



## Inter Office Memo

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DATE: December 10, 2020  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12865 - INITIAL STUDY NO. 7901 AND UNCLASSIFIED  
CONDITIONAL USE PERMIT APPLICATION NO. 3686

APPLICANT: Raymond J. Lynott

OWNER: Shredder Lake LLC

REQUEST: Allow the establishment of a waterski club and events venue in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject project is located on the southwest corner of Belmont and Indianola avenues, approximately two miles north of the City of Sanger, on 54.35 acres comprised of two parcels APN 314-031-73 & 74, 505 N. Indianola Avenue, Sanger CA. (Sup. Dist. 5)

### PLANNING COMMISSION ACTION:

At its hearing of December 10, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

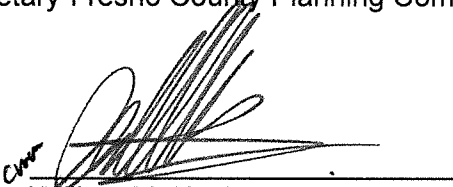
A motion was made by Commissioner Eubanks and seconded by Commissioner Woolf to adopt the Mitigated Negative Declaration prepared for the project, and to adopt the recommended Findings of Fact for approval of Unclassified Conditional Use Permit No. 3686, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12865

This motion passed on the following vote:

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

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:dr  
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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 7901  
Unclassified Conditional Use Permit Application No. 3686

- Staff: The Fresno County Planning Commission considered the Staff Report dated December 10, 2020 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:
- We contacted approximately 60 of the surrounding neighbors and received two letters of support and a phone call in support; there is also a neighbor two parcels to the east who is in agreement with the proposal but was concerned about access to the on-site utility pole.
  - An access entrance will have to be developed along Belmont Avenue to be used only for emergencies.
  - We will be developing new entrance features on Indianola Avenue for the facility.
  - We have been limited to two events annually and have had up to 30-150 participants at the events.
  - We would like to continue to support local charitable organizations like Valley Children's adaptive sports program and the wounded warriors program, and we will operate as a 501(C)(3) nonprofit organization.
- Others: An individual representing Valley Children's Hospital presented a video on the adaptive sports program that had been operated at the lake.
- No one spoke in opposition to the to the proposal.
- Correspondence: The applicant provided two letters stating their support of the project and additional site photos to the Planning Commission. No other late correspondence of opposition or support were received.

**EXHIBIT B**

**Mitigation Monitoring and Reporting Program  
Initial Study No. 7910  
Classified Conditional Use Permit Application No. 3686  
(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 the operation of the High-Intensity Park, all outdoor lighting shall be hooded, directed, and permanently maintained as not to shine toward adjacent properties and public roads.	Applicant	Applicant / Fresno County Department of Public Works and Planning	Ongoing
2.	Cultural Resources & Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by 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 / Fresno County Department of Public Works and Planning	During ground-disturbing activities
3.	Noise	Instrumentation: The project applicant shall obtain a sound level meter that meets the requirements of the American National Standards Institute for Type 1 or Type 2 sound level meters (ANSI S1.4-1971). The sound level meter must be capable of measuring A-weighted sound levels at "slow" meter response and recording the maximum sound level (Lmax) during noise sample periods. An appropriate acoustic calibrator shall also be obtained for use in field-checking the accuracy of the noise monitoring system. The sound level meter, microphone and calibrator shall be certified by the manufacturer or an accredited laboratory that they are in compliance with applicable standards at the time of purchase.	Applicant	Applicant / Fresno County Health Department	Prior to Operations

4.	Noise	Training: The project applicant (or staff that will be conducting noise monitoring during outdoor events with amplified speech and music) must receive "hands-on" training in the proper use of the noise monitoring equipment from a qualified acoustical consultant.	Applicant	Applicant / Fresno County Health Department	Ongoing
5.	Noise	Measurement Location and Acceptable Noise Level: Taking into account the standard rate of noise attenuation with increased distance from a point source, and based upon the location of the outdoor PA system speakers (shown as Outdoor Event Area on Figure 2), noise levels must not exceed 50 dB at the property line between the project site and the adjacent property to the east (in the areas between SL-1 and SL-2 on Figure 2). If noise levels exceed 50 dB along this portion of the property line, noise levels would be expected to exceed 40 dB at the residence, and noise levels must be reduced at the noise source.	Applicant	Applicant / Fresno County Health Department	Ongoing
6.	Transportation / Traffic	Prior to issuance of construction permits, building permits, or encroachment permits, the Applicant Developer shall prepare and submit a traffic control and management plan to Fresno County Department Public Works and Planning. The Plan shall also include provisions for Dust Control. Operation of the proposed High Intensity Park shall be in conformance with the approved Traffic Control and Management Plan. The applicant will be required to adhere to the Traffic Control and Management Plan to be approved by the County.	Applicant / Fresno County Department of Public Works and Planning	Applicant / Fresno County Department of Public Works and Planning	Prior to Construction

Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance. Appropriate screening of the eastern and western property lines shall be considered as part of this review.				
3.	Except in the front yard setback, a dense landscape visual screen or 6 foot tall masonry wall shall be provided between the use and adjacent residential uses to the east and west				
4.	There shall be no outdoor storage allowed on the site including but not limited to vehicles, materials, and containers, etc.				
5.	The colors and material of all structures shall be aesthetically harmonious and compatible with development in the area. No strident materials, colors or designs that would be dissimilar from the surrounding area shall be allowed.				

\*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.

**Project Notes**

**The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.**

1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	The Application shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
4.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project also will be subject to the requirement of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Please note, requirements for this project may include, but are not limited to water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers system, fire alarm systems, premises identification, and title 15.60 County Ordinance.
6.	If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they 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 California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 ( <a href="http://oers.calepa.ca.gov/">http://oers.calepa.ca.gov/</a> ). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
7.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
8.	Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
9.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

**Project Notes**

10.	AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
11.	AB 1826 - Mandatory Commercial Organics Recycling (MORe): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
12.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
13.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
14.	Any work done 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.
15.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.
16.	No new access points are allowed without prior approval, and any existing driveway shall be utilized.
17.	If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.
18.	A minimum back up clearance of 18 feet should be provided and clearly labeled to conform with County Parking Standards.
19.	Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23 Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and Irrigation Plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.
20.	The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.