

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

ADOPTION OF A MITIGATED NEGATIVE DECLARATION)
PREPARED FOR INITIAL STUDY NO. 8319 AND) RESOLUTION
DIRECTOR REVIEW AND APPROVAL NO. 4720)

WHEREAS, Donald Miranda (Applicant) made an application to the Fresno County Planning Commission (Planning Commission) for adoption of a Mitigated Negative Declaration based on Initial Study No. 8319, and approval of Director Review and Approval (DRA) No. 4720 and adopted the Mitigated Negative Declaration (MND) based on Initial Study (IS) No. 8319 proposing 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.; and

WHEREAS, the site 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, and

WHEREAS, on August 1, 2023, the Department of Public Works and Planning approved the Application for DRA No. 4720 and adopted the Mitigated Negative Declaration based on Initial Study (IS) No. 8319; and

WHEREAS, an appeal was made of the Department’s decision on August 15, 2023; and

WHEREAS, on October 26, 2023, the Fresno County Planning Commission upheld Department staff’s approval of DRA No. 4720 and the adoption of the MND prepared for IS No. 8319; and

WHEREAS, Public Resources Code 21151(c) provides that when an MND is adopted by a non-elected decision-making body such as the Planning Commission, that decision may be appealed to the elected decision-making body; and

WHEREAS, an appeal of the adoption of the MND prepared for IS No. 8319 was filed on April 15, 2024 within the 180-day CEQA litigation period; and

1 WHEREAS, the appeal of the MND was presented before the Board of Supervisors on July 9,
2 2024, and the Board's decision to uphold the certification of the MND was based on the underlying
3 analysis used to prepare that document, and on the Board's own independent judgment and
4 consideration of the materials in the record; and

5 WHEREAS, after duly giving all required public notices, and an opportunity for the public to speak
6 and present evidence for and against the proposed trucking facility and having complied with all
7 applicable requirements of the law, including the County Zoning Ordinance, the Board hereby resolves
8 and takes the following actions.

9 NOW, THEREFORE, IT IS ORDERED AND RESOLVED that the Mitigated Negative Declaration
10 Attached as EXHIBIT A, based on Initial Study No. 8319 is hereby adopted for DRA No. 4720 to allow
11 for the development and operation of a facility for maintenance and storage of trucks and trailers used in
12 agriculture, subject to the conditions of approval in the Attached EXHIBIT B.

13 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption
14 by the Board.

15 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
16 of the County of Fresno this _____ day of _____, 2024, to wit:

17 AYES:

18 NOES:

19 ABSENT:

20 ABSTAINED:

21
22 BY _____
23 Nathan Magsig, Chairman of the
24 Board of Supervisors of the County of Fresno

24 **ATTEST:**
25 Bernice E. Seidel
26 Clerk of the Board of Supervisors
27 County of Fresno, State of California

27 BY _____
28 Deputy

EXHIBIT A

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		
<p>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.</p> <p>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).</p>			
<p>Justification for Negative Declaration:</p> <p>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.</p> <p>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.</p> <p>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.</p>			
<p>FINDING:</p> <p>The proposed project will not have a significant impact on the environment.</p>			
Newspaper and Date of Publication: Fresno Business Journal – April 24, 2023		Review Date Deadline: Board of Supervisors-July 9, 2024	
Date: July 9, 2024	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 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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.	<p>Site Plan Review:</p> <ul style="list-style-type: none"> • 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.	<p>Fresno County Engineering Department:</p> <ul style="list-style-type: none"> • 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.