



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: October 8, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12846 - INITIAL STUDY APPLICATION NO. 7561, VARIANCE APPLICATION NO. 4072, DIRECTOR REVIEW AND APPROVAL APPLICATION NO. 4587 AND CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3654

**APPLICANT/
OWNER:**

Christopher and Theresa Smith

REQUEST:

Variance Application to reduce the minimum parcel size requirements in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to allow creation of two (2) approximately 7.16-acre parcels and an approximately 3.61-acre parcel from an existing 17.93-acre parcel; Director Review and Approval Application to allow a truck and trailer storage and maintenance facility when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment; and Classified Conditional Use Permit Application to allow a feed and farm supply store.

LOCATION:

The subject parcel is located at the northeast corner of South Academy Avenue and East Butler Avenue. The subject parcel is located within the Sphere of Influence of the City of Sanger and is approximately 2,680 feet north of the city limits of the City of Sanger (SUP. DIST.: 5) (APN 314-070-34) (354 S. Academy Avenue, Sanger, CA).

PLANNING COMMISSION ACTION:

At its hearing on October 8, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Chairman Abrahamian and seconded by Commissioner Hill to adopt the Mitigated Negative Declaration prepared for the project; adopt the required Findings of Fact recommended for Classified Conditional Use Permit Application No. 3654 subject to the Conditions listed in Exhibit "B", adopt the required Findings of Fact recommended for Director Review and Approval Application No. 4587 subject to the Conditions listed in Exhibit "B", and adopt the required Findings of Fact for approval of a Variance, determining the required Findings could be made subject to the Conditions listed in Exhibit "B". In the motion to approve the Variance, the Chairman indicated that Findings 1 and 2 could be made as the property is unique with regards to its physical location and its proximity to a truck route, and that the property is located within the Sphere of Influence of the City of Sanger and will eventually be developed, Finding 3 can be made as recommended by Staff, and Finding 4 could be made as this project is supporting agriculture.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Hill, Carver, Ede, Eubanks, Woolf, and Lawson
	No:	None
	Absent:	Commissioners Burgess and Chatha
	Abstain:	None

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

By: _____
William M. Kettler, Manager
Development Services and Capital Projects Division

TK:im
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Reso.doc

NOTES: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance Application, Director Review and Approval Application, or Classified Conditional Use Permit.

Attachments

EXHIBIT "A"

Initial Study Application No. 7561
Variance Application No. 4072
Director Review and Approval Application No. 4587
Classified Conditional Use Permit Application No. 3654

Staff: The Fresno County Planning Commission considered the Staff Report dated October 8, 2020, and heard a summary presentation by staff.

Applicant: The Applicant's representative disagreed with staff's recommendation as stated in the Staff Report. He described the project and offered the following information:

- The Applicant is currently a tenant and operates the existing feed and tack store directly south of the project site; he intends to move his operation to the subject parcel and expand his business.
- The northern proposed parcel is planned to be purchased by Lyons Transportation; the proposed operation will be trucking materials for Lyons Magnus, Wawona Frozen Foods, and Wawona Packing; these transported items will consist mainly of strawberries, frozen fruit, fruit bins and refrigerated fruit products.
- We believe the project site is in an excellent location due to its proximity to thoroughfares that service the heart of agricultural land in the County of Fresno.
- Academy Avenue is classified an arterial road designed to handle over 22,000 trips per day and is an adopted truck route.
- Lyons Transportation considered alternate sites but were inadequate compared to the subject site due to the travel routes that would consist of traveling on local streets through the community instead of on efficient and adequate roads.
- Under city designations, the area is planned for urban development and under current County designations, is zoned agriculture. The proposed uses will be agriculturally supportive.
- We had numerous discussions with the City of Sanger on the project proposals with discussions focused on the proposed use and attainment of water from the City of Sanger. The City of Sanger is opposed to the proposed truck and trailer facility.

- The city does not have standing for this area as it was not referred under the memorandum of understanding between the City and County.
- We do know that the City of Sanger has not filed an application for annexation of the project site with LAFCo.
- The State Map Act states that you can only sell, lease or finance an individual parcel; you are unable to finance individual sections of the parcel, therefore the variance is important as each party will be able to finance their own portion of the project if the property is split.
- The subject parcel is already substandard in size under the minimum acreage designation of the zone district.
- There are seven properties on the eastern side of Academy that have an average size of 6.11 acres and note that there are variances in the vicinity that have created substandard parcels.
- We believe there is a property right at issue with their inability to finance each portion of the project without the Variance and that each proposed use will be important to Fresno County agriculture.

Others: The Applicants Attorney concurred with the consultant's analysis and comments and, presented information in support of the application. A letter was also provided by the speaker in support of the application.

Correspondence: Two letters in opposition to the application were presented to the Planning Commission. No letters in support of the application were received.

