



Board Agenda Item 15

DATE: August 5, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Appeal of Planning Commission's Denial of Director Review and Approval
Application No. 4660, Initial Study 8065 (Applicant: Peter Moua;
Landowner/Appellant: Amar Chohan Singh)

RECOMMENDED ACTION(S):

1. **Consider Appeal of Planning Commission's denial of Director Review and Approval Application No. 4660 proposing to allow the maintenance and storage of trucks and trailers when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment on a 9.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.**
2. **If the Appeal is granted and the Planning Commission's denial of Director Review and Approval Application No. 4660 is overturned:**
 - a. **Adopt the Mitigated Negative Declaration prepared for Initial Study No. 8065 and approve the proposal subject to the proposed Mitigation Measures and Conditions of Approval;**
 - b. **Make the required Findings specified in Fresno County Zoning Ordinance, Section 846.5.060(B) for approval of Director Review and Approval Application No. 4660; and**
 - c. **Adopt Resolution approving Director Review and Approval Application No. 4660, with Conditions of Approval and Project Notes.**

The subject parcel is located on the northwest corner of S. Brawley Avenue and W. California Avenue, approximately 2,100 feet south of the boundary of the City of Fresno. (APN: 326-030-54) (713 S. Brawley Avenue) (Sup. Dist. 1).

This item comes before your Board on appeal of the Planning Commission's unanimous denial (9 to 0) of Director Review and Approval Application (DRA) No. 4660 and Initial Study Application No. 8065 at its April 10, 2025 hearing. Staff notes that the Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the DRA should be approved, approved with stated conditions, or denied. A copy of the Planning Commission's action is included as Attachment A. The Planning Commission Staff Report is included as Attachment B. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If your Board is unable to make the required findings for granting DRA No. 4660 and uphold the Planning

Commission's denial, it would be appropriate to make a motion to deny the appeal, citing in its motion how the required findings cannot be made, and deny DRA No. 4660.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Landowner/Appellant paid \$7,151 in land use processing fees to the County for the processing of subject land use application and \$508 to appeal the Commission's decision.

DISCUSSION:

The subject property is designated Agriculture in the Fresno County General Plan, and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). It is surrounded by agricultural uses and residential homesites. The project proposes to allow maintenance and storage of a maximum of 22 trucks and trailers that transport only agricultural products, supplies and equipment on a 9.25-acre parcel.

At the April 10, 2025, Planning Commission hearing, the Owner/Appellant's representative provided testimony in support of the project stating the project is committed to obtaining the appropriate approvals before operating on the parcel and that the project was scaled down from the original proposal of 81 truck parking stalls to the current proposal of 22 truck parking stalls.

Six members of the public provided testimony in opposition of the application stating that the project brings unwanted traffic, creates noise that disrupts residents in the area, is dangerous to the school located approximately one-half mile north of the project, and that the project would generate odors that are unpleasant for surrounding neighbors.

Pursuant to Zoning Ordinance Chapter 866.5.060(B), to approve a DRA, the following findings must be made:

1. *The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces walls and fences, parking, loading, landscaping, and other features required by this chapter, to adjust the use with land and uses in the neighborhood;*
2. *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;*
3. *The proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare; and*
4. *The proposed development is consistent with the General Plan.*

After receiving staff's presentation and considering public testimony in opposition to the subject application which included concerns over the increase in traffic, safety of pedestrians due to the proximity of an Elementary school, noise from the operation of the trucks, odors emitted from truck exhaust and hazardous materials stored on site, truck terminals not being allowed in the AE Zone District, operation of the proposal beyond what is on the operational statement and the increase in the number of truck operations in the surrounding area, the Planning Commission voted unanimously (9 to 0) to deny the application citing the inability to make Finding No. 3 based on concerns related to traffic, noise, and safety.

On April 25, 2025, an appeal was filed by the Applicant of the Planning Commission's denial. The appeal stated that there are similar businesses as the proposed use within a few hundred yards of the property, and that the proposal creates local jobs and supports regional infrastructure. The appellant stated that they purchased the property believing that the proposed use was in line with the city's long-term planning for economic growth and development. A copy of the appeal is included as Attachment C.

Staff notes that the subject parcel lies outside the City of Fresno's Sphere of Influence and is not included in any City plans. The County allows the maintenance and storage of trucks and trailers when such vehicles are devoted exclusively to agricultural products, supplies, and equipment were approved by a Director review and Approval application. There is one similar operation approved by Director Review and Approval Application No. 4720 that was approved by the Board on July 09, 2024, located approximately 3,717 feet to the south of the subject parcel.

If your Board is able to make the required Findings for granting DRA No. 4660, it would be appropriate to make a motion to adopt the proposed resolution on file with the Clerk which adopts the Mitigated Negative Declaration(MND) (Attachment D) prepared for the project based on Initial Study No. 8065, and uphold the appeal, stating the basis for making the required Finding and approving DRA No. 4660 subject to the mitigation measures, conditions of approval, and project notes, included as Attachment E. Attachment F is the letter of opposition received at the April 10, 2025 Planning Commission hearing.

Should your Board uphold the appeal and move to certify the MND, staff recommends the following indemnification condition also be included in your motion:

The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its adoption of the Mitigated Negative Declaration and approval of Director Review and Approval No. 4660. The agreement and payment of security shall be due unless the litigation period has expired, in which case the requirements for the indemnification agreement and security shall be considered null and void.

If your Board is unable to make the required Findings for granting approval of DRA No. 4660, it would be appropriate to make a motion stating the reasons the Findings cannot be made and deny the appeal, thereby upholding the Commission's decision and denying the Director Review and Approval Application.

REFERENCE MATERIAL:

BAI #6, July 9, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - F
On file with Clerk - Resolution

CAO ANALYST:

Maria Valencia