



Inter Office Memo

DATE: October 8, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12844 - INITIAL STUDY APPLICATION NO. 7487 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3618

APPLICANT: Derrel's Mini Storage, Inc.

OWNER: WESCLO, LP (California Ltd Partnership)

REQUEST: Allow a personal/recreational vehicle storage facility and a caretaker's residence with office on two contiguous parcels totaling approximately 38.32-acres, in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southeast corner of East Shaw Avenue and North McCall Avenue, approximately three quarter- miles east of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APNs. 571-011-13 and 571-011-14).

PLANNING COMMISSION ACTION:

At its hearing of October 8, 2020, 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, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3618, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12844

This motion passed on the following vote:

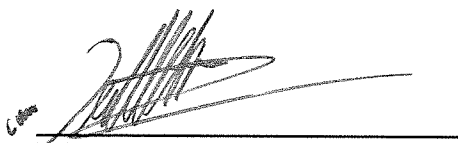
VOTING: Yes: Commissioners Abrahamian, Eubanks, Carver, Ede, Hill, and Woolf

 No: Commissioner Lawson

 Absent: Commissioners Burgess, Chatha

 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
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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 Application No. 7487
Classified Conditional Use Permit Application No. 3618

Staff: The Fresno County Planning Commission considered the Staff Report dated October 8, 2020 and heard a summary presentation by staff.

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

- One of the conditions of approval is that the two parcels be joined under a voluntary merger.
- There are existing and proposed development nearby that are not agricultural, such as the church across McCall avenue to the west and other proposed developments.
- The subject property has been dry wheat farmed recently.
- This facility has two site plans due to the phased building schedule, and therefore the ultimate square footage of the storage facility may be less than what is shown on the site plan.
- The proposed landscaping includes low water plantings and a fountain which will use recycled water.
- At the time the property was rezoned from AE-20 to AL-20, a neighborhood meeting was held, at which some residents expressed concern about the wetland area.
- There is an existing 2.5-acre wetland feature in the northwest corner of the site, which has been delineated, and includes a 250-foot buffer between it and the proposed facility which comprises a total of approximately eight net acres, to be preserved and undeveloped for the life of the project.

RESOLUTION # 12844

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

Correspondence: Five letters were presented to the Planning Commission and attached as Exhibit 9 to the Staff Report. Four were in opposition to the application and one requested additional information.

JS:

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7487/Classified Conditional Use Permit Application No. 3618
(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 operation of the proposed storage facility, all outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Lifetime of project
2.	Biological Resources	With regard to the California Tiger Salamander (CTS), unless a qualified biologist conducts protocol-level surveys for CTS in the Project Area (and a 100-foot buffer around the Project Area in all areas of wetland and upland habitat that could support CTS) and thereby demonstrates that CTS are absent, the Project shall avoid CTS by establishing prior to any ground disturbance a minimum 50-foot no disturbance buffer delineated around all small mammal burrows and a minimum 250-foot no-disturbance buffer around potential breeding pools within and/or adjacent to the Project footprint. During any pre-ground disturbance or pre-activity surveys if it is determined CTS are occupying the Project Area and take cannot be avoided, take authorization prior to any ground disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code § 2081(b).	Applicant	Applicant/PW&P	Prior to ground disturbance and as noted
3.	Biological Resources	With regard to Special-Status plants, the following mitigation measures shall be implemented: Prior to any ground disturbance, a qualified botanist shall conduct a habitat assessment to determine if the Project Area or its immediate vicinity contain suitable habitat for special-status species. If suitable habitat is present, the Project Area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). If a plant species listed pursuant to CESA or the Native Plant Protection Act is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be	Applicant	Applicant/PW&P	Prior to ground disturbance and as noted

