



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 January 26, 2023

SUBJECT: Unclassified Conditional Use Permit Application No. 3686 – First One-Year Time Extension

Grant a first one-year time extension to allow the use of a “High Intensity Park” for the purpose of establishing a waterski club and events venue on an existing waterskiing lake in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of Belmont Ave. approximately 2,000 feet east of Del Rey Ave, approximately two miles North of the City of Sanger (APN: 314-031-73 & 74) (505 W. Indianola Ave) (Sup. Dist. 5).

OWNER: Raymond J Lynott

APPLICANT: Nicholas Rowe

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit Application No. 3686; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated December 10, 2020
5. Applicant's correspondence requesting a one-year Time Extension

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 7901 was adopted by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Classified Conditional Use Permit (CUP) No. 3686 on December 10, 2020.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 33 property owners within 1,320 Feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for extension must be filed prior to the expiration of the Conditional Use Permit. The decision of the Planning Commission regarding an Unclassified Conditional Use Permit Time Extension is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit (CUP) No. 3686 was approved by the Planning Commission on December 10, 2020 (Exhibit 4) and became effective 15 days later, after the appeal period elapsed.

The Applicant filed the subject time extension request on December 6, 2022, within the time limit noted above. If this first-time extension request is granted, the Applicant will have until December 25, 2023 to achieve substantial development.

ANALYSIS/DISCUSSION:

Approval of a time extension request for a Classified Conditional Use Permit is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the Classified Conditional Use Permit as approved.

According to the Applicant's letter describing the Time Extension request (Exhibit 5), the Applicant needs additional time to complete construction due to delays related to individual and family health constraints. The basis for this application is that the Applicant's health issues are beyond the Applicant's control and has caused delay in development of the project.

This Time Extension application was routed to the same agencies that reviewed Unclassified Conditional Use Permit Application No. 3686 in May of 2020. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time.

SUMMARY CONCLUSION:

The first one-year Time Extension for Unclassified Conditional Use Permit No. 3686 should be approved, as the Applicant's health issues were not within their control and has caused delay in development of the project. Approval of this Time Extension will extend the expiration date to December 25, 2023.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit No. 3686; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the first one-year Time Extension for Unclassified Conditional Use Permit No. 3686 stating the reason for denial; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

