



# County of Fresno

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

DATE: February 3, 2020

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director  
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director  
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager  
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner  
Development Services and Capital Projects, Current Planning, Attn: Marianne Mollring, Senior Planner  
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner  
Development Services and Capital Projects, Zoning & Permit Review, Attn: Daniel Gutierrez/James Anders  
Development Services and Capital Projects, Site Plan Review, Attn: Hector Luna  
Development Services and Capital Projects, Building & Safety/Plan Check, CASp, Attn: Dan Mather  
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping  
Road Maintenance and Operations, Attn: John Thompson/Nadia Lopez  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst/Gloria Hensley  
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager; Roy Jimenez  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/Steven Rhodes  
Agricultural Commissioner, Attn: Melissa Cregan  
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Matthew Nelson, Biologist  
CA Regional Water Quality Control Board, Attn: Dale Harvey  
CALTRANS, Attn: Dave Padilla  
CA Department of Fish and Wildlife, Attn: Craig Bailey, Environmental Scientist & [R4CEQA@wildlife.ca.gov](mailto:R4CEQA@wildlife.ca.gov)  
State Water Resources Control Board, Division of Drinking Water, Fresno District, Attn: Jose Robledo, Caitlin Juarez  
CA Department of Toxic Substance Control (CEQA unit), Attn: Dave Kerezis  
Picayune Rancheria of the Chukchansi Indians, Attn: Heather Airey/Cultural Resources Director  
Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman/Hector Franco, Director/Shana Powers, Cultural Specialist II  
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director/Kim Taylor, Cultural Resources Department/Sara Barnett, Cultural Resources Department  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn: PIC Supervisor

Westside Subbasin GSA, Attn: Kiti Buelna Campbell, P.E. at  
[kcampbell@wwd.ca.gov](mailto:kcampbell@wwd.ca.gov)  
Westlands Water District, Attn: Russ Freeman, Jose Gutierrez, Katarina Campbell  
Westside Resource Conservation District, Attn: Sarge Green  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Thomas Kobayashi, Planner  
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 7798 and Classified Conditional Use Permit Application  
No. 3668

APPLICANT: Apco – Ettner, Inc.

DUE DATE: February 18, 2020

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to amend CUP 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.

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **February 18, 2020**. Any comments received after this date may not be used.

**NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a “NO COMMENT” response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Thomas Kobayashi, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224 or email [TKobayashi@FresnoCountyCA.gov](mailto:TKobayashi@FresnoCountyCA.gov).

TK  
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*Activity Code (Internal Review): 2440*

Enclosures



Fresno County Department of Public Works and Planning

Date Received: 1/22/20

CUP 3668  
IS 7718  
Application No. 1

MAILING ADDRESS:  
Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare St., 6th Floor  
Fresno, Ca. 93721

LOCATION:  
Southwest corner of Tulare & "M" Streets, Suite A  
Street Level  
Fresno Phone: (559) 600-4497

APPLICATION FOR:

- Pre-Application (Type)
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class / Minor Variance)
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval
for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other

DESCRIPTION OF PROPOSED USE OR REQUEST:

Amending the CUP to allow expansion of existing fertilizer operation.

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: West side of MASSON AVE
between W. Laguna Ave and Mt. Whitney Ave
Street address: 21929 S. MASSON AVE

APN: 0501301045 Parcel size: Section(s)-Twp/Rg: S - T S/R E

ADDITIONAL APN(s):

I, Farshad Orojz (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Farshad Orojz PO Box 338 Five Points CA 93624
APCO-KITNER, INC 5588 N Palmdale Fresno 93704 559-2693303

Representative (Print or Type) Address City Zip Phone

CONTACT EMAIL:

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: CUP 3668 (Amendment) Fee: \$2,284.50
Application Type / No.: Per App 19 - 107846 Fee: \$ - 247.00
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: Fee: \$ 3,901.00
Ag Department Review: Fee: \$ 95.00
Health Department Review: Fee: \$ 992.00
Received By: Thomas K. Invoice No.: 126615 TOTAL: \$7,023.50

UTILITIES AVAILABLE:

WATER: Yes [ ] / No [ ]
Agency:
SEWER: Yes [ ] / No [ ]
Agency:

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T S/R E

Related Application(s):

APN # - - -

Zone District: AE-20

APN # - - -

Parcel Size: 5.02 acres

APN # - - -

APN # - - -

over.....





Development Services  
and  
Capital Projects  
Division

Mail To:  
GUILLERMO'S  
CONSTRUCTION  
41826 ROAD 92  
DINUBA, CA 93618  
Email To:  
WILLYALVARADO  
@SBCGLOBAL.NET

**Pre-Application Review**  
Department of Public Works and Planning

NUMBER: 19-107248  
APPLICANT: WILLY ALVARADO  
PHONE: 559-318-0104

PROPERTY LOCATION: 21928 S. LASSEN AVE., FIVE POINTS, CA 93624  
APN: 050 - 130 - 04S ALCC: No  Yes # VIOLATION NO. N/A  
CNEL: No  Yes (level) LOW WATER: No  Yes WITHIN 1/2 MILE OF CITY: No N/A Yes  
ZONE DISTRICT: AE-20; SRA: No  Yes HOMESITE DECLARATION REQ'D.: No  Yes  
LOT STATUS:

Zoning: ( ) Conforms; (X) Legal Non-Conforming lot; ( ) Deed Review Req'd (see Form #236)

Merger: May be subject to merger: No  Yes ZM# Initiated In process

Map Act: ( ) Lot of Rec. Map; ( ) On '72 rolls; (X) Other Permit History; ( ) Deeds Req'd (see Form #236)

SCHOOL FEES: No Yes  DISTRICT: Riverdale Unified Trustee Area 5, West Hills CC Trustee Area 1, Woodside Elementary PERMIT JACKET: No Yes

FMFCD FEE AREA: (X) Outside ( ) District No.: FLOOD PRONE: No  Yes

PROPOSAL: AMEND CUP 2085 TO ALLOW THE EXPANSION OF AN EXISTING FERTILIZER OPERATION.

COMMENTS: FOR PROPOSED CONTAINMENT FOUNDATION FOR FUTURE TANKS. [PC #19-0230]

ORD. SECTION(S): 816.3-I BY: O. Ramirez DATE: 09/13/2019

**GENERAL PLAN POLICIES:**

LAND USE DESIGNATION: Agricultural ( ) JGPA:  
COMMUNITY PLAN: ( ) JAA:  
REGIONAL PLAN: (X) CUP: Amended 82,244.50  
SPECIFIC PLAN: ( ) JDRA:  
SPECIAL POLICIES: ( ) JVA:  
SPHERE OF INFLUENCE: ( ) JAT:  
ANNEX REFERRAL (LU-G17/MOU): ( ) JTT:

**PROCEDURES AND FEES:**

( ) MINOR VA:  
(X) JHD: \$ 993.00  
(X) JAG COMM: \$ 893.00  
( ) ALCC:  
(X) JIS/PER: \$ 3,901.00  
( ) JViol. (35%):  
( ) Other:  
Filing Fee: \$ 7,270.50  
Pre-Application Fee: -\$247.00  
Total County Filing Fee: \$ 7,023.50

COMMENTS:

**FILING REQUIREMENTS:**

- Land Use Applications and Fees
- This Pre-Application Review form
- Copy of Deed / Legal Description
- Photographs
- ( ) Letter Verifying Deed Review
- IS Application and Fees\* \* Upon review of project materials, an Initial Study (IS) with fees may be required.
- Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Project Description / Operational Statement (Typed)
- ( ) Statement of Variance Findings
- ( ) Statement of Intended Use (ALCC)
- ( ) Dependency Relationship Statement
- ( ) Resolution/Letter of Release from City of \_\_\_\_\_

**OTHER FILING FEES:**

- ( ) Archaeological Inventory Fee: \$75 at time of filing  
(Separate check to Southern San Joaquin Valley Info. Center)
- CA Dept. of Fish & Wildlife (CDFW): (\$50) (\$50+\$2,354.75)  
(Separate check to Fresno County Clerk for pass-thru to CDFW.  
Must be paid prior to IS closure and prior to setting hearing date.)

