



Inter Office Memo

DATE: August 11, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12957 – CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3724, VARIANCE APPLICATION NO. 4135 AND INITIAL STUDY NO. 8151

APPLICANT: GMA Engineering

OWNER: H&R Land Co., David F. Hines

REQUEST: Conditional Use Permit to allow a commercial fruit cold storage/packing facility and height variance to waive the 35 feet building height limitation and allow a max height of 41 feet nine inches on a 76.22-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northeast corner of E. McKenzie and N. Oliver Avenue approximately 9.2 miles east of the City of Fresno (APN: 333-082-01) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of August 11, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Vice-Chairman Hill and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8151 and determine that the five required Findings for the Conditional Use Permit and the four required Findings for the Variance could be made in agreement with the staff report; and to approve Conditional Use Permit No. 3724 and Variance No. 4135, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING:	Yes:	Commissioners Hill, Chatha, Abrahamian, Arabian, Carver, Ewell, Woolf, 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 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. Staff notes that the life of the Variance will run with the life of the Conditional Use Permit.

Attachments

EXHIBIT A

Unclassified Conditional Use Permit No. 3724, Variance No. 4135 and Initial Study No. 8151

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2022 and heard a summary presentation by staff.
- Presenters: The applicant's representative agreed with the Staff's recommendation. They described their operation and offered the following information to further support the proposal:
- The owner has agreed to make road improvements to make it safer.
 - The owner retained an array of consultants to assure that the project would have no adverse impacts on surrounding properties and that it is in compliance with all applicable regulations.
- Others: No individuals presented information in support of or in opposition to the proposal.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the proposal.

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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8151
Classified Conditional Use Permit Application No. 3724 and Variance Application No. 4135
(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	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 shall be in substantial compliance with the Site Plan, Floor Plan, Elevations, and Operational Statement as approved by the Planning Commission.				
2.	A Site Plan Review is required to allow for additional clearance.				
3.	Per the TIS prepared for the project and approved by Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, the project will pay its percentage fair share cost for future installation of traffic signals and right-of-way acquisition at three intersections at Oliver Avenue. The project will also pay Traffic Signal Mitigation Impact Fee and Fresno Major Street Impact Fee to the City of Fresno, including Regional Transportation Mitigation Fee to Fresno County Office of Government (COG).				

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.

EXHIBIT B Page 2

Notes	
<p>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</p>	
1.	<p>All proposed structures and buildings will require a building permit.</p>
2.	<p>The Department of Public Health, Environmental Health Division provides the following comments:</p> <ul style="list-style-type: none"> a. The application indicates a proposed cold storage facility. The application does not indicate if anhydrous ammonia will be used as a refrigerant for the cold storage facility. If anhydrous ammonia will be used, depending on the quantity handled, this facility may have to comply with either the California Accidental Release Prevention (Cal-ARP) Program or the Federal Risk Management Plan (RMP). Facilities that 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. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information. b. New sewage disposal systems shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. Disposal fields, piping trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting possible evaporation or sewer effluent and to prevent potential damage to the system. c. Please provide a copy of project routing to the Central Valley Regional Water Quality Control Board (RWQCB) for comments regarding sewage disposal and onsite retention basins. d. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Noise Elements of the County Ordinance Code. e. The applicant should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, will require the Owner/Operator to obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the local Tire Enforcement Agency at (559) 600-3271 for additional information. f. The water well contractor selected by the applicant or future property owner will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. The proposed water well shall meet minimum setbacks as defined by the California Plumbing

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Code. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.

- g. 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.
- h. 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. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

3.

The Fresno County Fire Protection District provides the following comments:

- a. The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to the issuance of any Building Permits.
- b. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning to the Fresno County Fire Department for their review and approval.
- c. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to occupancy granted to the use.
- d. 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.

4.

The Fresno County Development Engineer provides the following comments:

- a. Refer to Road Maintenance & Operations Division, Road Operations for comments on Oliver Avenue and Belmont Avenue.
- b. McKenzie Avenue along the southern property line of the subject property is not County maintained.
- c. According to FEMA FIRM Panel 2180H, the parcel is not subject to flooding from the 100-year storm.
- d. According to the U.S.G.S. Quad Map, Fowler Switch Canal is near the northern property line of the subject parcel. Any improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency.
- e. 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.

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- f. An engineered grading and drainage plan should be required to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
- g. 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.
- h. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or and current industry standards. 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.
- i. Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.
- j. 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.
- k. 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.
- l. If not already present, a 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Oliver Avenue, Belmont Avenue or McKenzie Avenue.
- m. 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.
- n. A grading permit/voucher is required for any grading proposed with this application.

5.

The Fresno Irrigation District provides the following comments:

- a. FID does not own, operate or maintain any facilities located on the subject property as shown on the attached FID exhibit map.
- b. For informational purposes, a Consolidated Irrigation District (CID) owned canal known as the Fowler Switch No. 907 traverses the northern side of the subject property, and crosses Oliver Avenue approximately 60 feet northwest of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this canal. FID recommends the applicant contact CID to discuss any right-of-way issues that may affect said canal.

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- c. For informational purposes, a Consolidated Irrigation District (CID) owned canal known as the Lone Tree No. 4 runs southerly, and crosses Belmont Avenue approximately 1,200 feet northwest of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this canal. FID recommends the applicant contact CID to discuss any right-of-way issues that may affect said canal/pipeline.
- d. For informational purposes, a Consolidated Irrigation District (CID) owned canal known as the C&K No. 903 runs southwesterly approximately 1,300 feet southeast of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this canal. FID recommends the applicant contact CID to discuss any right-of-way issues that may affect said canal.
- e. For informational purposes, a Freewater County Water District owned canal known as the Freewater-Graveyard No. 162 traverses the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this canal. FID recommends the applicant contact Freewater County Water District to discuss any right-of-way issues that may affect said pipeline.

6.

California Department of Transportation provides the following comments:

- a. The operational statement indicated the project anticipates 172 daily trips from employees/visitors and 80 daily truck trips for a total of 252 daily trips.
- b. Caltrans anticipates the project related trips will utilize the State Highway system (SHS), particularly the SR 180/Oliver Avenue intersection. Therefore, Caltrans recommends the Project pay into the Fresno County Regional Traffic Mitigation Fee or RTMF for on-going development in the vicinity.
- c. Caltrans commends the project for considering staggered work schedules around peak hour periods in an effort to reduce peak hour congestion to an already exacerbated corridor.
- d. The proposed project may induce Vehicle Miles Traveled (VMT). Caltrans recommends the project proponent(s) conduct a VMT study. Pedestrian and bicycle facilities within the project site should be considered in this study. The project proponents should also consider coordinating with nearby planned bike networks for a larger active transportation network.
- e. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.



County of Fresno

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

October 10, 2022

David F. Hines
12242 North Rio Vista Ave.
Sanger, CA 93619

Dear Mr. Hines:

Subject: Resolution No. 12957 – Classified Conditional Use Permit Application No. 3724

On August 11, 2022, the Fresno County Planning Commission approved your Conditional Use Permit Application No. 3724 and Variance 4135 to allow a commercial fruit cold storage/packing facility on a 76.22-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.

Since no appeal was filed with the Clerk of 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 me at RicVang@fresnocountyca.gov or (559) 600-4224.

Sincerely,

Ricky Vang, Planner
Development Services Division

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Enclosure