



Inter Office Memo

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

DATE: April 11, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12770 - INITIAL STUDY APPLICATION NO. 6205, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3281, and VARIANCE APPLICATION NO. 4023

APPLICANT: Saleh Kassim

OWNER: Obadi Kassim

REQUEST: Allow an Agricultural Commercial Center consisting of a market with fuel sales, and allow the creation of a 2.36-acre parcel and a 16.32-acre parcel from a 0.53-acre parcel and an 18.15-acre parcel (20 acre minimum required by Ordinance) by means of a variance and subject to a property line adjustment in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the northeast corner of Conejo Avenue and Highland Avenue (SR 43) and is approximately 1.98 miles southwest of the nearest city limits of the City of Selma (14942 S. Highland Avenue, Selma, CA) (Sup. Dist. 4) (APN 393-280-77S and 393-280-84S).

PLANNING COMMISSION ACTION:

At its hearing of April 11, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Vallis 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 a Variance, and recommend approval of Classified Conditional Use Permit No. 3281 and Variance No. 4023, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Vallis, Chatha, Abrahamian, Lawson, Burgess,
 Delahay, Ede and Eubanks

 No: None

 Absent: Commissioner Hill

 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

WMK:ksn
G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2010-2019\2019\6-4-19\CUP 3281 - VA 4023\Attachment A - Resolution.docx

Attachments

EXHIBIT A

Initial Study Application No. 6205
Classified Conditional Use Permit No. 3281, and Variance Application No. 4023

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 11, 2019, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The owners have been operating a market on the site for approximately 20 years; it is a family market, and they serve the surrounding agricultural community.
 - The proposed market will replace the existing market.
 - The proposed market will be approximately 2,700 square feet in size with fuel service; the site will have two 8,000-gallon gasoline tanks and one 20,000-gallon tank for diesel fuel.
- Others: One individual associated with the existing and proposed use spoke in support of the application, stating that the expansion of Highway 43 will cause the existing store to be demolished. Approving the project will allow the operators to continue to support the surrounding agricultural community while also supporting the operator's family.
- No individuals presented information in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

TK:ksn
G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2010-2019\2019\6-4-19\CUP 3281 - VA 4023\Attachment A - Resolution.docx

EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study Application No. 6205/Conditional Use Permit Application No. 3281/Variance Application No. 4023
(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 toward adjacent properties and public streets and roadways. | Applicant | Applicant/Fresno County Department of Public Works and Planning (PW&P) | Ongoing | |
| 2. | Cultural Resources and Tribal Cultural Resources | In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. | Applicant | Applicant/PW&P | During ground-disturbing activities | |
| 3. | Energy | Idling of onsite equipment and vehicles shall be avoided to the most possible extent to prevent wasteful consumption of energy resources. | Applicant | Applicant/PW&P | Ongoing | |
| 4. | Hazards and Hazardous Materials | Should the structure have any active rodent or insect infestation, the infestation should be abated prior to demolition of the structure in order to prevent the spread of vectors to adjacent properties. | Applicant | Applicant/PW&P | Prior to construction | |
| 5. | Hazards and Hazardous Materials | In the process of demolishing the existing structures, the contractor may encounter asbestos-containing construction materials and materials coated with lead-based paint: 1. If asbestos-containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District. 2. If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition and/or | Applicant | Applicant/PW&P | During demolition of existing improvements | |