PLU # 113 Fee: \$247.00

Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

RECEIVED  
COUNTY OF FRESNO

JAN 13 2020

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

OVER.....

BY: Thomas Kobayashi DATE: 9/17/19  
PHONE NUMBER: (559) 600-4234

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:

- ( ) COVENANT
- ( ) MAP CERTIFICATE
- ( ) PARCEL MAP
- ( ) FINAL MAP
- ( ) FMFCD FEES
- ( ) ALUC or ALCC
- SITE PLAN REVIEW
- BUILDING PLANS
- BUILDING PERMITS
- ( ) WASTE FACILITIES PERMIT
- ( ) SCHOOL FEES
- ( ) OTHER (see reverse side)



RECEIVED  
COUNTY OF FRESNO

JAN 23 2020

# County of Fresno

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

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

## INITIAL STUDY APPLICATION

### INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

OFFICE USE ONLY

IS No. 7798

Project No(s). CUP 3668

Application Rec'd: \_\_\_\_\_

### GENERAL INFORMATION

- Property Owner: Nutrien Ag Solutions, INC Phone/Fax: 559-779-5460  
Mailing Address: PO Box 338 Five Points CA 93624  
Street City State/Zip
- Applicant: APCO-ETNER, INC Phone/Fax: \_\_\_\_\_  
Mailing Address: 5588 N Palm Ave Fresno CA 93704  
Street City State/Zip
- Representative: Victor Riolo Phone/Fax: 559 287 7276  
Mailing Address: 5588 N Palm Ave Fresno CA 93704  
Street City State/Zip
- Proposed Project: Amend CUP 2085 TO ALLOW EXPANSION OF AN existing Fertilizer Operation. For Proposed Containment Foundation For Future Tanks. (PC# 19-02301)
- Project Location: 21929 S. LASSEN Ave, Five Points, CA  
93624
- Project Address: - Same -
- Section/Township/Range: 050/130/04S
- Parcel Size: \_\_\_\_\_
- Assessor's Parcel No. 050/130/04S

OVER.....

10. Land Conservation Contract No. (If applicable): \_\_\_\_\_

11. What other agencies will you need to get permits or authorization from:

|   |   |
|---|---|
| _____ LAFCo (annexation or extension of services) | _____ SJVUAPCD (Air Pollution Control District) |
| _____ CALTRANS                                    | _____ Reclamation Board                         |
| _____ Division of Aeronautics                     | _____ Department of Energy                      |
| _____ Water Quality Control Board                 | _____ Airport Land Use Commission               |
| _____ Other _____                                 |   |

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? \_\_\_\_\_ Yes  No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District<sup>1</sup>: AE-20

14. Existing General Plan Land Use Designation<sup>1</sup>: \_\_\_\_\_

ENVIRONMENTAL INFORMATION

15. Present land use: Ag Fertilizer Retail  
Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:

Describe the major vegetative cover: N/A  
Any perennial or intermittent water courses? If so, show on map: N/A

Is property in a flood-prone area? Describe: NO

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Farm  
South: All  
East: All  
West: All

17. What land use(s) in the area may be impacted by your Project?: NONE

18. What land use(s) in the area may impact your project?: NONE

19. Transportation:

NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?  
       Yes   ✓   No

B. Daily traffic generation:

I. Residential - Number of Units \_\_\_\_\_  
Lot Size \_\_\_\_\_  
Single Family \_\_\_\_\_  
Apartments \_\_\_\_\_

NA

II. Commercial - Number of Employees \_\_\_\_\_  
Number of Salesmen \_\_\_\_\_  
Number of Delivery Trucks \_\_\_\_\_  
Total Square Footage of Building \_\_\_\_\_

III. Describe and quantify other traffic generation activities: NA

20. Describe any source(s) of noise from your project that may affect the surrounding area: \_\_\_\_\_

None

21. Describe any source(s) of noise in the area that may affect your project: None

22. Describe the probable source(s) of air pollution from your project: None

23. Proposed source of water:

( ) private well

( ✓ ) community system<sup>3</sup>--name: West lands water Dist.

West lands water Dist.

OVER.....

- 24. Anticipated volume of water to be used (gallons per day)<sup>2</sup>: No Change
- 25. Proposed method of liquid waste disposal:  
 septic system/individual  
 community system<sup>3</sup>-name Big Bone
- 26. Estimated volume of liquid waste (gallons per day)<sup>2</sup>: No change
- 27. Anticipated type(s) of liquid waste: No change
- 28. Anticipated type(s) of hazardous wastes<sup>2</sup>: None
- 29. Anticipated volume of hazardous wastes<sup>2</sup>: None
- 30. Proposed method of hazardous waste disposal<sup>2</sup>: N/A
- 31. Anticipated type(s) of solid waste: N/A
- 32. Anticipated amount of solid waste (tons or cubic yards per day): NA
- 33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): NA
- 34. Proposed method of solid waste disposal: NA
- 35. Fire protection district(s) serving this area: Fresno County
- 36. Has a previous application been processed on this site? If so, list title and date: \_\_\_\_\_
- 37. Do you have any underground storage tanks (~~septic~~ tanks)? Yes  No
- 38. If yes, are they currently in use? Yes \_\_\_\_\_ No N/A

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

[Signature]  
SIGNATURE

1-15-20  
DATE

<sup>1</sup>Refer to Development Services and Capital Projects Conference Checklist  
<sup>2</sup>For assistance, contact Environmental Health System, (559) 600-3357  
<sup>3</sup>For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259



## NOTICE AND ACKNOWLEDGMENT

### INDEMNIFICATION AND DEFENSE

The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.

### STATE FISH AND WILDLIFE FEE

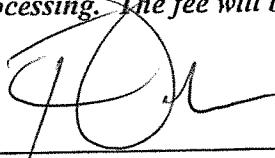
State law requires that specified fees (effective January 1, 2020: \$3,343.25 for an EIR; \$2,406.75 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).
2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.

A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.

Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.



\_\_\_\_\_  
Applicant's Signature

1-15-20

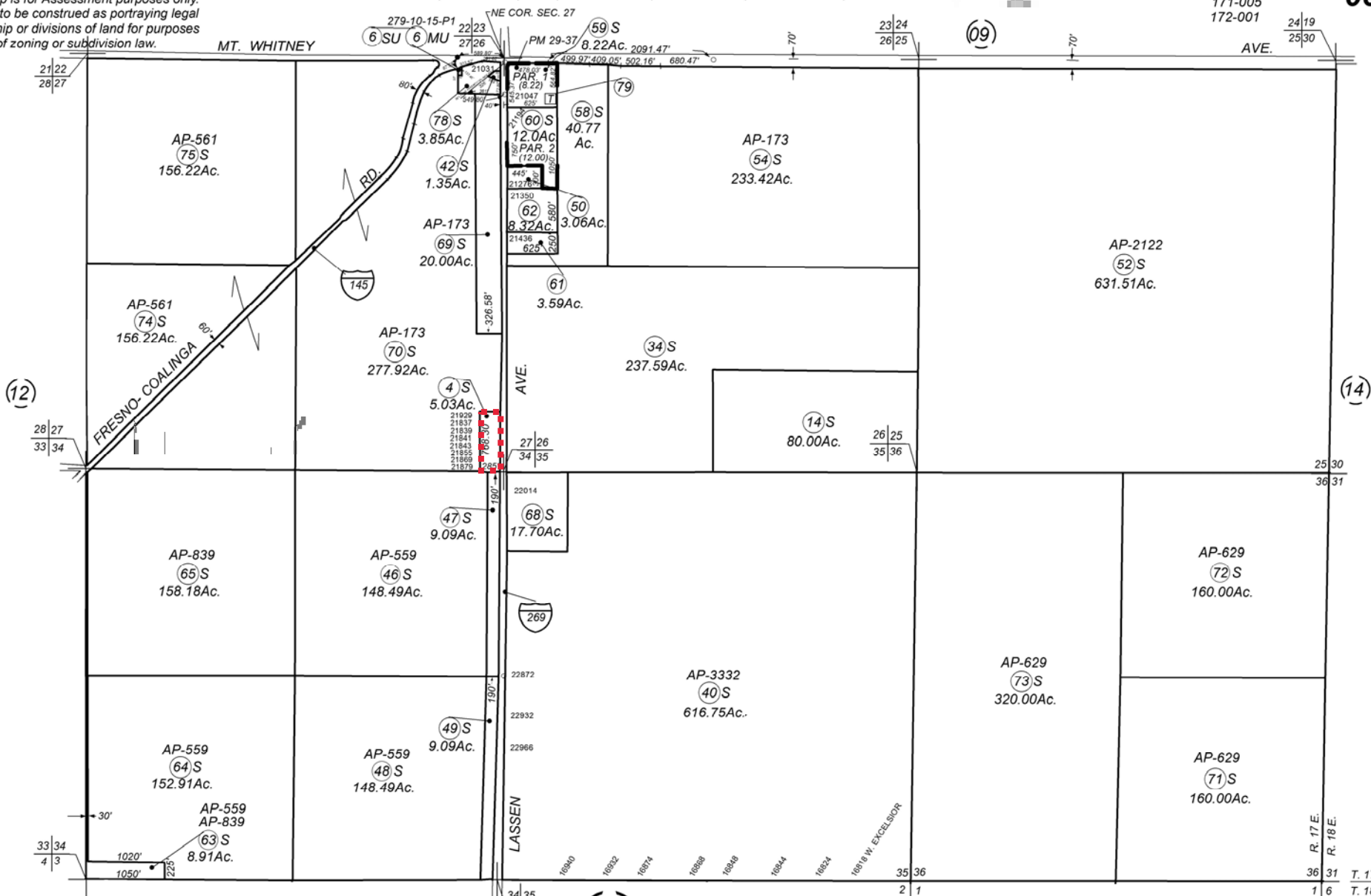
\_\_\_\_\_  
Date

-NOTE-  
This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.

SEC. 25, 26, 27, 34, 35 & 36, T. 17 S., R. 17 E., M. D. B. & M.

Tax Rate Area  
171-005  
172-001

050-13



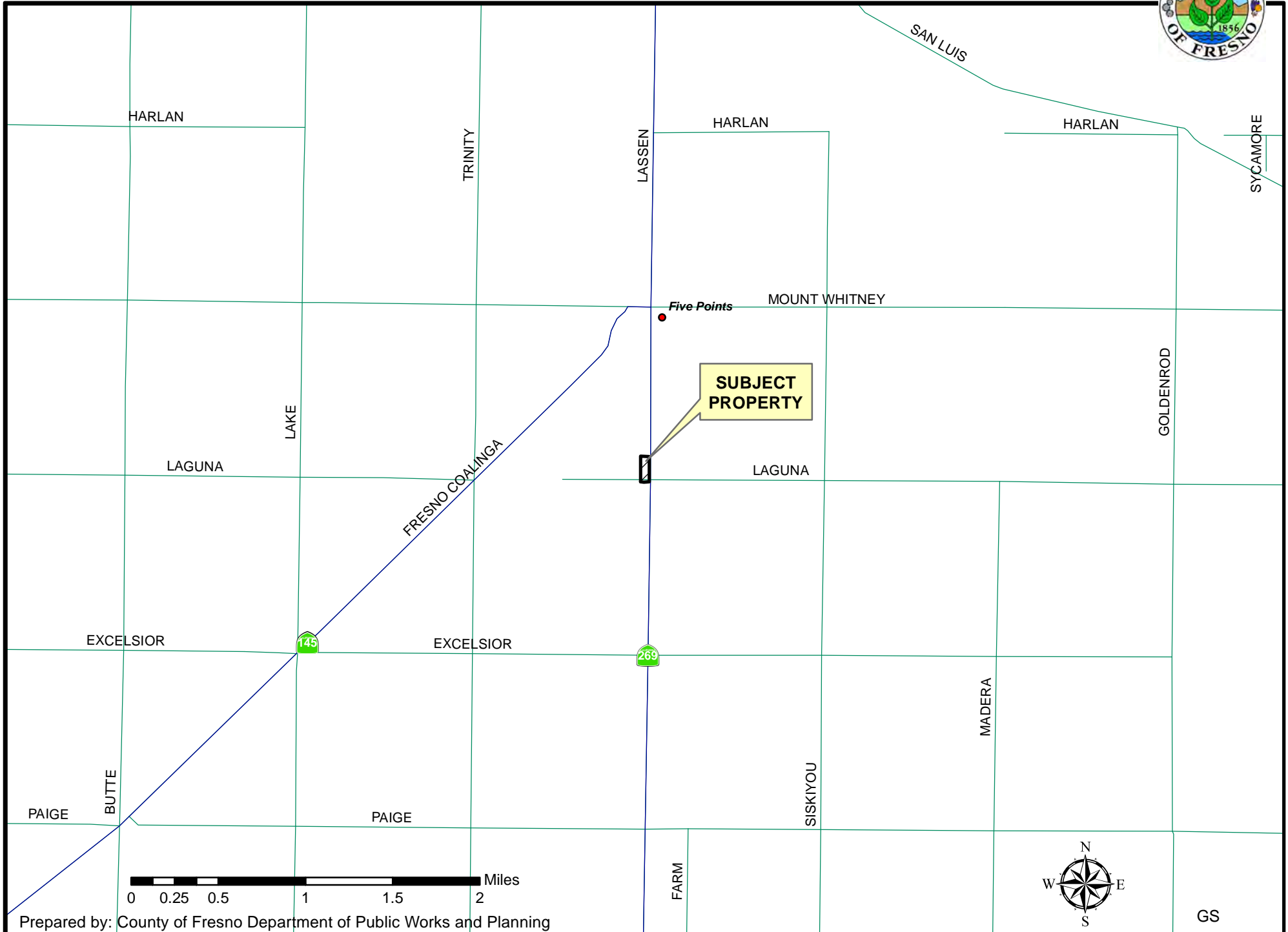
Agricultural Preserve  
Parcel Map No. 4509 - Bk. 29, Pg. 37

