



Inter Office Memo

**ATTENTION: FOR FINAL ACTION OR
MODIFICATION TO OR ADDITION OF
CONDITIONS, SEE FINAL BOARD OF
SUPERVISORS' ACTION SUMMARY
MINUTES**

DATE: October 26, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13012 – APPEAL OF STAFF'S APPROVAL OF
DIRECTOR REVIEW and APPROVAL NO. 4720 and INITIAL STUDY NO.
8319

APPLICANT/

OWNER: Donald Miranda

REQUEST: Directors Review and Approval to allow maintenance and
storage of trucks and trailers that transport only agricultural
products, supplies and equipment on a 5.02-acre parcel located
within the AE-20 (Exclusive Agricultural, 20-acre minimum
parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of S. Brawley
Ave., approximately 927 feet south of W. Church Ave., 0.9
miles west of the City of Fresno (APN: 327-120-64) (1594 S.
Brawley Ave.) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of October 26, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Carver to approve the Director Review and Approval No. 4720 with the addition of the following condition:

Truck routes shall be diverted from S. Brawley Ave. northward to California State 180 to reduce traffic impacts towards Madison Elementary.

The Commission then moved to determine that the required Findings can be made based on the analysis in the staff report and approve Director Review and Approval No. 4720, subject to the Conditions of Approval and Project Notes listed in Exhibit B.

RESOLUTION NO. 13012

This motion was passed on the following vote:

VOTING: Yes: Commissioners Woolf, Carver, Abrahamian, Arabian, Chatha, Quist, and Zante

No: None

Absent: Commissioners Ewell and Hill

Abstain: None

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

By:

 Chris W. Motta, Manager
Development Services and Capital Projects Division

CM:er:jp

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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 Director Review and Approval.

Attachments

EXHIBIT A

Initial Study No. 8319
Director Review and Approval Application No. 4720

Staff: The Fresno County Planning Commission considered the Staff Report dated October 26, 2023 and heard a summary presentation by staff.

Presenters: The applicant's representative agreed with the Staff's recommendation. He described the project and provided the following information to clarify the intended use:

- The project will have a maximum of fifteen trucks and trailers.
- We have and will continue to use truck routes of which bypass the nearby school.
- The operation will only be used for agricultural related purposes.

Others: Three individuals provided testimony in opposition to the project stating health and safety concerns with the operation and stating there have been instances of trucks hauling gravel to a nearby construction project.

No other testimony in support of or in opposition to the project were provided.

Correspondence: One letter of support was presented to the Planning Commission stating the project's benefits towards the farming community.

No other letters of support of or in opposition to the proposal were received.

EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study No. 8319 & Director Review and Approval Application No. 4720
(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 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
3.	Noise	"Noise Ordinance of the County of Fresno" states for commercial districts between 10 pm to 7 am shall not exceed 60 sound level decibels. Between 7 am to 10 pm, the sound level decibels shall not exceed 65. Chapter 10 - Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1 - Noise Regulations. Section 10-102 (b).	Applicant	Applicant/PW&P	Continuous

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement which limit the number of truck parking to a maximum of 15 parking spaces and 15 vehicle spaces for employees.
2.	Any conditions of approval of this permit (i.e. onsite operation of TRUs / truck idling), or that the permittee is operating in a manner that is inconsistent with or that is not in accordance with the approved statement of

EXHIBIT B

Conditions of Approval	
	operations, or that such entitlement is being used in a way that is injurious to the public health, safety, or welfare, provides grounds for revocation of permits.
3.	Any non-agricultural related trucking operations provides grounds for revocation of permits.
4.	Fresno County Road Maintenance Division: The applicant shall provide an irrevocable offer of dedication to dedicate twelve feet of additional road right-of-way across the parcel frontage on S Brawley Avenue.
5.	Within 60 days from the effective date of the DRA approval, building plans shall be submitted to, and approved by, the Department of Public Works and Planning for all structures constructed without building permits or inspections. Permits shall be obtained and all necessary corrective, work completed within 90 days thereafter. No Operations or other Improvement Permits may be used until the condition is fully complied with.
6.	Truck routes shall be diverted from S Brawley Ave. northward to California State 180 to reduce traffic impacts towards Madison Elementary.

Conditions of Approval reference required Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Fresno County Road Maintenance Division: - An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno. - Driveway approaches onto S. Brawley Ave. must be paved or treated with dust palliative a minimum of 100 feet from the road right-of-way to minimize tracking and dust pollution to County roads. Additionally, such driveways should accommodate truck turning radii. - Due to the collector classification of S. Brawley Avenue, the applicant shall be limited to one access point.
2.	Fresno County Health Division: It is recommended that the applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

Notes

- Should a new sewage disposal system be proposed, it shall be approved and installed under permit from the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system. The applicant's consultant shall contact the Department of Public Works and Planning Building and Safety Section at (559) 600-4540 for more information.
- The proposed project shall comply with the Noise Elements of the Fresno County Ordinance Codes. Due to the location of the proposed project near residential uses, all equipment shall be maintained according to the manufacturer's specifications, and that noise generating equipment be equipped with mufflers. Should facility operations change to include future parking of refrigerated trucks or idling of trucks for prolonged periods, a noise study should be conducted that can offer mitigation measures to neighboring residential home owners. Any future proposals for trailers with operating refrigeration units, shall be parked toward the middle of the trailer parking area with non-refrigeration trailers parked in outer parking spots to aid in buffering noise from noise generating units.
- 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 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.
- At such time the applicant or property owner(s) decides to construct a water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. 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.
- 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.
- 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-

Notes	
	3271 for more information.
3.	Site Plan Review: • Parking spaces shall be constructed in compliance with the county and the state standards. • Any parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. • A four (4) feet path of travel for disabled persons shall be constructed and stripped in accordance with state standards. • Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits. • Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. • An encroachment permit shall be required from Road Maintenance, and Operations for any work on the County right-of-way. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • No building or structure erected in this District shall exceed thirty-five (35) feet in height; per Section 816.5.D. of the Fresno County Zoning Ordinance. • A dust palliative should be required on all unpaved parking and circulation areas. • Outdoor lighting should be hooded and directed away from adjoining streets and properties. • All proposed signs, require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agriculture) Zone District.
4.	Fresno County Engineering Department: • The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary. Written clearance from FMFCD is required prior to County issuing a grading permit for any proposed work/existing

Notes

building without a permit.

- Additional storm water runoff generated by any future development of a site cannot be drained across property lines or into the County Road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.
- If the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. The Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. While the Letter of Retention specifies the Engineer of Record retained by the Owner/Contractor to perform all on-site inspections and shall certify the construction of on-site improvements to the Department of Public Works & Planning in order for any work performed to be in accordance with the Fresno County Ordinance Code Title 15, Chapter 15.28 Grading and Excavation, County standards and current industry standards.
- Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or current industry standards.
- The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
- For unpaved or gravel surface access roads, the first 100 feet off of the edge of the County Road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
- 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.
- 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 Brawley Avenue.
- 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.
- A grading permit/voucher is required for any grading that has been done without permit and any grading proposed with this application.

RESOLUTION NO. 13012

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 8319
Director Review and Approval No. 4720

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Director Review and Approval Application (DRA)	\$ 2,660.00 ¹
Environmental Assessment	\$ 3,901.00 ²
Public Health Department Review	\$ 432.00 ³
Agricultural Commissioner Fee	\$ 67.00 ⁴
Violation Fee (35% of DRA)	\$ 931.00 ⁵
Pre-Application Fee Credit	\$ (247.00) ⁶
Total Fees Collected	\$ <u>7,744.00</u>

1 Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
2 Review proposal to provide appropriate California Environmental Quality Act (CEQA) Analysis and include documentation to prepare a Mitigate Negative Declaration.
3 Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.
4 Review of proposal and associated environmental documents by the Department Agriculture; comments.
5 Violation Fee (35% of DRA Application Fee)
6 Pre-Application Fee Credit (If filed within six-months of Pre-Application Review)



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 October 26, 2023

SUBJECT: Appeal of Approval of Director Review and Approval No. 4720 and Initial Study No. 8319

Directors Review and Approval to allow maintenance and storage of trucks and trailers that transport only agricultural products, supplies and equipment on a 5.02-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of S. Brawley Ave., approximately 927 feet south of W. Church Ave., 0.9 miles west of the City of Fresno. (APN: 327-120-64) (1594 S. Brawley Ave.) (Sup. Dist. 1).

**OWNER/
APPLICANT:** Donald Miranda

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

Dave Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative/Negative Declaration based on Initial Study (IS) No. 8319; and
- Approve Director Review and Approval No. 4720 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 8319
8. Site Photos
9. Letters of Support (Seven)
10. Draft Mitigated Negative Declaration (MND) No. 8319
11. Appeal Letter

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No Change
Parcel Size	5.02-Acres	No Change
Structural Improvements	• Existing landscape along property frontage to remain and be maintained • Existing Warehouse • Livestock Area • Workshop • Two restrooms • Barn	• Fifteen (15) parking spaces
Surrounding Development	Agricultural Land and homesite	No Change
Operational Features	N/A	• Agricultural operations, i.e. service equipment (used for cleaning tires, oil as well as light vehicle maintenance. • 2 - Flat beds • 10 -Three Axle Trucks • 11 -Two Axle Trucks • 11 -Sets of double combination trailers (grain hoppers)

Criteria	Existing	Proposed
Employees	15	Total of two employees at a time and between five to twenty drivers.
Customers	N/A	None
Traffic Trips	N/A	5-20 per day
Lighting	On-site hooded light poles Exterior wall lights on new building.	No Change
Hours of Operation	Monday- Friday 6 a.m. to 3 p.m.	No Change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No 8319 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate.

Notice of Intent to adopt a Mitigated Negative Declaration Publication date: April 24, 2023

PUBLIC NOTICE:

Notices were sent to 31 property owners within 1,320 Feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

Seven letters of support and one letter of opposition (letter of appeal) were received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

Pursuant to the Zoning Ordinance, Section 816.2.T, a Director Review and Approval is required to allow for the maintenance and storage of trucks and trailers, when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment.

A Director Review and Approval Application may be approved only if four Findings specified in the Zoning Ordinance, Section 872.C are made by the Director. The decision of the Director on a Director Review and Approval Application is final, unless appealed to the Planning Commission. The Commission shall render a decision at a public hearing of such appeal, and the Commission's decision shall be final.

BACKGROUND INFORMATION:

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 with a few residential units.

The Applicant has fifteen trucks and trailers, which will be the maximum number of trucks and trailers that are allowed based on the approval of this Application. If the Applicant wants to expand in the future, a new Director Review and Approval Application would be required.

Non-agricultural trucking is not permitted with this Application. Agricultural trucking is defined as the transportation of agricultural products, supplies, and equipment. The County will not be inspecting the contents of the trailers. It is anticipated that the commodities hauled by the Applicant's trucking business will be picked up at another site and delivered to their destination without being brought back on site. If, however, a complaint is made against the business and it is feasible for Code Enforcement to find the Applicant in violation of the conditions of approval, corrective action can be taken by the County.

Finding 1: **That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Sides: 20 feet Rear: 20 feet	Front (westerly property line): approximately 252 feet; Side (northern property line): approximately 667 feet; Side (southern property line): approximately 551 feet; Rear (eastern property line): approximately 503 feet	Yes
Parking	N/A	N/A	N/A
Lot Coverage	N/A	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent for existing system.	No additional septic is required or proposed.	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage	No change	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	pit/cesspool: 150 feet		

Reviewing Agency/Department Comments Regarding Site Adequacy:

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

Staff review of the Site Plan confirmed that the proposed operation satisfies the minimum building setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 can be made as the project site is adequate in size and shape to accommodate the proposed use.

Finding 2: **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.**

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	S Brawley Avenue	No change
Direct Access to Public Road	Yes	S Brawley Avenue	Drive access to be paved with asphalt.
Road ADT		S Brawley Avenue: 900	5-20 additional trips per day.
Road Classification		S Brawley Avenue: Collector	No change
Road Width		S Brawley Avenue: 84 feet	No change
Road Surface		S Brawley Avenue: Asphalt	No change
Traffic Trips		N/A	5-20 additional trips per day.

		Existing Conditions	Proposed Operation
Traffic Impact Analysis (TIA) Prepared	No	N/A	Not required
Road Improvements		S Brawley Avenue: Good condition	No change

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Road Maintenance and Operations Division of the Department of Public Works and Planning: Due to the collector classification of S. Brawley Avenue, the applicant shall be limited to one access point. The applicant will need to dedicate 12 feet of additional road right-of-way across the parcel frontage on S. Brawley Avenue to comply with the General Plan.

Finding 2 Analysis:

The Road Maintenance Division reviewed the proposed operation and determined conditions of approval are needed to accommodate the increase in traffic generated. No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Recommended Conditions of Approval:

The applicant shall be limited to one access point and shall dedicate an irrevocable offer of dedication consisting of 12 feet of additional road right-of-way across the parcel frontage on S. Brawley Avenue.

Finding 2 Conclusion:

Finding Two can be made due to the limited traffic generated by the proposal, staff has no concerns with the application considering the existing conditions of Brawley.

Finding 3: **That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.**

Surrounding Parcels

	Size:	Use:	Zoning:	Nearest Residence:
North	2.36-acres	Single Family Residence and vacant land	AE-20 (Exclusive Agricultural)	310-feet
South	9.37-acres	Vacant land	AE-20 (Exclusive Agricultural)	400-feet
East	19.55-acres	Orchard	AE-20 (Exclusive Agricultural)	N/A
West	10-acres	Single Family Residence and Orchard	AE-20 (Exclusive Agricultural)	732-feet

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

The project will generate some noise from the operation of trucks however noise will be temporary and is not anticipated to result in generation of a substantial increase in ambient noise levels or generate excessive ground-borne vibration in the vicinity. Additionally, the project does not propose to use refrigerated trucks. Therefore, a less than significant impact is seen. A mitigation measure will be implemented to minimize noise impacts. Based on the above information, a mitigation measure requiring adherence to the Fresno County Noise Ordinance was required. In addition, the applicant is forbidden from operating refrigerated trucks and is to refrain from truck idling. Staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

- Any conditions of approval of this permit (i.e. onsite operation of TRUs / truck idling), or that the permittee is operating in a manner that is inconsistent with or that is not in accordance with the approved statement of operations, or that such entitlement is being used in a way that is injurious to the public health, safety, or welfare, provides grounds for revocation of permits.

Finding 3 Conclusion:

Finding 3 can be made as the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

Finding 4: That the proposed development is consistent with the General Plan.

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.13: <i>The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</i>	Development of the subject parcels will be subject to development standards of the underlying zone district. In this instance, the development standards of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District will apply. Applicable setbacks of the AE-20 Zone District will apply to development of the site. The setbacks will require minimum setbacks are established for development from the parcel line and ensures that a buffer is in place between the project and adjacent agricultural operations.
General Plan Policy LU-A.14: <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural</i>	Review of the project's impact on agricultural land was conducted in the prepared Initial Study and through analysis by the Policy Planning Section. The Initial Study determined that a less than significant impact

Relevant Policies:	Consistency/Considerations:
<i>land and that mitigation be required where appropriate.</i>	would occur on agricultural land as the proposed facility will be sited on portion of land and would not impact the feasibility or operations of the existing agricultural operation. Parcels contracted under the Williamson Act were reviewed and through the Nonrenewal process, will eventually be taken out of the Williamson Act and results in a non-conflict.
General Plan Policy PF-C.17: <i>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:</i> <i>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.</i> <i>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 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.</i>	The Water and Natural Resources Division determined that the project site is not located in a water short area and does not require a water supply evaluation.

Relevant Policies:	Consistency/Considerations:
c. <i>A determination of the impact that use of 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.</i>	
General Plan Policy HS-B.1: <i>The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventative measures to reduce the risk to life and property.</i>	The project proposal was reviewed by the Fresno County Fire Protection District with additional review occurring during the building permit process for the subject facility.

Reviewing Agency Comments:

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Finding 4 Analysis:

Based on the factors discussed in the table above, there are no apparent conflicts with the General Plan.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 can be made based on adherence to the aforementioned requirements included as Conditions of Approval and mandatory Project Notes, staff believes that the proposal complies with the General Plan.

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Director Review and Approval can be made. Staff therefore recommends approval of Director Review and Approval No. 4720 subject to the recommended Mitigation Measures, Conditions and Project Notes.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to accept the Mitigated Negative Declaration for Initial Study No. 8319; and
- Move to determine the required Findings can be made and move to approve Director Review and Approval Application No. 4720, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Director Review and Approval Application No. 4720; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:JP

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EXHIBIT 1

Mitigation Monitoring and Reporting Program
Initial Study No. 8319 & Director Review and Approval Application No. 4720
(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 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
3.	Noise	"Noise Ordinance of the County of Fresno" states for commercial districts between 10 pm to 7 am shall not exceed 60 sound level decibels. Between 7 am to 10 pm, the sound level decibels shall not exceed 65. Chapter 10 - Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1 - Noise Regulations. Section 10-102 (b).	Applicant	Applicant/PW&P	Continuous

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement which limit the number of truck parking to a maximum of 15 parking spaces and 15 vehicle spaces for employees.
2.	Any conditions of approval of this permit (i.e. onsite operation of TRUs / truck idling), or that the permittee is operating in a manner that is inconsistent with or that is not in accordance with the approved statement of

Conditions of Approval	
	operations, or that such entitlement is being used in a way that is injurious to the public health, safety, or welfare, provides grounds for revocation of permits.
3.	Any non-agricultural related trucking operations provides grounds for revocation of permits.
4.	Fresno County Road Maintenance Division: The applicant shall provide an irrevocable offer of dedication to dedicate twelve feet of additional road right-of-way across the parcel frontage on S Brawley Avenue.
5.	Within 60 days from the effective date of the DRA approval, building plans shall be submitted to, and approved by, the Department of Public Works and Planning for all structures constructed without building permits or inspections. Permits shall be obtained and all necessary corrective, work completed within 90 days thereafter. No Operations or other Improvement Permits may be used until the condition is fully complied with.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Fresno County Road Maintenance Division: - An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno. - Driveway approaches onto S. Brawley Ave. must be paved or treated with dust palliative a minimum of 100 feet from the road right-of-way to minimize tracking and dust pollution to County roads. Additionally, such driveways should accommodate truck turning radii. - Due to the collector classification of S. Brawley Avenue, the applicant shall be limited to one access point.
2.	Fresno County Health Division: - It is recommended that the applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. - Should a new sewage disposal system be proposed, it shall be approved and installed under permit from the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm

Notes

required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system. The applicant's consultant shall contact the Department of Public Works and Planning Building and Safety Section at (559) 600-4540 for more information.

- The proposed project shall comply with the Noise Elements of the Fresno County Ordinance Codes. Due to the location of the proposed project near residential uses, all equipment shall be maintained according to the manufacturer's specifications, and that noise generating equipment be equipped with mufflers. Should facility operations change to include future parking of refrigerated trucks or idling of trucks for prolonged periods, a noise study should be conducted that can offer mitigation measures to neighboring residential home owners. Any future proposals for trailers with operating refrigeration units, shall be parked toward the middle of the trailer parking area with non-refrigeration trailers parked in outer parking spots to aid in buffering noise from noise generating units.
- 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 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.
- At such time the applicant or property owner(s) decides to construct a water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. 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.
- 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.
- 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.

Notes	
3.	Site Plan Review: • Parking spaces shall be constructed in compliance with the county and the state standards. • Any parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. • A four (4) feet path of travel for disabled persons shall be constructed and stripped in accordance with state standards. • Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of Building Permits. • Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. • An encroachment permit shall be required from Road Maintenance, and Operations for any work on the County right-of-way. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • No building or structure erected in this District shall exceed thirty-five (35) feet in height; per Section 816.5.D. of the Fresno County Zoning Ordinance. • A dust palliative should be required on all unpaved parking and circulation areas. • Outdoor lighting should be hooded and directed away from adjoining streets and properties. • All proposed signs, require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agriculture) Zone District.
4.	Fresno County Engineering Department: • The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary. Written clearance from FMFCD is required prior to County issuing a grading permit for any proposed work/existing building without a permit.

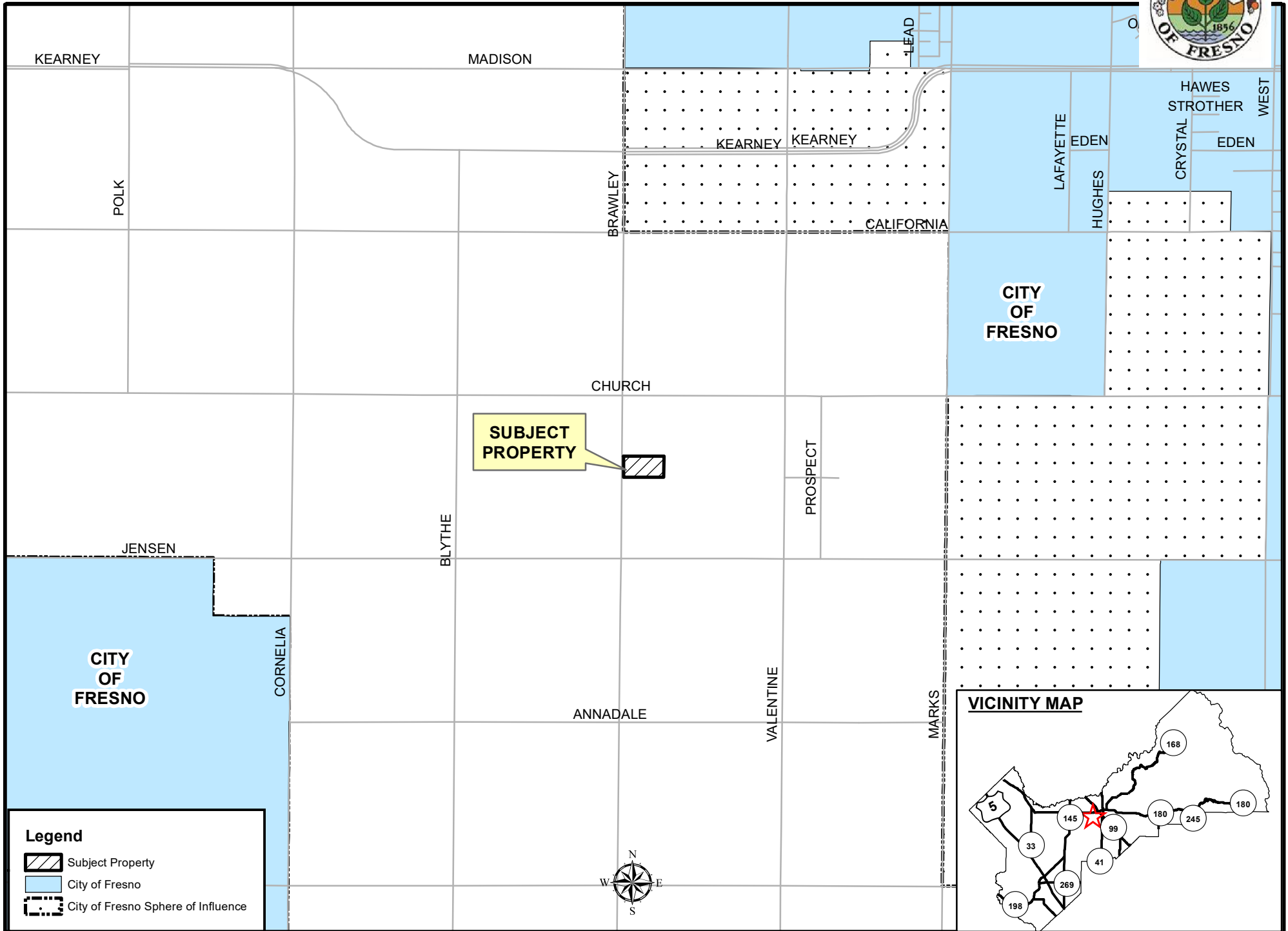
Notes

- Additional storm water runoff generated by any future development of a site cannot be drained across property lines or into the County Road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.
- If the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. The Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. While the Letter of Retention specifies the Engineer of Record retained by the Owner/Contractor to perform all on-site inspections and shall certify the construction of on-site improvements to the Department of Public Works & Planning in order for any work performed to be in accordance with the Fresno County Ordinance Code Title 15, Chapter 15.28 Grading and Excavation, County standards and current industry standards.
- Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards and/or current industry standards.
- The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5 feet from the property line.
- For unpaved or gravel surface access roads, the first 100 feet off of the edge of the County Road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.
- 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.
- 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 Brawley Avenue.
- 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.
- A grading permit/voucher is required for any grading that has been done without permit and any grading proposed with this application.

