



Inter Office Memo

DATE: July 20, 2017
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12659 - INITIAL STUDY APPLICATION NO. 7170 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3535

APPLICANT/
OWNER: Debbie Davis

REQUEST: Allow the operation a High-Intensity Park for weddings and special events, and a commercial stable and riding academy on a 19.55-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the north side of East Bullard Avenue, approximately 3,275 feet east of its intersection with North Academy Avenue and 4.6 miles east of the nearest city limits of the City of Fresno (SUP. DIST. 5) (APN 308-350-24).

PLANNING COMMISSION ACTION:


At its hearing of July 20, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Mendes and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3535, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Mendes, Lawson, Ede and Eubanks
 No: Commissioners Borba and Woolf
 Absent: Commissioners Abrahamian and Chatha
 Abstain: None

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

By:  _____
William M. Kettler, Manager
Development Services Division

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

Attachments

EXHIBIT A

Initial Study Application No. 7170
Unclassified Conditional Use Permit Application No. 3535

Staff: The Fresno County Planning Commission considered the Staff Report dated July 20, 2017, and heard a summary presentation by staff.

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

- We believe the complaints regarding noise and traffic attendants from our neighbor are exaggerated.
- We are ready to comply with all the conditions of approval and mitigation measures and we will do everything in our power not to become a nuisance.
- No food is prepared on site; everything, including alcoholic beverages, is provided by the caterer.
- Security is present at events to ensure that guests remain in the event area and do not wander around the property.
- Our special events are primarily fundraisers.
- We live on the property and therefore, we are very careful about who we book.

Others: Seven individuals presented information in support of this application. In general, these individuals noted the cleanliness of the horse facility and the Applicant's skill in training the horses. Those in support noted that the music from events was not an issue and that events typically ended by 10:00 p.m.

Two individuals spoke in opposition to the application. Opposition included concerns with the width of Bullard, the on-site consumption of alcohol, and instances in which parking security improperly detained other residents who live along Bullard. No one spoke in opposition to the operation of the Commercial Stable and Riding Academy and concerns were related solely to events associated with the high-intensity park.

Correspondence: Thirty one letters were presented to the Planning Commission in support of this application and one letter was presented to the Planning Commission in opposition to the application.

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7170/Unclassified Conditional Use Permit Application No. 3535
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained so as not to shine toward adjacent properties and public roads.	Applicant	Applicant/ Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
*3.	Geology and Soils	The sewage disposal system shall be designed and installed in accordance with the O.S.T. System Designs, Inc. Soils Analysis and Sewage Feasibility Report (dated August 26, 2016) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*4.	Noise	The Applicant shall utilize a sound barrier between the speaker source and the residence to the west when using sound amplification for speech or music. The barrier shall be placed at the location identified by the acoustic analysis prepared by WJV Associates (WJVA Project No. 16-033, dated September 26, 2016).	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	During all events with amplified sound or music
*5.	Noise	During all events in which amplified sound is present, the Applicant shall monitor noise levels at the location designated by the acoustic analysis prepared by WJV Associates (WJVA Project No. 16-033, dated September 26, 2016) to ensure compliance with the County Noise Ordinance Standards.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	During all events with amplified sound or music

EXHIBIT B

*6.	Noise	In concurrence with the Applicant's Operational Statement, all amplified microphone use and/or sound amplification shall cease by 10:00 PM.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	During all events with amplified sound or music
*7.	Transportation/ Traffic	Operation of the proposed High-Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated September 8, 2016.	Applicant	Applicant/Design Division/Road Maintenance and Operations Division	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission.				
2.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.				
3.	Prior to issuance of Building Permits, the owner of the subject property shall enter into a Covenant with the County of Fresno acknowledging that the property owner is aware of the Fresno County Right-to-Farm Notice (Fresno County Ordinance Code Sections 17.04.100 and 17.72.075).				

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher may be required for any grading proposed with this application.
2.	Proposed operations of the facility include the use of a caterer to provide food and beverages (no food shall be prepared on site); the food and beverages shall be provided by a caterer permitted by the Fresno County Department of Public Health, Environmental Health Division. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
3.	Prior to issuance of building permits, the Applicant/operator shall submit complete facility restroom and utility room plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operations, the Applicant/owner shall apply for and obtain a permit to operate a food facility. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
4.	It is recommended that the Applicant consider having the existing septic tank pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years.

Notes

5.	<p>The following requirements will be reviewed during the Site Plan Review Process:</p> <ol style="list-style-type: none"> 1. No building height or structure erected in this District shall exceed thirty-five (35) feet in height, per Section 816.5.D of the Zoning Ordinance. 2. An Encroachment Permit will be required for any improvements within the County right-of-way prior to commencement of construction. 3. All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky. Each lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot. Each lot shall have a side yard on each side of not less than twenty (20) feet. 4. The driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. 5. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. 6. Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. 7. A dust palliative shall be required on all parking and circulation areas. 8. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agriculture) Zone District.
6.	The Applicant shall obtain Building Permits for the circular structure (identified as "#6: Patio" on the Site Plan provided).
7.	<p>Buildings and/or facilities providing a "Public Use" must comply with the Accessibility requirements of Chapter 11B of the California Building Code (CBC), per CBC 1.9.1.2 through CBC 1.9.1.2.2.</p> <ol style="list-style-type: none"> 1. Construct Accessible Parking Spaces (minimum one (1) "van" space and four (4) vehicle spaces) in accordance with the requirements of CBC 11B-208, 11B-502. 2. Provide Accessible Routes from the site arrival point (Accessible Parking Area) to the public areas served and to connect buildings and facilities (event areas) providing public access, per CBC 11B-206. 3. Modify buildings being converted to a public use to comply with the requirements of CBC Chapter 11B. 4. Provide Accessible toilet facilities per CBC 11B-213 & CBC 11B-603. 5. Event seating must comply with applicable sections of CBC 11B-221. 6. Event Dining Areas must comply with CBC 11B-226.
8.	<p>Building Review of application documents against property records has deemed the following comments necessary.</p> <ol style="list-style-type: none"> 1. Permits will be required for Conversion of existing Ag Exempt structures with Public Admittance, constructed under Section 15.08.030 County of Fresno Title 15 Agricultural Exemption, to buildings complying with the adopted building codes. (See Section 15.08.030 e, where proposed use is not allowed under the Agricultural Exemption.) 2. Permits will be required for all building, plumbing, electrical, and mechanical improvements constructed, new or existing, not reflected in County of Fresno permit records. 3. Provide toilet facilities in accordance with the requirements set forth by Fresno County Department of Public Health, Environmental Health Division and Section 422 of the California Plumbing Code.
9.	Establishing the proposed High-Intensity Park on the subject parcel shall be contingent upon approval of the partial cancellation of Williamson Act Contract No. 91 by the Fresno County Board of Supervisors, and payment of the Cancellation Fee as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation.



County of Fresno

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

August 7, 2017

Debbie Davis
13616 E. Bullard Avenue
Clovis CA 93619

Dear Applicant:

Subject: Resolution No. 12659 - Initial Study Application No. 7170 and Unclassified
Conditional Use Permit Application No. 3535

On July 20, 2017, the Fresno County Planning Commission approved your Unclassified
Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is
enclosed.

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

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

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

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure