



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 December 8, 2016

**SUBJECT:** Initial Study Application No. 7102 and Classified Conditional Use Permit Application No. 3527 HSR

Allow a commercial 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. (SUP. DIST. 1) (APN 505-050-19).

**OWNER/  
APPLICANT:** Mitchel and Angela Hutcheson

**STAFF CONTACT:** Christina Monfette, Planner  
(559) 600-4245

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7102, and
- Approve Classified Conditional Use Permit No. 3527 HSR with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7102

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	18.5 Acres	No change
Project Site	35,091 square-foot storage of inventory and bulk products; wholesale grow yard	Approximately 3 acres commercial nursery; 15.5 acres grow yard/storage
Structural Improvements	Shop building, landscape material storage, grow beds, water well, septic, single-family residence	Existing plus new 5,000 square-foot shop building
Nearest Residence	500 feet east of property line	No change
Surrounding Development	Surrounding parcels are improved with orchards, vineyards, and field crops	No change
Operational Features	None	Operate a full-service retail nursery, producing 40% of product on site, hours of operation 8am to 5pm
Employees	None	25-50 depending on the season; one on-site caretaker

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Customers	None	Average 150 customers with an anticipated seasonal maximum of 1,000 customers
Traffic Trips	Residential	323 trips estimated daily
Lighting	None	Outdoor security lighting
Hours of Operation	None	8:00 am to 5:00 pm daily excepting holidays

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: November 4, 2016

Staff received comments on the published study that existing requirements relating to the handling of hazardous waste were not identified as part of the review under "VIII. Hazards and Hazardous Materials". The Initial Study was updated to include this information; however, pursuant to CEQA Section 15073.5(c)(4), the revision clarifies existing regulations and does not require recirculation of the Mitigated Negative Declaration prior to adoption.

**PUBLIC NOTICE:**

Notices were sent to nine property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Classified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The subject parcel was created as the west half of lots 28 and 29 of Muscatel Estates, according to the map in Book 4, Page 67 of Plats. The zoning on the parcel was originally A-2 (General Agricultural, 2-acre minimum parcel size) and was rezoned to its current AE-20 designation on August 31, 1976 by Amendment No. 2870.

Historically, this property has served as a grow yard for Riverside Nursery, a retail nursery located in the City of Fresno. As a result of the High Speed Rail project, the retail property must be relocated and the Applicants are proposing to combine both uses on the subject parcel.

*Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front (south): 35 feet Rear (north): 20 feet Side (east): 20 feet Side (west): 20 feet	Front: ±55 feet Rear: ±700 feet East: 21 feet West: ±130 feet	Yes
Parking	1 space for every two employees.	110 stalls	Yes
Lot Coverage	No Requirements	N/A	N/A
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100%	No change	Yes
Water Well Separation	Septic Tank: 50 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Yes

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Building/Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans permits and inspections are required, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1545H, the parcel is not subject to flooding from the 1%-chance storm. The U.S.G.S. Quad Maps show there are no exiting natural drainage channels adjacent or running through the parcels. A grading permit or voucher may be required for this project.

Fresno Irrigation District (FID): FID does not own, operate or maintain any facilities located within the subject property. For informational purposes, the Private Thornton No. 328 Pipeline runs southerly along the west side of the subject property. FID shows this pipeline as active and should be treated as such.



FID's active Herndon No. 39 Canal runs westerly along the south side of Barstow Avenue and crosses Chateau Fresno Avenue approximately 1,267 feet north of the subject property. Should this project include any street and/or utility improvements along Chateau Fresno Avenue or in the vicinity of the canal or canal crossing, FID requires it review and approve all plans.

Fresno County Department of Public Health, Environmental Health Division: Building permit records indicate the septic system for the residential structure was installed in 1965. The 1965 septic system consists of a 1,000-gallon septic tank and two seepage pits. It is recommended that the Applicant/owner consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

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. This Division discusses proper labeling, storage and handling of hazardous wastes.

North Central Fire Department: This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the buildings on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are conducted by both the Fire Department and the Building/Safety Section of the Fresno County Department of Public Works and Planning when a submittal for building plan review is made as required by the California Building Code.

The Applicant shall install a minimum 38,000-gallon water tank with two suction outlets (4½-inch NHT with valve) installed a minimum of 50 feet from each building. There shall be a draft connection at each driveway within 10 feet of fire access roadway. The water tank shall be installed per NFPA 22 and be provided with a vortex plate, sight gauge and automatic fill. Tank location must be approved by the Fire Department and located to protect the proposed building.

The Applicant shall make the following notes on the site plan prior to resubmitting for final review by North Central Fire: Fire hydrants (draft connections) and access roads shall be installed, tested and approved and shall be maintained serviceable prior to and during all phases of development. The 4½-inch outlet shall face the access lane. There shall be a draft connection at each driveway within 10 feet of fire access roadway; show proposed locations of required tank for fire flow and the two draft connections on all future submittals for both site and building review; turns in private drives for fire apparatus access shall have minimum 44-foot centerline turn radius, and; any proposed or existing gates on site plan.

Single entry drives require turn-arounds when the length exceeds 150 feet. Required turnarounds shall be located within 150 feet of the end of the roadway. Sections of the road requiring fire apparatus to "back-up" shall not include any turns or bends (except required turnarounds).

If gates are proposed, a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access. Approved police/fire bypass locks ("Best" padlock model 21 B700

series or electric cylinder switch model 1W7B2) on drive access gate/s are required . A Knox padlock may not be used in place of the Best padlock model 21 B700. Gates/fences shall not obstruct minimum width required for fire lanes.

Zoning Section of the Fresno County Department of Public Works and Planning: The existing greenhouses and any proposed structures will require permitting.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments. The above-referenced requirements have been provided to the Applicant and included as Project Notes to inform of mandatory requirements or recommended actions.

