



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 October 13, 2022

SUBJECT: First One-Year Time Extension concerning-Initial Study Application No. 7561, Variance Application No. 4072, Director Review and Approval Application No. 4587, and Classified Conditional Use Permit Application No. 3654

Reduce the minimum parcel size requirements in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to allow creation of two (2) approximately 7.16-acre parcel and an approximately 3.61-acre parcel from an existing 17.93-acre parcel; allow a truck and trailer storage and maintenance facility when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment; and allow a feed and farm supply store.

LOCATION: The subject parcel is located within the Sphere of Influence (SOI) of the City of Sanger and is approximately 2,680 feet north of the city limits of the City of Sanger (APN: 314-070-90) (Sup. Dist. 5).

**OWNER/
APPLICANT:** Christopher and Theresa Smith

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve a first one-year Time Extension for Classified Conditional Use Permit No. 3654 et. al.
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Board of Supervisor Appeal Resolution No. 20-396 12846 approving aforementioned projects subject to Mitigation Measures, Conditions of Approval and Project Notes
5. Classified Conditional Use Permit Time Extension Request Letter
6. Classified Conditional Use Permit approved Mitigation Monitoring and Reporting Program

ENVIRONMENTAL ANALYSIS:

The proposed project has not changed since the original approval and adoption of the mitigated negative declaration. The applicant is requesting a Time Extension due to Covid-19 restrictions.

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 7561 was adopted by the Fresno Board of Supervisors in accordance with the California Environmental Quality Act (CEQA) with approval of the aforementioned applications on December 15, 2020.

Section 15162(b) of the CEQA Guidelines provides that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Mitigated Negative Declaration shall be prepared unless:

- 1) substantial changes are proposed to the project.
- 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or
- 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

Staff has not received any comments or information that the circumstances noted in the above criteria are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 17 property owners within 1,30 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Conditional Use Permit is only valid for two years after its approval unless substantial development is undertaken. Where circumstances beyond the control of the applicant cause delays, the Planning Commission may grant up to two (2), one (1) year time extensions. The Planning Commission's Jurisdiction in evaluation of Time Extension requests is limited to determining that the environmental documents are still appropriate and whether the applicant should be granted an additional year to exercise the Conditional Use Permit.

The decision of the Planning Commission on a Time Extension for an Unclassified Conditional Use Permit is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

1. On December 15, 2020, the Planning Commission approved the aforementioned applications.
2. On September 20, 2022, the applicant submitted an application for this time extension, which if approved will extend the date substantial development must occur to December 15, 2023.

DISCUSSION:

According to the Applicants request letter, additional time is needed to complete construction drawings and process permit applications due to delays caused by Covid-19 restrictions, (see Exhibit 5).

Hence, it can be determined that a Time Extension request for Unclassified Conditional Use Permit No. 3654 is appropriate, as the circumstances are beyond the control of the applicant and have caused delays which do not permit compliance within the two-year time limit established by the zoning ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

CONCLUSION:

Staff recommends that the first one-year Time Extension for Unclassified Conditional Use Permit No. 3654 should be approved based on factors by the applicant regarding Covid-19. Approval of this Time Extension will extend the expiration date to December 15, 2023.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the first one-year Time Extension for Unclassified Conditional Use Permit No. 3654 et. al.
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to deny the first one-year Time Extension request for Unclassified Conditional Use Permit No. 3654 et. al. based on (state reason for denial).
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

ER:jp
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3654 - See DRA 4587, VA 4072\TIME EXT #1\STAFF REPORT\CUP 3654 SR - 1st Time Extension.docx

LOCATION MAP

CUP 3654, VA 4072, DRA 4587



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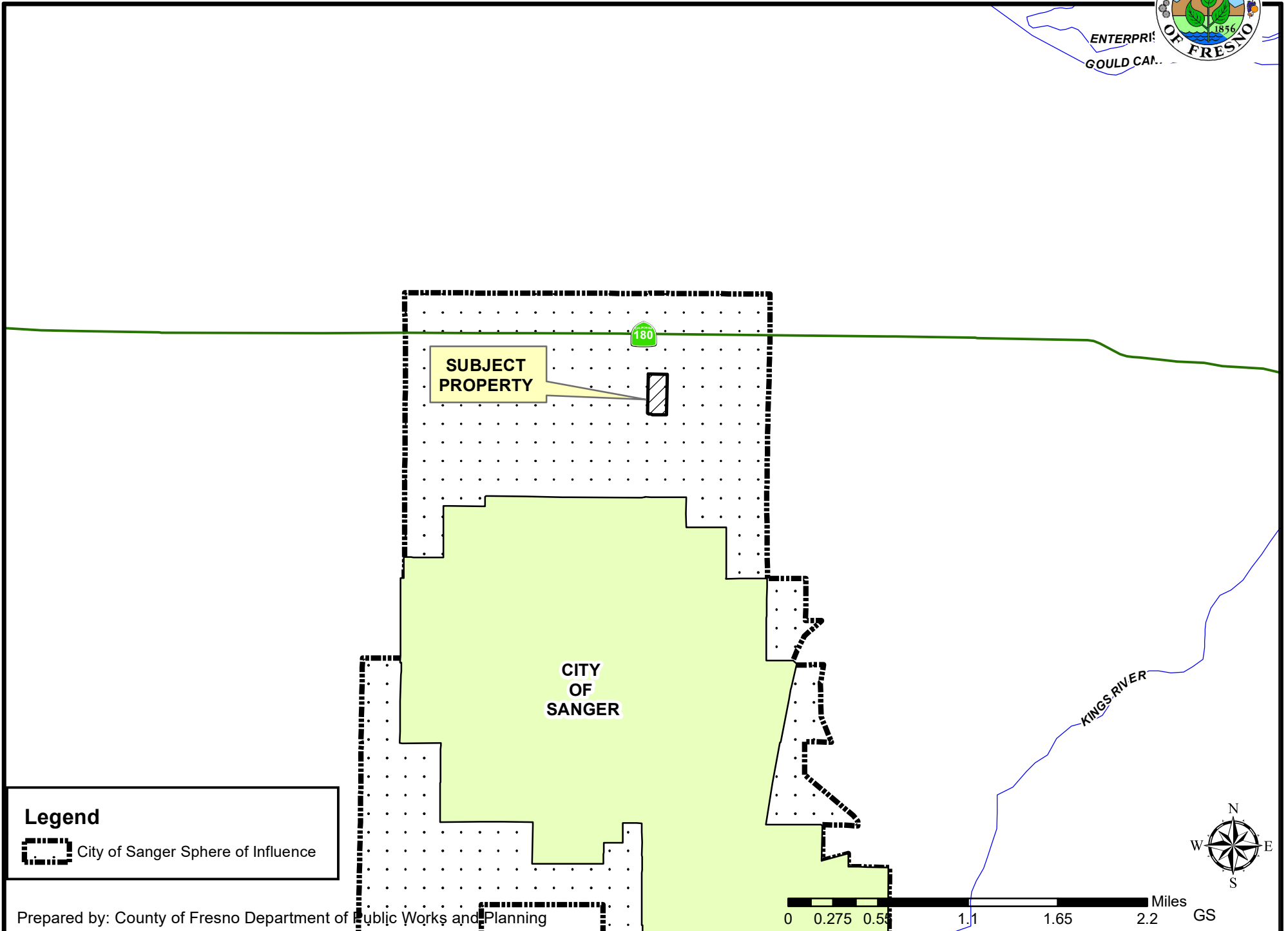