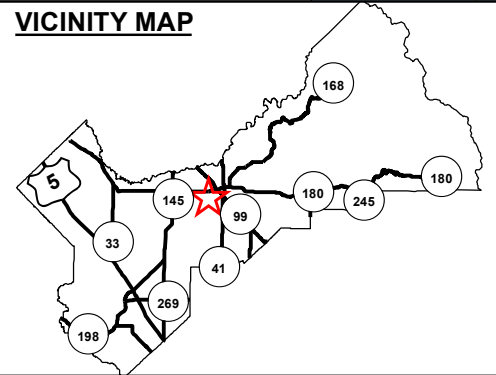
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EXHIBIT 2 LOCATION MAP



VICINITY MAP



- Legend**
- Subject Property
 - City of Fresno
 - City of Fresno Sphere of Influence

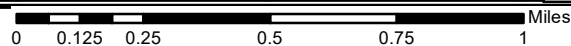


EXHIBIT 3
EXISTING ZONING MAP

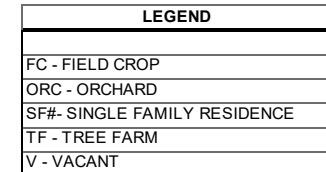


EXHIBIT 3

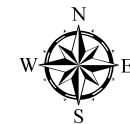
Legend

- Subject Property
- AC
- AE20
- AL20
- P





 Subject Property



0 155 310 620 930 1,240 Feet

Department of Public Works and Planning
Development Services Division

EXHIBIT 5 MIRANDA TRUCKING SITE PLAN

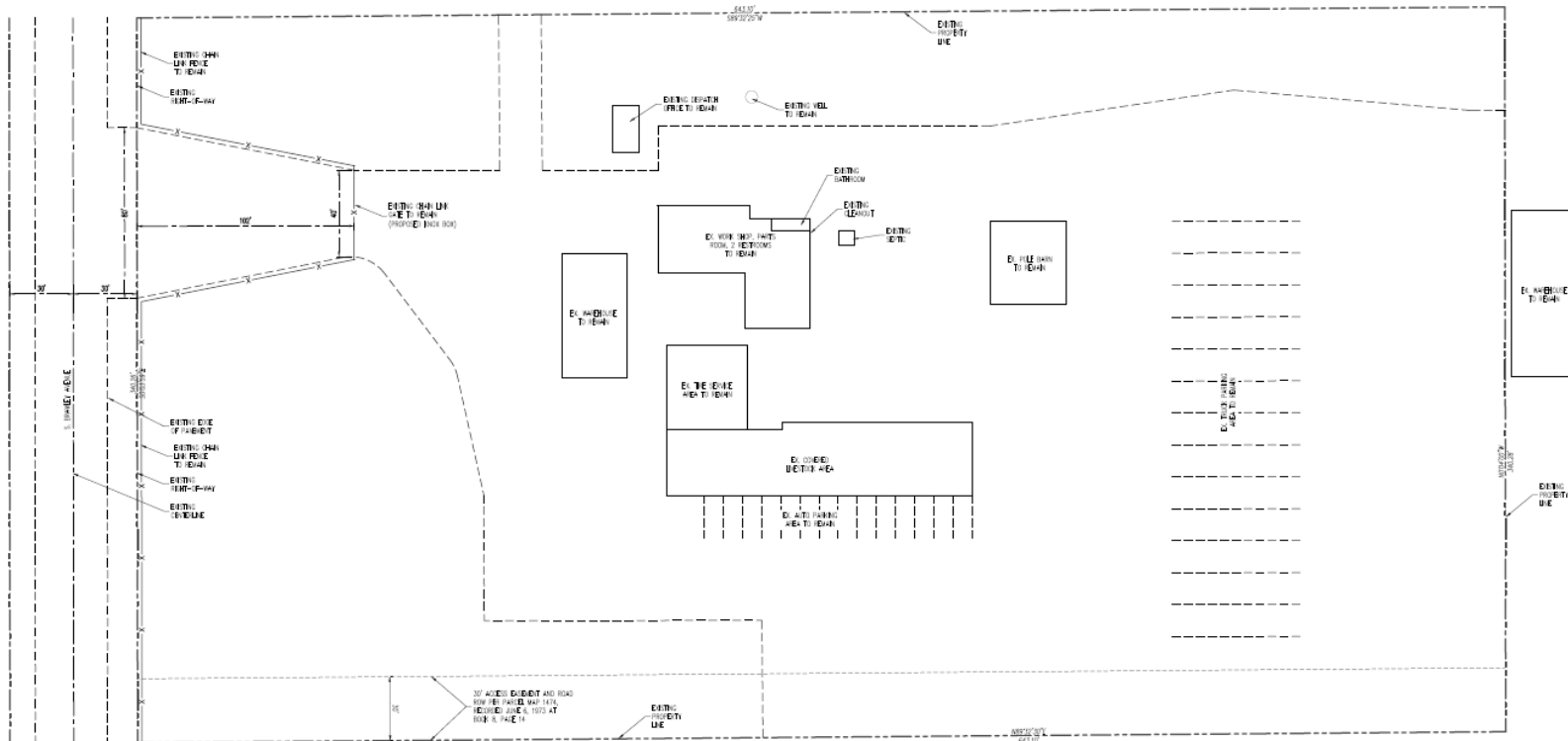


EXHIBIT 5



Fresno County Directors Review & Approval (DRA) Application

Operational Statement and Checklist

Donald Miranda Trucking Inc.

1594 South Brawley Avenue

Fresno California

APN-327-120-64

Property Description

Site address: 1510 South Brawley Avenue, Fresno, CA

APN: 327-120-64

Legal Description: Site is a legal parcel. Parcels 4 of Parcel Map 1474 recorded June 7, 1973 in Bk 8 Pg 14 of parcel maps. See attached grant deed.

Existing zone: AE-20 (Exclusive Agricultural)

Requirements: "The maintenance and storage of trucks and trailers, when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment" is considered a "use which is permitted but subject to director review and approval". Applicant will submit for DRA after pre-application review is complete.

Williamson Act: Site is located outside of Fresno County Williamson Act Parcels, California 2015

Operational Statement

Established in 2013 Donald Miranda Trucking Inc. offers agricultural transport and hauling. Using a combination of trucks, the business hauls a variety of agricultural commodities including tomatoes, raisins, bulk fertilizers. No modifications, building permits, grading, etc. were required to the property other than just general clean-up.

1. Operational Time Limits:

Months: 12 (year-round)

Days per week: 5

Hours-6am to 3pm

Total hours per day: 10-outdoor

Special Activities: None

2. Number of Customers or Visitors:

Average number per day: Our facility is not open to the public, we have no customers visiting our site, and we do not provide goods or services to the public.

Maximum number per day: NA

Hours when customers visit: NA

Need to describe traffic associated with operations – What time do employees arrive to pickup trucks,

Drivers Pick-Up: -6am

Drivers Return: 3-4pm

of trucks: Varies -5-20

One truck trip per day

3. Number of Employees:

Current: Two employees on site plus drivers (5-20)

Future: No plans to add additional employees

Hours they work: 6am-3pm

On site caretaker: No

4. Service and Delivery Vehicles:

Number: 0

Type: NA

Frequency: NA

5. Access to the Site:

Paved public road -South Brawley Avenue. Existing driveways are to remain, and there will be no alteration to existing traffic pattern. Applicant is not proposing any modifications to the existing driveways or frontage street improvements on Brawley. Trucks enter and exit using one single driveway.

