



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 April 11, 2019

SUBJECT: Initial Study Application No. 6205, Classified Conditional Use Permit Application No. 3281, and Variance Application No. 4023

Allow an Agricultural Commercial Center consisting of a market with fuel sales, and allow the creation of a 2.36-acre parcel and a 16.32-acre parcel from a 0.53-acre parcel and an 18.15-acre parcel by means of a property line adjustment in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the northeast corner of Conejo Avenue and Highland Avenue (SR 43) and is approximately 1.98 miles southwest of the nearest city limits of the City of Selma (14942 S. Highland Avenue, Selma, CA) (Sup. Dist. 4) (APN 393-280-77S and 393-280-84S).

**OWNER/
APPLICANT:** Obadi Kassim

STAFF CONTACT: Thomas Kobayashi, Planner
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RECOMMENDATION:

- Recommend approval of the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 6205; and
- Recommend approval of the Master Plan prepared for the Agricultural Commercial Center as detailed in Exhibit 6; and
- Recommend approval of Classified Conditional Use Permit Application No. 3281 and Variance Application No. 4023 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. One-Mile Radius Variance Map
6. Master Plan
7. Site Plan and Detail Drawings
8. Elevations
9. Applicant’s Operational Statement
10. Applicant’s Variance Findings
11. Summary of Initial Study Application No. 6205
12. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	Parcel “A”: 0.53-acre parcel Parcel “B”: 18.15-acre parcel	Parcel “A”: 2.36-acre parcel Parcel “B”: 16.32-acre parcel
Project Site	Parcel “A”: Non-conforming Market and a Mobile Home Parcel “B”: Single-Family Residence and Agriculture	Parcel “A”: Agricultural Commercial Center consisting of a Market and Fuel Sales Parcel “B”: No change
Structural Improvements	Parcel “A”: Non-conforming Market and a Mobile Home	Parcel “A”: Agricultural Commercial Center consisting of a Market and Fuel Sales, two 8,000-gallon and one 20,000-gallon

Criteria	Existing	Proposed
	Parcel "B": Single-Family Residence	Underground Tanks, twelve Gasoline Pump Dispensers, Ponding Basin, onsite Wastewater Treatment System, Domestic Well, Pump House and Water Storage Tank Parcel "B": Single-Family Residence
Nearest Residence	Parcel "A": Approximately 400 feet northwest of the project site Parcel "B": Approximately 620 feet northwest of the single-family residence on Parcel B	No change
Surrounding Development	Agriculture and Single-Family Residences	No change
Operational Features	Non-conforming Market	Agricultural Commercial Center consisting of a Market and Fuel Sales
Employees	N/A	8-10 employees
Customers	N/A	700 during off-harvest season 1,200 during harvest season
Traffic Trips	19 trips A.M. Peak 51 trips P.M. Peak	103 trips A.M. Peak 113 trips P.M. Peak
Lighting	Parcel "A": Residential lighting and lighting from existing market Parcel "B": Residential lighting	Parcel "A": Exterior lighting from market and fuel canopy Parcel "B": No change
Hours of Operation	N/A	6:00 A.M. to 12 A.M.

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study Application No. 6205 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on

the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 12) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 15, 2019

PUBLIC NOTICE:

Notices were sent to 14 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.

PROCEDURAL CONSIDERATIONS:

Agricultural Commercial Centers may be allowed in an AE (Exclusive Agricultural) Zone District with approval of a Classified Conditional Use Permit. Section 867 of the Zoning Ordinance contains regulations specifying allowed uses, property development standards, and application requirements for Agricultural Commercial Centers. Section 873 of the Zoning Ordinance provides that final approval of an Agricultural Commercial Center is made by the Board of Supervisors following review and recommendation by the Planning Commission. Should the Planning Commission deny a proposed Agricultural Commercial Center, the denial must be appealed to the Board of Supervisors.

A Conditional Use Permit Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission. In regard to this proposal, if the four Findings are made by the Planning Commission and a recommendation of approval is made by said Commission to the Board of Supervisors, this proposal will be scheduled for the next available Board hearing date. If however, the Planning Commission denies the proposed Agricultural Commercial Center, the denial must be appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

The existing 0.53-acre parcel is currently improved with a non-conforming market and a mobile home. The adjacent 18.15-acre parcel is improved with a single-family residence and is currently being farmed. The proposal is to demolish the existing non-conforming market, remove the mobile home from the 0.53-acre parcel, and build a new Agricultural Commercial Center consisting of a market and fuel sales. Additionally, the 0.53-acre parcel will be enlarged to 2.36 acres via a Property Line Adjustment (PLA) between the 0.53-acre parcel and the adjacent 18.15-acre parcel. As the PLA request will reduce the 18.15-acre parcel further below the minimum parcel size designation (AE-20), a Variance application and approval are required.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to implementation of the Parcel Map Ordinance, a parcel of any size and dimensions could be created through the recordation of a Deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance.

The subject property is shown as a 19.40-acre parcel on the 1971 and 1972 Assessor's Maps. The parcels were zoned A-1 (Agricultural) and then changed to AE-20 by means of County-initiated Amendment Application No. 2870 on August 31, 1976. Variance No. 3416 was approved on May 20, 1993 to allow the creation of a 0.77-acre parcel and an 18.63-acre parcel from the existing 19.40-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, with the 0.77-acre parcel having a lot width of 145 feet where 165 feet

of lot width is required. The intent of the Variance was to split the existing non-conforming market from the agricultural operation and homesite. On December 29, 1993, Parcel Map 7568 was recorded to officially split the parcels.

Assessor's records indicate that the existing market was estimated to have been built in 1950, and first assessed in 1966. The existing mobile home received building permits on September 18, 1970. Building permit records indicate that multiple improvements and repairs have been made to the existing market from February 5, 1990 to February 20, 2014. With building permits being issued to the existing market, the market had been recognized as an existing non-conforming market. Additionally, Director Review and Approval No. 2552 was approved on April 25, 1990 to allow an employee restroom addition to the existing non-conforming grocery store. This further verifies the existing market as a non-conforming use. On the existing 18.15-acre parcel, building permit records show that the single-family residence received building permits on March 3, 2009. If Conditional Use Permit (CUP) No. 3281 and Variance (VA) No. 4023 are approved, the existing non-conforming market and mobile home on APN 393-280-77S will be removed and replaced with the Agricultural Commercial Center, and the existing single-family residence on APN 393-280-84S will remain.

The following analysis addresses each of the required Findings for Classified Conditional Use Permit (CUP) No. 3281, and Variance Application (VA) No. 4023.

CLASSIFIED CONDITIONAL USE PERMIT (CUP) APPLICATION NO. 3281

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 Front: 35 feet Side: 20 feet Street side: 35 feet Rear: 20 feet	Front: 55 feet Street side: 38 feet Rear: Approximately 183 feet	Y
Parking	2 square feet of off-street parking for each one square-foot of retail floor space	9 parking spaces, 1 ADA space (Open space on site for more parking if needed)	Y
Lot Coverage	No requirements	No requirements	Y
Space Between Buildings	No requirements	No requirements	Y
Wall Requirements	No requirement unless in corner cut-off	No wall proposed	Y
Septic Replacement Area	100 percent	No change	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Water Well Separation	Septic Tank: 100 feet; Disposal Field: 100 feet; Seepage Pit: 150 feet.	Septic Tank: Approximately 105 feet Disposal Field: Approximately 111 feet Seepage Pit: None	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: No comment.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: Proposed improvement area of 500 square feet or more shall require submittal of Landscape and Irrigation Plans per the Governor’s 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 issuance of building permits. **This shall be included as a Project Note.**

All proposed signs shall be submitted to the Department of Public Works and Planning permit counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District. **This shall be included as a Project Note.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2650H, the parcel is not subject to flooding from the 100-year storm.

An Engineered Grading and Drainage Plan should be required to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Condition of Approval.**

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans, permits and inspections will be required for all onsite improvements. **This shall be included as a Project Note.**

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plan demonstrates that the proposed improvements exceed minimum building setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. As prescribed in the Zoning Ordinance, the project will be subject to a Site Plan Review. With adherence to the proposed site plan and compliance with requirements set forth in the Site Plan Review process, staff believes the site is adequate to accommodate the proposed use and related facilities.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 can be made.

Finding 2: *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Conejo Avenue and Highland Avenue (State Route 43)	No change
Direct Access to Public Road	Yes	Conejo Avenue and Highland Avenue (State Route 43)	Conejo Avenue Only
Road ADT		Conejo Avenue: 2,200	Less than significant
Road Classification		Conejo Avenue: Local Road	No change
Road Width		Conejo Avenue: 60 feet	No change
Road Surface		Paved with pavement width of 23.8 feet	No change
Traffic Trips		19 A.M. Peak 51 P.M. Peak	103 A.M. Peak 113 P.M. Peak
Traffic Impact Study (TIS) Prepared	Yes	Study intersections operating at acceptable Levels of Service	Less than significant change
Road Improvements Required		N/A	43-foot irrevocable offer on Highland Avenue (SR 43) 75-foot left-turn lane on Conejo Avenue for site access

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

California Department of Transportation (Caltrans): It is recommended that the existing

westbound left-turn lane remain unchanged.

The project proponent shall install “No Parking” signs along the project frontage on State Route 43 (Highland Avenue). **This shall be included as a Condition of Approval.**

A physical barrier such as landscape or equivalent shall be provided to discourage vehicles from accessing State Route 43. An Encroachment Permit will be required and should be included in the Conditions of Approval. **This shall be included as a Condition of Approval.**

An irrevocable offer of dedication of 43 feet shall be made prior to issuance of a Caltrans Encroachment Permit. **This shall be included as a Condition of Approval.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Conejo Avenue is a Local road with an existing total right-of-way width of 30 feet north of the centerline. The minimum total width for a Local road right-of-way is 60 feet. No additional right-of-way is necessary.

Conejo Avenue is a County-maintained road. Records indicate this section of Conejo Avenue, from State Route 43 (Highland Avenue) to Thompson Avenue, has an ADT of 2,200, pavement width of 23.8 feet, structural section of 0.30 feet AC, and is in good condition.

A Site Plan Review will be required to ensure compliance with grading and drainage requirements and other development standards, such as adequacy of parking, circulation, ingress, egress, etc. **This shall be included as a Condition of Approval.**

If not already present, a 30-foot x 30-foot corner cut-off should be improved for site distance purposes at the intersection of State Route 43 (Highland Avenue) and Conejo Avenue. **This shall be included as a Project Note.**

The proposed parking areas should comply with the Fresno County Off-Street Parking Design Standard. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Prior to construction, improvement plans for the road work will have to be submitted to the Road Maintenance and Operations Division for review and approval prior to start of work. The improvement plan(s) will also have to include an approach taper and paving at the easterly end of the project site along Conejo Avenue. **This shall be included as a Condition of Approval.**

Design Division of the Fresno County Department of Public Works and Planning: Comments have been addressed by the Traffic Impact Study and site plan design.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

The project site is located on the northeast corner of Highland Avenue (State Route 43) and Conejo Avenue. According to County records, Conejo Avenue is classified as a Local road with an existing right-of-way width of 30 feet north of the centerline. Conejo Avenue from Highland Avenue (State Route 43) to Thompson Avenue has an ADT of 2,200, pavement width of 23.8 feet, structural section of 0.30 feet AC and is in good condition. Highland Avenue (State Route

43) is not a County-maintained road and is maintained by the California Department of Transportation (Caltrans). Caltrans was included in the project review and has provided comments.

A Traffic Impact Study was prepared for the project proposal and was reviewed by the Design Division, Road Maintenance and Operations Division, and the California Department of Transportation (Caltrans). The Traffic Impact Study stated that the study intersections are currently operating at acceptable levels of service and will continue to operate at acceptable levels of service with construction of the project through the year 2038. The queuing analysis did not reveal concerns related to storage or blocking of adjacent lands. The Traffic Impact Study concluded that the project will not cause a significant impact related to traffic. The study proposed that the channelized left-turn lane on Conejo Avenue that accesses the project site should be at least 50 feet long. The Design Division and the Road Maintenance and Operations Division recommend that the subject channelized left-turn lane on Conejo Avenue be extended to 75 feet to accommodate storage of a truck and trailer.

Based on the Traffic Impact Study, design features, and requirements set forth by the Design Division, Road Maintenance and Operations Division, and Caltrans, staff review indicates that Conejo Avenue and Highland Avenue (State Route 43) are adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	39.4 acres	Vineyard and Single-Family Residence	AE-20	Approximately 550 feet
South	158.21 acres	Vineyard and Single-Family Residence	AE-20	Approximately 1,818 feet
East	40 acres	Vineyard and Single-Family Residence	AE-20	Approximately 1,082 feet
West	52.17 acres	Orchard	AE-20	Approximately 148 feet
	5.29 acres	Field Crops		
	3.27 acres	Single-Family Residential		
	15.39 acres	Field Crops		

Reviewing Agency/Department Comments:

State Water Resources Control Board: The proposed facility will meet the definition of a Transient Non-Community Water System and must be permitted by the State Water Resources Control Board as a public water system, unless it can be demonstrated that there is no human consumption of the water and the market is permitted under the California Retail Food Code by the Fresno County Department of Public Health, Environmental Health Division. **This shall be included as a Project Note.**

Any well planned for use as a domestic source of water must be constructed in accordance with the California Well Standards and County well requirements. The owner/operator must be able to document the construction features of the well to be used by submittal of a Well Completion Report or Well Drillers Report. This should accompany the permit application. **This shall be included as a Project Note.**

The well must demonstrate compliance with all applicable water quality criteria under the California Safe Drinking Water Act. A transient non-community water system must monitor for the constituents and comply with nitrate maximum contaminant levels. The well must also be free of coliform bacteria. The monitoring must be conducted and the results submitted with the permit application. **This shall be included as a Project Note.**

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears that the parcel can accommodate the new sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP) onsite wastewater treatment system (OWTS) policy and California Plumbing Code. It is the responsibility of the property owner, the property buyer, the engineer, and/or sewage disposal contractor to confirm required setbacks, separations, expansion area, and other special requirements or conditions which may affect the placement, location and construction of the sewage disposal system.

The Uniform Plumbing Code does not allow an impervious surface over the area of the drain field for an individual sewage disposal system. Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent. **This shall be included as a Project Note.**

Prior to issuance of building permits for each structure connected to an OWTS, specific design and capacity details for the OWTS (Sewage Disposal Design submitted by Krazan & Associates, Inc., May 30, 2018) shall be approved by either the California Regional Water Quality Control Board or the Fresno County Department of Public Works and Planning depending on oversight jurisdiction (dependent on OWTS capacity/daily flow rates). **This shall be included as a Condition of Approval.**

The sewage disposal systems located on the subject parcel serving the existing market and mobile home shall be properly destroyed with the demolition of the existing market and removal of the mobile home. Within the unincorporated area of Fresno County, the Applicant shall obtain a permit from the Department of Public Works and Planning. **This shall be included as a Project Note.**

If the Applicant proposes to construct a new water well, the water well contractor selected by the Applicant 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. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. **This shall be included as a Project Note.**

Prior to occupancy, the Applicant shall have the existing abandoned water well on the property destroyed under permit from the Fresno County Department of Public Health, Environmental Health Division. **This shall be included as a Project Note.**

The Applicant must submit an application for a permit to operate a Public Water System and supporting information in the form of a technical report to the State Water Resource Control Board, Division of Drinking Water - Fresno District for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity, as well as documentation of the services of a State-Certified Water Distribution Operator, and shall be obtained prior to occupancy. **This shall be included as a Project Note.**

Prior to issuance of building permits for the food facility, the operator/owner shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operations, the operator shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. **This shall be included as a Project Note.**

The Applicant shall obtain their license to sell alcoholic beverages prior to alcohol sales. **This shall be included as a Project Note.**

If the Applicant decides to construct an aboveground petroleum storage tank, a spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity. **This shall be included as a Project Note.**

The Applicant should contact their local Fire Authority concerning construction and installation requirements for aboveground fuel storage tanks. **This shall be included as a Project Note.**

If the Applicant decides to construct an underground petroleum storage tank, prior to issuance of building permits, the Applicant shall submit three sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. **This shall be included as a Project Note.**

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. **This shall be included as a Project Note.**

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. **This shall be included as a Project Note.**

Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties. **This shall be included as a Mitigation Measure.**

In the process of demolishing the existing structures, the contractor may encounter asbestos-containing construction materials, and materials coated in lead-based paint.

