



Inter Office Memo

DATE: June 22, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12998 - CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3694 AND INITIAL STUDY NO. 7995

APPLICANT: Stamoules Produce Co, Inc.

OWNER: N.D. Stola, LLC.

REQUEST: Allow the construction and operation of a private use airport for business and personal use, and crop-dusting, consisting of an approximately 4,847-foot-long by 75-foot-wide runway, along with an approximately 10,173 square-foot hangar building with offices and a 2,000 square-foot caretakers residence, on a 434.93-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located approximately one half-mile northeast of the intersection of W. California Avenue and S. Lyon Avenue, and approximately four miles southwest of the nearest city limits of the City of Mendota (APN: 019-040-28S) (904 S. Lyon Avenue) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of June 22, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit Application No. 3694, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit B.

RESOLUTION NO. 12998

This motion passed on the following vote:

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

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

By:  _____
William M. Kettler, Manager
Development Services and Capital Projects Division

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NOTE: 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 Conditional Use Permit.

Attachments

EXHIBIT A

Classified Conditional Use Permit Application No. 3694

Staff: The Fresno County Planning Commission considered the Staff Report dated June 22, 2023, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following additional information to clarify the intended use:

- The runway was constructed without permits prior to the submittal of the Conditional Use Permit application.
- The purpose of the airport is primarily for supporting the produce operation and to make it more convenient for customers to visit the facility.
- Based on proposed limited operational hours, the noise study prepared for the project concluded that there would not be any adverse impacts on surrounding property.
- The use of the airport by other aircraft not owned by the applicant, will be by invitation only.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 7995 and
Unclassified Conditional Use Permit Application No. 3694
(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/Department of 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.
3.	Noise	All flight operations, whether agricultural applications or passenger flights, will be limited to the hours between 7:00 a.m. and 10:00 p.m. seven days per week.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
Conditions of Approval					
1.	Development shall be in substantial accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement as approved by the Planning Commission.				
2.	The project shall apply for and obtain a State Special-Use Airport Permit from the California Department of Transportation, Division of Aeronautics, prior to commencing aircraft operations. The applicant must also obtain an airspace study from the Federal Aviation Administration (FAA), Obstacle Evaluation Group.				
3.	Prior to the issuance of any grading or building permits, the property owner shall irrevocably offer for dedication, twelve (12) feet of road right-of-way along the subject parcel frontage on the north side of W. California Avenue.				

*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.

Notes

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

1. The Zoning Section of the Fresno County Department of Public Works and Planning provide the following comments:

- A site inspection and evaluation permit and septic system permit shall be required prior to permit issuance related to the hydrogen generation facility.
- All proposed improvements will require building permits and final inspection.

2. The Site Plan Review Section of the Fresno County Department of Public Works and Planning provide the following comments:

- Site Plan submitted does not adequately show dimensions for building structures (hangar or planned single family residence). A second more detailed site plan of proposed structures shall be submitted showing building structure dimensions in square footage is needed to check for conformity with county requirements.
- Site Plan submitted does not adequately show dimensions for the parking area, conformity with county parking requirements could not be verified. A second more detailed site plan of proposed parking shall be submitted showing parking dimensions, back-up space, width of isles, turn around radius, etc. shall be submitted to confirm compliance with parking requirements.
- Note: Fresno County parking requirements information can be sent to applicant upon request.
- Parking stalls shall be constructed in compliance with the county and state standards per Fresno County parking standards, a minimum 29-foot backup clearance and 18-foot x 9-foot stall size (requirement) shall be provided for all parking stalls and clearly labeled in the site plan.
- All 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) foot path of travel for disabled persons shall be constructed and stripped in accordance with state standards.
- ADA stalls shall be concrete, or asphalt concrete paved and must be located on the shortest possible route to the main entrance so disabled person does not cross driveway into parking lot.
- The submitted operational statement does not indicate the number of employees and customers that are estimated to be on site at the facility.
- An asphalt concrete driveway approach shall be provided where project site access road(s) connect to county road(s) serving this site.
- 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 of the edge of the ultimate right-of-way shall be concrete or asphalt.
- 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.

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- An encroachment permit shall be required from Road Maintenance and Operations for any work in the County right-of-way.
- Internal access roads shall comply with required widths by the Fire District for emergency apparatus.
- A dust palliative shall be required on all parking and circulation areas.
- 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 Governor's 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.
- 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.
- No building or structure erected in the AE-20 District shall exceed 35 feet in height per Section 816.5 D of the Fresno County Zoning Ordinance.
- Outdoor lighting should be hooded and directed away from adjoining streets and properties.

3.

The Development Engineering Section of the Department of Public Works and Planning provided the following comments:

- Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines, or into Caltrans right-of-way, and must be retained on-site per County standards.
- Typically, 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 will be required. Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed.
- Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance (CQA) Plan approved by the California Regional Water Quality Control Board. Storage pond should be located outside the Special Flood Hazard Area.
- A grading permit or voucher is required for any grading proposed with this application or any grading that has already been done.
- Any proposed or existing driveway should be set back a minimum of 10 feet from the property line.
- For unpaved or gravel surface access roads, the first 100 feet off of the edge of the 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 of the length of the longest truck entering the site, and shall not swing outward.
- According to FEMA FIRM Panel 2050H, the northeasterly portion of the area of the subject property is within Special Flood Hazard Area, subject to flooding from the 100-year storm. Any development within the Special Flood Hazard

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	<p>Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any proposed structure and associated electrical equipment/electrical system components including manure storage and drying located in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements.</p> <ul style="list-style-type: none"> All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt materials used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. Manure pits and waste lagoons that are susceptible to flooding must be consulted with State departments of environmental management or natural resources on how to prevent overflow of these waste treatment facilities into local stream, rivers, or even drinking water supply. FEMA Elevation Certificate is required for every structure proposed to be constructed within the Special Flood Hazard Area. If the proposed building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines may be required.
4.	<p>The Department of Public Health, Environmental Health Division provided the following comments:</p> <ul style="list-style-type: none"> The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance. 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. 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. 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. New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. 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.
5.	<p>The San Joaquin Valley Air Pollution Control District provided the following comments:</p> <ul style="list-style-type: none"> The project is subject to District Rule 9510 (Indirect Source Review). Prior to issuance of an construction or grading permits, an Air Impact Assessment (AIA) is required to be submitted to and approved by the District.

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6.

The Fresno County Fire Protection District provided the following comments:

- The Project 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 construction plans to the County of Fresno Public Works and Planning and FCFPD for review. It is the Applicant's responsibility to deliver a minimum of two sets of plans to the FCFPD.
- 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.

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