



Inter Office Memo

DATE: September 19, 2024

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13058 - INITIAL STUDY NO. 8459 and UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3772

APPLICANT: Fresno County Sheriff's Office

OWNER: County of Fresno

REQUEST: Allow the development of a multi-purpose training facility, with the capacity to host multiple local and regional law enforcement agencies. The project site contains a decommissioned County detention facility located on a 317.12-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast of the intersection of E. Elkhorn Ave. and State Route 41, approximately 3.5-miles southeast of the unincorporated community of Caruthers (APN: 042-043-51ST) (500 E. Elkhorn Ave., Riverdale) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of September 19, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Chatha and seconded by Commissioner Arabian to adopt the Mitigated Negative Declaration for the project based on Initial Study No. 8459, and to determine that the required Findings could be made as described in the staff report, and approve Unclassified Conditional Use Permit No. 3772, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 13058

This motion passed on the following vote:

VOTING: Yes: Commissioners Chatha, Arabian, Abrahamian, Borchardt, Carver,
 Hill, Quist, and Whelan

 No: None

 Absent: Commissioner Zante

 Recused: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Chris W. Motta, 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 Conditional Use Permit.

Attachments

EXHIBIT A

Unclassified Conditional Use Permit Application No. 3772

Staff: The Fresno County Planning Commission considered the Staff Report dated September 19, 2024, and heard a summary presentation by staff.

Applicant: The Applicant concurred with the Staff Report and the recommended Conditions.

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 or in opposition to the application.

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EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study No. 8459 & Unclassified Conditional Use Permit Application No. 3772
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	<p>Preconstruction surveys shall be conducted by a qualified biologist for the presence of San Joaquin kit fox dens within 14 days before the start of construction activities. The surveys shall be conducted in areas of suitable habitat for San Joaquin kit fox. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days before that portion of the site is disturbed. If no potential San Joaquin kit fox dens are present, no further mitigation is required. If the qualified biologist observes potential dens and determines, in consultation with the Project owner and the County, that avoidance is feasible (as defined in CEQA Guidelines Section 15364 consistent with the USFWS [1999] Standardized Recommendations for Protection of the San Joaquin Kit Fox), buffer distances shall be established before each phase of construction activities.</p> <p>2. If construction is scheduled to commence outside of nesting season (September 1 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. During the nesting bird breeding season (February 1 to August 31), to avoid impacts on nesting birds in the Project site and immediate vicinity, a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site where vegetation removal or ground disturbance is planned.</p> <p>The survey shall be performed within the site and shall also include potential nest sites within a 0.5-mile buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope. Surveys shall be conducted no more than 14 days prior to each phase of construction activities. If construction is halted for 14 days or more, the area shall be re-surveyed prior to resuming work. Surveys need not be conducted for the entire project site at one time; they may be phased so that</p>	Applicant	Applicant (Sheriff's Department and Department of Public Works and Planning (PW&P))	No more than 14 days prior to commencement of ground disturbing activity.

EXHIBIT B

		surveys may be completed, shortly before a portion of the project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer around active nests (e.g., 300 feet for common raptors; 0.25 mile for Swainson's hawk; 100 feet for passerines) shall be established and no construction within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of the qualified biologist in coordination with CDFW.			
2.	Cultural/Tribal Cultural Resources/Geology and Soils	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
3.	Noise	<p>The facility shall be required to have access to a sound level meter and calibrator. The sound level meter shall be of Type 1 or Type 2, meeting American National Standard Institute's Standard 51.4-1971, or equivalent equipment, capable of measuring the statistical noise metrics used in the Fresno County Noise Ordinance in real time. The County Sheriff's Office shall maintain staff trained by a qualified acoustical consultant in the proper use of the sound measurement equipment or contract with an acoustical consultant. In the event of a verified complaint of excess noise from the facility the County shall measure noise levels of the operations of the facility upon adjacent sensitive receptors and make operational or site modifications so that noise levels comply with the Fresno County Noise Ordinance.</p> <p>During all hours of operation of the firing range or any other significant noise generating activities, staff trained by a qualified acoustical consultant in the proper use of the sound meter shall be present. The staff person trained in use of the noise measurement</p>	Applicant	PW&P and Sheriff's Department staff	Ongoing

		<p>equipment shall periodically conduct noise level measurement surveys during operations in particular when there is significant activities that have the potential to generate noise and keep records of all data and readings which will be available on request.</p> <p>If noise level measurement surveys during these operations indicate that noise levels exceed the standards of the Fresno County Noise Ordinance, operational or site modifications shall be made so that noise levels comply with the standards. If noise level measurement surveys during these operations indicate that noise levels exceed the standards of the Fresno County Noise Ordinance, operational or site modifications shall be made so that noise levels comply with the standards.</p>			
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*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 substantial compliance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.
3.	A Site Plan Review shall be submitted and approved prior to issuance of building and occupancy permits.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Project/Developments will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
2.	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 the completed Notice of Intent with WDID # and SWPPP shall be provided to Development Engineering prior to grading work.
3.	This Project may be subject to Air District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC.

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4.	<p>The Project will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.</p> <p>The Project will be subject to District Rule 4002 since the Project will include demolition, renovation, and removal of existing structures. To protect the public from uncontrolled emissions of asbestos, this rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Any asbestos present must be handled in accordance with established work practice standards and disposal requirements.</p>
5.	Dust Control Plan. Please be aware that you may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.
6.	The project is required to comply with all mitigation measures identified in the approved Air Impact Assessment (Indirect Source Review Project ID Number C-2024020) Monitoring and Reporting Schedule.
7.	The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements.
8.	The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities. Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities).
9.	The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).
10.	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.
11.	<ul style="list-style-type: none"> • Parking spaces shall be constructed in compliance with the County and the State standards. • The parking and circulation areas shall be graded, asphalt concrete surfaced, and striped.

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	<ul style="list-style-type: none"> There shall be one (1) parking space for each staff member and/or employee, and one (1) parking space for each facility vehicle to be parked on-site, and one (1) parking space for each 3 persons of the facility's maximum attendance. Additional parking space requirements may be required during the Site Plan Review application process. ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. ADA stalls shall be concrete, or asphalt concrete paved and must be located on the shortest possible route to the main entrance, so the disabled person does not cross the driveway into the parking lot. A four (4) feet path of travel for disabled persons shall be constructed and stripped in accordance with state standards.
12.	An encroachment permit shall be required from Road Maintenance and Operations for any improvements within the County right-of-way prior to commencement of construction.
13.	<p>Any proposed driveway shall be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division.</p> <p>Any proposed or existing gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</p>
14.	<p>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 Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits.</p> <p>A Landscape and Irrigation Audit Report shall be submitted to the Department of Public Works and Planning for review and approval prior to occupancy.</p>
15.	Outdoor lighting shall be hooded and directed away from adjoining streets and properties.

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