



Inter Office Memo

DATE: November 18, 2021

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12914 - INITIAL STUDY NO. 7085 and CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3526

APPLICANT/
OWNER: WESCLO, LP

REQUEST: Allow a personal/recreational vehicle storage facility and a caretaker's residence with office on two contiguous parcels totaling 38.91 acres in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the northwest corner of E. Shepherd Avenue and Locan Avenue, adjacent to the City of Clovis (APN 557-031-29 & 42) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of November 18, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 7085, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3526 subject to the Conditions listed in Exhibit B.

The motion passed on the following vote:

VOTING: Yes: Commissioners Woolf, Chatha, Abrahamian, Carver, Ewell, and Hill


No: None

Absent: Commissioners Ede, and Eubanks

Abstain: None

RESOLUTION # 12914

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

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.

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Attachments

EXHIBIT A

Initial Study No. 7085
Classified Conditional Use Permit Application No. 3526

Staff: The Fresno County Planning Commission considered the Staff Report dated November 18, 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 facility is typical of others and will be built in three phases.
- We will build perimeter buildings first to enclose the facility; additional interior buildings will be built as market demand dictates.
- Fresno Metropolitan Flood Control District's earthen dam and the Dry Creek Reservoir runs at a diagonal across the area at the northeast corner of the site.
- The project design provides for a 500-foot setback from the dam so an area in the northeast portion of the project is in the setback area.
- The Dry Creek right-of-way runs along the northern boundary of the site; a 100-foot setback required by California Department of Fish and Wildlife has been included in the project design.
- The project site fronts on Shepherd Avenue which has a single west bound lane; an additional lane will be added upon dedication of an additional 23 feet right-of-way for Shepherd Avenue.
- Fresno County abandoned Locan Avenue right-of-way in 1950. The alignment will become a private driveway for the proposed facility and the adjacent horse ranch.
- We have worked with the City of Clovis regarding the signalization of Shepherd and Locan Avenue intersection; we will contribute a predetermined share of the cost of the signalization.

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

Correspondence: No letters were presented to the Planning Commission in support of the application.

One letter (email), which was received after the Staff Reports were distributed, was provided to the Planning Commission citing concerns

RESOLUTION # 12914

regarding elevated traffic noise from Shepherd Avenue and requesting for financial assistance to insulate their house from the noise.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7085/Classified Conditional Use Permit Application No. 3526
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Biological Resources	A Burrowing Owl (BUOW) survey shall be conducted prior to any ground-disturbing activities following the survey methodology developed by the California Burrowing Owl Consortium (CBOC 1993). In the event that burrowing owls are found, impacts to occupied burrows shall be avoided by implementation of a no-disturbance buffer zone in accordance with the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) unless a qualified biologist approved by the department verifies through non-invasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If burrowing owls will be evicted, passive relocation shall be adopted during the nonbreeding season and foraging habitat acquired and permanently protected to offset the loss of foraging and burrow habitat in accordance with the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012).	Applicant	Applicant/California Dept. of Fish and Wildlife (CDFWL)	As noted
3.		To minimize project-related impact on California Tiger Salamander (CTS): a. Prior to any ground-disturbing activities, a silt fencing shall be installed to prevent wildlife from coming onto the project site during construction. The fencing shall be installed prior to the rainy season (preferably after May 15th or before October 15th) around the entire west and east boundaries of the property and the 100-foot setback line along the north side. The bottom of	Applicant	Applicant/ CDFWL	As noted

EXHIBIT B

		<p>silt fencing shall be buried at least three (3) inches deep and be maintained during project grading and ground disturbing activity.</p> <p>b. A qualified wildlife biologist shall conduct a visual survey of the project site immediately prior to the beginning of ground-disturbing activities to ensure no ground burrowing mammals are present and to verify the installation of silt fencing.</p> <p>c. The portion of the project site north of the 100-foot setback line from the remnant Dry Creek channel shall be designated as an Environmentally Sensitive Area on the construction plans and specification, and the setback line shall be fenced with orange construction fencing to provide a visual demarcation.</p> <p>d. A qualified wildlife biologist shall serve as a biological monitor during initial grading and ground-disturbing activities to visually monitor for the presence of California Tiger Salamander (CTS). If any CTS are observed, ground disturbing activities shall immediately be halted, and the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) shall immediately be consulted about the appropriate next step.</p>			
4.		<p>To evaluate project-related impacts on nesting birds, a qualified wildlife biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance during the breeding season of February 1 through August 31. If active nests are found, prior to initiation of construction activities, a qualified wildlife biologist conduct a survey to establish a behavioral baseline of all identified nests and upon start of construction continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, the work causing that change shall be cease and CDFW be consulted for additional avoidance and minimization measures. If continuous monitoring of identified nests by a qualified biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be established and shall remain in place until the breeding season has ended or until a</p>	Applicant	Applicant/ CDFWL	As noted

		qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Any variance from these buffers shall be notified to CDFW in advance of implementing a variance.			
5.		To minimize the likelihood of mortality, harassment or harm to kit fox that may be present on site during construction, the avoidance and minimization measures found in 2011 Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance, found at https://www.fws.gov/sacramento/es/survey-protocols-guidelines/Documents/kitfox_standard_rec_2011.pdf shall be implemented. Any take that could occur as a result of the project would require consultation with the U.S. Fish and Wildlife Service under Section 7 or Section 10 of the Endangered Species Act of 1973.	Applicant	Applicant/ CDFWL	As noted
6.	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	As noted
7.	Hydrology and Water Quality	To address possible impacts related to the seepage component of the downstream face of the Big Dry Creek Reservoir and dam located northeast of the project site, a minimum of 500-foot-wide area adjacent to the dam face shall remain clear of development and designated as open space per the requirements of the Fresno Metropolitan Flood Control District (FMFCD).	Applicant	Applicant/Fresno Metropolitan Flood Control District	As noted
8.	Transportation	Prior to the issuance of building permits for the proposed project the applicant shall enter into an agreement with the City of Clovis agreeing to participate on pro-rata shares developed in the funding of future off-site traffic improvement as defined in the item below.	Applicant	Applicant/City of Clovis	As noted

