



# County of Fresno

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

August 3, 2023

Jerry and Erin Berlin  
3096 W. Belmont Ave #106  
Fresno, CA 93722

Dear Applicant:

Subject: Resolution No. 13002 – Initial Study No. 8281 and Unclassified Conditional Use Permit Application No. 3749

On July 20, 2023 the Fresno County Planning Commission approved your above-referenced project. 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.

If you have any questions regarding the information in this letter please contact Elliot Racusin at [eracusin@fresnocountyca.gov](mailto:eracusin@fresnocountyca.gov) or 559-600-4245.

Sincerely,

Elliot Racusin, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: July 20, 2023  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 13002 – INITIAL STUDY NO. 8281 AND UNCLASSIFIED  
CONDITIONAL USE PERMIT APPLICATION NO. 3749

OWNER/  
APPLICANT: Jerry and Erin Berlin

REQUEST: Unclassified Conditional Use Permit Application No. 3749 and associated Initial Study No. 8281 to allow a solid waste processing facility for the recycling of well drilling mud on portions of a 5.16-acre parcel and a contiguous 12.44-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the north side of Kings Canyon/State Route 180, 100-feet east of N. Valentine Ave., the city limits of the City of Fresno is contiguous with the north side of the subject parcels. (APNs: 326-150-18, 28, & 30) (Sup. Dist. 1).

### PLANNING COMMISSION ACTION:

At its hearing of July 20, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project and approve Unclassified Conditional Use Permit No. 3749 subject to the recommended Conditions of Approval listed in Exhibit B with the additional inclusion of Mitigating noise concerns per adherence to the Noise Ordinance to the County of Fresno.



EXHIBIT A

Initial Study No. 8281 and Unclassified Conditional Use Permit Application No. 3749

Staff: The Fresno County Planning Commission considered the Staff Report dated July 20, 2023 and heard a summary presentation by staff.

Presenters: The owners concurred with the Staff Report and the recommended conditions. They described the project and provided additional information regarding the project.

- There is a regional demand for non-contaminated hydro evacuation spills necessitates the application.
- The extracted materials produce from the byproduct can be used to recycle water and earth and reused in a variety of other projects; If the project is not approved, recycling of material would be more costly to individuals as there would not be a consolidation of resources benefiting from economies of scale.
- This provides an alternative to disposing the slurry at a landfill site.
- The main component of this operation is to recycle non-contaminated drilling mud and hydro excavation spoils.
- The site is sufficient in size and is in a prime location for the proposed operation.

Others: Two individuals in attendance presented testimony in opposition to the application, indicating:

- Both individuals in opposition to the application stated the proposed operation will cause dust and traffic impacts to the existing road.
- The streets are not adequate in width to accommodate the quantity and size of truck traffic generated by the proposed use.
- The increased traffic volumes along the N. Valentine Ave. should warrant road improvements.
- Noise generated by the facility will be detrimental to the neighbors.

Correspondence: One report was presented to the Planning Commission from a speaker in opposition to the application listing concerns as stated above.

EXHIBIT B

**Mitigation Monitoring and Reporting Program  
Unclassified Conditional Use Permit Application No. 3749 & Initial Study No. 8229  
(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

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.

Conditions of Approval	
1.	Development of the property shall be in substantial compliance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	A Site Plan Review shall be submitted for approval by the Director of 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, but are not limited to, design of parking and circulation, grading and drainage, fire protection, and control of lighting.
3.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.
4.	Valentine Ave. currently has 20 feet of road right-of-way east of section line. If Valentine Ave. remains a Collector road, an additional 22 feet of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 84 feet for Valentine Ave. If Valentine Ave. is reclassified as a Local road, an additional 10 feet of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 60 feet for Valentine Ave.

**Conditions of Approval**

5.	<b>City of Fresno:</b>  Curb, gutter and sidewalk shall be constructed along the street frontage to City of Fresno standards.
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**Notes**

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

1.	<b>SJVAPCD:</b> The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.  At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency.
2.	<b>Road Maintenance and Operations Comments:</b>  Valentine Ave. is currently classified as a Collector road. Due to the road ending in an offset bulb turnaround with SR-180 south of the turnaround, Valentine Ave. may need to be reclassified as a Local road.  Setbacks for new construction shall be based on the ultimate road right-of-way for Valentine Ave.  Any proposed access gates must be set back a minimum of 20 feet from the ultimate road right-of-way for Valentine Ave, or the length of the longest vehicle entering the site, to eliminate the vehicles from idling in the road when stopped to open the gate.  An engineered Grading and Drainage Plan is required for any improvements associated with development to show how additional runoff is being handled and verify compliance with Fresno County Ordinance's. Any additional runoff shall be held in on-site retention areas and not be directed towards the road right-of-way or towards adjacent parcels.  Subject parcel is within FMFCD boundaries, any permanent drainage improvements should be in accordance with FMFCD master plan. Road drainage improvements such as curb and gutter are required but may be deferred until FMFCD facilities are available.  Driveway approaches shall be limited to a maximum width of 35 feet per Fresno County Improvement Standard D-3.  Any work performed within the County road right-of-way will require an encroachment permit.

