



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
Steven E. White, DIRECTOR

Planning Commission Staff Report Agenda Item No. 5

SUBJECT: **One-Year Time Extension: Initial Study Application No. 7384
Director Review and Approval Application No. 4522 and Variance
Application No. 4050**

Approval of one-year time extension for Director Review and Approval No. 4522 which permits the construct of a 500,000-gallon water storage tank with booster pumps at the existing well site on a 0.45-acre parcel in the R-1 (Single-Family Residential) Zone District. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the Biola Community Services District, and replace all existing water meters throughout the District. And also a one-year time extension for Variance Application No. 4050 which permits a Variance to allow the installation of 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

LOCATION: The project site is located on the north side of West F Street, at its intersection with North Third Street, within the unincorporated community of Biola (SUP. DIST. 1) (APN 016-265-10T). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384 and take action on Director Review and Approval Application No. 4522 and Variance Application No. 4050 with Findings and Conditions.

Applicant: **Biola Community Services District**

STAFF CONTACT: **Ethan Davis, Planner
(559) 600-9669**

**David Randall, Senior Planner
(559) 600-4052**

RECOMMENDATION:

- Approve a first one-year Time Extension for Director Review and Approval No. 4522 and Variance No. 4050; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zone Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report Dated (August 23, 2018)
5. Variance Time Extension Request Letter

ENVIRONMENTAL ANALYSIS:

The proposed project has not changed since approval and adoption of the mitigated negative declaration and is only waiting on funding to act on the approval. There is no new information or project impacts to warrant reevaluating the environmental impacts.

Therefore, it has been determined pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines that the proposed time extension does not require new or supplemental environmental review.

PUBLIC NOTICE:

Notices were sent to 79 property owners within 600 feet of the subject property exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The decision of the Planning Commission on a Time extension for a Director Review and Approval Application (DRA) and/or a Variance Application (VA) is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The zoning at the project site was initially confirmed as A-1 (General Agricultural). This designation was amended on October 18, 1977, by way of Amendment Application No. 2971. This rezoning was proposed to bring the community of Biola into consistency with its Community Plan, which was adopted on February 18, 1976.

The Applicant indicated that this site was the location of the original business office for the Biola Community Services District, until the building was destroyed by fire in 1988. A community well was established on the site in 1977, with the current well and pressure tank installed in 2005.

Director Review and Approval No. 4522 and Variance No. 4050 were approved by the Planning commission on August 23, 2018, and effective September 7th (after the 15-day appeal period). The applicant applied within the two-year time limit for a one-year time extension (August 28,

2020). Attached is a copy of the Planning Commission Resolution No.12736 documenting the Conditions imposed on the approved project.

DISCUSSION:

Approval of a Time Extension request for Director Review and Approval No. 4522 and Variance Application No. 4050 is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the one-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission Jurisdiction in evaluation this request is limited to determining that the environmental documents are still appropriate and whether the Applicant should be granted an additional year to exercise the Director Review and Approval and Variance as previously approved.

According to the Applicant's request letter (Exhibit 5), additional time is needed to acquire funding for the proposed project. The Applicant has noted that the State Water Board has approved the environmental review and are awaiting final review for the funding agreement.

In as much as the funding of public projects are often not in control of an applicant that has to comply with a granting agency processes; it is reasonable to find that this delay was beyond the control of the applicant, as they cannot control the timing of State Water Board's award of the grant funds. The applicant could not have acquired the funds until the Commission's approval of the project and environmental documents were approved.

PUBLIC COMMENT: None

CONCLUSION:

Staff recommends that the first one-year Time Extension for Director Review and Approval No. 4522 and Variance Application No. 4050 should be approved based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to September 7, 2021.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve the first one-year Time Extension for Director Review and Approval No. 4522 and Variance Application No. 4050; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Alternative Motion (denial action)

- Move to deny the first one-year Time Extension request for Director Review and Approval No. 4522 and Variance Application No. 4050 (state reason for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

Exhibit 1 LOCATION MAP

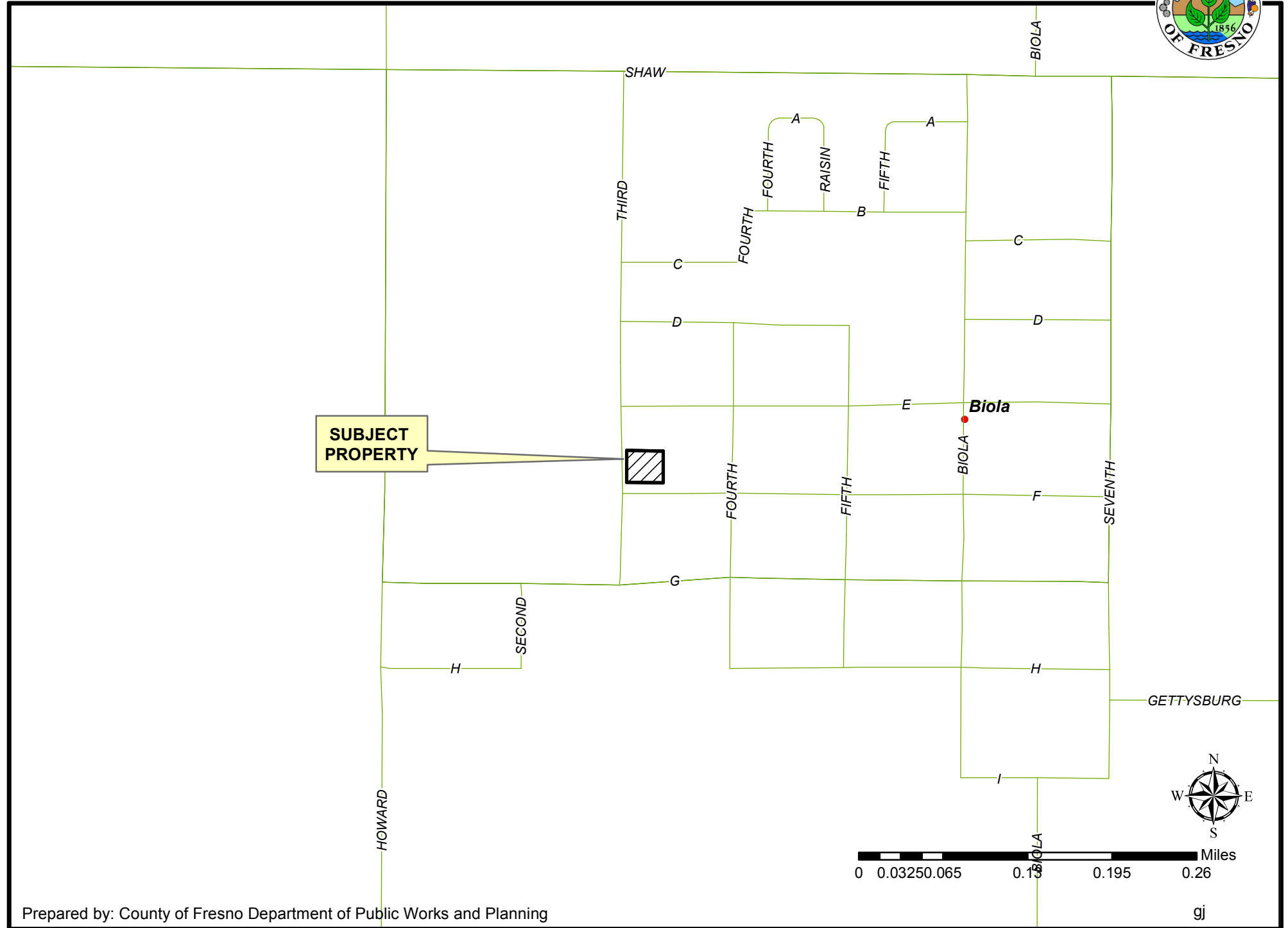
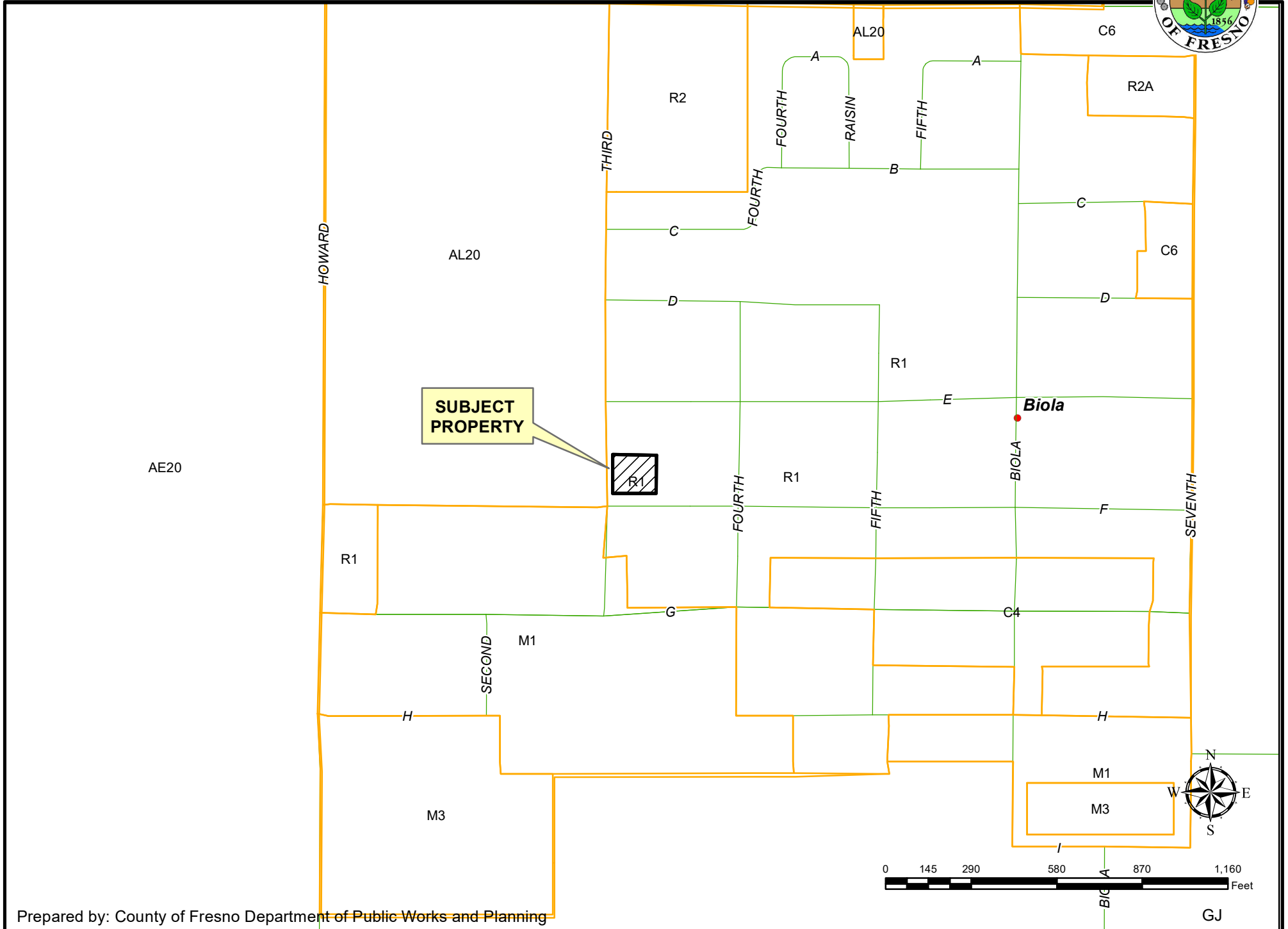


Exhibit 2 EXISTING ZONING MAP



EXISTING LAND USE MAP

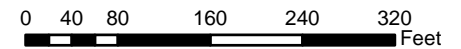
DRA 4522



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
FC	- FIELD CROP
I	- INDUSTRIAL
PAH	- PACKING HOUSE
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
CP#	- OFFICE COMM/PROF

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

Exhibit 4



County of Fresno

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

September 17, 2018

Biola Community Services District
PO Box 57
Biola CA 93606

Dear Applicant:

Subject: Resolution No. 12736 - Initial Study Application No. 7384, Director
Review and Approval Application No. 4522 and Variance Application No. 4050

On August 23, 2018, the Fresno County Planning Commission approved your project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since an appeal as not filed, 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 Director Review and Approval and Variance. Note that the life of the Variance will run concurrently with the Director Review and Approval.

If you have any questions regarding the information in this letter please contact me at cmonfette@fresnocountyca.gov or 559-600-4245.

Sincerely,

Chrissy Monfette, Planner
Development Services and Capital Projects Division

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Enclosure

Exhibit 4



Inter Office Memo

DATE: August 23, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12736 - INITIAL STUDY APPLICATION NO. 7384,
DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4522 and
VARIANCE APPLICATION NO. 4050

APPLICANT/
OWNER: Biola Community Services District

REQUEST: Construct a 500,000-gallon water storage tank with booster pumps at the existing well site on a 0.45-acre parcel in the R-1 (Single-Family Residential) Zone District. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the Biola Community Services District, and replace all existing water meters throughout the District. A Variance is required to allow the installation of 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

LOCATION: The project site is located on the north side of West F Street, at its intersection with North Third Street, within the unincorporated community of Biola (SUP. DIST. 1) (APN 016-265-10T).