(Bk. 060)

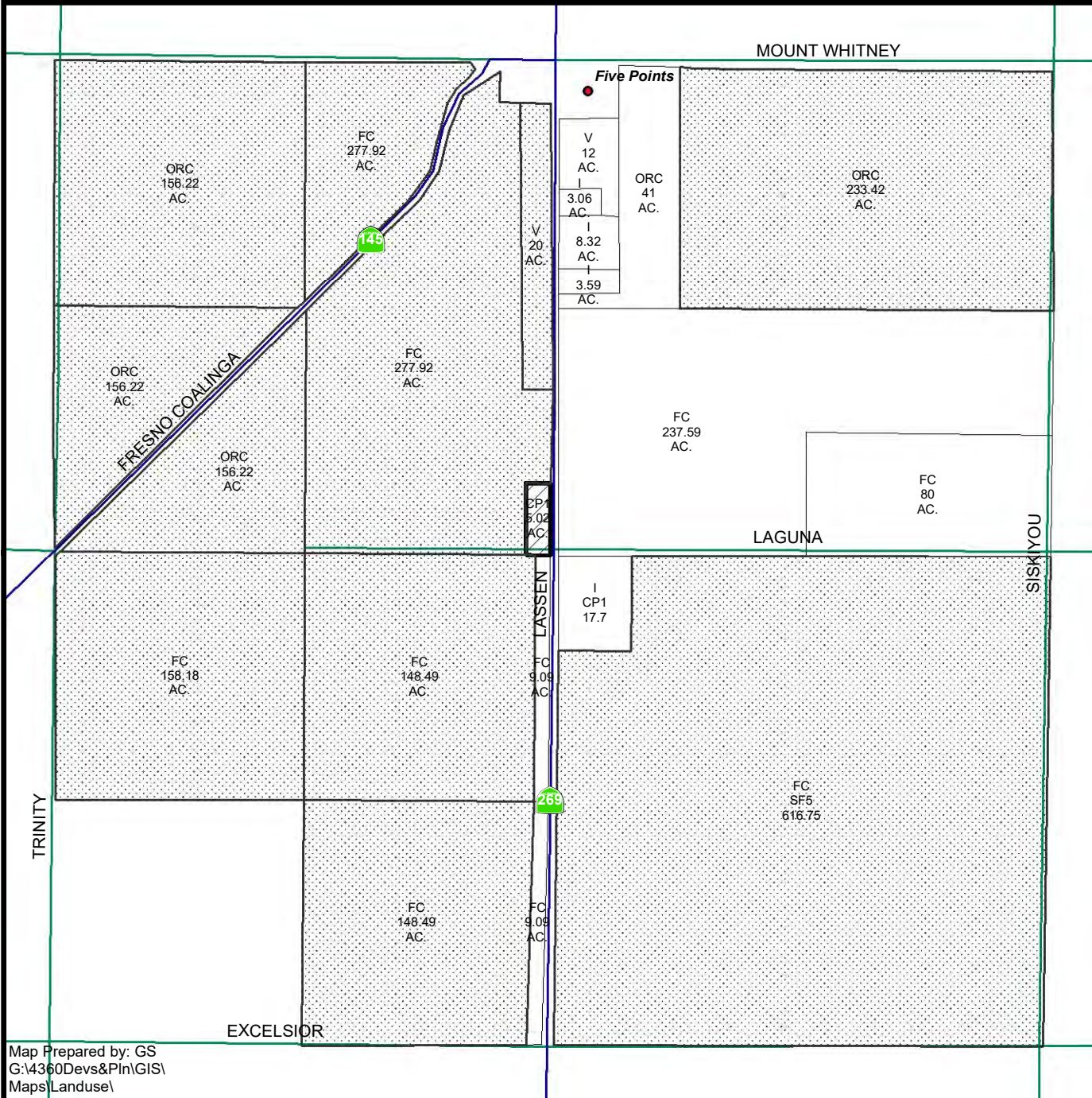
Assessor's Map Bk.050 - Pg.13  
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

# LOCATION MAP



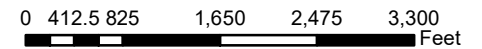
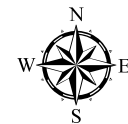
# EXISTING LAND USE MAP



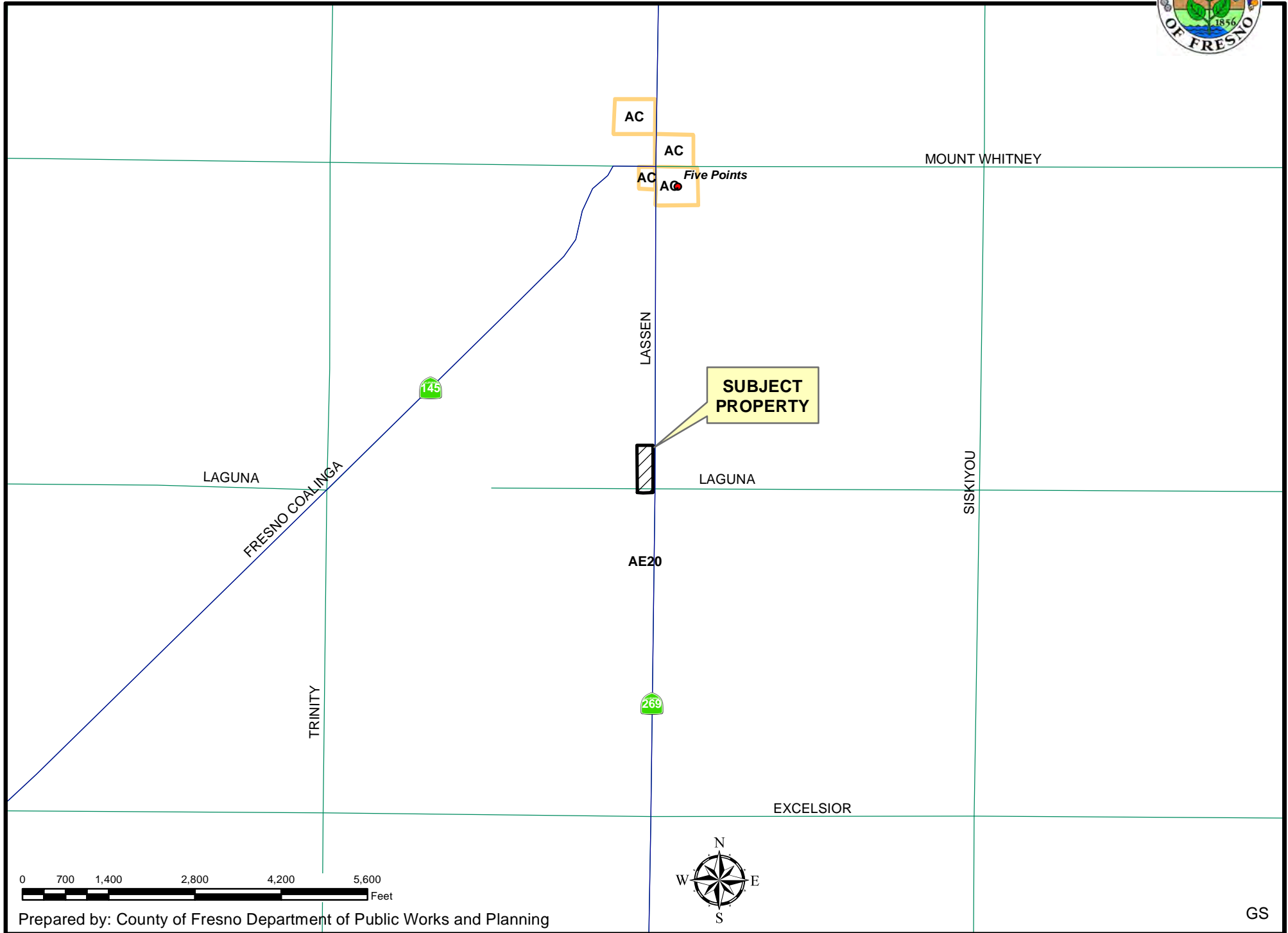
| LEGEND |                         |
|--------|-------------------------|
| CP# -  | OFFICE COMM./PROF       |
| FC -   | FIELD CROP              |
| I -    | INDUSTRIAL              |
| ORC -  | ORCHARD                 |
| SF# -  | SINGLE FAMILY RESIDENCE |
| V -    | VACANT                  |