| | | | | |
|-------------------------------|--|--|--|--|
| | <p>remodel work, the contractor should contact the following agencies for current regulations and requirements: California Department of Public Health, Childhood Lead Poisoning Prevention Branch; United States Environmental Protection Agency; and the State of California, Industrial Relations Department, Division of Occupational Safety and Health.</p> <p>3. Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state and local requirements.</p> | | | |
| Conditions of Approval | | | | |
| 1. | Development of the property shall be in accordance with the Master Plan, Site Plan, Floor Plans, Elevations, and Operational Statement approved by the Commission and Board of Supervisors, subject to modifications required by the Site Plan Review. | | | |
| 2. | An irrevocable offer of 43 feet shall be made along project frontage on Highland Avenue (SR 43) prior to the issuance of a Caltrans Encroachment Permit. | | | |
| 3. | Site Plan Review application and approval is required for this project. | | | |
| 4. | Prior to construction, a mapping application and approval will be required to adjust property lines between APN 393-280-77S and 393-280-84S. | | | |
| 5. | An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. | | | |
| 6. | Prior to issuance of building permits for each structure connected to an Onsite Wastewater Treatment System (OWTS), specific design and capacity details for the OWTS (Sewage Disposal Design submitted by Krazan and Associates, Inc. May 30, 2018) shall be approved by either the California Regional Water Quality Control Board or the Fresno County Department of Public Works and Planning, depending on oversight jurisdiction. | | | |
| 7. | Prior to construction, improvement plans for the roadwork shall be submitted to the Road Maintenance and Operations Division for review and approval prior to the start of work. The improvement plan(s) shall include an approach taper and paving at the easterly end of the project site along Conejo Avenue. | | | |
| 8. | <p>The following requirements have been set forth by the California Department of Transportation (Caltrans).</p> <ul style="list-style-type: none"> • The project proponent shall install "No Parking" signs along the project frontage on State Route 43 (Highland Avenue). • A physical barrier such as landscape or equivalent should be provided to discourage vehicles from accessing State Route 43. <p>An Encroachment Permit from Caltrans will be required.</p> | | | |

*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 requirements have been set forth by the State Water Resources Control Board.</p> <ul style="list-style-type: none"> • The proposed facility will meet the definition of a Transient Non-Community Water System and must be permitted by the State Water Resources Control Board as a public water system prior to use of the system, unless it can be demonstrated that there is no human consumption of the water and the market is permitted under the California Retail Food Code by the Fresno County Department of Public Health, Environmental Health Division. • Any well planned for use as a domestic source of water must be constructed in accordance with the California Well Standards and County well requirements. The owner/operator must be able to document the construction features of the well to be used by submittal of the Well Completion Report or Well Drillers Report. This should accompany the permit application. • The well must demonstrate compliance with all applicable water quality criteria under the California Safe Drinking Water Act. A transient non-community water system must monitor for the constituents and comply with nitrate maximum contaminant levels. The well must also be free of coliform bacteria. The monitoring must be conducted and the results submitted with the permit application. |
| 2. | <p>The following requirements have been set forth by the Development Engineering Section of the Development Services and Capital Projects Division.</p> <ul style="list-style-type: none"> • If not already present, a 30' x 30' corner cut-off should be improved for sight distance purposes at the intersection of State Route 43 (Highland Avenue) and Conejo Avenue. • The proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. • 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. • A grading permit or voucher is required for any grading proposed with this application. |
| 3. | <p>The following requirements have been set forth by the Fresno County Department of Public Health, Environmental Health Division.</p> <ul style="list-style-type: none"> • The Uniform Plumbing Code does not allow an impervious surface over the area of the drain field for an individual sewage disposal system. 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. • The sewage disposal systems located on the subject parcel serving the existing market and mobile home shall be properly destroyed with the demolition of the existing market and removal of mobile home. The Applicant shall obtain a permit from the Fresno County Department of Public Works and Planning. • If the Applicant proposes to construct a new water well, the water well contractor selected by the Applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. • Prior to occupancy, the Applicant shall have the existing abandoned water well on the property destroyed under permit from the Fresno County Public Health Department, Environmental Health Division. • The Applicant shall submit an application for a permit to operate a Public Water System and supporting information, in the form of a technical report, to the State Water Resource Control Board, Division of Drinking Water - Fresno District for review. Approval for the permit will require demonstration of Technical, Managerial, and Financial (TMF) Capacity, as well as documentation of the services of a State-Certified Water Distribution Operator, and shall be obtained prior to occupancy. |

