

CONDITIONAL USE PERMIT APPLICATION REVIEW FINDINGS

Findings per Fresno Municipal Code Section 15-5306

A Conditional Use Permit shall only be granted if the decision-maker determines that the project as submitted or as modified conforms to all of the following criteria. If the decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.

Finding a:	<i>The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code;</i>
------------	---

Finding (a) can be made

Pursuant to Table 15-1302 (Use Regulations – Employment Districts), The proposed use, a biomass cogeneration plant and wood pellet mill for an existing waste transfer facility use (otherwise classified as Waste Transfer Facility and Utility, Major), is permitted in the IH (Heavy Industrial) zone district subject to an approved Conditional Use Permit. Conditional Use Permit Application No. P18-03189 will comply with the IH zone district and applicable codes given that the special conditions of project approval issued for the project (and project specific mitigation measures included in the EA) will be complied with prior to the construction of the structures and development and operation on the site.

Finding b:	<i>The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;</i>
------------	--

Finding (b) can be made

The proposed project is a modification to an existing, previously approved Waste Transfer Facility. Conditional Use Permit Application No. P18-03189 is consistent with the Employment – Heavy Industrial planned land use designation for the project site and complies with applicable design guidelines of the Development Code, Fresno General Plan, and the Roosevelt Community Plan subject to the Conditions of Approval.

Finding c:	<i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;</i>
------------	--

Finding (c) can be made

The biomass cogeneration plant and wood pellet mill for an existing waste transfer facility has been reviewed by the City of Fresno Planning and Development, Public Utilities, Public Works, Police, and Fire Departments. In addition, all responsible departments and agencies such as the Fresno County Department of Public Health, San Joaquin Valley Air Pollution Control District, Fresno Metropolitan Flood Control District, Fresno Irrigation District, Fresno Unified School District, and Pacific Gas & Electric Company have been contacted and afforded opportunity to review and provide comments and/or requirements for purposes of the proposed project. The reviews provided by these City Departments and partnering responsible agencies have been analyzed and addressed in the conditions of approval for the proposed project.

An Initial Study/Environmental Assessment was prepared for the proposed project and based upon said environmental assessment and the list of identified mitigation measures, it has been determined that there is no evidence in the record that the project may have a significant effect on the environment a mitigated negative declaration was prepared for this project. Compliance with the project specific mitigation measures and mitigation measures included in the master environmental impact report will ensure that environmental impacts, as a result of the project, will be less than significant.

Public services such as Fire and Police are available. The project will not result in significant impacts to emergency response times or other performance objectives for emergency services. The nearest fire station (Station 7) is approximately 2.04 miles southwest from the project site. The nearest police station (Southeast) is approximately 2.45 Miles. The proposed project will also

contribute to Citywide Development Impact fees which contribute to police and fire services. Therefore, the proposed project will not be a detriment to the public safety of the community. The proposed project will also not be detrimental to the general welfare of the community.

Further, the project has been adequately reviewed by all responsible departments and agencies for compliance with applicable regulations and requirements as included in the conditions of approval for development, which will minimize or eliminate any potentially significant adverse impacts to the health, safety and general welfare of the surrounding community.

Finding d:	<i>The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and,</i>
------------	--

Finding (d) can be made:

Design

The design is consistent with the provisions of the IH zone district. The proposed development of heavy industrial structures will be compatible in design and appearance with existing and future industrial structures in the vicinity given that the special conditions of project approval issued for the project will be complied with prior to the construction of the structures and development of the site.

Location

As stated above, the project is permitted in IH zoned districts subject to an approved Conditional Use Permit and is found to be compatible with the existing or future land uses in the vicinity.

Size

The project will occur on a ±2.1 acre portion of a ±18.16 acre site comprised of two adjoining parcels.

Operating Characteristics

The existing site currently operates as a Waste Transfer Facility specializing in green waste, which is consistent with the underlying IH zone district and Employment – Heavy Industrial planned land use designation. The use proposed under this special permit request, a Biomass Cogeneration Plant (BCP) and a wood pellet mill, is also consistent with the underlying IH zone district and Employment – Heavy Industrial planned land use designation.

Therefore, the proposed development is compatible with the established Heavy Industrial land uses in the surrounding area, will comply with FMC requirements, and will not have a negative impact on the existing and future land uses in the vicinity for the reasonably foreseeable future.

Finding e:	<i>The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>
------------	--

Finding (e) can be made:

The proposed project is conditioned to meet the intensity and massing development standards outlined under Tables 15-1303-1 and 15-1303-2 of the FMC regarding maximum height, setbacks, frontage and lot coverage, and minimum open space. The existing and proposed project improvements will provide adequate site and emergency vehicle access with an existing drive approach and a proposed emergency access drive approach on the South Golden State Frontage Road frontage of the site. On and off-site utilities and services for the project are already existing.

Therefore, the proposed development is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities, and services shall be provided to serve the property and were reviewed for consistency with the requirements of the IH (*Heavy Industrial*) zone district.

Finding f:

The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.

Finding (f) can be made:

The proposed project is not located within an area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). Therefore, the proposed project and use is consistent with the Fresno County Airport Land Use Compatibility Plan.