



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 January 26, 2017

**SUBJECT:** Initial Study Application No. 7121 and Unclassified Conditional Use Permit Application No. 3530

Allow 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 on the east side of Greenwood Avenue, between Central Avenue and American Avenue, approximately one quarter-mile southwest of the nearest city limits of the City of Sanger (4276 S. Greenwood Avenue) (SUP. DIST. 4) (APNs 332-061-52S, 332-061-53S).

**OWNER/APPLICANT:** Robert Bagdasarian

**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. 7121; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3530 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 Plan
7. Floor Plan
8. Elevation Drawings
9. Applicant’s Operational Statement
10. Summary of Initial Study Application No. 7121

**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 332-061-52S and APN 332-061-53S (Life Estate) are a single parcel]	No change
Project Site	39.00-acre vineyard; 1.00-acre Life Estate; single-family residence with septic system; two water wells; two 20,000-gallon water storage tanks (installed horizontally); 120 square-foot pump house; 300 square-foot storage building; 4,500 square-foot winery facility with septic system; paved parking lot with seven parking spaces and paved driveway access from Greenwood Avenue	6,500 square-foot outdoor assembly area; 5,000 square-foot building with restrooms and septic system that will also be utilized as a barrel storage building for the existing winery operation; paved parking lot with 137 parking spaces and paved driveway access from Greenwood Avenue
Structural Improvements	Single-family residence; 120 square-foot pump house; 300 square-foot storage building; 4,500 square-foot winery facility	5,000 square-foot building with restrooms that will also be utilized as a barrel storage building for the existing winery operation

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Nearest Residence	Approximately 90 feet north of the subject property	No change
Surrounding Development	Agricultural land uses with residential land uses dispersed throughout; Centerville-Kingsburg Canal and Southern Pacific Railroad line approximately three quarter-miles east of the subject property	No change
Operational Features	N/A [existing winery operation was previously authorized by Site Plan Review (SPR) No. 7836, which was administratively approved on December 19, 2012]	High-Intensity Park (event facility for weddings, birthdays and similar occasions) hosting up to 50 event days per year with a maximum of 150 guests attending each event day
Employees	N/A	Approximately four employees on site during event days; two security guards on site during event days
Customers	N/A	Maximum of 150 guests attending each event day
Traffic Trips	N/A	Approximately eight one-way employee trips per event day (four round trips per event day);  Four one-way security guard trips per event day (two round trips per event day);  Up to 150 one-way guest trips per event day (75 round trips per event day) per Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. which states at least two guests will arrive in each vehicle
Lighting	N/A	Portable outdoor lighting at proposed parking lot

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Hours of Operation	N/A	Specific hours not proposed for event days; however, use of outdoor sound amplification equipment will cease by 10:00pm on event days

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

On March 28, 2016, Code Enforcement staff from the Department of Public Works and Planning issued Violation No. 16-102253 in response to a complaint that a High-Intensity Park (event facility) had been established on the project site without an approved CUP. Subsequently, on April 20, 2016, the subject application was filed in an effort to abate Code Enforcement Violation No. 16-102253.

**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: December 16, 2016

**PUBLIC NOTICE:**

Notices were sent to 31 property owners within 1,320 feet of the project site, 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 authorization of a High-Intensity Park to be utilized as an event facility for weddings, birthdays, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High-Intensity Park will host up to 50 event days per year with a maximum of 150 guests attending each event day.

The subject property is a single legal parcel comprised of a 1.00-acre Life Estate identified as Assessor's Parcel Number (APN) 332-061-53S and a 39-acre vineyard identified as APN 332-061-52S. Existing improvements are located on the 1.00-acre Life Estate identified as APN 332-061-53S, which include a single-family residence with septic system, two water wells, two



20,000-gallon water storage tanks (installed horizontally), a 120 square-foot pump house, a 300 square-foot storage building, and a 4,500 square-foot winery facility with septic system, paved parking lot with seven parking spaces, and paved driveway access from Greenwood Avenue. The existing winery facility was authorized by Site Plan Review (SPR) No. 7836, which was administratively approved on December 19, 2012.

The proposed High-Intensity Park use will be located on the 39-acre vineyard site identified as APN 332-061-52S. Improvements to be utilized for the proposed High-Intensity Park use include an approximately 6,500 square-foot outdoor assembly area, proposed 5,000 square-foot building with restrooms and septic system that will also be utilized as a barrel storage building for the existing winery operation, proposed paved parking lot with 137 parking spaces and proposed paved driveway access from Greenwood Avenue.

*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 Side: 20 feet Rear: 20 feet	Front (west property line): 56 feet Side (south property line): 56 feet Side (north property line): 1,167 feet Rear (east property line): 1,210 feet	Yes
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 132 standard parking spaces and five parking spaces for the physically handicapped	Yes
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Six feet minimum (75 feet minimum between human	136 feet	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	habitations and structures utilized to house animals)		
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 Yamabe & Horn Engineering, Inc. Sewage Feasibility Analysis Report dated September 13, 2016	Yes
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. 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 Plan 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 150 guests attending each event day. Additionally, the proposed High-Intensity Park will also be staffed by four employees and two security guards per event day. As such, the proposed High-Intensity Park needs to have at least 32 total parking spaces, two of which need to be provided for the physically handicapped. The Applicant proposes to provide 132 standard parking spaces and five parking spaces for the physically handicapped.

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	Greenwood Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	Greenwood Avenue: 20-foot-wide paved driveway	Greenwood Avenue: Additional 26-foot-wide paved driveway
Road ADT		Greenwood Avenue: 300	Less than significant traffic increase
Road Classification		Greenwood Avenue: Local	No change
Road Width		Greenwood Avenue: 60-foot total existing right-of-way	No change
Road Surface		Greenwood Avenue: Paved (pavement width: 22 feet)	No change
Traffic Trips		N/A [existing winery operation was previously authorized by Site Plan Review (SPR) No. 7836, which was administratively approved on December 19, 2012]	Approximately eight one-way employee trips per event day (four round trips per event day);  Four one-way security guard trips per event day (two round trips per event day);  Up to 150 one-way guest trips per event day (75

		Existing Conditions	Proposed Operation
			round trips per event day) per Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. which states at least two guests will arrive in each vehicle
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	None required

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

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal, predicated on the determination made by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning that the Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. is acceptable.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Greenwood Avenue is a County-maintained road classified as a Local. 10-foot by 10-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing Greenwood Avenue. This mandatory requirement has been included as a Project Note.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. is acceptable. 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 Greenwood Avenue via an existing 20-foot-wide paved driveway. The proposed High-Intensity Park will utilize a proposed 26-foot-wide paved driveway on Greenwood Avenue to access a proposed paved parking lot with 132 standard parking spaces and five parking spaces for the physically handicapped.

With regard to traffic, according to the Operational Statement provided by the Applicant, the High-Intensity Park will host up to 50 event days per year with a maximum of 150 guests attending each event day. Additionally, there will also be approximately four employees and two

security guards on site during event days. Further, a Traffic Management Plan was prepared for the proposed High-Intensity Park use by Yamabe & Horn Engineering, Inc.