6. Number of Parking Spaces for employees, customers, and service/delivery vehicles:

15 parking spaces for employees. Employee parking spaces and truck parking is identified on attached site plan.

Type of surfacing on parking area: Asphalt grindings

7. Are any goods to be sold on site?

No

8. What equipment is used?

2 - Flat beds

10 -Three Axle Trucks

11 -Two Axle Trucks

11 -Sets of double combination trailers (grain hoppers)

9. What supplies and materials are used and how are they stored?

Truck parts for maintenance

150 gallons of oil

20 Truck Tires

Waste Materials: Oil/tires which are removed from site as needed-(EPA Certificate # available upon request)

10. Does the use cause an unsightly appearance?

Visual? No

Noise? No -There are no trucks idling on the property and applicant will comply with Fresno County Noise Ordinance

Dust? No- A Water truck is used as needed to keep on site dust down

Odor? No

11. List any solid or liquid wastes to be produced

Waste Tires

Waste oil

Estimated Volume of Waste? -75 gals quarterly

Waste is stored in waste oil tanks provided by vendor (World Oil) under covered awnings on concrete slab.

How is it hauled and where is it disposed? How Often?

Recycle service is used - World Oil Inc. picks up waste oil quarterly

12. Estimated volume of water to be used (gallons per day)

Minimal- 100 gallons per day

Water source is agricultural well located on site.

1. Describe any proposed advertising including size, appearance, and placement.

None

13. Will existing buildings be used or will new buildings be constructed?

Existing buildings only. See attached site plan.

Explain which buildings or what portion of buildings will be used in the operation.

See attached site plan

14. Will any outdoor lighting or an outdoor sound amplification system be used?

No

15. Landscaping or fencing proposed?

Perimeter chain link fence for security purposes. Existing landscape along property frontage to remain and be maintained.

16. Any other information that will provide a clear understanding of the project or operation?

See attached photos

17. Identify all Owners, Officers and/or Board Members for each application submitted:

Donald Edwin and Renee Sue Miranda

SITE PLAN



EXHIBIT 6 PAGE 7



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Donald Miranda

APPLICATION NOS.: Initial Study No. 8319 and Director Review and Approval No. 4720

DESCRIPTION: Directors Review and Approval to allow maintenance and storage of trucks and trailers that transport only agricultural products, supplies and equipment on a 5.02-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of S. Brawley Ave., approximately 927 feet south of W. Church Ave., 0.9 miles west of the City of Fresno. (APN: 327-120-64) (1594 S. Brawley Ave.) (Sup. Dist. 1).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The subject property is located in an agricultural area with the majority of land utilized for agriculture with single family residences. There are no scenic vistas impacted by the project proposal. There were no scenic vistas identified as being impacted by the project. Figure OS-2 of the Fresno County General Plan indicates that there are no scenic roadways fronting the project site, and no scenic resources were identified on the project site or being affected by the project.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, surrounding land uses are mainly agricultural uses. The project does not involve the development of any new structures. The proposal is to allow maintenance and truck parking. Trucks will be parked towards the rear of the subject parcel and visibility will be low from public view. This is not considered a substantial degradation of the visual character that would negatively impact the surrounding area. Therefore, a less than significant impact is seen.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, outdoor lighting would be utilized to illuminate the parking area. However, the outdoor lights would be hooded to ensure that sources of light associated with the proposed operation does not adversely affect views in the area and do not negatively impact adjacent properties or public right-of-way. A mitigation measure for the design and orientation of outdoor lighting will be implemented.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

Per the California Department of Conservation Farmland Map the subject parcel is not designated Farmland of Statewide Importance, Unique Farmland or Prime Farmland. The project will not result in the conversion of farmland to a non-agricultural use. This

project is determined to be agriculture related and is not likely to conflict with other agricultural users or encourage future non-agricultural uses. The Fresno County Department of Agriculture has reviewed the proposal and did not express concern with the project.

B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

Per the Fresno County Zoning Ordinance, the proposed use is allowed within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District through a Director Review and Approval. The project does not conflict with the existing zoning for agricultural use and is not subject to a Williamson Act Contract.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject property is not located in or zoned for forest land, timberland, or timberland zoned Timberland Production and would not result in the loss of forestland or conversion of forestland to non-forest use.

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project is not expected to result in conversion of additional farmland to non-agricultural use or conversion of forestland to non-forest use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been routed to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comment. The SJVAPCD did not express concern with the project to indicate that the project would result in a conflict with an applicable Air Quality Plan or result in cumulatively considerable net increase of any criteria pollutant. SJVAPCD also stated that construction and operation are not expected to exceed any significant thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The project site is not located in any reported occurrence areas of a special status species. The subject site is located in a mainly agricultural area and no sensitive natural community or riparian habitat was identified on the project site. When considering the current use of the project site and surrounding area and, absence of any evidence of a special status species or sensitive natural community, the project does not impact these resources.

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

Per the National Wetlands Inventory and aerial photos of the project site, there are no wetlands located within the project site. Therefore, the project would not have a substantial adverse effect on protected wetlands.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The area is utilized for agricultural purposes. There are no wildlife corridors or wildlife nursery sites known on the project site. The project has existing fencing along the perimeter of the subject parcel. However, the perimeter fencing would not substantially interfere with movement where an impact can be seen.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

Department and Agency review of the project did not reveal conflicts with any policies or ordinances for protection biological resources, nor were any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan identified as being in conflict with the project proposal.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject property is currently improved a single-family residence and storage structure. The remainder of the parcel is vacant, and no new developments or

structures will be created. Therefore, no grading or excavation will occur. Considering that there will be no new developments, grading or excavation, archaeological or historical resources are not likely to occur. The existing structures were not identified as being historic. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. *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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern that the project would result in unnecessary consumption of energy resources or would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project proposal is to allow truck storage devoted to agriculture and energy usage will be minimal.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

- B. The California Department of Conservation, Earthquake Hazard Zone web application indicates that the subject parcel is not located within an Earthquake Fault Zone.

1. Strong seismic ground shaking?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on land with a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with a 10% probability in 50 years. The proposed development will be subject to the most current building code standards and would ensure minimal impact when considering the low likelihood of strong seismic ground shaking.

2. Seismic-related ground failure, including liquefaction?

3. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located in an area designated for landslide hazards or subsidence. In addition, as noted above, the project site is located in an area with a low likelihood of experiencing strong seismic shaking. Therefore, seismic-related ground failure is not likely to occur.

- C. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

Project construction and operation may result in minimal loss of topsoil; However, the subject property is located in a relatively flat agricultural area where no slopes or other changes in elevation occur where occurrences of soil erosion would cause a substantial risk to development.

- D. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- E. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The project site is not located in an area of the County identified as an unstable geologic unit, or prone to lateral spreading, subsidence, liquefaction or collapse,

according to Figures 7-1 (Expansive Soils), 9-6 (Landslide Hazards and Areas of Subsidence), of the Fresno County General Plan Background Report (FCGPBR).

- F. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

FINDING: NO IMPACT:

The project proposes to utilize an individual onsite wastewater treatment facility. No concerns were raised by any reviewing agencies or County departments, with wastewater treatment system regulatory authority about the capacity of the project site to accommodate the proposed septic system.

- G. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No paleontological resources were identified in the analysis, however in the unlikely event that paleontological resources are unearthed during ground disturbing activities, the following mitigation measure has been added to address that potential discovery.

* **Mitigation Measure(s)**

1. *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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project operation will result in the generation of greenhouse gas emissions; however, such emission is not anticipated to be substantial, nor result in a significant impact on the environment, or conflict with any state or local greenhouse gas emissions reduction goals, policies or plans. The San Joaquin Valley Air Pollution Control District was notified of the subject application and did not express concerns that GHG emission increases would have a significant impact on the environment and did not indicate that the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

IV. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

The project will not involve the routine transport, use or disposal of hazardous materials.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project will not result in hazardous emissions, or involve the handling of hazardous materials, and is not located within one-quarter mile of an existing or proposed school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The project site is not located on a known hazardous materials site, identified by NEPAassist.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located in an identified airport land use plan area, or within two miles of a public airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will be required to comply with all applicable emergency access standards of the current Fire Code and Building Code.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is not located in a State Responsibility Area (SRA) or other area of the County at significant risk from wildfire. The project site is in an area of irrigated agriculture.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

FINDING: NO IMPACT:

The project is not anticipated to result in violation of any water quality or waste discharge requirements or degrade surface or ground water.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or
- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site;
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project does not propose any new developments, alterations to land or water usage. Therefore, the project will not have an impact. No impervious surfaces will be installed.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project is not located in a flood hazard area as identified by Figure 9-7 of the Fresno County General Plan Background Report (FCGPBR); it is located in an area prone to flood inundation due dam failure, as per Figure 9-8 (FCGPBR). In the unlikely event of a dam failure, the project site is not anticipated to result in the release of pollutants.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project was reviewed by the State Water Resources Control Board, Drinking Water Division, the Central Kings Groundwater Sustainability Agency (GSA) and the County Water and Natural Resources Division. None of these agencies expressed concerns that the project would adversely impact water quality, or conflict with a water quality plan, or sustainable groundwater management plan. The project will be required by the State Water Resources Control Board, Division of Drinking Water to be permitted as a public water system and be subject to all applicable regulation of public water systems.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The project has no features which would divide an established community. The project site is already existing and there will be no alterations to the land, or any development.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

The project will not impact any known mineral resources and is not located in an area of mineral resources as identified by Figures 7-7 (Mineral Resource Locations), 7-8 (Principal Mineral Producing Locations (1997-1998), and 7-9 (Generalized Mineral Resource Zone Classifications) of the Fresno County General Plan Background Report (FCGPBR).

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will generate some noise from the operation of trucks however noise will be temporary and is not anticipated to result in generation of a substantial increase in ambient noise levels or generate excessive ground-borne vibration in the vicinity. Additionally, the project does not propose to use refrigerated trucks. Therefore, a less than significant impact is seen. A mitigation measure will be implemented to minimize noise impacts.

* **Mitigation Measure(s)**

1. *"Noise Ordinance of the County of Fresno" states for commercial districts between 10 pm to 7 am shall not exceed 60 sound level decibels. Between 7 am to 10 pm, the sound level decibels shall not exceed 65. Chapter 10- Regulations*

*Regarding Public Nuisances and Real Property Conduct and Use. Article 1-
Noise Regulations. Section 10-102 (b).*

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located in the vicinity of a public or private airport, or within the boundaries of an adopted airport land use plan area.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project has no features which would likely induce population growth in the vicinity, require the construction of any new homes, or extension of infrastructure, or displace any people.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not require the provision for new or physical altered governmental facilities. The project proposes no new developments.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood parks or other recreational facilities. The project does not attract visitors or any customers to the area.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will be consistent with applicable General Plan Policies of the Transportation and Circulation element of the County's General Plan. The project does not create a significant level of additional traffic. A Traffic Impact Analysis was not deemed necessary by Fresno County Staff.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not anticipated to exceed the daily trip threshold for Vehicle Mile Travelled established by the State Governors Office of Planning and Research (OPR).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: NO IMPACT:

The project has no design features which would create a new sharp curve or dangerous intersection or involve incompatible uses.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project has no design features which would create inadequate emergency access entering and exiting the site. There will be no alterations to land or any new developments.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Though no Tribal Cultural or Cultural Resources were identified in the analysis, the potential exists for previously unknown subsurface resources to be unearthed during project related ground disturbance. In the event of such discovery of Tribal Cultural or Cultural Resources, the following Mitigation Measure has been included.

* **Mitigation Measure**

1. *See Mitigation Measure under Section V Cultural Resources.*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The project will not require new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunication facilities which would cause significant effects.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division did not provide concerns to indicate that there are insufficient water supplies for the project. Water usage will be minimal for this project.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The Applicant will be required to meet County permitting standards for the subject building and associated wastewater treatment system. Review of the proposal did not indicate a conflict with County standards for this system, but further review of the proposed system will be conducted if this project is approved.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project is not anticipated to result in the generation of solid waste in excess of State or local standards or impair the attainment of or be non-compliant with federal, state or local solid waste standards.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located within a State Responsibility Area or high fire hazard severity zone., therefore the project would not be subject to increased risk from wildfire, or post wildfire conditions.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

That conversion has been determined to have a less than significant impact on habitat conversion as the surrounding land development will not adversely affect wildlife species or cause wildlife populations to drop below self-sustaining levels.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effect on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval No. 4717, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, Wildfire, Hydrology and Water, Biological Resources, Agricultural, Mineral and Hazards and Hazardous Material.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Noise, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of listed Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

ER

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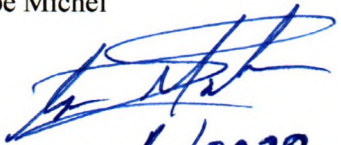
To Whom It May Concern,

I'm writing this letter for Donald and Renee Miranda who purchased the property at 1510 S. Brawley Ave. My name is Lupe Michel and my address is 3607 W. Church which borders their property on the Northeast corner.

We appreciate the improvements Donald and Renee have made to the property. They have cleaned up the property and assisted with installing a new fence along our property line.

Sincerely,

Lupe Michel



10/1/2022

(559) 852-5919

cell phone

9/21/22

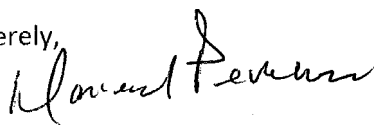
To Whom It May Concern,

My name is Danny Penuna and I live at 1563 S. Valentine Ave. I am happy to hear that Donald and Renee Miranda purchased the property located at 1510 S. Brawley Ave.

He has cleaned up the property as well as along the ditch bank. Before he bought the property, the area in the back and along the ditch bank had become a dumping ground and an area for people to hang out.

I'm happy to welcome him to the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny Penuna". The signature is written in a cursive, flowing style.

Danny

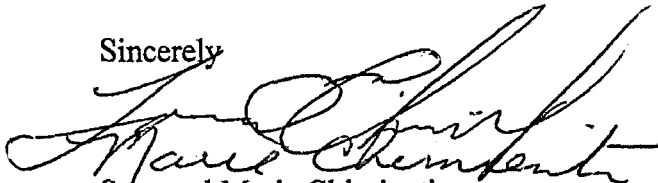
To Whom It May Concern

I'm writing this letter on behalf of Donald and Renee Miranda that have purchased the property at 1594 S. Brawley Ave.

My name is Sam Chimienti, my wife Marie and I own the neighboring property at 1415-1445 S Brawley. Since Donald and Renee purchased the property we have only seen positive improvements. Before they purchased the property, it had become dark and overgrown. When properties are not maintained even in the country they can have negative impacts neighboring properties and tend to attract unwanted activities.

Knowing and having a good relationship with our neighbors is important to us. We have found this to be true in the short time that we have gotten to know Donald and Renee. We are pleased with their arrival.

Sincerely



Sam and Marie Chimienti



March 7, 2022

Donald Miranda Trucking
1510 S Brawley Ave.
Fresno, CA 93706

RE: Business Verification

Dear Mr, Miranda:

This letter will serve to verify that Donald Miranda Trucking conducts business with us on a regular basis. We contract you to haul our wheat seed as well as fertilizer or other agricultural products as needed.

We have had a long-standing business relationship and look forward to continuing our endeavors.

Very truly yours,

A handwritten signature in blue ink that reads "R. Hewitson".

Richard L. Hewitson

DJH



**1625 Howard Road #113
Madera, CA 93637
559-416-7154**

To Whom It May Concern:

This letter is to confirm that Donald Miranda Trucking Inc., DOT#2716372 has assisted Pacific Farm Management Inc. in hauling produce the past 2 years. They move various fruits from field locations as far south as Kern County and as far north as Madera County to various packinghouses located in the Reedley area. We have been very satisfied with the both the level service and cost with Donald Miranda Trucking Inc. We hope to utilize his services more often as his fleet grows. If you have any questions or concerns, please feel free to contact me at 559-285-0027.

Thank You,

Leonel Villagomez

Vice President
Pacific Farm Management Inc.

**MOYA TRUCKING INC.
7919 S. ALTA AVE
REELDEY, CA 93654
559-638-9498**

March 7, 2022

RE: Donald Miranda Trucking

To whom it may concern:

This letter is to inform you that Donald Miranda Trucking is a sub hauler for Moya Trucking Inc. They help us with the hauling of our fruit from the farms to the packing house. They have been sub haulers for the past year. If you have any questions, please feel free to give us a call at 559-638-9498.

Thank you,



Juan H. Moya Sr.
President

June 10, 2022

Boren Farms
10225 S. Jameson Avenue
Fresno California
93706

Fresno County Works Public Works/Planning Staff:

This letter is being provided to Fresno County planning staff to confirm that Boren Farms-Certified Organic Growers of Dried on the Vine (DOV) raisins, uses Donald Miranda trucking to transport our raisin crop from the farm to our raisin packer. His service is generally provided during the latter part of October once the raisins have been dried to an acceptable level of moisture. Depending on the size of the crop, transport of the crop generally requires 12-16 trips from the farm to the packer.

If you should have any questions, please feel free to call me at 559 824-9956

Sincerely,

A handwritten signature in blue ink that reads "Tony Boren". The signature is fluid and cursive, with the first name "Tony" and last name "Boren" clearly distinguishable.

Tony Boren, Partner
Boren Family Farms

EXHIBIT 10

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8319	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-2023100000113
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Elliot Racusin, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Donald Miranda	Project Title: Directors Review and Approval No. 4720 and Initial Study No. 8319		
Project Description: Directors Review and Approval to allow maintenance and storage of trucks and trailers that transport only agricultural products, supplies and equipment on a 5.02 -acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the south side of S. Brawley Ave., approximately 927 feet south of W. Church Ave., 0.9 miles west of the City of Fresno. (APN: 327-120-64) (1594 S. Brawley Ave.) (Sup. Dist. 1).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Director Review and Approval No. 4720, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of listed Mitigation Measures. A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – April 24, 2023		Review Date Deadline: Planning Commission – N/A	
Date: April 20, 2023	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Elliot Racusin Planner	

State 15083, 15085

County Clerk File No.: E-2023100000113

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT 11

From: [Michael & Rebecca Vivenzi](#)
To: [Racusin, Elliot](#)
Subject: DRA 4720 - Appeal
Date: Tuesday, August 15, 2023 10:09:31 AM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Good morning,

It was nice to meet you today as I dropped off the payment for the petition to DRA 4720. I would also like to let you know there are more members of the community who oppose and would like to speak in regards to this situation.

We oppose this request for several reasons including, but not limited to Safety, Zoning, Community Nuisance, and Discrimination.

Please do let myself and others who received previous mailings regarding this DRA 4720, as well as any others that contacted your department to file complaints, know when there will be a Public Hearing for our voices to be heard. Sincerely,

Rebecca Vivenzi
4554 W Madison Ave
Fresno, Ca 93706

Sent from my iPhone



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Donald Miranda

APPLICATION NOS.: Initial Study No. 8319 and Director Review and Approval No. 4720

DESCRIPTION: Directors Review and Approval to allow maintenance and storage of trucks and trailers that transport only agricultural products, supplies and equipment on a 5.02-acre parcel located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of S. Brawley Ave., approximately 927 feet south of W. Church Ave., 0.9 miles west of the City of Fresno. (APN: 327-120-64) (1594 S. Brawley Ave.) (Sup. Dist. 1).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

The subject property is located in an agricultural area with the majority of land utilized for agriculture with single family residences. There are no scenic vistas impacted by the project proposal. There were no scenic vistas identified as being impacted by the project. Figure OS-2 of the Fresno County General Plan indicates that there are no scenic roadways fronting the project site, and no scenic resources were identified on the project site or being affected by the project.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, surrounding land uses are mainly agricultural uses. The project does not involve the development of any new structures. The proposal is to allow maintenance and truck parking. Trucks will be parked towards the rear of the subject parcel and visibility will be low from public view. This is not considered a substantial degradation of the visual character that would negatively impact the surrounding area. Therefore, a less than significant impact is seen.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, outdoor lighting would be utilized to illuminate the parking area. However, the outdoor lights would be hooded to ensure that sources of light associated with the proposed operation does not adversely affect views in the area and do not negatively impact adjacent properties or public right-of-way. A mitigation measure for the design and orientation of outdoor lighting will be implemented.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: NO IMPACT:

Per the California Department of Conservation Farmland Map the subject parcel is not designated Farmland of Statewide Importance, Unique Farmland or Prime Farmland. The project will not result in the conversion of farmland to a non-agricultural use. This

project is determined to be agriculture related and is not likely to conflict with other agricultural users or encourage future non-agricultural uses. The Fresno County Department of Agriculture has reviewed the proposal and did not express concern with the project.

B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

Per the Fresno County Zoning Ordinance, the proposed use is allowed within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District through a Director Review and Approval. The project does not conflict with the existing zoning for agricultural use and is not subject to a Williamson Act Contract.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject property is not located in or zoned for forest land, timberland, or timberland zoned Timberland Production and would not result in the loss of forestland or conversion of forestland to non-forest use.

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project is not expected to result in conversion of additional farmland to non-agricultural use or conversion of forestland to non-forest use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been routed to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review and comment. The SJVAPCD did not express concern with the project to indicate that the project would result in a conflict with an applicable Air Quality Plan or result in cumulatively considerable net increase of any criteria pollutant. SJVAPCD also stated that construction and operation are not expected to exceed any significant thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI).

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The project site is not located in any reported occurrence areas of a special status species. The subject site is located in a mainly agricultural area and no sensitive natural community or riparian habitat was identified on the project site. When considering the current use of the project site and surrounding area and, absence of any evidence of a special status species or sensitive natural community, the project does not impact these resources.

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

Per the National Wetlands Inventory and aerial photos of the project site, there are no wetlands located within the project site. Therefore, the project would not have a substantial adverse effect on protected wetlands.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The area is utilized for agricultural purposes. There are no wildlife corridors or wildlife nursery sites known on the project site. The project has existing fencing along the perimeter of the subject parcel. However, the perimeter fencing would not substantially interfere with movement where an impact can be seen.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

Department and Agency review of the project did not reveal conflicts with any policies or ordinances for protection biological resources, nor were any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan identified as being in conflict with the project proposal.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject property is currently improved a single-family residence and storage structure. The remainder of the parcel is vacant, and no new developments or

structures will be created. Therefore, no grading or excavation will occur. Considering that there will be no new developments, grading or excavation, archaeological or historical resources are not likely to occur. The existing structures were not identified as being historic. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

1. *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.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern that the project would result in unnecessary consumption of energy resources or would conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project proposal is to allow truck storage devoted to agriculture and energy usage will be minimal.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

- B. The California Department of Conservation, Earthquake Hazard Zone web application indicates that the subject parcel is not located within an Earthquake Fault Zone.

1. Strong seismic ground shaking?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on land with a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with a 10% probability in 50 years. The proposed development will be subject to the most current building code standards and would ensure minimal impact when considering the low likelihood of strong seismic ground shaking.

2. Seismic-related ground failure, including liquefaction?

3. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the project site is not located in an area designated for landslide hazards or subsidence. In addition, as noted above, the project site is located in an area with a low likelihood of experiencing strong seismic shaking. Therefore, seismic-related ground failure is not likely to occur.

- C. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

Project construction and operation may result in minimal loss of topsoil; However, the subject property is located in a relatively flat agricultural area where no slopes or other changes in elevation occur where occurrences of soil erosion would cause a substantial risk to development.

- D. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- E. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The project site is not located in an area of the County identified as an unstable geologic unit, or prone to lateral spreading, subsidence, liquefaction or collapse,

according to Figures 7-1 (Expansive Soils), 9-6 (Landslide Hazards and Areas of Subsidence), of the Fresno County General Plan Background Report (FCGPBR).

