



Inter Office Memo

DATE: January 11, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12688 - INITIAL STUDY APPLICATION NO. 7349 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3589

APPLICANT: Randy Delerio

OWNER: Delerio Family Farms

REQUEST: Allow a commercial coach for office use and a tank farm for the storage and sale of agricultural chemicals and fertilizers together with the existing improvements on two contiguous parcels totaling 11.08 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of W. Shaw Avenue and Dos Palos Avenue (State Route 33) approximately 2.1 miles south of the City of Firebaugh (35035 W. Shaw Avenue, Mendota, CA) (SUP. DIST. 1) (APN 012-091-46S & 47S).

PLANNING COMMISSION ACTION:

At its hearing of January 11, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Classified Conditional Use Permit Application No. 3589, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7349
Classified Conditional Use Permit Application No. 3589

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 11, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:
- We will relocate our business from the current location to the subject property.
 - Our business will not utilize the existing non-active rail line near the project site, and a gate separates the project site from the rail track.
- 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.
- One informational letter was presented to the Planning Commission from Chevron Environmental Management Company providing information that an abandoned crude-oil pipeline exists in the vicinity of the project area and any ground-disturbing activities may result in finding this pipeline and pipeline-related asbestos-containing materials.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7349
Classified Conditional Use Permit Application No. 3589**

| 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 to not shine toward adjacent properties and public streets. | Applicant | Applicant/Fresno County Department of Public Works and Planning (PWP) | Ongoing, for duration of the project |
| *2. | 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 should 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/PWP | As noted |

| Conditions of Approval | |
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| 1. | Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevation and Operational Statement approved by the Commission. |
| 2. | 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. |
| 3. | Access to the site off Shaw Avenue is currently unrestricted across the entire parcel frontage. Prior to occupancy, access to the site shall be defined into one or two drive approaches off Shaw Avenue by installing a fence across the property frontage or by any other mechanism approved by the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works |

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| | and Planning. Any work within the road right-of-way that is associated with the delineation of drive approaches will require an encroachment permit from the RMO Division. |
| 4. | All unpaved or gravel surfaced parking and circulation areas shall be treated with dust palliative to minimize the dust creation by vehicles. |
| *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. | |
| 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 approval. |
| 2. | Plans, permits and inspections are required for all on-site construction improvements. 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. | All proposed signs shall be submitted to the 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-20 Zone District. |
| 4. | ADA stall(s) shall be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. ADA stalls shall be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so the disabled person does not cross the driveway into the parking lot. |
| 5. | To address any hazardous materials and/or hazardous wastes impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following: <ul style="list-style-type: none"> • 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. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. • In an effort to protect groundwater, all abandoned water wells (not intended for use or future use) within the 11.08-acre project area shall be 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 shall 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. |
| 6. | To address grading and drainage impacts resulting from the project, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following: |

Project Notes

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| <ul style="list-style-type: none"> • Any additional run-off generated by the proposed development of the site shall be retained or disposed of per County Standards. • A Grading Permit or Voucher shall be obtained for any site grading proposed with this application. | <p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires the following:</p> <ul style="list-style-type: none"> • District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) • Submit an Authority to Construct (ATC) application prior to construction • District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed |
| <p>8.</p> | <p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use. The project development shall also annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.</p> |



County of Fresno

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

February 22, 2018

Randy Delerio
36197 W. North Avenue
Mendota CA 93640

Dear Applicant:

Subject: Resolution No. 12688 - Initial Study Application No. 7349 and Classified
Conditional Use Permit Application No. 3589

On January 11, 2018, 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@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure