



County of Fresno

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

July 22, 2020

POM Wonderful, LLC
324 S. Santa Fe Street #A
Visalia CA 93292

Dear Applicant:

Subject: Resolution No. 12825 - Initial Study Application No. 7492 and Unclassified
Conditional Use Permit Application No. 3619

On June 25, 2020, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final. The Notice of Determination and Mitigated Negative Declaration have been filed with the County Clerk and copies are enclosed for your records, along with receipt for payment of the California Fish and Wildlife Impact Fee.

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.

If you have any questions regarding the information in this letter, please contact me at cmonfette@fresnocountyca.gov or 559-600-4245.

Sincerely,

Chrissy Monfette, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: June 25, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12825 - INITIAL STUDY APPLICATION NO. 7492 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3619

APPLICANT: POM Wonderful, LLC

OWNER: Elizabeth Stephenson

REQUEST: Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant and used for irrigation of the alfalfa plants surrounding the facility on a 42.02-acre parcel in the M-3 (General Industrial) Zone District.

LOCATION: The project site is located on the southeastern corner of the intersection of American Avenue and S. Del Rey Avenue (addressed as 5286 S. Del Rey Avenue, Del Rey, CA 93616) (Sup. Dist. 4) (APN 350-230-01S).

PLANNING COMMISSION ACTION:

At its hearing of June 25, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Ede and seconded by Commissioner Hill to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3619, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12825

This motion passed on the following vote:

VOTING: Yes: Commissioners Ede, Hill, Carver, Chatha, Eubanks and Woolf
 No: None
 Absent: Commissioners Burgess and Lawson
 Abstain: None
 Recused: Chairman Abrahamian

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

WMK:ksn
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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 Application No. 7492
Unclassified Conditional Use Permit Application No. 3619

Staff: The Fresno County Planning Commission considered the Staff Report dated June 25, 2020, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The purpose of the digester is to utilize the existing waste of the operation, which currently is placed in bins and exported for other uses. This project would use that waste to fuel the digester for energy generation and a lower-emission operation of the facility.
- The waste is currently stacked on site, which allows fumes from composting to rise into the atmosphere. By placing the waste into the digester, the waste is removed from the site before it results in adverse odor impacts.
- The solid by-product (the "dewatered cake") may be sold to other local farmers if conditions are not correct for application on applicant-owned lands.
- We have an interconnection agreement in place with PG&E.

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.

CMM:ksn
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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7492
Classified Conditional Use Permit Application No. 3619
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural or paleontological 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/Fresno County Department of Public Works and Planning	During ground-disturbing activities
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance. Appropriate screening of the western property line shall be considered as part of this review.				
3.	All relevant conditions of Amendment Application No. 3732 and Mitigation Measures from the WDR IS shall remain in full force and effect unless superseded by this application or they have been previously satisfied. Relevant conditions may be identified during the Site Plan Review process.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. 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 Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.				

Notes

2.	Plans, permits and inspections are required for all onsite proposed improvements. 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.	The Application shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
4.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
6.	<p>Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map (http://cers.calepa.ca.gov/ or https://www.fresnocupa.com/):</p> <ol style="list-style-type: none"> 1. There is a 100% or more increase in the quantities of a previously-disclosed material; 2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts.
7.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.
8.	The land application rates of liquid from a digester that has gone through a wastewater treatment plant and solid waste from the digester shall be applied accordance to the approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).
9.	The operational statement provided with the application indicates that the separated solids from the anaerobic digester may be utilized for composting, or a dewatered cake for land application. Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division acting as the Local Enforcement Agency (LEA).
10.	AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
11.	AB 1826 - Mandatory Commercial Organics Recycling (MORE): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
12.	The Applicant is required to submit a Title 22 report to the State Water Resources Control Board, Division of Drinking Water for the use of recycled waste water to irrigate the alfalfa.

Notes

13.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
14.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
15.	Any work done within the 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.
16.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.
17.	No new access points are allowed without prior approval, and any existing driveway shall be utilized.
18.	If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.