EXHIBIT “B”
Mitigation Monitoring and Reporting Program
Initial Study Application No. 7651
Variance Application No. 4072
Director Review and Approval Application No. 4587
Classified Conditional Use Permit Application No. 3654
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources / Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
Conditions of Approval					
1.	The following Conditions of Approval are associated with Variance Application No. 4072: A. Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure to split the existing 17.93-acre parcel into three parcels, two of which will be approximately 7.16 acres in size, and one of which will be approximately 3.61 acres in size.				
2.	The following Conditions of Approval are associated with Director Review and Approval Application No. 4587: A. Development of the truck and trailer storage and maintenance facility when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment shall be in accordance with the Site Plan approved by the Planning Commission. B. A Site Plan Review (SPR) Application shall be submitted for approved in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of building permits				
3.	The following Conditions of Approval are associated with Classified Conditional Use Permit Application No. 3654: A. Development of the feed and farm supply store shall be in accordance with the Site Plan approved by the Planning Commission. B. A Site Plan Review (SPR) Application shall be submitted for approved in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of building permits				

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>The following Project Notes are associated with Variance Application No. 4072:</p> <p>A. The property has existing nearby agricultural crops to the north, south, and east. There is always the concern that normal agricultural practices may create dust. There will be scheduled pesticide treatments. Both situations should be taken into account. The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance. Fresno County Right-to-Farm Notice: “It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.”</p>
2.	<p>The following Project Notes are associated with Director Review and Approval Application No. 4587:</p> <p>A. The Site Plan Review Section of the Department of Public Works and Planning provide the following comments:</p> <ol style="list-style-type: none"> 1. The Operational Statement indicates up to 50 employees to be employed by the facility on-site. Off-street parking requirements shall be one (1) parking space for every two (2) employees on-site. Twenty-Five (25) parking stalls are required, one (1) of which shall be ADA compliant and van accessible. 2. Parking stalls shall be constructed in compliance with County and State standards. Per Fresno County parking standards, a minimum 29 feet of vehicle backup clearance shall be provided for all parking stalls and clearly labeled in the site plan. 3. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of the edges of the ultimate right-of-way shall be concrete or asphalt. 4. Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. 5. Depending on the size of truck parking adjacent to the entrance and their orientation, adequate area may not have been provided. A striping plan for that area should be required. <p>B. Plans, permits, and inspections will be required for all onsite improvements.</p> <p>C. Project proposal will be subject to the County LAMP requirements.</p> <p>D. The Fresno County Fire Protection District provide the following comments:</p> <ol style="list-style-type: none"> 1. The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the applicant must submit plans to the County of Fresno, Department of Public Works and Planning for review. It is the applicant’s responsibility to deliver a minimum of three sets of plans to the FCFPD. 2. Project/Development including: Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD. 3. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. 4. When made available, the applicant should connect to the City of Sanger water system and provide fire hydrants as appropriate based on the California Fire Code Requirements.

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- E. The Road Maintenance and Operations Division provide the following comments:
1. Proposed Parcel "A" (7.02-acre parcel that will contain the proposed agricultural truck and trailer storage and maintenance facility) and Parcel "B" (3.60-acre parcel to contain existing single-family residence) should be restricted to no more than one driveway per parcel for ingress and egress purposes. Direct access points shall be located at sufficient intervals from each other and from public roads to maintain safety and the traffic carrying capacity of the roadway.
 2. Access to a divided arterial may be restricted to right turn movements and median crossing may be prohibited.
 3. Any approved drive approached onto Academy Avenue will require an encroachment permit from the Fresno County Road Maintenance and Operations Division.
 4. For all access driveways onto Academy Avenue, the first 100 feet of the roadway or driveway from the public road must be paved or treated with dust palliative to minimize tracking and dust pollution on County roads.
 5. An encroachment permit from Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way.
- F. The Development Engineering Section provide the following comments:
1. Typically, any access driveway should be set back a minimum of 10 feet from the side property line.
 2. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.
 3. Typically, in an arterial classification, if not already present, on-site turnaround area is required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
 4. Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
 5. If not already present, 10-foot by 10-foot corner cutoffs should be improved for site distance purposes at the exiting driveways onto Academy Avenue.
 6. An Engineered Grading and Drainage Plan and a grading permit are required.
- G. The Department of Public Health, Environmental Health Division provide the following comments:
1. Facilities proposing to use and/or store hazardous materials and/or hazardous waste shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20 Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
 2. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
 3. If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
 4. The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, which may require the

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- Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle).
5. The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.
 6. In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be property destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.
 7. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.
 8. The location of the onsite sewage disposal system should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.
 9. As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9 disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.
- H. The property has existing nearby agricultural crops to the north, south, and east. There is always the concern that normal agricultural practices may create dust. There will be scheduled pesticide treatments. Both situations should be taken into account. The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."
- I. The San Joaquin Valley Air Pollution Control District provide the following comments:
1. Based on the information provided to the District, specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less (PM10), of 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the project would have a less than significant impact on air quality when compared to the annual criteria pollutant emissions significance thresholds.
 2. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The Project is subject to District Rule 9510 as it exceed 2,000 square feet of commercial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency.
 3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished, or removed, the Project may be subject to District Rule 4002 (National

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- Emission Standards for Hazardous Air Pollutants).
- 4. Advise fleets associated with the subject application operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero technologies as feasible.
- 5. The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore efforts to ensure compliance with anti-idling regulation, especially near sensitive receptors, is important to limit the amount of idling within the community, which will result in community air quality benefits.
- 6. The project may be subject to District Rule 2010 (permits required) and Rule 2201 (new and modified stationary source review) and require District permits. Prior to construction the project proponent should submit to the District an application for an Authority to Construct (ATC) if applicable.
- 7. The project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.

