



County of Fresno

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

April 8, 2019

Roger Hurtado
1508 Tollhouse Road #C
Clovis CA 93611

Dear Applicant:

Subject: Resolution No. 12757 - Initial Study Application No. 7555 and Classified
Conditional Use Permit Application No. 3625

On February 14, 2019, the Fresno County Planning Commission approved your Classified Conditional Use Permit 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 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: February 14, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12757 - INITIAL STUDY APPLICATION NO. 7555 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3625

APPLICANT: Roger Hurtado

OWNER: Tim Rolen

REQUEST: Allow the expansion of an existing church to include a 9,000 square-foot community hall with parking and related facilities on a 3.97-acre parcel in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the northeast corner of N. Preuss Drive and E. Nees Avenue, approximately 60 feet north of the nearest city limits of the City of Clovis (4620 E. Nees Avenue, Clovis) (SUP. DIST. 5) (APN 560-052-15).

PLANNING COMMISSION ACTION:

At its hearing of February 14, 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 required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3625, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12757

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Vallis, Chatha, Abrahamian, Burgess, Delahay, Eubanks, Hill and Lawson
	No:	None
	Absent:	Commissioner Ede
	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. 7555
Classified Conditional Use Permit Application No. 3625

- Staff: The Fresno County Planning Commission considered the Staff Report dated February 14, 2019, and heard a summary presentation by staff.
- Applicant: The Applicant and his representative concurred with the Staff Report and the recommended Conditions. They described the project and offered the following information to clarify the intended use:
- The proposed building will accommodate memorial services, receptions and other church activities currently held on the property.
 - Due to space limitations, we currently split memorial services into different buildings, which is undesirable and inconvenient.
 - The proposed building will replace the onsite modular building.
 - The project will not add additional traffic to the existing church operations.
- 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 the project.
- One letter was presented to the Planning Commission in opposition to the application citing concerns regarding the project's impact on traffic and the poor condition of Nees Avenue, which fronts the property.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7555
Classified Conditional Use Permit Application No. 3625
(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)	As long as the project lasts
2.	Geology and Soils	To mitigate the potential for groundwater contamination from the existing septic system, prior to issuance of building permits, the Applicant shall enter into an agreement with the City of Clovis to connect to the City sewer system upon annexation of the property to the City and availability of a sewer main at the property frontage, abandon the existing septic system per Code requirements, and pay sewer service connection fees to the City.	Applicant	Applicant/PW&P/ City of Fresno	As noted
3.	Geology and Soils	To mitigate groundwater overdraft, prior to issuance of building permits, the Applicant shall enter into an agreement with the City of Clovis to connect to the City water system upon annexation of the property to the City and availability of a water main at the property frontage, abandon the existing well per Code requirements, and pay water service connection fees to the City.	Applicant	Applicant/PW&P/ City of Fresno	As noted
4.	Transportation	The Applicant shall prepare a Traffic Management Plan (TMP) for the construction phase of the project. The TMP shall be reviewed and approved by the Design Division of the Fresno County Department of Public Works and Planning prior to issuance of building permits.	Applicant		
Conditions of Approval					
1.	Development of the property shall be in accordance with the approved Site Plan, Floor Plans, Elevations and Operational Statement.				
2.	All Conditions of Approval of Conditional Use Permit Nos. 2245 and 3507 shall remain in full force and effect except where superseded by this application.				

EXHIBIT B

3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
4.	<p>Per the City of Clovis, a 70-foot right-of-way north of the centerline is required for Nees Avenue. The owner of the subject property shall record a document irrevocably offering the southerly 17 feet of the subject property to the County of Fresno as future right-of-way for Nees Avenue.</p> <p>Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>
5.	A dust palliative shall be required on all unpaved parking and circulation areas.