This proposal was reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which commented that the Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. is acceptable. This proposal was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project, predicated on the determination made by the Road Maintenance and Operations Division that the Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. is acceptable. As such, operation of the proposed High-Intensity Park use shall be in accordance with the Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. 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, Greenwood Avenue is a County-maintained road classified as Local. The minimum total right-of-way for a Local road is 60 feet, which would require Greenwood Avenue to have at least 30 feet of right-of-way east of the centerline and at least 30 feet of right-of-way west of the centerline. In this case, Greenwood Avenue has a total existing right-of-way of 60 feet at the subject property, with 40 feet east and 20 feet west of the centerline. Considering that the subject property has frontage on the east side of Greenwood Avenue, which has 40 feet of existing right-of-way east of the centerline, the minimum Local road right-of-way standard has been satisfied along the subject property’s Greenwood Avenue frontage. As such, no additional right-of-way dedication is required for this proposal.

Based on the above information, and with adherence to the Mitigation Measure 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.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	1.0 acre	Single-family residence	AE-20	90 feet
	16.19 acres	Single-family residence Vineyard	AE-20	204 feet
South	18.18 acres	Vineyard	AE-20	None
East	74.78 acres	Vineyard	AE-20	None

Surrounding Parcels				
West	20.00 acres	Single-family residence Field crops	AE-20	190 feet
	20.00 acres	Single-family residence Vineyard	AE-20	393 feet

**Reviewing Agency/Department Comments:**

California Department of Fish and Wildlife (CDFW): No concerns with the proposal.

California Regional Water Quality Control Board (Water Board): The existing winery operation located on the 1.00-acre Life Estate identified as APN 332-061-53S has not obtained a Wastewater Discharge Permit or Permit Waiver from the Water Board. The requirement to obtain a Wastewater Discharge Permit or Permit Waiver from the Water Board was a Condition of Approval for Site Plan Review (SPR) No. 7836, which authorized the existing winery operation. As such, the Applicant must obtain a Wastewater Discharge Permit or Permit Waiver from the Water Board for the existing winery prior to continuing winery operations. This requirement has been included as a Condition of Approval.

City of Sanger: No concerns with the proposal.

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 2165H, 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): 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 inconveniencies 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).

Fresno County Department of Public Health, Environmental Health Division: Mobile food vendors proposed to operate at the High-Intensity Park shall obtain operational permits from the Environmental Health Division of the Fresno County Department of Public Health. This mandatory requirement has been included as a Project Note.

The Acoustical Analysis prepared for the proposed High-Intensity Park by WJV Acoustics 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 requirement to be included as a Mitigation Measure to reduce adverse noise-related impacts to a less than significant level: The acoustical analysis submitted for the project indicates operations of the High-Intensity Park use shall comply with Fresno County Noise Ordinance. In concurrence with the Applicant's Operational Statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm.

The Sewage Feasibility Analysis Report prepared for the proposed High-Intensity Park by Yamabe & Horn Engineering, Inc. demonstrates capacity to serve up to 150 visitors per day. 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 impacts related to wastewater disposal to a less than significant level: 1) No more than 150 visitors per event day shall be permitted for the High-Intensity Park use; 2) The septic system proposed for the High-Intensity Park use shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Yamabe & Horn Engineering, Inc. Sewage Feasibility Analysis Report dated September 13, 2016, or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per California Well Standards, the horizontal separation distance between any watertight septic tank or subsurface leaching field and water wells is 100 feet. Any changes in the proposed project may require additional review to ensure adequacy of the septic system's capacity to serve the proposed changes; 3) The septic system proposed for the High-Intensity Park use shall not be used as a septic dumpsite. No portable toilet waste, recreational vehicle (RV) or septic-pumping vehicle shall empty the contents of their septic holding tanks into the septic system designed for the High-Intensity Park use.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County. These mandatory requirements have been included as Project Notes.

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 have been included as Project Notes.

Fresno County Sheriff's Department: No objections to the proposal.

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).

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as the project site 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 project site is located in a predominately agricultural area with residential land uses dispersed throughout. The City of Sanger is located approximately one quarter-mile northeast of the project site, and the unincorporated community of Del Rey is located approximately two miles to the southwest. Additionally, the Centerville-Kingsburg Canal and a Southern Pacific Railroad line are located approximately three quarter-miles east of the project site, and the Kings River is located approximately two miles to the east. 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 6,500 square-foot outdoor assembly area and the proposed 5,000 square-foot building from northerly neighboring properties will be screened from view by the existing 4,500 square-foot winery facility and the existing single-family residence located on the 1.00-acre Life Estate identified as APN 332-061-53S.

Visibility of the proposed 6,500 square-foot outdoor assembly area from southerly neighboring properties will be screened from view by the proposed 5,000 square-foot building.

Visibility of the proposed 6,500 square-foot outdoor assembly area from easterly neighboring properties will be screened from view by the existing 120 square-foot pump house, the two existing 20,000-gallon water storage tanks, and the existing 300 square-foot storage building located on the 1.00-acre Life Estate identified as APN 332-061-53S.

Visibility of the proposed parking lot from westerly neighboring properties and Greenwood Avenue will be substantially screened from view by the proposed 5,000 square-foot building.

The proposed parking lot and the proposed 5,000 square-foot building will be visible from neighboring properties located to the south; however, no significant adverse aesthetic impacts are anticipated south of the proposal considering the distances between the project site and neighboring dwellings located to the south, the closest of which is located approximately 1,180 feet southeast of the project site.

The proposed parking lot and the proposed 5,000 square-foot building will be visible from neighboring properties located to the east; however, no significant adverse aesthetic impacts are anticipated east of the proposal considering the distances between the project site and neighboring dwellings located to the east, the closest of which is located approximately 1,500 feet east of the subject parcel.

The proposed parking lot 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 1,280 feet north of the proposed parking lot.

The proposed 5,000 square-foot building will be visible from neighboring properties located to the west and Greenwood Avenue; however, considering that this building will be a steel structure similar in appearance to both the existing winery located on site and other steel structures located in the area, no significant adverse aesthetic impacts are anticipated west of the proposal with regard to the proposed 5,000 square-foot building.

The proposed 6,500 square-foot outdoor assembly area will be visible from neighboring properties located to the west and Greenwood Avenue. As such, drought-tolerant landscaping shall be provided along the west side of the proposed outdoor assembly area. 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 has been included as a Mitigation Measure to reduce the proposal’s aesthetic impacts on westerly neighboring properties and Greenwood Avenue to a less than significant level. 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</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 weddings, birthdays, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High-Intensity Park will host up to 50 event days per year with a maximum of 150 guests attending each event day.</p> <p>With regard to Criteria “b”, the project site is classified as Farmland of Statewide Importance on the Fresno County Important Farmland Map (2014), and is not enrolled under an Agricultural Land Conservation Contract (Williamson Act Contract). Regarding the Farmland of Statewide Importance classification of the project site, this proposal will</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>management of surrounding properties within a one quarter-mile radius; d) a probable workforce should be located nearby or readily available.</p>	<p>preclude the agricultural cultivation of approximately 2.28 acres of Farmland of Statewide Importance; however, this loss of farmland is less than significant in that the 36.72-acre balance of the 39-acre vineyard identified as APN 332-061-52S will remain agriculturally productive as a vineyard.</p> <p>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 the Initial Study (IS) prepared for this project and discussed in this Staff Report, 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 one quarter-mile southwest of the nearest city limits of the City of Sanger, 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 1.00-acre Life Estate identified as Assessor’s Parcel Number (APN) 332-061-53S and a 39-acre vineyard identified as APN 332-061-52S. This proposal will preclude the agricultural cultivation of approximately 2.28 acres of Farmland of Statewide Importance; however, this loss of farmland is less than significant in that the 36.72-acre balance of the 39-acre vineyard identified as APN 332-061-52S will remain agriculturally productive as a vineyard. 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</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</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
other water users in the County, and water sustainability.	proposal, as the project site is not located in a designated water-short area.
General Plan Policy PF-D.6: 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.	Septic system for High-Intensity Park to be designed and installed in accordance with California Well Standards, California Plumbing Code, and Yamabe & Horn Engineering, Inc. Sewage Feasibility Analysis Report dated September 13, 2016.

