



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 September 12, 2019

SUBJECT: Initial Study Application No. 7602 and Classified Conditional Use Permit Application No. 3640

Allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northwest corner of Belmont Avenue and McCall Avenue, approximately 2.9 miles east of the nearest city limits of the City of Fresno (9886 E. Belmont Avenue, Sanger, CA) (Sup. Dist. 5) (APN 309-290-37).

**OWNER/
APPLICANT:** Troy Turner

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7602; and
- Approve Classified Conditional Use Permit Application No. 3640 with recommended Findings and Conditions; 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. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7602
9. 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	5.54 acres	No change
Project Site	Agricultural with single-family residence	No change
Structural Improvements	Single-family residence and barn	748 square-foot concrete pad and 1,000-gallon propane tank
Nearest Residence	N/A	Approximately 118 feet
Surrounding Development	Agriculture and single-family residential	No change
Operational Features	N/A	1,000-gallon propane tank with self-service refill pump
Employees	N/A	Two employees
Customers	N/A	10 customers per day

Criteria	Existing	Proposed
Traffic Trips	Residential	Up to 24 round trips per day
Lighting	Residential	LED lighting for operating hours and low safety lighting during non-operation hours
Hours of Operation	N/A	7:00 AM to 7:00 PM

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7602 was prepared for the project 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 is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent of Mitigated Negative Declaration publication date: August 9, 2019

PUBLIC NOTICE:

Notices were sent to 37 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:

A Classified Conditional Use Permit may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Classified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The proposal entails the construction of a concrete pad and installation of a 1,000-gallon propane tank and associated equipment for retail liquefied petroleum gas storage and distribution. The project will be built on a portion of a 5.54-acre parcel with existing driveways off Belmont Avenue and McCall Avenue being utilized for access. The Applicant intends the use to be a small operation for the refilling of small propane tanks for propane barbeques, patio heaters, and recreational vehicles that utilize propane.

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 the implementation of the Parcel Map Ordinance, a parcel of any size and dimension 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 parcel is in the same configuration as shown on 1971-72 Assessor Map Rolls, therefore

indicating that the parcel was created prior to the Parcel Map Ordinance coming into effect.

On June 8, 1960, the Fresno County Zoning Ordinance was adopted by the Board of Supervisors and the subject parcel was initially zoned Interim R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size). On March 8, 1977, Amendment Application No. 2898 had been approved by the Board of Supervisors to bring the Fresno County Zoning Ordinance into conformance with the newly-adopted County of Fresno General Plan. In this instance, the project site was rezoned from the Interim R-A (Single-Family Residential Agricultural, 36,000 square-foot minimum parcel size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site was zoned Interim R-A and had a minimum parcel size of 36,000 square-feet. As the parcel was in the same configuration shown on the 1971-72 Assessor Map Rolls, has an acreage of 5.54-acres, and is above the 36,000 square-foot minimum, analysis of the subject parcel indicates the parcel is legal.

Assessor records estimate that the residence and barn located on the project site were both built prior to 1958, the year building permits were required. Assessor records estimate that the residence was built in 1932 and the barn built in 1920. Existing building permit records indicate that the residence on the subject parcel is a guest house to the residence on the adjacent parcel at APN 309-290-36. Building permits have recognized all building on the property as existing; therefore, no illegal structures exist on the property.

***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 Street Side: 35 feet Rear: 20 feet	Front: 275 feet Street Side: 125 feet Rear: Approximately 342 feet	Y
Parking	Residential	Three parking spots plus one ADA accessible spot	Y
Lot Coverage	No requirement	No requirement	Y
Space Between Buildings	No commercial requirement	No requirement	Y
Wall Requirements	No requirement	No requirement	Y
Septic Replacement Area	100 percent replacement	100 percent replacement	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet	No new septic system proposed.	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Seepage Pit: 150 feet		

Reviewing Agency/Department Comments Regarding Site Adequacy:

Site Plan Review Section of the Fresno County Department of Public Works and Planning: Sufficient parking is shown with required ADA Van-Accessible stalls.

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

All proposed signs shall be submitted to the Department of Public Works and Planning, Permits Counter to verify compliance with the Zoning Ordinance. **This shall be included as a Project Note.**

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

Fresno Irrigation District: Fresno Irrigation District does not own, operate, or maintain any facilities located on the subject property.

For information purposes, a privately-owned pipeline known as the Rodgers E. Br. No. 571 runs southerly, traverses the eastern side of the subject property, and crosses Belmont Avenue approximately 30 feet south of the subject property. FID does not own, operate, or maintain this private pipeline. FID records indicate this pipeline is active and will need to be treated as such.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the 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. **This shall be included as a Project Note.**

Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of FCFPD. **This shall be included as a Project Note.**

Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. **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 submitted site plan shows that the proposed improvements will be located in

excess of the AE-20 Zone District required setbacks. The project site is also located on an identified Scenic Road (Belmont Avenue), and an open space buffer zone of 200 feet is required per the County of Fresno General Plan. The Applicant's site plan indicates that the proposed improvements are in excess of the required 200-foot open space buffer.

Fresno Irrigation District (FID) has identified an underground private pipeline that traverses the eastern property line of the project site along McCall Avenue. Although a private pipeline is present, the proposed storage tank and associated improvements are located approximately 80 feet away from the property line and the location of the underground pipeline. An increase of traffic may occur, as the existing driveway is located on or near the underground pipeline. Although an increase of traffic may occur, the project is not expected to have an adverse impact on the underground pipeline.

A Site Plan Review (SPR) application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of building permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway access, grading and drainage, fire protection, and lighting.

Staff finds that the proposed site is adequate in size and shape to accommodate the proposed use.

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	No private road for property access	N/A
Public Road Frontage	Yes	Belmont Avenue and McCall Avenue	No change
Direct Access to Public Road	Yes	Existing driveways on both Belmont Avenue and McCall Avenue	Operation will utilize existing driveways.
Road ADT		Belmont Avenue: 2,600 ADT McCall Avenue: 4,000 ADT	Estimate 10 round trips and 20 total trips
Road Classification		Belmont Avenue: Arterial	No change

		Existing Conditions	Proposed Operation
		McCall Avenue: Arterial	
Road Width		Belmont Avenue: 60 feet McCall Avenue: 60 feet	No change
Road Surface		Paved	No change
Traffic Trips		Residential	Estimated up to 10 round trips or 20 total trips
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		No requirements	No requirements

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Belmont Avenue is classified as an Arterial road with a right-of-way width of 30 feet north of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way south of the centerline is 53 feet.