If asbestos-containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District. **This shall be included as a Mitigation Measure.**

If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work, the contractor should contact the following agencies for current regulations and requirements: California Department of Public Health, Childhood Lead Poisoning Prevention Branch; United States Environmental Protection Agency; and State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service. **This shall be included as a Mitigation Measure.**

Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements. **This shall be included as a Mitigation Measure.**

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the 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. **This shall be included as a Project Note.**

The project/development shall annex to Community Facilities District No. 2010-01 of FCFPD. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. **This shall be included as a Project Note.**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject parcel is not located within a low-water area.

Consolidated Mosquito Abatement District: The basin should be constructed and/or managed so that water depths are maintained to a minimum of four feet in order to preclude invasive emergent vegetation such as cattails. **This shall be included as a Project Note.**

If water levels are subject to fluctuation during the summer mosquito breeding season, the basin should be constructed with a low-flow/sump area. To prevent the growth of emergent vegetation, the sump area should be excavated to a minimum depth of four feet below the pond floor. The engineer responsible for the grading and drainage plan for this project should be able to approximate the size of the sump area required to accommodate the low in-flows of summer-time nuisance water that are associated with this type of development. The basin floor should also be graded or sloped so as the standing water recedes it will drain into the sump area. **This shall be included as a Project Note.**

Access must be provided. A free and unencumbered access roadway around the entire basin perimeter for pond maintenance and mosquito abatement activities is essential. **This shall be included as a Project Note.**

Basin edges shall be well managed and free of excess vegetation that promotes mosquito breeding and hinders District control efforts. **This shall be included as a Project Note.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The project site is located approximately 1.98 miles southwest of the nearest city limits of the City of Selma. The project site is located on the northeast corner of Conejo Avenue and Highland Avenue (State Route 43). Surrounding land uses consist of agricultural land with single-family residences pocketed throughout the area. Upon proposed construction, the market, gas canopy, fuel pumps, and water storage tank will be visible from the surrounding properties and public right-of-way. According to the Applicant, the buildings will be built up to 20 feet. These improvements are expected to be compatible with existing residences in the area in height, design, color and material.

An eight-foot landscape bed is proposed with this application along the Conejo Avenue and Highland Avenue (State Route 43) frontage to provide physical barriers to discourage vehicles from accessing the project site from places other than the access point and also screen vehicle light/glare from affecting the public right-of-way. The nearest residence is approximately 148 feet northwest of the project site. The project is not expected to affect nearby residences, as mature landscaping near the residences and the proposed landscape bed will screen any vehicle glare that is produced from the project site. A Mitigation Measure is being implemented to reduce light and glare produced from the proposed development requiring that all lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets and roadways.

The Department of Public Health, Environmental Health Division and the State Water Resources Control Board have reviewed proposed water and onsite wastewater treatment systems. Both Departments will require the Applicant to abide by standards, regulations and permitting to verify adequacy of water and onsite wastewater treatment systems so that no adverse effect could result from the project proposal.

The Department of Public Health, Environmental Health Division has reviewed the subject application with regard to the fuel sales aspect of the proposal. The Applicant has indicated that the fuel tanks will be stored underground, which will require further permit and review by the Department of Public Health, Environmental Health Division. Additionally, further review and regulations may be required in addressing handling of hazardous materials and hazardous waste.

Based on the above information and with adherence to the requirements included as Mitigation Measures, Conditions of Approval and Project Notes, which also requires a Site Plan Review application and approval, staff believes that proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities including value-added processing facilities and certain non-agricultural uses. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <ol style="list-style-type: none"> a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b. The use should not be sited on productive agricultural land if less-productive land is available in the vicinity; c. The operation or characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4)-mile radius; d. A probable workforce should be located nearby or be readily available; e. For proposed Agricultural Commercial Center uses the following additional criteria shall apply: <ol style="list-style-type: none"> 1. Commercial uses should be clustered in centers instead of single uses. 2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) 	<p>With regard to Criteria “a”, the project proposal will allow a market and gas station to replace the existing non-conforming market. This use will provide a service to the surrounding agricultural area where the most similar use is approximately 2.9 miles north of the project site. Additionally, the nearest urban areas are the City of Selma, which is located approximately 1.98 miles north of the project site, and the City of Kingsburg, which is 2.95 miles away.</p> <p>With regard to Criteria “b”, the project site is already improved with an existing non-conforming market and mobile home. The additional land being provided through the Property Line Adjustment has not been actively farmed in recent times and is currently vacant. Therefore, the project is not seen as being sited on productive agricultural land.</p> <p>With regard to Criteria “c”, the State Water Resources Control Board; the Fresno County Department of Public Health, Environmental Health Division; and the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning have reviewed the subject application and set forth requirements in addressing water resource management.</p> <p>With regard to Criteria “d”, the project site is located approximately 1.98 miles from the nearest city limits of the City of Selma and is also located approximately 2.95 miles from the city limits of the City of Kingsburg. Both cities can be considered for a probable workforce for the proposed project.</p> <p>With regard to Criteria “e.1”, the proposed project will develop a market and gas canopy within close proximity of each other.</p> <p>With regard to Criteria “e.2”, the project site is already improved with a legal non-conforming market. Since the intention is to replace the</p>

Relevant Policies:	Consistency/Considerations:
<p>miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community.</p> <ol style="list-style-type: none"> 3. New commercial uses should be located within or adjacent to existing centers. 4. Sites should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one quarter-mile of road frontage, or one eighth-mile if both sides of the road are involved, and should not provide potential for developments exceeding ten separate business activities exclusive of caretakers' residences. 	<p>legal non-conforming market with a legal Agricultural Commercial Center, the proposal is not seen as proliferating more commercial centers or overlapping trade areas.</p> <p>With regard to Criteria "e.3" the proposed project is for a new center to replace a legal non-conforming market.</p> <p>With regard to Criteria "e.4", the project site is located on Conejo Avenue and Highland Avenue (State Route 43). Highland Avenue/State Route 43 is considered the major road serving the surrounding area.</p> <p>With regard to Criteria "e.5", the project site's longest road frontage is under one quarter-mile. Two uses in the form of a market and fuel sales are being proposed. Due to development standards of the underlying zone district and the size of the subject parcel, the addition of commercial activities in excess of ten separate business activities is not seen and is not proposed with this application.</p>
<p>General Plan Policy LU-A.12: In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>With regard to Policy LU-A.12, the existing non-conforming market has been on the subject property for numerous years. The Fresno County Zoning Ordinance allows for an Agricultural Commercial Center through the Conditional Use Permit process with the intent of providing agricultural and rural residential communities with necessary services.</p>
<p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>With regard to Policy LU-A.13, adequate buffers are required through the front-yard, side-yard, and rear-yard setbacks. Review of the proposed site plan shows that setbacks are in excess of what is required and therefore no conflict with agricultural and non-agricultural uses are seen.</p>
<p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>With regard to Policy LU-A.14, the Policy Planning Section of the Development Services and Capital Projects Division has reviewed the subject application and determined that partial cancellation of ALCC No. 5621 is required to move forward with this application. At the Agricultural Land Conservation Committee meeting on December 5, 2018, a unanimous vote was made by the Committee to</p>

Relevant Policies:	Consistency/Considerations:
	recommend approval of the partial cancellation to the Board of Supervisors.
General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.	With regard to Policy HS-B.1, the Fresno County Fire Protection District has reviewed the subject application and has provided comments that address fire hazards and preventative measures to reduce risk to life and property.
General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	With regard to Policy HS-F.1, the Department of Public Health, Environmental Health Division has provided comments that address requirements and regulations that address management of hazardous materials and hazardous wastes.
General Plan Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction recycling, and storage.	With regard to Policy HS-F.2, the Department of Public Health, Environmental Health Division has reviewed the application and has provided comments that address the generation of hazardous waste and use of hazardous materials.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated as Agricultural in the General Plan.

APN 393-280-84S is subject to Agricultural Land Conservation (Williamson Act) Contract (ALCC) No. 5261. A Notice of Partial Non-Renewal of Land Conservation Contract was recorded on October 25, 2013 and will expire the last day of December 2022. CUP No. 3281 and VA No. 4023 require Williamson Act contract cancellation. As such, a Revision of Land Conservation Contract (RLCC) No. 944 was initiated for the cancellation of the subject parcels. RLCC No. 944 was not pursued due to inactivity of the project, and a refund was given to the applicant on December 11, 2014. After the inactive file was closed, RLCC No. 989 was filed to petition for cancellation of ALCC No. 5261. On December 5, 2018, RLCC No. 989 was brought before the Agricultural Land Conservation Commission and received a unanimous vote by the committee to recommend approval of Partial Cancellation of ALCC No. 5261 to the Board of Supervisors.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

The General Plan allows for Agricultural Commercial Centers in areas designated Agriculture in the County of Fresno, provided the use substantially adheres to criteria “a” through “e” of General Plan Policy LU-A.3. Although the project can be seen as being inconsistent with

criteria “e.2”, the project site is intended to replace an existing legal non-conforming market that already services the agricultural area. Considering the existing nature of the use, its location on State Route 43 (Highland Avenue), the project site’s proximity to a major employment center in the form of Harris Ranch Beef Company, and the lack of Agricultural or Rural Commercial Centers or another urban center located westerly of the project site that services the agricultural area, staff believes that the project is consistent with criteria “e.2”. Based on the analysis and discussion, staff believes that the project proposal is consistent with the General Plan.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

VARIANCE (VA) APPLICATION NO. 4023

ANALYSIS/DISCUSSION:

Staff research indicates that three Variance requests have been applied for within a one-mile radius of the project site. Two of those Variance requests are related to the project proposal and both were approved.

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 2694: Allow a 20-foot front-yard setback (35 feet required).	PC Hearing: April 8, 1982 BOS Hearing: May 17, 1982 and continued on June 21, 1982	Denial	PC Denied; BOS Approved with Conditions
VA No. 3226: Recognize creation of a 7,800 square-foot parcel (20 acres required) with 65 feet of lot width/public road frontage (165 feet required) and 120 feet of lot depth (170 feet required), and allow 5-foot and 17-foot side-yard setbacks (20 feet required) and a 15-foot front-yard setback (35 feet required) on said parcel.	November 2, 1989	Denial	PC Approved
VA No. 3416: Allow the creation of a 0.77-acre parcel (20 acres minimum required)	May 20, 1993	Approval	PC Approved

<p>having a lot width of 145 feet (165 feet required) from a 19.40-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.</p>			
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As mentioned earlier, Variance No. 3416 allowed the creation of a 0.77-acre parcel where a minimum of 20 acres is required and the created parcel having a 145 feet lot width where 165 feet is required from a 19.40-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Consideration of Variance No. 3416 was made as this Variance is related to the current project site.

Although there is a history of Variance requests within a proximity of the subject parcels, each Variance request must be considered on its own merit, based on unique site conditions and circumstances.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.

Finding 2: Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Reviewing Agencies/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: If approved, prior to construction, a mapping application and approval will be required to adjust property lines between APN 393-280-77S and 393-280-84S. **This shall be included as a Condition of Approval.**

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant states the existing market has been present on the property and has continued to operate for over 45 years. The present property owners have operated the store from 1994 to present date.

In support of Finding 2, the Applicant states that the store existed prior to the establishment of the Fresno County Zoning Ordinance. As the present minimum parcel is 20 acres, the preservation of the store use is sought, but is constrained by current zoning standards.

In regard to Finding 1, staff concurs with the Applicant that the existence of the non-conforming market provides an unusual circumstance, as the occurrence of non-conforming markets is uncommon. Due to the limitations of non-conforming uses set forth by the Zoning Ordinance, the Applicant does not have many alternatives with regard to expansion or renovations. During the early stages of the Conditional Use Permit application, the Variance request was not

proposed and the Applicant was planning on utilizing the existing parcel to operate the Agricultural Commercial Center. Due to the location of the proposed Agricultural Commercial Center, the Road Maintenance and Operations and Design Divisions of the Fresno County Department of Public Works and Planning, and the California Department of Transportation provided comments that required the Variance to address traffic and road concerns that restricted access and design features.

In addressing Finding 2, staff believes that a property right is at issue in that commercial operations should be allowed to provide a safe environment for the public. Due to the relative small size of the existing parcel and due to the constraints of the legal non-conforming market, the Applicant is not able to provide improvements which would create a safer environment for their customers. Existing access occurs on State Route 43 and Conejo Avenue and is located in close proximity to the intersection. Staff believes that those access points create a hazardous condition to traffic due to their proximity to the intersection. If the Variance request is approved, the project site will be built to current standards and provide a safer environment for traffic and potential customers. Therefore, staff believes that a substantial property right is at issue and that the granting of the Variance will correct the issue.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. In the case of this application, alternatives are limited, as the parcel expansion is mainly being required to address traffic and access concerns. Additionally, Caltrans is restricting access points from State Route 43 so that the only access point is located on Conejo Avenue.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 and 2 can be made.

Finding 3: The granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Reviewing Agencies/Department Comments:

No comments specific to Finding 3 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the project will not be detrimental to the public welfare and that proposed improvements are considered upgrades compared to the existing non-conforming market.

In regard to Finding 3, staff agrees with the Applicant that proposed improvements will bring the building and use into conformance with current standards and regulations. Additionally, proposed improvements related to traffic, fire safety, septic system, and storm water runoff will have a minor beneficial impact on the current properties and the surrounding area when compared to the existing market and related improvements. If approved, the Variance will allow the proposed Agricultural Commercial Center to be built to current standards and provide a

safer environment for its customers and the surrounding community. Therefore, staff believes that the granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such Variance will not be contrary to the objectives of the Fresno County General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.10: The County may allow by discretionary permit creation of substandard lots when necessary for the development of an agricultural commercial center pursuant to Policy LU-A.3 or in conjunction with development within a designated commercial interchange within the Westside Freeway Corridor Overlay. Approval of such parcels shall take into consideration the proposed use of the property, surrounding uses, and the potential for abandonment of the planned commercial uses at a future date. Appropriate conditions shall be applied to minimize adverse impacts on surrounding agricultural operations. Parcels for agricultural commercial centers shall in no case be less than one (1) gross acre.</p>	<p>Proposed acreage will be 2.36 acres and 16.32 acres from the existing 0.53-acre parcel and 18.15-acre parcel. The creation of the substandard lots is necessary to change the non-conforming market into a conforming Agricultural Commercial Center. Road and traffic requirements necessitate the expansion of the Agricultural Commercial Center parcel.</p>

Reviewing Agencies/Department Comments:

No comments specific to Finding 4 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 4, the Applicant states that the granting of this Variance will not be contrary to the objectives of the General Plan.