PLANNING COMMISSION ACTION:

At its hearing of August 23, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Ede to adopt the recommended Findings of Fact for approval of a Director Review and Approval Application and a Variance Application, and approve Director Review and Approval Application No. 4522 and Variance No. 4050, subject to the Conditions listed in Exhibit B.

Exhibit 4

RESOLUTION # 12736

EXHIBIT A

Initial Study Application No. 7384
Director Review and Approval Application No. 4522
Variance Application No. 4050

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 23, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- This project will provide additional fire protection for over 300 residential structures and the agricultural industries in the community by improving fire flow volume.
 - The site has been used for many years for community water provision and the block wall will help attenuate the noise from the pumps.
 - The neighbors have submitted letters of support for the project.
- Others: One other individual presented information in support of the application stating the project is very important to the community and the wall will minimize noise for the neighbors.
- Correspondence: Eight letters were presented to the Planning Commission in support of the application stating they were in favor of the project and the block wall.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 August 23, 2018

SUBJECT: Initial Study Application No. 7384 Director Review and Approval
Application No. 4522 and Variance Application No. 4050

Construct a 500,000-gallon water storage tank with booster pumps at the existing well site on a 0.45-acre parcel in the R-1 (Single-Family Residential) Zone District. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the Biola Community Services District, and replace all existing water meters throughout the District. A Variance is required to allow the installation of 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

LOCATION: The project site is located on the north side of West F Street, at its intersection with North Third Street, within the unincorporated community of Biola (SUP. DIST. 1) (APN 016-265-10T). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384 and take action on Director Review and Approval Application No. 4522 and Variance Application No. 4050 with Findings and Conditions.

**OWNER/
APPLICANT:** Biola Community Services District

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7384; and
- Approve Director Review and Approval Application No. 4522 with recommended Findings and Conditions; and
- Approve Variance Application No. 4050 with recommended Findings; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Exhibit 4

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Approved Variances, 1-mile Radius
6. Site Plans and Detail Drawings
7. Elevations
8. Applicant's Operational Statement
9. Applicant's Proposed Variance Findings
10. Summary of Initial Study Application No. 7384
11. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Recreation Center	No change
Zoning	R-1 (Single-Family Residential)	No change
Parcel Size	0.45 acres	No change
Project Site	0.45 acres	No change
Structural Improvements	Well, electrical cabinet, diesel generator, 10,000-gallon hydropneumatic tank, chain-link fence	Well, electrical cabinet, diesel generator, new 500,000-gallon water storage tank and booster pumps, new block wall
Nearest Residence	Approximately 2 feet east of the nearest property line	No change
Surrounding Development	Residential	No change
Operational Features	Well, Chlorine storage shed, generator, transformer, 10,000-gallon hydropneumatic tank	Well, Chlorine storage shed, generator, transformer, 500,000-gallon water storage tank with booster pumps

Exhibit 4

Criteria	Existing	Proposed
Employees	1 to 2 up to twice weekly	No change
Customers	None	No change
Traffic Trips	Approximately 9 round trips/month	No change
Lighting	Site safety lighting	Additional lighting on tank
Hours of Operation	Continuous	No change

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

ENVIRONMENTAL ANALYSIS:

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 10.

Following publication of the Initial Study for the 30-day public review period, staff identified that the proposed booster pumps and the existing well and chlorine tank were encroaching on required setbacks. As these encroachments will be behind the 6-foot wall and fence which were discussed in the Initial Study, there would be no new environmental impacts. Pursuant to CEQA Guidelines Section 15073.5(c), recirculation of Initial Study No. 7384 is not required because the inclusion of the encroachments as part of the Variance clarifies the extent of Variance Application No. 4050, which was discussed in the Initial Study.

Notice of Intent to adopt a Negative Declaration publication date: July 20, 2018.

PUBLIC NOTICE:

Notices were sent to 79 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission. A Director Review and Approval Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 872-C are made by the Director or by the Planning Commission. Due to the Variance associated with this project, the Director Review and Approval Application has been forwarded directly to this Commission for a decision. This staff report discusses each application separately.

Exhibit 4

The Variance

The decision of the Planning Commission on a Director Review and Approval Application (DRA) and a Variance Application (VA) is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The zoning at the project site was initially confirmed as A-1 (General Agricultural). This designation was amended on October 18, 1977 by way of Amendment Application No. 2971. This rezoning was proposed to bring the community of Biola into consistency with its Community Plan, which was adopted on February 18, 1976.

The Applicant indicated that this site was the location of the original business office for the Biola Community Services District, until the building was destroyed by fire in 1988. A community well was established on the site in 1977, with the current well and pressure tank installed in 2005.

Director Review and Approval No. 4522:

Allow the construction of a new, ground-level, 500,000-gallon water storage tank and ground-mounted booster pump station. In addition, replace 6-inch and 8-inch water service mains with new 10-inch water service mains in selected areas of the District and replace water meters throughout the District.

***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*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front (west): 20 feet Street Side (south): 10 feet Interior Side (north): 5 feet Rear (east): 20 feet	Front: ~8 feet Street Side: ~11 feet Interior Side: 10 feet Rear: ~50 feet	N* Y Y Y
Parking	None	Two spaces	Y
Lot Coverage	40%	15-25%	Y
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	No wall greater than 3 feet in the front-yard and street side-yard setbacks	6-foot fence and wall along property lines	N*
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	N/A	N/A	N/A

*See discussion under Variance 4050

Exhibit 4

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for this project, if approved.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel No. 1525H, the parcel is not subject to flooding from the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel. A grading permit or voucher is required for any grading proposed with this application.

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

North Central Fire Department: The Fire Department's review states that the following requirements and conditions are to be placed on this plan as a Condition of Approval by the Fire Department. Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W7B2) on drive access gate(s). All electrified gates shall be equipped with the Best electric cylinder lock 1W7B2.

This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the County of Fresno when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.

The following agencies provided a "no comment" or "no concerns" response: Fresno County Department of Public Works and Planning (PW&P) Special Districts, PW&P Development Services and Capital Projects Site Plan Review Unit and Zoning Section.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Review of this application shows that there is sufficient space on the subject parcel to install the proposed developments. Variance Application No. 4050 is being processed to allow the installation of a 6-foot fence within the front-yard setback and a 6-foot wall within the street side-yard setback and to recognize and approve the existing and proposed encroachments into required setbacks. Discussion relating to this Variance request follows the discussion of the DRA in this report; however, the wall is proposed as noise mitigation and the fence to provide additional safety to the site. Denial of the Variance request would require redesign of the proposed layout.

Exhibit 4

Following the construction period, the site will typically be unmanned. Service and maintenance will be provided at the site up to twice each week with one chlorine delivery per month. This level of occupation does not require the installation of septic areas and will not require the developer to rent portable sanitary units. Therefore, the site will remain of sufficient size to accommodate the proposed use without the need for a septic system.

The scope of this project also includes the replacement of water services, the replacement of 6- and 8-inch water mains in selected areas of the Biola Community Services District, and the replacement of all existing water meters within the District. These proposed improvements are direct replacements of existing services and meters and no additional area would be required. Therefore, the public right-of-way and small section of private land subject to these improvements will remain of sufficient area to accommodate the proposed improvements. The developer will be required to obtain a 10-foot easement from private property owners prior to installation of the improvements.

Staff finds that the subject parcel is of adequate size and shape to accommodate the proposed use.

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*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	N. Third Street: ~130 feet W. F Street: ~ 150 feet	No change
Direct Access to Public Road	Yes	N. Third Street	No change, access road improved
Road Average Daily Traffic (ADT)		N. Third Street: 200 vehicles W. F Street: 200 vehicles	No change
Road Classification		N. Third Street: local W. F Street: local	No change
Road Width		N. Third Street: 30 feet W. F Street: 35 feet	No change
Road Surface		N. Third Street: asphalt concrete W. F Street: asphalt concrete	No change

Exhibit 4

		Existing Conditions	Proposed Operation
Traffic Trips		~9 per month	No change
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		None	Dedication of corners for sight distance

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: West F Street is a County-maintained road classified as Local with an ADT of 200 vehicles between North Third Street to North Fourth Street, pavement width of 17.3 feet, structural section of 0.15 feet asphalt concrete, and 35 feet of existing right-of-way. West F Street is in excellent condition and meets the 30-foot minimum width for a Local road.

North Third Street is a County-maintained road classified as Local with an ADT of 200 vehicles between West F Street and West E Street, pavement width of 21.1 feet, structural section of 0.15 feet asphalt concrete and 30 feet of existing right-of-way. North Third Street is in very good condition and meets the 30-foot minimum width for a Local road.

Any access driveway should be set back a minimum of 10 feet from the property line and any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line, or the length of the longest truck entering the site, and shall not swing outward. Work performed within the 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.

If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto North Third Street.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The project site borders on Local roads (W. F Street, N. Third Street) and an alley, and no additional street width is required for these roads. Corner cutoffs are shown on a site plan submitted with the Variance application. These corner cutoffs (20 feet by 20 feet at W. F and N. Third Streets, and 10 feet by 10 feet at N. Third Street and the alley) should be dedicated to the County of Fresno for road purposes.

Encroachment permits from this office are required for the road construction proposed around the well site. These road improvements include curb, gutter and sidewalk improvements, along with road pave-out and ADA-compliant curb ramps at the corner. Concrete drive approaches shall also be constructed to County standards.

The following agencies provided a “no comment” or “no concerns” response: Fresno County Department of Public Works and Planning Design Division.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Exhibit 4

Analysis:

Traffic generated at the project site will be minimal compared to existing traffic in the vicinity. There will be up to two maintenance visits each week at the site outside of peak traffic hours. Even during peak-hour traffic, two additional vehicles would have a negligible impact on congestion and delay. West F Street and North Third Street are paved two-way Local roads which have not been painted to a specific traffic pattern and are of sufficient width to support construction and maintenance traffic. Therefore, West F and North Third Streets will remain of sufficient width and pavement to accommodate the proposed tank improvements.

The replacement of water services, mains, and meters will require additional traffic trips during construction; however, review of the project area (the community of Biola) indicates that there is a continuous path of paved roads which can accommodate the construction traffic.

Therefore, the roads within the project site and specifically West F Street and North Third Street are of sufficient width and pavement to serve the traffic generated by the project without the need for improvements.

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 not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	0.3 acre 0.15 acre	Single-family residence (SFR) Vacant	R-1	~72 feet
South	0.3 acre 0.15 acre	SFR 2 SFRs	R-1	~61 feet
East	0.15 acre	SFR	R-1	~11 feet
West	34 acres	Field Crops/SFR	AE-20	~850 feet

*As measured from the nearest property line

Reviewing Agency/Department Comments:

The following agencies provided a “no comment” or “no concerns” response: Fresno County Sheriff-Coroner Department, Fresno County Department of Public Works and Planning Water and Natural Resources Division, San Joaquin Valley Air Pollution Control District, and the Airport Land Use Commission.

Exhibit 4

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

This project proposes to install a new 500,000-gallon water storage tank which will serve the Biola Community Services District. This tank will store potable water for use by the community, and the proposed pumps will improve water pressure in the water distribution system. The installation of the booster pumps is necessary to ensure that there is sufficient water pressure available in the event of a fire emergency.

It is anticipated that construction of the tank and the work to replace service mains will result in construction noise which could adversely impact surrounding properties; however, these impacts will be temporary and construction will comply with the Fresno County Noise Ordinance, which indicates specific times when construction is exempt from noise standards. With compliance to these standards, construction noise will not adversely impact nearby properties.

Following the construction period, the booster pumps proposed at the tank site have the potential to exceed the noise standards of this area. Therefore, a mitigation measure was placed on the project as part of the Initial Study which requires the installation of block walls and attenuation housing to reduce noise impacts. With adherence to this mitigation measure, adverse impacts on the community due to the introduction of a new noise source will be less than significant.

Based on the above information and compliance with the Mitigation Measures and Conditions of Approval, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval and Mitigation Measures attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Review of the application indicates that the project site is completely within the boundary of the community of Biola and is not subject to a Williamson Act Contract. There are no General Plan issues.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Exhibit 4

Analysis:

The Biola Community Plan shows that the project site is designated as a Recreation center; a subset of "Public Services". The Plan indicates that public facilities "shall mean land designated for location of services and facilities which are necessary to the welfare of the community". The Plan references a recreation center which had been built at the time; however, current records show that there is a community center located at the intersection of Seventh and C Streets. Information provided by the Applicant indicates that the business office for the District occupied this site until 1988 when it was destroyed by fire and was not rebuilt.

This site has been used as a well site for the Biola Community Services District since 1977 and the proposed improvements are similarly intended for public service. Therefore, due to the existing nature of the site and the inclusion of the 'Recreation Center' designation under Public Services within the Biola Community Plan, the DRA is consistent with the Biola Community Plan. No General Plan policies apply to this application.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Director Review and Approval can be made. Staff therefore recommends approval of Director Review and Approval No. 4522, subject to the recommended Conditions of Approval, Mitigation Measures, and Project Notes attached as Exhibit 1.