		<p>avoided, take authorization prior to any ground disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code § 2081(b).</p> <p>If present in the project area, special-status plant species shall be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.</p>																										
4.	Biological Resources	<p>With regard to the Burrowing Owl (BUOW), the following mitigation measures shall be implemented.</p> <p>Prior to any ground disturbance, a qualified biologist shall conduct surveys following the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). The survey shall include a 500-foot buffer around the Project Area.</p> <p>Because BUOW occupy burrow habitat year-round, the Developer shall establish seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), to be implemented prior to any during any ground disturbing activities associated with project implementation. Specifically, impacts to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through noninvasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) the juveniles from the occupied burrow are foraging independently and are capable of independent survival.</p> <table border="1" data-bbox="1230 846 1404 1581"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Time of Year</th> <th colspan="3">Level of Disturbance</th> </tr> <tr> <th>Low</th> <th>Med</th> <th>High</th> </tr> </thead> <tbody> <tr> <td>Nesting sites</td> <td>April 1-Aug 15</td> <td>200 m</td> <td>500 m</td> <td>500 m</td> </tr> <tr> <td>Nesting sites</td> <td>Aug 16-Oct 15</td> <td>200 m</td> <td>200 m</td> <td>500 m</td> </tr> <tr> <td>Nesting sites</td> <td>Oct 16-Mar 31</td> <td>50 m</td> <td>100 m</td> <td>500 m</td> </tr> </tbody> </table>	Location	Time of Year	Level of Disturbance			Low	Med	High	Nesting sites	April 1-Aug 15	200 m	500 m	500 m	Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m	Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m	Applicant	Applicant/PW&P	<p>Prior to ground disturbance and as noted.</p> <p>Seasonal no-disturbance buffers shall be implemented as noted.</p>
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		<p>If BUOW are found to occupy the Project Area and avoidance is not possible, burrow exclusion shall be conducted by qualified biologists during the non-breeding season and before breeding behavior is exhibited and after the burrow is confirmed to be empty through non-invasive methods.</p>			
5.	Biological Resources	<p>To evaluate project related impacts to nesting birds, a qualified biologist shall conduct pre-activity surveys for active nests no more than ten (10) days prior to the start of ground disturbance. The survey shall encompass all areas of the project site, and if nests are present, the biologist shall establish a behavioral baseline of all identified nests. The qualified biologist shall continuously monitor nests during project construction/ground disturbing activity to detect changes resulting from the project. If continuous monitoring is not feasible, the qualified biologist shall establish a minimum 250-foot no disturbance buffer around active nests of non-listed bird species and a 500-foot no disturbance buffer around active nests of non-listed raptors. The buffers shall remain in place until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>	Applicant	Applicant/ Qualified Biologist/PW&P	Ten (ten) days prior to ground disturbance; and as noted
6.		<p>To mitigate impacts to wetland features, a formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project Area to help inform how the Project will impact or avoid hydrological alteration. The wetland delineation shall identify both State and Federal wetlands in the Project Area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code § 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or</p>	Applicant	Applicant/Qualified Biologist/PW&P	Prior to ground disturbance

		<p>other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial.</p>	Applicant	Applicant/PW&P	During ground-disturbing activities.
7.	Cultural/ Tribal Cultural Resources	<p>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.</p>	Applicant	Applicant/PW&P	During ground-disturbing activities.
8.	Transportation	<p>To address project-related impacts to the intersection of McCall and Shaw Avenue and the intersection of Ashlan Avenue and Shaw Avenue, and as per the conclusions of the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group, dated May 13, 2019 and Addendum I-TIS dated July 29, 2020; prior to the issuance of building permits for the use approved for the project, the Applicant shall enter into a traffic Mitigation Agreement with the County of Fresno Department of Public Works and Planning, Road Maintenance and Operations Division, agreeing to participate in the funding of future traffic improvements as defined in items 'a' and 'b' below, and pay for the funding deemed appropriate by the County of Fresno based on the following pro-rata share.</p> <p>a. Widen the intersection of McCall and Shaw Avenue including:</p> <ul style="list-style-type: none"> • Eastbound: one left-turn lane, one through lane, and one right turn lane; • Westbound: one left-turn lane, one through lane, one through lane, and one right-turn lane; • Northbound: one left-turn lane, one through lane, and one right-turn lane; • Southbound: one left-turn lane, one through lane, and one right-turn lane. 	Applicant	Applicant/PW&P	Prior to issuance of building permits, as noted.

		<p>The project shall pay its fair share cost of \$31,886.37 (2.18% of widening costs)</p> <p>b. Widen and signalize the intersection of Ashlan Avenue and McCall Avenue including:</p> <ul style="list-style-type: none"> • Eastbound: one left-turn lane, one through lane, and one right turn lane; • Westbound: one left-turn lane, one through lane, one through lane, and one right-turn lane; • Northbound: one left-turn lane, one through lane, and one right-turn lane; • Southbound: one left-turn lane, one through lane, and one right-turn lane. <p>The project shall pay its fair share cost of \$17,397.64 (0.83% of widening and signalization costs)</p>		
Conditions of Approval				
1.		Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement, approved by the Planning Commission		
2.		Prior to occupancy, Site Plan Review (SPR) No. 8105 shall be completed and approved by the Fresno County Department of Public Works and Planning, in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the SPR may include but are not limited to the following: design of parking and circulation areas, access, on-site grading and drainage, dedication of right-of-way, fire protection, landscaping, signage and lighting.		
3.		Because the proposed improvements are crossing existing property lines, an approved voluntary merger to join to two parcels is required and shall be completed prior to the issuance of building permits.		
4.		The 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.		