**Analysis:**

Review of the site plan associated with this application shows that the proposed improvements satisfy the minimum building setback requirements of the AE-20 Zone District. The proposed shop building is set back from the property lines by more than 100 feet in every direction.

In regard to off-street parking, the Zoning Ordinance requires one parking space for every two employees on site, and the California Building Code requires one Americans with Disabilities Act (ADA)-compliant parking space for every 25 parking spaces at the subject facility. As the facility will employ up to 50 employees (seasonally), at least 25 standard parking spaces and two ADA-compliant spaces are required. The Applicant’s site plan depicts 91 standard stalls, 11 low-fuel spaces, 3 electric vehicle stations, and 5 ADA-compliant stalls, which is consistent with this policy.

A Site Plan Review is recommended as a Condition of Approval to ensure compliance with the setback requirements, design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting. Additional review by the North Central Fire Department will ensure that fire safety concerns are addressed prior to the issuance of building permits by the County.

Staff finds that the site of the proposed use is adequate in size and shape to accommodate the proposed use as a retail nursery.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 1 can be made.

*Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	West Shaw and North Chateau Fresno	No change

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Direct Access to Public Road	Yes	West Shaw and North Chateau Fresno	No change
Road ADT		West Shaw: 6,500 North Chateau Fresno: 200	Increase of 323 Trips
Road Classification		West Shaw: Arterial North Chateau Fresno: Local	No change
Road Width		West Shaw: 39.7 feet North Chateau Fresno: 18.4 feet	No change
Road Surface		West Shaw: 3 inches AC, 6 inches AB, 1 foot AS  North Chateau Fresno: 3 inches RMS	No chance
Traffic Trips		Residential  West Shaw: 6,500  North Chateau Fresno: 200	Existing plus up to 100 one-way employee trips and up to 2,000 one-way customer trips (seasonally)
Traffic Impact Study (TIS) Prepared	Yes	See Traffic Trips	Pursuant to review of the TIS by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning and Caltrans, the increase to traffic as a result of this project will not bring the studied intersections to an unacceptable Level of Service. A left-turn lane on Chateau Fresno is not warranted.
Road Improvements Required		West Shaw: fair  North Chateau Fresno: very good	None

## **Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Shaw Avenue is a County-maintained road that is classified as an Arterial with an existing 40-foot right-of-way north of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way north of the section line is 53 feet. Records indicate this section of Shaw Avenue, from Chateau Fresno Avenue to Garfield Avenue, has an Average Daily Traffic (ADT) of 6,500, pavement width of 39.7 feet, structural section of 0.25 feet asphalt concrete (AC)/ 0.50 feet aggregate base (AB)/ 1.00 foot aggregate subbase (AS) and is in fair condition.

Chateau Fresno Avenue is a County-maintained road that is classified as a Local with an existing 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way east of the section line is 30 feet. Records indicate this section of Chateau Fresno Avenue from Shaw Avenue to Barstow Avenue, has an ADT of 200, pavement width of 18.4 feet, structural section of 0.25 feet Road Mix Surfacing (RMS), and is in very good condition.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Shaw Avenue is classified as an Arterial in the County General Plan requiring an ultimate road right of way of 106 feet, 53 feet each side of the section line. Currently there is 40 feet of right-of-way north of the section line. Building setback lines should be based upon this ultimate right-of-way line.

Chateau Fresno is classified as a Local in the County General Plan requiring 60 feet of ultimate road right-of-way. There is currently 60 feet of road right-of-way on Chateau Fresno.

There is an existing residence near the southeast corner of the parcel with a drive approach off Shaw. If any improvements are made to this drive approach within the road right-of-way, an encroachment permit is required from this Division.

There is an existing drive approach off Chateau Fresno into the horticulture operation. The gate for this approach should be set back 20 feet from the road right-of-way so that vehicles can stop to open the gate outside of the road right-of-way. Additionally, ten-foot by ten-foot corner cutoffs should be provided to facilitate sight distance visibility for vehicles exiting the site.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

### **Analysis:**

The project site is located on the northeastern corner of the West Shaw and North Chateau Fresno intersection. There is existing access off both roads; however, only the North Chateau Fresno drives will be used to access the proposed nursery. The drive off West Shaw provides access to the existing residence and the existing shop building. Customers will access the site through the main entrance on North Chateau Fresno, which is a two-way drive that feeds into the parking lot.

A Traffic Impact Study (TIS) was prepared for this application. This project was reviewed for its potential impact on the Chateau Fresno/Shaw intersection and the Grantland/Shaw intersection, located east of the project. The TIS used generally accepted traffic engineering principles and

methods to estimate the amount of traffic expected to be generated by the project and determined that the studied intersections were currently operating at an acceptable Level of Service. It was additionally determined that those intersections would continue operating at an acceptable Level of Service through the year 2037, even with additional traffic generated by the nursery. The intersection of Shaw and Grantland is already funded for signalization, and a left-turn lane on Chateau Fresno at the site access driveway is not warranted. This analysis was reviewed by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, the State Department of Transportation (Caltrans), and the City of Fresno.

Ultimately, West Shaw Avenue will require an additional 13 feet of right-of-way north of the section line (southern property line). There are no additional drives proposed off West Shaw Avenue, and the Traffic Impact Study prepared for this application did not identify any required dedications or improvements that would be necessary to support the proposal. Customers will access the site from North Chateau Fresno, which has existing right-of-way through its ultimate width. Therefore, no additional right-of-way for West Shaw is required at this time. However, setbacks for new structures should still be considered from the ultimate right-of-way. A chain-link fence currently runs along the existing property lines, but there are no structures proposed which would be inside the modified 35-foot setback (48 feet from existing property line).