In regard to Finding 4, based on the analysis of the General Plan policies referencing Agricultural Commercial Centers and the road and traffic requirements necessitating creation of the substandard parcels, staff agrees with the Applicant in that the granting of the Variance will not be contrary to the objectives of the General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit and Variance can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3281 and Variance No. 4023, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to recommend approval of the Mitigated Negative Declaration prepared for Initial Study Application No. 6205; and
- Recommend approval of the Master Plan prepared for the Agricultural Commercial Center as detailed in Exhibit No. 6; and
- Move to determine the required Findings can be made and move to recommend approval of Classified Conditional Use Permit No. 3281 and Variance No. 4023, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3281 and Variance No. 4023; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 6205/Conditional Use Permit Application No. 3281/Variance Application No. 4023
(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 not to shine toward adjacent properties and public streets and roadways.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources and 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 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.	Energy	Idling of onsite equipment and vehicles shall be avoided to the most possible extent to prevent wasteful consumption of energy resources.	Applicant	Applicant/PW&P	Ongoing
4.	Hazards and Hazardous Materials	Should the structure have any active rodent or insect infestation, the infestation should be abated prior to demolition of the structure in order to prevent the spread of vectors to adjacent properties.	Applicant	Applicant/PW&P	Prior to construction
5.	Hazards and Hazardous Materials	In the process of demolishing the existing structures, the contractor may encounter asbestos-containing construction materials and materials coated with lead-based paint: <ol style="list-style-type: none"> 1. If asbestos-containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District. 2. If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or 	Applicant	Applicant/PW&P	During demolition of existing improvements

EXHIBIT 1

		<p>remodel work, the contractor should contact the following agencies for current regulations and requirements: California Department of Public Health, Childhood Lead Poisoning Prevention Branch; United States Environmental Protection Agency; and the State of California, Industrial Relations Department, Division of Occupational Safety and Health.</p> <p>3. Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state and local requirements.</p>			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Master Plan, Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission and Board of Supervisors, subject to modifications required by the Site Plan Review.				
2.	An irrevocable offer of 43 feet shall be made along project frontage on Highland Avenue (SR 43) prior to the issuance of a Caltrans Encroachment Permit.				
3.	Site Plan Review application and approval is required for this project.				
4.	Prior to construction, a mapping application and approval will be required to adjust property lines between APN 393-280-77S and 393-280-84S.				
5.	An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.				
6.	Prior to issuance of building permits for each structure connected to an Onsite Wastewater Treatment System (OWTS), specific design and capacity details for the OWTS (Sewage Disposal Design submitted by Krazan and Associates, Inc. May 30, 2018) shall be approved by either the California Regional Water Quality Control Board or the Fresno County Department of Public Works and Planning, depending on oversight jurisdiction.				
7.	Prior to construction, improvement plans for the roadwork shall be submitted to the Road Maintenance and Operations Division for review and approval prior to the start of work. The improvement plan(s) shall include an approach taper and paving at the easterly end of the project site along Conejo Avenue.				
8.	<p>The following requirements have been set forth by the California Department of Transportation (Caltrans).</p> <ul style="list-style-type: none"> • The project proponent shall install “No Parking” signs along the project frontage on State Route 43 (Highland Avenue). • A physical barrier such as landscape or equivalent should be provided to discourage vehicles from accessing State Route 43. An Encroachment Permit from Caltrans will be required. 				

*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

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

1.	<p>The following requirements have been set forth by the State Water Resources Control Board.</p> <ul style="list-style-type: none">• The proposed facility will meet the definition of a Transient Non-Community Water System and must be permitted by the State Water Resources Control Board as a public water system prior to use of the system, unless it can be demonstrated that there is no human consumption of the water and the market is permitted under the California Retail Food Code by the Fresno County Department of Public Health, Environmental Health Division.• Any well planned for use as a domestic source of water must be constructed in accordance with the California Well Standards and County well requirements. The owner/operator must be able to document the construction features of the well to be used by submittal of the Well Completion Report or Well Drillers Report. This should accompany the permit application.• The well must demonstrate compliance with all applicable water quality criteria under the California Safe Drinking Water Act. A transient non-community water system must monitor for the constituents and comply with nitrate maximum contaminant levels. The well must also be free of coliform bacteria. The monitoring must be conducted and the results submitted with the permit application.
2.	<p>The following requirements have been set forth by the Development Engineering Section of the Development Services and Capital Projects Division.</p> <ul style="list-style-type: none">• If not already present, a 30' x 30' corner cut-off should be improved for sight distance purposes at the intersection of State Route 43 (Highland Avenue) and Conejo Avenue.• The proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards.• 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.• A grading permit or voucher is required for any grading proposed with this application.
3.	<p>The following requirements have been set forth by the Fresno County Department of Public Health, Environmental Health Division.</p> <ul style="list-style-type: none">• The Uniform Plumbing Code does not allow an impervious surface over the area of the drain field for an individual sewage disposal system. Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.• The sewage disposal systems located on the subject parcel serving the existing market and mobile home shall be properly destroyed with the demolition of the existing market and removal of mobile home. The Applicant shall obtain a permit from the Fresno County Department of Public Works and Planning.• If the Applicant proposes to construct a new water well, the water well contractor selected by the Applicant 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.• Prior to occupancy, the Applicant shall have the existing abandoned water well on the property destroyed under permit from the Fresno County Public Health Department, Environmental Health Division.• The Applicant shall submit an application for a permit to operate a Public Water System and supporting information, in the form of a technical report, to the State Water Resource Control Board, Division of Drinking Water - Fresno District for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity, as well as documentation of the services of a State-Certified Water Distribution Operator, and shall be obtained prior to occupancy.

Notes

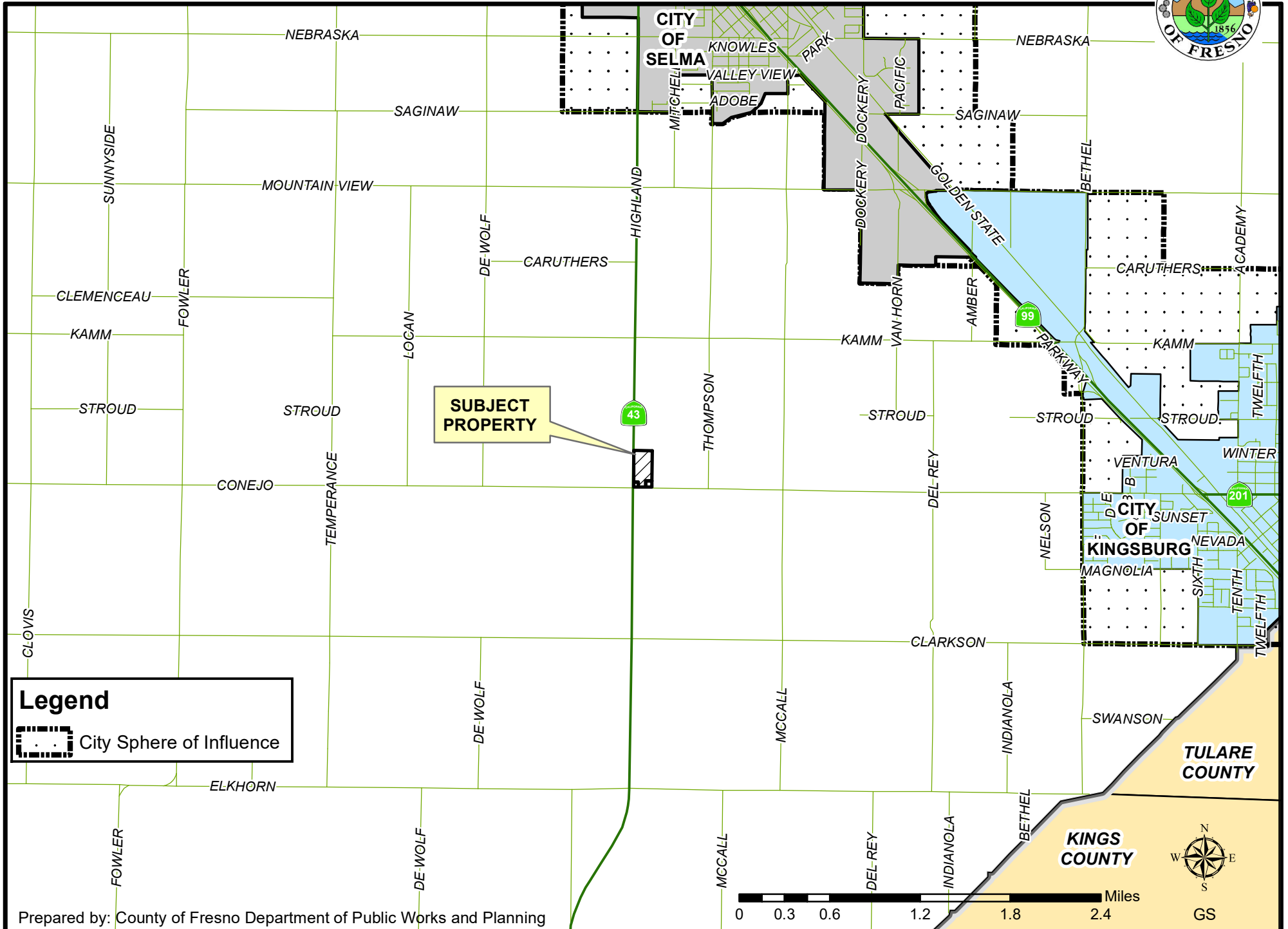
	<ul style="list-style-type: none"> • Prior to issuance of building permits for the food facility, the operator/owner shall submit complete food facility plans and specification to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operations, the operator shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. • The Applicant shall obtain their license to sell alcoholic beverages prior to alcohol sales. • If the Applicant decides to construct an aboveground petroleum storage tank, a spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity. • The Applicant should contact their local Fire Authority concerning construction and installation requirements for aboveground fuel storage tanks. • If the Applicant decides to construct an underground petroleum storage tank, prior to issuance of building permits, the Applicant shall submit three sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. • 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 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. This Division discusses proper labeling, storage, and handling of hazardous wastes.
4.	<p>The following requirements have been set forth by the Fresno County Fire Protection District.</p> <ul style="list-style-type: none"> • The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the Fresno County Fire Protection District conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno 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. • The project/development shall annex to Community Facilities District No. 2010-01 of FCFPD. The project/development also 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.	<p>The following requirements have been set forth by Site Plan Review Unit of the Development Services and Capital Projects Division.</p> <ul style="list-style-type: none"> • Proposed improvement area of 500 square feet or more shall require submittal of Landscape and Irrigation plans per the Governor’s 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 issuance of building permits. • All proposed signs shall be submitted to the Fresno County Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone Districts.
6.	<p>The following requirements have been set forth by the Consolidated Mosquito Abatement District.</p> <ul style="list-style-type: none"> • The basin should be constructed and/or managed so that water depths are maintained to a minimum of four feet in order to preclude invasive emergent vegetation such as cattails. • If water levels are subject to fluctuation during the summer mosquito breeding season, the basin should be constructed with a low-flow/slump area. To prevent the growth of emergent vegetation, the sump area should be excavated to a minimum

Notes	
	<p>depth of four feet below the pond floor. The engineer responsible for the grading and drainage plan for this project should be able to approximate the size of the sump area required to accommodate the low in-flows of summertime nuisance water that are associated with this type of development. The basin floor should also be graded or sloped so as the standing water recedes, it will drain into the sump area.</p> <ul style="list-style-type: none"> • Access must be provided. A free and unencumbered access roadway around the entire basin perimeter for pond maintenance and mosquito abatement activities is essential. • Basin edges shall be well managed and free of excess vegetation that promotes mosquito breeding and hinders District control efforts.
7.	If approved, plans, permits and inspections will be required for all onsite improvements.

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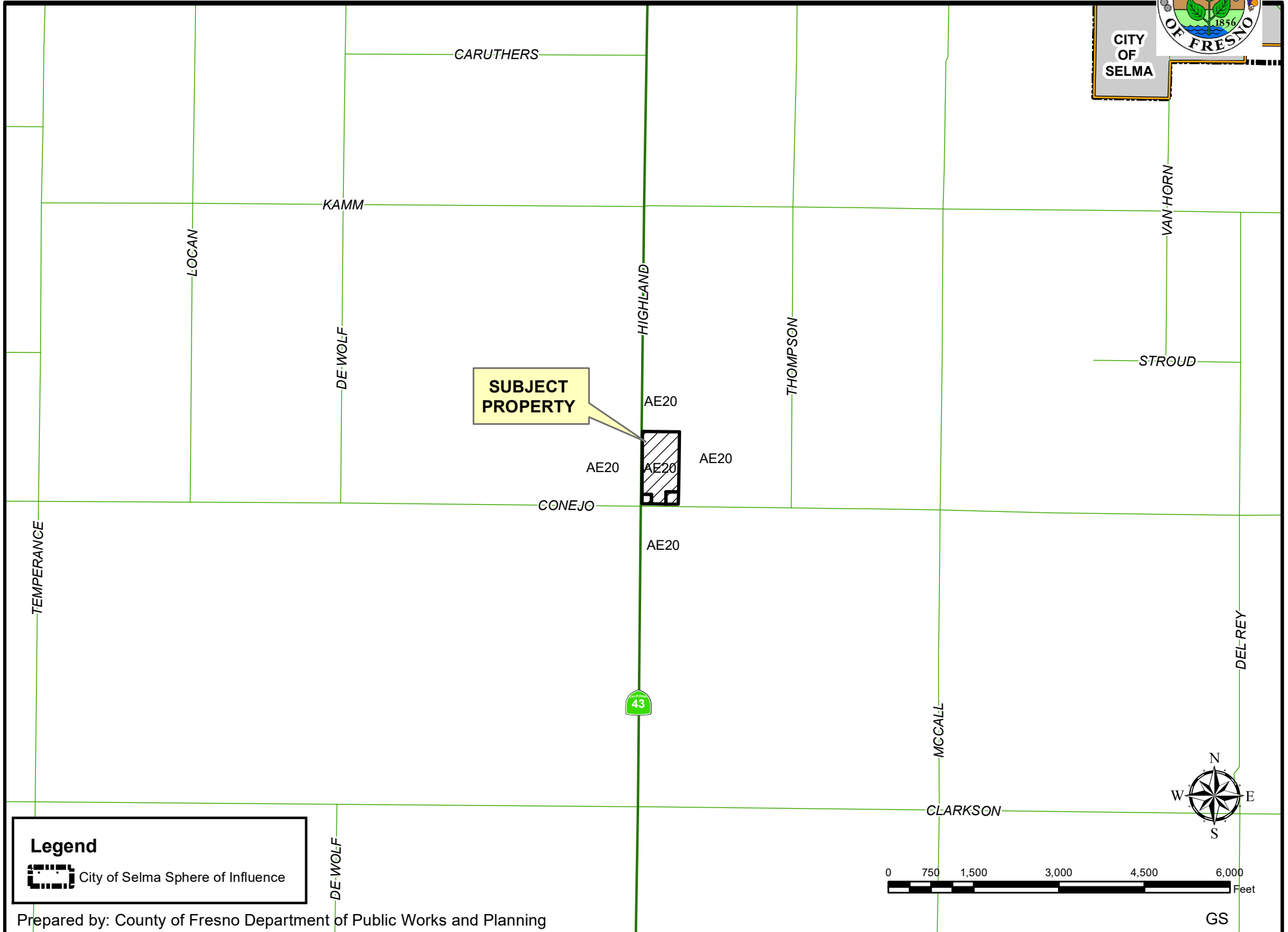
LOCATION MAP




