



Inter Office Memo

**ATTENTION: FOR FINAL ACTION OR
MODIFICATION TO OR ADDITION OF
CONDITIONS, SEE FINAL BOARD OF
SUPERVISORS' ACTION SUMMARY
MINUTES**

DATE: October 13, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12966 - INITIAL STUDY NO. 8238 AND CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3744

APPLICANT: Dirk Poeschel

OWNER: Standard Services, LLC.

REQUEST: Amend CUP No. 3546 for a rural commercial center to allow rental Agricultural Equipment at an existing 2.28-acre personal/recreational storage facility within the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of State Route (SR) 168 (Auberry Road) approximately 470 feet west of the intersection of SR 168/Lodge Road in the unincorporated community of Prather (APN: 128-430-68) (30455 Auberry Rd.) (Sup Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of October 13, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).


A motion was made by Commissioner Arabian and seconded by Vice Chair Hill to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 8238, adopt the five required Findings, and approve Classified Conditional Use Permit No. 3744, subject to the Mitigation Measures, Conditions of Approval and Mandatory Notes listed in Exhibit B.

RESOLUTION NO. 12966

This motion passed on the following vote:

VOTING: Yes: Commissioners Arabian, Hill, Abrahamian, Chatha, and Ewell
 No: None
 Absent: Commissioners Carver, Woolf, and Zante
 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 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 Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 8238
Classified Conditional Use Permit Application No. 3744

- Staff:** The Fresno County Planning Commission considered the Staff Report dated October 13, 2022 and heard a summary presentation by staff which clarified a Site Plan Review (SPR) is a regulatory requirement concerning Rural Commercial Centers.
- Applicant:** The Applicant described the project and concurred with the Staff Report and the recommended Conditions with the exception of requesting that the SPR requirement be waived. The Applicant stated that an SPR is unnecessary because there are no new structures proposed and the affect is minimal.
- Others:** No other individual presented information in support of or in opposition to the application.
- Correspondence:** No new correspondence was presented to the Planning Commission in support of or in opposition to the application.

ATTACHMENT C

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 8238 and Unclassified Conditional Use Permit Application No. 3744
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	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
2.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
3.	Noise	Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.	Applicant	Applicant/PW&P	Continuous
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission.				
2.	Adherence to the Fresno Noise Ordinance shall be followed. Any excessive noise stemming from the property shall be eliminated as to not cause a nuisance towards surrounding property members.				
3.	The tools/equipment allowed is limited to the list provided in Attachment B (and like items) and other small handheld tools. The proposed Rental Display area is currently indicated on the approved SPR site plan to be replacement area for septic. The applicant is proposing the replacement area to be in the same area designated as the primary leach field. The				

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Exhibit "B"

	Engineered Design leach lines indicates 5.5 feet of depth below distribution line, which requires 13-foot clearances between trenches per Lamp Table 101.8 in the Fresno County approved LAMP.
4.	A Site Plan Review must be completed in addition to the adherence of all conditions of approval prior to acting upon the proposal.

*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.

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

1.	It is recommended that the applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
2.	Should a new sewage disposal system be proposed, this area requires a test hole and inspection prior to the issuance of construction permits. The test hole evaluation may result in a requirement for an engineered septic system. Such a system, following an on-site investigation, must be designed and installation certified by a Professional Engineer or Registered Environmental Health Specialist who is knowledgeable and experienced in the field of onsite wastewater treatment system design and installation. The new sewage disposal system shall meet setbacks, be approved and installed under permit from the Department of Public Works and Planning, Building and Safety Section. The applicant's consultant shall contact the Department of Public Works and Planning Building and Safety Section at (559) 600-4540 for more information.
3.	The proposed project has the potential to expose nearby residents to elevated noise levels. Adherence to the Noise Elements of the County Ordinance Code shall be followed.
4.	Facilities that 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. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
5.	Should the applicant or future property owner propose a water well, it 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. The proposed water well shall meet minimum setbacks as defined by the California Plumbing Code. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	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.

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7.	If any underground storage tank(s) 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. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
8.	All Conditions of Approval for any previous applications shall be implemented if not already in place.
9.	Auberry Road is also known as State Highway 168. It is not a County-maintained Road. Caltrans should be consulted regarding any requirements they may have.
10.	According to FEMA FIRM Panel 0675H, the parcel is not subject to flooding from the 100-year storm.
11.	The subject property is within the Low Water Area (Water Short Area). For any development wherein the proposed source of water is a private well, Water & Natural Resources Division should be consulted regarding any requirements they may have.
12.	The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
13.	Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the state highway right-of-way, and must be retained on-site, per County Standards.
14.	If the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.
15.	A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
16.	Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet x 9 feet and backing distance must be a minimum of 29 feet for 90-degree parking stalls. Also 5 feet should be provided beyond the last stall in any row to provide for backing. Any proposed handicap 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% in any direction.

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17.	Any proposed landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and MWELO form/s and/or separate landscape and irrigation design plan should be required.
18.	Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.
19.	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.
20.	For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
21.	Any work done within the Caltrans state highway right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit/Clearance from Caltrans.
22.	A grading permit is required for any grading proposed with this application.

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EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study No. 8238
Classified Conditional Use Permit Application No. 3744

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Classified Conditional Use Permit Amendment Application:	\$ 2,284.50 ¹
Environmental Review:	3,901.00 ²
Pre- Application Credit	(247.00) ³
Health Department Review:	<u>992.00⁴</u>

Total Fees Collected **\$ 6,460.00**

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review proposal to provide appropriate California Environmental Quality Act (CEQA) evaluation.
³ Pre-Application Credit granted if application filed within 6-month timeframe
⁴ Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.