Based on the above information, both North Chateau Fresno and West Shaw Avenues are of sufficient construction and width to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 2 can be made.

*Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	18.78 acres	Vacant/Single-Family Residence	AE-20	850 feet
South	31.88 acres	Vacant/Single-Family Residence	AE-20	None
East	19.39 acres	Orchards/Single-Family Residence	AE-20	515 feet
West	78.18 acres	Vineyards/Single-Family Residence	AE-20	2,500 feet

\*Measured from Nearest Property Line

## **Reviewing Agency/Department Comments:**

San Joaquin Valley Air Pollution Control District (District): The District has determined that the mitigated baseline emissions for construction and operation will be less than two tons NO<sub>x</sub> per year and two tons PM<sub>10</sub> per year. Pursuant to District Rule 9510 Section 4.3, this project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. As such, the District has determined that this project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

The following mandatory requirements from the District will ensure that the project maintains their current status as exempt from Section 6.0 and Section 7.0:

If all or a portion of the project changes ownership, a completed Change in Developer form must be submitted to the District within thirty (30) days following the date of transfer.

The Applicant may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.

If demolition is involved, a Certified Asbestos Consultant will need to perform an asbestos survey prior to the demolition of a regulated facility. Following the completion of an asbestos survey, the asbestos survey, Asbestos Notification, Demolition Permit Release, and the proper fees are to be submitted to the District ten working days prior to the removal of the Regulated Asbestos-Containing Material and/or the demolition when no asbestos is present.

Per District Rule 2010 (Permits Required), the Applicant may be required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including, but not limited to, emergency internal combustion engines, boilers, and baghouses.

The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive and will be included in the Project Notes for the Applicant's reference.

State Water Resources Control Board, Division of Drinking Water: This proposal requires a public water system classified as a Transient Non-community Water System, which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets

drinking water standards. This requirement is included as a project note for the Applicant's reference.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No comments.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Analysis:**

The subject 18.5-acre parcel is currently improved with a single-family residence, a shop building, and greenhouses. The remainder of the parcel is currently used as a grow yard. If approved, some of this irrigated land would be reduced to support a new show building and customer parking spaces. The property and all adjacent properties are zoned for Agricultural uses.

Upon project development, visible improvements will include the 4,800 square-foot building with pergola and new concrete flatwork to support pedestrian and vehicular traffic to and around that building. These structures will be built within a chain-link fence. This fence already surrounds the entire property; however, a new fence will be installed to separate the shop area from the grow area. The existing residence on the property will remain separated by the chain-link fence and privacy boards. These improvements will also protect the residents from adverse impacts due to headlights. The positioning of the driveway and parking spaces is such that the headlights will generally be facing south toward West Shaw Avenue or north toward the new building.

The closest off-property residence is more than 500 feet east of the parcel. The privacy fence, which protects the residence on the subject parcel, will also protect surrounding residences from impacts due to the headlights. The Applicants have agreed to a mitigation measure which will require that all their outdoor lighting is hooded and pointed downward.

The Traffic Impact Study prepared for this application determined that the roads would remain adequate to serve the nursery without any improvements.

With adherence to existing regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code, the project will have no significant adverse impacts on surrounding properties.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p><b>Policy LU-A.3</b>  The County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics;</li> <li>b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity;</li> <li>c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4)-mile radius;</li> <li>d. A probable workforce should be located nearby or be readily available;</li> <li>e. For proposed agricultural commercial center uses, the following additional criteria shall apply: [...]</li> </ul>	<ul style="list-style-type: none"> <li>a. The siting of the nursery on this parcel is the most efficient placement of the relocated business. See "Analysis" below.</li> <li>b. The location of the building and proposed concrete work is adjacent to the existing grow yards for the existing business. The parcel will continue to be used for primarily agricultural purposes and the inclusion of the commercial use does not significantly reduce the available productive land.</li> <li>c. Review of this project by the Water/Geology/Natural Resources Section did not identify any concerns relating to water usage.</li> <li>d. A workforce is available to support this development. See "Analysis" below.</li> <li>e. This application is not for a proposed agricultural commercial center and as such, the text of policy LU-A.3 which relates to commercial centers was not included in this Staff Report.</li> </ul>
<p><b>Policy LU-A.13</b>  The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The proposed operation is agricultural in nature, as are those adjacent farming operations. The retail building is set back more than 400 feet from the nearest adjacent property and the operation will operate within the 10-foot chain-link fence. Therefore, no additional buffering is required for this project.</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>Policy LU-A.14</b> The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>Initial Study 7102 prepared for this application determined that no mitigation would be required to compensate for productive agricultural land converted to retail space. The site has been used as a grow yard to support the existing retail site since 2004.</p>
<p><b>Policy TR-A.3</b> The County shall require that new or modified access to property abutting a roadway and to intersecting roads conform to access specifications in the Circulation Diagram and Standards section. [...]</p>	<p>West Shaw is classified as an Arterial, which allows restricted driveway access. North Chateau Fresno is classified as a Local, which permits driveways and private roads. The parcel currently has one driveway off West Shaw and one driveway off North Chateau Fresno. A second access from Chateau Fresno is proposed with this application. This is consistent with the General Plan.</p>
<p><b>Policy PF-C.17</b> The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>Review of this application did not identify any concerns with the continued stability and availability of water in the area. The Applicants will pursue permitting as a non-community non-transient water system through the State Water Resources Control Board to ensure that water is of sufficient quality. The parcel is not located in a low-water area and based on the information presented in the Operational Statement, the Water/Geology/Natural Resources Section did not have any concerns.</p>
<p><b>Policy PF-D.6</b> The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>The Environmental Health Division determined that the soils of the subject property were adequate to accommodate the sewage disposal systems currently installed. (See previous comments under "Finding 1".)</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: Staff notes that based on the operational statement submitted for the proposed project, there is a significant retail operation associated with the proposed facility, which may have a potential impact on farming operation on the surrounding parcels. The facility is currently located in the City of Fresno on land designated as Commercial.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

In regard to Policy LU-A.3, criterion a, staff notes that the proposed facility is being processed as a relocation forced by the High Speed Rail project. The subject parcel was already in use supporting the existing business located within the City of Fresno. It is most efficient to relocate to this parcel and the existing use provides a unique circumstance. The application is consistent with this part of the policy. In regard to criterion b, staff notes that the inclusion of the showroom and paving on the subject property does not significantly reduce the amount of production that is available. The existing business also proves compliance with criterion d, as it can be expected that the employees will transfer to the new location. If they do not, staff believes that the location of the nursery within a mile of the city limits provides access to workforce.