- F. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

FINDING: NO IMPACT:

The project proposes to utilize an individual onsite wastewater treatment facility. No concerns were raised by any reviewing agencies or County departments, with wastewater treatment system regulatory authority about the capacity of the project site to accommodate the proposed septic system.

- G. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No paleontological resources were identified in the analysis, however in the unlikely event that paleontological resources are unearthed during ground disturbing activities, the following mitigation measure has been added to address that potential discovery.

* **Mitigation Measure(s)**

1. *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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project operation will result in the generation of greenhouse gas emissions; however, such emission is not anticipated to be substantial, nor result in a significant impact on the environment, or conflict with any state or local greenhouse gas emissions reduction goals, policies or plans. The San Joaquin Valley Air Pollution Control District was notified of the subject application and did not express concerns that GHG emission increases would have a significant impact on the environment and did not indicate that the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

IV. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: NO IMPACT:

The project will not involve the routine transport, use or disposal of hazardous materials.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project will not result in hazardous emissions, or involve the handling of hazardous materials, and is not located within one-quarter mile of an existing or proposed school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The project site is not located on a known hazardous materials site, identified by NEPAassist.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located in an identified airport land use plan area, or within two miles of a public airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The project will be required to comply with all applicable emergency access standards of the current Fire Code and Building Code.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is not located in a State Responsibility Area (SRA) or other area of the County at significant risk from wildfire. The project site is in an area of irrigated agriculture.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

FINDING: NO IMPACT:

The project is not anticipated to result in violation of any water quality or waste discharge requirements or degrade surface or ground water.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or
- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site;
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project does not propose any new developments, alterations to land or water usage. Therefore, the project will not have an impact. No impervious surfaces will be installed.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project is not located in a flood hazard area as identified by Figure 9-7 of the Fresno County General Plan Background Report (FCGPBR); it is located in an area prone to flood inundation due dam failure, as per Figure 9-8 (FCGPBR). In the unlikely event of a dam failure, the project site is not anticipated to result in the release of pollutants.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project was reviewed by the State Water Resources Control Board, Drinking Water Division, the Central Kings Groundwater Sustainability Agency (GSA) and the County Water and Natural Resources Division. None of these agencies expressed concerns that the project would adversely impact water quality, or conflict with a water quality plan, or sustainable groundwater management plan. The project will be required by the State Water Resources Control Board, Division of Drinking Water to be permitted as a public water system and be subject to all applicable regulation of public water systems.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: NO IMPACT:

The project has no features which would divide an established community. The project site is already existing and there will be no alterations to the land, or any development.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

The project will not impact any known mineral resources and is not located in an area of mineral resources as identified by Figures 7-7 (Mineral Resource Locations), 7-8 (Principal Mineral Producing Locations (1997-1998), and 7-9 (Generalized Mineral Resource Zone Classifications) of the Fresno County General Plan Background Report (FCGPBR).

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will generate some noise from the operation of trucks however noise will be temporary and is not anticipated to result in generation of a substantial increase in ambient noise levels or generate excessive ground-borne vibration in the vicinity. Additionally, the project does not propose to use refrigerated trucks. Therefore, a less than significant impact is seen. A mitigation measure will be implemented to minimize noise impacts.

* **Mitigation Measure(s)**

1. *"Noise Ordinance of the County of Fresno" states for commercial districts between 10 pm to 7 am shall not exceed 60 sound level decibels. Between 7 am to 10 pm, the sound level decibels shall not exceed 65. Chapter 10- Regulations*

*Regarding Public Nuisances and Real Property Conduct and Use. Article 1-
Noise Regulations. Section 10-102 (b).*

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located in the vicinity of a public or private airport, or within the boundaries of an adopted airport land use plan area.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project has no features which would likely induce population growth in the vicinity, require the construction of any new homes, or extension of infrastructure, or displace any people.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
1. Fire protection;
 2. Police protection;
 3. Schools;
 4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not require the provision for new or physical altered governmental facilities. The project proposes no new developments.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood parks or other recreational facilities. The project does not attract visitors or any customers to the area.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will be consistent with applicable General Plan Policies of the Transportation and Circulation element of the County's General Plan. The project does not create a significant level of additional traffic. A Traffic Impact Analysis was not deemed necessary by Fresno County Staff.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not anticipated to exceed the daily trip threshold for Vehicle Mile Travelled established by the State Governors Office of Planning and Research (OPR).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: NO IMPACT:

The project has no design features which would create a new sharp curve or dangerous intersection or involve incompatible uses.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project has no design features which would create inadequate emergency access entering and exiting the site. There will be no alterations to land or any new developments.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Though no Tribal Cultural or Cultural Resources were identified in the analysis, the potential exists for previously unknown subsurface resources to be unearthed during project related ground disturbance. In the event of such discovery of Tribal Cultural or Cultural Resources, the following Mitigation Measure has been included.

* **Mitigation Measure**

1. See Mitigation Measure under Section V Cultural Resources.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

The project will not require new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunication facilities which would cause significant effects.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division did not provide concerns to indicate that there are insufficient water supplies for the project. Water usage will be minimal for this project.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The Applicant will be required to meet County permitting standards for the subject building and associated wastewater treatment system. Review of the proposal did not indicate a conflict with County standards for this system, but further review of the proposed system will be conducted if this project is approved.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project is not anticipated to result in the generation of solid waste in excess of State or local standards or impair the attainment of or be non-compliant with federal, state or local solid waste standards.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not located within a State Responsibility Area or high fire hazard severity zone., therefore the project would not be subject to increased risk from wildfire, or post wildfire conditions.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

That conversion has been determined to have a less than significant impact on habitat conversion as the surrounding land development will not adversely affect wildlife species or cause wildlife populations to drop below self-sustaining levels.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effect on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval No. 4717, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Energy, Land Use Planning, Population and Housing, Public Services, Recreation, Utilities and Service Systems, Wildfire, Hydrology and Water, Biological Resources, Agricultural, Mineral and Hazards and Hazardous Material.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Noise, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of listed Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

ER

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ATTACHMENT D

For Office Use Only

Date received: 4/15/24
Copied to: L. Kellner, C. Motta, D. Randall
Date copy sent: 4/15/24
Hearing set for: _____

NOTICE OF APPEAL OF PLANNING COMMISSION DECISIONDate: April 11, 2024

Appeal Fee: \$508 – Due when filing appeal

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Project Site Address

1594 S. Brawley Ave. Fresno 93706 321-120-64
Number Street City Zip Assessor's Parcel Number

Appellant's Information

Name: Rebecca Vivenzi
Mailing Address: 4554 W. Madison Ave
Fresno CA 93706
Telephone: (559) 287-9860

Applicant's Information ☐ check if same as Appellant)

Name: Donald Miranda Trucking
Mailing Address: P.O. Box 12565
Fresno, CA 93778-2565
Telephone: _____

Subject of AppealI wish to appeal the Planning Commission's decision to ☒ Approve ☐ Deny

Variance Application No.* _____
Conditional Use Permit No. _____
Director Review and Approval Application No. 4720
Tentative Tract Application No. _____
Amendment Application No. _____
Amendment to Text Application No. _____
Other: _____

RECEIVED
APR 15 2024

CLERK. BOARD OF SUPERVISORS

Date of Planning Commission Action October 26, 2023

Reason(s) for Appeal (Attach additional sheets if necessary)

- 1) Adoption of the Mitigated Negative Declaration
- 2) Trucking operations are not Agriculture operations
- 3) Owner admitted to not hauling Ag Exclusive products
- 4) Initial Study reports are not satisfactory to CEQA guidelines
(see attached)

Rebecca Vivenzi
Appellant's Signature

* Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Please return completed form to Clerk of the Board, 2281 Tulare Street, Room 301, Fresno, CA 93721.

- 5.) Fresno County Ordinance Code Section 816.4(F)
- 6.) Conflict of Interest
- 7.) Unsafe operation for the community
and employees of the business
 - a.) Death of employee
 - b.) School on same avenue, nearby
 - c.) Farming operations surrounding
- 8.) Increase in property values
- 9.) Discriminatory Process