Belmont Avenue is a County-maintained road. Records indicate this section of Belmont Avenue from McCall Avenue to Highland Avenue has an ADT of 2,600, pavement width of 434.4 feet, structural section of 0.2 feet AC/0.5 feet AB and is in very good condition.

McCall Avenue is classified as an Arterial road with a right-of-way width of 30 feet west of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way south of the centerline is 53 feet.

McCall Avenue is a County-maintained road. Records indicate this section of McCall Avenue from Belmont to Olive has an ADT of 4,000, pavement width of 32.7 feet, structural section of 0.25 feet AC/0.35 feet AB/0.55ASB and is in poor condition.

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

Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized. **This shall be included as a project note.**

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward. **This shall be included as a Project Note.**

If not already present, 30-foot by 30-foot corner cutoffs should be improved for sight distance purposes at the intersection of Belmont Avenue and McCall Avenue. **This shall be included as a Project Note.**

According to FEMA FIRM Panel C1615H, the parcel is not subject to flooding from the 100-year storm.

A grading permit is required. **This shall be included as a Project Note.**

An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Both Belmont and McCall are classified as Arterial roads requiring an ultimate right-of-way of 106 feet, 53 feet on each side of the section line. Currently, both rights-of-way are 60 feet wide, 30 feet on each side of the section line. Ultimately an additional 23 feet of road right-of-way will be required across the parcel frontage. A 30-foot by 30-foot corner cutoff will also be required for the ultimate right-of-way widths. However, the scope of the development does not warrant that right-of-way be dedicated as this time. **This shall be included as a Project Note.**

Setbacks to any structure should be based upon these ultimate right-of-way lines. **This shall be included as a Project Note.**

As public traffic will be accessing the tank site, it is recommended that one of the entrances should be paved all the way to the tank site and parking area. **This shall be included as a Project Note.**

The drive approach being utilized for truck traffic should be widened and improved to accommodate the truck traffic. Once the access to the tank site splits off from the driveway, the remainder of the access could be surfaced with all-weather materials. However, if that access is utilized for public traffic, then it should also be paved to the tank site. **This shall be included as a Project Note.**

A Site Plan Review application should follow if the Conditional Use Permit is approved so that access improvements could be finalized prior to actual construction. **This shall be included as a Condition of Approval.**

Any work within the road right-of-way will require an encroachment permit from this division. **This shall be included as a Project Note.**

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

Analysis:

The site plan provided by the Applicant indicates that the proposed facility will utilize two existing driveways off McCall Avenue and Belmont Avenue to access the site. The Belmont Avenue driveway is paved, while the McCall Avenue driveway is a dirt driveway. Both driveways

are utilized for residential access. The Applicant proposes to split off the existing driveways to access the proposed project site.

Based on comments from the Development Engineering Section and the Road Maintenance and Operations Division, certain improvements to the proposed access drives will be required. Those requirements will be subject to a Site Plan Review application and additional permitting. Review of the proposal by responsible Departments and Agencies regarding adequacy of Belmont Avenue and McCall Avenue indicate that both public right-of-ways are adequate to accommodate traffic generated from 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	2.3 acres	Single-Family Residential	AE-20	Approximately 367 feet
South	17.15 acres	Field Crops and Single-Family Residential	AE-20	Approximately 753 feet
East	7.64 acres	Vacant	AE-20	Approximately 351 feet
	1.65 acres	Single-Family Residential	AE-20	
West	2.2 acres	Single-Family Residential	AE-20	Approximately 118 feet
	0.83 acre	Single-Family Residential	AE-20	

Reviewing Agency/Department Comments:

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

State Water Resources Control Board: This project does not meet the definition of a public water system and will not be regulated by the Division of Drinking Water.

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

Analysis:

The project site is located in an agricultural area with residential development supporting the agricultural uses. The project site is utilized for residential purposes and is improved with a single-family residence, guest house, and barn. The project proposes to develop a portion of the property to include a 1,000-gallon propane tank and related equipment, and parking stalls including one ADA accessible stall for the operation of a retail liquefied petroleum gas distribution and storage facility to service the surrounding agricultural and rural residential community.

The Department of Public Health, Environmental Health Division (EHD) has reviewed the proposal and commented on the project, requiring that the project meet hazardous material/waste regulations. This will reduce the potential adverse effects that the project could have on abutting properties and the surrounding neighborhood.

Additional Mitigation Measures related to site lighting have been addressed in the Initial Study prepared for the project and will reduce light and glare issues from the public right-of-way and properties in the vicinity of the project.

Based on the analysis and consideration given to comments and requirements provided by EHD, staff believes that the proposal will not have an adverse effect on surrounding properties.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated as Agricultural, 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 as Agricultural shall be subject to the following criteria:	In regard to Criteria "a", the proposed operation will provide a retail liquefied petroleum location to serve the surrounding agricultural community. The Applicant has indicated that there are no other operations similar to the proposal in the vicinity of the project area and that the closest similar operation is located approximately 2.9 miles west of the project site.

Relevant Policies:	Consistency/Considerations:
<p>LU-A.3.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.</p> <p>LU-A.3.b: The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</p> <p>LU-A.3.c: The operational or physical 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.</p> <p>LU-A.3.d: A probable workforce should be located nearby or be readily available.</p>	<p>In regard to Criteria “b”, the project site is not being actively farmed. The primary use of the site is residential, with the project located on a vacant portion of the subject parcel. Therefore, the project will not be sited on productive agricultural lands.</p> <p>In regard to Criteria “c”, the project is proposing to utilize the existing well for maintenance of the site. The Applicant estimates that 20-50 gallons of water per day will be used. The Water and Natural Resources Division of the Department of Public Works and Planning did not express any concerns with the proposal and water usage.</p> <p>With regard to Criteria “d”, the project site is located approximately 2.3 miles southeast of the City of Clovis, approximately 2.9 miles east of the City of Fresno, and approximately 2.7 miles northwest of the City of Sanger. All three of those cities are located within proximity of the project site and can be considered for probable workforces. Additionally, the Applicant has indicated that they are currently not looking for employees and will manage the operation with a business partner.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>PF-C.17.a: A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the land in question lies in an area of limited groundwater, a hydrogeologic investigation shall be required.</p>	<p>The Applicant has indicated that the proposed use will utilize approximately 20-50 gallons of water a day to maintain the project site. The Water and Natural Resources Division did not express concerns in regard to availability of groundwater to service the proposal, nor did they require a hydrogeologic study.</p>

Relevant Policies:	Consistency/Considerations:
<p>PF-C.17.c: A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p>	

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agricultural in the Fresno County General Plan. The subject parcel is not enrolled in the Williamson Act Program.