AA:jp

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EXISTING ZONING MAP

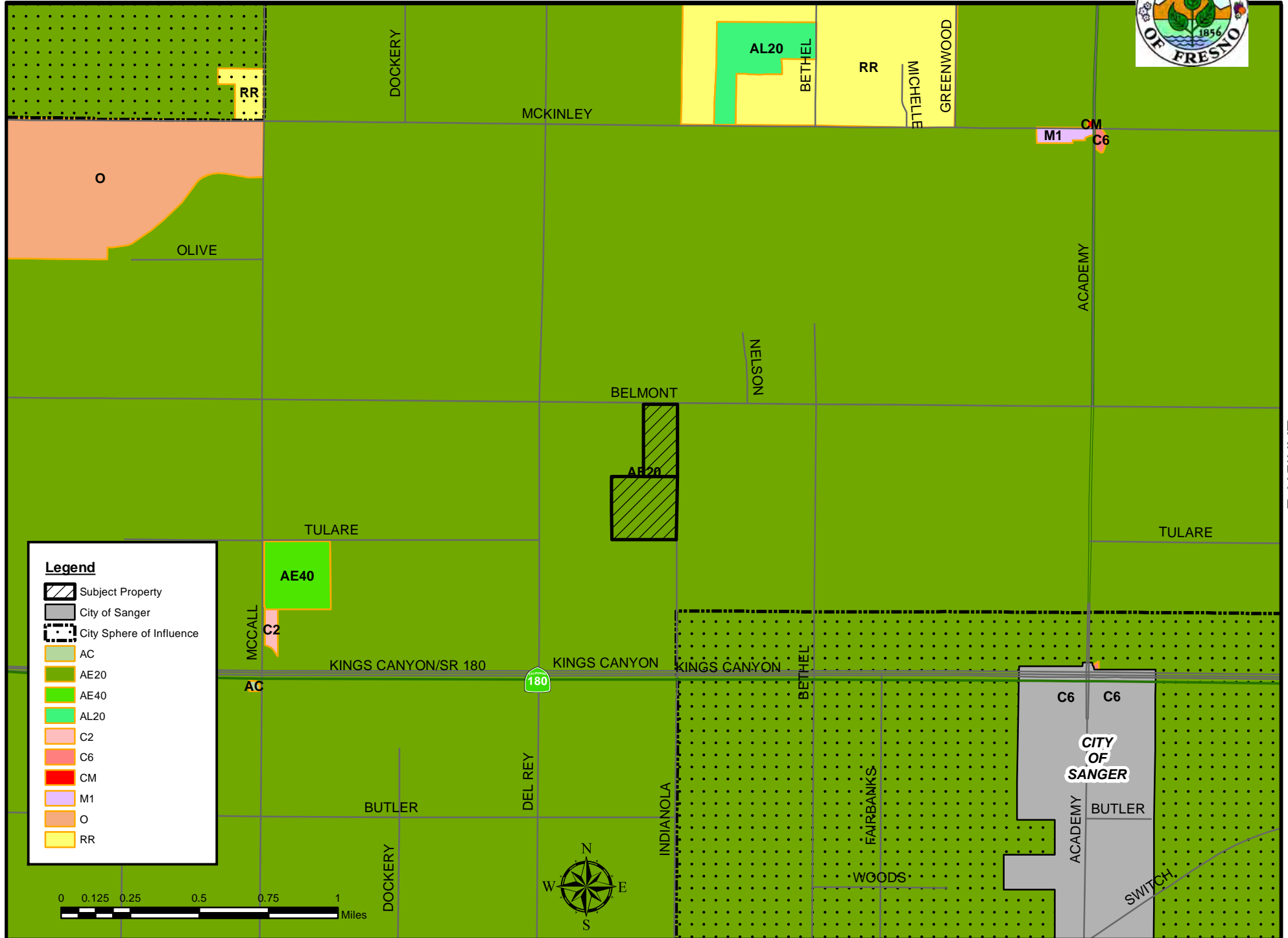
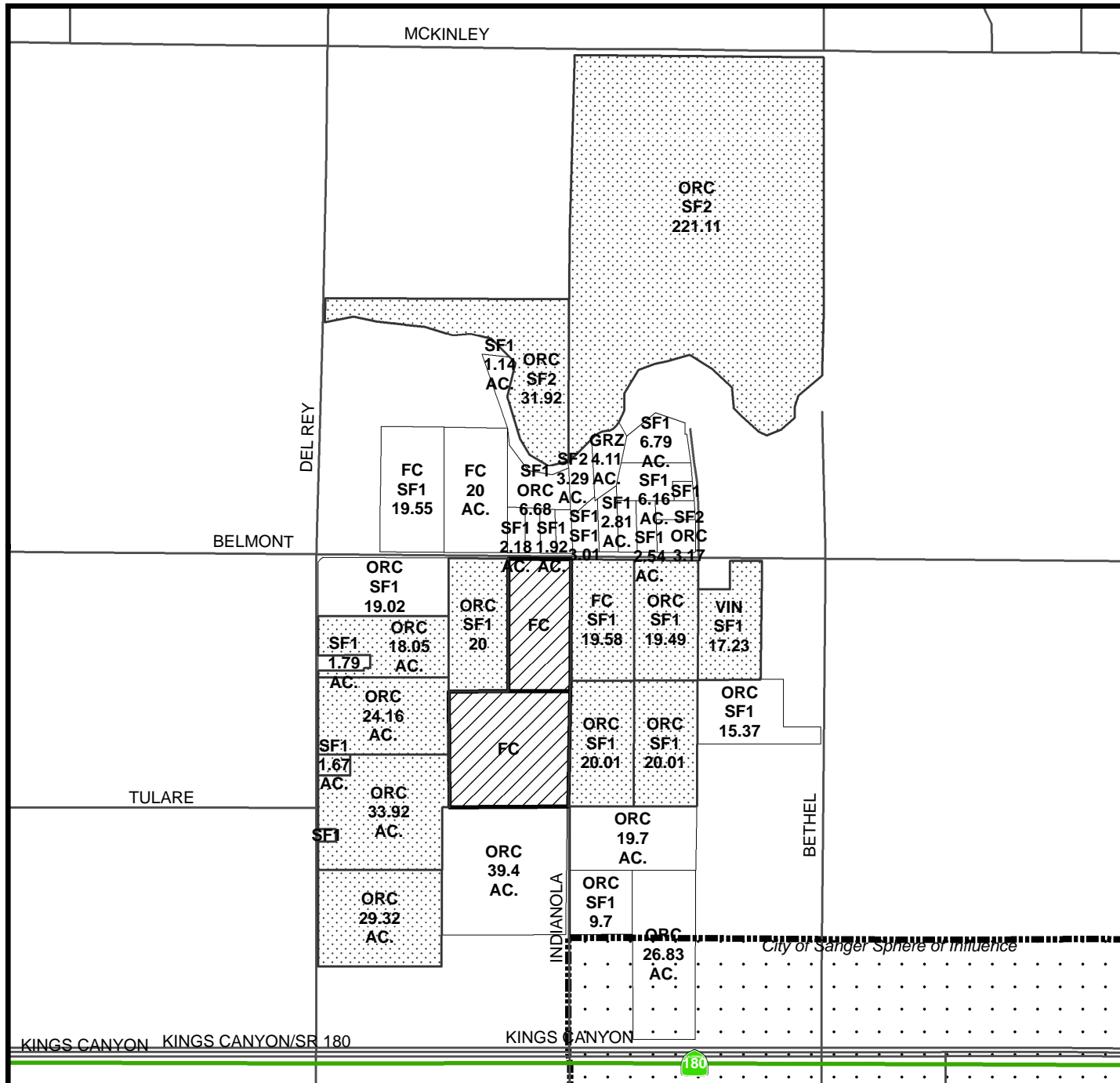