## LEGEND:

- Subject Property
- Ag Contract Land



# EXISTING ZONING MAP





JAN 23 2020

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "CROP PRODUCTION SERVICES, INC.", CHANGING ITS NAME FROM "CROP PRODUCTION SERVICES, INC." TO "NUTRIEN AG SOLUTIONS, INC.", FILED IN THIS OFFICE ON THE TWENTY-EIGHTH DAY OF JUNE, A.D. 2018, AT 2:11 O`CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE FIRST DAY OF JULY, A.D. 2018.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



  
Jeffrey W. Bullock, Secretary of State

3678416 8100  
SR# 20185421339

Authentication: 202996141  
Date: 07-02-18

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

**CERTIFICATE OF AMENDMENT  
TO  
CERTIFICATE OF INCORPORATION**

Crop Production Services, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"),

**DOES HEREBY CERTIFY:**

**FIRST:** That the Board of Directors ("Board") by unanimous written consent, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of the Corporation:

**RESOLVED**, that the Certificate of Incorporation of the Corporation be amended by changing Article I thereof so that, as amended, such Article shall be and read as follows:

**"ARTICLE I**

**NAME**

The name of the corporation is Nutrien Ag Solutions, Inc. (referred to hereinafter as the "Corporation")."

**SECOND:** That in lieu of a meeting and vote of stockholders, the stockholders have given unanimous written consent to such amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

**THIRD:** That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

**FOURTH:** That this Certificate of Amendment of the Certificate of Incorporation shall be effective as of July 1, 2018.

**IN WITNESS WHEREOF**, said Crop Production Services, Inc. has caused this certificate to be signed this 31<sup>st</sup> day of May, 2018.

**CROP PRODUCTION SERVICES, INC.**

By: 

Name: Michael Frank

Title President

Recorded in Official Records, Madera County

10/09/2009

**REBECCA MARTINEZ**

12:18 PM

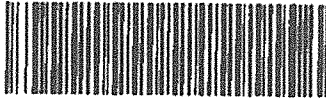
Madera County Recorder

1

P Public

Doc#: 2009034666

Titles: 1 Pages: 5



|             |                |
|-------------|----------------|
| Fees        | 20.00          |
| Taxes       | 0.00           |
| Other       | 0.00           |
| <b>PAID</b> | <b>\$20.00</b> |

**RECORDING REQUESTED BY**

After Recording Return To:  
Faegre & Benson LLP  
Attn: Kristin A. Jameson  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402

**RECEIVED**  
COUNTY OF FRESNO

**JAN 23 2020**

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Prepared By: Peter C. Schaub; Reference: PS #70310

Faegre & Benson LLP, 3200 Wells Fargo Center, 1700 Lincoln Street, Denver, CO 80203-4532

**CERTIFICATE OF MERGER**

# Delaware

PAGE 1

## The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

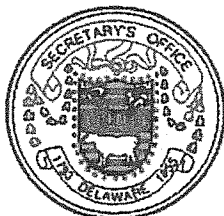
"CROP PRODUCTION SERVICES, INC.", A DELAWARE CORPORATION,  
"WESTERN FARM SERVICE, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "UAP DISTRIBUTION, INC." UNDER THE NAME OF  
"CROP PRODUCTION SERVICES, INC.", A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED  
AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF DECEMBER, A.D.  
2008, AT 6:55 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF  
THE AFORESAID CERTIFICATE OF MERGER IS THE FIRST DAY OF JANUARY,  
A.D. 2009, AT 2:05 O'CLOCK A.M.

3678416 8100M

090887219

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 7549931

DATE: 09-25-09

STATE OF DELAWARE  
CERTIFICATE OF MERGER

WESTERN FARM SERVICE, INC.  
a Delaware corporation  
and  
CROP PRODUCTION SERVICES, INC.  
a Delaware corporation  
with and into  
UAP DISTRIBUTION, INC.  
a Delaware corporation

Pursuant to Section 251 of the Delaware General Corporation Law (the "DGCL"), UAP Distribution, Inc., a Delaware corporation (the "Corporation"), hereby certifies the following information relating to the merger of Western Farm Service, Inc., a Delaware corporation ("WFS") and Crop Production Services, Inc., a Delaware corporation ("CPS"), with and into the Corporation (the "Merger"):

**FIRST:** The names of the constituent corporations in the Merger (the "Constituent Corporations") and their states of incorporation are as follows:

| <u>Name</u>                    | <u>State</u> |
|--------------------------------|--------------|
| Western Farm Service, Inc.     | Delaware     |
| Crop Production Services, Inc. | Delaware     |
| UAP Distribution, Inc.         | Delaware     |

**SECOND:** The Agreement and Plan of Merger, dated as of December 19, 2008 (the "Merger Agreement"), between the Corporation, WFS and CPS, setting forth the terms and conditions of the Merger, has been approved, adopted, certified, executed and acknowledged by each of the Constituent Corporations in accordance with the provisions of Section 251 of the DGCL.

**THIRD:** The name of the surviving corporation in the Merger is UAP Distribution, Inc.

**FOURTH:** The Certificate of Incorporation of the Corporation shall be amended so that the paragraph setting forth the name of the corporation shall read as follows:

The name of the corporation shall be Crop Production Services, Inc.

**FIFTH:** The executed Merger Agreement is on file at the office of the surviving corporation located at 7251 West 4th Street, Greeley, Colorado 80634.



SIXTH: A copy of the Merger Agreement will be furnished by the surviving corporation, on request and without cost, to any stockholder of either of the Constituent Corporations.

SEVENTH: This Certificate of Merger, and the Merger provided for herein, shall become effective at 2:05 a.m., Eastern time on January 1, 2009.

*[Remainder of page left blank; signature page follows.]*

IN WITNESS WHEREOF, the surviving corporation has caused this Certificate of Merger to be executed by an authorized officer as of this ~~11th~~<sup>19th</sup> day of December, 2008.

UAP DISTRIBUTION, INC.