E202010000252 **County of Fresno**

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

FILED

JUL 16 2020 TIME 2:40pm

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721
FRESNO COUNTY CLERK
By A. 93721
[Signature] DEPUTY

From: Fresno County Department of Public Works and Planning, Development Services
and Capital Projects
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Contact: Planner, Phone Number

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resource Code

Project: Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619

Location: The proposed digester will be located at the intersection of American Avenue and Del Rey Avenue, APN 350-230-01S, a portion of the larger POM Wonderful site which includes the following APNS: 350-031-11, -13, -63S, 64, 66, 350-230-17, and -19S (land application area); 350-230-01S, -07ST, -08, -09S, -10, -11T, -12T, -13, -14S, -15S, and -21S (fruit processing facility operations). Address: 5286 S. Del Rey Avenue, Del Rey, CA 93616. Sup. Dist. 4.

Sponsor: POMWonderful, LLC

Description: Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plan and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application.

This is to advise that the County of Fresno (Lead Agency Responsible Agency) has approved the above described project on June 25, 2020, and has made the following determination:

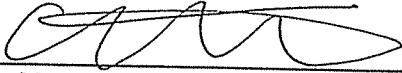
1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

E202010000252

A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.



Chrissy Monfette, Planner
(559) 600-4245 /EMAIL cmonfette@fresnocountyca.gov

July 15, 2020

Date

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only.		FILED JUL 16 2020 TIME 2:40pm	
Agency File No: IS 7492		LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: Jessica Munoz By <i>Jessica Munoz</i> FRESNO COUNTY CLERK DEPUTY	
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): Chrissy Monfette Planner		Area Code: 559	Telephone Number: 600-4245		Extension: N/A
Project Applicant/Sponsor (Name): POMWonderful, LLC		Project Title: Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619			
Project Description: Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plan and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application.					
Justification for Negative Declaration: Based upon the Initial Study prepared for Conditional Use Permit Application No. 3619, 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 Biological Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Aesthetics, Air Quality, Energy, 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 Agriculture and Forestry, Cultural Resources, and Geology and Soils have determined to be less than significant with compliance with above-noted Mitigation Measures.					
FINDING: The proposed project will not have a significant impact on the environment.					
Newspaper and Date of Publication: Fresno Business Journal – May 20, 2020			Review Date Deadline: Planning Commission – June 25, 2020		
Date:	Type or Print Signature: <i>David Randall</i> David Randall, Senior Planner 7.15.20		Submitted by (Signature): <i>Chrissy Monfette</i> Chrissy Monfette, Planner 7/15/20		

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

RECEIPT NUMBER:

E202010000252

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY COUNTY OF FRESNO	LEAD AGENCY EMAIL	DATE 07/16/2020
COUNTY/STATE AGENCY OF FILING FRESNO COUNTY		DOCUMENT NUMBER E202010000252

PROJECT TITLE

INIT STUDY APP NO 7492 AND UNCLASSIFIED CUP APP NO 3619

PROJECT APPLICANT NAME COUNTY OF FRESNO	PROJECT APPLICANT EMAIL	PHONE NUMBER (559) 600-4245
PROJECT APPLICANT ADDRESS 2220 TULARE ST, SUITE A	CITY FRESNO	STATE CA
		ZIP CODE 93721

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,343.25	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$	<u>2,406.75</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,136.50	\$	<u>0.00</u>

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee	\$50.00	\$	<u>50.00</u>
<input type="checkbox"/> Other		\$	<u>0.00</u>

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other 099468

TOTAL RECEIVED \$ **2,456.75**

SIGNATURE X <i>Jessica Munoz</i> Jessica Munoz	AGENCY OF FILING PRINTED NAME AND TITLE Jessica Munoz Deputy Clerk
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County of Fresno
Clerk's Office
Brandi L. Orth

2221 Kern Street
Fresno, CA, 93721
(559) 600-8683

Finalization 2020031566
7/22/2020 02:35 PM
CCR572887 jmunoz

Description	Fee
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EIR - Negative Declaration

Time Recorded: 2:35 PM
Recording Fee: No Fee

EIR Administrative Fee

Time Recorded: 2:38 PM
Recording Fee: \$50.00

EIR - Negative Declaration

Time Recorded: 2:38 PM
Recording Fee: \$2,406.75

Total Amount Due \$2,456.75

Total Paid

Check Tendered \$2,456.7

#099468

Amount Due \$0.00

THANK YOU
PLEASE KEEP FOR REFERENCE