



Inter Office Memo

DATE: June 9, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12947 – INITIAL STUDY NO. 8148 AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3723

APPLICANT: Dirk Poeschel

OWNER: James and Louella Bratton

REQUEST: Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, 2-acre minimum parcel size, Conditional) Zone District.

LOCATION: The project is located on the north side of Auberry Road, approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of the unincorporated community of Friant (APN: 300-370-23, 24 & 25) (16399 Auberry Road) (Sup. Dist. 5).


PLANNING COMMISSION ACTION:

At its hearing of June 9, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Arabian and seconded by Vice-Chairman Hill to adopt the Mitigated Negative Declaration prepared based on Initial Study (IS) No. 8148 and determine that the five required Findings of Fact could be made in agreement with Staff and to approve Conditional Use Permit No. 3723, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING:	Yes:	Commissioners Arabian, Hill, Abrahamian, Carver, Chatha, Woolf, and Zante
	No:	None
	Absent:	Commissioner Ewell
	Abstain:	None

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

By: 

William Kettler, Manager
Development Services and Capital Projects Division

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NOTES: 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 Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 8148 and
Unclassified Conditional Use Permit Application No. 3723

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 9, 2022 and heard a summary presentation by staff.
- Presenters: The applicant's representative agreed with the Staff's recommendation. They described their operation and offered the following information to further support the proposal:
- The Site Plan Review process was never completed following the approval of Conditional Use Permit No. 3388.
 - The proposed improvements are identical to those which were approved in the previous CUP.
 - New studies have been completed to ensure there will be no significant environmental impact.
- Others: One neighbor spoke in favor of the project. There was no testimony in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the proposal.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8148
Classified Conditional Use Permit Application No. 3723
(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 not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Biological Resources	Project related impacts to the California Tiger Salamander (CTS) shall be evaluated prior to any ground disturbing activities by a qualified biologist using the "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)".	Applicant	Applicant/PW&P	During ground-disturbing activities.
3.	Biological Resources	In the absence of protocol surveys, the applicant can assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species.	Applicant	Applicant/PW&P	During ground-disturbing activities.
4.	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 should 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.
5.	Noise	Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.	Applicant	Applicant/PW&P	Ongoing
6.	Transportation	Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by	Applicant	Applicant/PW&P	Ongoing

EXHIBIT B

		the County and dated October 27, 2021 or other Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.			
7.	Transportation	Regarding transportation/traffic, a mitigation measure requires the project to pay its fair share towards widening of Auberry Road and adhere to a Traffic Management Plan (TMP).	Applicant	Applicant/PW&P	Ongoing

Conditions of Approval

1.	Development shall be in substantial compliance with the Site Plan, Floor Plan, Elevations, and Operational Statement as approved by the Planning Commission.
2.	The applicant shall provide an offer of dedication for an additional 23 feet of right-of-way (north of section line) to accommodate future widening of Auberry Road from two lanes to four lanes, and to provide for trails/bikeways pursuant to General Plan Policy OS-I.4
3.	The Applicant shall submit for approval by the County a Traffic Management Plan (TMP) which addresses construction activity impacts and impacts of future special events.
4.	The Applicant shall provide for continued maintenance of a natural open space area 200 feet in depth parallel to the ultimate right-of-way.
5.	A Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to holding further events at the facility.
6.	The project must also adhere to all Conditions of Approval of the previously approved Conditional Use Permit No. 3388.

*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.	All proposed structures and buildings will require a building permit.
2.	<p>The Site Plan Review Section provide the following comments:</p> <ul style="list-style-type: none"> a. Parking spaces shall be constructed in compliance with County and State standards. b. Vehicle back up clearance area labeled on the site plan of 27 feet is not sufficient. A minimum back up clearance of 29 feet should be provided and clearly labeled to conform to county parking standards. <p>Note: Fresno County parking requirements information can be sent to applicant upon request</p>