Variance No. 4050:

Allow the installation of a 6-foot-high fence and 6-foot-high wall within the front-yard and street side-yard setbacks (maximum height 3 feet); recognize the existing well and chlorine enclosure which currently encroach on the street side-yard setback; and allow the installation of new booster pumps with attenuation housing within the front-yard setback (20 feet required).

In addition to the subject application, there have been two other variance applications pertaining to setback requirements in the R-1 Zone District filed within one mile of the subject parcel. The following table provides a brief summary of each of those variance requests, staff recommendations, and final actions:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3547: Waive the requirement to install a six-foot-high solid masonry wall between the M-1 (Light Manufacturing) and R-1 Single-Family Residential) Zone Districts along the east property	1/9/1997	Approval	Approved with Conditions

Exhibit 4

Application/Request	Date of Action	Staff Recommendation	Final Action
line of a 5.13-acre parcel.			
VA No. 2940: Allow a 7-foot-high masonry wall along Shaw Avenue for Tract 3651 as required by farm administration.	9/12/1985	Approval	Approved

Two other variances have been granted in this area and are shown on the Approved Variances Map (Exhibit 5): VA No. 2918 which relates to a waiver of off-street parking requirements for a sandwich shop and VA No. 2848 which relates to a reduction in lot size and frontage for a residential subdivision. Staff notes that while other variances have been approved in the vicinity of this application, the Planning Commission must consider the merits of this application based on its unique site conditions and circumstances.

Reviewing Agency/Department Comments:

Staff received no comments from reviewing agencies specific to this Variance Request.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

Finding 2: Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Analysis:

In support of Finding 1, the Applicant's findings state that the exceptional circumstance that applies to the site is its historical and proposed uses. Until 1988, when it was destroyed by fire and not re-built, the business office for the Biola Community Services District occupied the site. A community well was constructed on the site in 1977, and the current well and pressure tank replaced that one in 2005. The current 70-foot by 70-foot well site in the southeast corner of the site is enclosed by a six-foot-tall chain-link fence. The existing fence encroaches about 9 feet into the F Street right-of-way. The site has been used for community purposes for many years and has not been used as a single-family residential home site. The location of the existing well and electrical equipment prevents the block wall along F Street from being built at the required setback location.

In support of Finding 2, the Applicant's Findings state that that the District currently has a six-foot chain-link fence along the side yard on F Street. Other property owners of single-family-zoned property have constructed six-foot-tall fences along their front yards or side yards as noted in the Applicant's Findings included as Exhibit 9. The District requests the right to construct the fence and wall in the required yard setbacks as neighboring property owners have done.

In regard to Finding 1, staff concurs that the historic use of this site as a community center and well/water tank site is an exceptional circumstance that does not apply to other properties with the same zoning. Other parcels in the area are residential in nature and have been developed with a single-family residences. In addition, the location of the existing well qualifies as an

Exhibit 4

exceptional circumstance because it is located within the 20-foot setback. The well is an essential part of the District's water system and needs to be within the enclosed area of the site. Further, the findings note that the existing fence currently encroaches into the F Street right-of-way by approximately 9 feet, which aligns with the existing 3-foot fence on the property to the east. Approval of this request would result in a fence that is completely contained on the subject parcel and provides screening for the proposed setback encroachments.

In regard to Finding 2, staff would like to note that each variance application must be considered on its independent merits. The existence of other variances (or violations) in the area does not compel the Commission to grant this request. Therefore, the encroachments noted in the Applicant's Findings are not relevant to this discussion.

In regard to the preservation of a property right, the Applicant has identified that the fence is necessary to protect District property on site and the wall is necessary to mitigate potential noise impacts on surrounding properties. As discussed above, the location of the existing well precludes the installation of the fence within the setbacks, however adherence to the setbacks would also severely limit the available space to develop the project. The area of the parcel is 19,500 square feet; however, with the required setbacks, buildable space is only 12,650 square feet. The proposed water storage tank has a footprint of 10,202 square feet, which does not include area required for personnel access and overflow control. The existing well and chlorine structure currently encroach on the street side-yard setback and the proposed booster pumps would encroach on the front-yard setback. Considering the size of the tank and existing small structures around the site, such as a transformer and backup generator, encroachment into the setbacks is required to allow adequate space around all the required equipment with sufficient space remaining for service vehicles to park on site.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for a Variance. In this case, the Applicant has the option to develop the 6-foot enclosure (fence and wall) within the required setbacks. As discussed above, meeting the setbacks would significantly reduce the buildable area of the site and would not meet the Applicant's goal of increasing safety at the site by securing all the equipment. Alternatively the Applicant could install the enclosure along the property lines while meeting the 3-foot maximum height along the street. Only 20 feet of the proposed block wall would be impacted by this choice, which would not significantly impact its goal of reducing noise impacts from the booster pumps; however, the three-foot fence would not achieve the goal of increasing security at the site. Regarding the encroachments, the Applicant could choose to place the booster pumps at a different area near the tank; however, the current layout was designed to take advantage of the pipe system currently in place. There is no alternative to allowing the encroachment of the well and chlorine structure into the street side-yard setback unless the Applicant chooses to demolish and rebuild those structures.

Recommended Condition of Approval:

None

Conclusion:

Findings 1 and 2 can be made.

Exhibit 4

Finding 3: *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Analysis:

In support of Finding 3, the Applicant's Findings state that the block wall along F Street is being proposed to mitigate noise currently being generated by the electric motor on the existing well, and future noise from the booster pumps. The neighboring property owners have requested that the District construct the wall for that purpose. The six-foot chain-link fence in the front yard is for security purposes.

In regard to Finding 3, staff prepared an Initial Study to determine impacts that would result from approval of DRA Application No. 4522. Booster pumps produce noise when they are operating and the Operational Statement indicates that they could be in operation at any point during the day, depending on local demand. The block wall proposed along the southern and eastern property lines would reduce noise levels from the pumps to within the County Noise Ordinance, as perceived by residents within the community of Biola.

A primary purpose of setback standards is to protect the aesthetic character of an area by providing an offset of structures from the adjacent properties. Fence height requirements serve a similar purpose by providing a consistent height within a zone district. In this case, while the subject parcel shares the same residential zoning as other properties in the area, it has been in use as a well site for the Biola Community Services District and is a recognized exception in the area. There is an existing fence which encloses the area of the site developed with the community well, chlorine enclosure, and electrical cabinet. This fence currently encroaches into the F Street right-of-way and is aligned with the 3-foot fence on the eastern property.

Given that this parcel has historically been used to provide water service, a variation from the setback standards here will not have an adverse impact on the aesthetics of the neighborhood. The subject parcel is located at the edge of the community of Biola and therefore will not create a break in the visual consistency of the area. With the installation of 6-foot wall and fence enclosure, visual impacts from the encroachment of the accessory structures will be negligible, as they will be behind the wall and fence.

Recommended Condition of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Analysis:

In support of Finding 4, the Applicant's Findings state that allowing the construction of the block wall in the side-yard setback will help comply with the General Plan Goal to protect adjacent residences from noise generated by the electric motors used for the well and booster pumps.

Exhibit 4

In regard to Finding 4, staff notes that the General Plan and the Biola Community Plan do not contain any policies relating specifically to the height of fences and walls or relating to the encroachment of small structures into the required setbacks. Therefore, this Variance request is not contrary to the objectives of the General Plan.

Recommended Condition 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 Variance can be made. Staff therefore recommends approval of Variance No. 4050, subject to the recommended Conditions of Approval, Mitigation Measures, and Project Notes attached as Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7384; and
- Move to determine the required Findings can be made and move to approve Variance No. 4050; and
- Move to determine the required Findings can be made and move to approve Director Review and Approval No. 4522, 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 Director Review and Approval No. 4522 and Variance No. 4050; 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.

Exhibit 4

Mitigation Monitoring and Reporting Program

**Initial Study Application No. 7384/Director Review and Approval Application No. 4522/Variance Application No. 4050
(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 final inspections, the Applicant shall install landscaping along the southern property line as indicated on the site plan, including native or drought-resistant trees.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Prior to final inspections
2.	Aesthetics	Prior to the operation of the water-storage tank, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.	Applicant	Applicant/PW&P	Prior to operation
3.	Biological Resources	<p>All Special Status and Protected Animal Species: Preconstruction habitat assessment surveys shall be conducted before any ground-disturbing activities are to begin. If the surveys detect the presence of habitat for listed or protected species or migratory birds, then the Project will be paused until the following measures or consultation with the California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service (USFWS) can occur:</p> <p>a. American Badger: A pre-construction survey for American badgers shall be conducted by a qualified biologist within 30 days of the onset of Project-related activities involving ground disturbance or heavy equipment use. Pre-construction surveys will be conducted in all suitable denning habitat of the Project area.</p> <p>b. Special Status Amphibians: A qualified biologist shall survey affected areas for Special Status amphibians within 30 days of the onset of land grading or other site disturbance. The biologist will look for individuals and eggs.</p> <p>c. Special Status Bat Species: If removal of buildings, structures and/or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist shall survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano and staining, and will listen for bat vocalizations. If necessary,</p>	Applicant	Applicant/PW&P	Prior to construction

Exhibit 4

		<p>the biologist will wait for nighttime emergence of bats from roost sites.</p> <p>d. The United States Fish and Wildlife Service (USFWS)-approved preconstruction protocol-level surveys for San Joaquin kit fox shall be conducted no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity. The Applicant/operator shall follow Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to and During Ground Disturbance (USFWS 1999). These surveys can also detect raptors, migratory songbirds and any other Special Status Species in the area and recommend any additional appropriate avoidance and minimization measures.</p> <p>e. If activities take place during avian nesting season (March 1 - August 1), a qualified biologist shall conduct nest surveys within a 500-foot radius of the construction site for neotropical migratory birds and 0.5 mile for Swainson's hawks. Appropriate measures shall be determined in consultation with the California Department of Fish and Wildlife (CDFW) in the event an active nest is located in an area subject to disturbance. No restrictions are required for avian species for construction activities that occur during the non-breeding season (September 1 through February 28) or after the young have fledged, which must be determined based on surveys by a qualified biologist.</p>			
4.	Biological Resources	All Special Status Animal Species: If pre-construction surveys detect Special Status Species, the Applicant shall initiate informal consultation with the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS), if applicable. The Applicant shall communicate with and coordinate activities with a CDFW/USFWS biologist who is specifically assigned to deal with these issues in Fresno County. That biologist shall identify measures for avoidance, minimization, and mitigation.	Applicant	Applicant/PW&P	Prior to construction
5.	Biological Resources	All Special Status Animal Species: If pre-construction surveys detect listed or protected species, a biologist (monitor) shall be retained on site during construction to educate workers, monitor compliance with best management practices, and to identify and protect natural resources, including Special status species. The monitor will be responsible for ensuring that appropriate measures are taken to prevent disturbance of core avoidance areas. Any unauthorized take of Special Status	Applicant	Applicant/PW&P	During construction

Exhibit 4

		Species will be immediately reported to CDFW by the monitor. The monitor will also notify the Project Coordinator who will stop work until corrective measures are implemented.			
6.	Biological Resources	<p>The Applicant shall consult with CDFW/USFWS and shall perform the following measures as part of their permitting process with the agencies in order to help minimize impacts to kit foxes, raptors and other species:</p> <p>a. Revegetate disturbed areas with trees and grass from on the site or adjacent areas; and</p> <p>b. Prior to the start of construction of each phase of Project development, the Applicant shall retain a qualified biologist to conduct a meeting to train all construction staff that will be involved with the Project on Special Status plant and animal species. This training will include a description of the Special Status Species and their habitat needs; a report of the occurrence of Special Status Species in the Project area; an explanation of the status of the Special Status Species and their protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the Special Status Species during Project construction and implementation.</p>	Applicant	Applicant/PW&P	Prior to construction
7.	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
8.	Noise	The Applicant shall install a 6-foot masonry block wall along the eastern and southern property lines. Noise attenuation housing will be installed on the existing well pump motor and on the three proposed booster pump motors.	Applicant	Applicant/PW&P	Prior to operation of the booster pumps

*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.

Exhibit 4

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevation, and Operational Statement approved by the Commission.
2.	Prior to replacing the water mains and meters, the developer shall work with private property owners of APNs 016-190-28S and 016-080-55S to obtain a 10-foot easement along the existing pipeline.
3.	Prior to the issuance of building permits, the Applicant shall dedicate the following corner cutoffs to the County for road purposes: the 20-foot by 20-foot corner at W. F and N. Third Streets and the 10-foot by 10-foot corner at N. Third Street and the alley.
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Director Review and Approval No. 4522 and Variance No. 4050 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits, and inspections will be required for this project
3.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/ https://www.fresnocupa.com/). For more information please contact the local Certified Unified Program Agency (CUPA) at (559) 600-3271.
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
5.	The following requirements and conditions are to be placed on this plan as a condition of approval by the Fire Department. Provide approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch model 1W7B2) on drive access gate(s). All electrified gates shall be equipped with the Best electric cylinder lock 1W7B2. A Knox padlock may not be used in place of the Best padlock model 21B700. These locks can be purchased only through Sierra Lock & Glass, 1560 N. Palm Avenue, Fresno, CA 93728.
6.	Any access driveway should be set back a minimum of 10 feet from the property line and any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line, or the length of the longest truck entering the site, and shall not swing outward.
7.	Work performed within the 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.
8.	These corner cutoffs (20 feet by 20 feet at W. F and N. Third Streets, and 10 feet by 10 feet at Third Street and the alley) should be dedicated to the County of Fresno for road purposes.