By: 

Name: Richard L. Gearheard

Title: President & Chief Executive Officer

323

MADERA 046-61-0-004

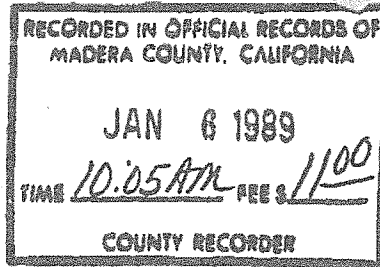
**RECORDING REQUESTED BY**

**WHEN RECORDED MAIL TO:**

WESTERN FARM SERVICE, INC.  
3075 CITRUS CIRCLE, SUITE 195  
WALNUT CREEK, CA 94598

**MAIL TAX STATEMENTS TO:**

WESTERN FARM SERVICE, INC.  
3705 W. BEECHWOOD AVE.  
P. O. BOX 1168  
FRESNO, CA 93715



THE UNDERSIGNED DECLARES  
DOCUMENTARY TRANSFER TAX - NONE -  
MERGER OF COMPANIES ONLY

QUITCLAIM DEED

THIS DEED dated December 19, 1988, by WESTERN FARM SERVICE, INC., a Delaware corporation, who obtained title as MELVILLE E. WILLSON COMPANY, a California corporation, hereby grants to WESTERN FARM SERVICE, INC., a Delaware corporation, with offices at 3075 Citrus Circle, Suite 195, Walnut Creek, CA 94598 the following described premises located in the County of Madera, State of California:

A parcel of land all in Section 34, Township 11 south, Range 17 east, M.D.B.&M., bounded and described as follows:  
Beginning at a point on the north line of the said Section 34, which bears south 88° 48' west 91.5 feet from the northeast corner of the said Section 34, thence following the said north line of the said Section 34, south 88° 48' west 822.1 feet, thence south 1° 12' east 538 feet, more or less, to the northwesterly right-of-way line of the Southern Pacific Railroad's Winery Spur, thence following said right-of-way line north 55° 12' east 820 feet, and north 57° 36' east 162.6 feet to the point of beginning.

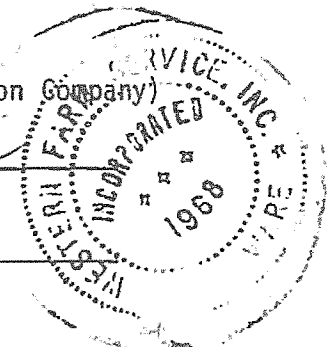
MELVILLE E. WILLSON COMPANY, a California corporation, being formerly merged with and into Western Farm Service, Inc., a Delaware corporation, the surviving corporation, as per the attached document.

EXECUTED as of the date first herein specified.

WESTERN FARM SERVICE, INC.  
(Formerly-Melville E. Willson Company)

By: [Signature]  
President

By: [Signature]  
Assist. Secretary



RECEIVED  
COUNTY OF FRESNO  
JAN 23 2020  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

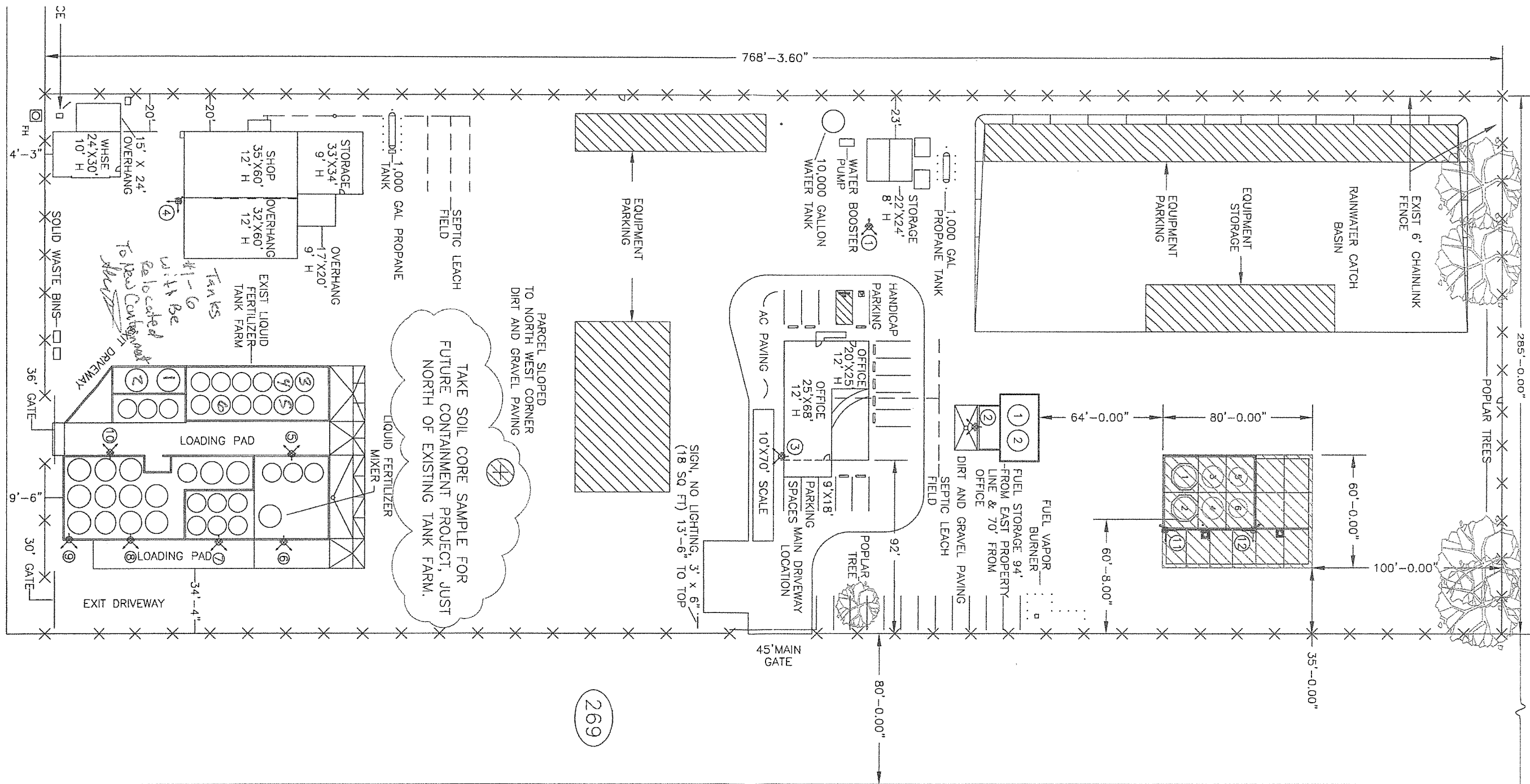
## OPERATIONAL STATEMENT for Nutrien AG Solutions, Five Point, CA

August 26, 2019

1. Retail Fertilizer and Pesticide Applicator - increase liquid fertilizer and pesticide storage.
2. Operational time: Monday thru Friday 7:00 AM to 5:00 PM.
3. Average 10 customer per day.
4. Number of employees: current: 27, future: no change, average 40-50 hours/ week, no caretaker on site.
5. Thirty delivery trucks, making deliveries throughout the day.
6. Access to the site: Public road, Lassen AVE.
7. Twenty-five parking spaces for employees and customer. The parking spaces are asphalt and gravel/dirt.
8. All goods are delivered to the customer. Some products are blended on site and others are manufactured at other locations.
9. Fertilizer and Pesticide storage tanks, liquid fertilizer blender and liquid tankers for delivery.
10. Fertilizer and Pesticide are storage in tanks constructed of steel, stainless steel, Polyethene and fiberglass. Two-hundred-and-fifty-gallon tote tanks are used for the delivery of small quantities.
11. The use causes no noise, glare, dust or odor.
12. The only solid waste produced is cardboard and garbage generated by the office and shop operation. The solid waste is collected in the solid waste bins and removed by the contracted solid waste collection service.
13. Approximately 20,000 gallons of water is used per day for liquid fertilizer blending and equipment wash down.
14. There will be no proposed changes in advertising. An existing 3' x 6' sign is located on the East edge of the parcel next to the main entrance gate.

