



Inter Office Memo

DATE: January 25, 2024
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13024 - VARIANCE NO. 4160

APPLICANT: Steven Sesocti

OWNER: Los Gatos Tomatoes Products

REQUEST: Waive the building height requirements to permit an 89-foot-tall evaporator (35-feet maximum height) for an existing 56.26-acre agricultural operation in the AE 20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of S. Butte Ave. and W. Gale Ave, approximately 2.15-miles southwest from the Unincorporated community of Huron (APN: 075-040-61s) (19800 W. Gale Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of January 25, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Arabian to adopt all four required findings, concurring with Staff's recommendation based on the analysis provided in Staff's report to the Planning Commission, and to approve Variance No. 4160, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:

VOTING:	Yes:	Commissioners Arabian, Chatha, Abrahamian, Carver, Hill, Quist, and Zante
	No:	None
	Absent:	None
	Abstain:	Woolf

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

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NOTES: The approval of this project will expire one year 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 Variance.

Attachments

EXHIBIT A

Variance No. 4160

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 25, 2024 and heard a summary presentation by staff.
- Presenters: The applicant agreed with the Staff's recommendation. They described their operation and offered the following information to clarify the intended use:
- We currently have six evaporators and desire to add an additional evaporator.
 - There will be no significant difference between the height of the proposed evaporator and other building features that were previously permitted at increased heights under Conditional Use Permit No. 2405 granted in 1989.
 - This will reduce the natural gas consumption and ultimately reduces our carbon footprint to meet processing initiatives.
 - No potential placement alternatives were deemed feasible due to the structure requiring a certain height allowance.
- Others: No individuals presented information in support of or in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B

Variance (VA) No. 4160
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in substantial accordance with the Site Plan and Elevation as approved by the Commission.

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.	This Variance approval will become void unless there has been substantial development within one year of the effective date of this approval.
2.	Construction plans, building permits and inspections are required for the proposed development. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 regarding plans, permits and inspections.
3.	The project shall comply with California Code of Regulations Title 24 – Fire Code and prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, must submit construction plans to the Fresno County Department of Public Works and Planning and FCFPD for review. The project may be required to annex into the Community Facilities District No. 2010-01 of the FCFPD.
4.	<p>Environmental Health Division:</p> <p><u>Risk Management Plan (RMP)/Cal ARP</u></p> <p>The facility shall update and resubmit the RMP/Cal ARP within six months if there is a significant change to the regulated process. RMPs/Call Arps must be updated at least once every five years. Owners and operators responsible for RMP implementation should review <u>A Checklist for Submitting your Risk Management Plan (RMP)</u>.</p> <p>You must fully update your RMP for resubmission sooner than the five-year anniversary date, if any of the changes specified below occur [as specified in <u>40 CFR 68.190(b)</u>].</p> <ul style="list-style-type: none"> • If a change alters the Program Level that applies to any covered process, the RMP must be resubmitted within six months of that change. • If a change requires a revised Off-site Consequence Analysis, the RMP must be resubmitted within six months of that change. • If a change requires a revised process hazard analysis or hazard review, the RMP must be resubmitted within six months of that change.

EXHIBIT B

Notes

- If a new regulated substance is present above the threshold quantity in an already covered process, the RMP must be resubmitted on the date which the new substance is present.
- If a regulated substance is present above the threshold quantity in a new process, the RMP must be resubmitted on the date which the substance is present above the threshold quantity.
- If EPA begins regulating a new substance, the RMP must be resubmitted within three years of the date the substance is first regulated.
- You may use RMP*eSubmit for your resubmission. For additional information see: RMP*eSubmit Users' Manual. Resubmissions reset the five-year anniversary date by which you must next update your RMP. To resubmit, you must update all nine sections of your RMP.
- It is recommended that the applicant consider having the existing septic tanks pumped and have the tank and leach lines/seepage pits 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.
- Any new sewage disposal system proposal shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
- The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the noise elements of the County Ordinance Code.
- 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.
- 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.
- 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.