EXHIBIT 2




EXISTING LAND USE MAP

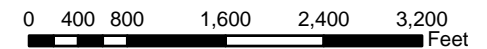
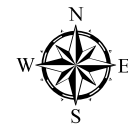
CUP 3686 EXT 1



LEGEND	
FC	FIELD CROP
GRZ	GRAZING
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
VIN	VINEYARD
AP1	APARTMENT

LEGEND:

-  Subject Property
-  Ag Contract Land
-  City of Sanger Sphere of Influence



Department of Public Works and Planning
Development Services Division



Inter Office Memo

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.

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 (<http://cers.calepa.ca.gov/>). 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 (MOR): 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.

CMM:
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R.E.C Office <roweenvironmental@gmail.com>

CUP EXT

Ray Lynott <shredderlake@gmail.com>
To: "Randall , David A." <drandall@fresnocountyca.gov>
Cc: Wendy Anne Lynott <wendylynott@gmail.com>, Nick Rowe <Nicholas@roweenvironmental.com>

Mon, Dec 5, 2022 at 6:12 AM

Hi David,

Attached you will find a letter outlining the reason for the CUP extension. I am out of the state/country and will be until the 17th of December. It's my understanding that your office will be conducting hearings on CUP extensions. I unfortunately will not be able to attend; Mr. Rowe or his representative has my full support to speak on my behalf. Thank you for all your assistance, it is truly appreciated.

V/r
Ray

Ray "Shredder" Lynott
Shredder Lake
Tournament Water Ski Facility
Sanger, CA
559-270-4594
shredderlake@gmail.com
-----><}}}}>

Ray Lynott
505 N. Indianola Ave. Sanger, Ca. 93657
(559)270-4594

05/Dec/2022

To whom it may concern:

My name is Ray Lynott. I am the owner of Shredder Lake LLC.

