



County of Fresno

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

July 13, 2020

Riverside Nursery
4763 W. Spruce #111
Fresno CA 93722

Dear Applicant:

Subject: Resolution No. 12828 - Initial Study Application No. 7814 and Classified
Conditional Use Permit Application No. 3672

On June 25, 2020, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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

If you have any questions regarding the information in this letter please contact me at eahmad@fresnocountyca.gov or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: June 25, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12828 - INITIAL STUDY APPLICATION NO. 7814 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3672

APPLICANT: Riverside Nursery

OWNER: Hutcheson Family Trust

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of June 25, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Eubanks and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3672, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7814
Classified Conditional Use Permit Application No. 3672

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 25, 2020, and heard a summary presentation by staff.
- Applicant: The owner concurred with the Staff Report and the recommended Conditions. He stated he was willing to answer any questions.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7814/Classified Conditional Use Permit Application No. 3672
(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 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 (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf). | 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 (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf). | 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 |

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|-------------------------------|---|--|--|
| | 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/Ag-Guidance-Rev-3-August-7-2008-2.pdf). | | |
| 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 inconveniences 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 required Conditions for the project.

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| 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"> • 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. |

Project Notes

- 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 require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

4. To address site development impacts resulting from the project, the Road Maintenance and Operations (RMO) Division requires the following:

- An encroachment permit from RMO 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.

5. To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:

- A grading permit or voucher shall be required for any grading proposed with this application.
- 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.
- An asphalt concrete driveway approach shall be provided where the project site access road connects to the County road serving this parcel.

6. To address public health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:

- 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.

Project Notes

- 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.

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.