



Inter Office Memo

DATE: June 9, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12944 – UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3725

OWNER/ APPLICANT: Daniel Mosto

REQUEST: Allow a solid waste processing facility (reconditioning and refurbishing of bulk containers and drums) on a 2.16-acre parcel within the M-3 (Heavy Industrial) Zone District.

LOCATION: The subject parcel is located on the south side of E. Jensen Ave., 190 feet east of S Maple Ave., contiguous to the City of Fresno to the north (APNs: 487-070-45 & 46) (4646 E. Jensen Ave.) (Sup. Dist. 3).


PLANNING COMMISSION ACTION:

At its hearing of June 9, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Chatha and seconded by Vice-Chairman Hill to determine, in agreement with the Staff Report, that the five required Findings could be made. Based on the ability to make all five Findings, a motion was made to approve Conditional Use Permit No. 3725, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

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

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

By: 

William Kettler, Manager
Development Services and Capital Projects Division

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NOTES: The approval of this project will expire one year 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 Variance.

Attachments

EXHIBIT A

Unclassified Conditional Use Permit Application No. 3725

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 9, 2022 and heard a summary presentation by staff.
- Presenters: The applicant's representative agreed with the Staff's recommendation. The description of the proposed operation was sufficient and offered no additional information to further support the proposal:
- Others: No individuals presented information in support of or in opposition of the application.
- 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. 8152 & Conditional Use Permit No. 3725
(Including Conditions of Approval and Project Notes)

EXHIBIT B

| 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 |

| Conditions of Approval | |
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| 1. | Development shall be in accordance with the site plan as approved by the Planning Commission. Adherence to the allowed access to and from the property shall be followed and are listed under Notes (No. 28 & 29). |

| Notes | |
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| The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant. | |
| 1. | Drive approaches shall be limited to 35 feet per Fresno County Improvement Standard D-3. |
| 2. | Any entrance gates must be set back a minimum of 20 feet from the road right-of-way, 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. |

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| 3. | Subject parcels are within FMFCD boundaries. It appears curb and gutter are already in place along Jensen and Drummond, it should be verified that these are in accordance with FMFCD master plan. |
| 4. | The driveway off of Drummond appears to prohibit drainage in the curb and gutter. The driveway should be reconstructed in accordance with FMFCD master plans. Engineered plans should be submitted for any offsite modifications. |
| 5. | An encroachment permit is required for work performed within the County Road right-of-way. |
| 6. | Staff recommends a Traffic Management Plan (TMP) to address potential impacts during the construction and decommissioning phases of this project as well as any events that may be held in the future. In addition to managing traffic flow, the TMP shall also address dust mitigation. |
| 7. | All Conditions of Approval for any previous applications shall be implemented if not already in place. |
| 8. | According to FEMA FIRM Panel 2130H, the subject property is found to be under shaded Flood Zone X. The shaded flood zone refers to areas of 0.2% annual chance flood, areas of 1 % annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1 % annual chance flood. Normally, for property within flood zone shaded x, any future building pad must be elevated above the existing ground to at least a minimum of twelve inches (12") and/or the finish floor elevation must be elevated above the crown of the adjacent street. Furthermore, any future associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the shaded flood zone x must be elevated above the finish floor elevation. All future electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of any future building shall be sloped 2% for a distance of 5 feet to provide positive drainage away from the building. |
| 9. | The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. FMFCD should be consulted regarding any requirements they may have for the proposed facility. |
| 10. | The subject property is within the City of Fresno SOI (Sphere of Influence). Any future off-site improvements and driveway placement relative to the property line adjacent to road should be consulted with the City regarding their requirements. |
| 11. | Any existing or future driveway should be set back a minimum of 10 feet from the property line. |
| 12. | Any existing or future 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. |

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| 13. | If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Jensen Avenue and Drummond Avenue. |
| 14. | Any future 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. |
| 15. | A grading permit/voucher may be required for any future grading with this application. |
| 16. | The subject parcel is not enrolled in the Williamson Act Program. |
| 17. | Policy 760-01:3.00(f): Land Use Designation of Limited Industrial Land designated for restricted non-intensive manufacturing and storage activities which do not have detrimental impacts on surrounding properties. |
| 18. | Policy LU-F.30: The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board. |
| 19. | Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCO-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence. |
| 20. | Policy LU-G.14: The County shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable city/county memorandum of understanding. |
| 21. | Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water |

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| | <p>users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p> |
| 22. | <p>Permit records for a 30.27 foot x 43.86 foot addition on the Northside of the fab area prep & paint building were not found. This building is in the Southeast corner of the parcel.</p> |
| 23. | <p>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 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> |
| 24. | <p>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.</p> |
| 25. | <p>The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno noise ordinance and the City of Fresno Municipal Code.</p> |
| 26. | <p>The operation must have less than 10% residual materials by weight and less than 1% putrescible materials by weight for all incoming loads. If the operation exceeds the 10% or 1% threshold for residual materials the applicant will need to file an application with the Fresno County Public Health Department, Environmental Health Division for a Solid Waste Facilities Permit at least one-hundred and eighty (180) days in advance of the date on which it is desired to commence operation. Contact the Solid Waste Program at (559) 600-3271 for more information.</p> |
| 27. | <p>Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed. Industrial districts sound level decibels shall not exceed 70 at any time.</p> |
| 28. | <p>Drummond Avenue currently has 50' of road right-of-way and an ultimate right-of-way of 60' per the Fresno County General Plan. An additional 5' of right-of-way must be dedicated along the parcel frontage to meet the ultimate right-of-way for Drummond Avenue. Any setbacks for new construction must be based on the ultimate road right-of-way for Drummond Avenue.</p> |

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| 29. | Due to the expressway classification of Jensen Avenue, direct access to Jensen Avenue should be relinquished and access should be taken only from Drummond Avenue. |

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