



Inter Office Memo

DATE: October 6, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12598 - INITIAL STUDY APPLICATION NO. 7009 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3508

APPLICANT: Linda Dineen

OWNER: Salvador Agredano

REQUEST: Allow a rodeo complex and related improvements (including mobile food vehicles) on an approximately 4.5-acre portion of a 22.1-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the south side of W. Whitesbridge Road approximately 1,325 feet west of its intersection with San Mateo Avenue and 2.5 miles east of the nearest city limits of the City of Mendota (29195 W. Whitesbridge Road, Mendota) (Sup. Dist. 1) (APN 019-220-38S).

PLANNING COMMISSION ACTION:

At its hearing of March 24, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Chatha to provide additional time for the Applicant and her client to discuss overnight stay of participants on the property, and bring the item back to the Commission later in the hearing. This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Chatha, Egan, Eubanks, Lawson, Mendes, Zadourian

No: None

Absent: Commissioner Borba, Woolf

Abstain: None

After receiving information from the Applicant's representative regarding overnight stay of participants, a second motion was made by Commissioner Lawson and seconded by Commissioner Zadourian to continue the item to the April 28, 2016 hearing in order to provide additional time for the Applicant to revise the Operational Statement to address limited overnight stay of facility participants and provide a traffic control plan at the access to the site off of Whitesbridge Road (State Route 180). This motion passed on the following vote:

VOTING: Yes: Commissioners Lawson, Zadourian, Abrahamian, Chatha, Egan, Eubanks, Mendes

 No: None

 Absent: Commissioner Borba, Woolf

 Abstain: None

At its hearing of April 28, 2016, the Commission considered the staff report including a revised Operational Statement and an ingress/egress map approved by the California Department of Transportation (summarized in Exhibit A). Based on review of the information provided and testimony provided by the Applicant, a motion was made by Commissioner Borba and seconded by Commissioner Eubanks to continue the item to an undetermined date in order to provide additional time to the Applicant to prepare a Traffic Management Plan (TMP) to be approved by the California Department of Transportation. This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Eubanks, Chatha, Egan, Lawson Mendes, Pagel

 No: Commissioner Woolf

 Absent: Commissioner Abrahamian

 Abstain: None

At its hearing of October 6, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Egan and seconded by Commissioner Pagel 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. 3508, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7009
Unclassified Conditional Use Permit Application No. 3508

Public Hearing dated March 24, 2016

Staff: The Fresno County Planning Commission considered the Staff Report dated March 24, 2016, and heard a summary presentation by staff.

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

- The subject property has been used as a horse ranch and for horse training.
- The property has also been used for unofficial rodeos; however, this use has ceased pending approval of the subject application.
- The facility will hold six weekend rodeo events in a year with no events during weekdays; permits will be obtained from the County of Fresno.
- No other Mexican Rodeo facility exists from Turlock to Porterville; the subject facility will provide a financial benefit to the local economy and may allow new businesses to flourish in the area.
- Rodeo events will be scheduled earlier during the day for those spectators arriving from far-away communities.
- Animal trailers will arrive during daytime hours ahead of the event day; spectators will arrive at noon and stay until 3 p.m.; the number of spectators will not exceed 300.
- The participants will not be allowed overnight stay, as lodging (motels) is available in Mendota, Firebaugh and Kerman.
- The proposed bull pens will be engineer-designed with permits; the existing pens will be examined by engineers for structural integrity.
- We have prepared a Traffic Analysis for the project, initiated by the California Department of transportation (Caltrans); Caltrans has expressed no concerns related to traffic.
- We will submit a driveway approach drawing as part of the Site Plan Review.
- A First-Aid station (including a veterinarian) for animals and people will be available during events.

RESOLUTION NO. 12598

- Beer will be sold to spectators, but rodeo participants will not be allowed to purchase or consume alcohol during events.
- We will acquire a liquor license from the Department of Alcohol and Beverage Control (ABC); no underage people will sell/serve alcohol.
- We will install a single-pole sign for the facility; no signs will advertise events or sale of alcohol on the property.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

Public Hearing dated April 28, 2016

Staff: The Fresno County Planning Commission considered the Addendum Staff Report and revised proposal dated April 28, 2016, and heard a summary presentation by staff.