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

Analysis:

Based on the above considerations, Staff believes that the proposal is consistent with the Fresno County 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 can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3640, subject to the recommended Mitigation Measures, Conditions of Approval, and Project Notes.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7602; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3640, 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. 3640; 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.

TK:ksn

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7602 and Classified Conditional Use Permit Application No. 3640
(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 on public roads or surrounding property.	Applicant	Applicant/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	The idling of onsite vehicles and equipment shall be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.	Applicant	Applicant/PW&P	During ground-disturbing activities
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of Building Permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection, and lighting.				

*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.

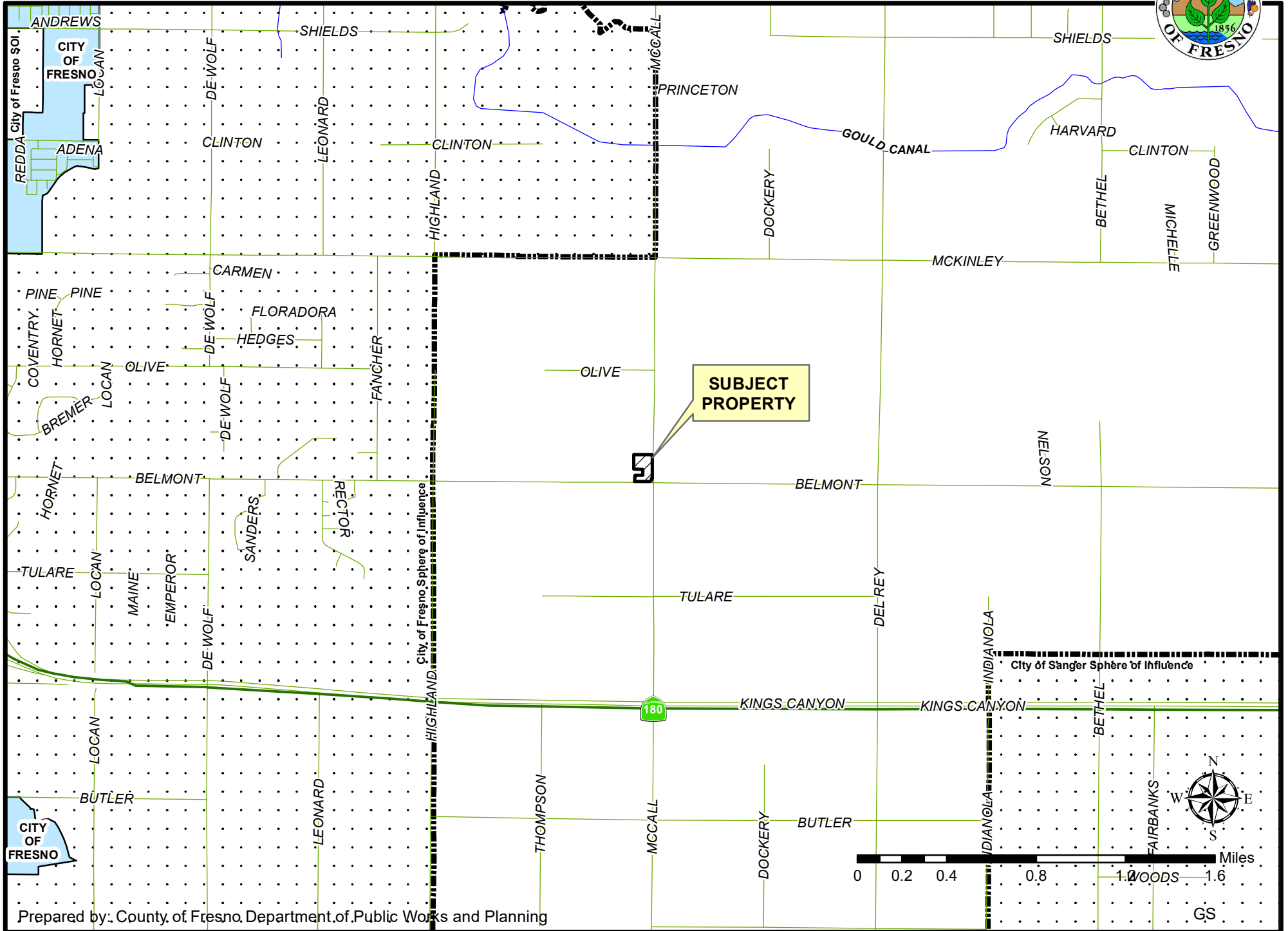
1.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
2.	All proposed signs shall be submitted to the Department of Public Works, Permits Counter to verify compliance with the Zoning Ordinance.
3.	Plans, permits, and inspections will be required for onsite improvements.
4.	The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Department of Public Works and Planning for review. It is the Applicants responsibility to deliver a minimum of three sets of plans to FCFPD.
5.	Project Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of FCFPD.
6.	Project Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
8.	Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
9.	If not already present, 30-foot by 30-foot corner cutoffs should be improved for sight distance purposes at the intersection of Belmont Avenue and McCall Avenue.
10.	A grading permit is required.
11.	An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
12.	Both Belmont and McCall are classified as Arterial roads requiring an ultimate right-of-way of 106 feet, 53 feet on each side of the section line. Currently both rights-of-way are 60 feet wide, 30 feet on each side of the section line. Ultimately, an additional 23 feet of road right-of-way will be required across the parcel frontage. A 30-foot by 30-foot corner cutoff will also be required for the ultimate right-of-way widths. Setbacks to any structure should be based upon these ultimate right-of-way lines.

Notes	
13.	As public traffic will be accessing the tank site, it is recommended that one of the entrances should be paved all the way to the tank site and parking area. The drive approach being utilized for truck traffic should be widened and improved to accommodate the truck traffic. Once the access to the tank site splits off from the driveway, the remainder of the access could be surfaced with all-weather materials. However, if that access is utilized for public traffic, then it should also be paved to the tank site.
14.	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.
15.	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 waste.