EXISTING ZONING MAP



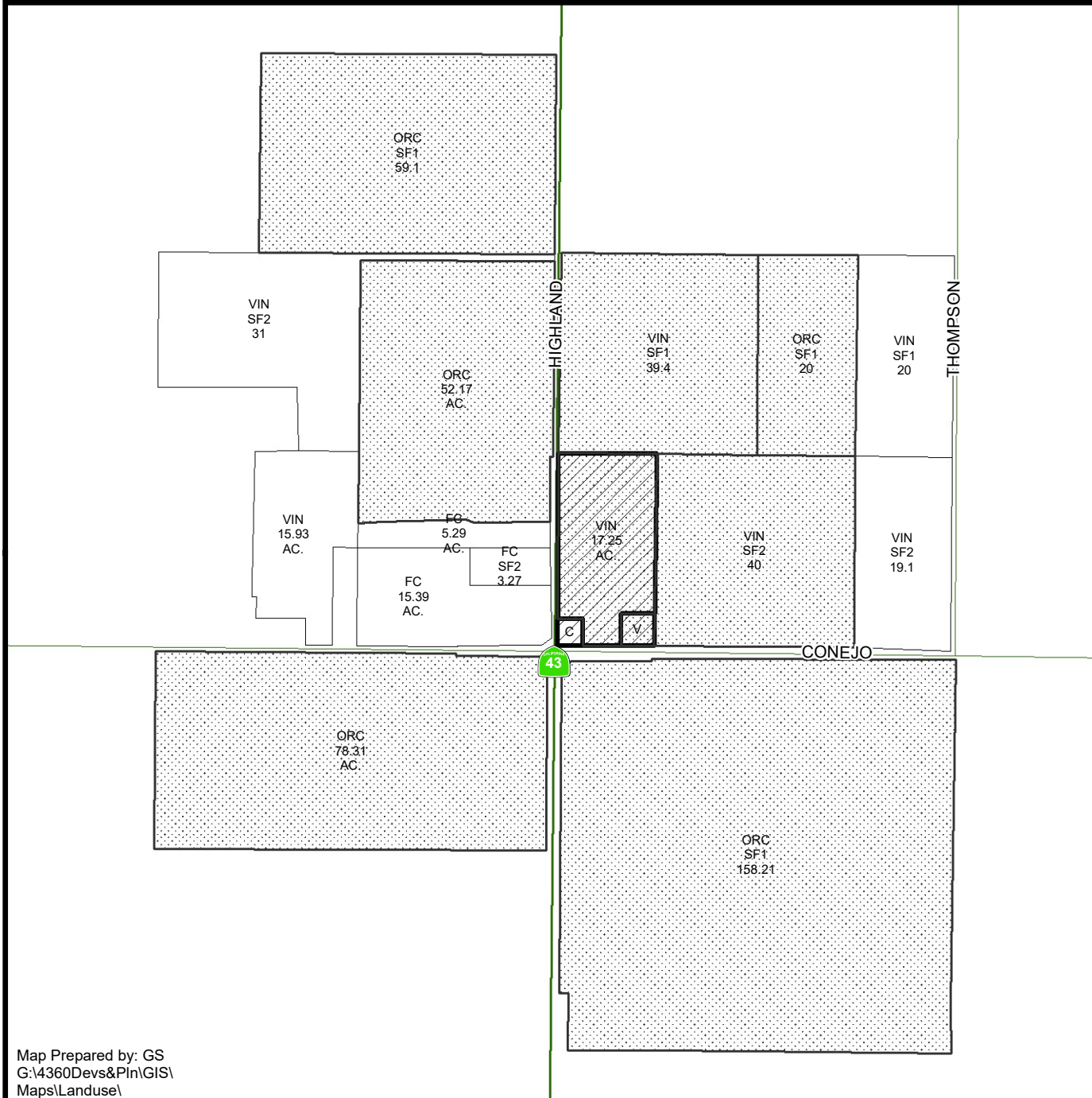
CITY OF SELMA



Legend



 City of Selma Sphere of Influence

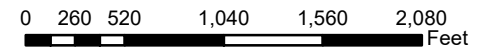
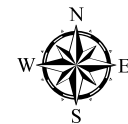
EXISTING LAND USE MAP



LEGEND
C - COMMERCIAL
FC - FIELD CROP
ORC - ORCHARD
V - VACANT
VIN - VINEYARD
SF# - SINGLE FAMILY RESIDENCE

LEGEND:

-  Subject Property
-  Ag Contract Land



Map Prepared by: GS
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Department of Public Works and Planning
 Development Services Division

APPROVED VARIANCES WITHIN A ONE MILE RADIUS

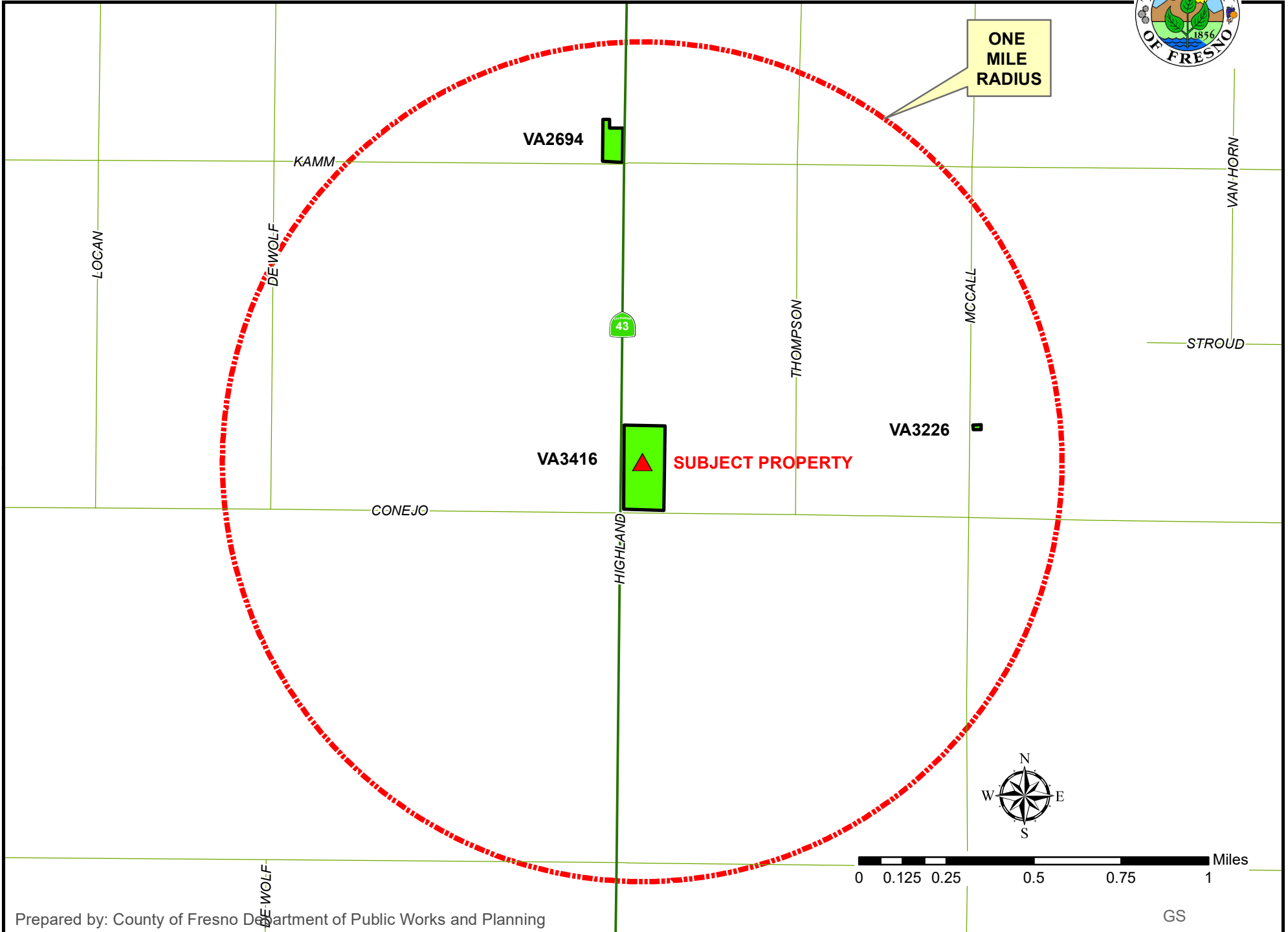
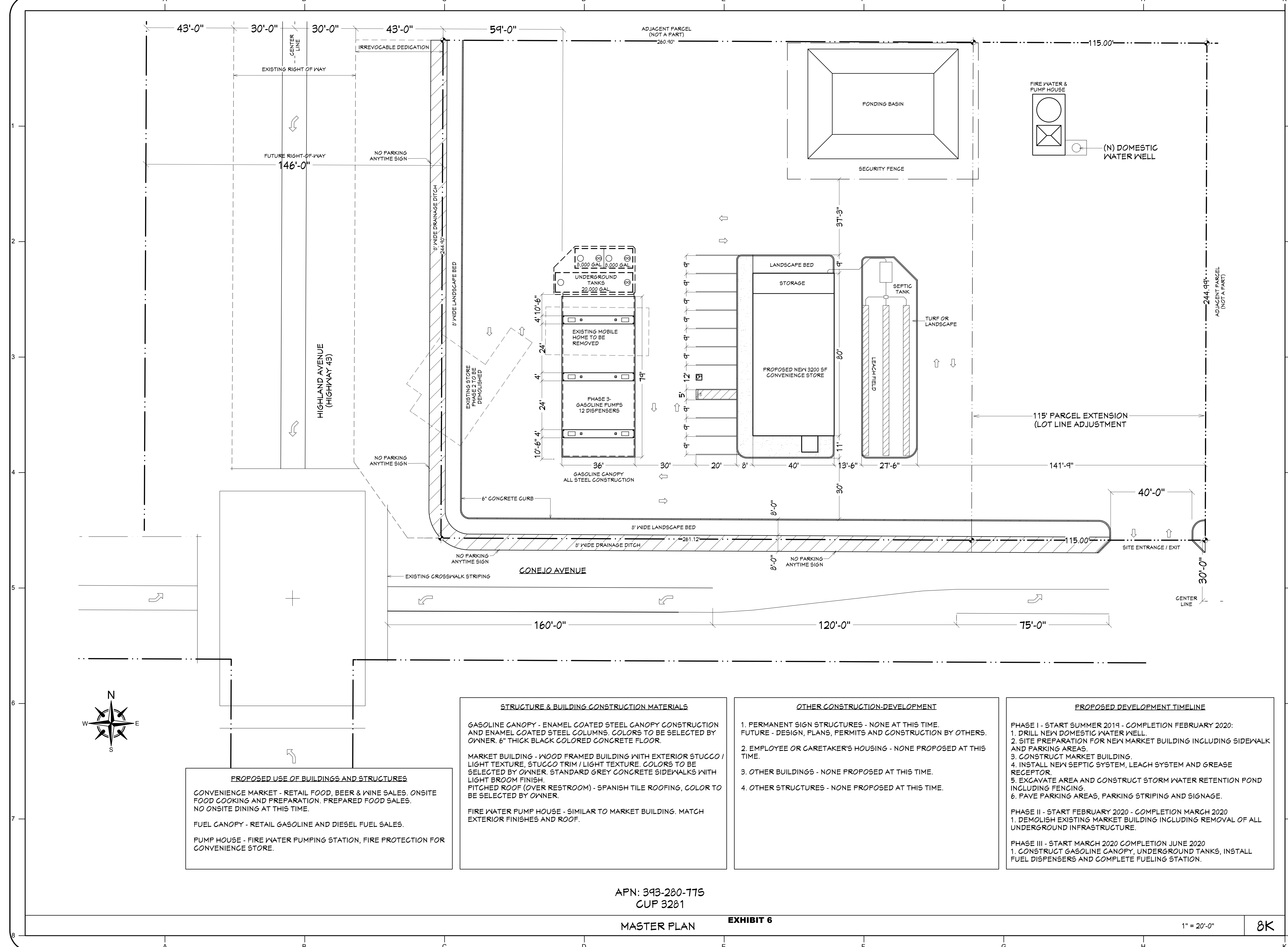


EXHIBIT 5



PROPOSED USE OF BUILDINGS AND STRUCTURES

CONVENIENCE MARKET - RETAIL FOOD, BEER & WINE SALES, ONSITE FOOD COOKING AND PREPARATION, PREPARED FOOD SALES. NO ONSITE DINING AT THIS TIME.

FUEL CANOPY - RETAIL GASOLINE AND DIESEL FUEL SALES.

PUMP HOUSE - FIRE WATER PUMPING STATION, FIRE PROTECTION FOR CONVENIENCE STORE.

STRUCTURE & BUILDING CONSTRUCTION MATERIALS

GASOLINE CANOPY - ENAMEL COATED STEEL CANOPY CONSTRUCTION AND ENAMEL COATED STEEL COLUMNS. COLORS TO BE SELECTED BY OWNER. 6" THICK BLACK COLORED CONCRETE FLOOR.

MARKET BUILDING - WOOD FRAMED BUILDING WITH EXTERIOR STUCCO / LIGHT TEXTURE, STUCCO TRIM / LIGHT TEXTURE. COLORS TO BE SELECTED BY OWNER. STANDARD GREY CONCRETE SIDEWALKS WITH LIGHT BROOM FINISH.

FITCHED ROOF (OVER RESTROOM) - SPANISH TILE ROOFING, COLOR TO BE SELECTED BY OWNER.

FIRE WATER PUMP HOUSE - SIMILAR TO MARKET BUILDING. MATCH EXTERIOR FINISHES AND ROOF.

OTHER CONSTRUCTION DEVELOPMENT

1. PERMANENT SIGN STRUCTURES - NONE AT THIS TIME. FUTURE - DESIGN, PLANS, PERMITS AND CONSTRUCTION BY OTHERS.
2. EMPLOYEE OR CARETAKER'S HOUSING - NONE PROPOSED AT THIS TIME.
3. OTHER BUILDINGS - NONE PROPOSED AT THIS TIME.
4. OTHER STRUCTURES - NONE PROPOSED AT THIS TIME.

PROPOSED DEVELOPMENT TIMELINE

PHASE I - START SUMMER 2019 - COMPLETION FEBRUARY 2020:

1. DRILL NEW DOMESTIC WATER WELL.
2. SITE PREPARATION FOR NEW MARKET BUILDING INCLUDING SIDEWALK AND PARKING AREAS.
3. CONSTRUCT MARKET BUILDING.
4. INSTALL NEW SEPTIC SYSTEM, LEACH SYSTEM AND GREASE RECEPTOR.
5. EXCAVATE AREA AND CONSTRUCT STORM WATER RETENTION POND INCLUDING FENCING.
6. PAVE PARKING AREAS, PARKING STRIPING AND SIGNAGE.