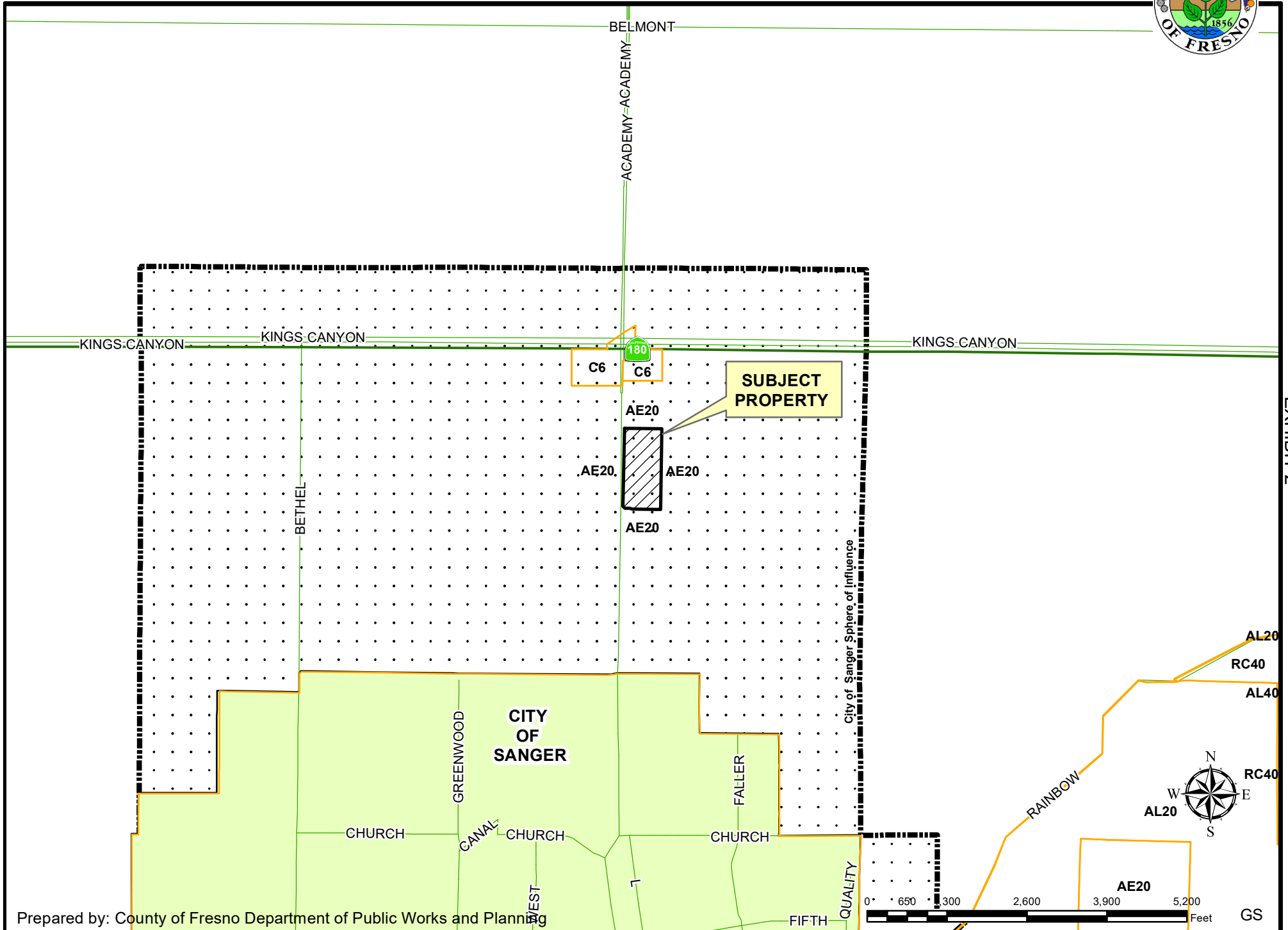


EXHIBIT 1

Legend

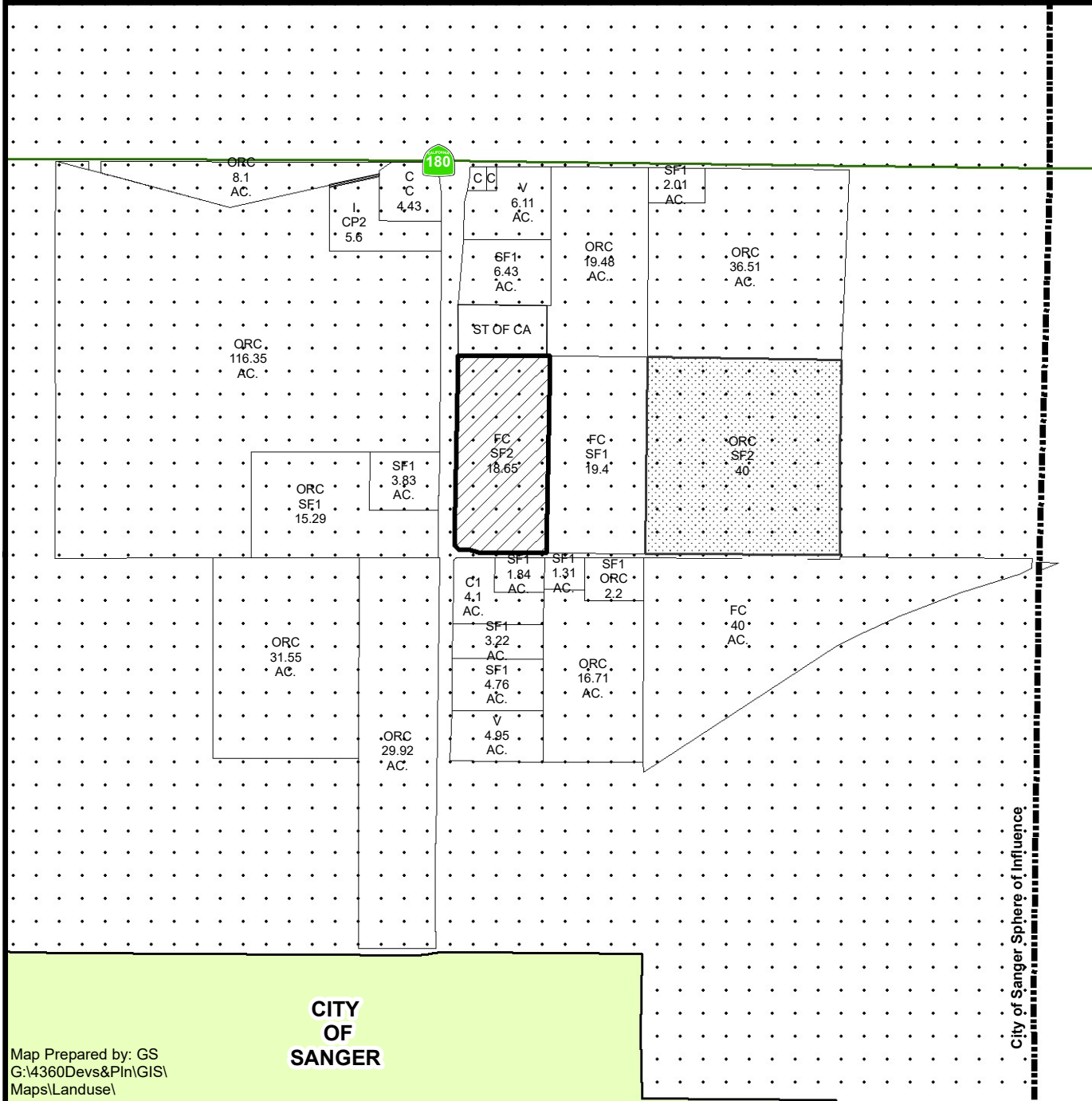
 City of Sanger Sphere of Influence

EXISTING ZONING MAP



CUP 3654, VA 4072, DRA 4587

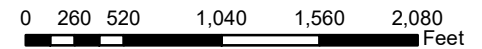
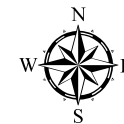
EXISTING LAND USE MAP



LEGEND	
C	- COMMERCIAL
C#	- COMMERCIAL
CP#	- OFFICE COMM./PROF
FC	- FIELD CROP
I	- INDUSTRIAL
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
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Maps\Landuse\

**CITY
OF
SANGER**

City of Sanger Sphere of Influence

1 WHEREAS, County Zoning Ordinance Section 873(G),872(E) and 877(C) requires that an
2 appeal of the Planning Commission’s decision be heard by the Board of Supervisors (Board); and

3 WHEREAS, Pursuant to County Zoning Ordinance Section 873(F), in order for the Board to
4 approve CUP No. 3654, the Board must make the following findings:

- 5 1. That the Site for the proposed use is adequate in size and shape to accommodate
6 said use and all yards, spaces, walls and fences, parking, loading, landscaping and
7 other features required by this Division to adjust said use with land and uses in the
8 neighborhood.
- 9 2. That the Site for the proposed use relates to streets and highways adequate in width
10 and pavement type to carry the quantity and kind of traffic generated by the proposed
11 use.
- 12 3. That the proposed use will have no adverse impact on abutting property and
13 surrounding neighborhood or permitted use thereof.
- 14 4. That the proposed development is consistent with the General Plan.
- 15 5. That the conditions stated in the resolution are deemed necessary to protect the
16 public health, safety, and general welfare; and

17 WHEREAS, Pursuant to County Zoning Ordinance Section 872(C), in order for the Board to
18 approve DRA No. 4587, the Board must make the following findings:

- 19 1. That the Site of the proposed use is adequate in size and shape to accommodate
20 said use and all yards, spaces, walls and fences, parking, loading, landscaping and
21 other features required by this Division, to adjust said use with land and uses in the
22 neighborhood.
- 23 2. That the Site for the proposed use relates to streets and highways adequate in width
24 and pavement type to carry the quantity and kind of traffic generated by the proposed
25 use.