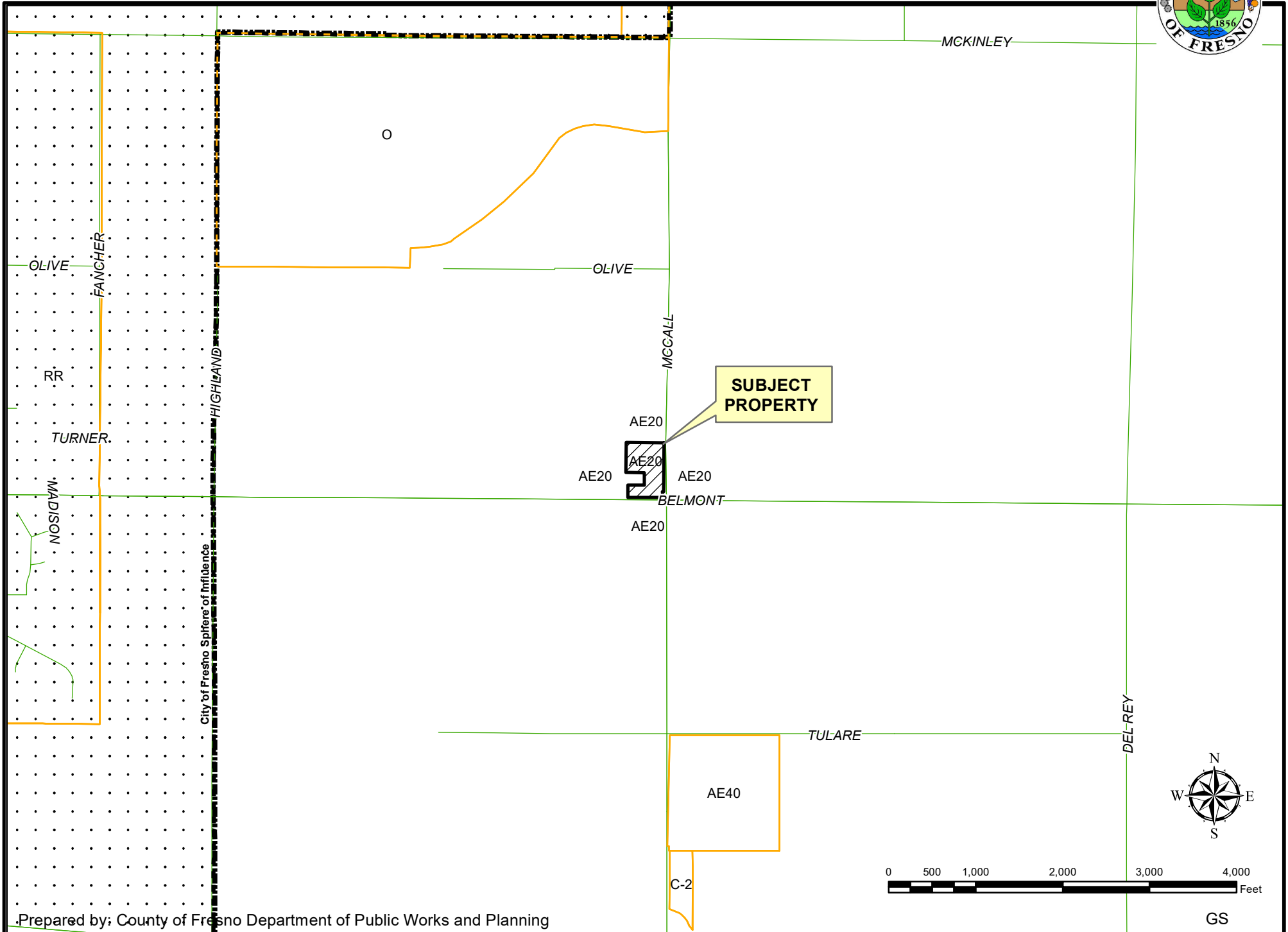
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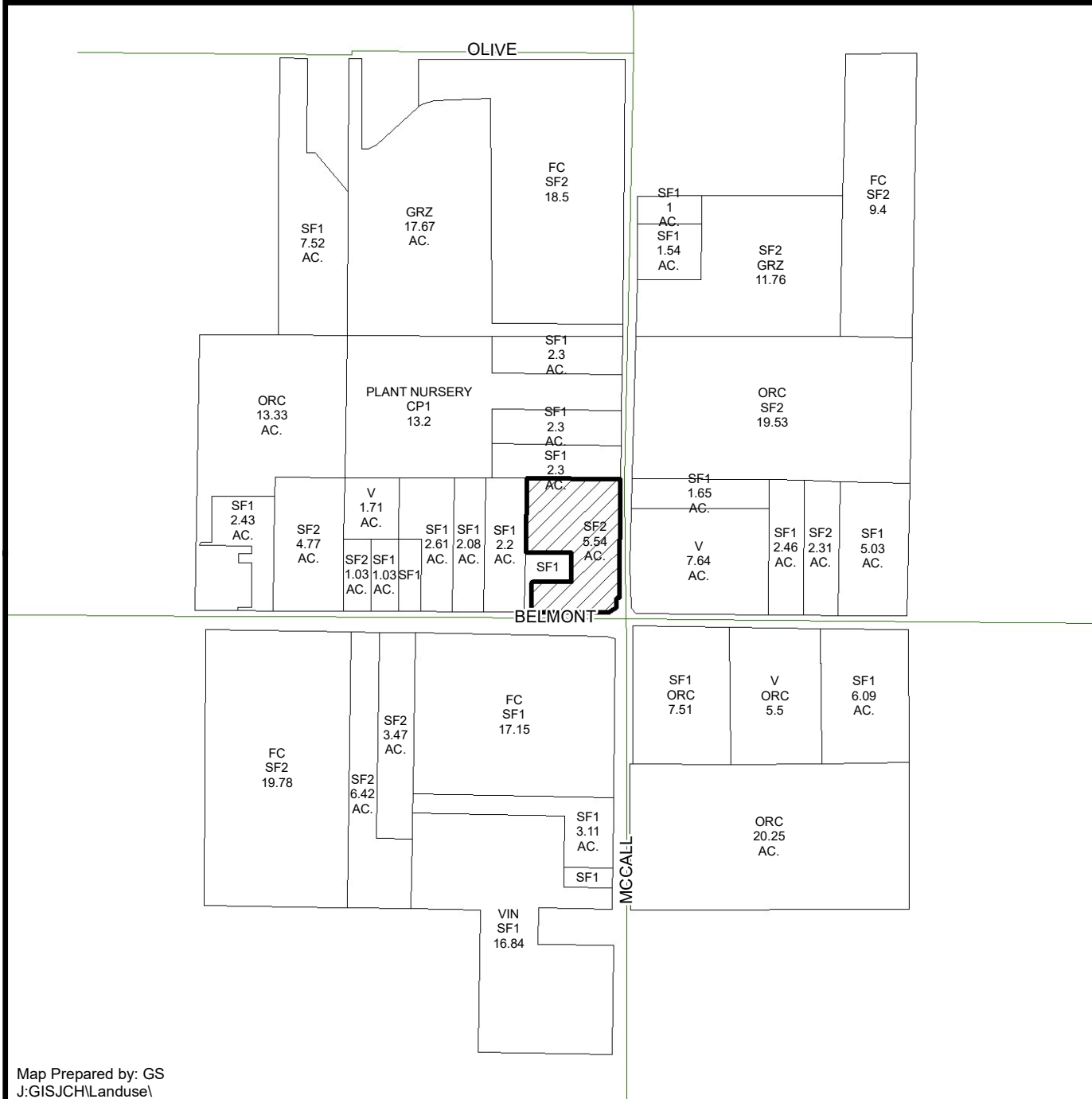
LOCATION MAP



EXISTING ZONING MAP



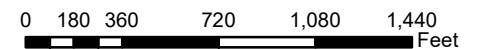
EXISTING LAND USE MAP



LEGEND	
CP# -	OFFICE COMM./PROF
FC -	FIELD CROP
GRZ -	GRAZING
ORC -	ORCHARD
SF# -	SINGLE FAMILY RESIDENCE
V -	VACANT
VIN -	VINEYARD

LEGEND:

 Subject Property



Department of Public Works and Planning
Development Services Division

- Ⓐ Concrete Pad For 1000 Gallon Propane Tank
22' x 34', Ballards 1' Inlay, 4' On Center
- Ⓑ Van Accessible Handicap Parking
19' x 19'

Note: Distances shown are from power pole to power pole, or power pole to edge of proposed driveway. Approximate distance from existing driveway to proposed driveway (edge to edge) are: 65' McCall, 60' Belmont.

Proposed entry on existing driveways: Approximately 35' from center line of McCall entrance, 80' from center line of Belmont entrance. Both proposed entries to be approximately 40' wide.

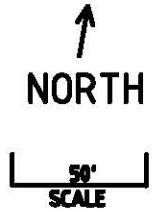
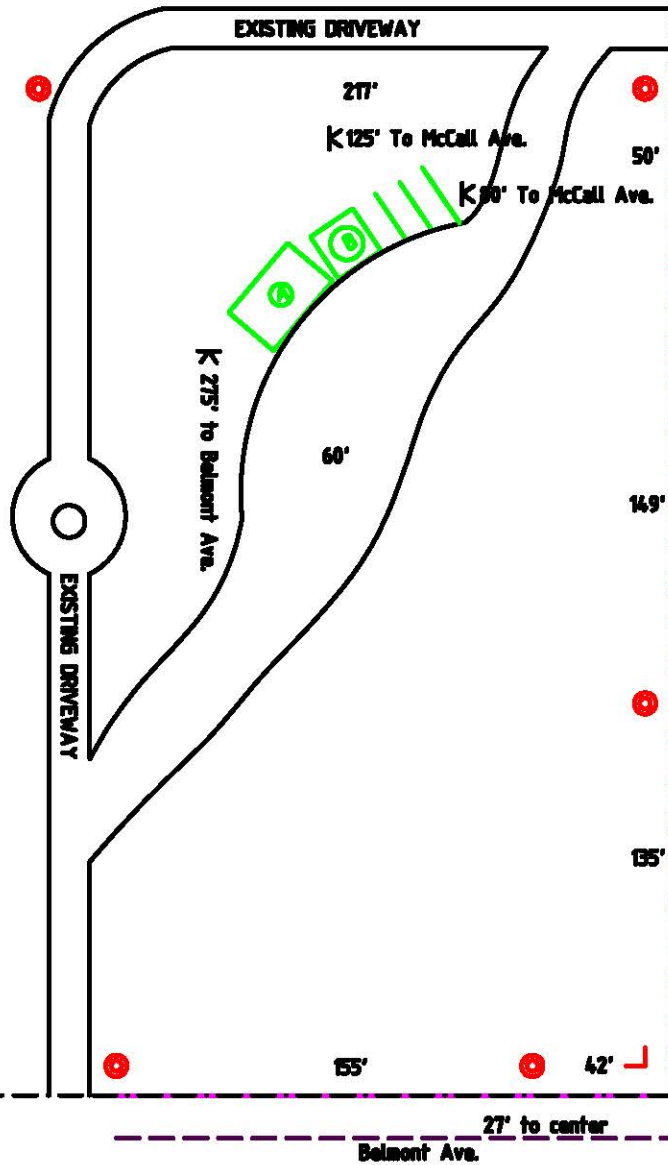


EXHIBIT 5



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COUNTY OF FRESNO

MAR 07 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

*Example of proposed Propane tank
Streets: Belmont and Temperance*

EXHIBIT 6



Side view of proposed Propane tank
(looking North)
Streets : Belmont and Temperance



Example of proposed Propane Tank
45° angle
Streets: Belmont and Temperance

OPERATIONAL STATEMENT

Pine Flat Propane

Troy Turner 559/999-8728

RECEIVED
COUNTY OF FRESNO

MAR 07 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

1. Nature of the operation
To re-fill propane cylinders for the general public for use in barbeques, patio heaters, campers, RV's etc.
2. Operational Time limits
Our hours will be 7:00 am to 7:00 pm 7 days a week.
3. Number of customers or visitors
We expect a maximum of 10 customers per day for less than 10 minutes per visit.
4. Number of employees hours they work
Currently there are no employees. The owners of the company will work the hours of operation. Employees may be added in the future as the business demands. Two owners, one to two employees in the future.
5. Service and delivery vehicles
There will be an Ameri-Gas propane delivery truck to re-fill our 500 or 1,000 gallon tank at least once per month as needed.
6. Access to the site
We have two access points to the site, one from McCall Ave and one from Belmont Ave with ¾ inch base rock or decomposed granite.
7. Number of parking spaces for employees, customers, and service/delivery vehicles
Three parking spaces for customers and employees in ¾" base rock or DG and one van accessible handicapped space in concrete