**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 not enrolled under an Agricultural Land Conservation Contract (Williamson Act Contract). 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 uses 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.

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:**

*None.*

**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. 3530, 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. 7121; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3530, 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. 3530; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3530\SR\CUP3530 SR.docx

**EXHIBIT 1**

**Mitigation Monitoring and Reporting Program  
Initial Study (IS) Application No. 7121 / Unclassified Conditional Use Permit (CUP) Application No. 3530  
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to occupancy, the developer of the High-Intensity Park operation shall provide an irrigation system and drought-tolerant landscaping along the west 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 outdoor assembly area from Greenwood Avenue. 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).	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and roads.	Applicant	Applicant/PW&P	Ongoing
*3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	Ongoing
*4.	Geology and Soils	The septic system proposed for the High-Intensity Park use shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Yamabe & Horn Engineering, Inc. Sewage Feasibility Analysis Report dated September 13, 2016, or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per California Well Standards, the horizontal separation distance between any watertight septic tank or subsurface	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing

		leaching field and water wells is 100 feet. Any changes in the proposed project may require additional review to ensure adequacy of the septic system's capacity to serve the proposed changes.			
*5.	Geology and Soils	The septic system proposed for the High-Intensity Park use shall not be used as a septic dumpsite. No portable toilet waste, recreational vehicle (RV) or septic pumping vehicle shall empty the contents of their septic holding tanks into the septic system designed for the High-Intensity Park use.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*6.	Noise	The acoustical analysis submitted for the project indicates operations of the High-Intensity Park use shall comply with Fresno County Noise Ordinance. In concurrence with the Applicant's operational statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm.	Applicant	Applicant	Ongoing
*7.	Transportation/ Traffic	Operation of the proposed High-Intensity Park use shall be in conformance with the Traffic Management Plan prepared for said use by Yamabe & Horn Engineering, Inc.	Applicant	Applicant	Ongoing

**Conditions of Approval**

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. Prior to completion of the Site Plan Review (SPR) for the High-Intensity Park, proof shall be submitted by the Applicant/Operator that a Wastewater Discharge Permit or Permit Waiver has been obtained from the California Regional Water Quality Control Board for the existing winery operation located on the 1.00-acre Life Estate identified as APN 332-061-53S.
4. Prior to issuance of Building Permits, the owner of the subject property shall enter into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).

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

**Notes**

- The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**
1. 10-foot by 10-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing Greenwood Avenue.

**Notes**

2.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
3.	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.
4.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.
5.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
6.	Mobile food vendors proposed to operate at the High-Intensity Park shall obtain operational permits from the Environmental Health Division of the Fresno County Department of Public Health.
7.	The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fresno County Fire Protection District prior to issuance of Building Permits by the County.
8.	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.
9.	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).

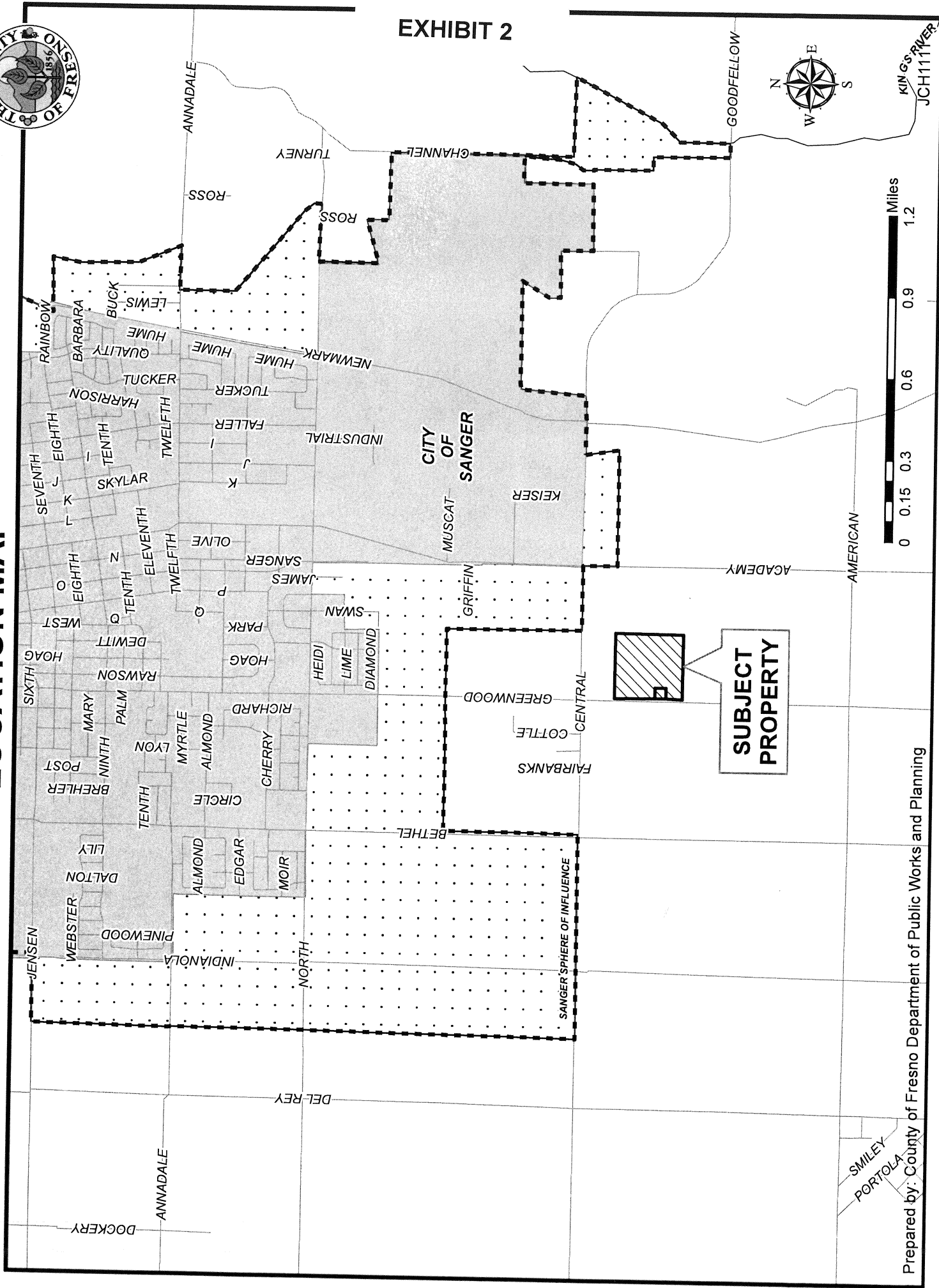
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# LOCATION MAP