- 26 3. That the proposed use will not be detrimental to the character of the development in
27 the immediate neighborhood or the public health, safety, and general welfare.
- 28 4. That the proposed development be consistent with the General Plan.

1 WHEREAS, Pursuant to County Zoning Ordinance Section 877(A), in order for the Board to
2 approve VA No. 4072, the Board must make the following findings:

- 3 1. There are exceptional or extraordinary circumstances or conditions applicable to the
4 property involved which do not generally apply to other property in the vicinity having
5 the identical zoning classification.
- 6 2. Such Variance is necessary for the preservation and enjoyment of a substantial
7 property right of the applicant, which right is possessed by other property owners
8 under like conditions in the vicinity having the identical zoning classification.
- 9 3. The granting of a Variance will not be materially detrimental to the public welfare or
10 injurious to property and improvement in the vicinity in which the property is located.
- 11 4. The granting of such a Variance will not be contrary to the objectives of the General
12 Plan.

13 WHEREAS, after duly giving all required public notices, and an opportunity for the public to
14 speak and present evidence for and against the proposed project, as described above, and having
15 complied with all applicable requirements of the law, including the Fresno County Zoning Ordinance,
16 the Board hereby resolves and takes the following actions, including making the following findings.

17 NOW, THEREFORE, Section 873(F)1 of the County Zoning Ordinance requires in
18 considering a Conditional Use Permit that the Site for the proposed use is adequate in size and
19 shape to accommodate said use and all yards, spaces, walls and fences, parking, loading,
20 landscaping and other features required by this Division, to adjust said use with land and uses in the
21 neighborhood (Finding 1), and, in light of such requirement, the Board hereby makes the following
22 findings:

- 23 • The proposed project meets the minimum building setback requirements of the
24 County of Fresno AE-20 Zone District.
- 25 • The proposed project is required by Condition of Approval to apply for and receive
26 approval of a Site Plan Review application to ensure compliance with County
27 development standards.