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	<ul style="list-style-type: none"> c. A minimum of six (6) ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum. A minimum of one ADA stall shall be designated van accessible. These spaces must be concrete or asphalt-concrete paved and must be located on the shortest possible route to the main entrance so disabled person does not cross the driveway into parking lot. d. A four (4) feet path of travel for disabled persons shall be constructed and striped in accordance with state standards. e. An over-and-across agreement or Voluntary Merger (VM) shall be completed by the applicant to allow drainage and access across property lines. f. It is recommended that the applicant consult with Development Engineering and Road Maintenance staff to ensure that gravel/aggregate is an acceptable surface for access aisles, circulation, and parking areas. g. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right- of-way shall be concrete or asphalt. h. An encroachment permit shall be required from Road Maintenance and Operations for any improvements within the County right-of-way prior to commencement of construction. i. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. j. A dust palliative should be required on all unpaved parking and circulation areas. k. Any proposed or existing gate that provides initial access to this site shall be setback 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. l. Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits. m. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. n. No building or structure erected in the R-R District shall exceed 35 feet in height per Section 820.5-D of the Fresno County Zoning Ordinance.
3.	<p>The Development Engineering Section provide the following comments:</p> <ul style="list-style-type: none"> a. The subject property is within the Low Water Area (Water Short Area). For any development, Water & Natural Resources Division should be consulted regarding any requirements they may have.

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- b. According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100- year storm. No net import of fill shall be allowed within the flood zone. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.
- c. The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
- d. According to FEMA FIRM Panel 1035H, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100- year storm. No net import of fill shall be allowed within the flood zone. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.
- e. The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
- f. According to the U.S.G.S. Quad Map, intermittent streams may be present within the subject property. Any work within or near a stream will require clearance from California Department of Fish and Wildlife (CDFW). According to the attached Parcel Map No.7733, there is a 50-foot building setback line on either side of the stream.
- g. An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an engineered grading and drainage plan is not necessary because the proposed development does not substantially increase the net impervious surface on-site and will not adversely impact surrounding properties and itself, and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.
- h. Any future/proposed landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and may require MWELO form/s and/or separate landscape and irrigation design plan.
- i. Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on-site, per County Standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
- j. A Notice of Intent (NOi) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOi with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
- k. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standard Stalls should be 18' x 9' and backing distance must be a minimum of 29' for 90-degree parking stalls. Also 5' should be provided

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	<p>beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.</p> <p>l. Any existing or proposed driveway should be set back a minimum of 10' from the property line.</p> <p>m. For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.</p> <p>n. Any existing or proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.</p> <p>o. If not already present, a 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Auberry Road.</p> <p>p. Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</p> <p>q. A grading permit or voucher is required for any grading proposed with this application.</p>
4.	<p>The Road Maintenance and Operations Division provide the following comments:</p> <p>a. A Traffic Management Plan (TMP) must be produced and approved before the first event of operation. The TMP must include details on the usage of temporary warning signs and warning beacons, and the installation of street lighting and signage. A Traffic Engineer is required to be present during events to observe the efficiency and effectiveness of the project TMP during the first year of operations. Further details of these recommendations are found in the VMT Impact Analysis provided by Peters Engineering Group dated October 27, 2021.</p> <p>b. All other conditions of approval for CUP 3388 shall remain applicable.</p> <p>c. Any work to be performed within the County road right-of-way will require an encroachment permit.</p>
5.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <p>a. The sewage disposal systems for the proposed high-intensity park shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Fresno County Department of Public Health, Environmental Health Division.</p> <p>b. The Environmental Health Division will require Food Facility Plans and specifications be submitted for review and approval consistent with the proposed project. A change in the Food Facility Permit will be required to cover the proposed expanded uses.</p> <p>c. Information provided in the Acoustical Survey Report (ESR, Inc., dated September 5, 2013) indicates the proposed project will meet Fresno County Noise Ordinance standards. However, if complaints are received from adjacent</p>

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	noise-sensitive receivers and confirmed by Department of Public Health, Environmental Health Division staff, the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.
6.	<p>The Fresno County Fire Protection District provide the following comments:</p> <ul style="list-style-type: none">a. The project 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.b. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning to the Fresno County Fire Department for their review and approval.c. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to occupancy granted to the use.d. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	According to the San Joaquin Valley Air Pollution Control District, the project may be subject to 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.