PHASE II - START FEBRUARY 2020 - COMPLETION MARCH 2020

1. DEMOLISH EXISTING MARKET BUILDING INCLUDING REMOVAL OF ALL UNDERGROUND INFRASTRUCTURE.

PHASE III - START MARCH 2020 COMPLETION JUNE 2020

1. CONSTRUCT GASOLINE CANOPY, UNDERGROUND TANKS, INSTALL FUEL DISPENSERS AND COMPLETE FUELING STATION.

APN: 393-280-775
CUP 3281

MASTER PLAN

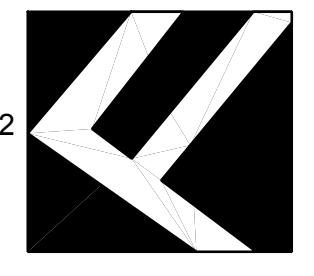
EXHIBIT 6

1" = 20'-0"

8K

REVISIONS

Errol Vetter
Drafting Services
807 East Ivy Street
Hanford, California 93230
Phone 559-284-2928
Email: evetter@msn.com



PROJECT
LEE'S MARKET
14940 S. HIGHLAND AVENUE
SELMA, CALIFORNIA 93662

SHEET DESCRIPTION
MASTER PLAN

PROFESSIONAL STAMP

JOB NUMBER
072116-JI

DATE
03-19-2019

SHEET
1

REVISIONS
 02-28-2017 FLOOR PLAN
 03-06-2017 ELEVATIONS
 02-01-2018 SITE PLAN
 02-21-2018 SITE PLAN
 03-05-2018 SITE PLAN
 08-14-2018 SITE PLAN
 03-14-2019 MINOR

PROJECT NAME: LEE'S MARKET
 BUILDING LOCATION: 14940 S. HIGHLAND AVENUE
 SELMA, CALIFORNIA 93662

BUILDING USE: CONVENIENCE STORE

OWNER (S): OBADI KASSIM SALEM
 CONEJO AVENUE
 SELMA, CALIFORNIA 93662

APN: 393-280-77S
 ZONING: AE-20
 LOT AREA: 63,291 SF (1.45 ACRES)
 SETBACKS: FRONT - 15 FT
 SIDE-10 FT
 REAR - 10 FT

CONSTRUCTION TYPE: V-B
 OCCUPANCY: "M" CBC-§309.1

NUMBER OF STORIES: ONE
 HEIGHT: +/- 20 FT
 AREA: 2,736 SF SALES AREA, STORAGE & RESTROOM
 464 SF WALK-IN COOLER
 TOTAL AREA: GROSS - 3,200 SF

FIRE SPRINKLERS: NO

HEIGHT/AREA LIMITATION: 1-STORY, 9,000 SF, 40 FT HEIGHT (25' CN ZONING DISTRICT)

AREA INCREASE ALLOWABLE: 9,000 SF
 FRONTAGE INCREASE: 200/200-0.25*0.92=6,210 SF

TOTAL ALLOWABLE: 15,210 SF

OCCUPANT LOAD: 2736/60=46 PERSONS (CBC TABLE 1004.1.2)
 TOTAL OCCUPANT LOAD: 46 PERSONS (EGRESS)

EXITS REQUIRED: ONE

ADA ACCESSIBILITY: YES-CBC CHAPTER 11-B

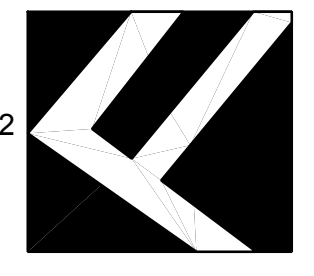
STRUCTURAL LOADS
 WIND: 85MPH, 3-SECOND GUST, EXPOSURE B
 LAT. & LONG: LAT 36.104 LONG -119.572
 SEISMIC: Ss - 0.791
 S1- 0.311

SEISMIC DESIGN CAT: D
 SOIL CATEGORY: D

FLOOR LIVE LOAD: 40 PSF
 ROOF DEAD LOAD: 21 PSF
 ROOF LIVE LOAD: 20 PSF
 SOIL BEARING CAPACITY: 1500 PSF

BUILDING CODES: 2016 CALIFORNIA BUILDING, ELECTRICAL, FIRE, ENERGY, GREEN, MECHANICAL & PLUMBING CODES

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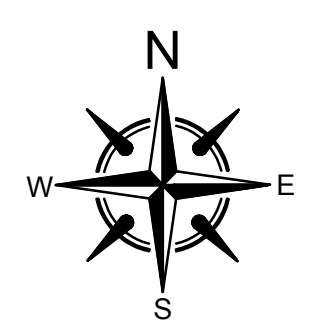
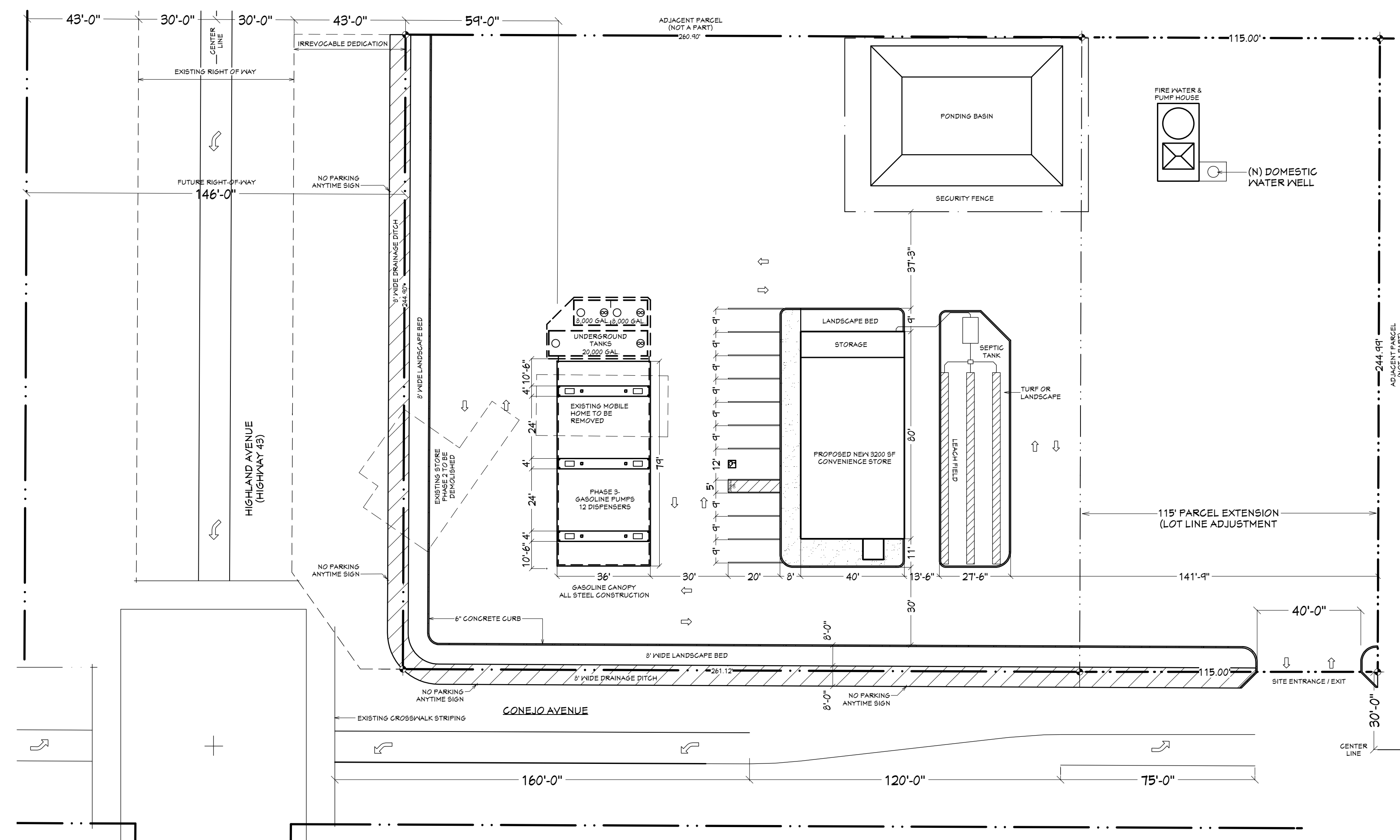
PROJECT INFORMATION 5K

PROPOSED NEW CONVENIENCE STORE FOR:
LEE'S MARKET
 14940 S. HIGHLAND AVENUE
 SELMA, CALIFORNIA

SITE PLAN & PROJECT INFORMATION

PROFESSIONAL STAMP

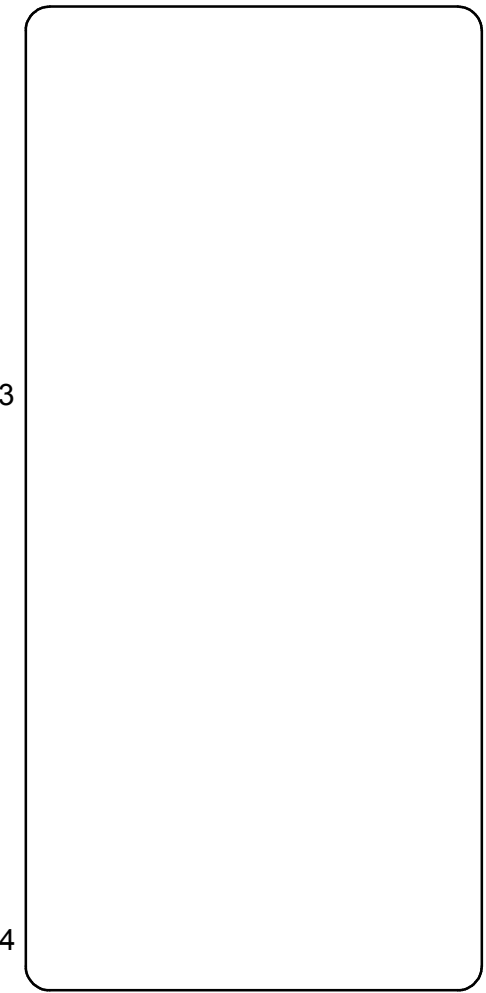
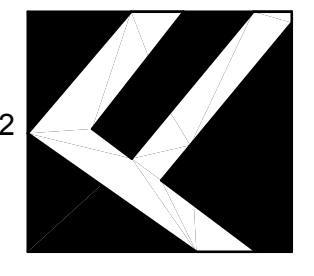
JOB NUMBER: 072716-JI
 DATE: 09-30-2016
 SHEET: C-1



SITE PLAN EXHIBIT 7

1" = 30'-0" 8G

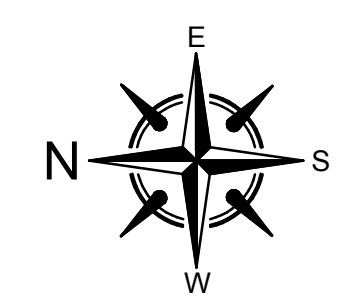
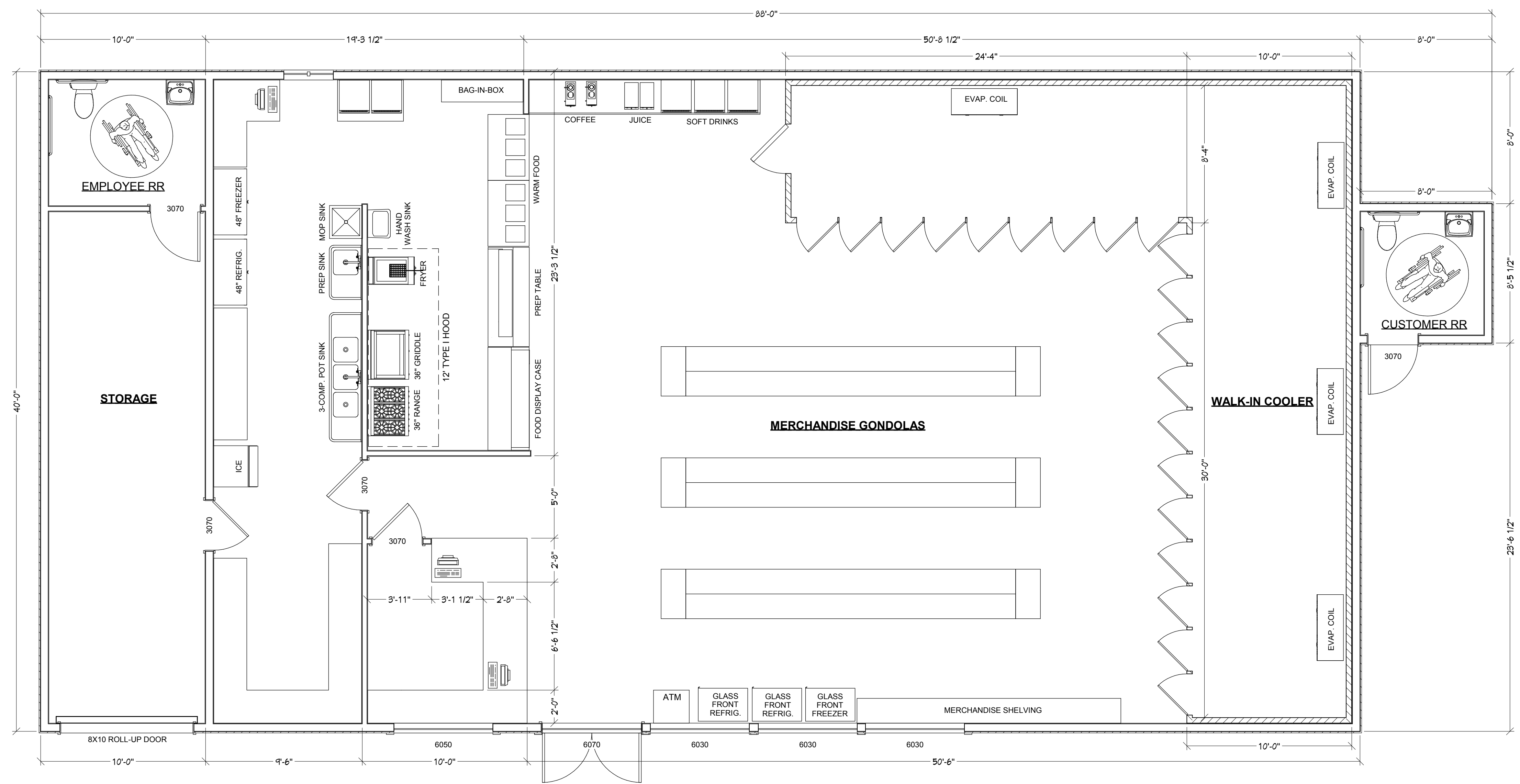
Errol Vetter
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Phone 559-284-2923
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PROPOSED NEW CONVENIENCE STORE FOR:
LEE'S MARKET
14940 S. HIGHLAND AVENUE
SELMA, CALIFORNIA