- 1 • Based on the foregoing facts, which this Board has found, the Project can satisfy
2 Finding 1.

3 NOW, THEREFORE, Section 873(F)2 of the County Zoning Ordinance requires that the Site
4 for the proposed use relates to streets and highways adequate in width and pavement type to carry
5 the quantity and kind of traffic generated by the proposed use (Finding 2), and, in light of such
6 requirement, the Board hereby makes the following findings:

- 7 • A Traffic Impact Study was prepared for this project and has been reviewed by the
8 County for impacts to County-maintained roadways. No adverse impacts were
9 identified from the analysis or review.
- 10 • South Academy Avenue and East Butler Avenue is sufficient in width and capacity to
11 serve the Site. Improvements related to site access within County right-of-way will
12 require permit by the County Road Maintenance and Operations Division.
- 13 • Based on the foregoing facts, which this Board has found, the Project can satisfy
14 Finding 2.

15 NOW, THEREFORE, Section 873(F)3 of the County Zoning Ordinance requires that the
16 proposed use will have no adverse impact on abutting property and surrounding neighborhood or
17 permitted use thereof (Finding 3), and, in light of such requirement, the Board hereby makes the
18 following findings:

- 19 • The proposed feed and farm supply store will not have an adverse effect on abutting
20 property as the operation will be limited to normal business hours.
- 21 • A Greenhouse Gas Emissions analysis was prepared and determined that the
22 proposed use would have a less than significant impact in relation to greenhouse gas
23 emissions produced from operation of the proposed use.
- 24 • Mitigation Measures for aesthetics require that all outdoor lighting shall be hooded
25 and directed downward so as not to shine toward adjacent properties and public
26 streets.
- 27 • Based on the foregoing facts, which this Board has found, the Project can satisfy
28 Finding 3.

1 NOW, THEREFORE, Section 873(F)4 of the County Zoning Ordinance requires that the
2 proposed development is consistent with the General Plan (Finding 4), and, in light of such
3 requirement, the Board hereby makes the following findings:

- 4 • The subject applications are allowed within Agricultural designated areas subject to a
5 discretionary permit.
- 6 • The proposed use is supportive of agriculture.
- 7 • Estimated water usage has been analyzed and determined to have a less than
8 significant impact on water resources.
- 9 • Based on the foregoing facts, which this Board has found, the Project can satisfy
10 Finding 4.

11 NOW, THEREFORE, Section 873(F)5 of the County Zoning Ordinance requires that the
12 conditions stated in the resolution are deemed necessary to protect the public health, safety, and
13 general welfare (Finding 5), and, in light of such requirement, the Board hereby finds that the
14 following conditions are deemed necessary to protect the public health, safety, and general welfare:

- 15 • The proposed Mitigation Measures and Conditions of Approval are deemed
16 necessary in response to careful consideration of analysis presented by Staff and
17 commenting agencies with special expertise and public testimony that have identified
18 project issues that need to be addressed to insure the project does not adversely
19 impact the public.
- 20 • Based on the foregoing facts, which this Board has found, the Project can satisfy
21 Finding 5.

22
23 NOW, THEREFORE, Section 872(C)1 of the Fresno County Zoning Ordinance requires that
24 in considering a Director Review and Approval that the Site of the proposed use is adequate in size
25 and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading,
26 landscaping and other features required by this Division, to adjust said use with land and uses in the
27 neighborhood (Finding 1), and, in light of such requirements, the Board hereby makes the following
28 findings:

- 1 • The proposed truck and trailer storage and maintenance facility for agriculture meet
2 the minimum building setback requirements of the County of Fresno AE-20 Zone
3 District.
- 4 • The proposed project is required by Condition of Approval to apply for and received
5 approval of a Site Plan Review application to ensure compliance with County
6 development standards.
- 7 • Based on the foregoing facts, which this Board has found, the Project can satisfy
8 Finding 1.

9 NOW, THEREFORE, Section 872(C)2 of the Fresno County Zoning Ordinance requires that
10 the Site for the proposed use as it relates to streets and highways are adequate in width and
11 pavement type to carry the quantity and kind of traffic generated by the proposed use (Finding 2),
12 and, in light of such requirements, the Board hereby makes the following findings:

- 13 • A Traffic Impact Study was prepared for this project and reviewed by the County for
14 impacts to County maintained right-of-way. No adverse impacts were identified from
15 the analysis or review.
- 16 • South Academy Avenue is sufficient in width and capacity to serve the Site.
17 Improvements related to site access within County right-of-way will require permit by
18 the County Road Maintenance and Operations Division.
- 19 • Based on the foregoing facts, which this Board has found, the Project can satisfy
20 Finding 2.

