



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



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.

RESOLUTION # 12736

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Ede, Abrahamian, Burgess, Chatha, Delahay, Eubanks, Hill and Vallis
	No:	None
	Absent:	None
	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

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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 and Variance. Note that the life of the Variance will run concurrently with the Director Review and Approval.

Attachments

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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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)

EXHIBIT B

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

	<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.	<p>Biological Resources</p> <p>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.</p>	Biological Resources	<p>Applicant</p> <p>Applicant/PW&P</p> <p>Prior to construction</p>
5.	<p>Biological Resources</p> <p>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</p>	Biological Resources	<p>Applicant</p> <p>Applicant/PW&P</p> <p>During construction</p>

		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.	Applicant	Applicant/PW&P	Prior to construction
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> <ul style="list-style-type: none"> 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. 	Applicant	Applicant/PW&P	During ground-disturbing activities
7.	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	Prior to operation of the booster pumps
8.	Noise	<p>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.</p>	Applicant	Applicant/PW&P	

*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.

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.

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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