## EXHIBIT 2





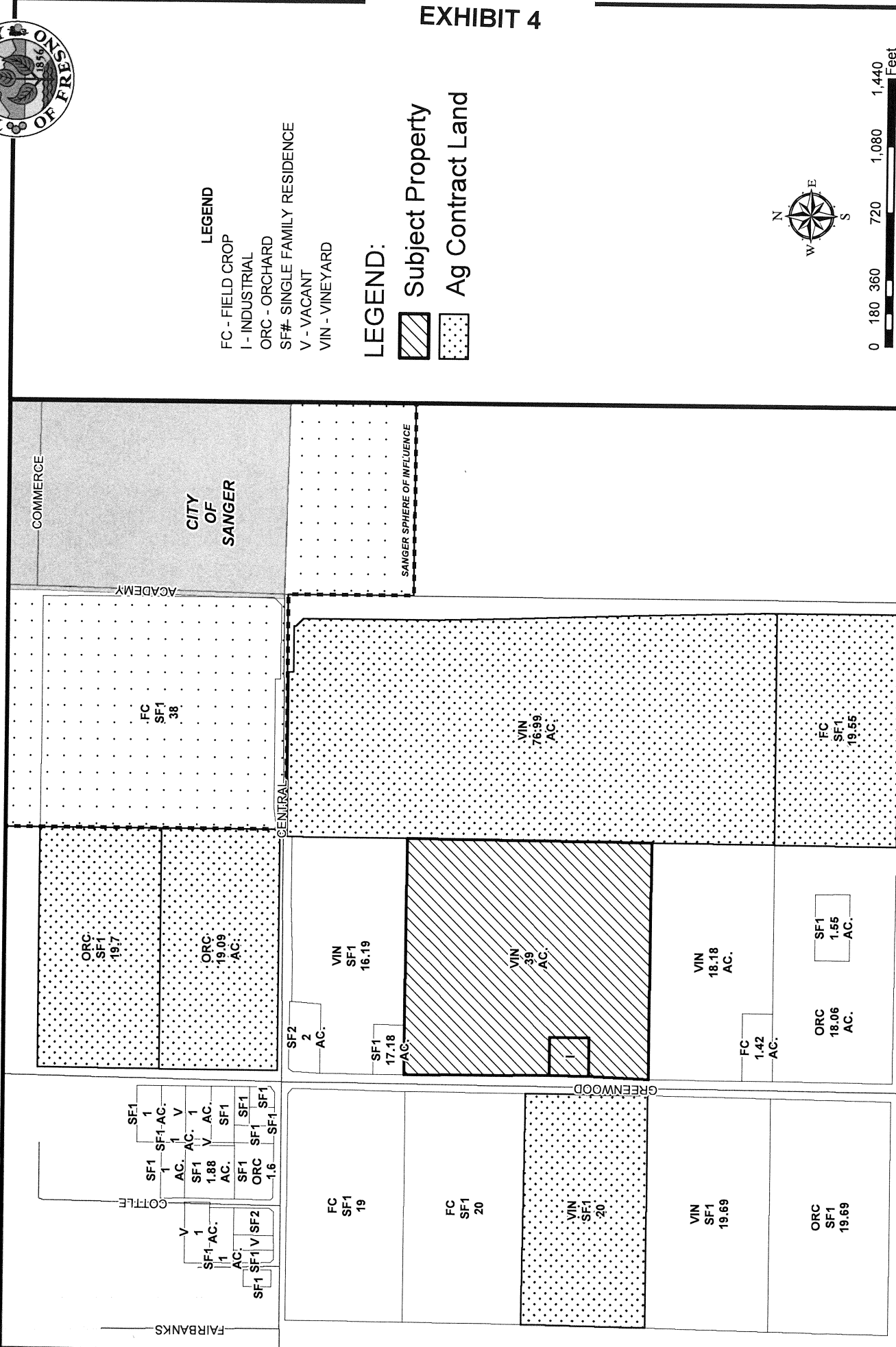




# EXISTING LAND USE MAP

## EXHIBIT 4

CUP 3530



**LEGEND**

FC - FIELD CROP  
 I - INDUSTRIAL  
 ORC - ORCHARD  
 SF# - SINGLE FAMILY RESIDENCE  
 V - VACANT  
 VIN - VINEYARD

**LEGEND:**

Subject Property

Ag Contract Land

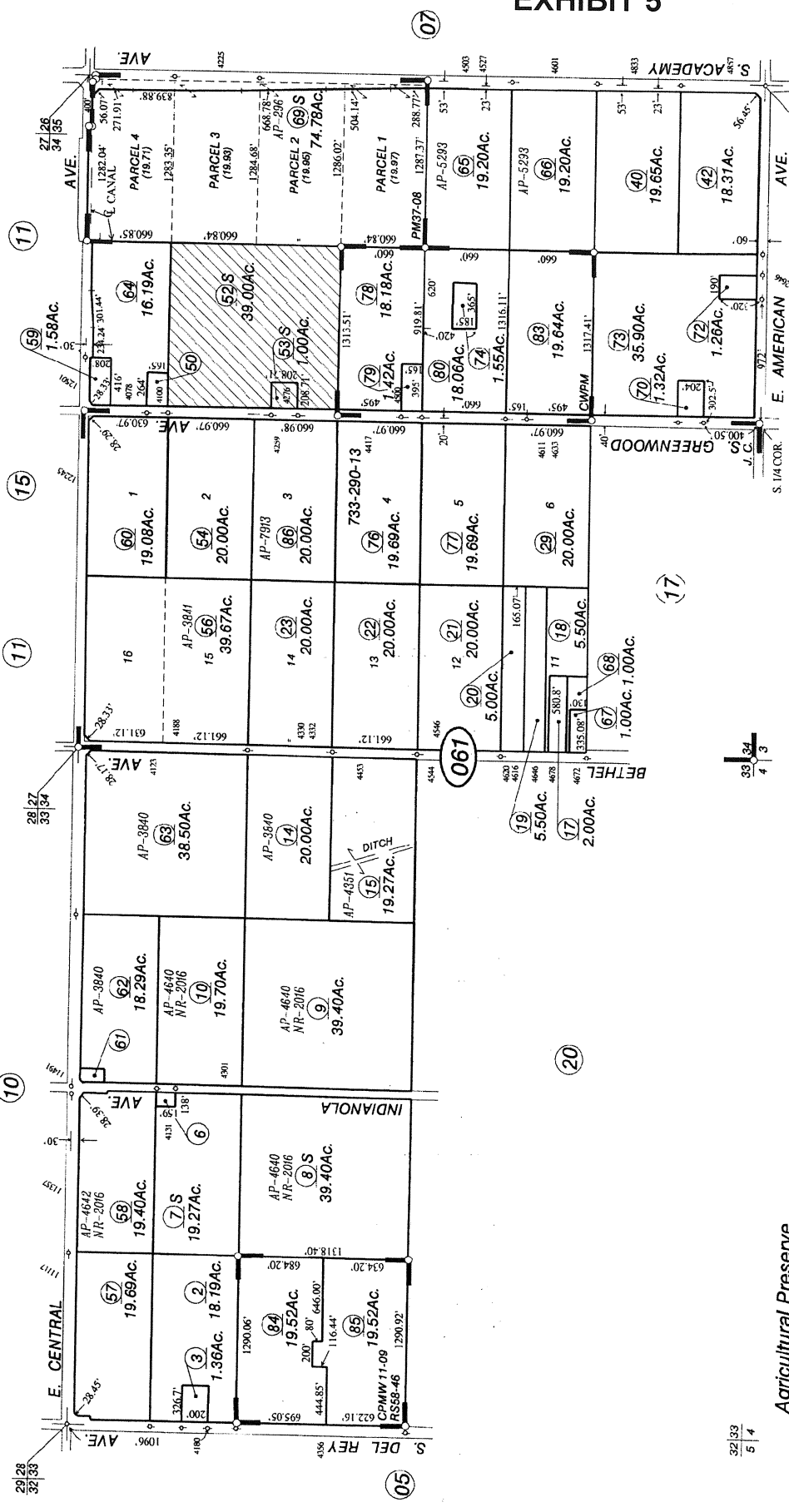


Department of Public Works and Planning  
 Development Services Division

Map Prepared by: JHernandez  
 J:GISJCH\Landuse\

SUBDIVIDED LAND IN SEC. 33 & 34, T. 14 S., R. 22 E., M.D.B. & M.

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.

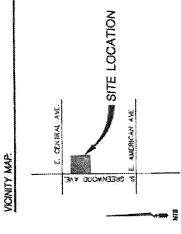
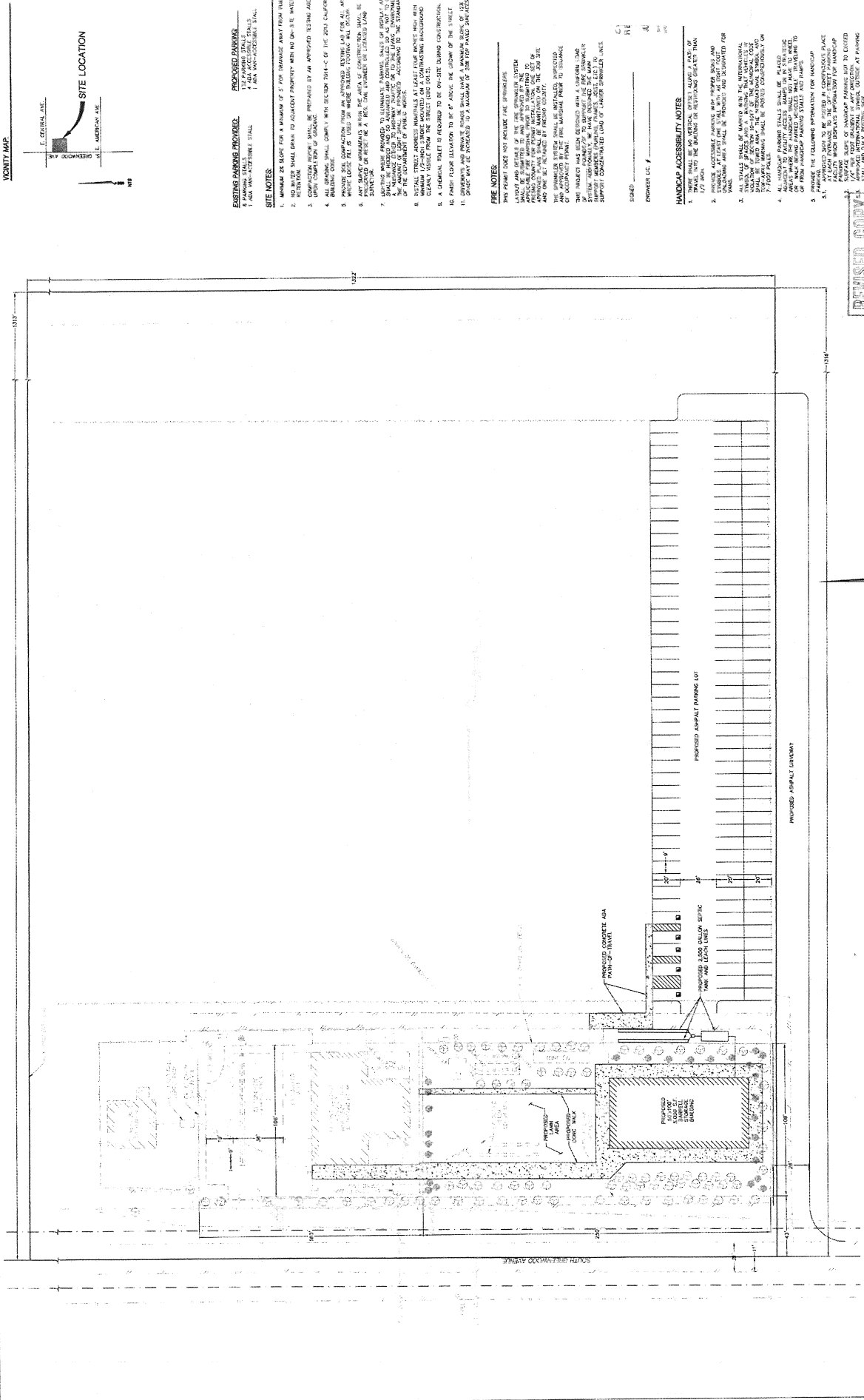


Bk. 350

Agricultural Preserve  
Certificate of Parcel Map Waiver 02-32, Doc. 299781, 12-18-2003  
Certificate of Parcel Map Waiver 11-09, Doc. 81002, 06-11-2012  
Johnson Colony - R.S. 2, Pg. 18  
Parcel Map No. 5803 - Bk. 37, Pg. 08  
Record of Survey - Bk. 58, Pg. 46

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

# EXHIBIT 6



**EXISTING PARKING PROVISIONS:**  
 1. 100 VEHICLE STALL  
 2. 10 VEHICLE STALL  
 3. 10 VEHICLE STALL

**PROPOSED PARKING:**  
 1. 20 VEHICLE STALL  
 2. 10 VEHICLE STALL  
 3. 10 VEHICLE STALL

- SITE NOTES:**
1. THE PARKING SHALL BE A MINIMUM OF 5' FROM DRIVEWAY FROM DRIVEWAY INTENTION.
  2. TO WATER SHALL BE OPEN TO ADJACENT PROPERTY WITH NO DR. SE. WATER INTENTION.
  3. DRIVEWAY SHALL BE PREPARED BY AN APPROVED TESTING AGENCY.
  4. ALL GRADING SHALL COMPLY WITH SECTION 0241-C OF THE 2013 CALIFORNIA BUILDING CODE.
  5. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
  6. ANY DRIVEWAY IMPROVEMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION.
  7. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
  8. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
  9. A CHIMNEY TRAILER IS REQUIRED TO BE ON-SITE DURING CONSTRUCTION.
  10. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
  11. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.

