



Inter Office Memo

DATE: April 27, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12645 - INITIAL STUDY APPLICATION NO. 6674 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3432

APPLICANT: Bret Kevin Engelman

OWNER: Norman Engelman

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

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

PLANNING COMMISSION ACTION:

At its hearing of April 27, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Mendes and seconded by Commissioner Vallis 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. 3432, subject to the Conditions listed in Exhibit B with inclusion of additional Conditions to prohibit off site parking and require all park activities be conducted on site.

RESOLUTION NO. 12645

This motion passed on the following vote:

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

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

By: 

 William M. Kettler, Manager
 Development Services Division

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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. 6674
Unclassified Conditional Use Permit Application No. 3432

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 27, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:
- Approval of the High-Intensity Park use is desired to promote the existing winery.
 - There were three times in the past that the winery hosted an off-site event known as the "Wicked Wine Run"; however, this event will no longer be hosted at the subject property.
 - We own or lease all neighboring properties adjacent to the project site.
 - We are in the process of replacing some grape vines with almond trees in order to generate additional revenue to support the existing winery operations.
 - Americans with Disabilities Act (ADA) and Fire Code requirements for the second phase of this proposal will require substantial revenue.
- Others: No other individuals presented information in support of the application.
- Two individuals presented information in opposition to the application citing concerns related to a road closure associated with a "Wicked Wine Run" event, noise, additional traffic, on-street parking, and disruption of existing agricultural activities.
- Correspondence: One letter was presented to the Planning Commission in opposition to the application.

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

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Prior to operation of the High-Intensity Park, all lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports, 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	During ground-disturbing activities
*3.	Geology and Soils	The sewage disposal system shall be designed and installed in accordance with the ASR Engineering, Inc. Septic Feasibility Study and Conceptual Design Report (Project No. 13-14011 dated July 9, 2014) or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*4.	Noise	In concurrence with the Applicant's Operational Statement, all amplified microphone use and/or sound amplification shall cease by 10:00pm.	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing
*5.	Noise	If, based on complaints from noise-sensitive receivers and resulting investigations by the Fresno County Department of Public Health, Environmental Health Division, it is determined that the High-Intensity Park Operator is failing to adequately control noise levels occurring at the facility, the Operator shall be required to provide a sound level meter	Applicant	Applicant/PW&P/ Fresno County Department of Public Health	Ongoing

EXHIBIT B

		<p>and calibrator on the High-Intensity Park premises during all outdoor events utilizing sound amplification. The sound level meter shall be of Type 1 or Type 2, meeting American National Standard Institute's Standard S1.4-1971, or an instrument and associated recording and analyzing equipment which will provide equivalent data and which is capable of displaying the statistical noise metrics used in the Fresno County Noise Ordinance in real time.</p> <p>The Operator shall be trained by a qualified acoustical consultant in the proper use of the sound level meter. Instruction shall be provided to ensure noise level measurements taken by the Operator comply with the criteria set forth in Fresno County Noise Ordinance Section 8.40.030. Following confirmation of non-compliance with the Fresno County Noise Control Ordinance, the Operator shall conduct noise level measurement surveys during all events and keep records of all data/readings, which will be available upon request to the County.</p>			
*6.	Transportation/ Traffic	Operation of the proposed High-Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated May 13, 2014.	Applicant	Applicant/PW&P	Ongoing

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.	At the time a Site Plan Review (SPR) is filed, the Applicant shall obtain a Change of Occupancy permit required by Classified Conditional Use Permit (CUP) No. 2953 for the 2,176 square-foot agricultural storage building used as part of the winery operation. Classified CUP No. 2953 has a Condition of Approval requiring Building Permits to be acquired to change the Occupancy of the 2,176 square-foot agricultural storage building to that of a winery facility; however, the required permits have not been issued.
4.	At the time a Site Plan Review (SPR) is filed, the Applicant shall pay the \$10,625.00 Williamson Act Cancellation Fee as certified by the Board of Supervisors for cancellation of the Williamson Act contract on the subject parcel and issuance of a Certificate of Cancellation as described in Project Note No. 18 of Unclassified Conditional Use Permit (CUP) No. 3432.
5.	The owners of the subject property shall record a document irrevocably offering 30 feet of the subject property to the County of Fresno as future right-of-way for Rolinda Avenue (no existing right-of-way). The western line of said offer shall establish the building setback line for future development.

	Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.
6.	The Applicant shall provide a paved driveway approach for the driveway proposed on Rolinda Avenue, and the first 100 feet of the proposed driveway shall also be paved in order to preclude sediment track-out onto Rolinda Avenue.
7.	Due to the presence of the Fresno Irrigation District (FID) Martin No. 363 pipeline which traverses the subject property in proximity to the western and northern boundaries of the proposed High-Intensity Park, the Applicant shall submit Plans to FID for review and approval prior to issuance of Building Permits for any improvements that affect FID easements or canals/pipelines.
8.	Prior to occupancy, the developer of the High-Intensity Park operation shall provide an irrigation system and drought-tolerant landscaping along the south side of the proposed outdoor assembly area. Said landscaping shall be maintained in a healthy condition and shall consist of trees and shrubs of adequate size and density to provide visual screening of the proposed outdoor assembly area. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer of the High-Intensity Park operation shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0).
9.	Off-site parking shall be prohibited. All visitors to site must park in designated parking as set forth in the Site Plan approved by the Planning Commission.
10.	All activities permitted under the operational statement approved by the Planning Commission must occur on the project site.

*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.	The Applicant shall obtain Building Permits for the 1,000 square-foot agricultural storage building (identified as “Existing Storage Building” on Site Plans provided), the 2,028 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided), and the 480 square-foot agricultural storage building (identified as “Existing Shed” on Site Plans provided), as these structures were constructed without Building Permits.
2.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Rolinda Avenue or Dakota Avenue.
3.	A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at the intersection of Rolinda Avenue and Dakota Avenue.
4.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
5.	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

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

Notes

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

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County of Fresno

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

May 17, 2017

Bret Kevin Engelman
3275 N. Rolinda Avenue
Fresno CA 93723

Dear Applicant:

Subject: Resolution No. 12645 - Initial Study Application No. 6674 and Unclassified
Conditional Use Permit Application No. 3432

On April 27, 2017, the Fresno County Planning Commission approved your Unclassified Conditional Use Permit with modified 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 dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure