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BEFORE THE BOARD OF SUPERVISORS
OF THE
COUNTY OF FRESNO, STATE OF CALIFORNIA

APPROVAL OF UNCLASSIFIED CONDITIONAL USE)
PERMIT NO. 3629 FOR A COUNTY OF FRESNO) RESOLUTION
REGIONAL ENVIRONMENTAL COMPLIANCE)
CENTER, WITH CONDITIONS OF APPROVAL)

WHEREAS, the County of Fresno (County) Department of Public Works and Planning (Applicant/Appellant) made an application to the Fresno County Planning Commission (Planning Commission) for approval of Unclassified Conditional Use Permit (UCUP) No. 3629, and adoption of Mitigated Negative Declaration prepared for Initial Study No. 7561 in relation to the proposed County Regional Environmental Compliance Center (the Regional ECC); and

WHEREAS, the Regional ECC is for the County’s collection of household hazardous waste, and includes sanitary facilities, warehouse, a collection structure, and hazardous materials storage containers, as well as office and classroom facilities, on 2.67 acres of County-owned property located at 310 S. West Avenue, Fresno, at the southwest corner of Dan Ronquillo Drive and S. West Avenue (the Site); and

WHEREAS, Site is located within the city limits of the City of Fresno; and

WHEREAS, the Site, which is County-owned property, is in the City of Fresno’s IL (Light Industrial) Zone District, but, because the County owns the Site, the Zoning Ordinance of the County of Fresno (County Zoning Ordinance) governs the Site; and

WHEREAS the City of Fresno’s IL (Light Industrial) Zone District is similar to the County of Fresno’s Zoning Ordinance (County Zoning Ordinance) M-1 (Light Manufacturing) Zone District; and

WHEREAS, on August 29, 2019, the Planning Commission denied UCUP No. 3629; and

WHEREAS, Applicant/Appellant made a timely appeal to the Board of Supervisors (Board) of the County, pursuant to County Zoning Ordinance Section 873(G); and

1 WHEREAS, County Zoning Ordinance Section 873(H) requires that the Board hold a *de*
2 *novo* public hearing on the Planning Commission's denial of an unclassified conditional use permit;
3 and

4 WHEREAS, Pursuant to County Zoning Ordinance Section 873(F), in order for the Board to
5 approve UCUP No. 3629, the Board must make the following findings:

- 6 1. That the Site for the proposed use is adequate in size and shape to accommodate
7 said use and all yards, spaces, walls and fences, parking, loading, landscaping and
8 other features required by this Division to adjust said use with land and uses in the
9 neighborhood.
- 10 2. That the Site for the proposed use relates to streets and highways adequate in width
11 and pavement type to carry the quantity and kind of traffic generated by the proposed
12 use.
- 13 3. That the proposed use will have no adverse impact on abutting property and
14 surrounding neighborhood or permitted use thereof.
- 15 4. That the proposed development is consistent with the General Plan.
- 16 5. That the conditions stated in the resolution are deemed necessary to protect the
17 public health, safety, and general welfare.

18 WHEREAS, on October 22, 2019, the Board held a public hearing with respect to the
19 proposed Regional ECC, as described herein; and

20 WHEREAS, after duly giving all required public notices, and an opportunity for the public to
21 speak and present evidence for and against the proposed Regional ECC, as described herein, and
22 having complied with all applicable requirements of the law, including the County Zoning Ordinance,
23 the Board hereby resolves and takes the following actions, including making the following findings.

24 NOW, THEREFORE, because the City's IL Zone District is similar to the County's M-1 (Light
25 Manufacturing) Zone District; those County Zoning Ordinance standards shall be applied to
26 proposed Regional ECC, as described herein.

