



Inter Office Memo

DATE: April 22, 2021
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12880 - INITIAL STUDY NO. 7681 AND CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3656

APPLICANT/
OWNER: Jacob and Kimberly Evans

REQUEST: Allow the expansion of an existing fertilizer manufacturing plant on a 68.67-acre site and onto three contiguous parcels totaling 66.68-acres (135.35 acres total) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue) (APN: 040-080-40S, 42S, 43S, 44S) (Sup. Dist. 1)

PLANNING COMMISSION ACTION:

At its hearing of April 22, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Hill to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 7681, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3656, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Hill, Carver, Ede, Eubanks, Ewell, Woolf
No: None

RESOLUTION # 12880

Absent: Commissioners Burgess and Chatha

Abstain: None

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

By: 
William M. Kettler, Manager
Development Services and Capital Projects Division

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NOTE: 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 Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study No. 7681
Classified Conditional Use Permit Application No. 3656

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 22, 2021 and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- We agree with the conditions of approval and believe all findings for the project can be made.
 - Our existing facility converts chicken manure and liquid wastes into fertilizer.
 - The project conforms to air quality and groundwater requirements.
 - The nearest single-family residence is 3,000 feet away from our facility and the Community of Helm is three miles to the east of the project site.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B

Mitigation Monitoring and Reporting Program
 Initial Study Application No. 7681; Classified Conditional Use Permit Application No. 3656

EXHIBIT B

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 downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning (PW&P)	As noted
*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	As noted

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.
2.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage and lighting.
3.	All Conditions of prior Conditional Use Permit Nos. 2467, 3265, 3340 and 3523 shall remain in full force and effect except as modified with or superseded by approved conditions of CUP No. 3656.
4.	The portion of Kamm Avenue fronting the western 416 feet of the project site (APN: 040-080-42S) has a total existing right-of-way of 70 feet, with 30 feet north and 40 feet south of the section line. Kamm Avenue is classified as an Arterial requiring an ultimate road right of way of 53 feet south of the section line. The owner of the property shall record a document irrevocably offering the 13 feet as future right-of-way from the northern side of the western 416 feet of the subject parcel which abuts Kamm Avenue. Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.
5.	To comply with the California Regional Water Quality Control Board Waste Discharge requirements, the project proponent (True Organic) may need to submit a Report of Discharge with the Regional Board, as required by Section 13260 of the California Water Code.
Project Notes	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Construction plans, building permits and inspections will be required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	To address site development impacts resulting from the project, the Site Plan Review Unit of the Fresno County Department of Public Works and Planning requires the following: <ul style="list-style-type: none"> • All parking stalls along the property line adjacent to West Kamm Avenue shall be setback a minimal of twenty feet per county standards. • 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 of the edge of the ultimate right-of-way shall be concrete or asphalt. • Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • A dust palliative shall be required on all parking and circulation areas.

- Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.
- 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.
- All proposed signs, require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Note: These requirements will be addressed through Site Plan Review.

4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • Any additional runoff generated by the proposed project shall not be drained across property lines and be retained onsite per County Standards. • An engineered grading and drainage plan shall be approved. • A grading permit shall be obtained for any grading that has been done without a permit and any grading proposed with this application. • Per FEMA, FIRM Panel 2550H, portions of the parcel and proposed structures are within Flood Zone A and subject to flooding from the 100-year storm. Any proposed development within the Flood Zone will require compliance with Title 15.48 of Fresno County Flood Ordinance. • A 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing and proposed driveways onto Kamm Avenue.
	<p>To address site development impacts resulting from the project, the Road Maintenance and Operations Division of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • An encroachment permit shall be obtained for the proposed drive approach onto Kamm Avenue. • An encroachment permit shall be obtained for any work performed in the County road right-of-way.

6.	<p>To address public safety impacts resulting from the project, the Fresno County Fire Protection District requires the following:</p> <ul style="list-style-type: none"> • The project shall comply with the California Code of Regulations Title 24 – Fire Code • Subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval. • The project shall annex into Communities Facilities District No. 2010-01 of the District.
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*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

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