PROFESSIONAL STAMP

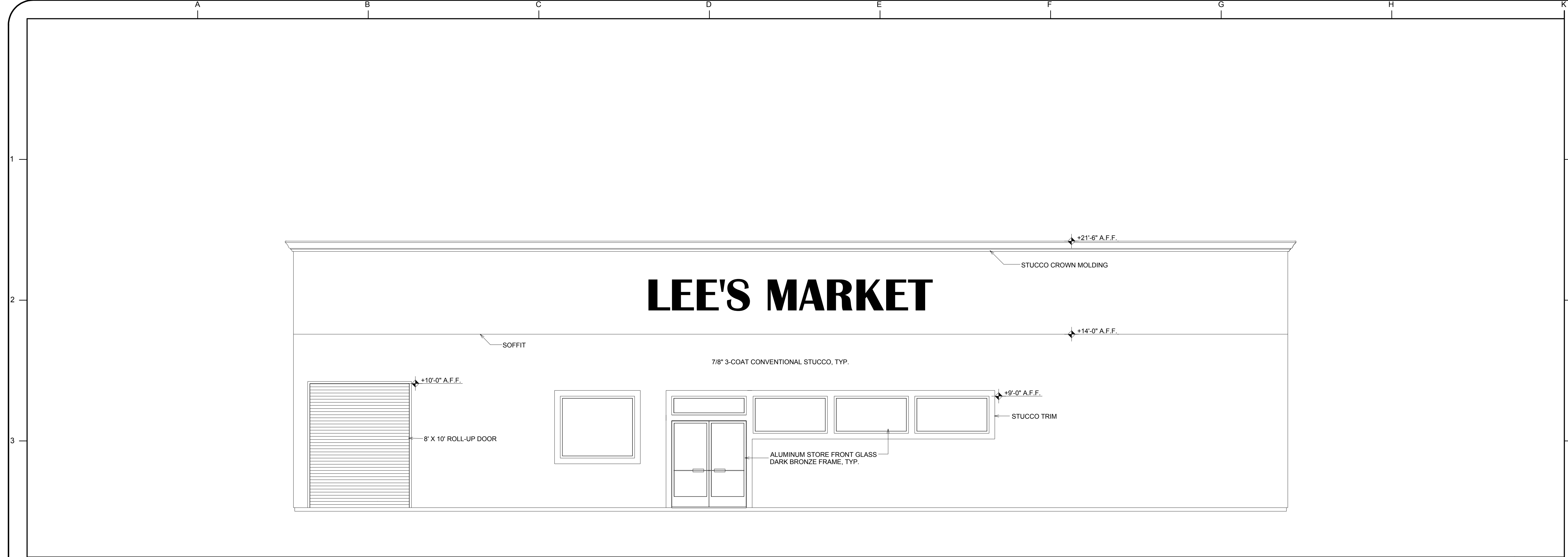
JOB NUMBER
072716-J1
DATE
09-30-2016
SHEET
A-1



1/4" = 1'-0"

8K

FLOOR PLAN



WEST ELEVATION

4K



EAST ELEVATION

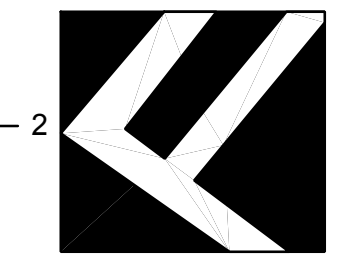
EXHIBIT 8

1/4" = 1'-0"

8K

REVISIONS

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PROPOSED NEW CONVENIENCE STORE FOR:
LEE'S MARKET
 1440 S. HIGHLAND AVENUE
 SELMA, CALIFORNIA

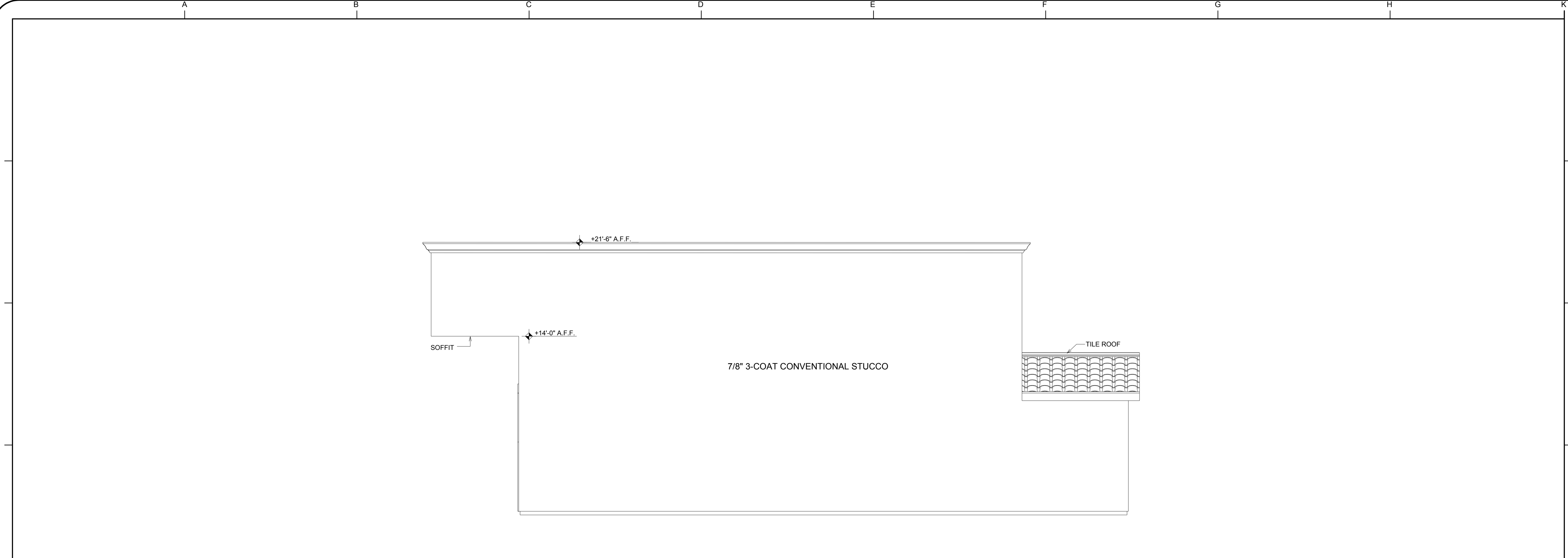
EXTERIOR ELEVATIONS

PROFESSIONAL STAMP

JOB NUMBER
 072716-JI

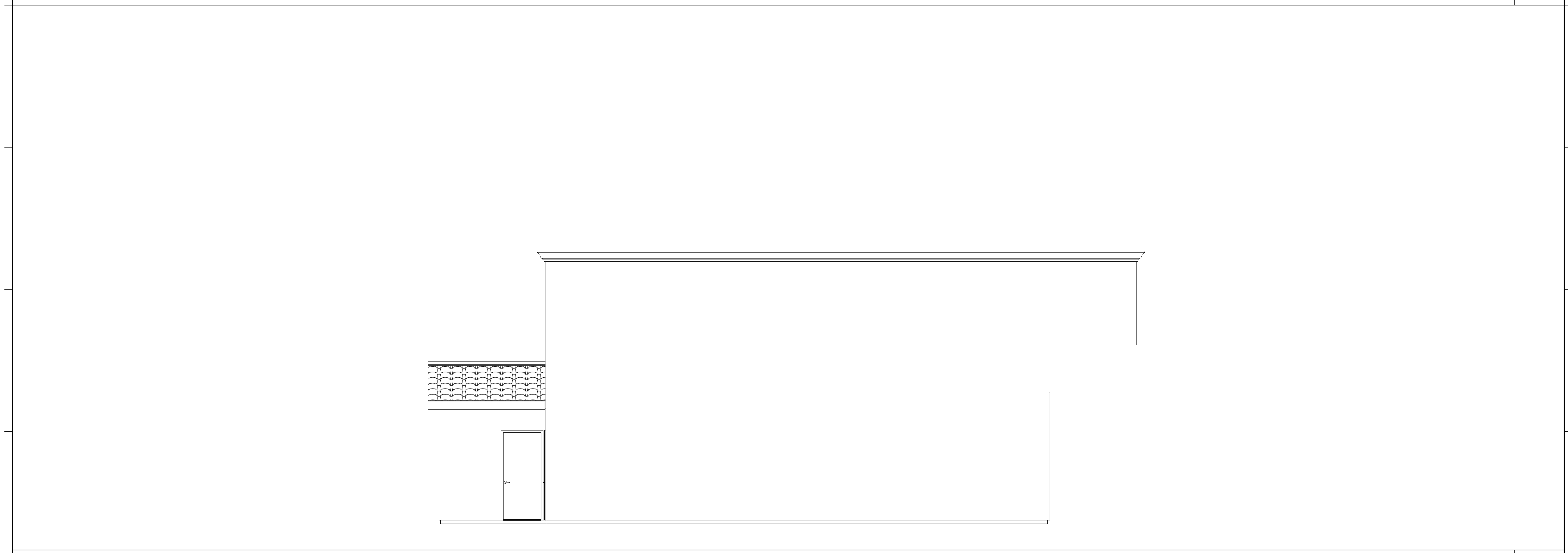
DATE
 09-30-2016

SHEET
A-2



SOUTH ELEVATION

4K



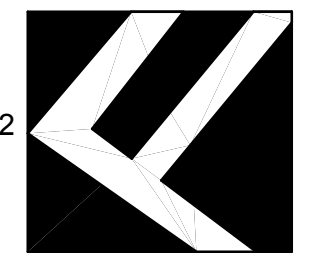
NORTH ELEVATION

1/4" = 1'-0"

8K

REVISIONS

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PROPOSED NEW CONVENIENCE STORE FOR:

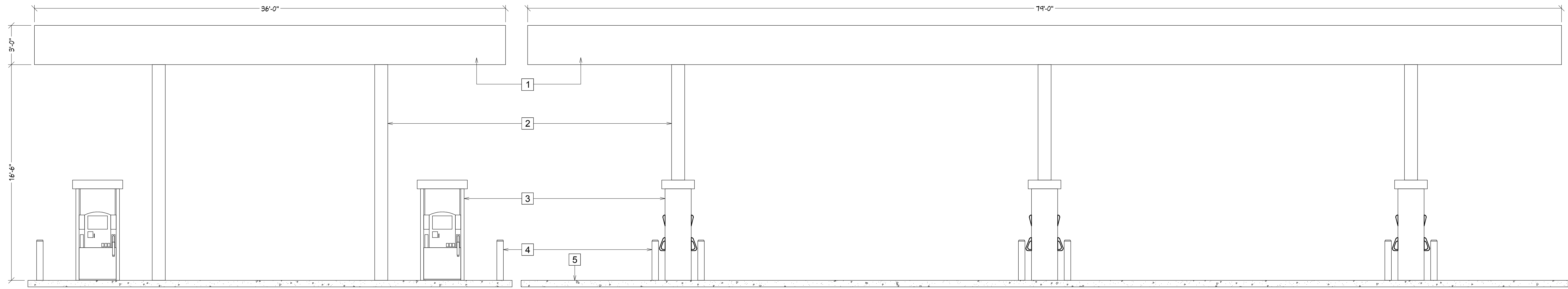
LEE'S MARKET
 1440 S. HIGHLAND AVENUE
 SELMA, CALIFORNIA

EXTERIOR ELEVATION

JOB NUMBER
 072716-J1

DATE
 09-30-2016

SHEET
 A-3



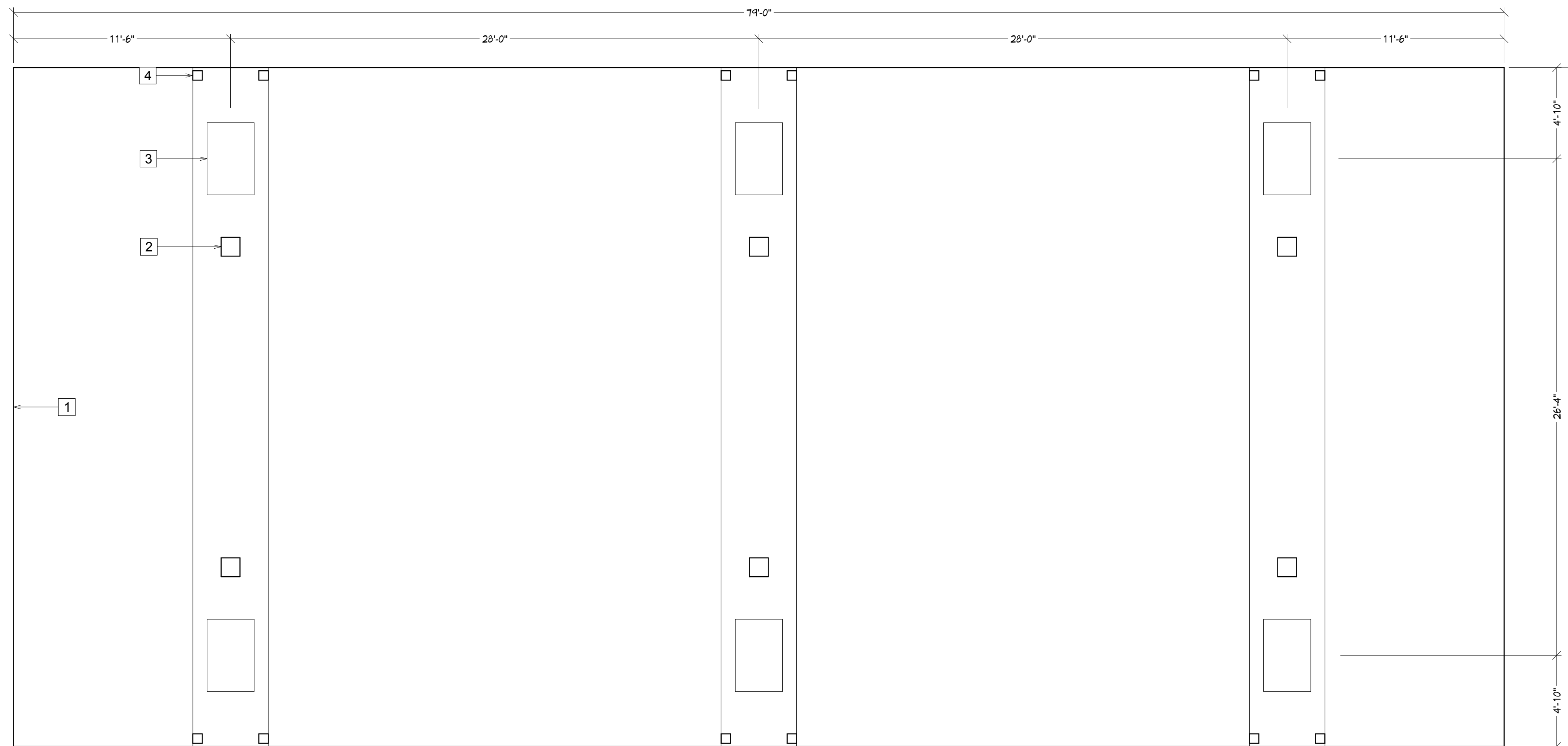
ELEVATION

1/4" = 1'-0"

3K

KEY NOTES

- 1 STEEL CANOPY FASCIA
- 2 CANOPY STEEL SUPPORT COLUMN, TYP. OF 6
- 3 GILBARCO ELECTRONIC FUEL DISPENSER
- 4 6" SQ. STEEL BOLLARD, CONCRETE FILLED, TYP. OF 12
- 5 6" THICK CONCRETE SLAB