In regard to comments from Policy Planning, staff has determined that the project will have no adverse effect on surrounding properties (see discussion under “Finding 3” and above discussion on “Finding 4”). Staff also notes that the existing site has been used as a grow yard since 2004 and prior to that was planted with Thompson Seedless grapes. Further, due to the nature and space needs of a commercial and retail nursery, a parcel of adequate size located off major roadways in proximity to water seems appropriate.

Based on these factors, the proposed nursery is consistent with the General Plan.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3527 HSR, subject to the recommended Conditions and required Mitigation Measure.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7102; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3527, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3527; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7102/Classified Conditional Use Permit Application No. 3527 HSR**  
**(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 to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning	As long as the project lasts
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations 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.	<p>The Applicant shall comply with the construction monitoring and reporting program requirements as indicated by the San Joaquin Valley Air Pollution Control District's (District) statement of tentative rule compliance (letter dated October 20, 2016). Requirements include the following:</p> <ul style="list-style-type: none"> <li>• For each project phase, within 30-days of issuance of the first certificate of occupancy, if applicable, submit to the San Joaquin Valley Air Pollution Control District a summary report of the construction start and end dates, and the date of issuance of the first certificate of occupancy. Otherwise, submit to the District a summary report of the construction start and end dates within 30-days of the end of each phase of construction.</li> <li>• For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later.</li> <li>• For each project phase, maintain records of (1) the construction start and end dates and (2) the date of issuance of the first certificate of occupancy, if applicable.</li> </ul>				
*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.					
Project Notes					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
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 proposed structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the				

**Project Notes**

Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.

3. Fresno Irrigation District (FID):

- The Private Thornton No. 328 Pipeline runs southerly along the west side of the subject property. FID shows this pipeline as active and should be treated as such.
- FID's active Herndon No. 39 Canal runs westerly along the south side of Barstow Avenue and crosses Chateau Fresno Avenue approximately 1,267 feet north of the subject property. Should this project include any street and or utility improvements along Chateau Fresno Avenue or in the vicinity of the canal or canal crossing, FID requires it review and approve all plans.

4. Building permit records indicate the septic system for the residential structure was installed in 1965. It is recommended that the Applicant/owner consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

5. 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. This Division discusses proper labeling, storage and handling of hazardous wastes.

6. North Central Fire Department:

- The Applicant shall install a minimum 38,000-gallon water tank with two suction outlets (4½-inch NHT with valve) installed a minimum of 50 feet from each building. There shall be a draft connection at each driveway within 10 feet of fire access roadway. The water tank shall be installed per NFPA 22 and be provided with a vortex plate, sight gauge and automatic fill. Tank location must be approved by the Fire Department and located to protect the proposed building.
- The Applicant shall make the following notes on the site plan prior to resubmitting for final review by North Central Fire:
  - Fire hydrants (draft connections) and access roads shall be installed, tested and approved and shall be maintained serviceable prior to and during all phases of development. The 4½-inch outlet shall face the access lane. There shall be a draft connection at each driveway within 10 feet of fire access roadway;
  - Show proposed locations of required tank for fire flow and the two draft connections on all future submittals for both site and building review;
  - Turns in private drives for fire apparatus access shall have minimum 44-foot centerline turn radius, and;
  - Any proposed or existing gates on site plan.
- Single entry drives require turnarounds when the length exceeds 150 feet. Required turnarounds shall be located within 150 feet of the end of the roadway. Sections of the road requiring fire apparatus to "back-up" shall not include any turns or bends (except required turnarounds).

**Project Notes**

- If gates are proposed, a minimum 20-foot clear opening in vehicle gates is required for emergency vehicle access. Provide approved police/fire bypass lock ("Best" padlock model 21 B700 series or electric cylinder switch model 1W7B2) on drive access gates. A Knox padlock may not be used in place of the Best padlock model 21 B700. Gates/fences shall not obstruct minimum width required for fire lanes.

7. If the amount of proposed landscaping is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO).

8. There is an ultimate right-of-way of 106 feet for Shaw Avenue, 53 feet on either side of the section line. Setbacks for all new structures should be based on this ultimate right-of-way line.

9. Improvements to the existing drive approach off Shaw will require an encroachment permit from the Road Maintenance and Operations Division.

10. The gate for the drive approach off Chateau Fresno should be set back 20 feet from the road right-of-way so that vehicles can stop to open the gate outside of the right-of-way, and ten-foot by ten-foot corner cutoffs should be provided to facilitate sight distance visibility for vehicles exiting the site.

11. San Joaquin Valley Air Pollution Control District:

- If all or a portion of the project changes ownership, a completed Change in Developer form must be submitted to the District within thirty (30) days following the date of transfer.
- The Applicant may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in District Rule 8021 - Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.
- If demolition is involved, a Certified Asbestos Consultant will need to perform an asbestos survey prior to the demolition of a regulated facility. Following the completion of an asbestos survey, the asbestos survey, Asbestos Notification, Demolition Permit Release, and the proper fees are to be submitted to the District ten working days prior to the removal of the Regulated Asbestos Containing Material and/or the demolition when no asbestos is present.
- Per District Rule 2010 (Permits Required), the Applicant may be required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including, but not limited to, emergency internal combustion engines, boilers, and baghouses.
- The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
- In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive.