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

- Overnight stay of participants has been included in the revised Operational Statement and trailer parking is shown on the Site Plan.
- We have prepared an ingress/egress map in accordance with Caltrans guidelines; a full line of sight to the east and west of Whitesbridge Road has been accommodated on the map.
- A traffic analysis was prepared for the project by Peters Engineering and submitted to Caltrans; per Caltrans, the project will not significantly impact traffic on Whitesbridge Road.
- Upon approval of the project, we will provide a TMP to Caltrans to review and approve.
- We will have water trucks available to spray water on the property to keep the dust down.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

Public Hearing dated October 6, 2016

Staff: The Fresno County Planning Commission considered the Staff Report dated October 6, 2016, and heard a summary presentation by staff.

Applicant: The owner's son and the Applicant's representative concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:

- The project will not cause traffic congestion on Whitesbridge Road; the Traffic Analysis and the TMP prepared by Peters Engineering show very little traffic delays.
- Caltrans has approved the TMP with no concerns; a contingency plan in the TMP provides an additional layer of insurance.
- If traffic observations indicate substantial congestion, the TMP's recommendations which include the triggering of additional signage and control of traffic at intersections/roads by an officer will be applied; these requirements will be at the Applicant's cost.
- Random observations can be done either by Caltrans or the California Highway Patrol as mutually agreed upon with the County.
- Construction of a left-turn lane is not warranted at this time; the TMP's recommendations will initially be implemented for control of traffic.
- All rodeo events will be scheduled ahead of time, thereby allowing a specific number of vehicles to enter the site during a specified time.
- The existing businesses on Whitesbridge generate far more traffic than will be generated by the subject proposal; they were not required to have a TMP.
- A total of six events on weekends will occur in a year; events will be cancelled during rainy and foggy days.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EJ:
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**Revised Mitigation Monitoring and Reporting Program
Initial Study Application No. 7009/Unclassified Conditional Use Permit Application No. 3508
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2*	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/PW&P	As noted
3*	Geology and Soils	No more than 300 customers per day shall be permitted at the facility until such time as a revision to the on-site wastewater treatment system is completed, approved and installed in accordance with current regulations, codes and/or local ordinances.	Applicant	Applicant/Fresno County Department of Public Health, Environmental Health Division (Health Department)	As noted
4*	Geology and Soils	The on-site wastewater treatment system shall be designed and installed in accordance with the California Well Standards, California Plumbing Code and the Lyle Brewer Engineering report (revised date December 21, 2015), or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. As per the California Well Standards, the horizontal separation distance between any "water-tight 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 on-site wastewater	Applicant	Applicant/Health Department	As noted

EXHIBIT B

		treatment systems' adequacy to serve the proposed changes.			
5*	Hydrology and Water Quality	Prior to the start of rodeo events on the property, the Applicant shall have the on-site well water tested for bacteria and the results provided to the State Water Resources Control Board, Division of Drinking Water for review and approval.	Applicant	Applicant/State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW)	As noted
6*	Hydrology and Water Quality	Should the bacterial analysis for well water fail, potable water for drinking shall be provided for the facility from outside sources.	Applicant	Applicant/SWRCB-DDW	As noted
7*	Transportation/Traffic	The Applicant shall prepare an event Transportation Management Plan (TMP) including a Traffic Control Plan and provide it to the California Department of Transportation for review and approval before rodeo events take place on the property.	Applicant	Applicant/California Department of Transportation	As noted

Conditions of Approval

1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.
2.	Prior to occupancy, a Site Plan Review 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.	A dust palliative shall be required for all parking and circulation areas not paved to prevent the creation of dust by vehicles.
4.	The Applicant shall provide licensed security during the rodeo events.
5.	A maximum of 300 customers per day and a maximum of three food trucks are allowed on the property during rodeo events.
6.	The Applicant shall retain a qualified biologist to conduct pre-construction surveys prior to site develop to confirm the absence of on-site sensitive resources. Said surveys shall be provided to the United States Department of Fish and Wildlife (USDFW) with a copy to the Fresno County Department of Public Works and Planning. Should a resource be discovered, the Applicant and Applicant's biologist shall coordinate with USDFW staff to insure appropriate avoidance measures are implemented.
7.	The on-site wastewater treatment system shall not be used as a Recreational Vehicle (RV) dumpsite. No RVs shall empty the contents of their septic holding tanks into the septic system designed for the rodeo facility.
8.	At any given time, no more than ten (10) participants shall be allowed overnight stay on the property.
9.	Traffic operations shall be observed at random rodeo event dates by an independent party (<i>i.e.</i> , Caltrans staff, the California Highway