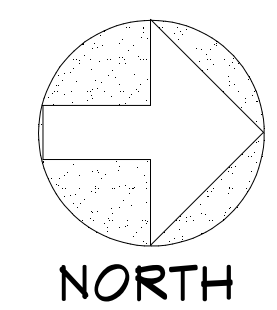


GASOLINE CANOPY-ALL STEEL CONSTRUCTION

PLAN VIEW

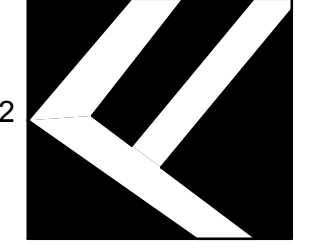
1/4" = 1'-0"

8K



REVISIONS

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GASOLINE CANOPY FOR:
LEE'S MARKET
 14940 S. HIGHLAND AVENUE
 SELMA, CALIFORNIA 93662

GASOLINE CANOPY

PROFESSIONAL STAMP

JOB NUMBER
072716-JI
 DATE
03-18-2019
 SHEET
1 OF 1

RECEIVED
COUNTY OF FRESNO

Revised 04-05-18

APR 05 2018

OPERATIONAL STATEMENT CHECKLIST

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Lee's Market
NE CORNER S HIGHLAND AND CONEJO
SELMA, CA

REFERENCE: PRE-APPLICATION REVIEW #39047 AND CUP 3281 IN PROCESS

DEPARTMENT OF PUBLIC WORKS AND PLANNING

(Answers follow numbered requests on Operational Guide Checklist)

1. Proposal is to enlarge existing store into a new mini mart grocery store and install fuel pumps (later date). ***(No details on fuel as fuel will be added at a later date and information regarding size, number and location of tanks will be provided by company who will design and install at a later date and not a part of Jerry M Irons contract. Best estimate by Irons would be 3 gasoline, regular, med, and premium and 1 tank for diesel size of tanks unknown)***
2. Store operates 12 months each year , 7 days per week, from 6:00 Am to 12:00 PM, 18 hours per day with earlier or later hours during peak agricultural season from 4:00 AM to 12:00 PM . There are no special activities. All trade is inside store. ***(Store hours from 6:00 AM to midnight 12:00 PM.)***
3. We estimate customers and/or visitor at 700 off harvest season with maximum per day at 1200 peak harvest. Mostly early "to work", noon lunch and evening "after work".
4. Employees vary from 8 to 10 depending on harvest peaks and lows. Two live in mobile behind store. As far as how many hours worked each day or week is not known for the most part the employees are family and rotate. ***(Two employee/relatives live in mobile home to rear to be removed prior to start of construction on store building) (There are no expansion of future employees foreseen in the near future.)***
5. Store does not deliver. Family owned pickups are used to pick up merchandise and deliver back to store. Rack jobbers deliver and stock stores with perishables. ***(Expected 4 to 6 rack jobbers and owner pickup deliveries to store 4 to 6 days per week depending on seasons with more in summer for beverage deliveries.) (See #1 above regarding fuel)***
6. Access to site is off Highland Avenue and Conejo Avenue on paved road onto paved parking lots.***(Entry and exit on Conejo Avenue only as per CalTrans).(Site plan shows extension of Conejo eastbound left turn lane into store site as per CalTrans and owners and designers.)***
7. At this point it appears to be around 12 marked parking spaces but new building will have required parking spaces for handicap and number of regular, compact and bicycle spaces as required for this type of business. All onsite parking will be paved with asphalt paving material. ***(See attached site plan.)***
8. All goods and merchandize will be sold on site. No goods are grown by owners and sold on site. Fresh vegetables and fruits are purchased and delivered to store by fresh fruit and vegetable wholesale companies. This is an all enclosed grocery store. ***(See #1 above regarding fuel.)***
9. No farming equipment is on site. ***(See #1 above regarding fuel.)***
10. No growing or growing materials on site.

EXHIBIT 9

11. All merchandise is stocked in shelves designed for that express purpose. Refrigeration storage is used for all merchandise needing refrigeration and inside store
12. Solid waste is deposited in franchised waste hauling companies franchised by County of Fresno. Waste/used grease from deep fryers is deposited in sealed containers and picked up on a regular basis by contract haulers on regularly scheduled basis. Grease in sealed containers temporarily stored in concrete block waste/trash bins with concrete block walls and concrete floors.
13. An estimate of 25 gallons per day per employee. Source of water is partially by bottle and balance from private well system. ***(Water for new site will be provided by a new to be drilled on store parcel during store construction which will be designed with adequate capacity for fire water suppression system as well with well drilled and operable prior to opening of store).***
14. Advertising by painted signs on building, some lighted, temporary posters in windows, outside temporary Lotto signs with some outside special soda and beer signs.
15. A completely new "stick built" stucco finished structure with parapet walls and roof of white elastomeric finish over felt, composition rolled and sealed material. At this point in time it is expected the building, including parapet walls to be 20' in height with decorative "pop outs", stucco covered. Final paint color will be in lighter tones to reflect sun.
15. The outside perimeter 40' x 80 , rectangular shaped structure is being designed with entry as on site plan, double glass doors. After entry, two cash register stands on either side of doors. Kitchen on the south wall. The north wall will house a 13 door 10' or 12' walk-in box. Along the west and east walls will have soda dispensers, coffee and slurpee machines with frozen ice cream chest freezers and several stand up double door freezers and refrigeration units. The middle will have 48" dual sided all metal gondolas with the ends designed for rack jobber merchandise. Ceilings at 10' height with 2' x 4' panels in metal painted frames housing Title 24 lighting and washable panels over areas in food prep areas. Inside main store area will be cooled and heated by high energy efficient equipment under current T-24 specifications.
16. Entire building under roof will be used in operation.
17. Outside lighting will meet Fresno County parking lot standards for this type of structure and building plus meeting T-24 lighting requirements for safety and efficiency.
18. Landscaping will be minimum to conserve water with low water requirement plantings controlled by clock timers and drip water system.
19. Owners will build and furnish for longevity as business is usually passed from father to son. For example all floors shall be of tile and counters of granite. Walls primed and painted with quality semi-gloss paint able to withstand many washings.
20. Owner of large parcel remaining APN 393-280-84S is Salam Obadi Kassim and Kassim Obadi Saleh.
Owner of APN 393-280-77S, Lee's Market, is Kassim Obadi Saleh Mohamed with site address 14940 S Highland Ave, Selma, CA, 93662

March 17, 2017

To: Fresno County Planning Department
Re: CUP #3281

Attn: Chrissy Monfette, Planner

Findings 1 and 2: Information in support of exceptional or extraordinary circumstances/substantial property rights:

"There are exceptional circumstances applicable to this property in that this grocery store has been operated for over 45 years. The store has been leased by the owner to various store operator for this many years until a sale to the present owner(s) in 1994 who have operated continuously until present date.

The Variance is necessary for the preservation of a substantial property right in the store which existed prior to the purchase by the past owner in 1956 and the store existed prior to the establishment of the zoning for this property. The present minimum parcel size is 20 acres.

Findings 3 and 4: Information in support of exceptional or extraordinary circumstances:

The granting of this Variance will not be detrimental to the public welfare because the only change taking place is a new store building, fire safety water tanks, improved leach field and a ponding recharge basin utilizing lost water from runoff

The granting of the Variance is not contrary to the objectives of the General Plan. Replacement of dilapidated and inefficient energy users is preferable to existing properties of this nature.

##



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Obadi Kassim
- APPLICATION NOS.: Initial Study Application No. 6205, Conditional Use Permit Application No. 3281, and Variance Application No 4023
- DESCRIPTION: Allow an Agricultural Commercial Center consisting of a market with fuel sales and allow the creation of a 2.36-acre parcel and a 16.32-acre parcel from a 0.53-acre parcel and an 18.15-acre parcel by means of a property line adjustment in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject property is located on the northeast corner of Conejo Avenue and Highland Avenue (SR 43) and is approximately 2 miles southwest of the nearest city limits of the City of Selma. (APN: 393-280-77S and 393-280-84S) (SUP. DIST.: 4) (14942 S. Highland Avenue, Selma, CA)

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The project site is located in a mainly agricultural setting with single-family residential units supporting the agricultural parcels. The existing 0.53-acre parcel is currently improved with a non-conforming market and mobile home. The existing 18.15-acre parcel is improved with a single-family residence and vineyard. The parcels to the north, east, and south are actively farmed and the parcel to the west is utilized for grazing. The proposal will not have an impact on scenic vistas as none were identified on or near the project site. Additionally, no scenic resource including, but not limited to, trees, rock outcroppings, and historic building exist on or near the property. The project site is not located on or near an identified State scenic highway.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed development will include a market, fuel canopy, 12 gasoline pump dispensers, two 8,000 gallon underground storage tanks, and one 20,000 gallon underground tank. According to the applicant's operational statement, the building will have stucco siding and a white finish on the roof. The final color of the building will be in lighter tones to reflect sun. The surrounding areas of the project site are mainly agricultural with the nearest single-family residence being approximately 246 feet to the east of the project site. Entrance and exit to the project site is limited to Conejo Avenue. The project is proposed to have an eight-foot wide landscape bed along the Highland Avenue and Conejo Avenue frontages. Considering the existing site aesthetic, the proposed market will not substantially degrade the existing visual character or quality of public views of the site and its surroundings as the new market is being proposed to be aesthetically pleasing with landscaping along the road frontages and an up-to-date market façade.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Development of this proposal could generate new sources of light and glare resulting from outdoor lighting around the building, fueling states and parking and circulation areas. However, these impacts will be reduced to less than significant with a mitigation measure which would require all outdoor lighting to be hooded and directed downward as to not shine toward adjacent property and public streets.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine toward adjacent properties and public streets and roadways.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and

forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An existing non-conforming market (proposed to be removed) is currently located on a 0.53-acre parcel which is proposed to be enlarged to 2.36 acres by means of a property line adjustment (PLA) between the existing 0.53-acre parcel (APN: 393-280-77S) and an adjacent 18.15-acre parcel (APN: 393-280-84S). The adjacent 18.15-acre parcel is currently under Agricultural Land Conservation Contract No. 5261. The Policy Planning Section of the Development Services and Capital Projects Division required that the 1.83 acres being taken from the 18.15-acre parcel must be removed from the contract. The project was brought before the Agricultural Land Conservation Committee on December 5, 2018 regarding the partial cancellation of Williamson Act contract to allow the Agricultural Commercial Center. A unanimous vote was made by the committee to recommend approval of Partial Cancellation of ALCC No. 5261 to the Board of Supervisors. With the partial cancellation being recommended, the project is not seen as conflicting with existing zoning for agricultural use or a Williamson Act Contract. Although the project site is designated Prime Farmland according to the Fresno County 2014 Important Farmland Map, an existing market and mobile home are currently present and site has not been actively farmed. Due to the size of the project site, the parcel is not considered viable for an agricultural operation. The portion of the 18.15-acre parcel being given to the project site is designated Prime Farmland, but is currently vacant and not being actively farmed.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not located in forest land, timberland or timberland zoned Timberland Production. Therefore, the project will not conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production and will not result in the loss of forest land or convert forest land to non-forest use.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site currently has a non-conforming market and single-family residence on the property. The project site will increase in size and take acreage from the adjoining property. The adjoining property is a farmed property with a single-family residence. Although the project site is taking acreage from the adjoining farmed property, it is not seen as conversion of farmland as the portion that is being taken is currently vacant and has not been actively farmed for a number of years.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and did not express any concerns with regards to any conflicts with or obstruction for the implementation of the applicable Air Quality Plan. Additionally, SJVAPCD did not express any concerns with regards to a cumulatively considerable net increase of any criteria pollutants under any applicable federal or state ambient air quality standard.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The nearest sensitive receptor would be a single-family residence approximately 246 feet east of the project site. The SJVAPCD did not express any concerns with regards to exposure of substantial pollutant concentrations to sensitive receptors nor did they comment on emissions that would adversely affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The project site is located in an agricultural area and has been previously disturbed by agricultural operations and the existing built uses on the project site. Due to the agricultural operations and the already improved parcels, the project site is not seen as providing habitat for state or federally listed species. The project was referred to the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for review and comments. Neither agency expressed any concern with the proposed project.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

The project site is not located on or near a riparian habitat or sensitive natural community. According to the National Wetlands Inventory, the project site is not located on or near a state or federally-protected wetlands.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

As stated above, the project site is located in a mainly agricultural area that is already improved with a non-conforming market and mobile home. The project is not seen as interfering with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impeding the use of native wildlife nursery sites.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources. Additionally, the project will not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site has been improved with a non-conforming market and a mobile home and is located in an agricultural area which experiences ground disturbance on an occasional basis. Ground disturbance has already occurred due to the past improvements and no know historical resources, archaeological resource or human remains have been located on the property. No historical resource or archaeological resource has been identified near the project site. Although unlikely, mitigation measures will be incorporated to reduce impacts to cultural resources in the event any resource is unearthed during the construction of the project.

* **Mitigation Measure(s)**

1. *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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Mitigation Measures will be implemented to avoid potential environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction. Idling of onsite equipment and vehicles will be avoided to the most possible extent to avoid wasteful consumption of energy resources. If approved, current building code practices will be implemented during the plan checking and building permitting phase to ensure operation of the project will not be wasteful, inefficient or unnecessary in consumption of energy resources.

* **Mitigation Measure(s)**

1. *Idling of onsite equipment and vehicles shall be avoided to the most possible extent, to prevent wasteful consumption of energy resources.*

B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project is expected to not conflict with or obstruct state or local plans for renewable energy or energy efficiency. This will be seen through current building code practices that promote energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to the Earthquake Zone Application (EQ Zapp) administered by the California Department of Conservation, the project site is not located in an area with an identified rupture or a known earthquake fault.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

According Figure 9-5 and 9-6 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in an identified area of strong seismic ground shaking hazards, seismic-related ground failure hazards, or landslide hazards.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in compaction and covering of soil due to construction activities and the proposed construction of new buildings. Changes in topography and erosion could also result from grading for the project. According to the Development Engineering Section of the Development Services and Capital Projects Division, the project will require 1) an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; 2) a site plan review to ensure compliance with grading and drainage requirements and other development standards, such as adequacy of parking, circulation, ingress and egress; and 3) a Grading Permit or Voucher is required for any grading proposed with this application. The requirements will be included as Project Notes and will be addressed through mandatory Site Plan Review.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or

D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The project is not located in an area of known risk of landslide, lateral spreading, subsidence, liquefaction or collapse. Additionally, the project site is not located in an area of known risk for expansive soils. The Development Engineering Section of the Development Services and Capital Projects Division did not express any concerns regarding soil suitability for the project site.

E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and required a sewage feasibility analysis/engineered septic design for the project. A Sewage Disposal Feasibility Study (KA Project No. 012-17235) was prepared by Krazan and Associates Inc, and dated April 13, 2018. The

Department reviewed the Study and approved it. Along with approval of the Study, prior to issuance of building permits for each structure connected to an Onsite Wastewater Treatment System (OWTS), specific design and capacity details for the OWTS (Sewage Disposal Design submitted by Krazan and Associates, Inc., May 30, 2018 shall be approved by either the California Regional Water Quality Control Board or the Fresno County Public Works and Planning depending on oversight jurisdiction (dependent on the OWTS capacity/daily flow rates). This shall be included as a Project Note.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No paleontological resource or geologic resource was identified on the project site. As stated before, the project site has experienced previous ground disturbance from improvements related to the non-conforming market and mobile home. Any stated resource, paleontological or geologic, may have been removed or destroyed during construction of the previous improvement and therefore no impact is seen.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution has reviewed the project and did not express any concerns regarding greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION MEASURES:

The Fresno County Department of Public Health, Environmental Health Division has reviewed the subject application and has offered comments in regards to the proposal. The offered comments will be implemented through project notes and Mitigation Measures.