21 NOW, THEREFORE, Section 872(C)3 of the Fresno County Zoning Ordinance requires that
22 the proposed use will not be detrimental to the character of the development in the immediate
23 neighborhood or the public health, safety, and general welfare (Finding 3), and, in light of such
24 requirements, the Board hereby makes the following findings:

- 25 • The proposed use is supportive of agriculture.
- 26 • A Greenhouse Gas Emissions analysis was prepared and determined that the
27 proposed use would have a less than significant impact in relation to greenhouse gas
28 emissions produced from operation of the proposed use.

- 1 • Based on the foregoing facts, which this Board has found, the Project can satisfy
2 Finding 3.

3 NOW, THEREFORE, Section 872(C)4 of the Fresno County Zoning Ordinance requires that
4 the proposed development will be consistent with the General Plan (Finding 4), and, in light of such
5 requirements, the Board hereby makes the following findings:

- 6 • The proposed use is supportive of agriculture and is allowed within agricultural
7 designated areas subject to a discretionary permit.
- 8 • Review of estimated water usage resulting from the project will not adversely impact
9 water resources.
- 10 • Based on the foregoing facts, which this Board has found, the Project can satisfy
11 Finding 4.

12 NOW, THEREFORE, Section 877(A)1 of the Fresno County Zoning Ordinance requires that
13 in considering a Variance to the Zoning Ordinance that there are exceptional or extraordinary
14 circumstances or conditions applicable to the property involved which do not generally apply to other
15 properties in the vicinity having the identical zoning classification (Finding 1), and, in light of such
16 requirements, the Board hereby makes the following findings:

- 17 • The Site is unique with regards to its physical location and proximity to a truck route.
- 18 • The Site is located within the Sphere of Influence of the City of Sanger and will be
19 eventually developed.
- 20 • Based on the foregoing facts, which this Board has found, the Project can satisfy
21 Finding 1.

22 NOW, THEREFORE, Section 877(A) of the Fresno County Zoning Ordinance requires such
23 Variance is necessary for the preservation and enjoyment of a substantial property right of the
24 Applicant, which right is possessed by other property owners under like conditions in the vicinity
25 having the identical zoning classification (Finding 2), and, in light of such requirements, the Board
26 hereby makes the following findings:

- 27 • The Site is located within the Sphere of Influence of the City of Sanger and will be
28 eventually developed.

- Based on the foregoing facts, which this Board has found, the Project can satisfy Finding 2.

NOW, THEREFORE, Section 877(A2) of the Fresno County Zoning Ordinance requires the granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located (Finding 3), and, in light of such requirements, the Board hereby makes the following findings:

- The splitting of the subject parcel into three substandard sized parcels will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity.
- Based on the foregoing facts, which this Board has found, the Project can satisfy Finding 3.

NOW, THEREFORE, Section 877(A) of the Fresno County Zoning Ordinance requires the granting of such a Variance will not be contrary to the objectives of the General Plan (Finding 4), and, in light of such requirements, the Board hereby makes the following findings:

- The parcel split will allow uses identified as being supportive of agriculture to be developed on the Site
- Based on the foregoing facts, which this Board has found, the Project can satisfy Finding 4.

NOW, THEREFORE, IT IS ORDERED AND RESOLVED that CUP No. 3654 for a feed and farm supply store, and DRA No. 4587 for a truck and trailer storage and maintenance facility for agriculture, and VA No. 4072, for substandard parcel creation, is hereby approved subject to the conditions of approval in the Findings, above.

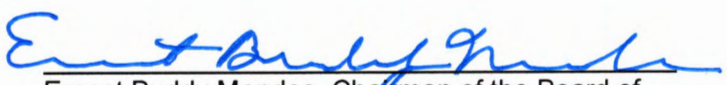
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption by the Board.

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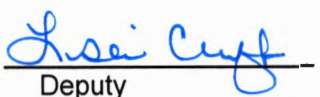
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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 15th day of December, 2020, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
NOES: None
ABSENT: None
ABSTAINED: None


Ernest Buddy Mendes, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By: 
Deputy

**Chris and Theresa Smith
CUP # 3654
Sanger Ca.
(559) 859-2584**

To whom it may concern:

Christopher Smith and Theresa Smith are asking for an extension for CUP 3654 due to the following facts.

#1 The city of Sanger did not protest even though they were notified of our project. Sanger decided to protest after 5 months which was past the time limit allowed. Fresno county allowed them the protest and called a hearing which delayed our project. We had to get our attorney involved and Sanger lost the protest 5-0 in our favor. The city filed an appeal with more delays and lost again 5-0 in our favor. That is over 4 months of delays just for the wrongful protest from the city.

#2 Covid hit and there was no one available in the county. We could not get anything done. During all these delays the pricing of all building products have skyrocketed beyond our means and is creating a hardship for us. Our mapping process through the county took over 11 months. We were told when we submitted it would be 5 to 6 months. We were told there was only 1 person working on mapping due to Covid.

