



County of Fresno

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

August 13, 2018

Bowen Engineering & Environmental
4664 S. Cedar Avenue
Fresno CA 93725

Dear Applicant:

Subject: Resolution No. 12730 - Initial Study Application No. 7215 and Classified
Conditional Use Permit Application No. 3547

On July 26, 2018, the Fresno County Planning Commission approved your Classified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant 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 Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at dchambers@fresnocountyca.gov or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: July 26, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12730 - INITIAL STUDY APPLICATION NO. 7215 and
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3547

APPLICANT: Bowen Engineering & Environmental

OWNER: Daniel Bowen

REQUEST: Allow a Solid Waste Processing Facility for the recovery of materials from construction waste and demolition waste on a 9.04-acre parcel in the M-3 (Heavy Industrial) Zone District.

LOCATION: The subject parcel is located on the east side of Cedar Avenue, between American and Malaga Avenues, approximately 1,673 feet south of the nearest city limits of the City of Fresno (4664 S. Cedar Avenue) (Sup. Dist. 3) (APN 330-211-08).

PLANNING COMMISSION ACTION:

At its hearing of July 26, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Ede and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit Application No. 3547, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7215
Classified Conditional Use Permit Application No. 3547

Staff: The Fresno County Planning Commission considered the Staff Report dated July 26, 2018, 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 information:

- The applicant has an existing Contractor's Storage Yard located on the subject parcel.
- The proposed operation will recover useful materials from demolition waste and will sell the recovered materials.

Others: No other individuals presented information in support of or in opposition to the application.

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

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Mitigation Monitoring and Reporting Program
Initial Study No. 7215 / Classified Conditional Use Permit No. 3547
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Prior to operation of the solid waste processing facility, all outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.	Applicant	Applicant/Fresno Metropolitan Flood Control District (FMFCD)	Ongoing
3.	Hydrology and Water Quality	Prior to operation of the Solid Waste Processing Facility, debris fencing (e.g., cloth or plastic addition to existing fencing) shall be provided along the northern boundary of the subject parcel in order to protect Viau Canal No. 25 from potential contaminants.	Applicant	Applicant/FMFCD	Ongoing
4.	Noise	Noise exposure (from crusher and grinder operations) at dwellings located west of the subject parcel shall be reduced by locating stockpiles of raw or processed materials on site, between the crusher and grinder equipment and neighboring dwellings located west of the subject parcel.	Applicant	Applicant/Fresno County Department of Public Health	Ongoing
5.	Noise	Stockpiles of raw or processed materials utilized as acoustic barriers shall be at least 15 feet tall to sufficiently shield noise from crusher operations, and at least 22 feet tall to sufficiently shield noise from grinder operations.	Applicant	Applicant/Fresno County Department of Public Health	Ongoing
Conditions of Approval					
1.	Development and operation shall be in substantial conformance with the approved Site Plan, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review (SPR).				
2.	The owners of the subject parcel shall record a document irrevocably offering 46 feet of the subject parcel to the County of Fresno as future right-of-way for Cedar Avenue (30 feet existing). The eastern line of said offer shall establish the building setback line for				

EXHIBIT B

	<p>future development.</p> <p>Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The property owners are advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
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*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.	Prior to the issuance of permits, a Site Plan Review (SPR) Application shall be submitted for review and approval by the Director of the Department of Public Works and Planning, in accordance with Section 874 of the Fresno County Zoning Ordinance. Items to be addressed under the SPR may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting, and right-of-way dedication.
2.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Cedar Avenue.
3.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
4.	<p>California Regional Water Quality Control Board: The proposed Solid Waste Processing Facility requires coverage under the 2014-0057-DWQ Storm Water Industrial General Permit (IGP). The industrial activity to occur at the proposed facility qualifies for Standard Industrial Classification (SIC) Code No. 5093 Scrap and Waste Materials, which requires coverage under the IGP. The Applicant shall submit a Notice of Intent, Storm Water Pollution Prevention Plan (SWPPP), and Facility Site Plan to the Water Board for inclusion in the Storm Water Multiple Application and Report Tracking System (SMARTS).</p>
5.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
6.	<p>Fresno County Department of Public Health, Environmental Health Division: Prior to commencing proposed operations, the facility operator shall obtain a Solid Waste Facility Transfer/Processing Facility permit from the Fresno County Department of Public Health as required by Public Resources Code, California Code of Regulations (CCR) Title 14 and Title 27. 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 CCR, Title 22, Division 4.5. Any business that handles hazardous materials or hazardous waste above the following State reporting thresholds may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95:</p> <ol style="list-style-type: none"> 1) 55 gallons of liquid material 2) 500 pounds of solid material 3) 200 cubic feet of compressed gas 4) The threshold planning quantity for extremely hazardous substances. <p>All hazardous waste shall be handled in accordance with requirements set forth in the CCR, Title 22, Division 4.5, which addresses</p>

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	proper labeling, storage and handling of hazardous wastes.
7.	If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the Applicant must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
8.	Due to the subject parcel being located within FMFCD Drainage Area CE, project development will require payment of an approximately \$135,238.00 FMFCD Drainage Fee. FMFCD Drainage Fees are calculated by FMFCD and are re-evaluated by FMFCD on an annual basis each February.
9.	The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved plans for the project shall be approved by the Fire District prior to issuance of permits by the County.
10.	The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
11.	San Joaquin Valley Air Pollution Control District (Air District): This proposal may be subject to Air District Rule 2201 (New and Modified Stationary Source Review) or Air District Rule 2010 (Permits Required). This proposal may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
12.	Resources Division of the Fresno County Department of Public Works and Planning: Operation of the proposed Solid Waste Processing Facility shall be in compliance with California Assembly Bill (AB) 341, which requires businesses generating four cubic yards or more of commercial solid waste per week to arrange for recycling services, and California AB 1826, which requires businesses generating four cubic yards or more of organic waste per week to arrange for organic waste recycling services. With regard to California AB 1826, organic waste refers to food waste, green waste, landscaping and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed with food waste. Per California Code of Regulations (CCR) Title 14, the operator of the proposed Solid Waste Processing Facility shall submit quarterly reports to the Resources Division of the Fresno County Department of Public Works and Planning regarding all tonnages processed through the Solid Waste Processing Facility. Additionally, Fresno County Ordinance Code Section 8:23 (Recycling Haulers) requires those businesses that provide recycling services throughout Fresno County to register as a Recycling Hauler with the Resources Division of the Fresno County Department of Public Works and Planning.