*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.	<p>This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.</p>
2.	<p>Construction plans, building permits and inspections will be required for all proposed improvements on the property. Building and/or facilities providing a 'Public Use' must comply with the accessibility requirements of Chapter 11B of the California Building Code.</p>
3.	<p>According to FEMA FIRM Panel 1615H, portions of the subject property are within Shaded Zone X which refers to area of a 0.2 percent annual flood risk and a 0.1 percent annual chance of flood with average depths of less than one (1) foot or with drainage areas less than one (1) square mile, and areas protected by levees from one percent annual chance flood. Typically, any development within the area identified as shaded Flood Zone X shall conform to the provisions established in the Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.</p>
4.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <p>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.</p> <p>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.</p> <p>All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</p> <p>If any underground storage tanks are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</p> <p>All abandoned water wells and septic systems shall be properly destroyed by an appropriately licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column shall be checked for lubricating oil. If lubricating oil is found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the "oily water" removed from the well shall be handled in accordance with federal, state and local government requirements.</p> <p>The water well contractor selected by the Applicant or future property owner will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells.</p> <p>It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system.</p>

Notes

5.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application, plans must be submitted to the County of Fresno 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. Further, the property shall annex to Community Facilities District (CFD) No. 2010-01 of FCFPD.</p>
6.	<p>A grading permit or voucher is required for any grading proposed with this application. Written clearance from the Fresno Metropolitan Flood Control District (FMFCD) is required prior to issuance of any grading permit or voucher for the subject property. It is the applicant's responsibility to initiate contact with FMFCD and obtain the required clearance.</p>
7.	<p>A 30-foot by 30-foot corner cut-off shall be improved for sight distance purposes at the intersection of Shaw Avenue and McCall Avenue.</p>
8.	<p>Any work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division Fresno County Department of Public Works and Planning.</p>
9.	<p>There is an existing stream course within the subject property, identified by Fresno Metropolitan Flood Control District (FMFCD) as Dog Creek Tributary, which is a District Master Plan Channel. Although the current proposal does not require the dedication of an easement at this time, all use and development of the property shall be aware of the need to protect and preserve this channel and its Master Plan flow rate of 11 cubic feet per second.</p>
10.	<p>Typically, any additional storm water runoff generated by the proposed development of the site cannot be drained across property lines or onto the County road right-of-way, and must be retained on-site, as per County standards unless FMFCD specifies otherwise.</p>
11.	<p>According to the submitted site plan, additional impervious surface will be constructed, and a drainage basin is planned for the storage of additional runoff. Therefore, an engineered grading and drainage plan is required to show how additional storm water runoff will be handled without adversely impacting adjacent properties or FMFCD facilities located on the property. The grading and drainage plan shall provide calculations of the required basin storage capacity and the basin design storage capacity.</p>
12.	<p>According to the U.S.G.S Quad Map, intermittent streams may be present within the subject parcel(s) based on the contour lines. Typically, any work within or near a stream requires clearance from the California Department of Fish and Wildlife.</p>
13.	<p>Any proposed parking areas shall comply with the Fresno County Off-Street Parking Design Standards. Stalls shall be 18 feet by 9 feet and backing distance must be a minimum of 29 feet for 90-degree parking stalls. Also, five (5) feet shall be provided beyond the last stall in any row to provide for backing. Any proposed accessible parking stalls and curb ramps shall be in compliance with ADA standards, and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2 percent in any direction.</p>



County of Fresno

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

October 26, 2020

Paul Ridenour
Derrel's Mini Storage, Inc.
3265 W. Ashlan Avenue
Fresno, CA 93722

Dear Applicant:

Subject: Resolution No. 12844 - Initial Study Application No. 7487 and Classified
Conditional Use Permit Application No. 3618

On October 8, 2020, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant 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.

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

JS:

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Enclosure