#3 SPR Delays Fresno County changed their mind about our street access on Academy avenue. My attorney and consultant again had to get involved to argue our position after 2 ½ years. This caused more delays (16 weeks). We eventually were granted that access to the Academy entrance with SPR # 8256 approval but with expiration being with CUP # 3654 we were told it expires in October 2022. We just found out the CUP #3654 expires in December 2022 this still gives us no time to get any of our projects finished as permitting would take up to 6 months longer.

We are asking for an extension for CUP # 3654 due to delays as mentioned and the absorbent cost of doing our project due to these delays. With the added attorney and consultant cost we need more time to recoup and get our project done.

**Thank you for your time
Chris and Theresa Smith**

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7651
Variance Application No. 4072
Director Review and Approval Application No. 4587
Classified Conditional Use Permit Application No. 3654
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources / Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
Conditions of Approval					
1.	The following Conditions of Approval are associated with Variance Application No. 4072: A. Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure to split the existing 17.93-acre parcel into three parcels, two of which will be approximately 7.16 acres in size, and one of which will be approximately 3.61 acres in size.				
2.	The following Conditions of Approval are associated with Director Review and Approval Application No. 4587: A. Development of the truck and trailer storage and maintenance facility when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment shall be in accordance with the Site Plan approved by the Planning Commission. B. A Site Plan Review (SPR) Application shall be submitted for approved in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of building permits				
3.	The following Conditions of Approval are associated with Classified Conditional Use Permit Application No. 3654: A. Development of the feed and farm supply store shall be in accordance with the Site Plan approved by the Planning Commission. B. A Site Plan Review (SPR) Application shall be submitted for approved in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of building permits				

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

<p>1.</p>	<p>The following Project Notes are associated with Variance Application No. 4072:</p> <p>A. The property has existing nearby agricultural crops to the north, south, and east. There is always the concern that normal agricultural practices may create dust. There will be scheduled pesticide treatments. Both situations should be taken into account. The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniencies and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."</p>
<p>2.</p>	<p>The following Project Notes are associated with Director Review and Approval Application No. 4587:</p> <p>A. The Site Plan Review Section of the Department of Public Works and Planning provide the following comments:</p> <ol style="list-style-type: none"> 1. The Operational Statement indicates up to 50 employees to be employed by the facility on-site. Off-street parking requirements shall be one (1) parking space for every two (2) employees on-site. Twenty-Five (25) parking stalls are required, one (1) of which shall be ADA compliant and van accessible. 2. Parking stalls shall be constructed in compliance with County and State standards. Per Fresno County parking standards, a minimum 29 feet of vehicle backup clearance shall be provided for all parking stalls and clearly labeled in the site plan. 3. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of the edges of the ultimate right-of-way shall be concrete or asphalt. 4. Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. 5. Depending on the size of truck parking adjacent to the entrance and their orientation, adequate area may not have been provided. A striping plan for that area should be required. <p>B. Plans, permits, and inspections will be required for all onsite improvements.</p> <p>C. Project proposal will be subject to the County LAMP requirements.</p> <p>D. The Fresno County Fire Protection District provide the following comments:</p> <ol style="list-style-type: none"> 1. The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the applicant must submit plans to the County of Fresno, Department of Public Works and Planning for review. It is the applicant's responsibility to deliver a minimum of three sets of plans to the FCFPD. 2. Project/Development including: Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD. 3. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. 4. When made available, the applicant should connect to the City of Sanger water system and provide fire hydrants as appropriate based on the California Fire Code Requirements. <p>E. The Road Maintenance and Operations Division provide the following comments:</p> <ol style="list-style-type: none"> 1. Proposed Parcel "A" (7.02-acre parcel that will contain the proposed agricultural truck and trailer storage and maintenance facility) and Parcel "B" (3.60-acre parcel to contain existing single-family residence) should be

Notes

restricted to no more than one driveway per parcel for ingress and egress purposes. Direct access points shall be located at sufficient intervals from each other and from public roads to maintain safety and the traffic carrying capacity of the roadway.

2. Access to a divided arterial may be restricted to right turn movements and median crossing may be prohibited.
3. Any approved drive approached onto Academy Avenue will require an encroachment permit from the Fresno County Road Maintenance and Operations Division.
4. For all access driveways onto Academy Avenue, the first 100 feet of the roadway or driveway from the public road must be paved or treated with dust palliative to minimize tracking and dust pollution on County roads.
5. An encroachment permit from Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way.

F. The Development Engineering Section provide the following comments:

1. Typically, any access driveway should be set back a minimum of 10 feet form the side property line.
2. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.
3. Typically, in an arterial classification, if not already present, on-site turnaround area is required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
4. Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
5. If not already present, 10-foot by 10-foot corner cutoffs should be improved for site distance purposes at the exiting driveways onto Academy Avenue.
6. An Engineered Grading and Drainage Plan and a grading permit are required.

G. The Department of Public Health, Environmental Health Division provide the following comments:

1. Facilities proposing to use and/or store hazardous materials and/or hazardous waste 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. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
2. 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.
3. If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
4. The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle).
5. The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.