12. This proposal requires a public water system classified as a Transient Non-community Water System, which requires permitting by the State Water Resources Control Board, Division of Drinking Water. The Applicant shall submit a permit application, technical

**Project Notes**

report, and application fee to the State Water Resources Control Board, Division of Drinking Water prior to construction and operation of the required water system. As a public water system, the Applicant must be able to demonstrate adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all State and federal regulations. An assessment of the technical, managerial and financial capacity of the proposed water system shall be included with the permit application submitted to the State Water Resources Control Board, Division of Drinking Water. The Applicant shall also demonstrate to the State Water Resources Control Board, Division of Drinking Water that the well proposed to provide drinking water meets drinking water standards.

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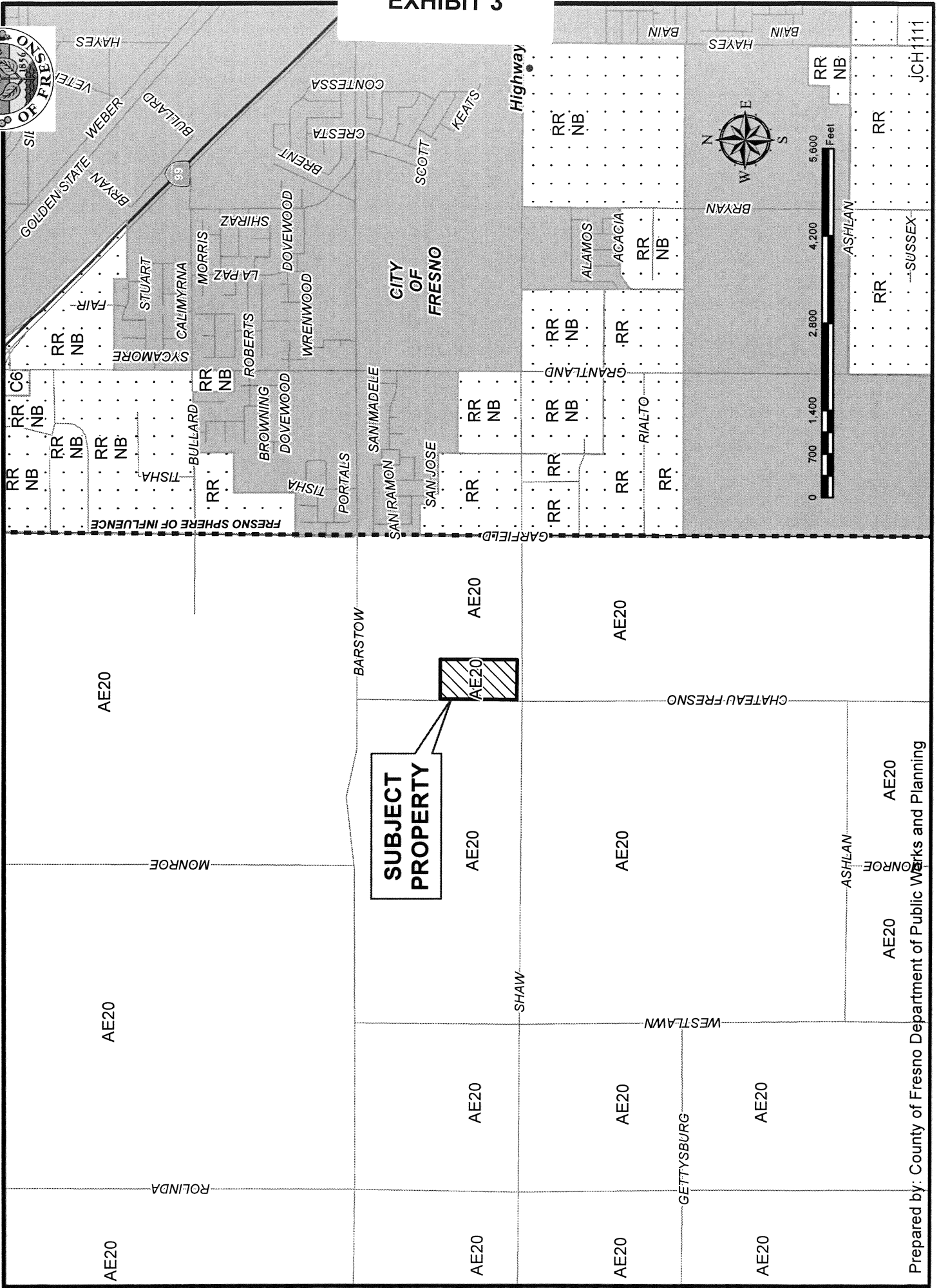




