



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 5 June 25, 2020

**SUBJECT:** Initial Study Application No. 7814 and Classified Conditional Use Permit Application No. 3672

Allow a commercial plant nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST. 1) (APN 505-050-19).

**OWNER:** Hutcheson Family Trust  
**APPLICANT:** Riverside Nursery

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

David Randall, Senior Planner  
(559) 600-4050

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7814; and
- Approve Classified Conditional Use Permit (CUP) No. 3672 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/Floor Plans/Elevations
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 7814
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	18.5 acres	No change
Project Site	<ul style="list-style-type: none"> <li>• Grow yard</li> <li>• Single-family residence with detached garage</li> <li>• Shop building</li> <li>• Well and pump</li> <li>• Water holding tank</li> </ul>	Allow a commercial plant nursery on an 18.5-acre parcel
Related Structural Improvements	<ul style="list-style-type: none"> <li>• Single-family residence</li> <li>• Shop buildings (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Plant sale area</li> <li>• 516 square-foot office trailer</li> <li>• 208 square-foot restroom</li> <li>• Customer/employee parking</li> <li>• Access drive off Chateau Fresno</li> </ul>
Nearest Residence	Approximately 860 feet from the nearest property line	No change
Surrounding Development	Orchard, vineyards, single-family residences	No change
Operational Features	<ul style="list-style-type: none"> <li>• A grow yard on an 18.5-acre parcel to propagate plants for sale</li> </ul>	Operate a full-service retail and wholesale plant nursery, growing 85 percent of plants,

Criteria	Existing	Proposed
		with onsite selling of bulk soils, bark and fertilizer purchased from outside suppliers.
Employees	N/A	No change
Customers or Visitors	N/A	No change
Traffic Trips	N/A	<ul style="list-style-type: none"> <li>• 60 one-way daily customer trips (30 round trips) on weekdays</li> <li>• 100 one-way daily customer trips (50 round trips) on weekends</li> <li>• 12 one-way daily employee trips (6 round trips)</li> <li>• Up to 6 service and delivery vehicle trips weekly (3 round trips)</li> </ul>
Lighting	N/A	<ul style="list-style-type: none"> <li>• Outdoor security lighting</li> </ul>
Hours of Operation	N/A	<ul style="list-style-type: none"> <li>• 7:30 am to 4:00 pm (Monday through Friday) except holidays</li> <li>• Weekends seasonally</li> </ul>

**EXISTING VIOLATION: None.**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 22, 2020

**PUBLIC NOTICE:**

Notices were sent to 8 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 (CUP) may be approved only if five Findings specified in the Zoning Ordinance, Section 873-F are made by the Commission.

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

**BACKGROUND INFORMATION:**

On December 8, 2016, the Planning Commission approved Classified Conditional Use Permit (CUP) No. 3527 which allowed a commercial plant nursery with related facilities on the subject 18.5-acre property. Related to this approval, the existing improvements on the property included a grow yard to propagate plants for sale, a water well, a shop building and a single-family residence with garage.

Prior to the approval of CUP No. 3527, the Applicant was using the property exclusively as a grow yard for Riverside Nursery, a retail nursery he owned and operated in the City of Fresno. As a result of the High-Speed Rail project, the Riverside Nursery had to be relocated, and through the approval of CUP No. 3527, the Applicant combined the grow yard and the retail nursery on the subject property. CUP No. 3527 expired on December 8, 2018 due to the project failing to make substantial development within the two-year life of the Use Permit. The Applicant still maintains the grow yard as a by-right use in the AE-20 Zone District.

The subject application (CUP No. 3672) proposes to allow a commercial plant nursery on the property. This proposal, like CUP No. 3527, will maintain the grow yard and will utilize a two-acre portion of the property as a sales area to sell plants grown on site, and fertilizers, potting soils, and pest control products purchased from outside vendors. A 516 square-foot trailer with built-in restroom will be installed as a sales office and a detached restroom will be provided for customers. Both structures will connect to an onsite well and a new septic system. The proposed improvements will also connect to a new access drive off Chateau Fresno Avenue. Existing improvements (shop building, single-family residence) will remain intact and be used by the proposed nursery.

As a point of note, the California Department of Toxic Substances Control (CDTSC) reviewed the Initial Study (IS) prepared for the project during the public comment period and suggested that the potential for site activities to result in the release of hazardous wastes/substances be evaluated in the Hazards and Hazardous Materials Section of the Initial Study. The changes have been included as Mitigation Measures in **bold/underline** in Section IX. A. B. C. HAZARDS AND HAZARDOUS MATERIALS of Initial Study No. 7814 (Exhibit 7).

**REQUIRED CUP FINDINGS:**

*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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Front (south property line): 592 feet Side (east property line): 434 feet Street Side (west property line): 184 feet	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		Rear (north property line): 608 feet	
Parking	One (1) space for every two employees	13 parking spaces (three required)	Yes
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	12 feet	N/A
Wall Requirements	No requirement	None required	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	N/A

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the building setback requirements of the AE-20 Zone District.

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

**Finding 1 Analysis:**

Review of the site plan associated with this application shows that the proposed improvements satisfy the minimum building setback requirements of the AE-20 Zone District. The proposed office trailer and the restroom building will be set back approximately 608 feet from the north property line (20 feet required), 592 feet from the south property line (35 feet required along Shaw Avenue), 434 feet from the east property line (20 feet required), and 184 feet from the west property line (35 feet required along Chateau Fresno Avenue).

Regarding off-street parking, the County Zoning Ordinance for the AE-20 Zone District requires one (1) parking space for every two (2) employees. According to the Site Plan Review Unit of the Fresno County Department of Public Works and Planning, the project requires three (3) parking spaces for employees, including one handicapped-accessible space. The Applicant-submitted project Site Plan (Exhibit 5) depicts 13 parking spaces (including one handicapped-accessible space) which meets the requirement. Ten parking spaces out of 13, including a gravel area for overflow parking, will be used by customers.

Based on the above information, staff finds that the subject property is adequate in size to accommodate the subject proposal.

**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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	<ul style="list-style-type: none"> <li>• West Shaw; fair condition</li> <li>• North Chateau Fresno; good condition</li> </ul>	No change
Direct Access to Public Road	Yes	West Shaw and North Chateau Fresno	No change
Road ADT (Average Daily Traffic)		<ul style="list-style-type: none"> <li>• West Shaw: 6,500</li> <li>• North Chateau Fresno: 200</li> </ul>	No change
Road Classification		<ul style="list-style-type: none"> <li>• West Shaw: Arterial</li> <li>• North Chateau Fresno: Local</li> </ul>	No change
Road Width		<ul style="list-style-type: none"> <li>• West Shaw: 39.7 feet</li> <li>• North Chateau Fresno: 18.4 feet</li> </ul>	No change
Road Surface		<ul style="list-style-type: none"> <li>• West Shaw: asphalt concrete</li> <li>• North Chateau Fresno: asphalt concrete</li> </ul>	No change
Traffic Trips		N/A	<ul style="list-style-type: none"> <li>• 60 one-way daily customer trips (30 round trips) on weekdays</li> <li>• 100 one-way daily customer trips (50 round trips) on weekends</li> <li>• 12 one-way daily employee trips (6 round trips)</li> <li>• Up to 6 service and delivery vehicle trips weekly (3 round trips)</li> </ul>

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning
Road Improvements Required		<ul style="list-style-type: none"> <li>• West Shaw; fair condition</li> <li>• North Chateau Fresno; good condition</li> </ul>	No road improvement required

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: Shaw Avenue is classified as an Arterial road and requires an ultimate road right-of-way of 106 feet (53 feet each side of the section line). Currently, there is 40 feet of right-of-way north of the section line. An additional 13 feet shall be required to satisfy the ultimate road right-of-way along Shaw Avenue. Chateau Fresno Avenue is classified as a Local road and requires an ultimate road right-of-way of 60 feet (30 feet each side of the section line). Currently, there is 30 feet of right-of-way east of the section line. No additional right-of-way is required along Chateau Fresno Avenue.

An encroachment permit shall be required from the RMO Division for any work performed in the County road right-of-way. Any proposed entrance gate that provides initial access to the site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle entering the site and shall not swing outward. The first 100 feet of the unpaved or gravel-surfaced access road along Chateau Fresno shall be graded and asphalt concrete paved or treated with dust palliative. A 10-foot by 10-foot corner cutoff at the driveway approach should be provided to sustain sight distance visibility for vehicles exiting the site.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An asphalt concrete driveway approach shall be provided where the project site access road connects to the County road serving this parcel.

The above-noted requirements have been included as Project Notes.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

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

**Finding 2 Analysis:**

The project site is located on the northeastern corner of the West Shaw and North Chateau Fresno Avenue intersection. There currently exist accesses to the site off both roads. The access drive off West Shaw Avenue leads to the single-family residence and shop building, and the access drive off North Chateau Fresno leads to a grow yard on the property. Nursery customer will access the proposed two-acre sales area via a new access drive off Chateau

Fresno Avenue feeding into the customer/employee parking area, sales office and restroom facility.

Per the Applicant’s Operational Statement, operation of the nursery will generate approximately 60 one-way customer trips (30 round trips) on weekdays, 100 one-way customer trips (50 round trips) on weekends, 12 one-way daily employee trips (6 round trips) and 6 service and delivery vehicle trips (3 round trips) weekly. The project review by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reveals that employee and customer counts do not trip the County’s threshold for a Traffic Impact Study (TIS). As such, no TIS was required for the project.

Per the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning, West Shaw Avenue from Chateau Fresno Avenue to Garfield Avenue has an Average Daily Traffic of 6,500, pavement width of 39.7 feet and is in fair condition. Likewise, Chateau Fresno Avenue from Shaw Avenue to Barstow Avenue has an Average Daily Traffic of 200, pavement width of 18.4 feet and is in good condition.

No additional right-of-way along West Shaw is required for the project at this time. The project will generate less than significant traffic outside peak hours and will take access to the property from North Chateau Fresno Avenue. This road currently meets the ultimate road right-of-way of 60 feet required of a Local road.

Based on the above information, and with adherence to the Project Notes, staff believes Chateau Fresno Avenue will remain adequate to accommodate the traffic generated by the proposal.

**Recommended Conditions of Approval:**

*None proposed for this finding.*

**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*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	18.78 acres	Orchards; Single-Family Residence	AE-20	*860 feet
South	31.88 acres	Orchards; Single-Family Residence	AE-20	*1,722 feet
East	19.39 acres	Orchards; Single-Family Residence	AE-20	*522 feet
West	78.18 acres	Vineyards	AE-20	None

\*Measured from Nearest Property Line



### **Reviewing Agency/Department Comments:**

Fresno County Agricultural Commissioner's Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding area of the proposed development.

State Water Resources Control Board, Division of Drinking Water: No water from the onsite well shall be used to provide water to any member of the public. Drinking water shall be supplied for employees through water bottles.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: A dust palliative shall be required on all unpaved parking and circulation areas.

The above-noted requirements have been included as Conditions of Approval.

Fresno County Department of Public Health, Environmental Health Division (Health Department): 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 electronically pursuant to the 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. An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank found during construction. Any abandoned water wells or septic systems not intended for use by the project, shall be properly destroyed. Permit(s) shall be obtained from the Health Department to destroy water well(s) prior to commencement of work. The existing septic tanks should be pumped, and the tank and leach fields be evaluated by a licensed contractor if not serviced and/or maintained within the last five years.

Zoning Section of the Fresno County Department of Public Works and Planning: Building permits and inspections shall be required for the office trailer and patrons' restroom and shall connect to the onsite well and septic systems.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: One ADA (American Disability Act) stall shall be provided for the physically disabled, be served by an access aisle 96 inches wide, minimum, and be designated van accessible. The ADA stall shall be concrete, or asphalt concrete paved and shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. Any proposed landscape improvement area of 500 square feet or more shall comply with the California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo), with the submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015 and be approved prior to the issuance of building permits. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

North Central Fire Protection District (NCFPD): The project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public

Safety and shall receive Conditions of Approval for the project from NCFPD prior to the issuance of building permits by the County.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher shall be required for any grading proposed with this application. Any additional runoff generated by the proposed development cannot be drained across property lines or into the County road right-of-way, and must be retained on site, per County Standards.

Fresno Irrigation District (FID): FID's Active Herndon No. 39 runs 1,260 feet north and Flume No. 49 and Alex Pond No. 167 run 1,300 feet north of the project site. Plans for any development near these facilities shall require FID's review and approval. Thornton No. 328 Pipeline runs along the east side of the project site. This is an active pipeline and shall be treated as such.

The above-noted requirements have been included as Project Notes.

Water and Natural Resources and Design Divisions of the Fresno County Department of Public Works and Planning: Water supply is adequate to support the project.

North Kings Groundwater Sustainability Area (NKGSA): The project will not result in any increased demand on the groundwater resources.

San Joaquin Valley Air Pollution Control District; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife: No response

### **Finding 3 Analysis:**

The project site is in use as the Applicant's grow yard to propagate plants for sale and is developed with a single-family residence and a shop building with related improvements. The surrounding parcels are planted in orchard and vineyard with single-family residences.

Upon project development, new improvements on a two-acre portion of an 18.5-acre subject parcel regarded as a sales area will include a 516 square-foot office trailer, a 208 square-foot restroom for customers, off-street parking and connects to a new access drive off Chateau Fresno Avenue. These improvements, set back approximately 300 feet from Chateau Fresno Avenue, will be less visible from the surrounding parcels due to the existing landscaping along Chateau Fresno Avenue, plants within the sales and grow area, and orchards on the adjacent easterly and northerly parcels.

The Initial Study prepared for this project identified potential impact to aesthetics. Regarding aesthetics, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. This requirement has been included as a Mitigation Measure (Exhibit 1).

Potential impacts related to agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and public services have been determined to be less than significant. The project will acknowledge the Right-to-Farm Ordinance regarding the inconveniences associated with normal farm activities in the area; require a Grading Permit/Voucher for site grading and evaluation of the existing septic system; use/store hazardous materials/hazardous wastes according to the California Health and Safety Code; require permits to remove abandoned wells and to provide bottled water to employees; require consultation with

Fresno Irrigation District (FID) regarding any development near FID’s facilities; and comply with the California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19 – Public Safety. These requirements have been included as Conditions of Approval and Project Notes and will be addressed prior to the issuance of building permits and/or occupancy.

The subject parcel is not located in an area of moderate or high sensitivity to archaeological finds. Pursuant to Assembly Bill (AB) 52, the project was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

*See Mitigation Measure, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: allows agriculturally-related uses by discretionary permit, provided that they meet the following criteria.</p> <p>a. Criteria LU-A.3. a. states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>b. Criteria LU-A.3. b. states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity.</p> <p>c. Criteria LU-A.3. c. states that the use shall not have a detrimental impact on water resources.</p>	<p>Concerning Policy LU-A.3, Criteria a. b. c. d., the proposed nursery is an allowed use on the subject parcel designated for agriculture and will serve the horticultural needs of the area communities. Furthermore, the nursery will not have adverse effects on agricultural land; is not located in a water-short area to have detrimental impact on groundwater resources; and can be provided with adequate workforce from the nearest city, City of Fresno, and other smaller communities. The project is consistent with this policy.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>d. Criteria LU-A.3. d. states that a probable workforce should be located nearby or readily available.</p>	
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>Concerning Policy LU-A.12, LU-A.13 and LU-A. 14, the proposed plant nursery is a compatible use to agriculture, will not convert property to a non-agricultural use, and requires no separation from surrounding orchards and vineyards. The project is consistent with these policies.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project is not located within an area of the County defined as being a water-short area. The non-potable water consumption by the grow yard and restroom will be approximately 3,100 gallons per day. Potable water consumption by employees will be via bottled water.</p> <p>The State Water Resources Control Board Division of Drinking Water, Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, and North Kings GSA expressed no concerns regarding adequacy and sustainability of the water supply for the project. The project is consistent with this policy.</p>

**Reviewing Agency/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit if they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project

**Finding 4 Analysis:**

As discussed above in General Plan Consistency/Considerations, the subject proposal

meets the intent of Policy LU-A.3 in that it will adequately serve the horticultural needs of the surrounding communities, will use minimum water to have no impact on groundwater resources, and will have adequate workforce available from a nearby city, the City of Fresno.

Regarding consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed plant nursery is a compatible use to agriculture with discretionary land use approval, requires no separation from the adjacent agricultural fields and will have no effect on productivity of agricultural land.

Regarding consistency with Policy PF-C.17, the project will use limited groundwater (3,100 gallons per day) to provide for the proposed office trailer, restroom, and grow area.

Based on the above information, staff believes the proposed nursery is consistent with the Fresno County General Plan.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

*Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare*

**Reviewing Agency Comments:**

Refer to **Reviewing Agency Comments** in Finding 3 of this report.

**Finding 5 Analysis:**

The project will comply with the Conditions of Approval as discussed above in Finding 2 and 3 of this report and deemed necessary to ensure that project-related onsite and offsite improvements are constructed in a manner which protects public health, safety and general welfare. This includes the requirement that all outdoor lighting shall be hooded to minimize glare on adjacent roads/properties, a right-to-farm notice shall be recorded regarding inconvenience associated with farming in the project area, and dust palliatives shall be applied on all unpaved surfaces to minimize creation of dust by vehicles. Additional conditions deemed necessary to protect public health, safety and general welfare and included as Project Notes require that site grading shall be performed according to the County Ordinance Code to protect adjacent properties from flooding hazards, hazardous materials shall be used/handled according to the State and Local Ordinances, and all proposed improvements shall be subject to building and fire codes and require building permits and inspections from the County.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 5 can be made.

**PUBLIC COMMENT:**

None.

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit (CUP) can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit No. 3672, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7814; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3672, subject to the Conditions of Approval and Project Notes attached as 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 the basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3672; 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.

EA:ksn

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7814/Classified Conditional Use Permit Application No. 3672**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During project life
2.	Hazards and Hazardous Materials	If buildings or other structures are to be demolished on any project sites included in the proposed project, prior to the issuance of building permits, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos-containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead-Based Paint, Termiticides, and Electrical Transformers <a href="https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf">https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf</a> .	Applicant	Applicant/Dept. of Toxic Substances Control (DTSC)	As noted
3.	Hazards and Hazardous Materials	If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, prior to the issuance of building permits, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material <a href="https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf">https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf</a> .	Applicant	Applicant/DTSC	As noted
4.	Hazards and Hazardous Materials	If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, prior to the issuance of building permits, the	Applicant	Applicant/DTSC	As noted

		current and former agricultural lands shall be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) ( <a href="https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf">https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf</a> ).			
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**Conditions of Approval**

1.	Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.
3.	As required by the State Water Resources Control Board, Division of Drinking Water, no water from the onsite well (besides providing for plantation and in public toilet) shall be used to provide water to any member of the public. Drinking water shall be supplied for employees through water bottles.
4.	A dust palliative shall be required on all unpaved parking and circulation areas.
5.	Items 3, 4, 5 and 7 of the Project Notes shall be completed prior to the issuance of building permits or granting occupancy to the use.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

**Project Notes**

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

1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Construction plans, building permits and inspections are required for the office trailer and restroom connecting to the onsite well and septic system. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	To address site development impacts resulting from the project, the Site Plan Review Unit of the Fresno County Department of Public Works and Planning requires the following: <ul style="list-style-type: none"> <li>• One ADA (American Disability Act) stall shall be provided for the physically disabled, be served by an access aisle 96 inches wide, minimum, and be designated van accessible.</li> <li>• The ADA stall shall be concrete or asphalt concrete paved and shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked.</li> </ul>



**Project Notes**

	<ul style="list-style-type: none"><li>• A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li><li>• Any proposed landscape improvement area of 500 square feet or more shall comply with the California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO), with the submittal of Landscape and Irrigation plans per the Governor’s Drought Executive Order of 2015 and be approved prior to the issuance of building permits.</li><li>• All proposed signs shall require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li></ul>
4.	<p>To address site development impacts resulting from the project, the Road Maintenance and Operations (RMO) Division requires the following:</p> <ul style="list-style-type: none"><li>• An encroachment permit from RMO for any work performed in the County road right-of-way.</li><li>• Any proposed entrance gate that provides initial access to the site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle entering the site and shall not swing outward.</li><li>• The first 100 feet of the unpaved or gravel-surfaced access road along Chateau Fresno shall be graded and asphalt concrete paved or treated with dust palliative.</li><li>• A 10-foot by 10-foot corner cutoff at the driveway approach should be provided to sustain sight distance visibility for vehicles exiting the site.</li></ul>
5.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"><li>• A grading permit or voucher shall be required for any grading proposed with this application.</li><li>• Any additional runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on site per County Standards.</li><li>• An asphalt concrete driveway approach shall be provided where the project site access road connects to the County road serving this parcel.</li></ul>
6.	<p>To address public health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95.</li><li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li><li>• An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank found during construction.</li></ul>

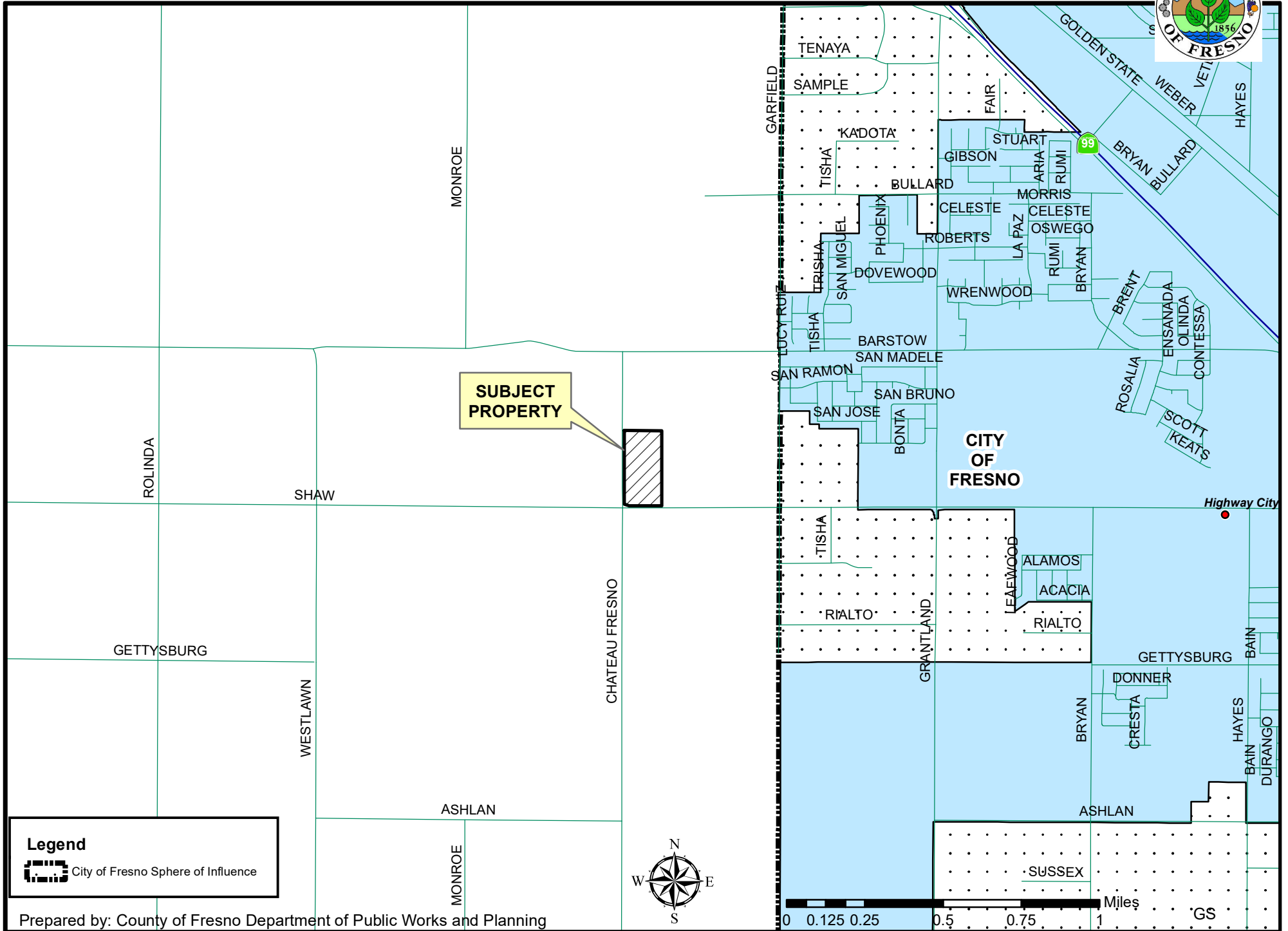
**Project Notes**

	<ul style="list-style-type: none"><li>• Any abandoned water wells or septic systems not intended for use by the project shall be properly destroyed. Permit(s) shall be obtained from the Health Department to destroy water well(s) prior to commencement of work.</li><li>• The existing septic tanks should be pumped, and the tank and leach fields be evaluated by a licensed contractor if not serviced and/or maintained within the last five years.</li></ul>
7.	The project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety and shall receive Conditions of Approval for the project from North Central Fire Protection District (NCFPD) prior to the issuance of building permits by the County. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to NCFPD.
8.	Fresno Irrigation District’s Active Herndon No. 39 runs 1,260 feet and Flume No. 49 and Alex Pond No. 167 run 1,300 feet north of the project site. Plans for any development near these facilities shall require FID’s review and approval.
9.	Thornton No. 328 Pipeline runs along the east side of the project site. This is an active pipeline and shall be treated as such.

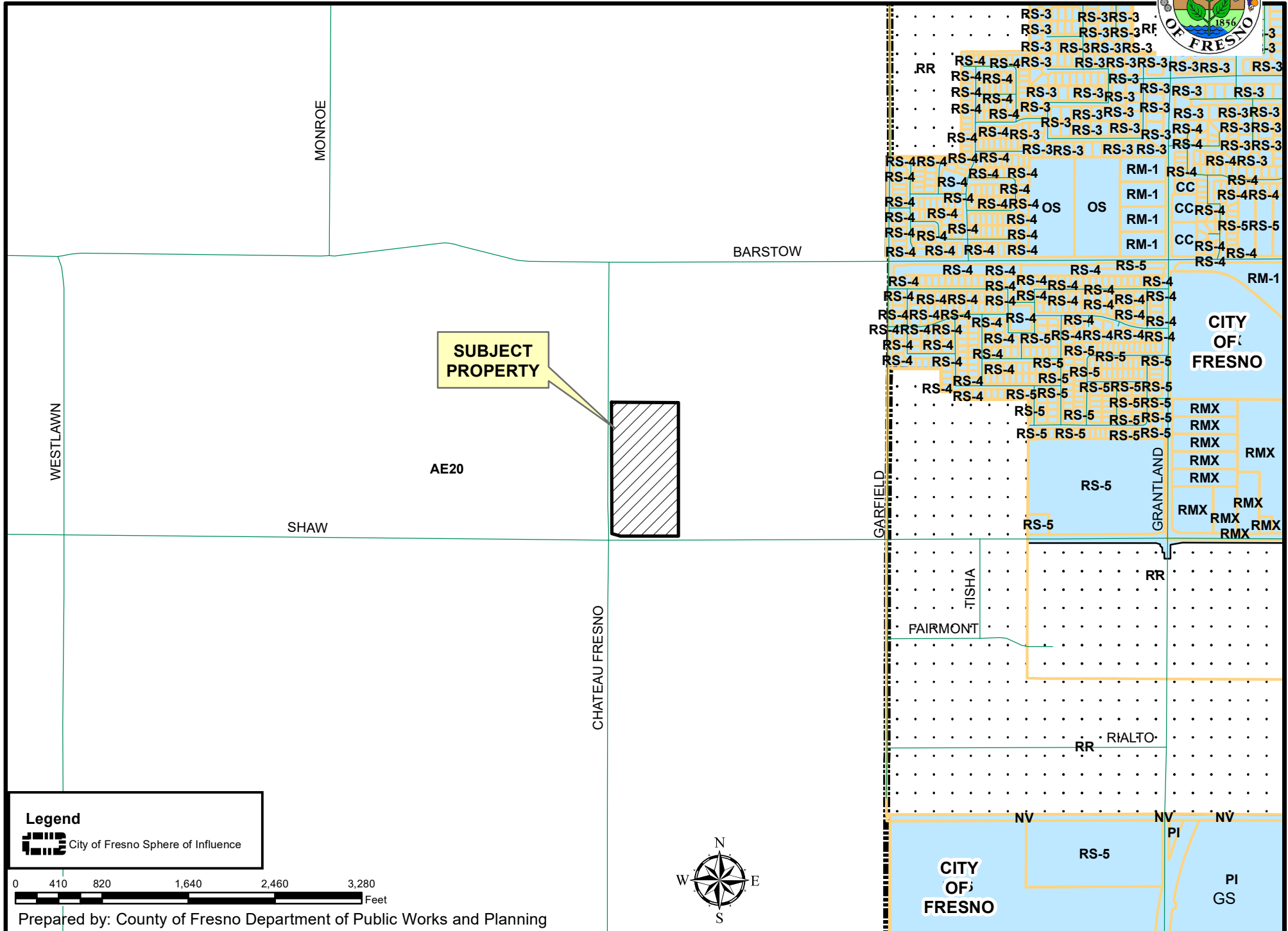
EA:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3672\SR\CUP 3672 MMRP (Ex 1).docx

# LOCATION MAP




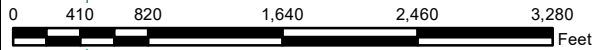
# EXISTING ZONING MAP



**SUBJECT  
PROPERTY**

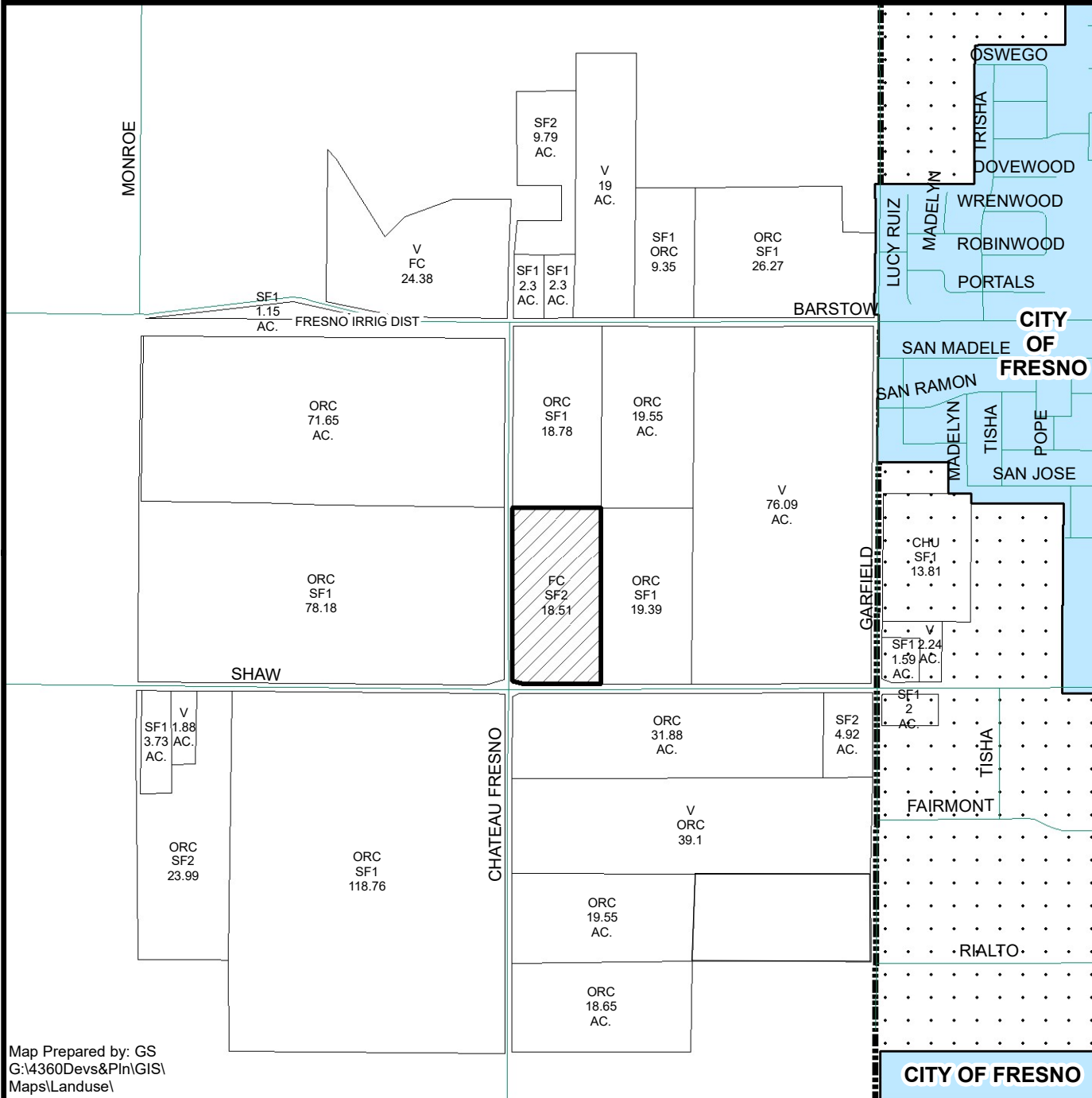
AE20

**Legend**  
 City of Fresno Sphere of Influence





Prepared by: County of Fresno Department of Public Works and Planning

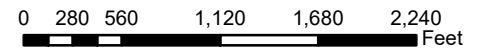
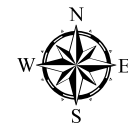
# EXISTING LAND USE MAP



LEGEND	
CHU	- CHURCH
FC	- FIELD CROP
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

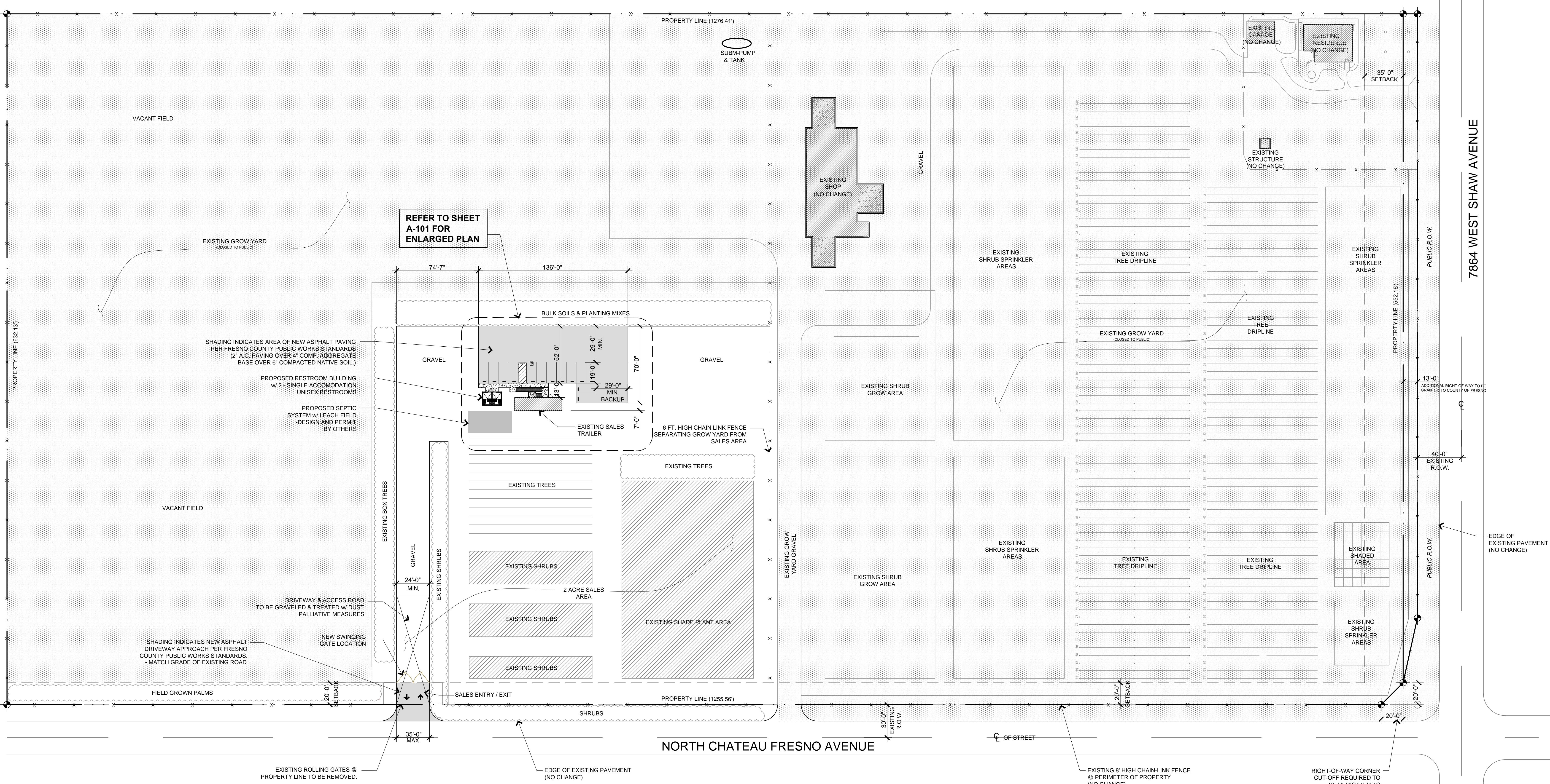
## Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning  
Development Services Division





**PROJECT INFORMATION**

APPLICANT / DEVELOPER: RIVERSIDE NURSERY  
7864 WEST SHAW AVE.  
FRESNO, CA 93723  
Ph. No. 559 275-1891

SITE ADDRESS: 7864 WEST SHAW AVE.  
FRESNO, CA 93723

APN: 505-050-19

TOTAL SITE AREA: 18.5 ACRES

ZONING - EXISTING: AE-20

TOTAL BUILDINGS: 1

CONSTRUCTION TYPE: V-B (NON-SPRINKLERED - NFPA 13)

STORIES: 1

**ON-SITE PARKING**  
PROVIDED: **13 STALLS / 1 ACCESSIBLE**  
ALL OPEN STALLS  
(NO COVERED PARKING)

**NOTE:**

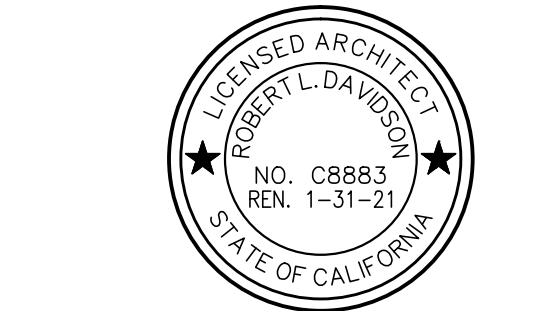
AN ENCROACHMENT PERMIT IS REQUIRED FROM THE ROAD MAINTENANCE AND OPERATIONS DIVISION OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING FOR ANY WORK PERFORMED IN THE COUNTY ROAD RIGHT-OF-WAY.

NO ON-SITE LIGHTING PROPOSED @ PARKING AREA.

ALL UNPAVED PARKING & CIRCULATION AREAS SHALL BE TREATED w/ DUST PALLIATIVE MEASURES.

INTERNAL ACCESS ROADS SHALL COMPLY WITH REQUIRED WIDTHS BY THE FIRE DISTRICT FOR EMERGENCY APPARATUS.

ALL PROPOSED SIGNS REQUIRE SUBMITTAL TO THE DEPARTMENT OF PUBLIC WORKS AND PLANNING PERMITS COUNTER TO VERIFY COMPLIANCE WITH THE ZONING ORDINANCE. OFF-SITE SIGNS ARE EXPRESSLY PROHIBITED FOR COMMERCIAL USES IN THE AE (EXCLUSIVE AGRICULTURE) ZONE DISTRICT.



**PROPOSED RIVERSIDE NURSERY**  
7864 WEST SHAW  
FRESNO, CA  
**FOR:**  
**MITCH HUTCHESON**

NO.	DATE	ISSUE
03.02.2020		CITY COMMENTS

SHEET TITLE:

**SITE PLAN**

SCALE: 1" = 40'-0"  
SHEET NO.

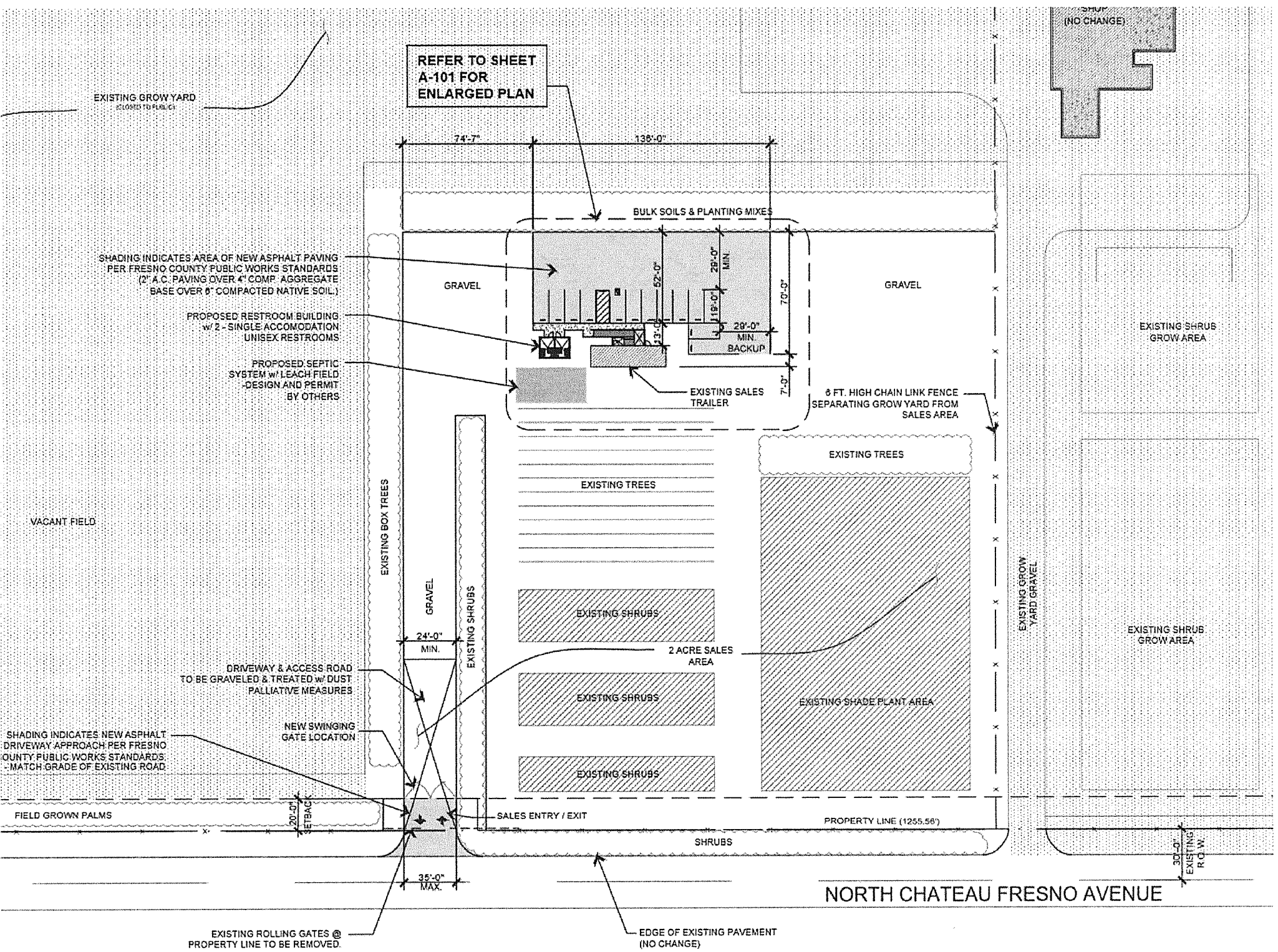
**A-100**

PROJECT NO. 2002



NORTH

3/20/20 PROJECT 2002 - RIVERSIDE NURSERY 7864 WEST SHAW AVE. FRESNO, CA 93723. 1/10/20 - 5/10/20. 10/10/20



REFER TO SHEET  
A-101 FOR  
ENLARGED PLAN

EXISTING GROW YARD  
(CLOSED TO PUBLIC)

SHADING INDICATES AREA OF NEW ASPHALT PAVING  
PER FRESNO COUNTY PUBLIC WORKS STANDARDS  
(2" A.C. PAVING OVER 4" COMP. AGGREGATE  
BASE OVER 8" COMPACTED NATIVE SOIL.)

PROPOSED RESTROOM BUILDING  
w/ 2 - SINGLE ACCOMMODATION  
UNISEX RESTROOMS

PROPOSED SEPTIC  
SYSTEM w/ LEACH FIELD  
-DESIGN AND PERMIT  
BY OTHERS

VACANT FIELD

DRIVEWAY & ACCESS ROAD  
TO BE GRAVELED & TREATED w/ DUST  
PALLIATIVE MEASURES

SHADING INDICATES NEW ASPHALT  
DRIVEWAY APPROACH PER FRESNO  
COUNTY PUBLIC WORKS STANDARDS  
-MATCH GRADE OF EXISTING ROAD

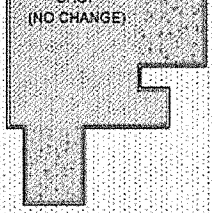
NEW SWINGING  
GATE LOCATION

FIELD GROWN PALMS

EXISTING ROLLING GATES @  
PROPERTY LINE TO BE REMOVED.

EDGE OF EXISTING PAVEMENT  
(NO CHANGE)

NORTH CHATEAU FRESNO AVENUE



EXISTING SHRUB  
GROW AREA

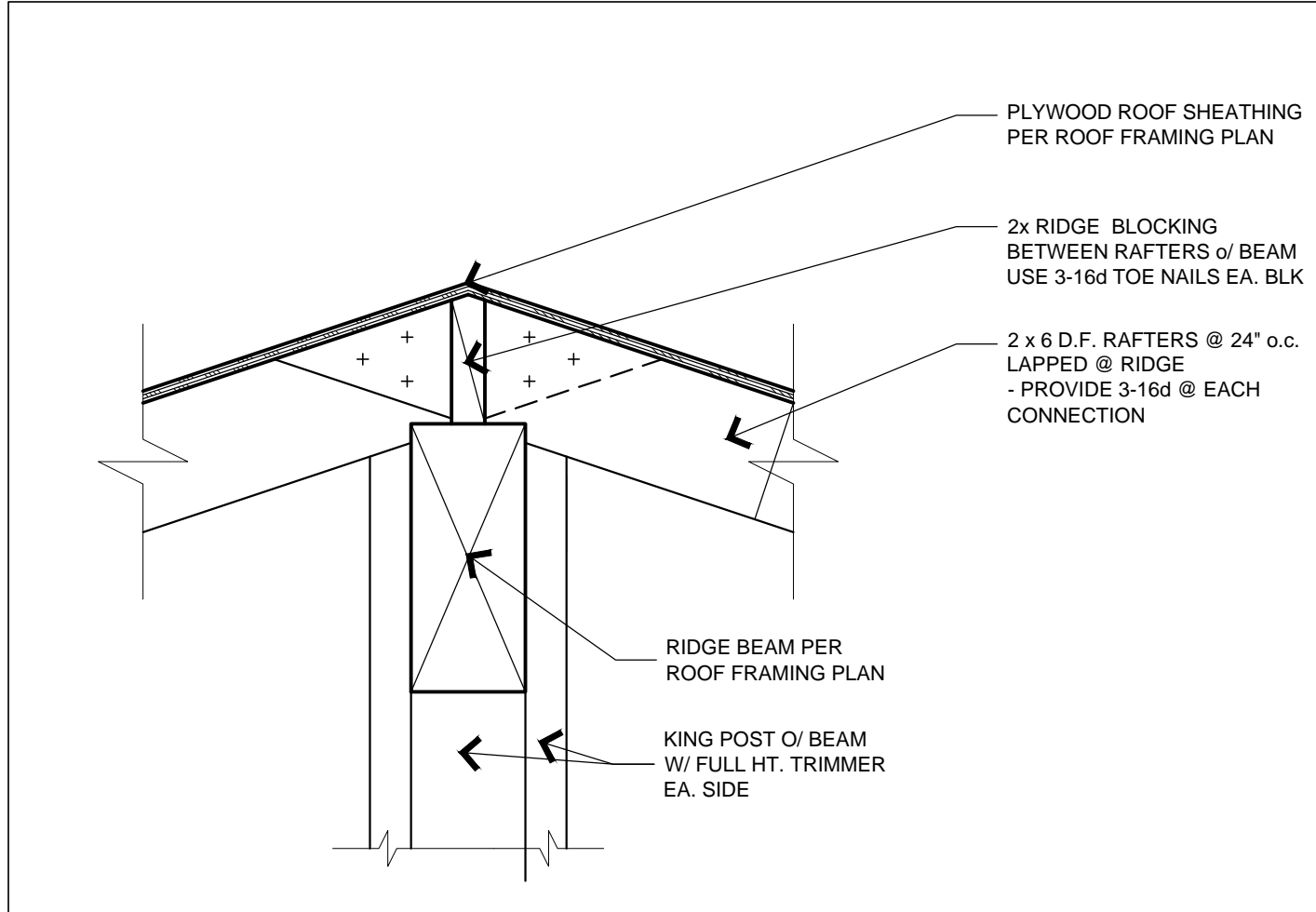
EXISTING SHRUB  
GROW AREA

30'-0"  
EXISTING  
R.O.W.