Exhibit 4

9.	Encroachment permits from this office are required for the road construction proposed around the well site. These road improvements include curb, gutter and sidewalk improvements, along with road pave-out and ADA-compliant curb ramps at the corner. Concrete drive approaches shall also be constructed to County standards.
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CMM:ksn

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Exhibit 4

Herndon Canal

W SHAW AVE

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SEP 14 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

DRA 4522

N HOWARD AVE

N THIRD AVE

N FOURTH ST

N FIFTH ST

N BIOLA AVE

N SEVENTH ST

WEST

W F ST

W G ST

W H ST

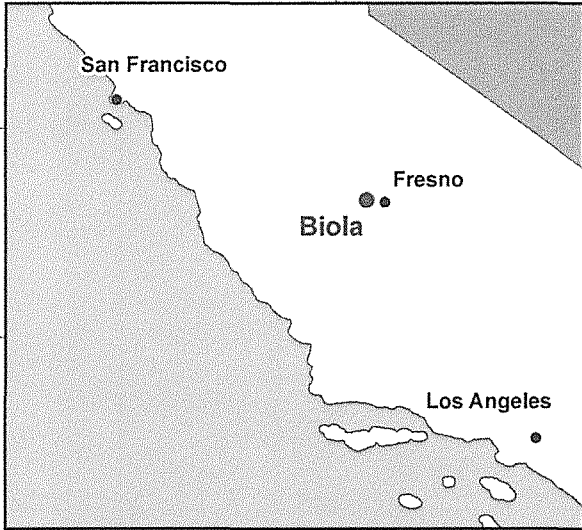
W GETTYSBURG AVE

W I ST

W B ST

W C ST

W A ST



Document Path: F:\2016\16-311\GIS\DRAW\16-311_Project_Location.mxd



0 300 600
Feet

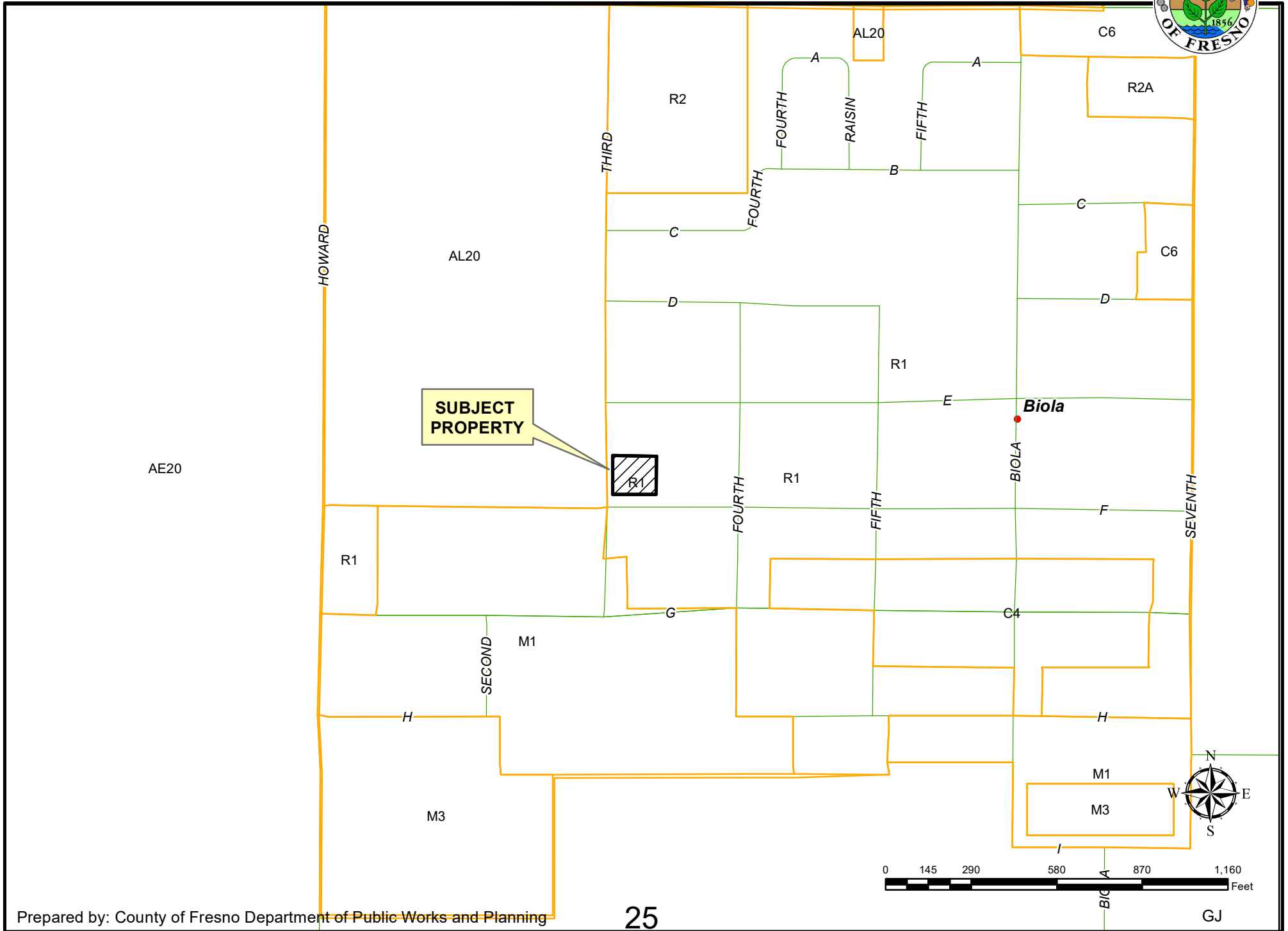
1 inch = 600 feet

EXHIBIT 2

Biola Water Systems Upgrade
Project Location

Yamabe & Horn
Engineering, Inc.

Exhibit 4
EXISTING ZONING MAP



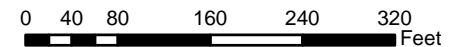
EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
C#	- COMMERCIAL
CHU	- CHURCH
FC	- FIELD CROP
I	- INDUSTRIAL
PAH	- PACKING HOUSE
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD
CP#	- OFFICE COMM/PROF

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

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Map prepared by: GJ
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COND
FRESNO COUNTY OF

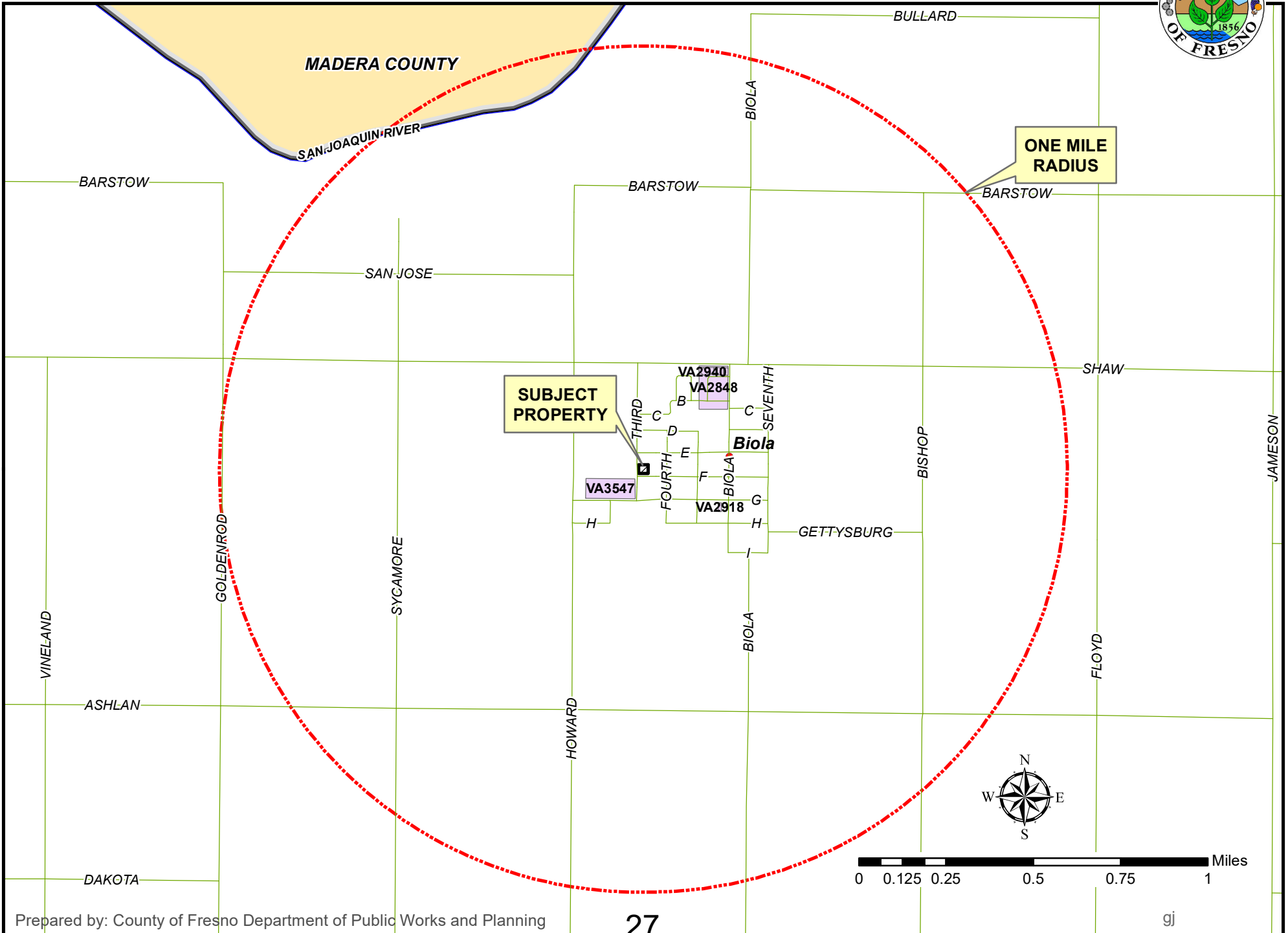
SF1

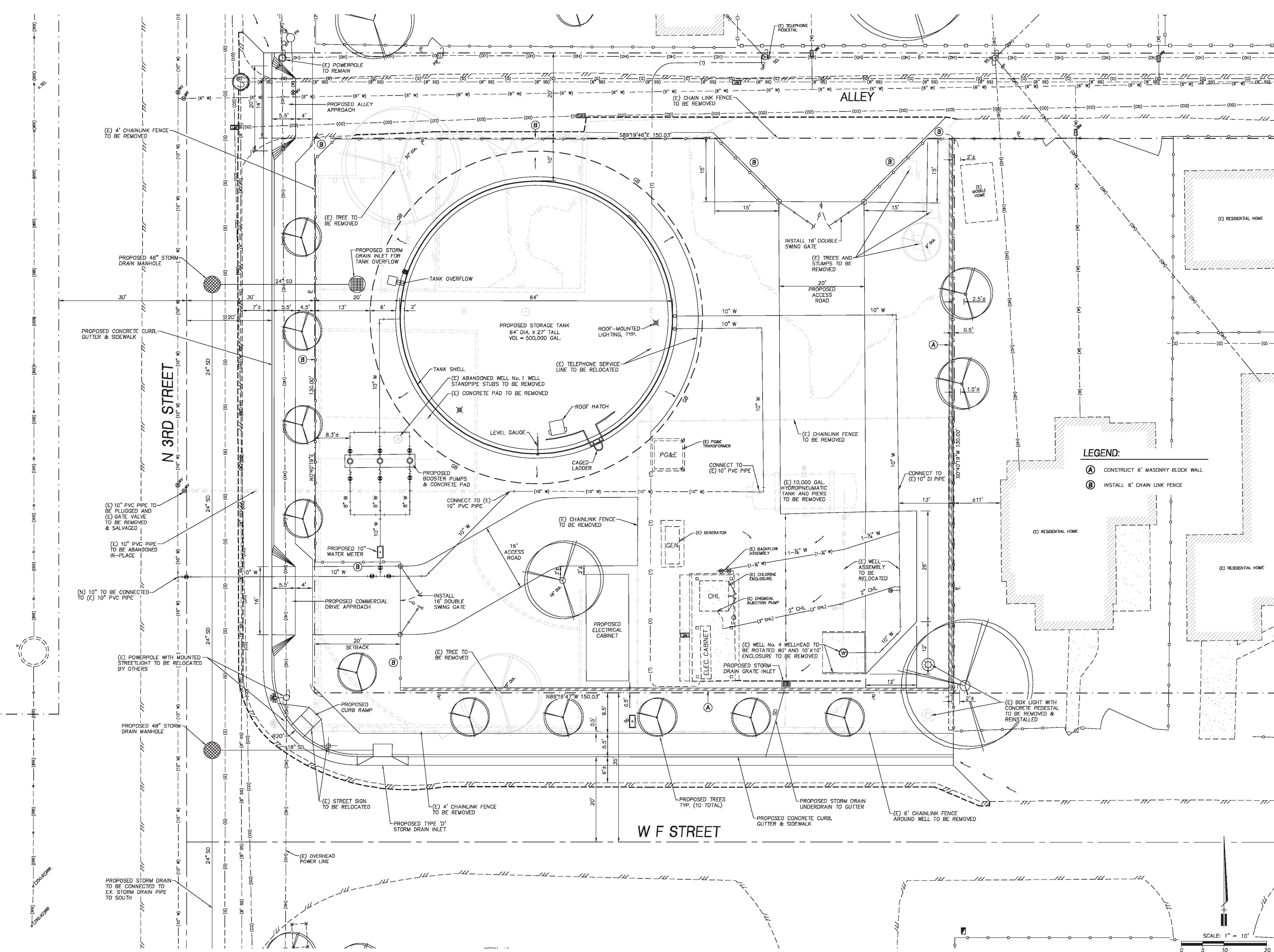
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SF1 SF1 SF1 SF1 SF1