8. Are any goods to be sold on site – are they grown/produced on site or other location
Yes, Liquid propane and canned soda and waters as well as ice
9. What equipment is to be used
There will be a 500 or 1,000 gallon propane tank and filling equipment/pump to fill the smaller tanks
10. What supplies of material are used and how are they stored
The propane will be stored in a 500 or 1,000 gallon tank that is mounted on a concrete pad according to Ameri-Gas specifications. All beverages will be stored in a cool dry area and the ice in a freezer or ice bin
11. Does the use cause an unsightly appearance – Noise, glare, dust, odor – How will this be reduced or eliminated
This is an undeveloped corner. Neighbors are at least 100 yards away from the site. We plan to landscape to improve any glare or unsightliness. Dust from customer or delivery traffic will be controlled by ¾" base rock or DG on driveways and parking areas. Odors from the propane are expected to be minimal and should dissipate fairly quickly
12. List any solid or liquid wastes. Estimated volume of waste, where is it stored, hauled, disposed of & how often
Not applicable or to a minimum. This operation should not generate any waste other than possible customer use of trash cans. If any waste occurs, the 1-1/2 yard bin located on site with standard weekly trash pickup by Waste Management will be used.
13. Estimated volume of water to be used (gallons per day) – Source of water
We estimate between the irrigation of the landscape and general maintenance of the site should be approximately 20 to 50 gallons per day supplied by the well on the property
14. Describe proposed advertising including size and appearance and placement
Two banner signs not bigger than 4 foot by 8 foot near the parking lot and occasional promotional signs or banners provided by Ameri-gas which are not bigger than 4 foot by 8 foot

<p>15. Will existing buildings be used or will new buildings be constructed – describe construction materials and floor plan</p>
<p>A new concrete pad will be poured with safety balustrades surrounding the tank. A 10 foot by 10 foot canopy will be used for owner/operator comfort and safety (example: easy-up shade)</p>
<p>16. Explain which buildings or what portion of buildings will be used in the operation</p>
<p>None at this time</p>
<p>17. Will any outdoor lighting or an outdoor sound amplification system be used</p>
<p>LED lighting will be used during operating hours and low safety lighting will be used during no-operation hours. No sound amplification equipment.</p>
<p>18. Landscaping or fencing proposed – describe type and location</p>
<p>Small trees (such as Crepe Myrtle) will be planted surrounding the parking area and along the edge of the site.</p>
<p>19. Any other information that will provide a clear understanding of the project or operation</p>
<p>We are simply wanting to open this business for re-filling propane cylinders for propane barbeques, propane patio heaters, campers that use propane, rv's that use propane, etc.</p>
<p>20. Identify all owners, officers and/or board members, for each application submitted</p>
<p>Troy Turner – owner, Jason White – owner, no officers or board members</p>



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Troy Turner

APPLICATION NOS.: Initial Study Application No. 7602 and Classified Conditional Use Permit Application No. 3640

DESCRIPTION: Allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northwest corner of Belmont Avenue and McCall Avenue, approximately 2.9 miles east of the nearest city limits of the City of Fresno. (APN: 309-290-37) (9886 E. Belmont Avenue, Sanger, CA) (SUP DIST.: 5)

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure OS-2 of the Fresno County General Plan, Belmont Avenue from Temperance Avenue to Academy Avenue is designated as a Scenic Drive. The project site is located along the Scenic Drive and will be held to strict aesthetic standards to minimize impacts on the scenic drive.

Policy OS-L.3 of the Fresno County General Plan states that intensive land development proposals including commercial development shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way. Modification of the setback requirement may be appropriate when any one of the following conditions exist: 1.) Topographic or vegetative characteristics preclude such a setback; 2.) Topographic or vegetative characteristics provide screening of buildings and parking areas from right-of-way; 3.) property dimensions preclude such a setback;

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and 4.) Development proposal involves expansion of an existing facility or an existing concentration of uses.

The Applicant has designed this project to be outside of the 200-foot open space area, which will reduce the project's effect on the scenic roadway to a less than significant impact.

- 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:

Belmont Avenue, along the project frontage, has been designated as a Scenic Drive. Although the project fronts a Scenic Drive, the proposed improvements will be located on an approximately 748 square-foot concrete pad, over 200 feet north of Belmont Avenue. The 1,000 gallon propane tank, filling equipment, concrete pad, and parking area will be the visible improvements associated with the proposal. The improvements are not expected to substantially degrade the existing visual character or quality of public views of the site and its surroundings.

- 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:

The applicant has stated that LED lighting will be used during operating hours and low safety lighting will be used during non-operational hours. A mitigation measure will be implemented that all outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding properties.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding properties.*

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: NO IMPACT:

According to the 2016 Fresno County Important Farmlands Map, the project site is located in R (Rural Residential) designated land and will not convert prime farmland, unique farmland, or farmland of statewide importance. The project site is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). Pursuant to Section 816.3-N of the Fresno County Zoning Ordinance, the project proposal is allowed subject to a Conditional Use Permit. As the project proposal is allowed subject to the Conditional Use Permit, the project is not conflicting with existing zoning for agricultural use and is not subject to a Williamson Act Contract.

- 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 designated forest land, timberland or timberland zoned Timberland Production. The project will not result in the loss or conversion of forest land.

- 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: NO IMPACT:

The project has been designed to have a relatively small footprint and is considered supportive for agricultural and residential uses located within the vicinity of the project area. As the commercial activity is minimal, the project will not result in the conversion of farmland to non-agricultural use. As the project is not located in forest land, it will not convert forest land to non-forest use.

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. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District did not express concerns about the project to indicate that the proposal would conflict with or obstruct implementation of the applicable Air Quality Plan or would result in a cumulatively considerable net increase of any criteria pollutant. Minor increases in criteria pollutants could occur during project construction. The Applicant has indicated that the access points off the existing paved driveways will be improved with ¾ inch base rock or decomposed granite to reduce dust produced from customers and refilling trucks coming onsite.

- 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: LESS THAN SIGNIFICANT IMPACT:

The nearest sensitive receptor is a single-family residence located approximately 118 feet west of the project site. Based on the projects proximity to the single-family residence, the increase of criteria pollutants from project construction could affect the receptor. The Applicant has indicated the sale of propane from the liquefied petroleum gas tank. Propane is odorless and typically an additive is combined to provide an odor to propane to provide a warning indication in the event of a leak or when being used. Although the emission could expose people to odors, the tank is located outside and the gas and odor should dissipate quickly before affecting a substantial amount 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 area of agricultural and residential uses. As the project site is located on the corner of a road intersection, human disturbance from road traffic, agricultural operations, and human occupation occurs on a daily basis. Staff believes that due to the common occurrence of human disturbance, there will be no impact to

special status species. Additionally, the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife were given the opportunity to comment on the project proposal. Neither agency expressed concerns with the 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?