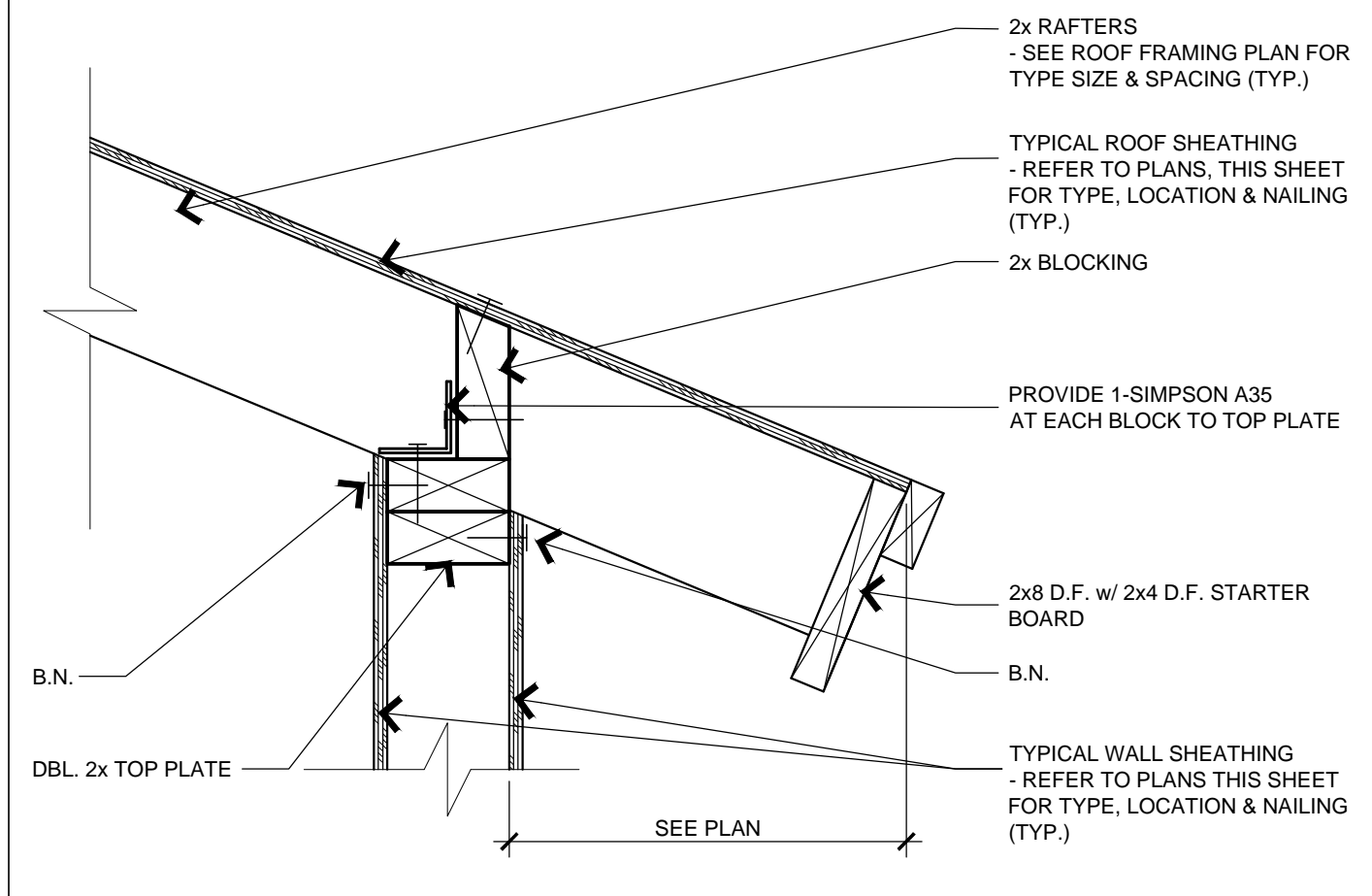




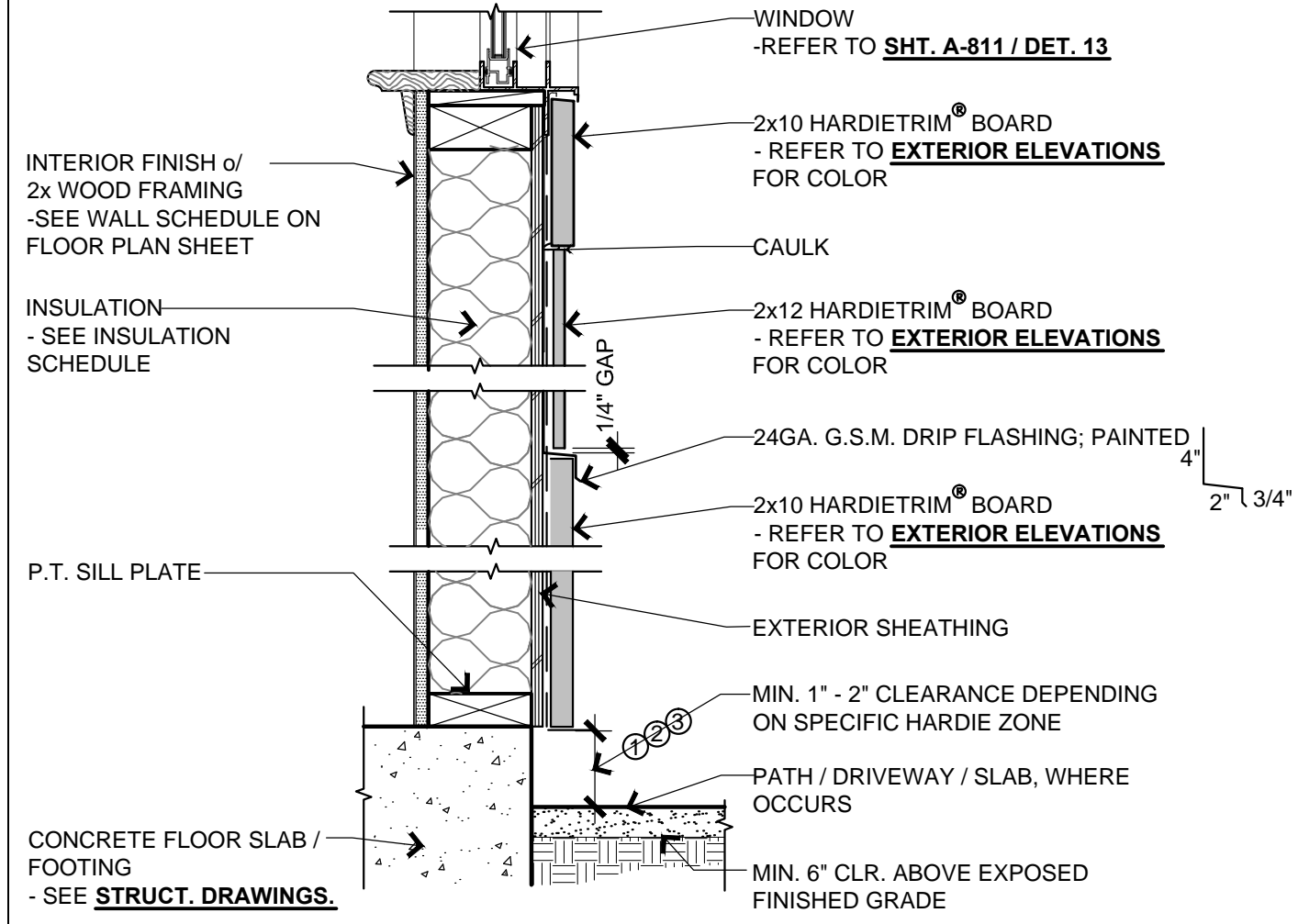




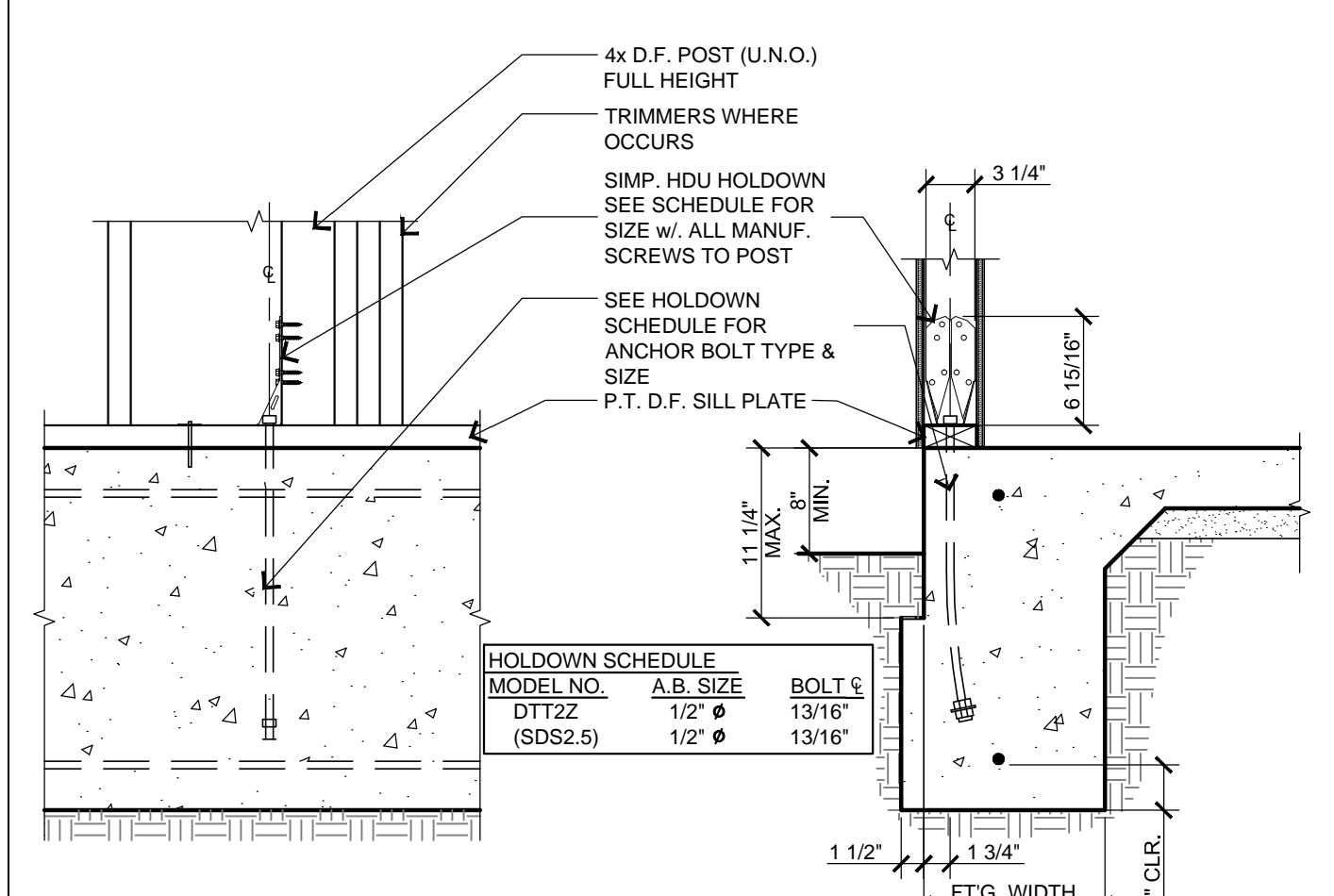
**1 TYP. RIDGE DETAIL**  
SCALE: 1-1/2" = 1'-0"



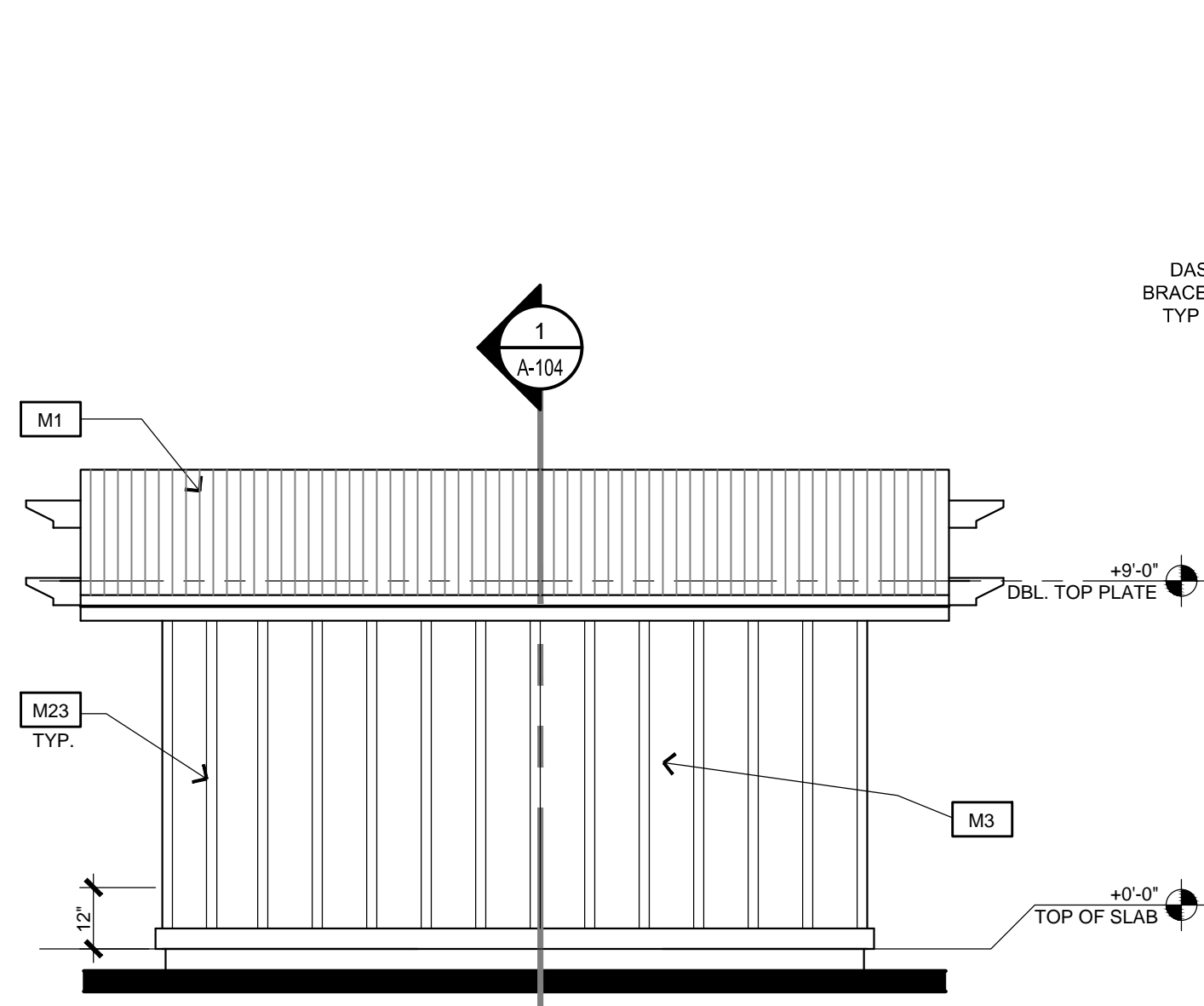
**2 TYP. SHEAR TRANSFER**  
SCALE: 1-1/2" = 1'-0"



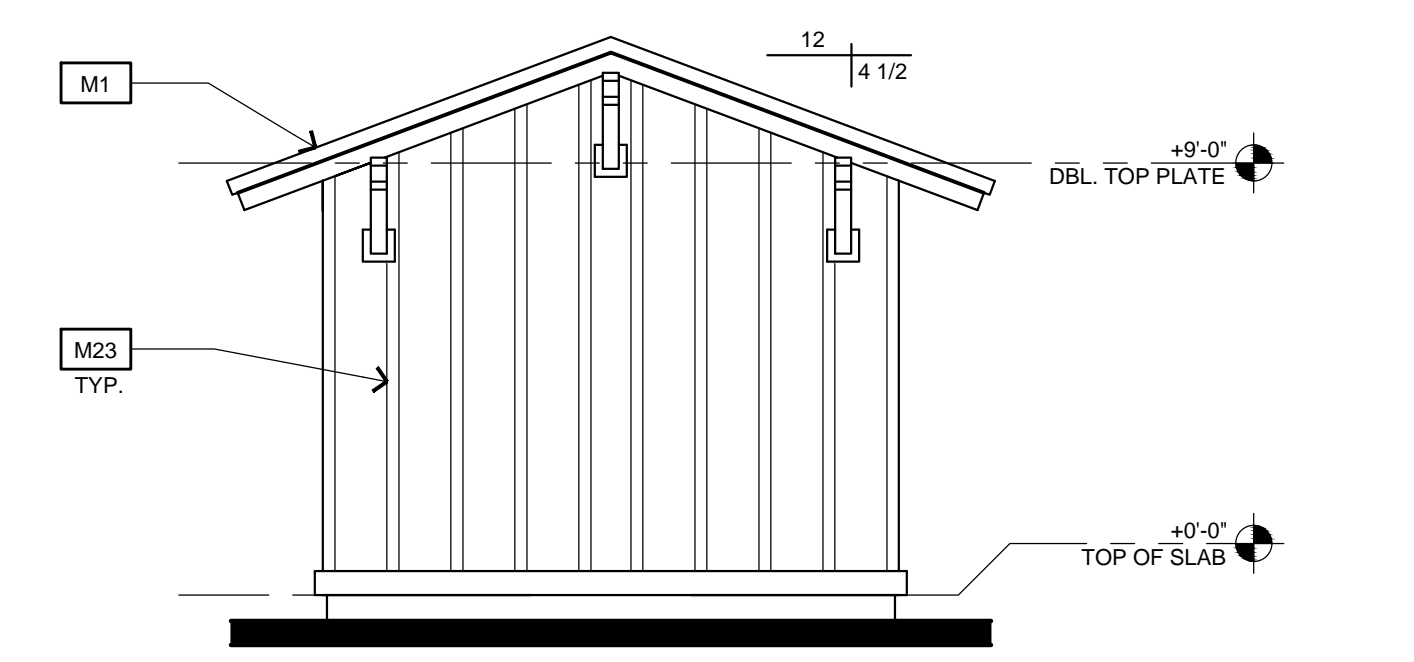
**3 HARDIEBOARD & TRIM DETAIL**  
SCALE: 1" = 1'-0"



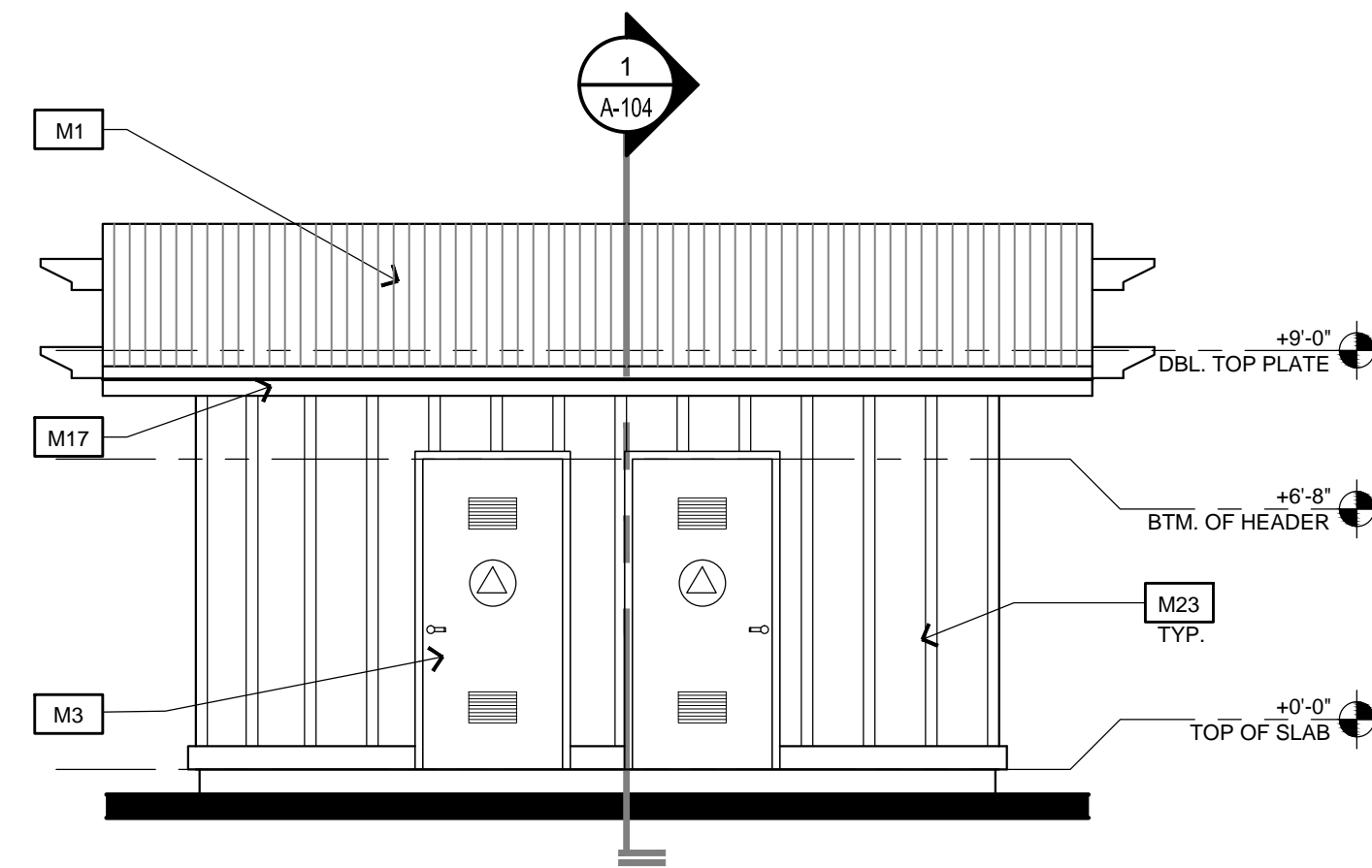
**4 TYP. SIMP. DTT2Z HOLDOWN w/ SB ANCHOR BOLTS**  
SCALE: 1" = 1'-0"



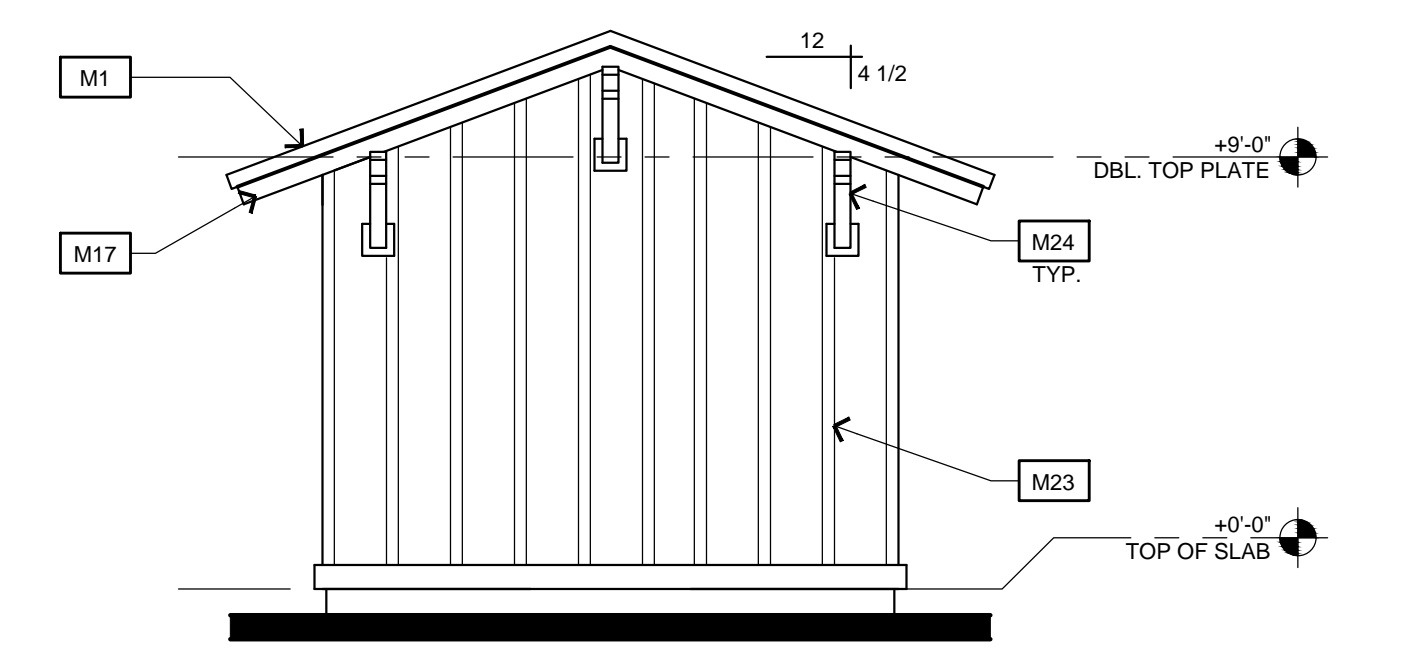
**ELEVATION 1**  
SCALE: 1/4" = 1'-0"