**FIRE NOTES:**

THIS PROJECT DOES NOT INCLUDE THE FIRE SUPPRESSION LAYOUT AND DETAILS OF THE FIRE SUPPRESSION SYSTEM. THE FIRE SUPPRESSION SYSTEM SHALL BE DESIGNED BY A LICENSED FIRE PROTECTION ENGINEER AND SHALL BE MAINTAINED ON THE JOB SITE AND THE SET REQUIRED BY FIRE DEPARTMENT. THE FIRE SUPPRESSION SYSTEM SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.

ENGINEER: J. L. HORN  
 LICENSE NO. 10000

**HANDICAP ACCESSIBILITY NOTES:**

1. THERE SHALL BE AN ASPHALT DRIVEWAY ACCESS TO A PORT OF ENTRY TO THE BUILDING WITH A MINIMUM CLEARANCE OF 10' X 10'.
2. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
3. ALL STALLS SHALL BE MAINTAINED WITHIN THE MINIMUM CLEARANCE OF 10' X 10'.
4. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
5. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
6. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
7. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
8. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
9. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
10. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.
11. DRIVEWAY SHALL BE 10' WIDE AND BE BUILT ON A 4% SLOPE.

**REVISED COPY**

Ref. & Rev. COUNTY OF FRESNO  
 PROJECT NO. 10000  
 CITY ENGINEER: J. L. HORN  
 PROPOSED SITE PLAN  
 4276 S. GREENWOOD AVE.

**YAMABE & HORN ENGINEERING, INC.**  
 2000 N. BETH AVENUE  
 FRESNO, CA 93707  
 TEL: (559) 344-3100  
 FAX: (559) 344-3039

SCALE: 1" = 30'

DATE: 10/15/2013

U. S. E. & H. O. ENGINEERING, INC.  
 1000 N. BETH AVENUE  
 FRESNO, CA 93707  
 TEL: (559) 344-3100  
 FAX: (559) 344-3039

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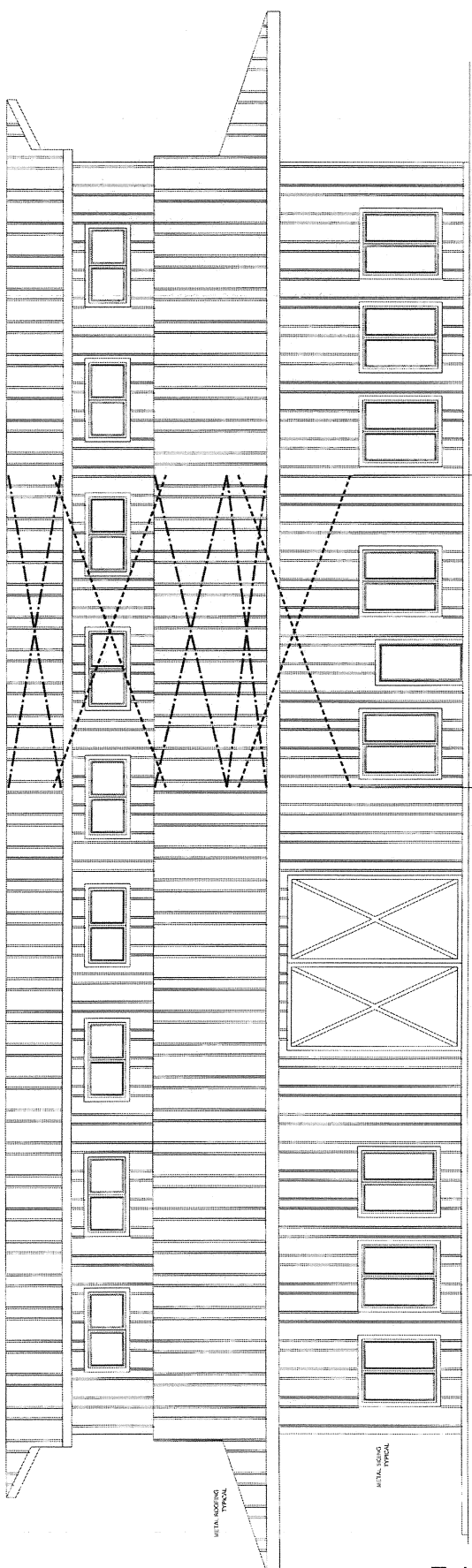
# EXHIBIT 8

NO.	DATE	REVISION

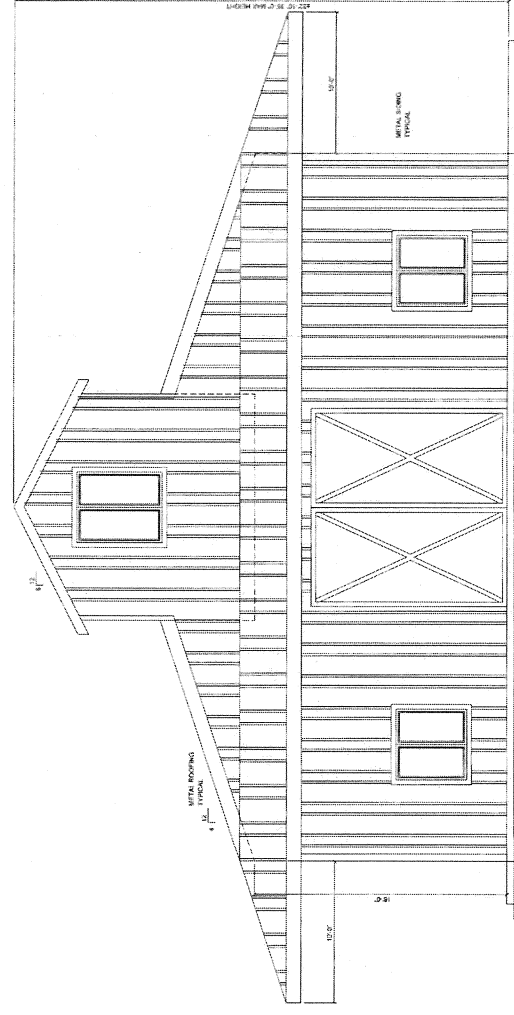
YANEX CONSTRUCTION  
 42931 ROAD 30  
 LEO 91572  
 REBELEY, CA 95854  
 (530) 633-6644  
 KINGS RIVER BARREL STORAGE  
 4276 S GIFFENWOOD, SANDER CA

VINCEI  
 233 W. RIVERROAD  
 91  
 INDEX

4  
 APR 21 2018  
 RECEIVED  
 CAMP 21530



WEST ELEVATION  
 SCALE 1/4" = 1'-0"



NORTH ELEVATION  
 SCALE 1/4" = 1'-0"

APR 21 2018  
 RECEIVED  
 CAMP 21530



# EXHIBIT 9

September 8, 2016

## OPERATIONAL STATEMENT

Kings River Winery

CUP #3530

### REQUEST

The applicant proposes to obtain a Conditional Use Permit for the operation of private events as allowed in Section 853 of the Fresno County Zoning Ordinance Code. The proposed facility will be open for a limited period during special events by invitation only such as weddings, birthdays and other similar occasions. The food will always be catered by licensed companies.

### BACKGROUND

The property is designated for agricultural uses in the Fresno County General Plan. The winery and tasting room facility is in existence and is owned by Robert Bagdasarian. The property is served by a paved access road of adequate width to accommodate the proposed use. The proposed property is approximately 660 feet south of East Central Avenue. The property has an existing water and electricity. A well is located on the property that supplies potable water. The parking lot area is composed of concrete to keep dust to a minimum.