- If the applicant decides to construct an aboveground petroleum storage tank, a spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity
- If the applicant decides to construct an underground petroleum storage tank, prior to issuance of building permits, the applicant shall submit three sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division;
- 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. The default State reporting thresholds that apply are ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances;
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5).
- In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paint;
 - If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District
 - If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements, California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, and State of California, Industrial Relations Department, Division of Occupational Safety and Health
 - Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state and local requirements.

* **Mitigation Measure(s)**

1. *Should the structure have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structure in order to prevent the spread of vector to adjacent properties.*
 2. *In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paint;*
 - a. *If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District.*
 - b. *If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or remodel work the contractor should contact the following agencies for current regulations and requirements, California Department of Public Health, Childhood Lead Poisoning Prevention Branch; United States Environmental Protection Agency; and the State of California, Industrial Relations Department, Division of Occupational Safety and Health.*
 - c. *Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state and local requirements.*
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within one-quarter-mile of a school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to a generated NEPAssist Report for the project area, the project site is not located on or near a hazardous materials site.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located in the vicinity of a public airport or private airstrip.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is not located on or near any identified area that is susceptible to wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Works and Planning, Water and Natural Resources Division has reviewed the subject application and did not express any concerns with regards to water quality standards or groundwater supplies. The Department of Public Health, Environmental Health Division and the State Water Resources Control Board, Division of Drinking Water-Fresno District, commented that the project will be considered a Public Water System and that the Applicant shall submit an application for a permit to operate a Public Water System and supporting information, in the form of a technical report, to the State Water Resource Control Board, Division of Drinking Water-Fresno Division for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator, and shall be obtained prior to occupancy. In addition, if a new water well for domestic use is being proposed, the well must be constructed in accordance with the California Well Standards and County Well Requirements. The State Water Resources Control Board also required that the well must demonstrate compliance with all applicable water quality criteria under the California Safe Drinking Water Act. A transient noncommunity water system must monitor for the constituents and comply with the nitrate maximum contaminant level.

The well must also be free of coliform bacteria. The monitoring must be conducted and the results submitted with the permit application. With these requirements being incorporated as project notes, the project is seen as having a less than significant impact.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-3 and 7-4 of the FCGPBR, the project site is not located on or near an identified erosion hazard area. Additionally, the Development Engineering Section of the Development Services and Capital Projects Division requires that an Engineered Grading and Drainage Plan be completed to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Development Engineering Section of the Development Services and Capital Projects Division requires that an Engineered Grading and Drainage Plan be completed to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties. Additionally, the Applicant is proposing to build a ponding basin to reduce any risk of flooding.

- i. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2650H, the project site is not subject to flooding from the 100-year storm, therefore no impact is seen on impeded or redirecting flood flows.

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2650H, the project site is not subject to flooding from the 100-year storm. The project is not located near a body of water that would cause concern for tsunami or seiche zones.

5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The State Water Resources Control Board, Department of Public Health, Environmental Health Division and the Water and Natural Resources Division of the Department of Public Works and Planning did not express any concerns with regards to implementation of a sustainable groundwater management plan. As stated in Section X. Hydrology and Water Quality A. and B., the requirements set forth by the State Water Resources Control Board and the Department of Public Health, Environmental Health Division, will involve the applicant to apply for permits and meet water quality standards. Therefore, no conflict or obstruction of a water quality control plan is seen.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Agriculture in the Fresno County General Plan. The proposed non-agricultural use is allowed by the County General plan provided that the use meets General Plan Policy LU-A.3, Criteria a., b., c., and d.

Criteria LU-A.3.a. states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operations characteristics. Criteria LU-A.3.b. states that the use should not be sited on productive agricultural lands if less productive land is available in the vicinity. Criteria LU-A.3.c. states that the operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use of management of surrounding properties within at least one-quarter (1/4) mile radius and Criteria LU-A.3.d. states the a probable workforce should be located nearby or be readily available.

With regards to Criteria “a”, the proposal will allow a market and gas station to replace the existing non-conforming market. This use will provide a service to the surrounding agricultural area where the most similar use is approximately 2.9 miles north of the project site. With regards to Criteria “b”, the project site is already improved with an existing non-conforming market and mobile home. Portions of the adjacent property that is proposed to be given to the project site is not being actively farmed and is currently vacant. With regards to Criteria “c”, the State Water Resources Control Board, the Department of Public Health, Environmental Health Division, and the Water and Natural Resources Division of the Department of Public Works and Planning, have reviewed the subject application and set forth requirements in addressing water resource management. With regards to Criteria “d”, the project site is located approximately 1.98 miles from the nearest city limits of the City of Selma and is also located approximately 2.95 miles from the city limits of the City of Kingsburg. Both cities can be considered for a probable workforce for the proposed project.

General Plan Policy LU-A.12 states that in adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses. With regards to Policy LU-A.12, the existing non-conforming market has been on the subject property for a number of years. The Fresno County Zoning Ordinance allows for an Agricultural Commercial Center through the Conditional Use Permit process with the intent of providing agricultural and rural residential communities with necessary services.

General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. With regards to Policy LU-A.13, adequate buffers are required through front yard, side yard, and rear yard setbacks. Review of the proposed site shows that setbacks are in excess of what is required and therefore no conflict with agricultural and nonagricultural uses are seen.

General Plan Policy LU-A.14 states that the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. With regards to Policy LU-A.14, the Policy Planning Section of the Development Services and Capital Projects Division has reviewed the application and determined that partial cancellation of ALCC No. 5621 is required to move forward with the application. At the Agricultural Land Conservation Committee meeting on December 5, 2018, a unanimous vote was made by the Committee to recommend approval of the partial cancellation to the Board of Supervisors.

General Plan Policy HS-B.1 states that the County shall review project proposals to identify potential fire hazards and then evaluate the effectiveness of preventive measures to reduce the risk to life and property. The Fresno County Fire Protection District has reviewed the subject application and has provided comments that address fire hazards and preventive measures to reduce risk to life and property.

General Plan Policy HS-F.1 states that the County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in

accordance with applicable hazardous materials and waste management laws and regulations. See Section VIII. Hazards and Hazardous Materials A. and B. for discussion and comments provided by the Department of Public Health, Environmental Health Division that address hazardous materials and hazardous wastes.

General Plan Policy HS-F.2 states that the County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage. The Department of Public Health, Environmental Health Division has reviewed the application and has provided comments that address the generation of hazardous waste and use of hazardous materials.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

According to Figure 7-7 of the FCGPBR, the project site is not located on or near any identified mineral resource location.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As there is already an existing market on the subject parcel, a minor increase in ambient noise levels could occur with the proposed market and gas station. The project will be required to adhere to the County of Fresno Noise Ordinance. The Department of Public Health, Environmental Health Division has reviewed the subject application and did not express any concerns with regards to noise levels.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located in the vicinity of a private airstrip or public airport.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

FINDING: NO IMPACT:

The project is not seen as inducing substantial unplanned population growth. As the existing use is similar to the proposed use, no unplanned population growth is expected.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed use will remove the existing mobile home that is currently occupied with two residents, which is not a substantial amount of people and the one existing mobile home is not considered a substantial amount of housing. Therefore, although housing and people will be displaced, the displacement will not necessitate the construction of replacement housing and the impact will be less than significant.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

- 1. Fire protection;

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District (FCFPD) provided comments for the subject application, but did not express any concerns with regards to substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. The subject comments received from the Fresno County Fire Protection District will be included as project notes:

- a. The Project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the FCFPD conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to the FCFPD.
- b. The project/development shall annex to Community Facilities District No. 2010-01 of the FCFPD. The project/development also 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. Police protection;

FINDING: NO IMPACT:

The Fresno County Sheriff-Coroner has reviewed the subject application and did not express any concerns with the project.

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project site already contains an existing market and the proposal is not expected to impact school, parks or other public facilities.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Also the project will not require the construction of new recreational facilities or the expansion of recreational facilities which might have an adverse physical effect on the environment.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Regulatory changes to the CEQA guidelines that implement Senate Bill 743 (SB743) were approved on December 28, 2018. July 1, 2020 is the statewide implementation date and agencies may opt-in use of new metrics prior to that date. A Traffic Impact Study was completed for the subject application on January 11, 2018 and was reviewed by the appropriate Departments prior to the statewide implementation date. Therefore, project specifics and data relating to the Traffic Impact Study are considered under the previous guidelines.

The Traffic Impact Study performed by Peters Engineering Group focused on the anticipated effect of vehicle traffic that would be generated by the project. The report included analysis of the Highland Avenue and Conejo Avenue intersection and site access from Conejo Avenue. The Traffic Impact Study indicated that the studied intersection is currently operating at acceptable levels of service and is expected to continue to operate at acceptable levels of service with construction of the project through the year 2038. A queueing analysis did not reveal concerns related to storage or blocking of adjacent lanes. The Traffic Impact Study concluded that the project will not cause a significant impact related to transportation. The California Department of Transportation, the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, and the Design Division of the Department of Public Works and Planning, reviewed the subject Traffic Impact Study and generally agreed with the conclusions.

Additionally, under the current CEQA Guidelines, the project is seen as reducing Vehicle Miles Traveled (VMT) by providing a service located in the midst of agricultural operations and the residential units that support the agricultural industry. The next closest market and gas station is approximately 2.9 miles north of the proposed project. The closest after that is approximately 3.6 miles east in the City of Kingsburg.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The California Department of Transportation (CalTrans) has provided comments regarding the design of the project:

- It is recommended that the existing westbound left-turn lane remain unchanged.
- The project proponent shall install “No Parking” signs along the project frontage on State Route 43 (Highland Avenue).
- A physical barrier such as landscape or equivalent should be provided to discourage vehicles from accessing State Route 43 (SR 43). An Encroachment Permit will be required.
- An irrevocable offer of dedication of 43 feet shall be made prior to issuance of a Caltrans Encroachment Permit.

With these requirements being incorporated as conditions of approval and project notes, hazards due to design features are reduced to a less than significant impact.

The Road Maintenance and Operations Division and the Design Division have requested that the left-turn lane be increased to 75 feet to account for truck and trailer storage. This request is reflected in the site plan.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

Caltrans, the Road Maintenance and Operations Division and the Design Division did not express any concerns with regards to emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Participating California Native American tribes were notified and given the opportunity to enter consultation with the County of Fresno for the proposed project. On September 14, 2017, County staff received a request for consultation from the Dumna Wo Wah Tribal Government. A response was sent on September 19, 2017 to recognize the request for consultation and establish a meeting date at the earliest convenience. Although meetings with the Dumna Wo Wah tribe were conducted, no document or record was produced from the Dumna Wo Wah tribe that identified the presence of tribal cultural resources on the project site. On July 16, 2018, County staff sent an email to the Dumna Wo Wah representative indicating that no tribal cultural resource has been identified and no evidence has been received suggesting otherwise. County staff provided a due date to allow additional time for the Dumna Wo Wah tribe to present information with regards to the presence of a tribal cultural resource. No response was received on or after the due date. Therefore, consultation with the Dumna Wo Wah tribe had ended with no tribal cultural resources identified. A mitigation measure will be implemented to ensure that in the event that a tribal cultural resource or other cultural resource be identified during the construction of the project, steps will be incorporated to ensure impact to those resources are mitigated.

* **Mitigation Measure(s)**

1. *See Section V. Cultural Resources A., B., and C., Mitigation Measures*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant will be required to submit an Engineered Grading and Drainage Plan to address any storm water drainage system. The Applicant has also proposed to construct a ponding basin which will be addressed in the Engineered Grading and Drainage Plan. A new water well for domestic use will be permitted and monitored by the Environmental Health Division and the State Water Resources Control Board. A new wastewater treatment system is proposed and will be reviewed and permitted by

the Building and Safety Section of the Development Services and Capital Projects Division.

The Environmental Health Division has requested that a Sewage Feasibility Analysis be completed for the project.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The Water and Natural Resources Division, the State Water Resources Control Board, and the Environmental Health Division did not express any concerns with regards to sufficient water supplies. The project is expected to use a similar volume of water as the existing use.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The project site will be serviced by a new onsite wastewater treatment system and will meet capacity and setback requirements set forth in the Fresno County Local Area Management Plan.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant anticipates that a half (1/2) ton of solid waste per week will be accumulated from the project. They are also anticipating that half (1/2) ton of waste will be recycled. The solid waste disposal will be through the private waste collection company that is contracted for the area. No reviewing Department expressed concerns with regards to the generation of solid waste or any conflicts with federal, state or local management related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located in or near a state responsibility area or near land classified as very high fire hazard severity zones.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The project site is located in an agricultural area with single-family residential units pocketed throughout the area. An existing market and mobile home are situated on the project site and will be removed prior to construction of the project. With the level of ground-disturbance and human traffic already present in the area, no potential impacts to any wildlife species or endangered plants are seen. The California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service reviewed the subject application and expressed no concerns with the project.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Traffic Impact Study (TIS) was prepared to analyze the impact a new market and gas station would have on the intersections of Conejo Avenue and Highland Avenue (SR 43) and the entrance to the project site from Conejo Avenue. The prepared TIS concluded that the proposed project will operate at acceptable levels of service through the year 2038. The analysis also concluded that no concerns related to storage or blocking of adjacent lanes will occur. Caltrans, the Design Division of the Department of Public Works and Planning, and the Road Maintenance and Operations Division of the Department of Public Works and Planning reviewed the subject TIS and agreed with the conclusions.

The Department of Public Health, Environmental Health Division required that a Sewage Feasibility Analysis be completed to analyze site conditions and provide recommendations for the design of the proposed septic system. The Environmental Health Division reviewed the subject application and provided comments in addressing and permitting the sewage disposal system.

Reviewing agencies and the provided studies expressed no concerns with regards to cumulative impacts. Potential impacts to aesthetics, cultural resources, energy, hazardous and hazardous materials, and tribal cultural resources have been identified in the analysis. These potential impacts are addressed through mitigation measures discussed in Section I.D, Section V.A, B. and C., Section VI.A, Section VIII.A and B., and Section XVIII.A.1 and 2.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly were identified in the analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3281 and Variance Application No. 4023, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Air Quality, Biological Resources, Greenhouse Gas Emissions, Mineral Resources, Public Services, Recreation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, Hydrology and Water Quality, Land Use Planning, Noise, Population and Housing, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, Hazards and Hazardous Materials, and Tribal Cultural Resources have determined to be less than significant with compliance with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

TK

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DRAFT

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 6205	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Obadi Kassim	Project Title: Classified Conditional Use Permit Application No. 3281 and Variance Application No. 4023		
Project Description: Allow an Agricultural Commercial Center consisting of a market with fuel sales and allow the creation of a 2.36-acre parcel and a 16.32-acre parcel from a 0.53-acre parcel and an 18.15-acre parcel by means of a property line adjustment in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Conditional Use Permit Application No. 3281 and Variance Application NO 4023, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Air Quality, Biological Resources, Greenhouse Gas Emissions, Mineral Resources, Public Services, Recreation and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, Hydrology and Water Quality, Land Use Planning, Noise, Population and Housing, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, Hazards and Hazardous Materials, and Tribal Cultural Resources have been determined to be less than significant with compliance with the identified Mitigation Measures. A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, CA.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal –		Review Date Deadline: Planning Commission –	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**