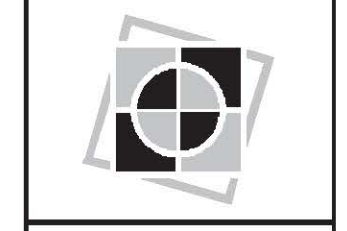
APPROVED VARIANCES WITHIN A ONE MILE RADIUS

Exhibit 4





**Yamabe & Horn
Engineers, Inc.**
CIVIL ENGINEERS • LAND SURVEYORS
2995 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
TEL (559) 244-3723 WEBSTE YANDHNGR.COM



REG. PROF. ENGINEER
GARY D. HORN
No. 30501
CIVIL
STATE OF CALIFORNIA

**BIOLA WATER SYSTEM UPGRADE
WATER STORAGE TANK
SITE PLAN**

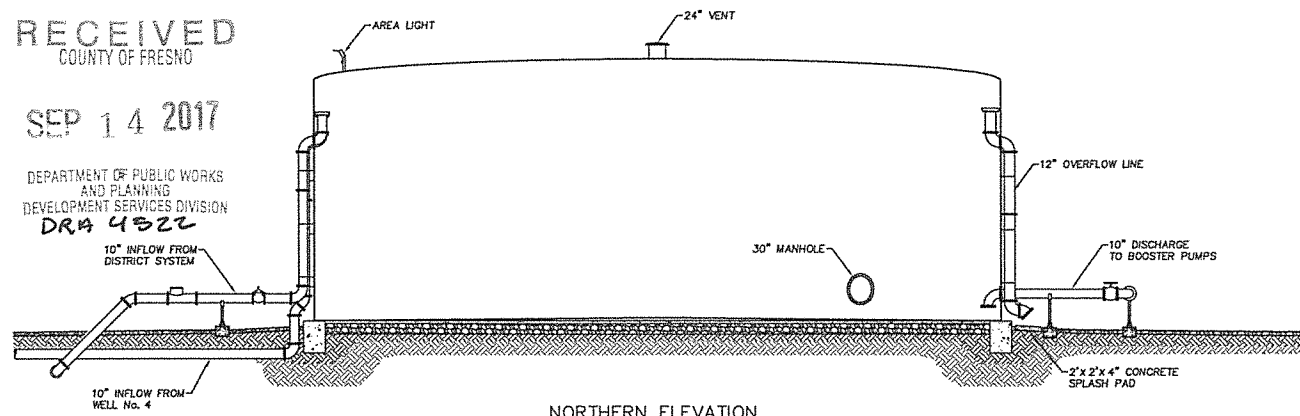
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SHEET DESCRIPTION
Dr. By: WZ
Ch. By: GH
Date: 9/20/2017
Scale: As Noted
YH Job No. 16-311
Sheet No. 1
of 1 Sheets

Exhibit 4

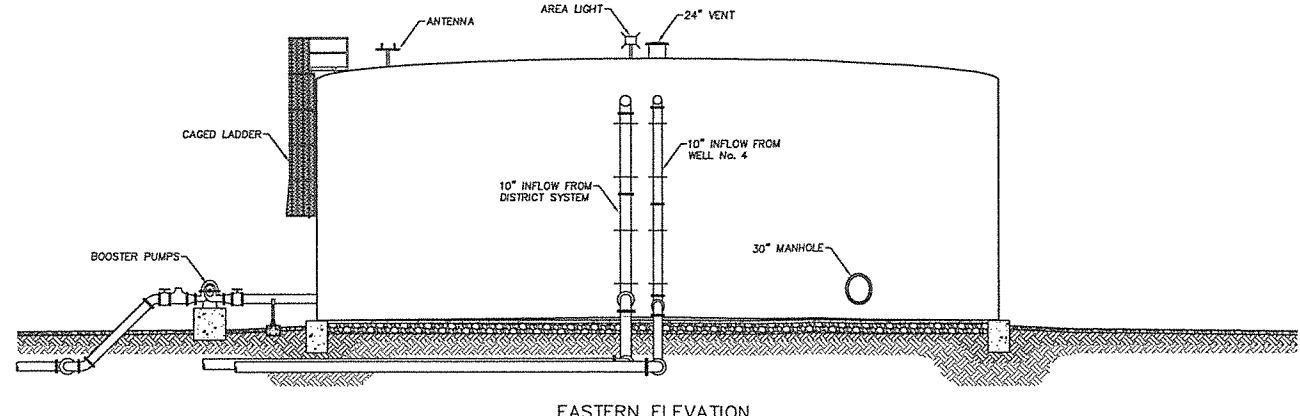
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SEP 14 2017

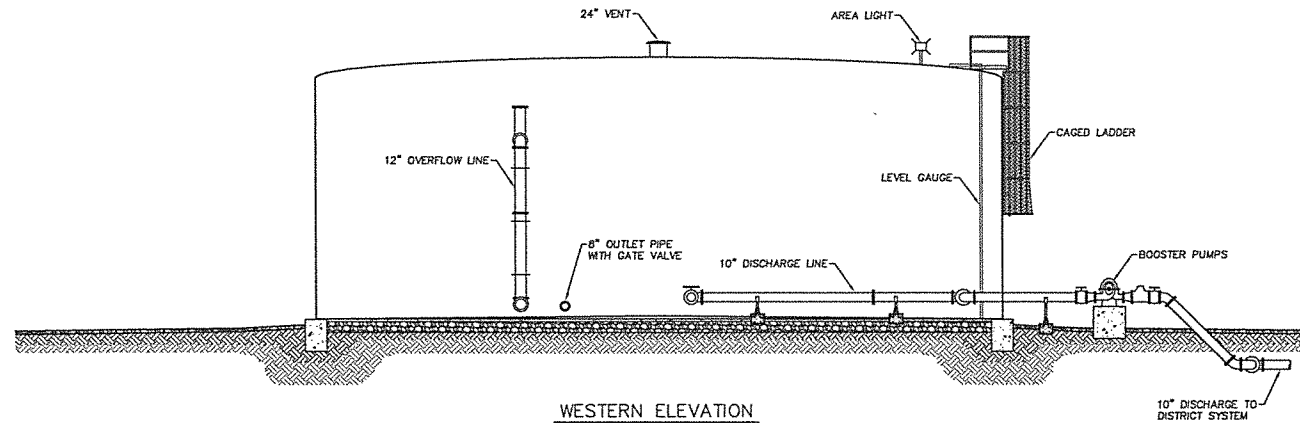
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
DR# 4322



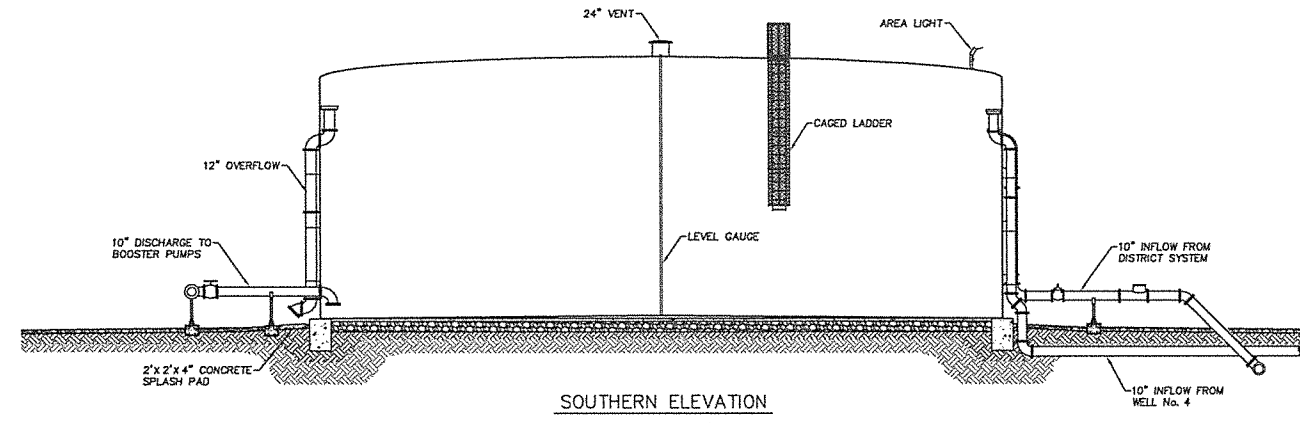
NORTHERN ELEVATION
SCALE: 1" = 8'-0"



EASTERN ELEVATION
SCALE: 1" = 8'-0"

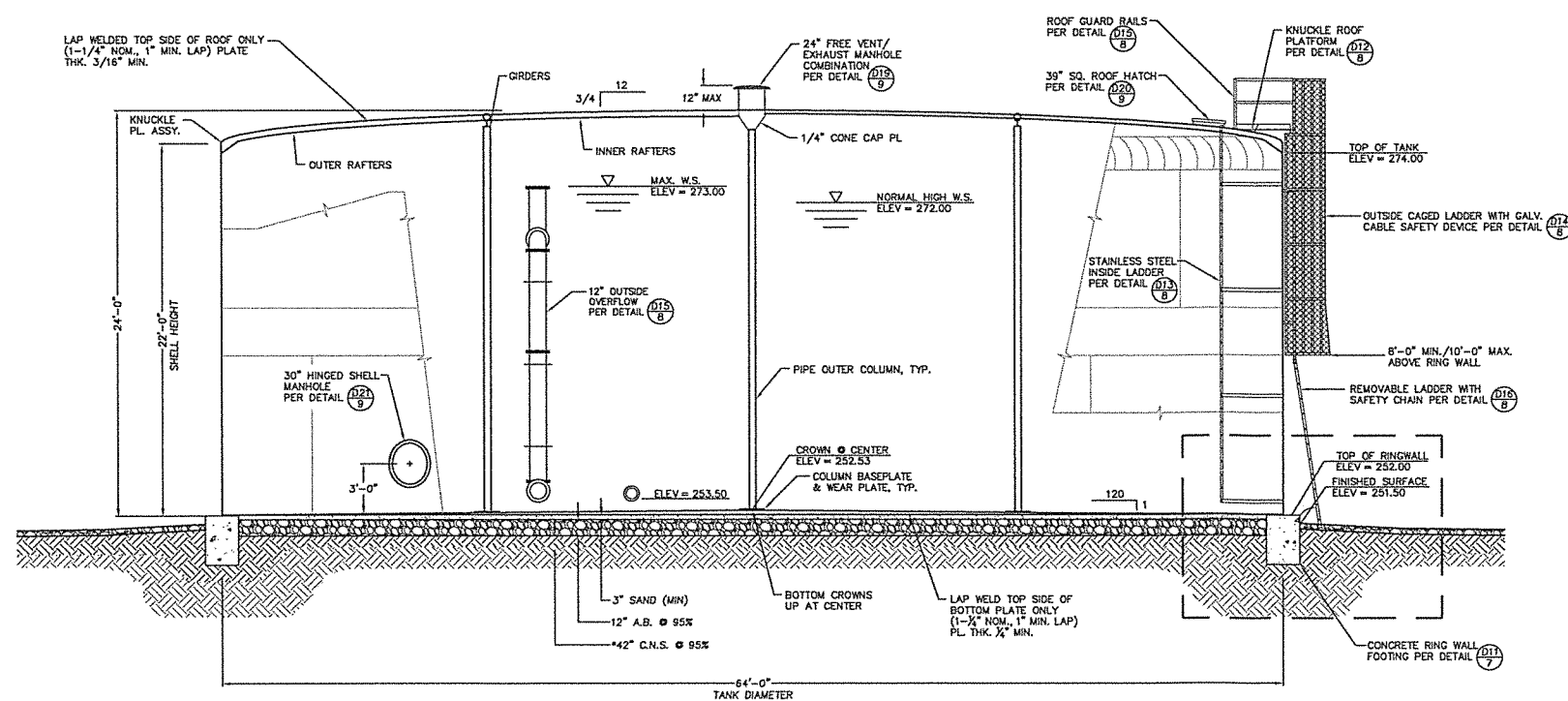


WESTERN ELEVATION
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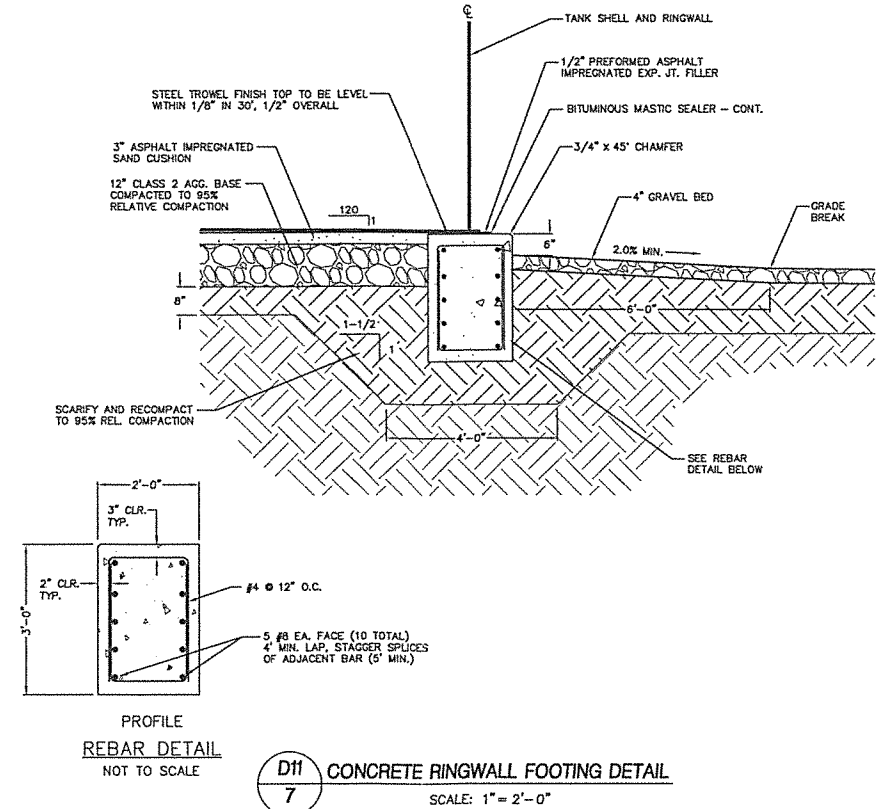
SOUTHERN ELEVATION
SCALE: 1" = 8'-0"

STORAGE TANK ELEVATIONS



STORAGE TANK OVERVIEW
FLAT BOTTOM TOROCONICAL ROOF
SCALE: 1" = 5'-0"

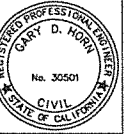
* SEE SOILS REPORT, PREPARED BY KRAZAN & ASSOCIATES INC., DATED 08/09/2017, FOR NATIVE SOIL EXCAVATION/BACKFILL REQ'S BELOW TANK



PROFILE REBAR DETAIL
NOT TO SCALE
D11
7
CONCRETE RINGWALL FOOTING DETAIL
SCALE: 1" = 2'-0"

Ref. & Rev.

Yamabe & Horn
Engineering, Inc.
CIVIL ENGINEERS • LAND SURVEYORS
2985 N. BURL AVENUE SUITE 101 FRESNO, CA 93727
TEL (559) 244-3123 WEBSITE YANDHORN.COM



BIO LA WATER SYSTEM UPGRADE
WATER STORAGE TANK
TANK ELEVATIONS

PROJECT TITLE	SHEET DESCRIPTION
Dr. By: WZ	Ch. By: GH
Date: 09/14/2017	Scale: As Noted
VH Job No. 16-311	Sheet No. 7
of 9 Sheets	

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AUG 08 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
DRA 4522

August 7, 2018

Operational Statement

Biola Community Services District
Director Review and Approval Application
Water Storage Tank and Booster Pump Station &
Water Service, Main, and Meter Replacement

1. Nature of Operation – The Biola Community Services District (BCSD) proposes to construct a ground-level 500,000 gallon water storage tank and ground mounted booster pump station. The tank will store potable water for use by the community. The proposed pumps will boost the water pressure into the water distribution system. This site currently contains a well, electrical cabinet and diesel generator, which will all remain. An existing 10,000 gallon hydroneumatic tank will be removed. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the District, and to replace all existing water meters throughout the District.
2. Operational Time Limits – The storage tank and booster pumps will be used 24 hours per day, 365 days per year. Actual hours of booster pump operation will depend upon community demand for water, which is less in the winter and more in the summer months. Once installed, new water services, mains, and meters will operate continuously 24 hours per day, 365 days per year.
3. Number of customers or visitors – None.
4. Number of Employees – One or two maintenance employees of BCSD will make periodic visits to the tank site at least twice per week. No additional employees will visit water service, main, or meter replacement sites.
5. Service and Delivery Vehicles – Service vehicles will be pick-up trucks or passenger cars, two times per week. Chlorine delivery trucks will come to the site about once per month. No additional service vehicles will visit water service, main, or meter replacement sites.
6. Access to the site - Access for regular maintenance will be from Third Street or from the alley on the north side of the site. Water service, main, and meter replacement will take place within the public right-of-way and no access is necessary.
7. Parking spaces – There will be areas for parking 2 service vehicles at the tank site. No parking spaces are needed for water service, main, and meter replacement.
8. Goods sold on-site – None.
9. Equipment – Boosters pumps will have electric motors.
10. Supplies or materials stored on-site – No new supplies or materials will be stored at the site. Currently, liquid chlorine is stored on-site at the tank site for use as a disinfectant for the well. It will continue to be used and stored on-site.
11. Potential effects on the area
 - a. Noise – Noise from the electric motors, including the existing well motor will be reduced by sound attenuation coverings. Masonry block walls

Exhibit 4

along the east and south property lines will also reduce noise from the site. The diesel emergency generator is used during power outages. It is tested periodically as part of regular maintenance. Once installed the water services, mains, and meters will not generate any noise. Installation will generate construction noise but it will only occur during normal business hours.

- b. Glare – Site lighting will be hooded and directed to the site. Water service, main, and meter replacement will not add any site lighting.
- c. Dust – Areas subject to vehicular traffic will be covered with either asphalt paving or gravel. Water service, main, and meter replacement will not be a permanent source of dust. Construction will generate dust but best management practices will be used to minimize the effect.

12. Wastes:

- a. Solid – None
- b. Liquid – A storm drain pipeline will be installed to dispose of water from inadvertent tank overflowing, or draining of the tank for maintenance. Water service, main, and meter replacement will not generate waste.

13. Volume of water used – None

14. Proposed advertising – None

15. Buildings

- a. Existing – None
- b. New Buildings – None

16. Buildings used in operation – No buildings will be constructed or used.

17. Lighting or Sound amplification – Site lighting will be provided for security and maintenance needed at night at the tank site. Water service, main, and meter replacement will not require lighting.

18. Landscaping – Landscaping will be installed along both street frontages and on-site at the southwest corner of the tank site. Water service, main, and meter replacement will not affect existing landscaping.

19. Other information – The proposed tanks site is currently being used as a well site. The proposed storage tank and booster pumps will provide much needed fire protection for the community. Masonry block walls and sound attenuation will mitigate the noise generated by the electric motors.

20. Board Members and Officers-

- a. Reyes Lozano, President
- b. Mercedes Ramos, Vice President
- c. Rudy Hernandez, Treasurer
- d. Martha Madera, Board Member
- e. Monique Dolores, Member
- f. Dwight Miller, District Manager
- g. Elaine Cervantes, Executive Assistant and Board Secretary

Exhibit 4

BIOLA COMMUNITY SERVICES DISTRICT

VARIANCE APPLICATION

The Biola Community Services District requests a variance to allow a six-foot tall fence in the front yard and a six-foot tall block wall in the street side yard, reverse corner, of their property at the northeast corner of Third Street and F Street in Biola.

REQUIRED FINDINGS

1. Exceptional or extraordinary circumstances:

The exceptional circumstance that applies to the site is its historical and proposed uses. Until 1988, when it was destroyed by fire and not re-built, the business office for the district occupied the site. A community well was constructed on the site in 1977, and the current well and pressure tank replaced that one in 2005. The current 70 feet by 70 feet well site in the southeast corner of the site is enclosed by a six-foot tall chain link fence. The existing fence encroaches about 9 feet into the F Street right of way. The site has been used for community purposes for many years and has not been used as a single family residential home site. The location of the existing well and electrical equipment prevent the block wall along F Street from being built at the required set back location.

2. Preservation of a substantial property right:

The District currently has a six-foot chain link fence along the side yard on F Street. Other property owners of single-family zoned property have constructed six-foot tall fences along their front yards or side yards as follows:

ADDRESS	APN	ENCROACHMENT
12777 West F Street	016-291-01	5' Wood fence in front yard
12765 West F Street	016-291-02	4' Chain link fence in front yard
12745 West F Street	016-291-15	4' Chain link fence in front yard
12727 West F Street	016-291-14	4' Chain link fence in front yard
12711 West F Street	016-291-05	4' Chain link fence in front yard
12712 West F Street	016-265-08	6' Wood fence in side yard, reverse corner
12611 West F Street	016-292-06	6' wood and Chain link fences in front yard
12766 West E Street	016-261-13 & 14	6' Chain link fence w/slats in front yard
12570 West E Street	016-265-04	5' Wood fence in side yard, reverse corner
12685 West E Street	016-264-01	5.5' Wood fence in front yard

The District requests the right to construct the fence and wall in the required yard setbacks as neighboring property owners have done.

Exhibit 4

3. Granting the variance will not be materially detrimental to the public welfare.

The block wall along F Street is being proposed to mitigate noise currently being generated by the electric motor on the existing well, and future noise from the booster pumps. The neighboring property owners have requested that the District construct the wall for that purpose. The six-foot chain link fence in the front yard is for security purposes.

4. Granting the Variance will not be contrary to the objectives of the General Plan.

Allowing the construction of the block wall in the side yard set back will help comply with the General Plan Goal to protect adjacent residences from noise generated by the electric motors used for the well and booster pumps.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Biola Community Services District
- APPLICATION NOS.:** Initial Study Application No. 7384, Director Review and Approval Application No. 4522, and Variance No. 4050
- DESCRIPTION:** The project consists of the construction of a 500,000-gallon water storage tank with boost pumps at the existing well site on the Assessor's Parcel Number 016-265-10T in the R-1 (Single Family Residential) Zone District. Site improvements will be necessary to accommodate the tank and pumps. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the District, and to replace all existing water meters throughout the District. A variance is required to allow 6-foot fencing and walls to be built within the front- and side-yard setbacks where the height is limited to three feet.
- LOCATION:** The 500,000-gallon water storage tank will be located on Assessor's Parcel Number 016-265-10T. The water main, service, and meter replacement will take place mostly in the public right-of-way, with the exception of a portion running across private property to the southwest of the intersection of West H Street and North Fourth Street. This portion crosses APNs 016-300-28ST, 016-190-28S, and 016-080-55S. The entirety of the project is located within the limits of the Biola Community Services District located in the unincorporated community of Biola. (Sup. Dist. 1)

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?

FINDING: NO IMPACT:

According to Figures OS-1 and OS-2 of the Fresno County General Plan, there are no recreational trails, scenic or landscaped drives, or scenic highways near the project site.

Exhibit 4

- 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:

The subject parcel is located in the unincorporated community of Biola. This area is characterized by a cluster of residential uses surrounded by large agricultural parcels. The aboveground water storage tank will be located on the western edge of the community, with single-family residences to the north, east, and south and agricultural uses to the west. The site is currently developed with a pump house and a 10,000-gallon hydro-pneumatic tank. The major vegetative cover consists of residential-type trees. Houses to the east of the project site face F Street and a slatted chain-link fence provides some screening for the project site. Residences north of the project site face E street (away from the project site) and are separated from the project site by a wooden fence and an alley.

The house directly south of the project site has the greatest potential to be impacted by the installation of the water tank. This residence currently faces the existing water pump and 10,000-gallon tank. The site plan indicates that up to ten new trees will be placed in a landscaped strip of land along the southern and western edges of the property. With the installation of this landscaping and trees to screen the tank from this property, impacts to the existing visual character of the neighborhood will be less than significant.

* **Mitigation Measure**

1. *Prior to final inspections, the applicant shall install landscaping along the southern property line as indicated on the site plan, including native or drought-resistant trees.*

- 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 project involves the installation of ground-mounted lights and a light located atop the proposed tank. The applicant will be required to install all lighting such that it is hooded and pointed downward away from adjacent properties and public right-of-way. With adherence to this mitigation measure, impacts from the new sources of light on surrounding properties and nighttime views of the area will be less than significant.

* **Mitigation Measure**

2. *Prior to operation of the water-storage tank, all outdoor lights shall be hooded, directed, and permanently maintained so as not to shine toward adjacent properties and public roads.*

Exhibit 4

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use?

FINDING: NO IMPACT:

The Fresno County Important Farmlands Map (2014) designates this parcel and the majority of the community of Biola as "Urban and Built-Up Land." Therefore, there will be no impacts to the conversion of prime or unique farmlands as a result of this project.