FINDING: NO IMPACT:

No riparian habitat or other sensitive natural community has been identified on or near the project site.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory (NWI), there is an identified riverine system located on the eastern portion of the project site. Although there is an identified riverine system, the Fresno Irrigation District has identified the presence of a private pipeline known as Rodgers E. BR. No. 571, which is located in the same area identified in the National Wetlands Inventory. Submitted photos from the Applicant suggest that there are no visible signs of a wetland located in the identified area from the NWI. A less than significant impact is seen as the proposed structures are located approximately 100 feet west of the facility and that the facility is an underground manmade pipeline for irrigation purposes.

- 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:

The project site is located in an area of agricultural and residential uses. No wildlife corridor or native wildlife nursery site have been identified on or near the project site. The proposal will not interfere substantially with the movement of any native resident or migratory fish or wildlife species.

- 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 and will not conflict with the provisions of 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 is located in an agricultural and residential area. Ground-disturbance has likely occurred due to improvements being made to the subject parcel and surrounding area. Additionally, an underground pipeline has been identified on the eastern property line. No historical resource has been identified on or in the vicinity of the project site. According to County records, the project site is not located in areas of archaeological sensitivity. A Mitigation Measure will be incorporated to address cultural resources or human remains in the slight chance that they are encountered during ground-disturbing activity related to the project proposal.

* **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 Archaeologist 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 Sherriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, videos, etc. If such remains are determined to be Native American, the Sherriff-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; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project proposal will be subject to current California Building Codes that address energy efficiency and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. A Mitigation Measure related to the avoidance of idling of onsite equipment and vehicles will be incorporated to reduce potential of wasteful or inefficient consumption of energy resources during project construction.

* **Mitigation Measure(s)**

1. *The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.*

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 California Earthquake Hazards Zone Application, the project site is not located on or near a known rupture of an earthquake fault. Additionally, Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located near identified earthquake hazard zones.

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

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located in probabilistic seismic hazard areas. As strong seismic ground shaking is not likely to occur on or near the project site, liquefaction and other seismic-related ground failure risks are also minimal.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located near identified landslide hazard areas.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the loss of topsoil as portions of the project area will be paved to accommodate vehicle access and structures. The project site is located on flat land and will not result in substantial soil erosion. Any grading proposed for the project will be subject to review and permitting by the Development Engineering Section of the Development Services and Capital Projects Division.

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?

FINDING: NO IMPACT:

No unstable geologic unit or soil has been identified on the project site. The project will be subject to review and permitting by the Development Engineering Section and the Building and Safety Section of the Development Services and Capital Projects Division and verify that the proposal will not result in on or offsite landslides, lateral spreading, subsidence, liquefaction, or collapse.

C. 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:

Per Figure 7-1 of the FCGPBR, the project site is not located on any identified expansive soil areas.

D. 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; or

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

FINDING: NO IMPACT:

No septic tanks or alternative wastewater disposal system is being proposed with the subject application. No unique paleontological resource or unique geologic feature were identified on or near the project site.

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: LESS THAN SIGNIFICANT IMPACT:

The project proposal is for small-scale retail sales of liquefied petroleum gas. The Applicant estimates that one delivery truck will provide refills of the propane on a monthly basis and estimates the operation to serve 10 customers per day. The use is intended to provide a necessary service closer to the agricultural community, which in turn can reduce the total amount of greenhouse gas emissions by reducing travel times compared to a similar use located closer to urban areas. The operation of the retail sales will not generate a significant amount of greenhouse gas emissions. The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

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:

The Department of Public Health, Environmental Health Division (EHD) has reviewed the subject application and has commented that the use and storage of hazardous materials involved in the project involves risk of accidental release of hazardous substances. The operator will be required to follow California Health and Safety Code, the California Code of Regulations regarding hazardous materials and waste to minimize risk of upset and accidents. Additionally, the project will be subject to the California Building Code and will require building permits that address the stability and safety measures in place to reduce risk of a potential accidental release from the tank.

- 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:

There are no existing or proposed schools within a one-quarter mile of the project site.

- 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 NEPAssist report generated for the project site, there are no listed hazardous materials sites located on or near the subject property.

- 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 within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 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 Fresno County Fire Protection District and other reviewing agencies did not express concern with regard to the implementation of an adopted emergency response plan or emergency evacuation plan. According to the 2007 Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection (CalFire), the project site is not located in an identified fire hazard zone.

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: NO IMPACT:

The project is proposing to use an existing domestic well for water use associated with the project. The Water and Natural Resources Division and the State Water Resources Control Board did not express concern that the proposal would violate water quality standards, waste discharge requirements, or substantially degrade surface or ground water quality. Reviewing departments and agencies also did not express concern related to groundwater supplies or interference with groundwater recharge.

- 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;
 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; or
 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Development Engineering Section of the Department of Public Works and Planning reviewed the subject application and did not express concern with regard to erosion or siltation on- or off-site. In addressing surface runoff and planned stormwater drainage systems, with the additional impervious surfaces proposed with the project, an Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. According to FEMA FIRM Panel C1615H, the parcel is not subject to flooding from the 100-year storm, therefore no impact is seen on flood flows.

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

FINDING: NO IMPACT:

According to Figure 9-8 of the Fresno County General Plan Background Report, the project site is located outside of Dam Failure Flood Inundation Areas. FEMA FIRM Panel C1615H indicates that the project site is not subject to flooding from the 100-year

storm. The project site is not located near a body of water subject to tsunami or seiche risks.

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

FINDING: NO IMPACT:

The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Both the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that indicate the project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

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 Policy Planning Section of the Development Services and Capital Projects Division states that the subject parcel is designated Agricultural in the Fresno County General Plan. The proposed non-agricultural use is allowed by the Fresno County General Plan, provided that the use meets General Plan Policy LU-A.3, Criteria a., b., c., and d.

General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in area designated as Agricultural shall be subject to the following criteria. 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 operational 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 or management of surrounding properties within at least one-quarter (1/4) mile radius.

Criteria LU-A.3.d states that a probable workforce should be located nearby or be readily available.