27 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site
28 for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces,

1 walls and fences, parking, loading, landscaping and other features required by this Division, to
2 adjust said use with land and uses in the neighborhood (Finding 1), and, in light of such requirement,
3 the Board hereby makes the following findings:

- 4 • The proposed Regional ECC project exceeds the minimum building setback
5 requirements of the City of Fresno IL Zone District and the County's M-1 District.
- 6 • A site plan review application and approval will be required as a Condition of
7 Approval.
- 8 • The proposed facility fence for the Site will be set back approximately 15 feet from the
9 northern property line and the structures, approximately 80 feet (15 feet required)
10 along Dan Ronquillo Drive.
- 11 • Site access will be from Dan Ronquillo Drive, and ample area is available on the Site
12 for traffic circulation.
- 13 • The Site is designed for public traffic flow, allowing the queuing of 10-20 vehicles
14 (depending on size) with the collection area able to serve a minimum of two vehicles
15 at one time. The Site has 12 parking spaces, of which two are ADA accessible, and a
16 bus stop.
- 17 • Wrought-iron fencing is proposed for the street frontages, with chain-link fencing on
18 the lot side and rear for security.
- 19 • Landscaping will be similar to adjacent industrial uses, and will be drought tolerant to
20 meet Model Water Efficiency Landscape Ordinance (MWELo) standards.
- 21 • The Site design incorporates Low Impact Development and Leadership in Energy and
22 Environmental Design "green" design standards. As a mitigation measure, all outdoor
23 lighting will be required to be hooded and directed so as to not shine toward adjacent
24 properties and public streets.
- 25 • Based the foregoing facts, which this Board has found, the Applicant/Appellant has
26 satisfied Finding 1.

27 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site
28 for the proposed use relates to streets and highways adequate in width and pavement type to carry

1 the quantity and kind of traffic generated by the proposed use (Finding 2), and, in light of such
2 requirement, the Board hereby makes the following findings:

- 3 • The proposed Regional ECC will utilize Dan Ronquillo Drive to access the Site.
- 4 • The County Public Works and Planning Design Division, and City of Fresno Traffic
5 Operations review of the proposed Regional ECC determined that a Traffic Impact
6 Study was not required, because the traffic impacts are anticipated to be minimal,
7 and therefore the County Design Division and the City of Fresno Traffic Operations
8 did not require such a study.
- 9 • The proposed Regional ECC will only initially accept drop-offs of hazardous materials
10 by residents on Saturday, and from small businesses by appointment during the
11 week, with an estimated 170 customer vehicles per month.
- 12 • Because the proposed Regional ECC will generate limited traffic, and the exiting road
13 providing access to the site is fully improved, no additional road right-of-way or off-site
14 street improvements are required for this proposal.
- 15 • Based the foregoing facts, which this Board has found, the Applicant/Appellant has
16 satisfied Finding 2.

17 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the
18 proposed use will have no adverse impact on abutting property and surrounding neighborhood or
19 permitted use thereof (Finding 3), and, in light of such requirement, the Board hereby makes the
20 following findings:

- 21 • The Site is located in an industrial area. Surrounding parcels are developed with light
22 industrial uses, or are vacant.
- 23 • The Site will serve a small number of vehicles per day, and any noise associated with
24 the work done by the Regional EEC (forklift, impact wrenches, etc.) will be intermittent
25 and of short duration, so noise should not be a burden on neighboring properties. An
26 outdoor public address (sound amplification) system will be installed at the Site and
27 used intermittently, but most direction will be by unamplified voice. The sound
28

1 amplification system will be used in conformance with County of Fresno and City of
2 Fresno noise ordinances.

- 3 • The Regional ECC procedures require most packages to remain sealed. Accordingly,
4 oil-based and latex paint, as well as other materials, will not be opened or
5 consolidated on site; no organic material other than small amounts of wood will be
6 collected. Therefore, air and odor emissions associated with the Regional ECC
7 should be well below regulatory limits, as well as undetectable by neighbors and any
8 sensitive receptors in the area.
- 9 • The buildings at the Site will be permanent modular buildings, which are metal
10 buildings with a modern design and will include drought-tolerant landscaping at the
11 Site.
- 12 • The Mitigation Measure for aesthetics requires that all outdoor lighting shall be
13 hooded, and directed so as not to shine toward adjacent properties and public
14 streets.
- 15 • The Mitigation Measure for cultural resources requires that in the event that cultural
16 resources are unearthed during ground-disturbing activities, all work shall be halted in
17 the area of the find. An Archeologist shall be called to evaluate the findings and make
18 any necessary mitigation recommendations. If human remains are unearthed during
19 ground-disturbing activities, no further disturbance is to occur until the Fresno County
20 Sheriff-Coroner has made the necessary findings as to origin and disposition. All
21 normal evidence procedures shall be followed by photos, reports, video, etc. If such
22 remains are determined to be Native-American, the Sheriff-Coroner must notify the
23 Native American Commission within 24 hours.
- 24 • The Site will be secure, with an alarm/surveillance system, as well as an eight-foot
25 high fence, and perimeter lighting. The empty lot at the Site currently experiences
26 problems with transients starting fires, and these security measures should reduce
27 those occurrences.