*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.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This 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.	Plans, permits and inspections are required for all on-site improvements. Prior to permits being issued, a site assessment shall be required for the relocation of the 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.	<p>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:</p> <ul style="list-style-type: none"> • A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. • Per Section 855 E 3a of the Fresno County Zoning Ordinance, the required front yard shall be landscaped with appropriate materials and shall be maintained. • A proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and 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 Department of Public Works and Planning, Site Plan Review (SPR) Unit for review and approval prior to the 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. • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements will be addressed through Site Plan Review.</p>

Notes

4.	<p>To address development impacts resulting from the project, the Fresno Metropolitan Flood Control District requires the following:</p> <ul style="list-style-type: none">• No encroachments, including, but not limited to, foundations, roof overhangs, swimming pools and trees, shall be permitted into an existing 20-foot-wide storm drain easement that runs parallel to the easterly property line of the subject property.• All drainage shall be directed easterly to the existing private on-site inlet located in the northeast corner of the property.• No on-site storm water retention basin shall be required, provided the run-off can be safely conveyed to the Master Plan inlet(s).• FMFCD shall review the drainage and grading plan prior to its approval by the County, and the project shall pay the service charge related to the Notice of Requirement (NOR) and Grading Plan review.
5.	<p>To address air quality impacts resulting from the project, the following San Joaquin Valley Air Pollution Control District rules may apply:</p> <ul style="list-style-type: none">• Regulation VIII (Fugitive Dust Rules)• Rule 4102 (Nuisance)• Rule 4601 (Architectural Coatings)• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed
6.	<p>An encroachment permit shall be obtained from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning if any improvements are constructed on the existing driveway approaches.</p>
7.	<p>The Fresno Irrigation District's (FID) Little Teague Canal No. 415 runs southerly along the west side of Preuss Drive and crosses Nees Avenue approximately 75 feet west of the subject property, and FID's Big Dry Creek No. 150 runs southerly and crosses Nees Avenue approximately 800 feet west of the subject property. FID shall review plans for any street and/or utility improvements along Nees Avenue or near the canal crossing.</p>
8.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none">• Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards.• An Engineered Grading and Drainage Plan shall be required to show how additional storm water run-off 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.• More than one acre of land disturbed by the project would require preparation and submittal of an SWPPP (Storm Water Pollution Prevention Plan) and NOI (Notice of Intent) prior to issuance of a grading permit.• If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing driveways accessing Preuss Drive.• An on-site turn around shall be required for vehicles leaving the site to enter the Arterial road (Nees Avenue) in a forward motion, and no more than one direct access to the Arterial road shall be allowed.

Notes

9.	<p>The project 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 subject application, plans must be submitted 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. In addition, the property shall annex to Community Facilities District (CFD) No. 2010-01 of FCFPD.</p>
10.	<p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none">• The proposed expansion of the existing facility may prompt an increase in church attendees. If the operation of the facility exceeds the maximum capacity of the sewage disposal system, the septic system shall be evaluated by an appropriately-licensed contractor for adequacy. The certification shall be completed by a company holding the minimum of a C42 California State Contractors License with experience in septic systems.• 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.• Churches currently do not meet the definition of a retail food facility in the California Retail Food Code (CalCode), Section 113789(c)(3), provided that the church gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three (3) days in any ninety-day period. However, based on the Applicant's Operational Statement (Item #2), the church averages about 20 weddings a year and funeral services. Prior to issuance of building permits, the Applicant will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval.• The Applicant may be required to apply for and obtain a permit to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division.• The project has the potential to expose nearby residences to elevated noise levels and shall conform to the Fresno County Noise Ordinance. <p>To address health impacts resulting from the demolition of the existing structure on the property, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none">• Should the structure have an active rodent or insect infestation, the infestation should be abated prior to remodel of the structure in order to prevent the spread of vectors to adjacent properties.• In the process of demolition of the existing structure, if asbestos-containing construction materials or materials coated with lead-based paints are encountered, the San Joaquin Valley Air Pollution Control District shall be contacted.• If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in the structure, then, prior to remodel work, the contractor should contact the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, Region 9 and State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) for current regulations and requirements.• 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.