	<p>Patrol, or other acceptable entity such as an approved independent contractor as agreed to by Caltrans and the County of Fresno) to determine whether the contingency plan included in the Traffic Management Plan (TMP) prepared by Peters Engineering Group and dated July 13, 2016, or a portion thereof, shall be permanently implemented for all events. Event dates selected for observation shall be determined by Caltrans staff in consultation with the County of Fresno. A summarized report of traffic observations shall be provided to the County of Fresno and Caltrans. If the Events cause congestion on Whitesbridge Road (State Route 180), recommendations from the TMP shall be implemented, including, but not limited to:</p> <ul style="list-style-type: none"> • Placement of SPECIAL EVENT AHEAD signs 500 feet in advance of the project driveway in both directions on Whitesbridge Road (State Route 180). • Providing a licensed traffic control officer or California Highway Patrol (CHP) officer, at the project's expense, to monitor the intersection and to take temporary control of the intersection as necessary to provide the safest possible operations.
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*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.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections are required for all existing and proposed structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties. • A Grading Permit or Voucher is required for any grading proposed with this application. • Any additional runoff generated by the proposed development shall be retained on site per County Standards. • Federal Emergency Management Agency (FEMA) FIRM Panel 2025H indicates that the subject property is subject to flooding from the one-percent-chance storm. All structures shall be raised above the Base Flood Elevation or be flood-proofed per the Fresno County Flood Hazard Ordinance Chapter 15.48. • An on-site turnaround is required for vehicles leaving the site to enter Whitesbridge Road (State Route 180) in a forward motion.
4.	<p>According to the California Department of Transportation (Caltrans):</p> <ul style="list-style-type: none"> • A joint-use driveway (or consolidated driveway) off of Whitesbridge Road (SR 180) is required between the existing driveway on the subject property and the driveway on adjacent property to the west. • An encroachment permit shall be obtained for all proposed activities within the State's right-of-way prior to start of the events.
5.	According to the Site Plan Review Section of the Fresno County Department of Public Works and Planning:

Project Notes

	<ul style="list-style-type: none">• Five parking stalls shall be ADA (Americans with Disabilities Act)-compliant and designated van accessible.• All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked.• All proposed signs shall be submitted to the Department of Public Works and Planning, Permits Counter to verify compliance with the Zoning Ordinance.• The gate that provides initial access to the site shall be set back a minimum of 20 feet (or the length of the longest vehicle to initially enter the site, whichever is greater) from the edge of the ultimate right-of-way.• A Site Plan Review is required for all proposed signs.
6.	<p>Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <ul style="list-style-type: none">• Mobile food vehicles proposed to operate at the facility shall carry permits from the Fresno County Department of Public Health, Environmental Health Division. Mobile Food Truck operators shall obtain permit approval, and may only operate within the scope of their permit in accordance with the California Health and Safety Code.• Prior to issuance of building permits, the Applicant shall submit complete food facility plans and specifications to the Health Department. Prior to operations, the operator shall apply for and obtain a permit to operate a food facility from the Health Department.• Prior to the sale of alcohol, the Applicant shall obtain a license to sell alcoholic beverages.• The acoustical analysis submitted for the project indicates operations of the rodeo facility will comply with the Fresno County Noise Ordinance. In concurrence with the Applicant's operational statement, all amplified microphone use and/or sound amplification shall cease by 10:00 p.m.
7.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use.</p>
8.	<p>According to the San Joaquin Valley Air Pollution Control District (Air District) the project shall comply with the following:</p> <ul style="list-style-type: none">• For each project phase, maintain records of (1) the construction start and end dates, and (2) the date of issuance of the first certificate of occupancy, if applicable.• For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. Records shall be made available for District inspection upon request.• District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow, Cure, and Emulsified Asphalt Paving and Maintenance Operations, and Rule 4002 (National Emission Standards for Hazardous Air Pollutants), in the event an existing building will be renovated, partially demolished or removed.



County of Fresno

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

December 15, 2016

Linda Dineen
2985 E. Willis Avenue
Fresno CA 93726

Dear Applicant:

Subject: Resolution No. 12598 - Initial Study Application No. 7009 and Unclassified
Conditional Use Permit Application No. 3508

On October 6, 2016, the Fresno County Planning Commission approved your above-referenced project 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 a maximum of four one-year extensions of time. 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 eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

EJ:ksn

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Enclosure

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
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