- 1 • The County has operated the Permanent Regional HHW Facility at the American
2 Avenue landfill for 4 years without any accidents or incidents to date, and such good
3 operating practices are expected to continue at the Regional ECC.
- 4 • Potential impacts related to air quality, energy, geology and soils, hydrology and
5 water quality, greenhouse gas emissions, land use and planning, hazards and
6 hazardous materials, noise, public services, utilities and service systems, and
7 transportation have been determined to be less than significant.
- 8 • Based the foregoing facts, which this Board has found, the Applicant/Appellant has
9 satisfied Finding 3.

10 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the
11 proposed development is consistent with the General Plan (Finding 4), and, in light of such
12 requirement, the Board hereby makes the following findings:

- 13 • The Site is located within an industrial area, an area designated by the City of Fresno
14 General Plan for light industrial uses, which is compatible with its primary use as a
15 Household Hazardous Waste Collection Facility.
- 16 • Surrounding businesses are zoned for, and provide, commercial/industrial services.
- 17 • The Regional ECC will comply with all laws and regulations required by the County
18 and permitting agencies.
- 19 • Off-street parking will be incorporated into the design consistent with approved
20 parking standards. The operations will be limited by Site size, and will operate during
21 daylight hours.
- 22 • The Site is served by adequate local roads with direct access to transportation
23 corridors, and the project has been designed to circulate traffic efficiently through the
24 Site.
- 25 • The Site has been designed with compatible landscaping and setbacks to adjacent
26 industrial uses and zoning requirements.
- 27 • The Regional ECC has been designed in accordance with City of Fresno General
28 Plan policies and City of Fresno zone district standards for Light Industrial Uses.

- 1 • The Regional ECC has been designed in accordance with County General Plan
- 2 policies and County zone district standards for M-1 (Light Manufacturing) uses.
- 3 • Through the Mitigation Measures included in the Initial Study, and Conditions of
- 4 Approval, potential environmental impacts on existing land uses in the area will be
- 5 reduced to a less than significant level.
- 6 • Based the foregoing facts, which this Board has found, the Applicant/Appellant has
- 7 satisfied Finding 4.

8 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the
9 conditions stated in the resolution are deemed necessary to protect the public health, safety, and
10 general welfare (Finding 5), and, in light of such requirement, the Board hereby finds that the
11 following conditions are deemed necessary to protect the public health, safety, and general welfare:

- 12 • Prior to issuance of permits for the Regional ECC, a Site Plan Review application
- 13 shall be submitted to, and approved by, the Department of Public Works and
- 14 Planning in accordance with Section 874 of the Fresno County Zoning Ordinance.
- 15 Conditions of the Site Plan Review may include design of parking and circulation
- 16 areas, access, on-site grading and drainage, fire protection, landscaping, signage,
- 17 and lighting.
- 18 • Development of the Site shall be in accordance with the Site Plan, Floor Plans,
- 19 Elevations, and Operational Statement approved by the Board.
- 20 • Based the foregoing conditions, which this Board has deemed necessary to protect
- 21 the public health, safety, and general welfare, the Applicant/Appellant has satisfied
- 22 Finding 5.

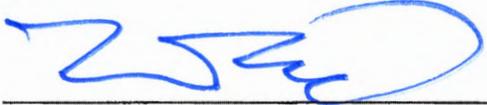
23 NOW, THEREFORE, IT IS ORDERED AND RESOLVED that Unclassified Conditional Use
24 Permit No. 3629, for the County Regional Environmental Compliance Center, is hereby approved
25 subject to the conditions of approval in Finding 5, above.

26 BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its
27 adoption by the Board.

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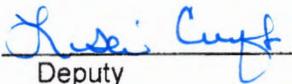
THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 22nd day of October, 2019, to wit:

- AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None



Nathan Magsig, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By: 

Deputy