# EXISTING ZONING MAP



## EXHIBIT 3





# EXHIBIT 4

## EXISTING LAND USE MAP

CUP 3527

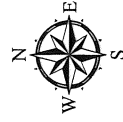


### LEGEND

- FC - FIELD CROP
- ORC - ORCHARD
- V - VACANT
- VIN - VINEYARD
- SF# - SINGLE FAMILY RESIDENCE

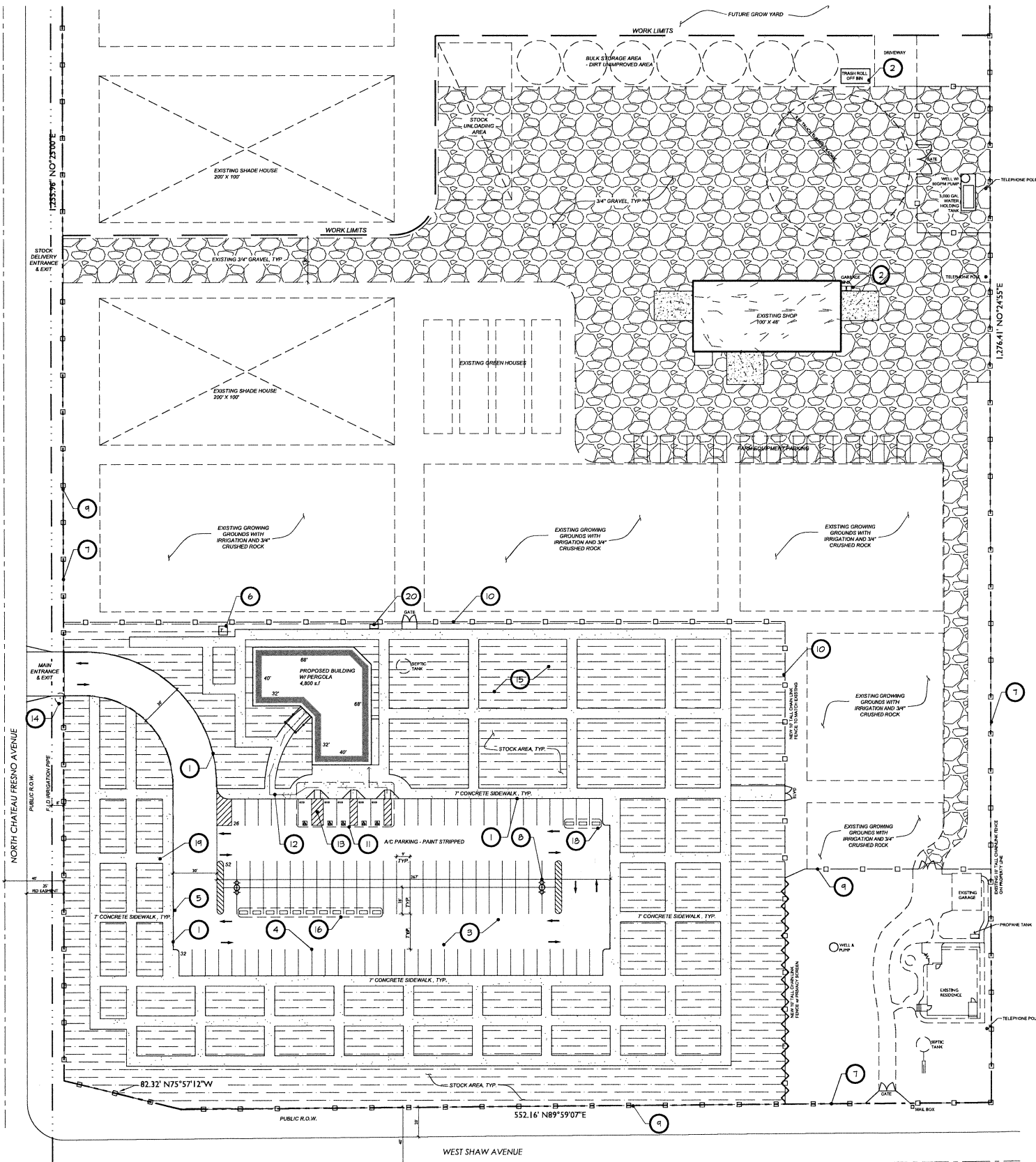
### LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning  
Development Services Division









# EXHIBIT 7

RECEIVED  
COUNTY OF FRESNO

MAY 02 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

## OPERATIONAL STATEMENT

1. Riverside Nursery & Landscape, Inc. presently operates a full service retail nursery/garden center at 5215 N Golden State Blvd. (located just north of Shaw Avenue) however this location is being sequestered by the High Speed Rail project and a new location must be found.

The 5215 Golden State Site occupies 202,307 SF (4.64 acres) (the "Nursery Property"), which is presently fully developed and utilized to support the retail nursery, and an additional parcel that contains 35,091 SF used for the storage of additional inventory and bulk products (humus, bark, etc.) (the "Storage Property"). Included among the improvements on the Nursery Property are:

- 1) 4,826 SF main showroom and office building.
- 2) 35,000 square feet of asphalt for vehicular circulation with 9 paved and 140 unpaved parking stalls.
- 3) 5,885 SF of shade covers and awnings.
- 4) An outdoor kiosk.

Mitchel and Angela Hutcheson opened Riverside over 30 years ago at its present location and it has been operated as a highly-successful destination nursery for homeowners and landscape professionals alike since that time.

Fortunately Riverside has existing property (NEC of Chateaux-Fresno and Shaw) which is currently used as a horticulture/Landscape operation. This CUP proposes to move the current operation at 5215 Golden State to the Chateaux-Fresno/Shaw site with similar improvements and product mix as currently exists at the Golden State location.

The proposed structures at the new location are planned to be new site-built elements (no existing permanent structures are planned to be relocated).

2. Riverside will be open to the public from 8:00 am to 5:00 pm almost every day of the year, with exceptions for major Holidays.
3. Riverside's daily customer count averages around 150 customers per day. However, in the peak growing seasons, there may be substantially more customers on a weekend day, up to 1,000 customers per day, depending on the season.
4. Riverside employs between 25 and 50 employees, depending on the season. Most employees work from 8:00 am - 5:00 pm. One worker will live on-site as a caretaker.

