



Inter Office Memo

DATE: March 24, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12927 - INITIAL STUDY NO. 8142 AND CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3722

APPLICANT: Frank Rodriguez

OWNER: Navdep Singh Sran

REQUEST: Amend Classified Conditional Use Permit Application No. 3404 to allow expansion of a commercial nut processing operation on a 19.72-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of N. Siskiyou Avenue approximately 870 feet north of its intersection with W. Olive Avenue and is located approximately 1.4 miles north of the city limits of the City of Kerman (APN: 015-315-25S) (1750 N. Siskiyou Ave.) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of March 24, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Hill and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 8142, adopt the required Findings of Fact as recommended by staff, and approve Classified Conditional Use Permit No. 3722, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12927

This motion passed on the following vote:

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

WMK:tk:jp
G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3700-3799\3722\RESO\CUP 3722 Reso.doc

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.

The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

Attachments

EXHIBIT A

Initial Study No. 8142
Classified Conditional Use Permit Application No. 3722

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 24, 2022 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 to clarify the intended use:
- The business operates year-round, however, our busiest time is seasonal and would be August through October.
 - Our typical hours of operation are from 8:00 AM to 4:00 PM.
 - The first phase of the business was built in 2012.
- 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.

EXHIBIT B
Mitigation Monitoring and Reporting Program
Initial Study No. 8142
Classified Conditional Use Permit Application No. 3722
(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.
Conditions of Approval					
1.	Development and operation shall be substantial conformance with the approved Site Plans, Floor Plans, Elevation Drawings and Operational Statement. Previous Conditions of Approval associated with past applications shall be adhered to, unless modified by this application (CUP 3722).				
2.	A Site Plan Review (SPR) Application shall be submitted for approval 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 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 Site Plan Review Section of the Department of Public Works and Planning provide the following comments:

EXHIBIT B

Notes	
	<p>A. Any proposed work within the County road right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.</p> <p>B. An asphalt concrete driveway approach 24 to 35 feet in width should be provided where the access road ties into the public road serving this site.</p> <p>C. Any proposed or existing gate(s) that provide(s) initial access to the site should be setback a minimum of 20 feet (or the length of the longest vehicle to initially enter the site whichever is greater) from the edge of the ultimate right-of-way.</p> <p>D. The site layout shall be designed to allow onsite turn around so vehicles entering the site are able to leave in a forward motion.</p> <p>E. Required onsite parking shall be one (1) parking space for every (2) employees, one (1) for every salesperson, and adequate parking area for trucks operated by the facility.</p> <p>F. Parking spaces shall be a minimum of 9 feet by 18 feet with 29 feet of clear backing space.</p> <p>G. The parking spaces for the physically disabled shall be located 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.</p> <p>H. Forty-five (45) degree corner cut-offs shall be maintained to allow clear visual views of vehicular traffic accessing the County right-of-way.</p> <p>I. Any proposed sign(s) shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</p>
2.	All proposed structures and site improvements will require building permits.
3.	<p>The Development Engineering Section of the Department of Public Works and Planning provide the following comments:</p> <p>A. According to the U.S.G.S. Quad Map, a canal traverses the subject property. Any improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency.</p> <p>B. An engineered grading and drainage plan is required to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The grading and drainage plan should provide calculations of the required basin storage capacity and the basin design storage capacity for verification purposes.</p> <p>C. Any additional storm water runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way and must be retained on-site, per County Standards.</p> <p>D. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with the State</p>

Notes	
	<p>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.</p> <p>E. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet by 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 be in compliance with 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.</p> <p>F. Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.</p> <p>G. 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.</p> <p>H. 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.</p> <p>I. If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Siskiyou Avenue.</p> <p>J. 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.</p> <p>K. A grading permit is required for any grading proposed with this application.</p>
4.	<p>The Road Maintenance and Operations Division of the Department of Public Works and Planning provide the following comments:</p> <p>A. The Applicant will be required to contain additional storm water runoff associated with development in on-site retention areas. Any retention facilities greater than 18 inches in depth will require fencing to preclude public access.</p> <p>B. An encroachment permit is needed from the Road Maintenance and Operations division for any work done within the road right-of-way of the County of Fresno.</p>
5.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <p>A. Facilities proposing to use and/or store 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. 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.</p>

Notes	
	<p>B. The proposed project may result in significant short-term localized noise impacts due to farm processing equipment and equipment maintenance, the use shall comply with the Fresno County Noise Ordinance. Noise-generating activities should be limited to daytime hours.</p> <p>C. It is recommended that the Applicant consider having the existing septic tank systems pumped and have the tanks and leech fields 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.</p> <p>D. New sewage disposal systems shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.</p> <p>E. 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.</p> <p>F. As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed.</p>
6.	The project will serve 25 or more people at least 60 days out of the year and would meet the definition of a transient non-community water system. A permit from the State Water Resources Control Board, Division of Drinking Water is required.
7.	The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety. Prior to receiving North Central Fire Protection District (NCFPD) conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant’s responsibility to deliver a set of plans to the NCFPD.
8.	<p>The San Joaquin Valley Air Pollution Control District provide the following comments:</p> <p>A. District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology. This project may be subject to District Rule 2010 and Rule 2201 and may require District permits. Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct must be issued to the Project proponent by the District.</p> <p>B. District Rule 9510 – Indirect Source Review: The purpose of District Rule 9510 is to reduce the growth in bot NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developments to pay a fee used to fund projects to achieve off-site emissions reductions. Per District Rule 9510 (Indirect Source Review) Section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District</p>

Notes

has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project.

- C. District Regulation VIII (Fugitive PM10 Prohibitions): The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.
- D. The Project may also be subject to 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).

TK:jp

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3700-3799\3722\SR\CUP 3722 MMRP.docx