### 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); or
- 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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

*The project site is located in an agricultural area and has been previously disturbed as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was reviewed by the California Department of Fish and Wildlife (CDFW), which did not identify any concerns related to the project. This proposal was also referred to the U.S. Fish and Wildlife Service (USFWS), which also did not identify any concerns related to the project. Therefore, no impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; or 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.*

## 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 of 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The project site is not located in an area designated to be highly or moderately sensitive for archeological resources. However, 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 shall be followed by photographs, reports and video. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.*

\* **Mitigation Measure**

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 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 shall be followed by photographs, reports and video. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## 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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The area where the project site is located is designated as Seismic Design Category D in the California Geological Survey. As such, a Geotechnical Investigation shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits for the proposal. This mandatory requirement will be included as a Project Note.*

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site has predominately flat topography and while changes in topography and erosion may result from grading activities associated with this proposal, it is not likely. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the Applicant must obtain a Grading Permit or Grading Voucher for any grading associated with this proposal. This mandatory requirement will be included as a Project Note.*

- 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:

*The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.*

- 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:

*The existing single-family residence and existing mobile home located on the subject property each utilize an independent septic system.*

*The first phase of the proposed High Intensity Park development includes installation of an ADA-compliant portable restroom facility with eight toilets and/or urinals, and construction of a septic system for the portable restroom facility. Further, the second phase of the proposed High Intensity Park development includes construction of a 3,000 square-foot building to be utilized for wine tasting, wine storage, grape crushing for winemaking, and permanent restrooms for the High Intensity Park that will replace the portable restroom facility installed during the first phase of the High Intensity Park development. Additionally, a Septic System Feasibility Study was prepared for the proposed septic system by ASR Engineering, Inc., which was reviewed by the Environmental Health Division of the Fresno County Department of Public Health. Based upon the review of said Septic System Feasibility Study by the Environmental Health Division of the Fresno County Department of Public Health, the following requirement will be included as a Mitigation Measure to reduce adverse impacts related to wastewater disposal to a less than significant level:*

\* **Mitigation Measure**

1. *The sewage disposal system shall be designed and installed in accordance with the ASR Engineering, Inc. Septic Feasibility Study and Conceptual Design*

## 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: LESS THAN SIGNIFICANT IMPACT:

*The San Joaquin Valley Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air Quality) of this analysis will reduce air quality impacts from the subject proposal to a less than significant level.*

## 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:

*The proposed High Intensity Park use does not involve storage of hazardous materials, and no hazardous material impacts were identified in the project analysis. Further, there are no schools located within one-quarter mile of the project site.*

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

FINDING: NO IMPACT:

*No hazardous materials sites are located within the boundaries of the project site.*

- 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 an Airport Land Use Plan or in the vicinity of a public or private use airport.*

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

*This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the project analysis.*

- 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:

*The project site is not located within a wildland area.*

## 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:

*If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These mandatory requirements will be included as Project Notes.*

- 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: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns related to the project. Further, the project site is not located in a designated water-short area.*

- 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?

FINDING: NO IMPACT:

*No streams or rivers are located within the boundaries of the project site.*

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, any additional runoff generated by development of the proposal cannot be drained across property lines and must be retained on site per County Standards. This mandatory requirement will be included as a Project Note.*

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

*No additional water quality impacts were identified in the project analysis.*

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

*No housing is proposed with this project.*

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

FINDING: NO IMPACT:

*According to FEMA FIRM Panel 1540H, the project site is not subject to flooding from the 1% chance storm (100-year storm).*

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

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

FINDING: NO IMPACT:

*The project site is not prone to seiche, tsunami or mudflow, nor is the project site exposed to potential levee or dam failure.*

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

*This proposal will not physically divide a community. The project site is located approximately two miles west of the nearest city limits of the City of Fresno.*

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site is designated Agriculture in the Fresno County General Plan. Provisions for non-agricultural uses such as the proposed High Intensity Park in agricultural areas have been provided for in the Fresno County Zoning Ordinance and General Plan. Policy LU-A.3 of the General Plan provides that non-agricultural uses may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.*

*With regard to Criteria "a", this proposal entails the authorization of a High Intensity Park to be utilized as an event facility for wine tasting, fundraisers, weddings, birthdays, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. With regard to scheduled operations, the proposed High Intensity Park will host Regular Wine Tasting from 12:00 (noon) until 5:00pm, Friday through Sunday year-round for up to 40 guests per day. Additionally, the proposed High Intensity Park will host Private Wine Tasting by appointment for up to 10 guests per appointment. Further, the proposed High Intensity Park will host Friday Night Wine Tasting from 7:00pm until 10:00pm every Friday from May through September for up to 200 guests per day. With regard to special events, the proposed High Intensity Park may host Fundraisers from 5:00pm until 10:00pm, Monday through*