15. Existing buildings will remain and a new concrete containment structure for the storage of liquid fertilizers and pesticides will be constructed. The containment structure will not be covered.
16. The new containment structure will be used to store liquid fertilizer and pesticides that are presently stored in the existing tank farm.
17. Outdoor lighting will be used for normal operations of the new containment structure during winter hours and evening for safety and security purposes.
18. Existing landscaping and a 6' chain link fence will remain.





269

S LASSEN AVE

FIVE POINTS, CA 93624  
2 MILES NORTH

**1.0 Site Preparation**  
Based on Geotechnical Report by BSK ASSOCIATES, Date 12/27/18,  
Project Number G18-318-10F

1.1 It is recommended that the containment structure be over-excavated to at least 12 inches below preconstruction site grades, to a minimum depth of 1 foot below proposed foundations, to at least 12 inches below existing improvements to be removed, or to the depth required to remove any fill soils (if any), whichever is greater. The area of over-excavation should include the entire footprint of the containment structure and a maximum of five (5) feet beyond the containment structure, from approval of the bottom of the over-excavation by a representative of BSK Associates, the exposed bottom should be scarified to a depth of 4 inches, moisture conditioned to 4% above optimum moisture content and compacted to a minimum of 90 percent relative compaction prior to fill placement.

1.2 It is recommended that the concrete drive area planned adjacent to the containment structure be over-excavated to at least 12 inches below preconstruction site grades, to at least 12 inches below improvements to be removed, 12 inches below the bottom of the proposed aggregate base, or to the depth required to remove fill soil (if any), whichever is greater. The area of over-excavation should include the entire footprint of the planned drive area and a minimum of three (3) feet beyond the drive area. The upper 12 inches of aggregate base for the aggregate base for the drive area should be compacted to at least 95 percent relative compaction. Upon approval of the bottom of the over-excavation by a representative of BSK Associates, the exposed bottom should be scarified to a depth of 8 inches, moisture conditioned to slightly above 4% moisture content and compacted to a minimum of 90 percent relative compaction prior to fill placement.

1.3 It is recommended that extra care be taken by the contractor to ensure that the horizontal and vertical extent of the over-excavation and compaction conform to the site preparation recommendations presented in this report. BSK Associates is not responsible for measuring and verifying the horizontal and vertical extent of over-excavation and compaction. The contractor should verify in writing to the owner and BSK Associates that the horizontal and vertical over-excavation limits were completed in conformance with the recommendations of the report, the project plans, and the specifications (the most stringent applies). It is recommended that this verification be performed by a Licensed Surveyor. The verification should be provided prior to requesting post certification from BSK Associates or excavating for foundations.

1.4 If soil or unstable soils are encountered during excavation or compaction operations, BSK Associates should be notified as these soil conditions can be examined and additional recommendations provided, as considered appropriate.

1.5 Final grading shall produce a flat rocky a slab on grade which is smooth, planar, and resistant to rutting. Both the finished pad (before the aggregate base is placed) and the aggregate base shall be proof rolled and shall not show more than one-half (1/2) inch under the wheels of a fully loaded concrete truck or equivalent. If depressions more than one-half (1/2) inch show, the contractor shall perform remedial grading to achieve this requirement.

1.6 The containment structure and concrete drive area should be underlain by a minimum of 8 inches of Contactor Class 2 aggregate base. The aggregate base should be compacted to a dry density of at least 95 percent of the maximum dry density as determined by ASTM Test Method D1557.

1.7 All fill required to bring the site to final grade should be placed as engineered fill. In addition, all native soil over-excavated should be compacted as required fill.

1.8 The contractor is responsible for the disposal of concrete, asphaltic concrete, soil, spoils, etc. that must be exported from the site. Individuals, facilities, agencies, etc. may require analytical testing and other assessments of these materials to determine if these materials are acceptable for the intended use by the receiving party. The Contractor is responsible to perform the tests, assessments, etc. necessary to determine the appropriate method of disposal. In addition, the Contractor is responsible for all costs to dispose of these materials in a legal manner.

**2.0 Engineered Fill**

2.1 Silty sand, Expansion Index (EI) <20, will be suitable for use as fill material below the recommended aggregate base to support the structural loads, provided they are free of organic (less than 3 percent by weight), roots, debris, and particles larger than 3 inches in any dimension, moisture conditioned to slightly above optimum, and compacted to 95% relative compaction. The existing asphalt pavement materials are not suitable for use as engineered fill. If soil other than those contained in this report are encountered, BSK Associates should be notified to provide alternate recommendations.

2.2 The compatibility of the native soils is dependent upon the moisture content, subsurface conditions, degree of mixing, type of equipment, as well as other factors. The evaluation of such factors was beyond the scope of this report, therefore, we recommend that they be evaluated by the Contractor, during preparation of bids and construction of the project.

2.3 Imported fill soil, if required for the project, should be non-corrosive, non-expansive and granular in nature and contain enough fine grained material (border) to allow cutting "nest" locking trenches with the following acceptance criteria recommendations:

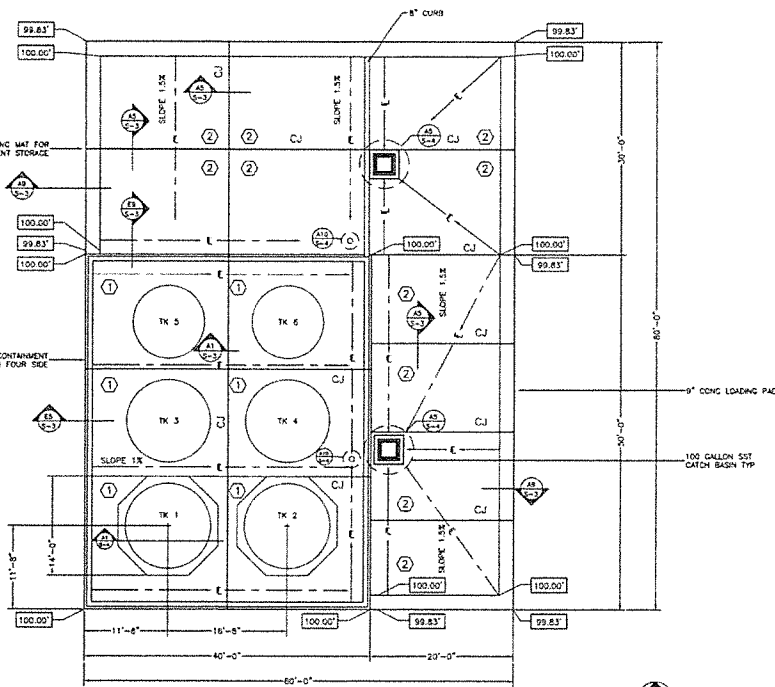
|                              |                           |
|------------------------------|---------------------------|
| Percent Passing 3-inch Sieve | 100                       |
| Percent Passing No. 4 Sieve  | 65 - 100                  |
| Percent Passing No. 20 Sieve | 20 - 40                   |
| Expansion Index (ASTM D4829) | Less than 20              |
| Organics                     | Maximum 3% by dry weight  |
| Soil Reactivity              | Greater than 2,000 ohm-cm |
| Sulfides                     | Less than 1,000 mg/kg     |
| Chlorides                    | Less than 300 mg/kg       |

Prior to being transported to the site, the imported material shall be certified by the Contractor and the Supplier (to the satisfaction of the Owner and BSK Associates) that the soils do not contain any environmental contaminants regulated by local, state or federal agencies have jurisdiction. In addition, BSK Associates should be requested to sample and test the material to determine compliance with the above geotechnical criteria. Contractors should provide a minimum of 7 working days to complete the testing.