5. Riverside has approximately 10 service and delivery vehicles that will be used most days.
6. Presently, access to the existing house on the site is off Shaw Avenue, and access to the remainder of the site is through a driveway entering from Chateau Fresno on the western border of the property. For the proposed operation, Riverside will need to access the site from both Chateau Fresno and Shaw Avenue as well.
7. Riverside would need approximately 200 parking stalls for employees and customers. While the majority of the stalls would be paved, there may be a certain number of the stalls that will be unpaved for use during the busy seasons.
8. Riverside will be operated as a full service retail nursery. As such, a wide variety of goods will be sold on site. Approximately 40 percent of the products sold will be produced on-site; the balance of products (including bulk soils, bark, pottery, fountains and statuary) will be purchased from outside sources.
9. Riverside uses tractors and skip loaders to load bulk products and for use in installation of products.
10. Riverside stores a wide range of outdoor landscape items, including, fertilizers, potting soil, irrigation parts and hoses, pest control products, and small hand tools. These items are stored in the normal course of inventory predominantly in the packaging provided from the manufacturer.
11. The operation of the nursery and storage of inventory do not cause an unsightly appearance, glare or odor. However, certain activities such as the loading of bulk products may produce some dust.
12. The only waste produced would be recyclable green waste.
13. The quantity of water that will be used is anticipated to be less than current use (grow yard) relative to the amount of currently irrigated areas diminished by proposed structure and parking areas. Presently, the site is utilized as a wholesale grow yard, which is serviced by a well on-site with a 3000 gallon storage tank. Daily usage varies depending on the season; worst-case usage (summer months) is about 3,200 gal./day.
14. A marquee sign of a size in conformance with the County of Fresno zoning ordinance would be installed along Shaw Avenue.



15. We currently have a metal building on-site. We would also design and construct a new building to house offices as well as an indoor showroom for interior garden products, houseplants, fertilizers etc. Riverside anticipates that the new building will be approximately 5,000 sf.
16. Riverside will use the entire existing metal building as well as the entirety of the new office/showroom building.
17. Riverside will have outdoor lighting for security at night.
18. A chain link fence currently surrounds the property, which will be kept for security purposes. Riverside would also landscape within the fence line as well as around the new showroom for beautification purposes.
19. As stated above, Riverside currently operates a retail nursery at 5215 N Golden State Blvd. Fresno, CA 93722. Riverside would like to duplicate that operation on the proposed site.

Respectfully,

Mitch Hutcheson, James Hutcheson, Angela Hutcheson



**EVALUATION OF ENVIRONMENTAL IMPACTS**

- APPLICANT: Mitchel and Angela Hutcheson
- APPLICATION NOS.: Initial Study Application No. 7102 and Conditional Use Permit Application No. 3527
- DESCRIPTION: Allow a commercial 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. APN: 505-050-19

**I. AESTHETICS**

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

**FINDING: NO IMPACT:**

The application proposes to operate a commercial nursery on a parcel which is zoned for agricultural uses. This agricultural zoning continues for more than 2,000 feet in every direction away from the parcel, and those lands have been improved with vineyards, orchards, or field crops. No potential vistas were identified. Neither Shaw Avenue nor Chateau Fresno Avenue is designated as scenic highways.

Some improvements to the existing site are proposed, but the addition of buildings and grow yards will not have an adverse impact on the character or quality of the surrounding parcels because the buildings will be low-profile. One shop building already exists on the site and the elevations for the proposed building describe a showroom and office space totaling 4,826 sf which does not require a variance from any building standards of the Zone District.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is outdoor lighting proposed with this application, for enhanced overnight security. With adherence to the mitigation measure detailed below, the impacts of the new lighting will be less than significant.

\* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed as not to shine towards adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use?

FINDING: NO IMPACT:

According to the Fresno County 2014 Important Farmlands Map, the parcel contains Unique Farmland. The proposed use of raising and selling nursery stock would not convert this farmland to a non-agricultural use.

- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: NO IMPACT:

The subject parcel is not under a Williamson Act Contract and the proposed use is compatible with the agricultural zoning on the property.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or

- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not within a Timberland preserve. Therefore, the project will have no impact on forestland. As discussed in section II.B, the project proposal does not include any conversion of Farmland to non-agricultural uses.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) reviewed the application and determined that the project-specific criteria pollutant emissions would have no significant adverse impact on air quality. Review of the Air Impact Assessment prepared for the application determined that the project complies with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site mitigation fees.

### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: NO IMPACT:

The project was routed to CDFW and USFWS for comments and neither agency expressed concerns that the project would affect any candidate, sensitive, or special-status species. Historically, the parcel has been disturbed by farming operations and currently offers little to no habitat that might support wildlife. The California National Diversity Database (CNDDDB) does not show any special status species within a mile of the application.

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The Fish and Wildlife Service National Wetlands Inventory identifies three sources of wetlands in the vicinity of the subject parcel: two active canals and a man-made pond. The nearest of these canals is Herndon No. 39, which is operated by Fresno Irrigation District and located approximately 2,500 feet north of the project site. There are no natural sources of water near the project site and as such, there is no impact on federally protected wetlands or native resident or migratory fish or wildlife species.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The area of potential effects from the project is defined by the property lines of the parcel. There are no policies, ordinances, or conservation plans that include the subject application.

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The subject parcel is not located in an area of moderate or high sensitivity to archaeological finds. The application was routed to Table Mountain Rancheria in

compliance with AB 52 and Staff received no response. The land has historically been involved in agricultural uses and no significant tribal resources have been identified.

## VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within a fault zone. According to the California Department of Conservation Regulatory Maps, the nearest fault zones and landslide and liquefaction zones are more than fifty miles west of the application.

B. Would the project result in substantial erosion or loss of topsoil; or

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) any additional runoff generated by the proposed development cannot be drained across property lines and must be retained on site per County Standards; and 2) a Grading Permit or Voucher shall be required for any grading proposed with this application. These existing regulations will prevent the project from having a significant impact on erosion, loss of topsoil, landslides, lateral spreading, subsidence, liquefaction, or collapse.