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6. In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be property destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.
 7. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.
 8. The location of the onsite sewage disposal system should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.
 9. As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9 disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.
- H. The property has existing nearby agricultural crops to the north, south, and east. There is always the concern that normal agricultural practices may create dust. There will be scheduled pesticide treatments. Both situations should be taken into account. The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."
- I. The San Joaquin Valley Air Pollution Control District provide the following comments:
1. Based on the information provided to the District, specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less (PM10), of 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the project would have a less than significant impact on air quality when compared to the annual criteria pollutant emissions significance thresholds.
 2. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The Project is subject to District Rule 9510 as it exceed 2,000 square feet of commercial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency.
 3. 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).
 4. Advise fleets associated with the subject application operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero technologies as feasible.
 5. The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore efforts to ensure compliance with anti-idling regulation, especially near

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- sensitive receptors, is important to limit the amount of idling within the community, which will result in community air quality benefits.
6. The project may be subject to District Rule 2010 (permits required) and Rule 2201 (new and modified stationary source review) and require District permits. Prior to construction the project proponent should submit to the District an application for an Authority to Construct (ATC) if applicable.
 7. The project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.

3.

The following Project Notes are associated with Classified Conditional Use Permit Application No. 3654:

- A. The Site Plan Review Section provide the following comments:
 - a. The applicant shall meet Fresno County parking requirements including adequate parking dimensions, back-up space, width of isles, turn around radius, etc.
 - b. Per the operational statement, a minimum of five (5) parking stalls shall be required, one of which shall be ADA compliant and van accessible.
 - c. ADA stalls shall be concrete or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled persons do not cross driveways into the parking lot.
 - d. Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt.
- B. Project proposal will be subject to County LAMP requirements.
- C. Plans, permits, and inspections will be required for all onsite improvements.
- D. The Fresno County Fire Protection District provide the following comments:
 - a. The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval the applicant must submit plans to the County of Fresno, Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to the FCFPD.
 - b. Project/Development including: Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the FCFPD.
 - c. Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
 - d. When made available, the Applicant should connect to the City of Sanger water system and provide fire hydrants as appropriate based on the California Fire Code Requirements.
- E. The Road Maintenance and Operations Division provide the following comments:
 - a. Butler Avenue is classified as a local road in the County’s General Plan requiring 60 feet of ultimate road right-of-way. An additional 10 feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Butler Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Butler Avenue.
 - b. Access to a divided arterial may be restricted to right turn movements and median crossing may be prohibited.
 - c. A 30-foot by 30-foot corner right-of-way cutoff is needed at the intersection of Academy Avenue and Butler Avenue for visibility purposes.
 - d. For all access driveways onto Academy Avenue and Butler Avenue, the first 100 feet of the roadway or

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driveway from the public road must be paved or treated with dust palliative to minimize tracking and dust pollution to County roads.

- e. An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way.

F. The Development Engineering Section provide the following comments:

- a. Typically, any access driveway should be set back a minimum of 10 feet from the side property line.
- b. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
- c. Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
- d. Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
- e. If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue and Butler Avenue.

G. The Department of Public Health, Environmental Health Division provide the following comments:

- a. 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. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.
- b. 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.
- c. If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
- d. The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle).
- e. The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to Fresno County Noise Ordinance.
- f. In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.
- g. The onsite sewage disposal system shall be installed under permit and inspection by the Department of

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- Public Works and Planning, Building and Safety Section.
- h. The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.
 - i. As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9 Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.
- H. The property has existing nearby agricultural crops to the north, south, and east. There is always the concern that normal agricultural practices may create dust. There will be scheduled pesticide treatments. Both situations should be taken into account. The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniencies and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality
- I. The San Joaquin Valley Air Pollution Control District provide the following comments:
- a. Based on the information provided to the District, specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less (PM10), of 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the project would have a less than significant impact on air quality when compared to the annual criteria pollutant emissions significance thresholds.
 - b. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The Project is subject to District Rule 9510 as it exceed 2,000 square feet of commercial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency.
 - c. 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).
 - d. The project may be subject to District Rule 2010 (permits required) and Rule 2201 (new and modified stationary source review) and require District permits. Prior to construction the project proponent should submit to the District an application for an Authority to Construct (ATC) if applicable.
 - e. The project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction.
- J. The proposed project will meet the definition of a transient noncommunity public water system and must obtain a drinking water supply permit to use the onsite well. If the well has already been drilled, the applicant shall submit the well driller's log for immediate review. The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new public water system (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvements. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is

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reasonably foreseeable that the proposed PWS will be unable to provide affordable, safe drinking water in the reasonably foreseeable future.

- K. Per City of Sanger standards, the proposed Feed and Farm Supply Store is a permitted use under their General Plan Land-Use designation and future zoning. The proposed use should be conducted in an enclosed building or screened with a block wall.

TK

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