		a. Applicant shall pay his proportionate share of costs for a future traffic signal at Shepherd and Locan Avenues. Applicant's proportionate share is \$11,336.			
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 the issuance of building permit, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, on-site grading and drainage, dedication of right-of-way, fire protection, landscaping, signage and lighting.				
3.	<p>Applicant shall grant an additional 23 feet of road right-of-way along Shepherd Avenue and construct street improvements to the County of Fresno Standards. The cross-section shall provide 35 feet from median island curb to new curb and gutter. Said road improvements may be deferred through Agreement with the County of Fresno until such time that road widening takes place on adjacent properties.</p> <p>Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>				
4.	Master planned storm drainage facilities shall be installed in Shepherd Avenue and along the prolongation of Locan Avenue north of Shepherd in accordance with the master plan on file with FMFCD. Applicant shall pay appropriate drainage fees to FMFCD in accordance with their master schedule of fees. If storm drainage facilities are also deferred by Agreement, then the applicant shall provide for the storage of additional drainage waters resulting from the development on site				
5.	Applicant shall provide for the undergrounding of any new utilities along Shepherd Avenue for service to the site. Additionally, any existing facilities that are impacted by the construction of road improvements shall be relocated or placed underground				
6.	Driveway improvements installed along Locan Avenue alignment for access to the site shall provide for two-way traffic. Paving shall be a minimum of 24-foot wide. Provisions for turnaround capabilities shall be provided at the northerly end of the drive approach. The drive approach may have to be a shared facility with the neighbor to the east. Only one connection shall be allowed for these two drives onto Shepherd Avenue if they are contiguous.				
7.	Prior to construction of a traffic signal at Shepherd and Locan, and as a temporary intersection safety measure, the applicant shall construct a concrete worm median at the driveway connection to Shepherd Avenue that will only allow right turns out of the site onto Shepherd Avenue. At such time that the traffic signal is constructed at the Shepherd and Locan intersection, then the concrete worm on the drive approach may be removed.				
8.	When street improvements are constructed along Shepherd Avenue for the driveway connection, an appropriate radial or tapered paving transition shall be constructed for right turn movements into the project driveway that are sufficient for the access limits of the largest vehicle serving the project or neighboring parcel (i.e. WB-67). Additionally, the project shall maintain the existing westbound 12-foot wide single thru-lane with edge line striping along the project frontage. A second thru-lane shall not be constructed, all new				

	pavement shall be considered additional roadway shoulder. The westbound terminus of new Shepherd Avenue road improvements at the west end of the project frontage shall be consist of a clean edge of pavement (perpendicular with the right of way) along with a street barricade and signage for an end lane, when required by the Road Department
9.	To ensure proposed structures can be seen by motorists during nighttime or low-visibility conditions, the applicant shall install private lighting for private landscaping, signage and/or structural features to assist in illuminating the immediate building frontage near the driveway connection to Shepherd Avenue and at sufficient intervals within the asphalt paved sections of the private driveway alignment length. Lighting shall be designed to minimize glare with adequate shielding to avoid illuminating the adjacent roadways. Proposed lighting shall be reviewed at the time of Site Plan Review
10.	The existing on-site septic system consisted of a septic tank and two seepage pits shall be properly destroyed.
11.	All water wells (not intended for use by the project, or for future use) and septic systems that have been abandoned within the project area, shall be properly destroyed by a licensed contractor.
12.	For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work.
13.	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). Per the Governor's Drought Executive Order of 2015, a Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, for review and approval prior to the issuance of Building Permits.
14.	Prior to the issuance of building permits, a volunteer merger shall be initiated and completed to merge a 19.85-acre parcel with a 19.06-acre parcel into a single 38.91-acre project site.

*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 approval.
2.	Construction plans, building permits and inspections will be required for all proposed improvements on the property. 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.	To address site drainage impacts resulting from the project, the Fresno Metropolitan Flood Control District (The District) requires the following: <ul style="list-style-type: none"> • A temporary on-site storm water storage facility shall be provided for the development and be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. • Drainage and grading plans shall be reviewed by the District prior to approval by the County.

Project Notes

4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan shall be provided to show how additional storm water run-off generated by the proposal will be handled without adversely affecting adjacent properties and be retained on-site per County standards. • A Grading Permit for any grading proposed with this application. • A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be filed with the State Water Resources Control Board. • Any work conducted within the public right-of-way obtain an encroachment permit from the City of Clovis. • Any work within 300 ft. from the Dry Creek stream obtain an encroachment permit from the Central Valley Flood Protection Board or a letter from the Board or Kings River Conservation District indicating that an encroachment permit is not required. • Any proposed building pad within Flood Zone X shall be elevated a minimum of twelve inches (12") and all electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable.
5.	<p>The project shall comply with California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, plans must be submitted to the County of Fresno Department of Public Works and Planning for review. Furthermore, the property shall annex to Community Facilities District (CFD) No. 2010-01 of FCFPD.</p>
6.	<p>To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. • Crash protection consisting of not less than four-inch (4") diameter, concrete filled steel or iron pipe not less than 36 inches above and 48 inches below ground level and spaced not more than 48 inches on center shall be provided to protect any tank or plumbing exposed to vehicular traffic <p>Note: These requirements will be addressed through Site Plan Review.</p>
7.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • 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. • If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be obtained from the Health Department...

Project Notes

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