I was granted a Conditional Use Permit (CUP) by Fresno County for an events venue on my property in Sanger Ca. That permit was granted on the December 10th 2020. Five weeks after being granted the CUP, my wife (Wendy Lynott) had a devastating heart attack. She survived, but was unable to return to work as a registered nurse, subsequent to the heart disease. She continues to struggle with health concerns, recently being diagnosed with both kidney and liver disease. My wife also suffers from depression due to the health concerns she has recently had to endure.

I had hip reconstruction surgery November 16th 2021. Subsequent to complications, a second surgery was required, on the same hip, which occurred on October 12 2022.

The bottom line is while the CUP is extremely important to us, it has had to be put on hold to deal with some very serious health concerns which are, quite frankly, ongoing and a primary focus.

Due to the health issues my wife and I have suffered, we have experienced an unplanned early retirement, massive medical bills and loss of approximately 54% of our income due to forced retirement and lost work opportunities due to multiple surgeries.

I am requesting a two year extension in order to accomplish the requirements necessary to satisfy the CUP.

Thank you in advance for your consideration.

V/r
Ray Lynott USAF Lt Col. (Ret)

Ray "Shredder" Lynott
Shredder Lake
Tournament Water Ski Facility
Sanger, CA

Date Received: 12-6-22

(Application No.)



Fresno County Department of Public Works and Planning

MAILING ADDRESS:
Department of Public Works and Planning
Development Services Division
2220 Tulare St., 6th Floor
Fresno, Ca. 93721

LOCATION:
Southwest corner of Tulare & "M" Streets, Suite A
Street Level
Fresno Phone: (559) 600-4497
Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type) _____
- Amendment Application Director Review and Approval
- Amendment to Text for 2nd Residence
- Conditional Use Permit Determination of Merger
- Variance (Class)/Minor Variance Agreements
- Site Plan Review/Occupancy Permit ALCC/RLCC
- No Shoot/Dog Leash Law Boundary Other _____
- General Plan Amendment/Specific Plan/SP Amendment)
- Time Extension for CUP # 3686

DESCRIPTION OF PROPOSED USE OR REQUEST:

Time extension # 1
for CUP 3686

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. **Attach Copy of Deed, including Legal Description.**

LOCATION OF PROPERTY: South/West side of Belmont and Indianola Ave
between _____ and _____

Street address: 505 W. Indianola Ave Sanger Ca.

APN: 314-031-73 + 74 Parcel size: 54.35 Acres Section(s)-Twp/Rg: S ____ - T ____ S/R ____ E

ADDITIONAL APN(s): _____

I, [Signature] (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type)	Address	City	Zip	Phone
<u>Nicholas Rowe</u>	<u>2890 N Hackin Ave</u>	<u>Fresno</u>	<u>CA</u>	<u>93727</u>
Applicant (Print or Type)	Address	City	Zip	Phone
				<u>559-892-5287</u>
Representative (Print or Type)	Address	City	Zip	Phone

CONTACT EMAIL: Roweenvironmental@gmail.com

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.:	Fee: \$
Application Type / No.:	Fee: \$
Application Type / No.:	Fee: \$
Application Type / No.:	Fee: \$
PER/Initial Study No.:	Fee: \$
Ag Department Review:	Fee: \$
Health Department Review:	Fee: \$
Received By: _____	Invoice No.: _____
TOTAL: \$	

UTILITIES AVAILABLE:

WATER: Yes / No
Agency: _____

SEWER: Yes / No
Agency: _____

STAFF DETERMINATION: This permit is sought under Ordinance Section: _____ Sect-Twp/Rg: ____ - T ____ S/R ____ E

Related Application(s): _____ APN # ____ - ____ - ____

Zone District: _____ APN # ____ - ____ - ____

Parcel Size: _____ APN # ____ - ____ - ____