



# County of Fresno

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

July 16, 2020

Apco-Ettner, Inc.  
5588 N. Palm Avenue  
Fresno CA 93704

Dear Applicant:

Subject: Resolution No. 12829 - Initial Study Application No. 7798 and Classified  
Conditional Use Permit Application No. 3668

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 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 [tkobayashi@fresnocountyca.gov](mailto:tkobayashi@fresnocountyca.gov) or 559-600-4224.

Sincerely,

Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

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Enclosure



## Inter Office Memo

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DATE: June 25, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12829 - INITIAL STUDY APPLICATION NO. 7798 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3668

APPLICANT: Apco-Ettner, Inc.

OWNER: Nutrien Ag Solutions, Inc.

REQUEST: Amend Conditional Use Permit No. 2085 to allow expansion of an existing fertilizer operation on a 5.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of South Lassen Avenue (State Route 269) approximately 4,480 feet south of its intersection with West Mount Whitney Avenue and is approximately 12.9 miles southeast of the nearest city limits of the City of San Joaquin (21929 S. Lassen Avenue, Five Points, CA) (Sup. Dist. 4) (APN 050-130-04S).

### 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 Hill and seconded by Commissioner Ede to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact for approval of a Conditional Use Permit, revise the Conditions of Approval as depicted in Exhibit 1 of the Staff Report to delete Condition of Approval No. 3 and move language related to state permitting of on-site public water systems to a Project Note, and approve Classified Conditional Use Permit No. 3668, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Initial Study Application No. 7798  
Classified Conditional Use Permit Application No. 3668

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 proposed secondary containment area will be for existing products on site with the intent of separating fertilizer and weed abatement materials. This will allow us to improve the site with a concrete containment area that will prevent spills from contaminating the soil.
- The facility has been in existence for approximately 70 years and they have done little improvements over time.
- We would like clarification on Condition of Approval No. 3, as water is supplied through Westlands Water District, but the operation chooses to provide drinking water for the office with bottled water.
- The majority of their personnel are delivery drivers. There are office workers and maintenance workers on the project site. There are less than ten employees in the office.
- Nutrien Ag will utilize green poly storage tanks to more easily define their operation. In some cases, the color of the tanks determine the quality of the tank.

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.

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7798  
Classified Conditional Use Permit Application No. 3668  
(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 downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal 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.	Hazards and Hazardous Materials	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their Hazardous Materials Business Plan and site map:</p> <ul style="list-style-type: none"> <li>a. There is a 100% or more increase in the quantities of a previously-disclosed material</li> <li>b. The facility begins handling a previously-undisclosed material at or above the Hazardous Materials Business Plan threshold amounts</li> <li>c. There is a change in the site map</li> </ul> <p>The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency.</p>	Applicant	Applicant/Department of Public Health, Environmental Health Division (EHD)	Ongoing
4.	Hazards and Hazardous Materials	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.	Applicant	Applicant/EHD	Ongoing

5.	Hazards and Hazardous Materials	Prior to construction permits being issued, a hazardous material spill prevention and response plan shall be developed and approved by the Fresno County Health Department to provide site response should an event of spillage occur with the liquid fertilizers and pesticides stored on site.	Applicant	Applicant/PW&P/ EHD	Ongoing
<b>Conditions of Approval</b>					
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 and approval will be required for all proposed improvements.				
*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.					
<b>Notes</b>					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
1.	If approved, permits are required for the installation of the additional storage tanks and associated facilities.				
2.	Permits are required for all electrical installations.				
3.	Driveways shall be set back a minimum of 10 feet from the side property line.				
4.	Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way or length of the longest truck entering the site and shall not swing outward.				
5.	For any unpaved or gravel-surface access driveway, the first 100 feet from the edge of the paved County road right-of-way must be graded and paved to prevent tracking mud and rocks onto the County roadway.				
6.	According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly property line of the subject site. Easements may be required by the appropriate agency.				
7.	An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.				
8.	A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application.				
9.	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.				
10.	The proposed construction project has the potential to expose nearby residences to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.				

**Notes**

11.	In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor with the required permits. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill materials for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
12.	The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck and trailer traffic from driving over, causing damage and possible failure of the septic system.
13.	As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9: disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.
14.	Contact Underground Service Alert prior to construction.
15.	The project shall comply with California Code of Regulations 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 County of Fresno 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.
16.	Project/Development, including Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential property, Commercial property, Industrial property, and/or Office property, shall annex into Community Facilities District No. 2010-01 of FCFPD.
17.	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.
18.	In order to operate and serve drinking water to the public, a drinking water permit is required from the State Water Resources Control Board. The fertilizer operation's current water supply is hauled/bottle water and is not an approved long-term solution for the provision of drinking water. Prior to building permits being issued, the fertilizer operation will be required serve drinking water through one of the following options: 1) drill a well that produces compliant water, 2) construct a surface water treatment plant to treat water from Westlands Water District, or 3) connect to another regulated public water system. The selected option will need to be approved and permitted by the Division of Drinking Water.