*Friday year-round for up to 200 guests per fundraiser event. Additionally, the proposed High Intensity Park may host weddings, birthdays, anniversaries and similar celebrations from 5:00pm until 10:00pm, Friday through Sunday year-round for up to 200 guests per celebration event. Further, the proposed High Intensity Park will participate in the Fresno County Wine Journey, which is a winery tourism event that occurs three times per year, and up to 200 guests will be on site per event day. Additionally, the proposed High Intensity Park will host an on site wine selling event (Engelmann Cellars Door Wine Club) four times per year, and up to 90 guests will be on site at any given time during each wine selling event.*

*With regard to Criteria “b”, the project site is classified as Prime Farmland on the Fresno County Important Farmland Map (2014). Regarding the Prime Farmland classification of the project site, this proposal will preclude the agricultural cultivation of approximately 1.86 acres of Prime Farmland. However, this loss of farmland is less than significant in that the approximately 38-acre balance of the subject 40-acre property will remain agriculturally productive. Further, the proposed High Intensity Park use is related to and supportive of an existing winery, which is an existing on-site agricultural activity.*

*With regard to Criteria “c”, this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal as the project site is not located in a designated water-short area. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.*

*With regard to Criteria “d”, the project site is located approximately two miles west of the nearest city limits of the City of Fresno, which has the ability to provide an adequate workforce.*

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

FINDING: NO IMPACT:

*This proposal will not conflict with any Land Use Plan or Habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.*

## 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:

*No mineral resource impacts were identified in the project analysis. The project site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The proposed High Intensity Park use includes the utilization of an approximately 1.47-acre outdoor assembly area and outdoor sound amplification equipment. Additionally, the Applicant submitted an Acoustical Analysis for this proposal which was prepared by Maximus Media, Inc.*

*According to the Environmental Health Division of the Fresno County Department of Public Health, the Acoustical Analysis prepared for this proposal by Maximus Media, Inc., indicates that the proposed High Intensity Park use will comply with the Fresno County Noise Ordinance if the utilization of sound amplification equipment ends by 10:00pm. As such, the following Mitigation Measures will be included in order to reduce adverse noise-related impacts to a less than significant level:*

\* **Mitigation Measures**

1. *In concurrence with the Applicant's Operational Statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm.*
2. *If, based on complaints from noise sensitive receivers and resulting investigations by the Fresno County Department of Public Health, Environmental Health Division, it is determined that the High Intensity Park Operator is failing to adequately control noise levels occurring at the facility, the Operator shall be required to provide a sound level meter and calibrator on the High Intensity Park premises during all outdoor events utilizing sound amplification. The sound level meter shall be of Type 1 or Type 2, meeting American National Standard Institute's Standard S1.4-1971 or an instrument and associated recording and analyzing equipment which will provide equivalent data and which is capable of displaying the statistical noise metrics used in the Fresno County Noise Ordinance in real time.*



*The Operator shall be trained by a qualified acoustical consultant in the proper use of the sound level meter. Instruction shall be provided to ensure noise level measurements taken by the Operator comply with the criteria set forth in Fresno County Noise Ordinance Section 8.40.030. Following confirmation of non-compliance with the Fresno County Noise Control Ordinance, the Operator shall conduct noise level measurement surveys during all events and keep records of all data/readings, which will be available upon request to the County.*

- 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 airport or private airstrip, and is not impacted by airport noise.*

### 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:

*This proposal will not construct or displace housing and will not otherwise induce population growth.*

### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

*This proposal was reviewed by the North Central Fire Protection District for requirements related to water supply, fire hydrants, and fire apparatus access. Any development associated with this proposal must comply with the California Code of Regulations Title 24 – Fire Code.*

- 2. Police protection; or

3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

*No impacts on the provision of other services were identified in the project analysis.*

#### 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:

*No such impacts were identified in the project analysis.*

#### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The subject property has frontage on Dakota Avenue and Rolinda Avenue; however, the proposed High Intensity Park will be accessed from Rolinda Avenue via a proposed driveway. Additionally, this proposal includes construction of a paved parking lot with four standard parking spaces and two parking spaces for the physically handicapped, and construction of a 20,770 square-foot gravel-surfaced parking lot.*

*With regard to scheduled operations, the proposed High Intensity Park will host Regular Wine Tasting from 12:00 (noon) until 5:00pm, Friday through Sunday year-round for up to 40 guests per day. Additionally, the proposed High Intensity Park will host Private Wine Tasting by appointment for up to 10 guests per appointment. Further, the proposed High Intensity Park will host Friday Night Wine Tasting from 7:00pm until 10:00pm every Friday from May through September for up to 200 guests per day. With regard to special events, the proposed High Intensity Park may host Fundraisers from 5:00pm until 10:00pm, Monday through Friday year-round for up to 200 guests per fundraiser event. Additionally, the proposed High Intensity Park may host weddings, birthdays, anniversaries and similar celebrations from 5:00pm until 10:00pm, Friday*