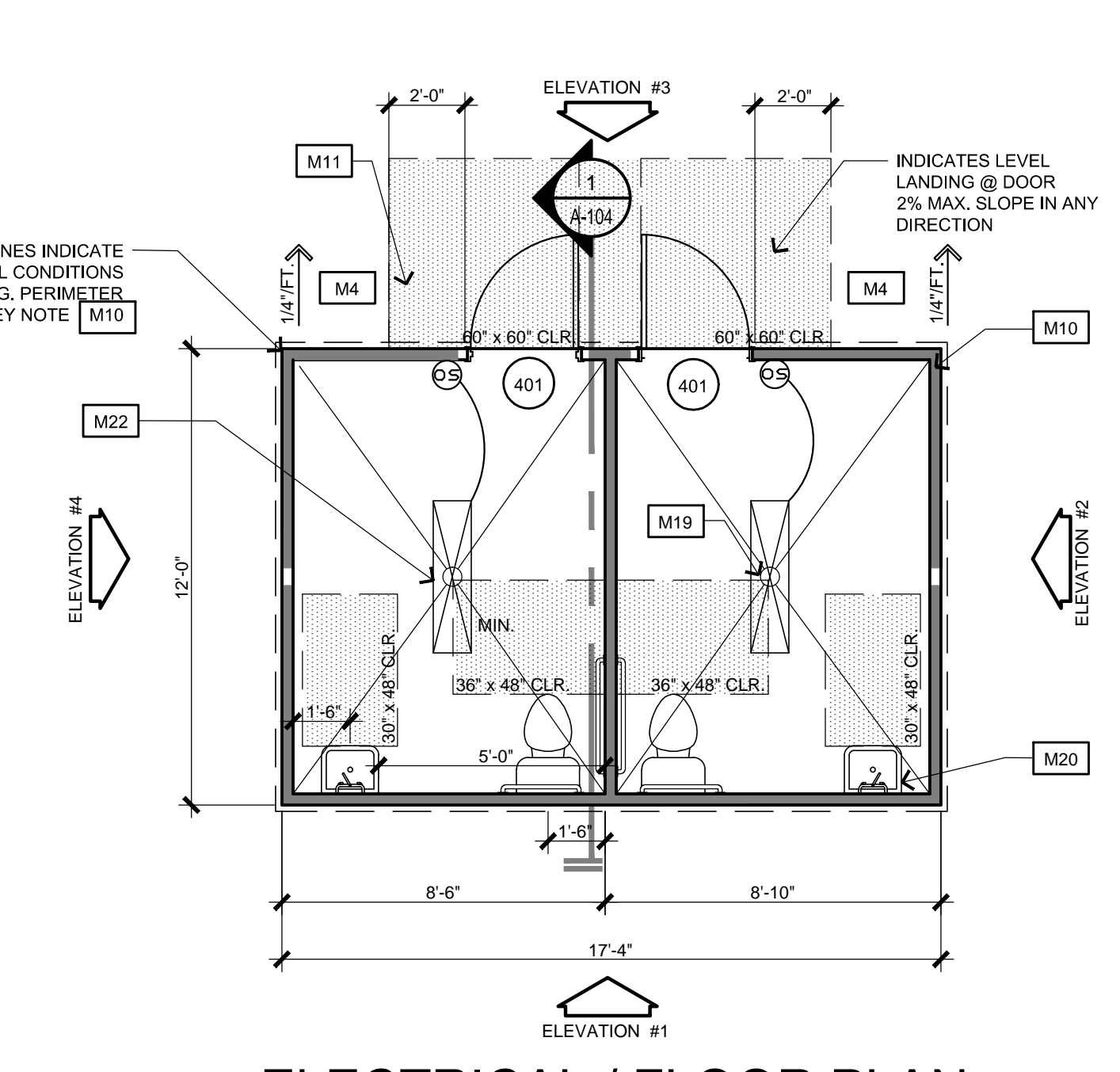
**ELEVATION 2**  
SCALE: 1/4" = 1'-0"



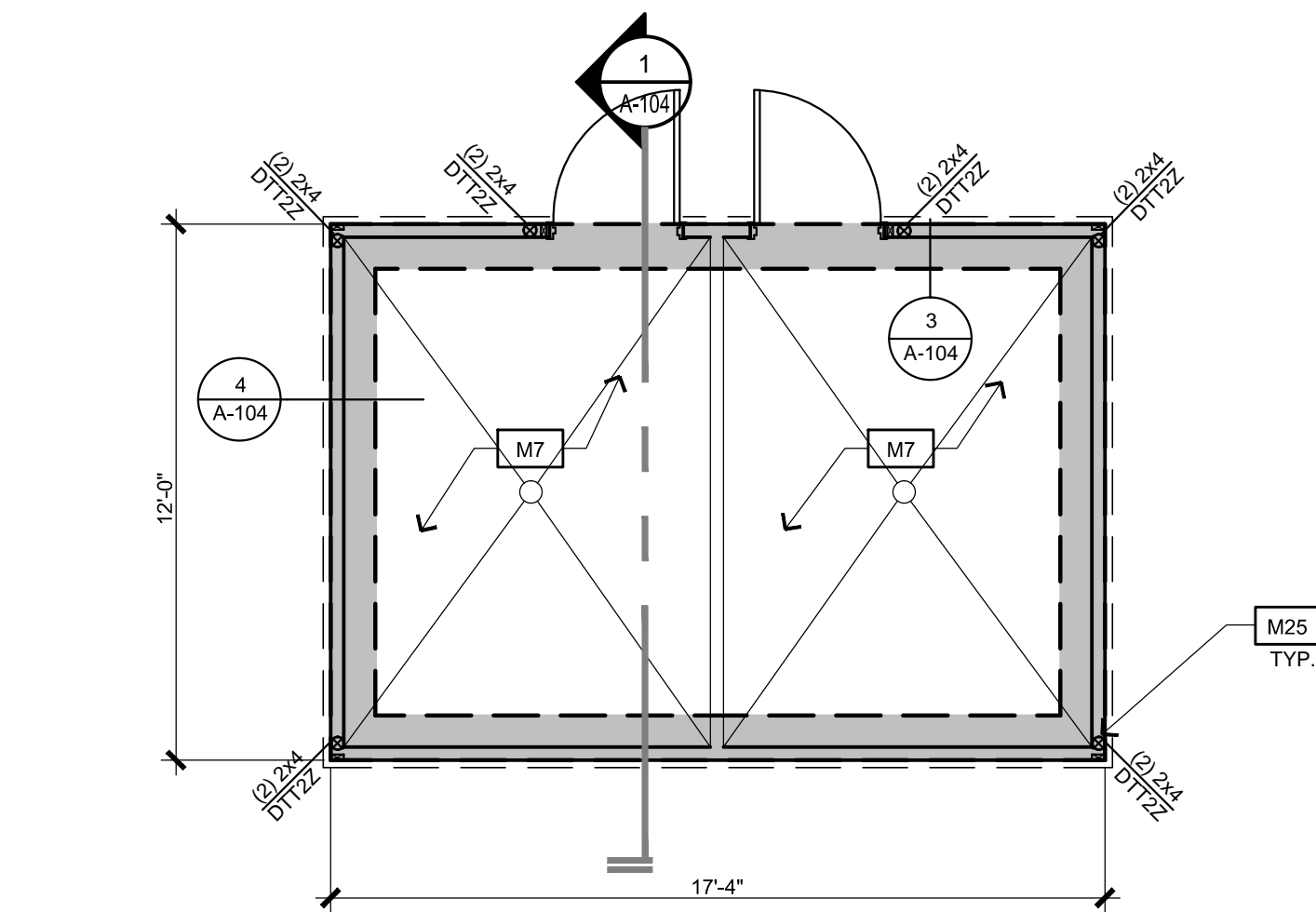
**ELEVATION 3**  
SCALE: 1/4" = 1'-0"



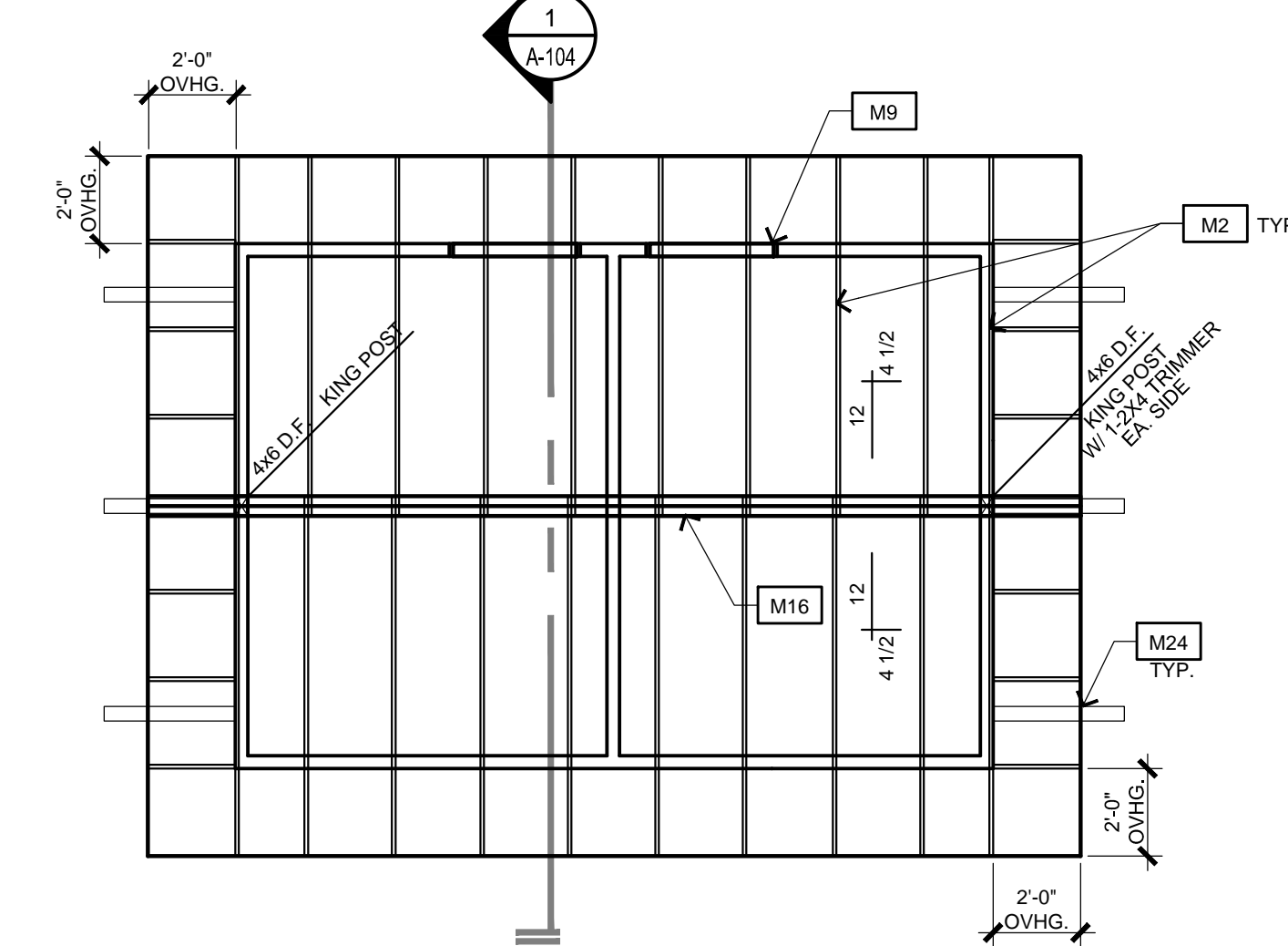
**ELEVATION 4**  
SCALE: 1/4" = 1'-0"