Notes

3. Fresno Irrigation District (FID):

FID's Mortensen No. 80 runs southwesterly along the northerly and westerly sides of the subject property, and crosses State Route 180 approximately 30 feet southeast of the subject property, as shown on the attached FID exhibit map and will be impacted by the proposed project. Should this project include any street and/or utility improvements along State Route 180, or in the vicinity of the pipeline, FID requires it review and approve all plans.

Records indicate FID has the following exclusive easement recorded on September 21, 1982, as Document No. 81138, Book 7976, Page 452, Official Records of Fresno County and recorded on February 16, 1983, as Document No. 83013057, Official Records of Fresno County. Records do not show a recorded easement for the entire portion of this pipeline, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. P-03, P-05 and 1-01.

FID requires the developer relocate a portion of the pipeline within a new 40 feet wide exclusive easement and replace the pipeline with 48 inch inside diameter Rubber Gasket Reinforced Concrete Pipe (RGRCP) ASTM C-361 B25 and appurtenant structures in accordance with FID standards and an agreement be entered in to with FID for that purpose.

FID requires the developer relocate a portion of the pipeline within a new 30 feet wide exclusive easement and replace the pipeline with 30 inch inside diameter Rubber Gasket Reinforced Concrete Pipe (RGRCP) ASTM C-361 B25 and appurtenant structures in accordance with FID standards and an agreement be entered in to with FID for that purpose.

FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.

FID requires all exposed facilities (standpipes, air vents, covers, etc.) within the subject property or directly adjacent to the subject property must be adapted with additional features in order to transition from a rural setting to an urban setting, to mitigate for the effects of new development and increased population, and provide for public safety within FID's property/easement and the development.

FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.

FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.

All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.



Notes

No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.

FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and rights-of-way, but will in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement.

FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.

Footings of retaining walls shall not encroach onto FID property/easement areas.

Trees will not be permitted within FID's property/easement areas.

FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.

No trees will be allowed within FID's exclusive easement and any trees to be planted in the proximity of the pipeline shall maintain a distance of 15 feet from edge of pipe.

For informational purposes, FID's Hawn No. 81 runs westerly, crossing Valentine Avenue approximately 400 feet west of the subject property, as shown on the attached FID exhibit map. Should any street and/or utility improvements along Valentine Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.

For informational purposes, FID's Teilman No. 79 runs southerly, and crosses State Route 180 approximately 1,200 feet east of the subject property. Should any street and/or utility improvements along State Route 180, or in the vicinity of this facility, FID requires it review and approve all plans.

As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.



Notes

4. **Fresno County Engineering Department:**

The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. A copy of written clearance from FMFCD is required prior to County issuing a grading permit/voucher for the proposed work.

Any additional storm water runoff generated by the proposed development of a site cannot be drained across property lines or into the road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.

According to the U.S.G.S. Quad Map, Mortensen Ditch is near the northerly and westerly property lines of the subject property. Any improvements constructed within or near a ditch should be coordinated with the owners of the ditch/appropriate agency. The lowest floor of any proposed structure AND any associated electrical system components/equipment should be elevated above the high-water level of said canal and/or the finish floor of the building/structure shall be elevated above the crown of the adjacent street. All sides of the building shall be sloped 2% for a distance of 5 feet to provide positive drainage away from the building.

The subject property is within the City of Fresno SOI (Sphere of Influence). Any off-site improvements and driveway placement relative to the property line should be consulted with the City regarding their requirements.

An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an engineered grading and drainage plan is not necessary because 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.

A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.

Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet x 9 feet and backing distance must be a minimum of 29 feet for 90-degree parking stalls. Also 5 feet should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall follow ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.

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.

Notes

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.

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.

If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any proposed or existing driveway accessing Valentine 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 proposed with this application.

5. **Fresno County Surveyor:**

Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

Should any parcels, adjusted parcels, right of ways, or vacated right of ways ever be monumented, a Record of Survey shall be required pursuant to Section(s) 8762(b)(4) & (5) of the Professional Land Surveyors Act.

6. **California Department of Conservation:**

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.