2.4 Native and imported engineered fill soil should be placed in loose lifts approximately 8 inches thick or less, moisture-conditioned to slightly above optimum moisture content and compacted to a dry density of at least 95 percent of the maximum dry density as determined by ASTM Test Method D1557. The upper 12 inches of engineered fill below aggregate base for the aggregate base for the drive area should be compacted to a dry density of at least 90 percent of the maximum dry density as determined by ASTM Test Method D1557. Additional fill should not be placed if the previous fill did not meet the required dry density or if soil conditions are not stable.

(continued on DWG S-2)

| NO | STATUS | TYPE    | DA INCHES | HEIGHT INCHES | MATERIAL STORED | VOLUME GALLONS | WT LBS/CY | WT TOTAL | TANK DEAD WT LBS | TOTAL TANK WT LBS | PART NO |
|----|--------|---------|-----------|---------------|-----------------|----------------|-----------|----------|------------------|-------------------|---------|
| 1  | NEW    | FG CONE | 144"      | 228"          | VAFAM           | 15,963         | 11.7      | 186,767  | 5,000            | 191,767           | -       |
| 2  | NEW    | FG CONE | 144"      | 228"          | VAFAM           | 15,963         | 11.7      | 186,767  | 5,000            | 191,767           | -       |
| 3  | NEW    | POLY    | 141"      | 243"          | OIL             | 15,500         | 7.11      | 110,250  | 4,000            | 114,250           | -       |
| 4  | NEW    | POLY    | 141"      | 243"          | OIL             | 15,500         | 7.11      | 110,250  | 4,000            | 114,250           | -       |
| 5  | NEW    | POLY    | 120"      | 149"          | OIL             | 6,500          | 7.11      | 46,215   | 2,500            | 48,715            | -       |
| 6  | NEW    | POLY    | 120"      | 149"          | OIL             | 6,500          | 7.11      | 46,215   | 2,500            | 48,715            | -       |



- FOUNDATION SCHEDULE**
- ① 15" THICK MIN CONCRETE MAT FOUNDATION W/ #5 @ 9" OC EW @ BTM & #4 @ 12" OC EW @ TOP.
  - ② 9" THICK CONCRETE MAT FOUNDATION W/ #4 @ 12" OC EW CTR'D IN MAT.
  - CJ CONTROL JOINT - SEE A1 & A5/S-3

- NOTE:**
1. COORDINATE FINISHED ELEV AND STRUCTURE LOCATION WITH OWNER BEFORE CONSTRUCTION.
  2. SEE DWG S-4 FOR TANK PEDESTAL LOCATION AND ELEV.

| DESCRIPTION OF VERIFICATION AND INSPECTION WORK   | INSPECTION FREQUENCY |
|---|----------------------|
| 1. VERIFY MATERIALS BELOW FOOTINGS ARE ADEQUATE TO ACHIEVE THE DESIGN BEARING CAPACITY.                             | - PERIODIC           |
| 2. VERIFY EXCAVATIONS ARE EXTENDED TO PROPER DEPTH AND HAVE REACHED PROPER MATERIAL.                                | - PERIODIC           |
| 3. PERFORM CLASSIFICATION AND TESTING OF CONTROLLED FILL MATERIALS.   | - PERIODIC           |
| 4. VERIFY USE OF PROPER MATERIALS, DENSITIES AND LIFT THICKNESS DURING PLACEMENT AND COMPACTION OF CONTROLLED FILL. | - CONTINUOUS         |
| 5. PRIOR TO PLACEMENT OF CONTROLLED FILL, OBSERVE SUBGRADE AND VERIFY THAT THE SITE HAS BEEN PREPARED PROPERLY.     | - PERIODIC           |

| DESCRIPTION OF VERIFICATION AND INSPECTION WORK   | INSPECTION FREQUENCY | REFERENCE STANDARD                       |
|---|----------------------|--|
| 1. INSPECTION OF REINFORCING STEEL AND PLACEMENT.   | PERIODIC             | ACI 318; EN 20, 25.2, 26.5, 26.61-26.6.3 |
| 2. INSPECT SOLTS TO BE INSTALLED IN CONCRETE PRIOR TO AND DURING PLACEMENT OF CONCRETE.   | PERIODIC             | ACI 318; CH 17.8.2                       |
| 3. VERIFYING USE OF APPROVED DESIGN MIX.  | PERIODIC             | ACI 318; CH 19, 26.4.3, 26.4.4           |
| 4. PRIOR TO CONCRETE PLACEMENT, FABRICATE SPECIMENS FOR STRENGTH TESTS, PERFORM SLUMP AND AIR CONTENT TESTS, AND DETERMINE THE AIR TEMPERATURE OF THE CONCRETE. | CONTINUOUS           | ASTM C 173; ASTM C 31; CH 26.4.26.12     |
| 5. INSPECTION OF CONCRETE PLACEMENT FOR PROPER APPLICATION TECHNIQUES.  | CONTINUOUS           | ACI 318; CH 26.3.3-26.5.5                |

**BASIS OF DESIGN: CBS 2016 OR PER LOCAL JURISDICTION AND AMENDMENTS**

- A. DESIGN LOADS:
  - (1) ROOF LOAD: NA
  - (2) FLOOR LOAD: NA
- B. DEAD LOAD: WEIGHT OF TANKS
- C. CONCENTRATED LOADS: NONE
- D. WIND LOAD:
  - (1) CATEGORY = I
  - (2) WIND EXPOSURE CATEGORY = E
  - (3) WIND SPEED = 110 MPH
- E. SEISMIC LOAD:
  - (1) RISK CATEGORY = I (CBC TABLE 1604.5)
    - S<sub>s</sub> = 1.175
    - S<sub>1</sub> = 0.399
    - S<sub>0.1</sub> = 0.807
    - SD<sub>1</sub> = 0.425
  - (2) SITE CLASS = D
  - (3) BASIC SEISMIC-FORCE-RESISTING SYSTEM: FLAT BOTTOM TANKS

Drawings Prepared by  
S & R SPECIALTY EQUIPMENT CO INC  
P.O. BOX 505 - 830 JEPSEN AVE  
CORCORAN, CA 93212  
(559) 992-4191 FAX (559) 992-8341

Drawing Title  
NUTRIEN AC SOLUTIONS, FIVE POINTS, CA  
CONTAINMENT STRUCTURE AND TANK FOUNDATION

|          |          |            |              |
|----------|----------|------------|--------------|
| Desig    | Designed | Project No | 1602         |
| Drawn    | T.C.     | Scale      | 1/8" = 1'-0" |
| Checked  |          | Drawing No |              |
| Reviewed |          |            |              |
| Date     | 2/14/19  |            |              |

S-1

RECEIVED  
COUNTY OF FRESNO  
JAN 23 2020

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

























Nutrien  
Ag Solutions

STOP