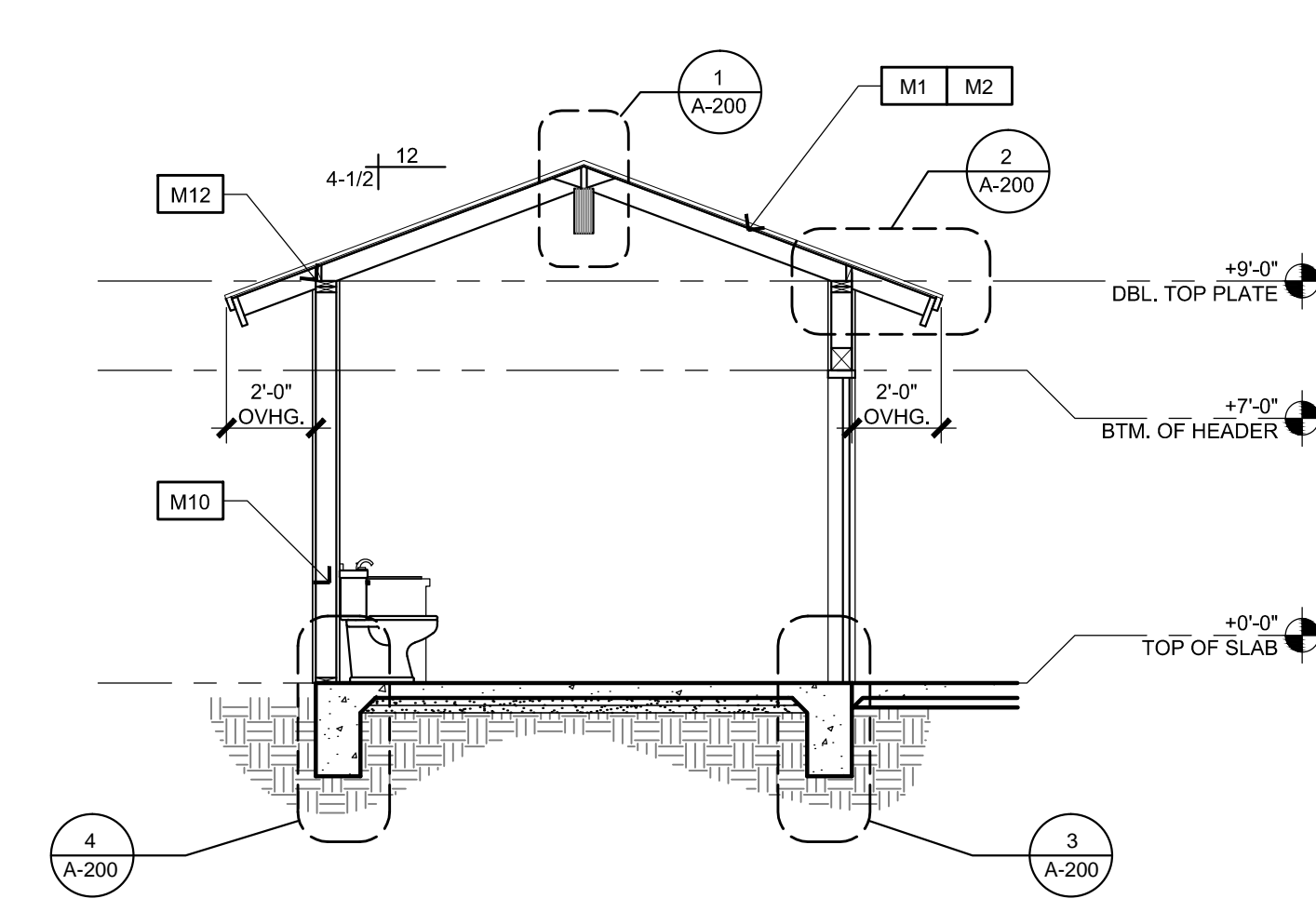
**ELECTRICAL / FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**FOUNDATION**  
SCALE: 1/4" = 1'-0"



**ROOF FRAMING**  
SCALE: 1/4" = 1'-0"



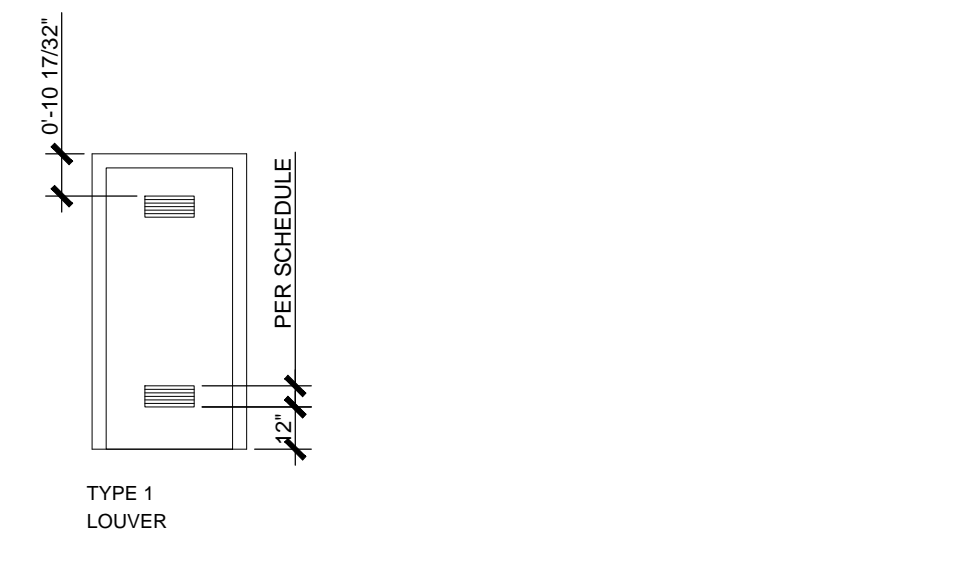
**SECTION 1**  
SCALE: 1/4" = 1'-0"

**RESTROOM BLDG KEYNOTES**

- M1 INDICATES 24 GA CORRUGATED METAL ROOFING w/ 30# FELT UNDERLAYMENT OF TYP SHEATHING. SHEATHING: 15/32" O.S.B. BOARD, STRUCTURAL RATED APA (24/16) w/ 8# COMMON @ 6" O.C. EDGE BOUNDARY, & 12" O.C. FIELD. - INSTALL ROOFING PER MANUF. SPECIFICATIONS.
- M2 2x6 D.F. #2 RAFTERS AT 24" O.C.
- M3 HOLLOW METAL DOOR - PER SCHEDULE
- M4 SLOPE FINISH GRADE AWAY FROM BUILDING - 1/4" PER FOOT
- M5 GALVANIZED SHEET METAL DRIP FLASHING
- M6
- M7 4" THICK CONCRETE SLAB ON GRADE w/ 6#x6 W1.4 X W1.4 WWM SHEETS AT MID-DEPTH OF SLAB @ 2" SAND @ 10 MIL. VAPOR BARRIER
- M8
- M9 4X8 D.F. #1 HEADER w/ DBL. 2X4 TRIMMER
- M10 2X4 D.F. STUDS @ 16" O.C. PROVIDE 3/8" EXT. GRADE D.F. PLYWD. SHEATHING @ BOTH SIDES OF WALL w/ 8# COMMON @ 6" o.c. E.N. & 12" o.c. FIELD.
- M11 INDICATES CONCRETE LANDING w/ 2% MAX. SLOPE
- M12 DOUBLE 2X4 D.F. #2 TOP PLATE
- M13
- M14
- M15
- M16 5 1/8"X12" GLULAM BEAM @ RIDGE
- M17 2x8 D.F. FASCIA
- M18
- M19 FLOOR DRAIN IN CENTER OF ROOM  
- SLOPE SLAB 1" TO DRAIN  
- CONNECT TO 2" SAN. SEWER  
- PROVIDE TRAP PRIMER FROM UTILITY SINK TO FLOOR DRAIN
- M20 WALL MOUNTED PORCELAIN LAV. SINK w/ LEVER HANDLE FAUCET. - LOCATE & TIE TO NEAREST 1/2" Ø (MIN. CW LINE), AND NEAREST 2" Ø SANITARY SEWER.
- M21 REFER TO ELECTRICAL PLAN FOR PANEL LOCATION & SCHEDULE
- M22 SURFACE MOUNTED LED LIGHT FIXTURE (6" X 4" LONG)
- M23 INDICATES "HARDIE" BOARD & BATTEN SIDING - BATTS TO BE 3" WIDE @ 16" O.C.
- M24 INDICATES OUTRIGGER BEAM w/ KNEE BRACE & COPPER GAP FLASHING. OUTRIGGER TO MATCH APARTMENT BUILDINGS
- M25 INDICATES HOLDOWN AS NOTED - REFER TO ..... SHT. A-200 / DET. 4

**DOOR SCHEDULE**

NO.	TYPE	DOOR		MATERIAL			FRAME	
		WIDTH	HEIGHT	WOOD	GLASS	OTHER	MAT.	FIN.
010	1	3'-0"	6'-8"	1-3/4"			H.M.	PAINT
NO.	HARDWARE TYPE	FIRE RATED ASSEMBLY	HEAD	JAMB	SILL	REMARKS:		
						METAL	OTHER	
010	PROVIDE LEVER LOCKSET W/ 6" BOLT W/ 1" THROW & STEEL PLATE AT STRIKER FOR SECURITY.	NO					W/ WEATHER STRIP & 2-8"x14" LOUVERS	



**GENERAL DOOR NOTES**

- ALL HAND OPERATED DOOR OPENING HARDWARE IS TO BE BETWEEN 34" AND 44 INCHES ABOVE THE FINISH FLOOR. LATCHING AND LOCKING DOORS THAT ARE HAND ACTIVATED SHALL HAVE LEVER-TYPE HARDWARE, PANIC BARS, PUSH-PULL ACTIVATING BARS, OR OTHER HARDWARE THAT PROVIDES PASSAGE WITHOUT CRASPING THE HARDWARE. - TYP.
- THE BOTTOM 10 INCHES OF ALL DOORS EXCEPT SLIDING DOORS SHALL HAVE A SMOOTH UNINTERRUPTED SURFACE TO ALLOW THE DOOR TO BE OPENED BY A WHEELCHAIR FOOTREST WITHOUT CREATING A TRIP OR HAZARDOUS CONDITION. IF CAVITIES ARE CREATED, PROVIDE METAL KICK PLATES AS REQUIRED. - TYP.
- ALL EXTERIOR DOORS, PROVIDE STEEL PLATE AT THE DEAD BOLT STRIKER, SOLID SHIM 6" ABOVE WITH 2 #8 BY 2" SCREWS.
- PROVIDE DEAD BOLTS AT ALL EXTERIOR DOORS THAT ARE OPENABLE FROM THE INSIDE WITHOUT USE OF A KEY OR SPECIAL KNOWLEDGE.

**GENERAL NOTES**

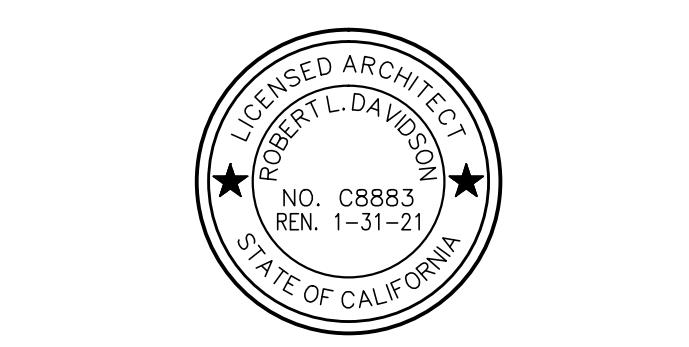
- ALL NAILING SHALL BE PER CBC TABLE 2304.8.1. (SEE SHEET S-0.0)

**INSULATION REQUIREMENTS**

ATTIC	R38 BATT
WALLS	R15 BATT

*R.L. Davidson, Inc.*  
**ARCHITECTS**  
EST. 1987

425 SPRUCE AVE.  
CLOVIS, CA 93611  
559-4315 3303  
WWW.RLDAVIDSON.COM



**PROPOSED**  
**RIVERSIDE NURSERY**  
7864 WEST SHAW  
FRESNO, CA  
**FOR:**  
**MITCH HUTCHESON**

NO.	DATE:	ISSUE:
	03.02.2020	CITY COMMENTS

**RESTROOM BUILDING**

SCALE: AS SHOWN  
SHEET NO.

**A-200**

PROJECT NO. 2002

## OPERATIONAL STATEMENT

1. Riverside Nursery operated a commercial nursery on Golden State Avenue just north of Shaw for over 35 years. Unfortunately, the California High Speed Rail (CHSR) condemned the Golden State nursery site and forced Riverside to close its business. Riverside also operated a grow yard on the northeast corner of Shaw and Chateau Fresno and used the grow yard to store excess inventory and propagate plants for sale at the nursery. During the negotiation with the CHSR, Riverside explored the possibility of moving the nursery operation to the grow yard site and acquired a CUP (CUP 3527) from the County based on a full scale transition of the business. CHSR had indicated that it would pay for the majority of the required site improvements (estimated to be in seven figures), so the economic risk to Riverside in moving was relatively low. However, CHSR at some point determined that it was unwilling or unable to pay for the improvements as previously indicated it would making the full scale move of the nursery site economically infeasible based on the remote location of the grow yard and the uncertainty whether customers would travel to the new site. Despite Riverside's decision to not move the business to the grow yard site, CHSR did not purchase all of Riverside's inventory existing at the Golden State or grow yard site. So, Riverside transported the inventory to the grow yard for storage.

Riverside now plans to drastically reduce the intensity of its intended operations at the grow yard site. Riverside now plans to utilize a small portion of land, approximately 2 acres of the 18.5 acre site, and current infrastructure of the growing grounds as a sales yard for the inventory left from the displacement and future products it produces. The scope of business will be significantly less than what was originally proposed. The main focus of the business will be to sell plants currently produced on site (both retail and wholesale) along with a small category of complimentary products, such as planter mixes and fertilizers.

2. Riverside will be open to the public from 7:30 am to 4:00 pm Monday through Friday and weekends seasonally, with exceptions for major Holidays.
3. Riverside's daily customer count averages around 10 to 30 customers per day. However, in the peak growing seasons, there may be more customers (up to 50) on a weekend day.
4. Riverside employs between 3 and 6 employees, depending on the season. Most employees work from 7:30 am - 4:00 pm. One family member will live on-site as a caretaker.
5. Riverside has approximately 3 service and delivery vehicles that will be used some days.

**CUP 3672**

**RECEIVED**  
COUNTY OF FRESNO  
**JUN 09 2020**

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

6. Presently, access to the existing house on the site is off Shaw Avenue, and access to the remainder of the site is through a driveway entering from Chateau Fresno on the western border of the property. For the proposed operation, Riverside will need to access the site from Chateau Fresno.
7. Riverside would need approximately 20 informal parking stalls for employees and customers. All of the stalls will be unpaved on a large open gravel area.
8. Riverside will be operated as a wholesale Nursery open to the public. Approximately 85 percent of the products sold will be produced on-site; the balance of products (including bulk soils, bark, fertilizers,) will be purchased from outside sources.
9. Riverside uses tractors and skip loaders to load bulk products.
10. Other than the plant material grown on site, Riverside stores a small amount of outdoor landscape items, including, fertilizers, potting soil, pest control products etc. These items are stored in the normal course of inventory predominantly in the packaging provided from the manufacturer.
11. The operation of the nursery and storage of inventory do not cause an unsightly appearance, glare or odor. However, certain activities such as the loading of bulk products may produce minimal dust.
12. The only wastes produced would be recyclable green waste.
13. The quantity of water is not more than what is currently being used. Presently, the site is utilized for a wholesale grow yard, which is serviced by an on-site well with a 3,000 gallon storage tank. The water from this well will only be used to water plants and provide water to flush the toilets provided on-site for employees and customers. No water from the well will be used to provide water to any member of the public. It is estimated that approximately 3,000 gallons/day is used to water the plants on-site, depending on the time of year. An additional 50-100 gallons/day is used by the toilets. Drinking water is supplied for employees only through a water cooler with 5-gallon water bottles located inside the business trailer, which is not accessible by the public.
14. A small 4' x 8' marquee sign is already installed along Shaw Avenue and should be sufficient for future advertising.