*through Sunday year-round for up to 200 guests per celebration event. Further, the proposed High Intensity Park will participate in the Fresno County Wine Journey, which is a winery tourism event that occurs three times per year, and up to 200 guests will be on site per event day. Additionally, the proposed High Intensity Park will host an on site wine selling event (Engelmann Cellars Door Wine Club) four times per year, and up to 90 guests will be on site at any given time during each wine selling event. Further, a Traffic Management Plan was prepared for the proposed High Intensity Park use by the Applicant, Bret Engelman.*

*This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which commented that the Traffic Management Plan prepared by Bret Engelman is sufficient. As such, operation of the proposed High Intensity Park use shall be in accordance with the Traffic Management Plan prepared by Bret Engelman. This requirement will be included as a Mitigation Measure to reduce adverse transportation and traffic impacts to a less than significant level.*

**\* 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 May 13, 2014.*

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

*This proposal will not result in a change in air traffic patterns. No such impacts were identified in the project analysis.*

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

*No such impacts were identified in the project analysis.*

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 proposal will not conflict with any adopted alternative transportation plans. No such impacts were identified in the project analysis.*

## 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.E Hydrology and Water Quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

*According to the State Water Resources Control Board, Division of Drinking Water, this proposal requires a public water system classified as a Transient Non-community Water System which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards. These mandatory requirements will be included as Project Notes.*

E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

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:

*No such impacts were identified in the project analysis.*

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis. Pursuant to discussion in Section V (Cultural Resources), this proposal may have impacts on cultural resources; however, the Mitigation Measure included in Section V (Cultural Resources) will reduce such impacts to a less than significant level.*

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

FINDING: NO IMPACT:

*No cumulatively considerable impacts were identified in the project analysis.*

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

FINDING: NO IMPACT:

*No substantial adverse impacts on human beings were identified in the project analysis.*

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3432, 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 hazards and hazardous materials, mineral resources, population and housing, or recreation.

Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, and public services have been determined to be less than significant.

Potential impacts relating to aesthetics, cultural resources, geology and soils, noise, transportation and traffic, and utilities and service systems have been determined to be less than significant with the identified 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 southeast corner of Tulare and "M" Street, Fresno, California.

DC:

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## EXHIBIT 11

Chambers, Derek

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**From:** Juanita Christian <jlchristian56@yahoo.com>  
**Sent:** Wednesday, April 05, 2017 11:56 AM  
**To:** Chambers, Derek  
**Subject:** Initial Study application no. 6674 & use per application no. 3432 filed by Bret Engelman

I am contacting you as to why every neighbor of Bretr Engelman's did not receive a notice of this hearing. My neighbor brought us a copy as he received his a week ago.

We are very much against this as this is agricultural. Bret was allowed to open a winery and tasty room on his property years ago. He was told by the county he needed flush toilets and he is still using porta-potties.

The music coming from his weekend karaoke parties or events is very loud. We live a little over a quarter mile and we can hear everything inside our home.

In the last two years he has sponsored a run for various charities. The first one he ran tru a neighbors vineyard without prior authorization. Also our road was closed down when we came home and didn't even know what was going on. He never contacted any of us. Last year they refused to let our neighbor across the street to drive on the route for 1/8 of a mile. He was returning from business in LA and had to wait over an hour to get home.

We don't feel this project would be a fit for this area and I worry about our property values going down. Please advised me if I need to write a letter before the hearing or will this do.

Thank you for your prompt reply.

Juanita Christian

559-275-9144

## EXHIBIT 12

File original and one copy with: <b>Fresno County Clerk</b> <b>2221 Kern Street</b> <b>Fresno, California 93721</b>		Space Below For County Clerk Only.  <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: IS 6674	<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): Derek Chambers, Planner		Area Code: 559	Telephone Number: 600-4205	Extension: N/A
Applicant (Name): <b>Bret Engelman</b>		Project Title: <b>Unclassified Conditional Use Permit Application No. 3432</b>		
Project Description: Allow the phased development a High Intensity Park (event facility) on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located at the southwest corner of Dakota Avenue and Rolinda Avenue, approximately two miles west of the nearest city limits of the City of Fresno (9645 W. Dakota Avenue, 3275 N. Rolinda Avenue) (SUP. DIST. 1) (APNs 016-100-69, 016-100-70).				
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3432, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to hazards and hazardous materials, mineral resources, population and housing, or recreation.  Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, and public services have been determined to be less than significant.  Potential impacts relating to aesthetics, cultural resources, geology and soils, noise, transportation and traffic, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.  The Initial Study and MND are available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – March 24, 2017			Review Date Deadline: April 24, 2017	
Date: December 9, 2016	Type or Print Signature: Chris Motta Principal Planner		Submitted by (Signature): Derek Chambers Planner	

State 15083, 15085

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

### LOCAL AGENCY MITIGATED NEGATIVE DECLARATION