Notes

| | |
|-----------|---|
| | <ul style="list-style-type: none"> • Prior to issuance of building permits for the food facility, the operator/owner shall submit complete food facility plans and specification to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Prior to operations, the operator shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. • The Applicant shall obtain their license to sell alcoholic beverages prior to alcohol sales. • If the Applicant decides to construct an aboveground petroleum storage tank, a spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity. • The Applicant should contact their local Fire Authority concerning construction and installation requirements for aboveground fuel storage tanks. • If the Applicant decides to construct an underground petroleum storage tank, prior to issuance of building permits, the Applicant shall submit three sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR) Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to 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. This Division discusses proper labeling, storage, and handling of hazardous wastes. |
| <p>4.</p> | <p>The following requirements have been set forth by the Fresno County Fire Protection District.</p> <ul style="list-style-type: none"> • The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the Fresno County Fire Protection District conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD. • The project/development shall annex to Community Facilities District No. 2010-01 of FCFPD. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. |
| <p>5.</p> | <p>The following requirements have been set forth by Site Plan Review Unit of the Development Services and Capital Projects Division.</p> <ul style="list-style-type: none"> • Proposed improvement area of 500 square feet or more shall require submittal of Landscape and Irrigation plans per the Governor’s Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) Unit for review and approval prior to issuance of building permits. • All proposed signs shall be submitted to the Fresno County Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone Districts. |
| <p>6.</p> | <p>The following requirements have been set forth by the Consolidated Mosquito Abatement District.</p> <ul style="list-style-type: none"> • The basin should be constructed and/or managed so that water depths are maintained to a minimum of four feet in order to preclude invasive emergent vegetation such as cattails. • If water levels are subject to fluctuation during the summer mosquito breeding season, the basin should be constructed with a low-flow/slump area. To prevent the growth of emergent vegetation, the sump area should be excavated to a minimum |

Notes

depth of four feet below the pond floor. The engineer responsible for the grading and drainage plan for this project should be able to approximate the size of the sump area required to accommodate the low in-flows of summertime nuisance water that are associated with this type of development. The basin floor should also be graded or sloped so as the standing water recedes, it will drain into the sump area.

- Access must be provided. A free and unencumbered access roadway around the entire basin perimeter for pond maintenance and mosquito abatement activities is essential.
- Basin edges shall be well managed and free of excess vegetation that promotes mosquito breeding and hinders District control efforts.

7. If approved, plans, permits and inspections will be required for all onsite improvements.

RESOLUTION NO. 12770

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 6205
(State Clearinghouse #2019029118)
Classified Conditional Use Permit Application No. 3281
Variance Application No. 4023

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

| | |
|------------------------------------|-----------------------------|
| Conditional Use Permit Application | \$ 4,569.00 ¹ |
| Variance Class II Application | \$ 3,758.00 ¹ |
| Environmental Assessment | \$ 4,160.00 ² |
| Public Health Department Review | \$ 1,357.00 ³ |
| Agricultural Commissioner Fee | \$ <u>34.00⁴</u> |
| Total Fees Collected | <u>\$13,878.00</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.



County of Fresno
Board of Supervisors
Minute Order

Hall of Records, Room 301
2281 Tulare Street
Fresno, California
93721-2198
Telephone: (559) 600-3529
Toll Free: 1-800-742-1011
www.co.fresno.ca.us

June 4, 2019

Present: 5 - Chairman Nathan Magsig, Vice Chairman Buddy Mendes, Supervisor Steve Brandau, Supervisor Brian Pacheco, and Supervisor Sal Quintero

Agenda No. 13.

Public Works & Planning

File ID: 19-0514

Re: Consider and adopt Mitigated Negative Declaration prepared for Agricultural Commercial Center (Initial Study Application No. 6205/State Clearinghouse #2019029118); and determine that required Findings specified in Fresno County Zoning Ordinance Section 873-F and Section 877-A can be made and approve Classified Conditional Use Permit Application No. 3281 to allow Agricultural Commercial Center consisting of a market with fuel sales, and Variance Application No. 4023 to allow creation of 2.36-acre parcel and 16.32-acre parcel from 0.53-acre parcel and 18.15-acre parcel (minimum 20 acres required) by means of a property line adjustment, project site is located on northeast corner of Conejo and Highland Avenues, approximately two miles southwest of nearest city limits of City of Selma, within AE-20 Zone District

A MOTION WAS MADE BY VICE CHAIRMAN MENDES, SECONDED BY SUPERVISOR PACHECO, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Magsig, Mendes, Brandau, Pacheco, and Quintero