

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE
3 COUNTY OF FRESNO, STATE OF CALIFORNIA
4

5 ADOPTION OF A MITIGATED NEGATIVE DECLARATION,) RESOLUTION
6 APPROVAL OF UNCLASSIFIED CONDITIONAL USE)
7 PERMIT NO. 3626 FOR A SOLID WASTE PROCESSING)
8 FACILITY CONSISTING OF AN ASPHALT AND CONCRETE)
9 CRUSHING OPERATION THAT WILL PRODUCE)
10 RECYCLED BASEROCK, AND HAVE THE SUBJECT)
11 MATERIALS STORED ONSITE UNTIL IS IT DELIVERED)
12 OFFSITE _____)
13

14 WHEREAS, John Emmett (Applicant) made an application to the Fresno County Planning
15 Commission (Planning Commission) for adoption of a Mitigated Negative Declaration prepared for
16 Initial Study No. 7556 in relation to Unclassified Conditional Use Permit (CUP) No. 3626 for a solid
17 waste processing facility consisting of an asphalt and concrete crushing operation that will produce
18 recycled baserock, and have the subject materials stored onsite until it is delivered offsite; and

19 WHEREAS, the project will provide service to the people of Sanger, Fresno and construction
20 operations throughout the Fresno County area on property located at 10452 E. Kings Canyon Road,
21 on the north side of East Kings Canyon Road approximately 1,980 feet west of its nearest
22 intersection with North Del Rey Avenue and is approximately 1.57 miles northwest of the nearest city
23 limits of the City of Sanger (the Site); and

24 WHEREAS, the Site, is located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel
25 size) Zone District; and

26 WHEREAS, on November 19, 2020, the Planning Commission made a motion to deny CUP
27 No. 3626; and

28 WHEREAS, an Appeal was made on the Planning Commission's decision to deny CUP No.
3626 and;

 WHEREAS, County Zoning Ordinance Section 873(F) requires that an appeal of the
Planning Commissions decisions be heard by the Board of Supervisors (Board); and

1 WHEREAS, Pursuant to County Zoning Ordinance Section 873(F), in order for the Board to
2 approve CUP No. 3654, the Board must make the following findings:

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

15 WHEREAS, after duly giving all required public notices, and an opportunity for the public to
16 speak and present evidence for and against the proposed solid waste processing facility consisting
17 of an asphalt and concrete crushing operation that will produce recycled baserock, and have the
18 subject materials stored onsite until it is delivered offsite, as described herein, and having complied
19 with all applicable requirements of the law, including the County Zoning Ordinance, the Board
20 hereby resolves and takes the following actions, including making the following findings.

21 NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that the Site
22 for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces,
23 walls and fences, parking, loading, landscaping and other features required by this Division, to
24 adjust said use with land and uses in the neighborhood (Finding 1), and, in light of such requirement,
25 the Board hereby makes the following findings:

- 26 • The proposed project meets the minimum building setback requirements of the
27 County of Fresno AE-20 Zone District.

- The proposed project is required by Condition of Approval to apply for and receive approval of a Site Plan Review application to ensure compliance with County development standards.
- Based on the foregoing facts, which this Board has found, the Applicant has satisfied Finding 1.

NOW, THEREFORE, Section 873(F) of the County Zoning Ordinance requires that 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 (Finding 2), and, in light of such requirement, the Board hereby makes the following findings:

- Estimated trip generation resulting from the project proposal indicate no adverse impacts to County-maintained roadways that service the parcel.
- Based on the foregoing facts, which this Board has found, the Applicant has satisfied Finding 2.

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

- A Greenhouse Gas Emissions analysis was prepared and determined that the proposed use would have a less than significant impact in relation to greenhouse gas emissions produced from operation of the proposed use.
- An acoustical study was prepared and concluded that the project proposal with implementation of recommended mitigation measures would comply with the thresholds of significance established in the Fresno County Noise Ordinance.
- Mitigation Measures for air quality will be implemented to reduce dust impacts resulting from the operation.
- Based the foregoing facts, which this Board has found, the Applicant has satisfied Finding 3.

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

- 4 • The subject application is allowed within Agricultural designated areas subject to a
5 discretionary permit.
- 6 • Estimated water usage has been analyzed and determined to have a less than
7 significant impact on water resources.
- 8 • Based the foregoing facts, which this Board has found, the Applicant/Appellant has
9 satisfied Finding 4.

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

- 14 • Development of the Site shall be in accordance with the Site Plans, Floor Plans,
15 Elevations, and Operational Statement approved by the Board.
- 16 • A Site Plan Review application shall be submitted to and approved by the Director or
17 the Public Works and Planning, Development Services, and Capital Projects Division
18 in accordance with Section 874 of the Fresno County Zoning Ordinance.
- 19 • Based the foregoing conditions, which this Board has deemed necessary to protect
20 the public health, safety, and general welfare, the Applicant has satisfied Finding 5.

21 NOW, THEREFORE, IT IS ORDERED AND RESOLVED that Unclassified Conditional Use
22 Permit (CUP) No. 3626 for a solid waste processing facility consisting of an asphalt and concrete
23 crushing operation that will produce recycled baserock, and have the subject materials stored onsite
24 until it is delivered offsite, is hereby approved subject to the conditions of approval in the Findings,
25 above.

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

1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this _____ day of _____, 2021, to wit:

3
4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:

8 BY _____
9 Steve Brandau, Chairman of the
10 Board of Supervisors of the County of Fresno
11

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

15 BY _____
16 Deputy
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