3.

The following Project Notes are associated with Classified Conditional Use Permit Application No. 3654:

- A. The Site Plan Review Section provide the following comments:
 - a. The applicant shall meet Fresno County parking requirements including adequate parking dimensions, back-up space, width of isles, turn around radius, etc.
 - b. Per the operational statement, a minimum of five (5) parking stalls shall be required, one of which shall be ADA compliant and van accessible.
 - c. ADA stalls shall be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons do not cross driveways into the parking lot.
 - d. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt.
- B. Project proposal will be subject to County LAMP requirements.
- C. Plans, permits, and inspections will be required for all onsite improvements.
- D. The Fresno County Fire Protection District provide the following comments:
 - a. The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval the applicant must submit plans to the County of Fresno, Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to the FCFPD.
 - b. Project/Development including: Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD.
 - c. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
 - d. When made available, the Applicant should connect to the City of Sanger water system and provide fire hydrants as appropriate based on the California Fire Code Requirements.
- E. The Road Maintenance and Operations Division provide the following comments:
 - a. Butler Avenue is classified as a local road in the County’s General Plan requiring 60 feet of ultimate road right-of-way. An additional 10 feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Butler Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way

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- for Butler Avenue.
 - b. Access to a divided arterial may be restricted to right turn movements and median crossing may be prohibited.
 - c. A 30-foot by 30-foot corner right-of-way cutoff is needed at the intersection of Academy Avenue and Butler Avenue for visibility purposes.
 - d. For all access driveways onto Academy Avenue and Butler Avenue, the first 100 feet of the roadway or driveway from the public road must be paved or treated with dust palliative to minimize tracking and dust pollution to County roads.
 - e. An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way.
- F. The Development Engineering Section provide the following comments:
- a. Typically, any access driveway should be set back a minimum of 10 feet from the side property line.
 - b. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
 - c. Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
 - d. Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
 - e. If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue and Butler Avenue.
- G. The Department of Public Health, Environmental Health Division provide the following comments:
- a. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
 - b. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
 - c. If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
 - d. The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle).
 - e. The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to Fresno County Noise Ordinance.
 - f. In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be

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- properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.
- g. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.
 - h. The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.
 - i. As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9 Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.
- H. The property has existing nearby agricultural crops to the north, south, and east. There is always the concern that normal agricultural practices may create dust. There will be scheduled pesticide treatments. Both situations should be taken into account. The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality
- I. The San Joaquin Valley Air Pollution Control District provide the following comments:
- a. Based on the information provided to the District, specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less (PM10), of 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the project would have a less than significant impact on air quality when compared to the annual criteria pollutant emissions significance thresholds.
 - b. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The Project is subject to District Rule 9510 as it exceed 2,000 square feet of commercial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency.
 - c. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished, or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
 - d. The project may be subject to District Rule 2010 (permits required) and Rule 2201 (new and modified stationary source review) and require District permits. Prior to construction the project proponent should submit to the District an application for an Authority to Construct (ATC) if applicable.
 - e. The project will be subject to Regulation VIII. The project proponent is required to submit a Construction

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Notification Form or submit and receive approval of a Dust Control Plan prior to construction.

- J. The proposed project will meet the definition of a transient noncommunity public water system and must obtain a drinking water supply permit to use the onsite well. If the well has already been drilled, the applicant shall submit the well driller's log for immediate review. The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new public water system (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvements. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is reasonably foreseeable that the proposed PWS will be unable to provide affordable, safe drinking water in the reasonably foreseeable future.
- K. Per City of Sanger standards, the proposed Feed and Farm Supply Store is a permitted use under their General Plan Land-Use designation and future zoning. The proposed use should be conducted in an enclosed building or screened with a block wall.

TK

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EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7651
(State Clearinghouse #2019099025)
Variance Application No. 4072
Director Review and Approval Application
No. 4587
Classified Conditional Use Permit Application No. 3654

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Director Review and Approval Application	\$ 2,660.00 ¹
Conditional Use Permit Application and Variance Application	\$ 8,327.00 ¹
Environmental Assessment	\$ 3,901.00 ²
Public Health Department Review	\$ 1,798.00 ³
Agricultural Commissioner Fee	<u>\$ 152.00⁴</u>
Total Fees Collected	<u>\$16,829.00</u>

1 Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
2 Review proposal to provide appropriate California Environmental Quality Act (CEQA) Analysis and include documentation to prepare a Mitigate Negative Declaration.
3 Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.
4 Review of proposal and associated environmental documents by the Department Agriculture; comments.