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The United States Department of Agriculture Natural Resources Conservation Service has mapped the soils of Fresno County. Based on this mapping, the project site has two soil types: 58.6% or 11.8 acres of Exeter sandy loam and 41.4% or 8.3 acres of Hanford fine sandy loam, silty substratum. Both of these soils are naturally well-drained. Typically, soils which are most at-risk for expansion are clay soils. In this case, the risks to life and property due to expansive soils are less than significant.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

Review by the Fresno County Department of Environmental Health determined that the soils are capable of supporting the septic system, which is pre-existing on the parcel.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No reviewing agency identified concerns relating to the emission of greenhouse gases. The project is subject to existing rules and regulations under the Southern San Joaquin Valley Air Pollution Control District. With compliance to these existing regulations, the project will have a less than significant impact on the release of greenhouse gases and will not conflict with any plan, policy, or regulation relating to the emission of greenhouse gases.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to handle minor hazardous materials such as fertilizers and agricultural chemicals. These materials will be shipped to the location by the manufacturers and sold to the consumers in its original packaging. If materials become damaged, they will be returned to the manufacturer for disposal.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances, or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While hazardous materials will be handled and sold at the project site, the nearest school (Herndon-Barstow Elementary School) is more than a mile and a half northeast of the project site. The applicant 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.

D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The subject parcel is not located on a hazardous materials site as reported under the Resource Conservation and Recovery Act, or as listed under the County's Certified Unified Program Agencies solid waste programs resource list dated July 13, 2016. No hazardous waste concerns were identified during project review.

E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project is not located with an Airport Land Use Plan area, within two miles of a public-use airport, or in the vicinity of a private airstrip. The nearest airport to the project site is the Sierra Sky Park Airport, located within the city limits of Fresno, is approximately four miles northeast of the site.

H. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The existing and proposed improvements related to this proposal would not result in interference with any emergency response plan.

I. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:



The proposed development will not result in interference with any emergency response plan and is not within or adjacent to a wildlands fire area.

#### IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Water is provided to the site via an on-site well with a 3,000-gallon storage tank. The proposed water usage is anticipated to be most intense during summer months, with a maximum usage of 3,200 gallons per day. The proposal was reviewed by the Natural Resources and Geology section of the County and no adverse impacts to the water supply were identified.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

There will be no change to existing drainage patterns. No rivers or streams will be adjusted as part of this application.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

All run-off generated by this project must be retained on the property, per County Standards. With compliance to this regulation, the project will have a less than significant impact on water quality and run-off.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 1545 of 3525, Map Number 06019C1545H, dated February 18, 2009, the project site is not located in 100-year floodplain or other flood hazard area.

- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project is not located in an area that is subject to inundation due to Dam Failure, as described by Figure 9-8 of the Fresno County General Plan. The site is not prone to seiche, tsunami or mudflow, as discussed in Section VI.A.

#### X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project site is bounded by the existing property lines of the parcel. There is no expansion proposed and no community will be divided.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT:

The proposed use is permitted by the Zoning Ordinance with the approval of a Conditional Use Permit. Approval of that associated permit application will confirm that the project is not in conflict with any Land Use Plan, policy, or regulation.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

#### XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or

- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

There are no known mineral resources present on the subject property. Figure 7-7 of the Fresno County General Plan Background Report does not indicate the presence of any locally-important resource recovery site. The site is not within the vicinity of an active mining operation.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing use on the property is as a grow yard for the applicants. There is no increase in the ambient or periodic noise levels. The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no noise-related concerns with the project.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located within the vicinity of an airport or airstrip.

## XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project consists of the relocation of an existing horticulture and landscaping services facility. These types of projects do not induce substantial population growth. No people or housing will be displaced by this application.

#### XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The application was reviewed by the North Central Fire Protection District. Prior to the issuance of building permits, the site plan must be approved by the District and it will be reviewed for specific issues relating to fire. With compliance to this existing regulation, the project site will not be at exceptional risk from fire and no agency expressed concerns that the project would require additional Fire Protection Services.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts to public facilities were identified by the reviewing agencies. The operation of a Commercial Nursery is compatible with the AE-20 zone district and will not tax the existing public services.

#### XV. RECREATION

A. Would the project increase the use of existing neighborhood and regional parks; or

B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood and regional parks or require the construction or expansion of recreational facilities.

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Traffic Impact Study was prepared by Peters Engineering Group to identify project impacts to County roads and traffic. The Level of Service (LOS) at the studied intersections will be operating at an acceptable LOS "C" through the year 2037. A left turn warrant study was performed and determined that a left-turn lane on Chateau Fresno at the project site access is not warranted. No mitigation is necessary to maintain that level of service with the addition of traffic generated by this project.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change to air traffic patterns due to its distance from the nearest airport. No buildings are proposed to be built to a height greater than that permitted by the Zoning Ordinance.

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

Although the TIS prepared for the application did not identify any substantial increase in traffic hazards, the project proposes to increase traffic flow on the property. The site plan indicated that a second driveway will allow access from both Chateau Fresno and Shaw Avenues. No reviewing agency expressed concerns that there would be inadequate emergency access to the site.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

No conflicts with adopted plans, policies, or programs were identified by the TIS or other reviewing agencies.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will not exceed wastewater treatment requirements. Solid waste will be removed by the existing service through Mid Valley Disposal.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: NO IMPACT:

No impacts on biological and cultural resources were identified in the project analysis.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis.

C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3527, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Land Use and Planning, Mineral Resources, Population and Housing, and Utilities and Services.

Potential impacts related to Aesthetics, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water, Noise, Public Services, and Transportation/Traffic have been determined to be less than significant.

A Mitigated Negative Declaration/Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

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