15. We currently have a 55' x 100' metal shop building on-site which we use for storage, not accessible to the public. We also have a 40' x 12' trailer that we will use for a sales office.
16. Riverside will use the trailer described in response # 15 above as a sales office.
17. Riverside will have outdoor lighting for security at night.
18. A chain link fence currently surrounds the property, which will be kept for security purposes.
19. See #1 above.
20. Mitch Hutcheson, James Hutcheson, Angela Hutcheson



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Riverside Nursery
- APPLICATION NOS.: Initial Study Application No. 7814 and Classified Conditional Use Permit Application No. 3672
- DESCRIPTION: Allow commercial plant nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST: 1) (APN 505-050-19).

### 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 subject parcel is zoned for agricultural uses and partially improved with a grow yard, a single-family residence and a shop building. The surrounding parcels are improved with orchard and vineyard with single-family residences. The parcel fronts on Shaw and Chateau-Fresno Avenues neither of which are identified as scenic drives in the County General Plan. There are no scenic vistas or scenic resources, rock outcroppings, or historic buildings on or near the site that could potentially be impacted by the project. No impact on scenic resources would occur.

- 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 points.) 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:

As noted above, the subject parcel contains a grow yard, a single-family residence and a shop building all of which are owned by the Applicant. Surrounding parcels are improved with orchard and vineyard with single-family residences.

The subject proposal will utilize a two-acre portion of an 18.5-acre parcel as a sales area for the sale of plants, trees, shrubs (both retail sale and wholesale) grown on the parcel along with related agricultural products. A 516 square-foot trailer with customer/employees parking will be used as a sales office and be connected to a new drive access off Chateau-Fresno Avenue. The trailer will be set back approximately 300 feet from Chateaus Fresno Avenue and will not be notably visible from the surrounding parcels. Its visibility will be blocked by existing landscaping along Chateaus Fresno Avenue, including foliage in the sales area, and orchard on adjacent parcels to the east and north of the proposal. The project will have a less than significant visual impact on the surrounding area.

- 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:

To minimize any light and glare impact on the surrounding area resulting from outdoor lighting for security at night, the project will adhere to the following Mitigation Measure.

\* **Mitigation Measure**

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

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 Department 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?

FINDING: NO IMPACT:

Per the Fresno County 2016 Important Farmlands Map, the parcel contains Unique Farmland and Farmland of Local Importance. The subject proposal involves raising and selling of nursery stock and would not convert the parcel to a non-agricultural use.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The subject parcel is not under a Williamson Act Contract and the proposed use is compatible with the agricultural zoning on the property.

- 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; or
- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is inactive farmland. The proposed use is allowed on land designated for agriculture and will not convert the property to non-agricultural uses.

Per the comments provided by the Fresno County Agricultural Commissioner's Office, a Condition of Approval would require that the applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development.

### 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; or
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The installation of a 516 square-foot trailer as a sales office on the property will generate insignificant amount of short-term construction emissions. Long-term operational emissions will also be insignificant because the project will generate limited, sporadic customer trips to the site. As such, the air quality impacts resulting from the construction or operation of the proposed facility would be less than significant.

The San Joaquin Valley Air Pollution Control District (Air District) expressed no concerns with the project. As such, the project will not be in conflict with the applicable Air Quality Plan, or 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, or expose sensitive receptors to substantial pollutant concentrations.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

Construction or operation of the proposed project will not generate any objectionable odors. The San Joaquin Valley Air Pollution Control District expressed no concerns related to odor.

#### 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; or
- 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:

Approximately one-half of the subject property has been pre-disturbed with the existing grow yard and related improvements (single-family residence and a shop building) and the other one-half has been disturbed with prior farming operations. The surrounding parcels currently improved with orchard and vineyards which also have been disturbed with on-going farming activities. The project site and the surrounding area do not provide habitat for state or federally listed species.

The project was routed to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for comments. Neither agency expressed concerns that the project would affect any candidate, sensitive, or special-status species.



- 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:

There are no natural sources of water on the project site. The site contains no riparian features, wetlands or waters under the jurisdiction of the United States. The nearest canal, Herndon No. 39, operated by Fresno Irrigation District is located approximately 1,260 feet north of the project site and will not be impacted by this proposal.

- 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:

No wildlife or fish movement features (e.g., waterways, arroyos, ridgelines) or any wildlife nursery sites exist on the project site. Also, the project is not located in a migratory wildlife corridor. No impact would occur.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project is not subject to the County tree preservation policy or ordinance.

- 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 site is located within an area covered by the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). This HCP applies only to PG&E's activities and will not impact the subject proposal.

## 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: NO IMPACT:

The project site has been historically farmed and is not in an area determined to be highly or moderately sensitive to archeological finds. No impact on any archeological resources would occur from this proposal.

## 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:

Limited construction activity due to the installation of a 480 square-foot trailer will not result in inefficient, wasteful, or unnecessary energy use. The impact would be less than significant.

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

FINDING: NO IMPACT:

The project development would not conflict with or obstruct a state or local plan for renewable energy or 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?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of zero to 20 percent. The project development will

adhere to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

#### 4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not in an area of landslide hazards. The site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil. However, the impact would be less than significant with a Project Note requiring that a Grading Permit or Voucher shall be obtained for site grading for the project.

#### 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:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. To ensure the weight-bearing capacity of the soils, a soil compaction report may be required prior to the issuance of building permits for the installation of a trailer on the property.

#### 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: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not in an area of expansive soils. Still the project development will implement all applicable requirements of the most recent California Building Standards Code and will consider hazards associated with shrinking and swelling of expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any new onsite septic system on the property would require permits from the Fresno County Department of Public Works and Planning.

Per the Fresno County Department of Public Health, Environmental Health Division review of the project, a Project Note would require that the applicant consider having the existing septic tanks pumped and have the tank and leach fields evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years.

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

FINDING: NO IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

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 San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction related Greenhouse Gas (GHG) Emissions. Due to limited construction activity resulting from installation of a trailer on the property, the project related construction emissions would be less than significant.

Regarding operation related GHG emissions, the project would generate 10 to 30 customer trips per day. Due to the limited, sporadic traffic trips to the site spread over different hours of a day, the project-related operational emissions would be less than significant.

IX. 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; or
- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project proposes to sell plants (both retail and wholesale) produced on-site along with complimentary products such as fertilizers, potting soils and pest control products. The complimentary products, which are minor hazardous materials, are expected to be shipped to the location by the manufacturers and may be sold to the consumers in its original packaging.

**Upon reviewing the subject Initial Study No. 7814 during public review period, the California Department of Toxic Substances Control (CDTSC) indicated that the project site activities can potentially result in the release of hazardous wastes/substances and recommended that steps shall be taken to reduce the impact. As such, prior to the issuance of building permits, the project will be adhering to the following recommendation made by CDTSC and noted below as mitigation measures in bold/underline.**

\* **Mitigation Measures**

1. **If buildings or other structures are to be demolished on any project sites included in the proposed project, prior to the issuance of building permits, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead\\_Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf)).**
2. **If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, prior to the issuance of building permits, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).**
3. **If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, prior to the issuance of building permits, the current and former agricultural lands shall be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural**

**Properties (Third Revision) (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Aq-Guidance-Rev-3-August-7-2008-2.pdf>).**

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and requires the facilities proposing to use and/or storage of 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. Furthermore, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan to the Health Department and all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

The nearest school (Herndon-Barstow Elementary School) is approximately 1.2 miles northeast of the project site. Given the distance and the implementation of the above-noted requirements included as Project Notes, the project impact on school facilities would be less than significant.

- 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:

Per the U.S. EPA's NEPAassist, the project site is not listed as 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, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately eleven miles east of the project site. Because of the distance, the airport will not be a safety hazard or source of excessive noise for the project.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road

closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. The project will not expose persons or structures to wildland fire hazards.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS regarding wastewater discharge.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the subject proposal, a Project Note would require that in an effort to protect groundwater, the applicant shall obtain a permit from the Health Department to destroy all abandoned water wells or septic systems on the parcel within the project area.

Per the State Water Resources Control Board, Division of Drinking Water review of the proposal, the project will be subject to the following Conditions of Approval: 1) No water from the onsite well shall be used to provide water to any member of the public; and 2) drinking water shall be supplied for employees through water bottles.

The Regional Water Quality Control Board, Central Valley Region also reviewed the proposal and expressed no concerns with the project.

- 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 project site is not located within an area of the county defined as being a water short area. The existing grow yard on the property is serviced by an onsite well with a 3,000 gallons storage tank. Water consumption between the grow yard and the subject proposal would be approximately 3,100 gallons per day. The well will provide water to plants and

any required restroom facility on the property. Drinking water will be supplied for employees through water bottles.

The Natural Resources and Geology section of the County reviewed the subject proposal and identified no adverse impacts to the water supply. The project was also reviewed by the North Kings Groundwater Sustainability Area (NKGSA) and require that NKGSA should be notified if water demand for the project increases significantly beyond 3,000 gallons of water per day.

- 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:
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 off site?
  3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the United States Geological Survey Quad Maps, no natural drainage channel runs through the project site. The Fresno Irrigation District (FID) Active Herndon No. 39 runs 1,260 feet and Flume No. 49 and Alex Pond No. 167 run 1,300 feet north of the project site. A Project Note would require that plans for any development near these facilities shall require FID's review and approval. Likewise, Thornton No. 328 Pipeline runs along the east side of the project site. FID shows this pipeline as active and requires it to be treated as such.

Development of the project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of

the County Ordinance Code. A Project Note would require that any additional runoff generated by the proposed development of this site cannot be drained across property lines, or into the County road right-of-way, and must be retained on-site.

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

FINDING: NO IMPACT:



The project site is not subject to flooding from the 100-year storm per the Federal Emergency Management Agency FIRM Panel 1545H.

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

FINDING: NO IMPACT:

Fresno County has no Water Quality Control Plan. As such, the subject proposal would not conflict with any such plan. The project is located within the North Kings Groundwater Sustainability Area (NKGSA). See discussion in Section X. B. above for comments from NKGSA.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The project site is approximately 2,050 feet west of the City of Fresno.

- 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 project site is designated Agriculture in the Fresno County General Plan and is located outside of the City of Fresno Sphere of Influence. The subject proposal will not conflict with any land use plan, policy, or regulation of the city.

The County General Plan allows the proposed facility in an agricultural area by discretionary land use approval, provided applicable General Plan policies are met.

Concerning Policy LU-A.3, Criteria a. b. c. d., the siting of the proposed plant nursery for retail and wholesale operations on the subject property is appropriate which is an agricultural land within an agricultural area; the nursery will not convert the land to a non-agricultural use; is not located in a water-short area and will use limited water; and can be provided with adequate workforce from the City of Fresno.

Concerning Policy LU-A.12, LU-A.13 and LU-A. 14, the proposed nursery is a use compatible to agricultural uses and requires no separation from surrounding agricultural fields. Regarding Policy PF-C.17, the project will be using limited, 3,100 gallons per day water.

## 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:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of a mineral-producing area of the County.

## 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; or
- 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?

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

## 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 involves no housing. As such, no increase in population would occur.

## 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 following public services:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the North Central Fire Protection District (NCFPD), the project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety, and upon County approval of the project and prior to the issuance of the building permits, the applicant shall submit approved plans for NCFPD approval. This requirement will be included as a Project Note.

2. Police protection?

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The proposed use will not result in the need for police protection, schools, parks or other any 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 involves no residential development which may increase demand for neighborhood and regional parks, or other recreational facilities in the area.

## XVII. 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

FINDING: NO IMPACT:

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Located approximately 2,050 feet west of the City of Fresno along Shaw Avenue, the project site is designated as Arterial in the County General Plan. The project area is rural in nature where roadways are not provided with bicycle or pedestrian facilities. However, a portion of Shaw Avenue between Grantland and Dickenson Avenues is planned for bikeway per Rural Bikeway Plan in the Transportation and Circulation Element of the Fresno County General Plan.

According to the Applicant's Operational Statement, the project would generate up to 60 one-way traffic trips (30 round trips) on weekdays and up to a maximum of 100 one-way traffic trips (50 round trips) on weekends. Additionally, there could be up to 12 one-way daily trips (6 round trips) from employees and up to 6 service and delivery vehicle strips (3 round trips) on certain days of the week.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and expressed no concerns related to traffic nor required a Traffic Impact Study for the project.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is less than one-half mile from the City of Fresno urban improvements. It is reasonable to expect that the project will serve those residing in the immediate vicinity which will help reduce total vehicle miles travelled to other similar facilities in the area the closest of which is approximately 2.8 miles southeast of the proposal. The subject proposal is not inconsistent with the above-noted section of CEQA Guidelines.

- 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 project design would result in no change to the existing roadway designs within the project area, which were designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features.

Per the Fresno County Road Maintenance and Operations Division review of the proposal, a Project Note would require that an encroachment permit shall be obtained prior to any work conducted in the County road right-of-way.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

A paved drive access off Shaw Avenue serves a single-family residence and a gravel drive access off Chateau Fresno Avenue serves a grow yard on the property. With the addition of a third and new access to serve the proposed project, the project site will have adequate number of points of escape during an emergency. No concerns related to emergency access were raised by the North Central Fire Protection District upon its review of the project.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. 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: NO IMPACT:

The subject parcel is not located in an area of moderate or high sensitivity to archaeological finds. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. Staff received no response resulting in no further action on the part of the County.

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:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new 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:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- 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: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- 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: NO IMPACT:

Solid wastes (mostly green waste) will be removed by regular trash collection service and such removal will not be in excess of State and local standards.

## 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 for wildfire. See discussion above in Section XV. A. 1. PUBLIC SERVICES.

## 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 would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species. No impacts on biological or cultural resources were identified in the project analysis.

- 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources or Air quality were identified in the project analysis. Impacts identified for Aesthetics will be mitigated by compliance with the Mitigation Measure listed in Sections I of this report.

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

FINDING: NO IMPACT:

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

## CONCLUSION/SUMMARY

Based upon Initial Study No. 7814 prepared for Classified Conditional Use Permit Application No. 3672, 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 biological resources, cultural resources, mineral resources, noise, population and housing, recreation, tribal cultural resources, or wildfire.

Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, ~~hazards and hazardous materials~~, hydrology and water quality, land use and planning, public services, transportation and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and **hazards and hazardous materials** have been determined to be less than significant 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" Streets, Fresno, California.

EA:

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7814	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
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): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): <b>Riverside Nursery</b>	Project Title: Classified Conditional Use Permit Application No. 3672		
Project Description: Allow commercial nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST: 1) (APN 505-050-19).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7814) prepared for Classified Conditional Use Permit Application No. 3672, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to biological resources, cultural resources, mineral resources, noise, population and housing, recreation, tribal cultural resources, or wildfire.  Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, public services, transportation and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics and hazards and hazardous materials have been determined to be less than significant with the included Mitigation Measure.  The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 22, 2020		Review Date Deadline: Planning Commission – June 25, 2020	
Date: May 22, 2020	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**