- 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?

FINDING: NO IMPACT:

The subject parcel is not restricted by a Williamson Act Contract, nor has it been designated forestland or land zoned for Timberland Production.

- 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 forestland to non-forest use?

FINDING: NO IMPACT:

The installation of the water storage tank, new water mains, and replacement water services will not impact adjacent agricultural land. A portion of the water main to be replaced runs through land that is zoned for agricultural use but not restricted by a Williamson Act Contract. These improvements will not impact the agricultural use to the west of the parcel, as the tank will be placed completely within the boundaries of APN 016-265-10T. The subject parcel is designated by the Biola Community Plan Map (1976) as a recreation center; however, discussion in the plan itself indicates that this is an alternative site option. The parcel to the west is designated for limited industrial and medium density residential uses. The existing Limited Agricultural (AL) zoning designation is used to allow some light agricultural uses until final urban or industrial development can occur. Therefore, due to the industrial and residential designations in the vicinity of the subject parcel, there will be no impacts that would result in the conversion of farmland to non-agricultural uses or forestland to non-forest use.

Exhibit 4

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located within the San Joaquin Valley Air Basin. This area is in non-attainment for ozone, PM_{2.5} (particulate matter 2.5 microns and smaller), and carbon monoxide based on both state and national Air Quality Standards. The Basin is in non-attainment status for PM₁₀ (particulate matter 10 microns and smaller) based on state standards and is in attainment based on national standards.

Review of this project by the Air Pollution Control District determined that the project would not violate any air quality standards or contribute to existing air quality violations.

- 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: NO IMPACT:

The San Joaquin Valley Air Pollution Control District did not identify a potential for this project to release substantial pollutant concentrations and did not recommend mitigation to reduce such impacts. This project is not anticipated to release substantial pollutant concentrations or contribute to an existing substantial concentration of pollutants. This type of project does not generate objectionable odors.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A reconnaissance-level biological evaluation of potential impacts to sensitive and listed species was performed by Kamansky's Ecological Consulting for this project. Review of the site determined that there was little undisturbed vegetation or native plant communities present.

Exhibit 4

Forty-five (45) Special Status Species and habitats are known to occur in the vicinity of the proposed Project. Twenty-five (25) Special Status Animal species and seventeen (17) Special Status Plant species are known to occur in the general vicinity of the proposed Biola Water System Project (the action area). Field surveys conducted during the biological evaluation did not document the presence of any Special Status Animal or Plant species in the project impact footprint/Action Area, but kit foxes are known to den in the vicinity, badgers could occupy the site or move into the area prior to construction, and Swainson's hawks have been known to establish nests within 10 miles of the site. Other raptors such as white-tailed kite, red-tailed hawks, great-horned owls, barn owls, and bat species are all known to forage and nest in the vicinity. There is nesting, roosting, and foraging habitat nearby.

San Joaquin kit fox is a special status animal species, which is known to occur regionally. San Joaquin kit fox may occasionally pass through the site while foraging but, based on habitat characteristics and prey availability, this species would not be expected to den on the alignment/sites. The alignment/sites do not provide important intrinsic habitat values unique to the area. However, this species' absence cannot be ruled out at this time and if currently absent, kit foxes could move into the area prior to construction possibly occupying the sites, presenting a possible adverse impact. In order to reduce impacts to special status species, the following mitigation measures shall be implemented:

* **Mitigation Measures**

1. *All Special Status and Protected Animal Species: Preconstruction habitat assessment surveys shall be conducted before any ground-disturbing activities are to begin. If the surveys detect the presence of habitat for listed or protected species or migratory birds, then the Project will be paused until the following measures or consultation with the California Department of Fish and Wildlife (CDFW) and/or US Fish and Wildlife Service (USFWS) can occur:*
 - a. *American Badger: A pre-construction survey for American badgers shall be conducted by a qualified biologist within 30 days of the onset of Project-related activities involving ground disturbance or heavy equipment use. Pre-construction surveys will be conducted in all suitable denning habitat of the Project area.*
 - b. *Special Status Amphibians: A qualified biologist shall survey affected areas for Special Status amphibians within 30 days of the onset of land grading or other site disturbance. The biologist will look for individuals and eggs.*
 - c. *Special Status Bat Species: If removal of buildings, structures and/or trees is to occur between April 1 and September 30 (general maternity bat roost season), then within 30 days prior to these activities, a qualified biologist shall survey affected buildings and trees for the presence of bats. The biologist will look for individuals, guano and staining, and will listen for bat*

Exhibit 4

vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites.

- d. *The United States Fish and Wildlife Service (USFWS)-approved preconstruction protocol-level surveys for San Joaquin kit fox shall be conducted no fewer than 14 days and no more than 30 days prior to the onset of any ground-disturbing activity. The applicant/operator shall follow Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to and During Ground Disturbance (USFWS 1999). These surveys can also detect raptors, migratory songbirds and any other Special Status Species in the area and recommend any additional appropriate avoidance and minimization measures.*
 - e. *If activities take place during avian nesting season (March 1 - August 1), a qualified biologist shall conduct nest surveys within a 500-foot radius of the construction site for neotropical migratory birds and 0.5 mile for Swainson's hawks. Appropriate measures shall be determined in consultation with the California Department of Fish and Wildlife (CDFW) in the event an active nest is located in an area subject to disturbance. No restrictions are required for avian species for construction activities that occur during the non-breeding season (September 1 through February 28) or after the young have fledged, which must be determined based on surveys by a qualified biologist.*
2. *All Special Status Animal Species: If pre-construction surveys detect special status species, the Applicant shall initiate informal consultation with the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS), if applicable. The Applicant shall communicate with and coordinate its activities with a CDFW/USFWS biologist who is specifically assigned to deal with these issues in Fresno County. That biologist shall identify measures for avoidance, minimization, and mitigation.*
 3. *All Special Status Animal Species: If pre-construction surveys detect listed or protected species, a biologist (monitor) shall be retained onsite during construction to educate workers, monitor compliance with best management practices, and to identify and protect natural resources, including special status species. The monitor will be responsible for ensuring that appropriate measures are taken to prevent disturbance of core avoidance areas. Any unauthorized take of special status species will be immediately reported to the CDFW by the monitor. The monitor will also notify the Project Coordinator who will stop work until corrective measures are implemented.*
 4. *The applicant shall consult with CDFW/USFWS and shall perform the following measures as part of their permitting process with the agencies in order to help minimize impacts to the kit foxes, raptors and other species:*

Exhibit 4

- a. *Revegetate disturbed areas with trees and grass from on the site or adjacent areas; and*
- b. *Prior to the start of construction of each phase of Project development, the applicant shall retain a qualified biologist to conduct a meeting to train all construction staff that will be involved with the Project on special status plant and animal species. This training will include a description of the special status species and their habitat needs; a report of the occurrence of special status species in the Project area; an explanation of the status of the special status species and their protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the special status species during Project construction and implementation.*

- 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)?

FINDING: NO IMPACT:

The field survey conducted in December 2017 did not identify any sensitive natural communities or riparian habitats at the tank site. There are no bodies of water, streams, or canals within or adjacent to the tank site and the water service improvements will be made within existing right-of-way.

- 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?

FINDING: NO IMPACT:

The project will not have a substantial adverse effect on federally protected wetlands. There are no wetlands on the site of the 500,000-gallon water storage tank. There are wetlands within the Biola Community Services District near the locations of the proposed water main, service line, and meter replacement but they will not be affected by the water main and service line replacement nor the district-wide water meter replacement. These portions of the project will occur within the public right-of-way and will not impact the wetlands.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

Exhibit 4

This project will not conflict with any local policies or ordinances protecting biological resources. The proposal involves the removal of non-native trees from the project site, which are not protected by ordinance.

- 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: NO IMPACT:

There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservations plans in place in the project vicinity.

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 a 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 INCORPORTATED:

The tank site parcel is located in an area designated by the County of Fresno to be neither highly nor moderately sensitive to archeological finds. Some portions of the meter and main replacement are within an area designated to be highly sensitive to archeological finds. Due to the previously disturbed and paved ground in this area, it is unlikely that new discoveries will be made.

Under the provisions of Assembly Bill 52, staff contacted those tribes interested in consulting on projects: Table Mountain Rancheria, Santa Rosa Rancheria Tachi Yokut, Picayune Rancheria of Chukchansi Indians, and the Dumna Wo Wah Tribal Governments. Table Mountain declined consultation in a letter dated October 20, 2017; the Dumna Wo Wah Tribal Government requested consultation in a letter dated October 17, 2017; and the other two Tribes did not respond to the consultation request.

Exhibit 4

Yamabe and Horn Engineering requested a Sacred Lands File search from the Native American Heritage Commission (NAHC) and contacted each of the Tribes identified by the NAHC as having the potential to hold knowledge of specific resources near the project area. On October 2, 2018, Table Mountain Rancheria responded to the Applicant's letter with a request to consult on the project. Follow-up responses from Yamabe and Horn to Table Mountain to arrange a meeting were not answered. County staff reached out to Table Mountain Rancheria to discuss the conflicting responses between the County's AB 52 routing, where TMR declined to participate in consultation and the Applicant's routing where they indicated they had concerns. There was no response from Table Mountain. As Table Mountain declined participation when formally invited to consult, staff did not continue to follow up with the Tribal Chairman.

A copy of the Cultural Resources Study prepared by Applied EarthWorks, Inc., dated December 2017 was provided to the Dumna Wo Wah Tribal Government. Staff received no response following submission of that document and concluded consultation on March 29, 2018 with a determination that there were no known Tribal Cultural Resources on the project site. However, it cannot be determined with certainty that no previously unknown resources will be uncovered over the course of construction. Therefore, a mitigation measure describing the steps that must be taken in case of an inadvertent find will be included:

* **Mitigation Measures**

1. *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 should 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.*

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?
 2. Strong seismic ground shaking?
 3. Seismic-related ground failure, including liquefaction?
 4. Landslides?

Exhibit 4

FINDING: NO IMPACT:

The community of Biola is not located near an active fault line based on the Department of Conservation's Regulatory Maps.

- B. Would the project result in substantial erosion or loss of topsoil; or
- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While there is some increase of impermeable surfaces proposed with this application, development will be in compliance with all County Regulations, including those relating to the disposition of storm water and runoff. The site is proposed to connect to Biola's storm water drainage system. Landscaping and gravel cover will protect soil runoff. Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is outside the area of high landslide hazard.

- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The subject parcels are not located in an area with soils that exhibit a moderately high to high expansion potential. Review of data from the Web Soil Survey of the Natural Resources Conservation indicates that the parcels contain primarily Hanford sandy loam soil, which does not have high shrink-swell potential.

- 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: NO IMPACT:

This project does not involve the installation or use of sewer or septic systems.

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:

Exhibit 4

Potential impacts to greenhouse gas emissions may occur due to the operation of the generators at the site; however, review of this application by the San Joaquin Valley Air Pollution Control District determined that the proposal would not meet any thresholds requiring additional studies or monitoring to reduce impacts to less than significant.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

During construction, there will be routine use of diesel fuel, gasoline, oil, and lubricants for construction equipment. All construction machinery shall be in good working condition and free of fluid leaks. Due to the relatively small amounts of these materials to be used and safeguards required by existing regulation on construction equipment and storage devices to prevent release of these materials, the hazard to the public and the environment is considered less than significant.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The tank site is not located within one quarter-mile of a school; however, some of the water service and water main replacements will occur within that radius. Chlorine is currently stored at the tank site to be used as a disinfectant for the well. While chlorine may be considered a hazardous substance, the trace amounts used to disinfect water do not present a hazard to public health. Chlorine delivery trucks will come to the site about once every two to three months, which does not represent an increase to the baseline number of deliveries of chlorine to the project site. The chlorinated water that passes within the one quarter-mile radius of the school is provided to residences as potable drinking water and therefore will not create a hazard.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

Review of Hazardous Waste sites (Resource Conservation and Recovery Act), Water Dischargers (National Pollutant Discharge Elimination System), Toxic Releases (Toxic Releases Inventory), Superfund sites (National Priorities List), Brownfields, and Toxic Substances Control Act sites did not identify any known contamination of the sites involved with this application. Two sites within Biola were identified as sites of toxic releases, but both sites were reported to be currently in compliance with existing

Exhibit 4

regulations. Similarly, the one site identified as having the potential to release polluted water is also listed as operating with a permit and has not reported a violation for the past three years. Due to the compliant status of potential hazardous releasers in the area and no history of hazardous waste spills on the project site, there would be no impacts from historical hazardous waste releases on 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:

Biola is not located in the vicinity of a public airstrip. Review of aerial photographs (Google Earth, August 7, 2017) indicates that there is a private airstrip approximately 1 mile northwest of the nearest parcel associated with this application. However, the project site will be generally unmanned following construction activities. The project will not create any new obstructions that would impact this airstrip, as all development standards relating to building height will be met. (The Variance associated with this application proposes to allow a 6-foot fence and well where the height is typically limited to 3 feet.) Further, the project's location within the community of Biola indicates that it will not result in a safety hazard as the operation of a private airstrip is restricted by its Use Permit so as not to cause adverse impacts on nearby residential uses, which are adjacent to the project site.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- 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 in an area designated to be at high risk of damage from wildland fires. There are no changes to the existing roadways or evacuation paths and the project will not interfere with any Emergency Response Plan or Emergency Evacuation Plan. It is possible this project could have a positive impact on hazards associated with wildland fires, as the proposed pump will provide additional pressure to the main water supply.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

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FINDING: NO IMPACT:

Approval of this project would not impact any water quality standards. Improved services and mains will positively impact the availability of water in an emergency, by making that water available. The tank will store the water, but not impact its quality.