In regard to Criteria “a”, the proposed operation will provide a retail liquefied petroleum location to serve the surrounding agricultural community. The Applicant has indicated that there are no other operations similar to the proposal in the vicinity of the project area and that the closest similar operation is located approximately 2.9 miles west of the project site. In regard to Criteria “b”, the project site is not being actively farmed. The primary use of the site is residential with the project located on a vacant portion of the subject parcel. Therefore, the project will not be sited on productive agricultural lands. In regard to Criteria “c”, the project is proposing to utilize the existing well for maintenance of the site. The Applicant estimates that 20-50 gallons of water per day will be used. The Water and Natural Resources Division of the Department of Public Works and Planning did not express any concerns with the proposal and water usage. With regard to Criteria “d”, the project site is located approximately 2.3 miles southeast of the City of Clovis, approximately 2.9 miles east of the City of Fresno, and approximately 2.7 miles northwest of the City of Sanger. All three of those cities are located within proximity of the project site and can be considered for probable workforces. Additionally, the Applicant has indicated that they are currently not looking for employees and will manage the operation with a business partner.

General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following. Criteria PF-C.17.a states that a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Criteria PF-C.17.c states that a determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.

The Applicant has indicated that the proposed use will utilize approximately 20-50 gallons of water a day to maintain the project site. The Water and Natural Resources Division did not express concerns in regard to availability of groundwater to service the proposal nor did they require a hydrogeologic study.

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 any identified Mineral Resource Location. Therefore, the project will not result in the loss of availability of a known mineral resource or the loss of availability of a locally-important mineral resource recovery site.

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:

Construction of the project is expected to temporarily increase noise levels. Once construction is completed, operation of the project will not increase noise levels above thresholds established in the Fresno County Noise Ordinance. Minor increases of noise could occur when the delivery truck to refill the tank is brought onsite, but is not expected to exceed noise thresholds established by the County. Adherence to the County Noise Ordinance is a project requirement.

- 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 within two miles of a public airport or public use 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)?; or

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

FINDING: NO IMPACT:

The project site is located on a vacant portion of a parcel that is mainly used for residential purposes. The subject parcel is located in an agricultural area with established single-family residences and agricultural operations. The project is a small scale liquefied petroleum retail operation, which will not induce substantial unplanned population growth nor displace people or housing.

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 has reviewed the subject application and has stated that the project shall comply with California Code of Regulations Title 24 – Fire Code, the commercial property shall annex into the Community Facilities District No. 2010-01, and the project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. No concerns were expressed by the Fresno County Fire Protection District in regard to requiring the provision of new or physically-altered governmental facilities.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

No other reviewing agency expressed concerns in regard to providing new or physically-altered governmental 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 and regional parks or other recreational facilities. The project will not require the construction or expansion of recreational facilities.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located on the northwest corner of Belmont Avenue and McCall Avenue. As discussed in Section I. Aesthetics, the project is located on a scenic drive, which provides further restrictions on development. Belmont Avenue and McCall Avenue are classified as arterial roads. Policies and standards listed in the Fresno County General Plan provide specifications for access design for properties located on arterial class roads. Based on the design provided by the Applicant, the project proposes to utilize existing driveways for access to the project site. Both existing driveways are located in excess of 100 feet from the intersection of Belmont Avenue and McCall Avenue. In proposing to utilize the existing driveways, no conflict with policies related to the road classifications and associated design standards exists.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal is to allow a propane tank refilling station located close to rural residential and agricultural communities. The next closest similar use is approximately 2.9 miles west of the project site. Considering the proximity of the closest similar operation, it can be considered that the project will reduce vehicle miles traveled by providing the use closer to the rural residential and agricultural community. Therefore, the project will reduce vehicle miles traveled and not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

- 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:

Based on proposed site design and implementation of comments provided by the Design Division, Road Maintenance and Operations Division, and Development Engineering Section, hazards due to geometric design features or incompatible uses will not occur.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) reviewed the subject application and did not express concerns that would indicate that the project will result in inadequate 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:

Per Assembly Bill 52 (AB52), participating California Native American Tribes were given the opportunity to review the project and enter consultation with the County to address impacts to tribal cultural resources that may occur due to the project. No participating California Native American Tribe expressed concerns with regard to the project. A Mitigation Measure will be implemented to address cultural resources and tribal cultural resources, in the event they are discovered during the construction of the project.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C., Mitigation Measure No. 1

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: NO IMPACT:

The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant has indicated that the project will be served by an existing well. The Applicant estimates that water usage will be from 20 to 50 gallons of water a day ranging from maintenance of the site to irrigation of landscaping. No concerns were expressed from either the Water and Natural Resources Division or the State Water Resource Control Board to indicate that the project would have an effect on water supplies.

- 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:

No wastewater treatment system has been proposed with the project. The Applicant has indicated that if required, a portable sanitary facility will be made available onsite and maintained by the rental company. The operation proposes to have customers onsite for a short time to refill propane tanks. Considering the short-term aspect, the project is not expected to impact existing wastewater treatment systems.

- 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; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The Applicant anticipates solid waste generation to be minimal. Based on the Applicant's description of the operation, the proposed use will require customers to refill their propane container, which takes an average of ten minutes. Minimal solid waste generation will occur due to the average length of the customer's visit and nature of the service. The project will comply with federal, state and local management and reduction statutes and regulations 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:

Based on the California Department of Forestry and Fire Protection (Cal Fire) 2007 Fire Hazard Severity Zones for Fresno County, the project site is not located in a fire hazard severity zone.

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: LESS THAN SIGNIFICANT IMPACT:

The project will not substantially reduce the habitat of a fish or wildlife species. The project will have a less than significant impact on Cultural and Tribal Cultural Resources with mitigation measures incorporated and will not eliminate important examples of major periods of California history or prehistory.

- 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:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Energy, Hazards and Hazardous Materials, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section I.D., Section V.A., B., and C., Section VI.A. and B., 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: LESS THAN SIGNIFICANT IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No.3640, 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 Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land-Use Planning, Noise, Public Services, Transportation, Hazards and Hazardous Materials, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have determined to be less than significant with compliance with the incorporated 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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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 7602	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): Troy Turner	Project Title: Classified Conditional Use Permit Application No. 3640		
Project Description: Allow retail liquefied petroleum gas distribution and storage on a 5.54-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3640, 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 Agricultural and Forestry Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire. Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land-Use Planning, Noise, Public Services, 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 the significant with compliance with the incorporated 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 – August 9, 2019		Review Date Deadline: Planning Commission – September 12, 2019	
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**

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EXHIBIT 9