### TRAFFIC

The following process will be utilized for all events held at the proposed facility. Cars will enter the site from S. Greenwood Ave.

Advance signage placed 150 feet in advance of main entrance directing traffic to on-site parking the day of special events. The ingress/egress will have a throat length of 175 feet to prevent traffic from backing up on Greenwood Avenue and a width of 26 feet to allow vehicles to enter and exit without encroaching into the opposing traffic lane. The ingress/egress throat will be paved to reduce the potential for dust mitigation/annoyance.

Portable lighting will be provided at the ingress/egress point on Greenwood Avenue and for the on-site parking lot.

Greenwood Avenue is a 2 lane north-south road that is ½ mile west of Academy Avenue. The majority of through north-south traffic near the site will use Academy Avenue. The anticipated traffic for events will mostly be during non-peak periods with little to no impact from the additional event trips.

### PARKING

In addition to the (6) existing parking stalls and (1) ADA stall, an asphalt parking lot is proposed at the southerly end of the parcel, immediately east of the proposed barrel storage building. The proposed parking lot will have the ability to provide an additional (132) parking stalls plus (5) additional ADA stalls, (1) of which will be van-accessible.



## **FIRE PROTECTION**

There are fire sprinklers system throughout the facility. An annual inspection by the local Fire Marshall takes place before opening. Smoking is prohibited everywhere on the property and that prohibition is strictly enforced.

## **EMPLOYEES**

There will be at least four employees at the events and more will be added as needed.

## **SECURITY**

The facility will use extensive security systems with cameras. A security company will be used providing 1 security guard per every 100 guest.

## **LIGHTING**

For special events which will utilize the larger parking lot behind the barrel storage building, portable generator lighting will be provided in order to keep the site adequately illuminated.

## **WASTE**

Trash is disposed of in a dumpster that is typically emptied once per week.

## **SEWAGE**

The existing septic system has been designed to handle the sewage generated by the existing office building and the wine production facility and tasting room. There are currently (2) 1,500 gallon septic tanks and (2) 50' leach trenches. The septic system was designed to handle (4) employees, (15) walk-in guests, and a (50) person group. With the construction of the barrel storage building, an additional septic system which consists of a 2,500 gallon septic tank and (2) new leach lines which can handle an additional 100 guests.

## **SPECIAL OCCASIONS**

Special occasions would include weddings, picnics, parties and the like. Those types of activities may include the use of alcohol. The entity renting the facility will be responsible for obtaining the required permits, insurance and security. They would also be responsible for supplying their own food by bringing it in or having it catered. Special occasions would likely occur 25-50 times per year and an average of 50 guests per event with a maximum of 150 guests in attendance. The ratio of security personnel to guests would be 1 per 100. Events would generally be weekends. Weddings would include rehearsals by the bridal party and guests an evening or two before the wedding. Amplified music would be kept within required limits and could not go past 10:00 p.m.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- APPLICANT: Robert Bagdasarian
- APPLICATION NOS.: Initial Study Application No. 7121 and Unclassified Conditional Use Permit Application No. 3530
- DESCRIPTION: Allow 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 on the east side of Greenwood Avenue, between Central Avenue and American Avenue, approximately one quarter-mile southwest of the nearest city limits of the City of Sanger (4276 S. Greenwood Avenue) (SUP. DIST. 4) (APNs 332-061-52S, 332-061-53S).

**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 WITH MITIGATION INCORPORATED:

*This proposal entails authorization of a High Intensity Park to be utilized as an event facility for weddings, birthdays, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High Intensity Park will host up to 50 event days per year with a maximum of 150 guests attending each event day.*

*The subject property is a single legal parcel comprised of a 1.00-acre Life Estate identified as Assessor's Parcel Number (APN) 332-061-53S and a 39-acre vineyard identified as APN 332-061-52S. Existing improvements are located on the 1.00-acre Life Estate identified as APN 332-061-53S, which include a single family residence with septic system, two water wells, two 20,000 gallon water storage tanks (installed horizontally), a 120 square-foot pump house, a 300 square-foot storage building, and a*

*4,500 square-foot winery facility with septic system, paved parking lot with seven parking spaces, and paved driveway access from Greenwood Avenue. The existing winery facility was authorized by Site Plan Review (SPR) No. 7836, which was administratively approved on December 19, 2012.*

*The proposed High Intensity Park use will be located on the 39-acre vineyard site identified as APN 332-061-52S. Improvements to be utilized for the proposed High Intensity Park use include an approximately 6,500 square-foot outdoor assembly area, proposed 5,000 square-foot building with restrooms and septic system that will also be utilized as a barrel storage building for the existing winery operation, proposed paved parking lot with 137 parking spaces, and proposed paved driveway access from Greenwood Avenue.*

*The project site is located in a predominately agricultural area with residential land uses dispersed throughout. The City of Sanger is located approximately one quarter-mile northeast of the project site, and the unincorporated community of Del Rey is located approximately two miles to the southwest. Additionally, the Centerville-Kingsburg Canal and a Southern Pacific Railroad line are located approximately three quarter-miles east of the project site, and the Kings River is located approximately two miles to the east. 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 6,500 square-foot outdoor assembly area and the proposed 5,000 square-foot building from northerly neighboring properties will be screened from view by the existing 4,500 square-foot winery facility and the existing single-family residence located on the 1.00-acre Life Estate identified as APN 332-061-53S.*

*Visibility of the proposed 6,500 square-foot outdoor assembly area from southerly neighboring properties will be screened from view by the proposed 5,000 square-foot building.*

*Visibility of the proposed 6,500 square-foot outdoor assembly area from easterly neighboring properties will be screened from view by the existing 120 square-foot pump house, the two existing 20,000 gallon water storage tanks, and the existing 300 square-foot storage building located on the 1.00-acre Life Estate identified as APN 332-061-53S.*

*Visibility of the proposed parking lot from westerly neighboring properties and Greenwood Avenue will be substantially screened from view by the proposed 5,000 square-foot building.*

*The proposed parking lot and the proposed 5,000 square-foot building will be visible from neighboring properties located to the south; however, no significant adverse aesthetic impacts are anticipated south of the proposal considering the distances between the project site and neighboring dwellings located to the south, the closest of which is located approximately 1,180 feet southeast of the project site.*

*The proposed parking lot and the proposed 5,000 square-foot building will be visible from neighboring properties located to the east; however, no significant adverse aesthetic impacts are anticipated east of the proposal considering the distances between the project site and neighboring dwellings located to the east, the closest of which is located approximately 1,500 feet east of the subject parcel.*

*The proposed parking lot 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 1,280 feet north of the proposed parking lot.*

*The proposed 5,000 square-foot building will be visible from neighboring properties located to the west and Greenwood Avenue; however, considering that this building will be a steel structure similar in appearance to both the existing winery located on site and other steel structures located in the area, no significant adverse aesthetic impacts are anticipated west of the proposal with regard to the proposed 5,000 square-foot building.*

