



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES

DATE: October 26, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13012 – APPEAL OF STAFF'S APPROVAL OF DIRECTOR REVIEW and APPROVAL NO. 4720 and INITIAL STUDY NO. 8319

APPLICANT/
OWNER:

Donald Miranda

REQUEST:

Directors Review and Approval to allow maintenance and storage of trucks and trailers that transport only agricultural products, supplies and equipment on a 5.02-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The subject parcel is located on the south side of S. Brawley Ave., approximately 927 feet south of W. Church Ave., 0.9 miles west of the City of Fresno (APN: 327-120-64) (1594 S. Brawley Ave.) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of October 26, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Carver to approve the Director Review and Approval No. 4720 with the addition of the following condition:

Truck routes shall be diverted from S. Brawley Ave. northward to California State 180 to reduce traffic impacts towards Madison Elementary.

The Commission then moved to determine that the required Findings can be made based on the analysis in the staff report and approve Director Review and Approval No. 4720, subject to the Conditions of Approval and Project Notes listed in Exhibit B.

This motion was passed on the following vote:

VOTING:	Yes:	Commissioners Woolf, Carver, Abrahamian, Arabian, Chatha, Quist, and Zante
	No:	None
	Absent:	Commissioners Ewell and Hill
	Abstain:	None

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

By: 
 Chris W. Motta, Manager
Development Services and Capital Projects Division

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NOTES: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Director Review and Approval.

Attachments

EXHIBIT A

Initial Study No. 8319
Director Review and Approval Application No. 4720

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 26, 2023 and heard a summary presentation by staff.
- Presenters: The applicant's representative agreed with the Staff's recommendation. He described the project and provided the following information to clarify the intended use:
- The project will have a maximum of fifteen trucks and trailers.
 - We have and will continue to use truck routes of which bypass the nearby school.
 - The operation will only be used for agricultural related purposes.
- Others: Three individuals provided testimony in opposition to the project stating health and safety concerns with the operation and stating there have been instances of trucks hauling gravel to a nearby construction project.
- No other testimony in support of or in opposition to the project were provided.
- Correspondence: One letter of support was presented to the Planning Commission stating the project's benefits towards the farming community.
- No other letters of support of or in opposition to the proposal were received.

EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8319 & Director Review and Approval Application No. 4720
(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 to not shine towards adjacent properties and public streets.	Applicant	Applicant/PW&P	Continuous
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist 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
3.	Noise	"Noise Ordinance of the County of Fresno" states for commercial districts between 10 pm to 7 am shall not exceed 60 sound level decibels. Between 7 am to 10 pm, the sound level decibels shall not exceed 65. Chapter 10 - Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1 - Noise Regulations. Section 10-102 (b).	Applicant	Applicant/PW&P	Continuous

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement which limit the number of truck parking to a maximum of 15 parking spaces and 15 vehicle spaces for employees.
2.	Any conditions of approval of this permit (i.e. onsite operation of TRUs / truck idling), or that the permittee is operating in a manner that is inconsistent with or that is not in accordance with the approved statement of

EXHIBIT B

Conditions of Approval	
	operations, or that such entitlement is being used in a way that is injurious to the public health, safety, or welfare, provides grounds for revocation of permits.
3.	Any non-agricultural related trucking operations provides grounds for revocation of permits.
4.	Fresno County Road Maintenance Division: <ul style="list-style-type: none"> • The applicant shall provide an irrevocable offer of dedication to dedicate twelve feet of additional road right-of-way across the parcel frontage on S Brawley Avenue.
5.	Within 60 days from the effective date of the DRA approval, building plans shall be submitted to, and approved by, the Department of Public Works and Planning for all structures constructed without building permits or inspections. Permits shall be obtained and all necessary corrective, work completed within 90 days thereafter. No Operations or other Improvement Permits may be used until the condition is fully complied with.
6.	Truck routes shall be diverted from S Brawley Ave. northward to California State 180 to reduce traffic impacts towards Madison Elementary.

Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Fresno County Road Maintenance Division: <ul style="list-style-type: none"> • An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno. • Driveway approaches onto S. Brawley Ave. must be paved or treated with dust palliative a minimum of 100 feet from the road right-of-way to minimize tracking and dust pollution to County roads. Additionally, such driveways should accommodate truck turning radii. • Due to the collector classification of S. Brawley Avenue, the applicant shall be limited to one access point.
2.	Fresno County Health Division: <ul style="list-style-type: none"> • It is recommended that the applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has 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.

Notes

- Should a new sewage disposal system be proposed, it shall be approved and installed under permit from the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system. The applicant's consultant shall contact the Department of Public Works and Planning Building and Safety Section at (559) 600-4540 for more information.
- The proposed project shall comply with the Noise Elements of the Fresno County Ordinance Codes. Due to the location of the proposed project near residential uses, all equipment shall be maintained according to the manufacturer's specifications, and that noise generating equipment be equipped with mufflers. Should facility operations change to include future parking of refrigerated trucks or idling of trucks for prolonged periods, a noise study should be conducted that can offer mitigation measures to neighboring residential home owners. Any future proposals for trailers with operating refrigeration units, shall be parked toward the middle of the trailer parking area with non-refrigeration trailers parked in outer parking spots to aid in buffering noise from noise generating units.
- 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 electronically pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). For more information please contact the local Hazmat Compliance Program at (559) 600-3271.
- 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 and facilities, will require the Owner/Operator to obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the local Tire Enforcement Agency at (559) 600-3271 for additional information.
- At such time the applicant or property owner(s) decides to construct a water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- 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. Contact the Fresno County Hazmat Compliance Program at (559) 600-

Notes

3271 for more information.

3.

Site Plan Review:

- Parking spaces shall be constructed in compliance with the county and the state standards.
- Any parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked.
- A four (4) feet path of travel for disabled persons shall be constructed and stripped in accordance with state standards.
- Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits.
- Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.
- An encroachment permit shall be required from Road Maintenance, and Operations for any work on the County right-of-way.
- Internal access roads shall comply with required widths by the Fire District for emergency apparatus.
- No building or structure erected in this District shall exceed thirty-five (35) feet in height; per Section 816.5.D. of the Fresno County Zoning Ordinance.
- A dust palliative should be required on all unpaved parking and circulation areas.
- Outdoor lighting should be hooded and directed away from adjoining streets and properties.
- All proposed signs, require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agriculture) Zone District.

4.

Fresno County Engineering Department:

- The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary. Written clearance from FMFCD is required prior to County issuing a grading permit for any proposed work/existing

Notes

building without a permit.

- Additional storm water runoff generated by any future development of a site cannot be drained across property lines or into the County Road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.
- If the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. The Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. While the Letter of Retention specifies the Engineer of Record retained by the Owner/Contractor to perform all on-site inspections and shall certify the construction of on-site improvements to the Department of Public Works & Planning in order for any work performed to be in accordance with the Fresno County Ordinance Code Title 15, Chapter 15.28 Grading and Excavation, County standards and current industry standards.
- Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or current industry standards.
- The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
- For unpaved or gravel surface access roads, the first 100 feet off of the edge of the County Road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
- 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.
- If not already present, a 10-foot x 10-foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Brawley Avenue.
- Any work done within the County Road 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.
- A grading permit/voucher is required for any grading that has been done without permit and any grading proposed with this application.

RESOLUTION NO. 13012

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 8319
Director Review and Approval No. 4720

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Director Review and Approval Application (DRA)	\$ 2,660.00 ¹
Environmental Assessment	\$ 3,901.00 ²
Public Health Department Review	\$ 432.00 ³
Agricultural Commissioner Fee	\$ 67.00 ⁴
Violation Fee (35% of DRA)	\$ 931.00 ⁵
Pre-Application Fee Credit	\$ (247.00) ⁶
Total Fees Collected	\$ <u>7,744.00</u>

1 Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
2 Review proposal to provide appropriate California Environmental Quality Act (CEQA) Analysis and include documentation to prepare a Mitigate Negative Declaration.
3 Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.
4 Review of proposal and associated environmental documents by the Department Agriculture; comments.
5 Violation Fee (35% of DRA Application Fee)
6 Pre-Application Fee Credit (If filed within six-months of Pre-Application Review)