



# County of Fresno

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

June 25, 2021

Keith Gardner  
21494 E. Trimmer Springs Road  
Sanger CA 93657

Dear Mr. Gardner:

Subject: Resolution No. 12867 - Initial Study Application No. 7724 and Director  
Review and Approval Application No. 4603

On January 28, 2021, the Fresno County Planning Commission approved your project with  
Conditions. A copy of the Planning Commission Resolution is enclosed.

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.

If you have any questions regarding the information in this letter, please contact me at  
jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner  
Development Services and Capital Projects Division

WMK:im:js  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\DRA\4600-4699\4603\RESOLUTION\DRA 4603 RESO.doc

Enclosure



## Inter Office Memo

---

DATE: January 28, 2021

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12867 - INITIAL STUDY NO. 7724 AND DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4603

APPLICANT: Keith Gardner

OWNER: Keith Gardner – The Kings Corner Ministries (Master's Plan, LLC)

REQUEST: Allow the construction and operation of a private school facility comprised of a 31,147 square-foot main building and related improvements, on a 36.90-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the southeast corner of the intersection of N. Academy Avenue and E. Belmont Avenue approximately one and three-quarter miles north of the nearest city limits of the City of Sanger (APN 314-150-28S) (864 N. Academy Avenue, Sanger, CA 93657) (SUP. DIST. 5).

### PLANNING COMMISSION ACTION:

At its hearing of January 28, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, and determine the required findings could be made, stating that Finding No. 4 could be made based on testimony regarding the need for the school, that the proposed school will provide a needed service to the surrounding agricultural community which cannot be provided more efficiently by urban schools, and that attendance will not be generally exclusive to the owner's employees, and approve Director Review and Approval No. 4303, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Abrahamian, Eubanks, Hill, and Woolf  
                  No:            Commissioner Chatha  
                  Absent:        Commissioners Burgess, Carver, and Lawson  
                  Abstain:       None  
                  Recused:      Commissioner Ede

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

By:   
\_\_\_\_\_  
William M. Kettler, Manager  
Development Services and Capital Projects Division

WMK:im:js  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\DRA\4600-4699\4603\RESOLUTION\DRA 4603 RESO.doc

NOTE:      The approval of this project will expire two years from the date of approval. 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.

Attachments

EXHIBIT A

Initial Study No. 7724

Director Review and Approval Application No. 4603

Staff: The Fresno County Planning Commission considered the Staff Report dated January 28, 2021 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:

- The proposed project is a private school, completely funded by the applicant to provide an educational environment for the children of the employees of the applicant.
- Approximately half of the employees whose children would attend, work at the Kings River Packing facility and half work in the fields in the vicinity of the project. The school will be regulated by the State as a charter school.
- No costs associated with the project will be imposed upon the surrounding community; and the children will attend the school at no charge.
- The location was selected for its convenience near the intersection of major roads, and because there is adequate room on the site for the proposed school; we also chose this particular site due to its proximity to employee's work sites, which allows them to drop their children off at the school on their way to work.
- The applicant also owns and farms other properties in the immediate vicinity. The project location is ideal and is supported by the Traffic Impact Study's conclusion, that the project would not increase overall traffic in the vicinity or exceed VMT thresholds.
- The Staff Report concluded that the project would not have growth inducing potential; we believe there could be growth impacts if the project involved a public school; but the project is a private school, only focused on one element of the community.
- We disagree with Staff that the private school project is inconsistent with agricultural practices, as stated in the General Plan. We feel that the operational statement provides adequate justification for the facility.

## RESOLUTION # 12867

Others: No individuals presented testimony in opposition to the project. Four other individuals presented information in support of the application:

- Discounting concerns regarding the placement of the school in an agricultural area; the applicant owns or is directly involved with the harvesting of a substantial amount of the surrounding agricultural land, and therefore is in frequent communication and coordination with those surrounding farmers.
- Priority for attendance at the private school will be the children of the applicant's employees; If open class space became available, applicants from the surrounding community may be considered on a case by case basis, but generally, attendance would be limited to employees' children.
- The attendance at the school will be limited to a maximum capacity of 98 students. In the first year, attendance at the school is anticipated to be 40 to 50 students; and maximum class size will be ten students.
- Private schools are not required to provide special education services; therefore, the proposed school will not be able to provide those services.
- Citrus farming typically takes place nine months or longer, during the year, which generally coincides with the school year.

Correspondence: Six letters were presented to the Planning Commission in support of the project, during the applicant's representatives' testimony. No correspondence in opposition were received.

WMK:im:js  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\DRA\4600-4699\4603\RESOLUTION\DRA 4603 RESO.doc

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7724/Director Review and Approval Application No. 4603**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	Landscaping shall be provided along Belmont Avenue across the project frontage in order to provide a visual buffer between the proposed facility and the roadway. A landscape plan shall be submitted as part of the required Site Plan Review process, and all landscaping improvements shall be completed prior to final occupancy. Landscape areas of 500 square feet or more, are subject to the requirements of the Model Water Efficient Landscape Ordinance (MWEL0): 2015 Revision. Landscaping shall consist of native and compatible non-native plant species, especially drought-resistant species in accordance with General Plan Policy OS-F.32.	Applicant	Applicant/PW&P	Prior to occupancy
*2.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	Prior to occupancy
*3.	Air Quality	The applicant shall install air filters with a minimum MERV rating as recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), for schools, within the building's HVAC system. Filters shall be inspected and replaced regularly, as per the manufacturer's specifications.	Applicant	Applicant/PW&P	Prior to occupancy
*4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

EXHIBIT B

*5	Hazards and Hazardous Materials	<p>Based upon evidence of the potential for hazardous materials to be present on the subject parcel, identified as Recognized Environmental Conditions (REC's) by the Phase I Environmental Site Assessment prepared for this project:</p> <p>Prior to the issuance of building permits a Phase II Limited Subsurface Site Assessment shall be conducted on the subject parcel by a qualified Environmental Professional. The Phase II Site Assessment shall be conducted in accordance with the California Environmental Protection Agency Department of Toxic Substances Control (DTSC), 2008 Interim Guidance for Sampling Agricultural Properties (Third Addition). If the Phase II Limited Subsurface Assessment detects the presence of hazardous materials, or substances above established DTSC thresholds, appropriate remediation (removal of identified hazardous materials and/or substances will be required, subject to written verification provided to the County by a qualified environmental professional to ensure that subsequent samples are below applicable State and federal screening thresholds.</p>	Applicant	Applicant/PW&P	Prior to occupancy
----	---------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------	----------------	--------------------

**Conditions of Approval**

1.	The project shall be developed in substantial conformance with the operational statement, site plan, floor plans and elevations as presented to and approved by the Planning Commission.
2.	Prior to issuance of building permits, a Site Plan Review shall have been submitted to and approved by the Director, pursuant to the provisions of Section 874 of the Zoning Ordinance. The Site Plan Review shall include the re-configuration of the proposed parking area to comply with the 35-foot landscaped front yard set-back area requirement (See Note No. 2).
3.	Prior to issuance of building permits, the applicant will record an acknowledgment of the Fresno County "Right to Farm" Ordinance form prepared by the County, to be recorded with the project's parcels, and pay all applicable fees.

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

**Notes**

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The approval of DRA 4603 shall become void if there has not been substantial development within two years of the approval; or there has been a cessation in the occupancy or use of land or structures authorized by this DRA for a period in excess of two years.
2.	The required 35-foot front yard shall be landscaped with appropriate materials and shall be maintained, consistent with County Zoning Ordinance Section 855.E.3.a

<b>Notes</b>	
3.	An encroachment permit shall be required for all improvements within the County road right-of-way.
4.	Plans, Permits and Inspections shall be required for all on site improvements.
5.	Any proposed driveway shall be a minimum of 24 feet or a maximum of 35 feet in width. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.
6.	A dust palliative shall be required on all parking and circulation areas that are not paved.
7.	Internal access roads shall comply with required widths as determined by the Fresno County Fire Protection District.
8.	This project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
9.	Fire hydrants and fire pump will be required, consultation with the Fresno County Fire Protection District must take place for fire hydrant and fire pump locations.
10.	No building or structure erected in this District shall exceed 35 feet in height per Section 816.5.D of the Fresno County Zoning Ordinance.
11.	An additional storm water runoff generated by the proposed development cannot be drained across property boundaries or into the public right-of-way and must be retained or disposed of on site as per County standards.
12.	Parking areas shall be constructed in accordance with Fresno County Parking Standards, and applicable State standards.
13.	Project construction shall comply with the Fresno County Noise Ordinance, Chapter 8.40 of the Fresno County Ordinance Code.
14.	All hazardous waste shall be handled in accordance with the requirements of the California Code of Regulations (CCR), Title 22, Division 4.5.
15.	Should any underground storage tank(s) be found on the project site, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health Environmental Health Division.
16.	An engineered grading and drainage plan is required to demonstrate how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent property.
17.	Prior to occupancy, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health Environmental Health Division for review and approval; and, prior to operation, the applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.

JS:

G:\4360Devs&PIn\PROJSEC\PROJDOCS\DRA\4600-4699\4603\RESOLUTION\DRA 4603 MMRP Exhibit B..docx