*The proposed 6,500 square-foot outdoor assembly area will be visible from neighboring properties located to the west and Greenwood Avenue. As such, drought-tolerant landscaping shall be provided along the west side of the proposed outdoor assembly area. 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 Mitigation Measure to reduce the proposal's aesthetic impacts on westerly neighboring properties and Greenwood Avenue to a less than significant level. Additionally, the design of the required landscaping shall be reviewed for approval during Site Plan Review (SPR), which will 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.*

**\* Mitigation Measure**

- 1. Prior to occupancy, the developer of the High Intensity Park operation shall provide an irrigation system and drought-tolerant landscaping along the west 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 outdoor assembly area from Greenwood Avenue. 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).*

- 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 portable 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. *All outdoor lighting shall be hooded and directed 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 Farmland of Statewide Importance on the Fresno County Important Farmland Map (2014), and is not enrolled under an Agricultural Land Conservation Contract (Williamson Act Contract).*

*With regard to the Farmland of Statewide Importance classification of the project site, this proposal will preclude the agricultural cultivation of approximately 2.28 acres of Farmland of Statewide Importance. However, this loss of farmland is less than significant in that the 36.72-acre balance of the 39-acre vineyard identified as APN 332-061-52S will remain agriculturally productive as a vineyard. Further, the proposed High Intensity Park use is related to and supportive of an existing winery, which is an existing on-site agricultural activity.*

### 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: 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 activity, all work shall be halted in the area of the find, and an Archeologist shall be contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground*

*disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the 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 activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the 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: NO IMPACT:

*The area where the project site is located is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Development of the project will be subject to the Seismic Design Category C Standards.*

- 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 winery facility located on the 1.00-acre Life Estate identified as APN 332-061-53S utilize an existing septic system comprised of independent septic tanks with a shared disposal field (leach lines).*

*The proposed High Intensity Park use to be located on the 39-acre vineyard site identified as APN 332-061-52S will utilize a proposed 5,000 square-foot building with restrooms that will connect to a proposed septic system. Additionally, a Sewage Feasibility Analysis Report was prepared for the proposed septic system by Yamabe & Horn Engineering, Inc., which is dated September 13, 2016.*

*According to the Environmental Health Division of the Fresno County Department of Public Health, the Sewage Feasibility Analysis Report prepared for this proposal by Yamabe & Horn Engineering, Inc. demonstrates capacity to serve up to 150 visitors per day. As such, no more than 150 visitors per event day shall be permitted for the High Intensity Park use. This requirement will be included as a Mitigation Measure to reduce adverse impacts related to wastewater disposal to a less than significant level. Further, the Environmental Health Division of the Fresno County Department of Public Health identified the following requirements to also be included as Mitigation Measures to reduce adverse impacts related to wastewater disposal to a less than significant level:*

\* **Mitigation Measures**

1. *The septic system proposed for the High Intensity Park use shall be designed and installed in accordance with California Well Standards, California Plumbing Code, and the Yamabe & Horn Engineering, Inc. Sewage Feasibility Analysis Report dated September 13, 2016, or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per California Well Standards, the horizontal separation distance between any watertight septic tank or subsurface leaching field and water wells is 100 feet.*

*Any changes in the proposed project may require additional review to ensure adequacy of the septic system's capacity to serve the proposed changes.*

2. *The septic system proposed for the High Intensity Park use shall not be used as a septic dumpsite. No portable toilet waste, Recreational Vehicle (RV) or septic pumping vehicle shall empty the contents of their septic holding tanks into the septic system designed for the High Intensity Park use.*

## 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.*

*According to the California Regional Water Quality Control Board (Water Board), the existing winery operation located on the 1.00-acre Life Estate identified as APN 332-061-53S has not obtained a Wastewater Discharge Permit or Permit Waiver from the Water Board. It is noted by Staff that the requirement to obtain a Wastewater Discharge Permit or Permit Waiver from the Water Board was a Condition of Approval for Site Plan Review (SPR) No. 7836, which authorized the existing winery operation. As such, the Applicant must obtain a Wastewater Discharge Permit or Permit Waiver from the Water Board for the existing winery prior to continuing said winery operations. This requirement will be included as a Condition of Approval.*

- 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 2165H, 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 one quarter-mile southwest of the nearest city limits of the City of Sanger.*

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 weddings, birthdays, and similar occasions on a 40-acre property in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. According to the Operational Statement provided for the subject proposal, the proposed High Intensity Park will host up to 50 event days per year with a maximum of 150 guests attending each event day.*

*With regard to Criteria “b”, the project site is classified as Farmland of Statewide Importance on the Fresno County Important Farmland Map (2014), and is not enrolled under an Agricultural Land Conservation Contract (Williamson Act Contract). Regarding the Farmland of Statewide Importance classification of the project site, this proposal will preclude the agricultural cultivation of approximately 2.28 acres of Farmland of Statewide Importance; however, this loss of farmland is less than significant in that the 36.72-acre balance of the 39-acre vineyard identified as APN 332-061-52S will remain agriculturally productive as a vineyard.*

*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 one quarter-mile southwest of the nearest city limits of the City of Sanger, 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 6,500 square-foot outdoor assembly area and outdoor sound amplification equipment. Additionally, the Applicant submitted an Acoustical Analysis for this proposal which was prepared by WJV Acoustics.*

*According to the Environmental Health Division of the Fresno County Department of Public Health, the Acoustical Analysis prepared for this proposal by WJV Acoustics 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 Measure will be included in order to reduce adverse noise-related impacts to a less than significant level:*

\* **Mitigation Measure**

1. *The acoustical analysis submitted for the project indicates operations of the High Intensity Park use shall comply with Fresno County Noise Ordinance. In concurrence with the Applicant's operational statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm.*
- 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 Fresno County Fire Protection District (Fire District) which did not identify any concerns with the project. The proposal must comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project must be approved by the Fire District prior to issuance of Building Permits by the County. These mandatory requirements will be included as Project Notes to be addressed during Site Plan Review (SPR), which will 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.*

- 2. Police protection?

FINDING: NO IMPACT:

*This proposal was reviewed by the Fresno County Sheriff's Department, which did not identify any concerns related to the proposal.*

- 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 proposed High Intensity Park to be utilized as an event facility for weddings, birthdays, and similar occasions, will be located on a 40-acre property that has frontage on Greenwood Avenue. This proposal includes construction of a paved parking lot with 137 parking spaces, and construction of a paved driveway access for said parking lot from Greenwood Avenue.*

*According to the Operational Statement provided for the subject proposal, the High Intensity Park will host up to 50 event days per year with a maximum of 150 guests attending each event day. Additionally, there will also be approximately four employees on site during event days, approximately two security guards attending each event day, and catering staff may also be present during event days. Further, a Traffic Management Plan was prepared for the proposed High Intensity Park use by Yamabe & Horn Engineering, Inc.*

*This proposal was reviewed by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, which commented that the Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. is acceptable.*

*The proposed High Intensity Park use was also reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project predicated on the determination made by the Road Maintenance and Operations Division that the Traffic Management Plan prepared by*

*Yamabe & Horn Engineering, Inc. is acceptable. As such, operation of the proposed High Intensity Park use shall be in accordance with the Traffic Management Plan prepared by Yamabe & Horn Engineering, Inc. 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 use shall be in conformance with the Traffic Management Plan prepared for said use by Yamabe & Horn Engineering, Inc.*

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. 3530, 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.

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