



Inter Office Memo

DATE: December 8, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12613 - INITIAL STUDY APPLICATION NO. 7102 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3527 HSR

APPLICANT/
OWNER:

Mitchel & Angela Hutcheson

REQUEST:

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).

PLANNING COMMISSION ACTION:

At its hearing of December 8, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Pagel to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3527 HSR, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12613

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Pagel, Chatha, Egan, Eubanks,
 Lawson, Mendes, Woolf

 No: Commissioner Borba

 Absent: None

 Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

 William M. Kettler, Manager
 Development Services Division

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- NOTE:
1. The Commission’s action is final unless an appeal is filed with the Clerk to the Board of Supervisors within 15 days of the Planning Commission’s action.

 2. 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 a maximum of four one-year extensions of time. 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. 7102
Classified Conditional Use Permit Application No. 3527 HSR

- Staff: The Fresno County Planning Commission considered the Staff Report dated December 8, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The property has been used as growing grounds for the existing Riverside Nursery for almost 15 years.
 - We are being dislocated from our current facility in the City of Fresno due to the High Speed Rail project.
 - County regulations require a fire exit from the parking area, which will run north through the stockyards.
 - Recently, the neighboring parcels have switched their crops to almonds, which may present some operational concerns if their spraying interferes with business activities.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 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"> • 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. • 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. • 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. 				

EXHIBIT B

*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 proposed structures, including, but not limited to, accessible elements and site

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development based upon the codes in effect at the time of plan check submittal. 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>Fresno Irrigation District (FID):</p> <ul style="list-style-type: none">• 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.	<p>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.</p>
5.	<p>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.</p> <p>All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.</p>
6.	<p>North Central Fire Department:</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ 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

Project Notes

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. Provide approved police/fire bypass lock ("Best" padlock model 21 B700 series or electric cylinder switch model 1W7B2) on drive access gate/s. 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.	<p>San Joaquin Valley Air Pollution Control District:</p> <ul style="list-style-type: none">• 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).

Project Notes

	<ul style="list-style-type: none">• 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.	<p>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.</p>

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County of Fresno

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

December 27, 2016

Mitchel & Angela Hutcheson
5215 N. Golden State Boulevard
Fresno CA 93722

Dear Applicants:

Subject: Resolution No. 12613 - Initial Study Application No. 7102 and Classified
Conditional Use Permit Application No. 3527 HSR

On December 8, 2016, 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 a maximum of four one-year extensions of time. 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 cmonfette@co.fresno.ca.us or 559-600-4204.

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure