



County of Fresno

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

August 5, 2019

Don Pickett & Associates, Inc.
7395 N. Palm Bluff
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12785 - Initial Study Application No. 7558 and Classified
Conditional Use Permit Application No. 3628

On July 18, 2019, 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 Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at tkobayashi@fresnocountyca.gov or 559-600-4224.

Sincerely,

Thomas Kobayashi, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: July 18, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12785 - INITIAL STUDY APPLICATION NO. 7558 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3628

APPLICANT: Don Pickett & Associates, Inc.

OWNER: Ian Burnett

REQUEST: Allow the assembly and storage of equipment for the post-harvest processing of agricultural products, provided such equipment is sold directly to the farmer or processor, on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of Clovis Avenue, approximately 1,293 feet south of its nearest intersection with North Avenue, approximately 2.27 miles east of the nearest city limits of the City of Fresno (Sup. Dist. 4) (APN 331-030-58).

PLANNING COMMISSION ACTION:

At its hearing of July 18, 2019, 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 recommended Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3628, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12785

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Eubanks, Chatha, Abrahamian, Delahay, Hill and Lawson
	No:	None
	Absent:	Commissioners Burgess, Ede and Vallis
	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

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NOTE: 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 Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7558
Classified Conditional Use Permit Application No. 3628

- Staff:** The Fresno County Planning Commission considered the Staff Report dated July 18, 2019, and heard a summary presentation by staff.
- Applicant:** The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- Don Pickett and Associates, Inc. is the general contractor that will be constructing the facility.
 - We will comply with the conditional use permit requirements; the packing products and boxes are strictly for agricultural use.
- 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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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7558/Classified Conditional Use Permit Application No. 3628
(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 installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural and Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
3.	Energy	Idling of onsite equipment and vehicles will be avoided to the most possible extent to avoid wasteful and/or inefficient consumption of energy resources.	Applicant	Applicant	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.				
3.	The parcel is surrounded by agricultural operations. The owner shall sign a covenant acknowledging Fresno County's "Right to Farm" ordinances to ensure that any potential discomfort or risk to employees and customers associated with the existing agricultural nature of the surrounding area can be adequately considered prior to construction. The Fresno County Right-to-Farm Notice 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				

<p>(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>	<p>*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.</p>
<p>Notes</p>	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
<p>1.</p>	<p>Plans, permits, and inspections will be required for all onsite construction improvements.</p>
<p>2.</p>	<p>Fresno Irrigation District's (FID) Goodrich No. 9 runs westerly and traverses the southern portion of the subject property, then crosses Clovis Avenue approximately 30 feet west of the subject property. Records do not show a recorded easement, however, FID does own an easement and the width is 30 feet.</p> <ul style="list-style-type: none"> • FID requires that the Applicant grant a 30-foot-wide exclusive easement to meet current FID standards. • No trees will be allowed within FID's exclusive easement; any trees to be planted around the pipeline shall maintain a distance of 15 feet from edge of pipe. • All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or inactive FID and private structures must be removed within FID's property/easement and the development project limits. • No large earth-moving equipment (paddle wheel scrapers, grading, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by the contractor's grading activity. • FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited to, Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities. • FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan, which shows that the proposed development will not endanger the structural integrity of the Canal or result in the drainage patterns that could adversely affect FID. • Footings of retaining walls shall not encroach onto FID property/easement areas. • FID is concerned about the potential vibrations caused by construction efforts near existing District facilities, as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor must keep all large equipment, construction materials, and soil stockpiles outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or the contractor will be responsible for all damage caused by construction activities.
<p>3.</p>	<p>Site Plan Review Section requirements:</p> <ul style="list-style-type: none"> • Parking spaces shall be constructed in compliance with County and State standards. • A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with State standards. • The number of ADA stalls appears to be sufficient. There shall be a minimum of two (2) ADA stalls and one (1) of said stalls shall be van accessible. • Back-up clearance and parking stall dimensions are not shown on the provided site plan. Back-up clearance shall be a minimum of 29 feet. Parking stall dimensions shall be a minimum of 18 feet by 9 feet. • Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of

Notes

Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation Plans that shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to issuance of building permits.

- 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 off of the edge of the ultimate right-of-way shall be concrete or asphalt.
- An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way.
- Internal access roads shall comply with required widths of the Fire District for emergency apparatus.
- The lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot, per Section 816.5.E.2 of the Fresno County Zoning Ordinance.
- No building or structure erected in this District shall exceed thirty-five (35) feet in height, per Section 816.5.D of the Fresno County Zoning Ordinance.
- A dust palliative should be required on all parking and circulation areas.
- Outdoor lighting should be hooded and directed away from adjoining streets and properties.
- All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Offsite signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District.

4. Road Maintenance and Operations Division requirements:

- 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.
- Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveways shall be utilized.
- 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. According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly line of the subject parcel. Easements may be required by the appropriate Agency.

6. Development Engineering Section requirements:

- Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
- An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
- A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.

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7. Fresno County Department of Public Health, Environmental Health Division requirements:

- 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 6.96. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.
- 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.
- In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked 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.
- In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system.

8. Fresno County Fire Protection District requirements:

- The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
- Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
- 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.

9. The San Joaquin Valley Unified Air Pollution Control District (District) staff is available to meet with the Applicant to further discuss the regulatory requirements that are associated with this project. To identify District rules or regulations that apply to this project or to obtain information about District permit requirements, the Applicant is strongly encouraged to contact the District's Small Business Assistance Office (559) 230-5888. Current District rules can be found at www.valleyair.org/rules/1ruleslist.htm.