- 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:

Outside of water used in the course of construction, this project does not require the use of existing water supplies. The improvements to the system will allow the Biola Community Service District to serve water to the community of Biola more effectively. The tank will be used to store water in case there is a need for additional flow due to the failure of one of the existing wells. There is currently no back-up system in place.

- 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; or
- 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; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The increase to impermeable surfaces at the tank site has the potential to alter drainage patterns; however, County regulations prohibit the discharge of runoff and the site is proposed to connect to the existing storm drainage system. With compliance to these existing regulations, the project will not have an adverse impact on drainage. There are no streams or rivers in the vicinity.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

Exhibit 4

FINDING: NO IMPACT:

According to FEMA FIRM Panel No. 06019C1525H, there are no special flood hazard areas within the project area, including the right-of-way where the service mains will be replaced.

- I. Would the project expose persons or structures to levee or dam failure?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The community of Biola is located in an area at risk of inundation by dam failure. The replacement of the water services and mains will not expose persons or structures to this potential failure because those improvements will generally be undergrounded. All improvements will be built to the standards identified in the Fresno County Flood Plain Management Ordinance. The design of drainage and flood control facilities in the County is governed by the Fresno County Drainage and Flood Control Design Standards, which is part of the Improvement Standards for Fresno County. This document contains criteria for storm design capacities for artificial surface drainage facilities, underground storm sewers, and roadway culverts, and specifies other criteria for natural drainage channels. With compliance to these regulations, the improvements will not have a significant impact on risks due to levee or dam failure.

- J. Would the project cause inundation by seiche, tsunami, or mudflow?

FINDING: NO IMPACT:

The project site is not located near a body of water large enough to cause seiche or tsunami. The site is similarly not located in an area of steep slopes, precluding the possibility of risk due to mudflow.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This project relates to improvements within the Biola Community Services District; however, the majority of these improvements relate to upgraded water services and new, slightly larger, water mains. These improvements will be undergrounded and will not divide the community. The new tank will be installed at the edge of the District on a parcel roughly twice the size of a residential parcel in this neighborhood.

- 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:

Exhibit 4

This Initial Study is being prepared for County of Fresno Director Review and Approval Application No. 4522, which if approved, would authorize the construction of the new water tank, installation of new water services, and replacement of the existing 8-inch mains with 10-inch mains. Existing property development standards prohibit walls or fences in excess of 3 feet within the front yard setbacks; however, the project involves the installation of 6-foot block walls along the eastern and southern property lines and a six-foot fence along the west and north. Approval of the variance will allow the wall and fence to be built to their proposed height along the full eastern property line and approximately 20 feet of the northern and southern property lines (consistent with the front-yard setbacks). There are no General Plan Policies specifically concerning these types of projects or setback variances. Therefore, as the applicant is pursuing a variance for the ways in which this project conflicts with existing zoning, impacts to local Land Use Plans, policies, and regulations will be less than significant.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This project is not subject to any Habitat Conservation Plans or Natural Community Conservation Plans.

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:

According to Figure 7-7 (FCGPBR), the community of Biola is not designated as a locally important mineral resource recovery site. The project will not result in the loss of availability of a known mineral resource. The scope is limited to the replacement and expansion of the existing water service system in the Biola Community Services District.

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

Exhibit 4

- 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 pump station associated with the 500,000-gallon water storage tank has the potential to exceed acceptable noise levels in the single-family residential zone district. Construction noises associated with other parts of the project will be temporary and will occur during normal construction hours. In order to address the potential for the pumps to adversely impact surrounding properties, the applicant shall install noise-attenuation housing on the well pump motor and a 6-foot masonry block wall will be constructed along the eastern and southern property lines.

* **Mitigation Measure**

1. *The applicant shall install a 6-foot masonry block wall along the eastern and southern property lines. Noise attenuation housing will be installed on the existing well pump motor and on the three proposed booster pump motors.*

- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is not located near a public airstrip. There is a private airstrip approximately one mile northwest of the nearest parcel involved with the project site. Following construction, the project sites will be essentially unmanned, with the exception of a limited number of trips for maintenance and chlorine delivery. Noise levels at the project site due to the airstrip will be comparable to the residential uses in the area, which are less than significant.

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 project will not induce population growth, as the improvements will serve existing residences. The upgrades are necessary to ensure that the community of Biola has

Exhibit 4

sufficient water flow in the event of a fire emergency. The tank site is primarily vacant with an existing water tank. The new water services and replacement mains will be installed throughout the District within the right-of-way and across a small strip of private land. No displacement of persons or housing will occur because of this project.

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;
2. Police protection;
3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

This project represents an improvement to the existing water supply system of the community of Biola. It is not anticipated that improved water flow will result in adverse impacts to fire and police protection, schools, parks, or other public facilities. It is possible that approval of this project will improve such facilities, as there will be adequate water pressure to fight fires, even when one of the existing wells is out of service. Without this project, the District would not have sufficient flow with only one well in operation. There is no increase in population associated with this project and therefore no indirect impacts on public safety, parks, or other facilities. The development at the site will not present a new source of high-value objects which could attract criminal activity. This project was reviewed by the North Central Fire Department who identified certain conditions of development (existing regulations) but did not identify any specific concerns with the proposal in regard to the effectiveness of the system.

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:

This project will not increase the use of local parks, nor will it require the expansion of such facilities.

XVI. TRANSPORTATION/TRAFFIC

Exhibit 4

- 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; or
- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- 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:

Following construction, traffic at the site will be limited to approximately three trips per month: two service trips and one chlorine delivery. Due to the limited amount of proposed operational traffic, there will be no impacts to emergency access, traffic congestion, or other performance measures of the circulation system.

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: NO IMPACT:

This project relates to improvements to the existing water service system of the Biola Community Services District. It is not anticipated that this project will produce wastewater, as the system is the source of water for other sites.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The following storm water drainage facilities are proposed in the vicinity of the tank site: two 48-inch storm drain manholes, a storm drain grate inlet on site, a type 'D' storm drain inlet within the right-of-way, and new storm drain pipe to connect to the existing system. These improvements will ensure that the increase in impermeable surfaces at

Exhibit 4

this site do not cause run-off that could adversely impact surrounding properties. The improvements are designed to directly compensate for the project's improvements and no impacts to other sites are anticipated.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

The improvements associated with this application do not require additional water supply entitlements; they serve to provide water to sites with such entitlements.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- 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:

Outside of water necessary for construction, this project will serve to deliver water to various sites and is not anticipated to generate wastewater. Following construction, there will be no solid waste generated. Such waste generated during construction activities will be disposed of in a manner consistent with Fresno County Regulations.

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:

There is the potential for this project to impact special-status or endangered species in the vicinity of this project. With compliance to the mitigation measures noted above, which require habitat assessment surveys, and then biological presence surveys, impacts to such species can be mitigated to less than significant. Compliance to the mitigation measures noted in Section IV. Biological Resources, which require habitat-presence surveys and species-presence surveys and outlines steps to follow in the case of observation of a special-status species, will reduce adverse impacts on such species. Regarding the protection of cultural or historical resources which may be beneath the surface of the ground at the project site, mitigation has been incorporated

Exhibit 4

requiring that construction cease in the area of a find to allow additional investigation and the implementation of avoidance or other protective measures.

* **Mitigation Measures**

1. See Section IV. Biological Resources.
2. See Section V. Cultural Resources.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

This project may cause a small cumulative impact on noise in the community; however, it is not expected that additional similar facilities would be developed in this area, as only one water tank/pump site is necessary. Therefore, there are no cumulative impacts identified as part of this review.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is the potential for this project to have an adverse impact on surrounding properties; however, adherence to the noted mitigated measures regarding lighting and noise generation will reduce impacts to less than significant.

* **Mitigation Measures**

1. See Section I. Aesthetics.
2. See Section XII. Noise.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval Application No. 4522 and Variance Application no. 4050, 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 Aesthetics, Mineral Resources, Population and Housing, Public Services, Recreation and Transportation/Traffic.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Hydrology and Water Quality, and Utilities and Service Systems have been determined to be less than significant.

Exhibit 4

Potential impacts relating to Biological Resources, Cultural Resources, Noise and Mandatory Findings of Significance have determined to be less than significant with compliance with the listed Mitigation Measures.

A Mitigated Negative Declaration/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.

CMM

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Exhibit 4

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: <div style="text-align: center;">IS 7384</div>	<div style="text-align: center;">LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</div>	County Clerk File No: <div style="text-align: center;">E-</div>		
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721	
Agency Contact Person (Name and Title): Christina Monfette Planner		Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Biola Community Services District		Project Title: Biola Community Services District Water Systems Upgrades		
Project Description: Construct a 500,000-gallon water storage tank with boost pumps at the existing well site. Site improvements will be necessary to accommodate the tank and pumps. The project also proposes to replace water services, install new 10-inch water mains to replace existing 6-inch and 8-inch water mains in selected areas of the District, and to replace all existing water meters throughout the District. A Variance is required to allow the installation of fence and wall in excess of three feet within the front-yard setbacks.				
Justification for Negative Declaration: <p>It has been determined that there would be no impacts to Aesthetics, Mineral Resources, Population and Housing, Public Services, Recreation and Transportation/Traffic.</p> <p>Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Hydrology and Water Quality, and Utilities and Service Systems have been determined to be less than significant.</p> <p>Potential impacts relating to Biological Resources, Cultural Resources, Noise and Mandatory Findings of Significance have determined to be less than significant with compliance with the listed Mitigation Measures.</p>				
FINDING: <p>The proposed project will not have a significant impact on the environment.</p>				
Newspaper and Date of Publication: Fresno Business Journal –		Review Date Deadline: Planning Commission –		
Date:	Type or Print Signature: Marianne Mollring, Senior Planner	Submitted by (Signature): Christina Monfette, Planner		

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY DRAFT MITIGATED NEGATIVE DECLARATION

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Exhibit 5



4925 N. SEVENTH STREET – P.O. BOX 57 BIOLA CA 93606
Office (559) 843-2657 Fax (559) 843-2275

Rudy Hernandez – President
Mercedes Ramos – Vice President
Inez Jimenez – Treasurer
Monique Dolores – Board Member
Reyes Lozano – Board Member

Eduardo Antunez – Interim Manager
Pete Cerna – Customer Service

August 28, 2020

Chrissy Monfette Planner
Development Services and Capital Projects Division
Department of Public Works and Planning
2220 Tulare St., 6th Floor
Fresno, CA 93721

RE: Request for Extension
DRA 4522 and VA 4050

Dear Ms. Monfette,

The Biola Community Services District requests an extension for the above referenced applications to construct a water storage tank in the community. The extension is needed so that State Water Board funding for the project can be completed. The environmental review has been approved by the Water Board and the final review is underway prior to the preparation of a funding agreement. Please see the attached e-mail correspondence between our engineer and our Water Board representative.

The Water System Upgrades for Biola is an extremely important project for the community and we respectfully request approval of an extension to allow us to complete the project.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eduardo Antunez", is written over a light blue horizontal line.

Eduardo Antunez
Interim General Manager

From: [Holcombe, John@Waterboards](mailto:Holcombe,John@Waterboards)
To: [Gary Horn](mailto:Gary.Horn)
Cc: [Eduardo Antunez](mailto:Eduardo.Antunez); [Jerry Jones](mailto:Jerry.Jones)
Subject: Re: Biola Water System Upgrade
Date: Monday, August 24, 2020 2:53:34 PM

Hi Gary,

Thank you for checking in. I submitted Biola's Water System Upgrades project to my management for review and approval with the storage tank and water meter components. The next step after their review will be for the application to go to the Contracts department for a funding agreement to be drafted. I know funding for this project has been delayed already, so I'm doing everything I can to expedite the review process.

Once the application gets to Contracts, I should have a better estimate of when a funding agreement will be executed and I will update you when that happens. I apologize for the delays experienced so far. Please let me know if you have any questions.

Thanks,
John

From: Gary Horn <ghorn@yhmail.com>
Sent: Thursday, August 20, 2020 3:42 PM
To: Holcombe, John@Waterboards <John.Holcombe@Waterboards.ca.gov>
Cc: Eduardo Antunez <eduardo.antunez@biolacsd.org>; Jerry Jones <jjones@yhmail.com>
Subject: RE: Biola Water System Upgrade

EXTERNAL:

Hi John,

I was wondering if you have any update on the Biola SRF application.

Thanks,

Gary Horn, PE



**Yamabe & Horn
Engineering, Inc.**
CIVIL ENGINEER • LAND SURVEYORS

2985 N. Burl Ave. Suite 101 Fresno, CA 93727
O: (559) 244-3123
yandhengr.com

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