



County of Fresno

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

February 14, 2019

Superior Soil Supplements, LLC
12100 Wilshire Boulevard #800
Los Angeles CA 90025

Dear Applicant:

Subject: Resolution No. 12756 - Initial Study Application No. 7513 and Classified
Conditional Use Permit Application No. 3622

On January 24, 2019, the Fresno County Planning Commission approved your Classified Conditional Use Permit 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 Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at dacrider@fresnocountyca.gov or 559-600-9669.

Sincerely,

Danielle Crider, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: January 24, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12756 - INITIAL STUDY APPLICATION NO. 7513 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3622

APPLICANT: Superior Soil Supplements, LLC

OWNER: Meyers Farming, LLC

REQUEST: Allow a commercial establishment for the storage and sale of gypsum and anhydrate (agricultural mineral soil supplements) on a portion of a 645.05-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. This site will receive approximately 220,000 tons per year of gypsum and anhydrate via existing rail spurs, store these materials on a 2.5-acre area of land, and truck these minerals to local clients.

LOCATION: The project site is located on the north side of W. Whitesbridge Avenue (SR 180), at the northwest corner of its intersection with N. San Mateo Avenue, approximately 2.5 miles southeast of the nearest city limits of the City of Mendota (29400 W. Whitesbridge Avenue) (Sup. Dist. 1) (APN 019-070-61S).

PLANNING COMMISSION ACTION:

At its hearing of January 24, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3622, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Initial Study Application No. 7513
Classified Conditional Use Permit Application No. 3622

Staff: The Fresno County Planning Commission considered the Staff Report dated January 24, 2019, and heard a summary presentation by staff.

Applicant: The Applicant’s representative concurred with the Staff Report and the recommended Conditions. She offered the following information to clarify the intended use:

- Access will not be taken from State Route 180.
- No additional uses are planned by the applicant.

Others: The Applicant confirmed that anhydrate and gypsum are the only materials that his company will be providing from this location. 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.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7513/Classified Conditional Use Permit Application No. 3622
(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 upward or toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Biological Resources	For the initial date(s) of ground disturbance and substantial activity, a qualified biologist shall be present to ensure that no special-status species are present on site which could be disturbed by the proposed activity. A memorandum from this biologist shall be provided to the County confirming that they were present during this time. If special-status species are detected or suspected of being present at this time, all activity shall cease and the Applicant must consult with the U.S. Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) to ensure that all species-specific guidelines are followed.	Applicant	Applicant/PW&P	At the onset of construction; compliance must be demonstrated prior to operation
3.	Biological Resources	All project-related vehicles shall observe a 20-mph speed limit within the boundaries of the subject parcel. Traffic shall not deviate from the circulation demonstrated in the site plan.	Applicant	Applicant	During construction and operation
4.	Biological Resources	All construction shall occur during daylight hours, and at the close of each working day, any excavated, steep-walled holes or trenches of more than two feet deep shall be covered (with plywood or similar material) or provided with at least one "escape ramp" of earth fill or wooden planks to prevent inadvertent entrapment. Before any such holes or trenches are filled, they must be thoroughly inspected for trapped animals.	Applicant	Applicant	During construction and operation
5.	Biological Resources	All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the site overnight should be thoroughly inspected for kit foxes before they are moved, buried or capped. If a kit fox is discovered in one of these structures, USFWS shall be	Applicant	Applicant	During construction and operation

		consulted immediately. If necessary, the structure may be moved once to remove it from the path of construction activity; it shall only be moved once and it shall only be done under the direct supervision of a qualified biologist.				
6.	Biological Resources	All trash and food items shall be discarded into closed containers and properly disposed of at the end of each workday.	Applicant	Applicant	Applicant	During construction and operation
7.	Biological Resources	No dogs, cats, or other pets shall be allowed on the project site.	Applicant	Applicant	Applicant	During construction and operation
8.	Biological Resources	If a special-status reptile is found in the work area during construction, work in that area shall cease until the creature moves off the site of their own accord.	Applicant	Applicant	Applicant	During construction and operation
9.	Biological Resources	If construction activities are scheduled during the breeding bird season, from February 15th through September 15th, a pre-construction survey for nesting birds shall be conducted within the project footprint with a 500-foot buffer area surrounding the project footprint. Construction activities may not take place within 250 feet of an active bird nest or within 500 feet of an active raptor nest. This distance may only be reduced if a biological monitor determines that the activities are not affecting the breeding success of the nesting birds.	Applicant	Applicant	Applicant/PW&P	Prior to construction
10.	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	Applicant/PW&P	During ground-disturbing activities
11.	Hydrology and Water Quality	The outdoor storage of bulk materials shall comply with Fresno County Ordinance Code Chapter 15.48, Flood Hazard Areas, through the construction of a watertight barrier taller than the Base Flood Elevation (BFE) or by elevating the storage site to an elevation above the BFE.	Applicant	Applicant	Applicant/PW&P	Compliance must be demonstrated prior to operation

12.	Transportation and Traffic	A 2-inch asphalt overlay must be applied to the entire width (32.3 feet) of San Mateo Avenue, between State Route 180 and 0.32 mile north of State Route 180. This overlay must properly tie into the surface of State Route 180 and the existing overlay north of the stretch of San Mateo Avenue used to access the proposed facility. Re-striping and other road improvements will be required by the Road Maintenance and Operations Division to ensure safety and usability.	Applicant	Applicant/PW&P	Compliance must be demonstrated prior to operation
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Conditions of Approval					
1.	Permit records were not located for the existing 7,000 square-foot building. Permits for this structure must be acquired within 90 days of the effective date of approval. Additionally, permits must be acquired prior to the commencement of operation.				
2.	A spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity (storage capacity refers to the aggregate capacity of all aboveground tanks and containers at a tank facility).				
3.	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: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.				
4.	All trucks/trailers loaded with gypsum or anhydrate shall either be covered with a tarp or sprayed with a sufficient amount of water to ensure that the trucks do not create dust-related nuisances or spill during the transportation of these materials.				
5	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.				

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended 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.	Plans, permits and inspections are required for all on-site improvements, including the office trailer.				
2.	Internal access roads shall comply with required widths of the Fire District for emergency apparatus.				
3.	Any proposed gate that provides initial access to this site shall be set back 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.				
4.	A dust palliative is required on all unpaved parking and circulation areas.				
5.	All proposed signs require submittal to the Department of Public Works and Planning permit counter to verify compliance with the Zoning Ordinance. Off-site advertising for commercial uses is prohibited in the AE (Exclusive Agricultural) Zone District.				

6.	There shall be at least one parking space for each truck operated as a part of the proposed operation, and one parking space for each employee that makes frequent trips to the project site.
7.	Any work done within the right-of-way to improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
8.	Ten-foot by ten-foot corner cutoffs shall be improved for sight distance purposes at the existing driveway onto San Mateo Avenue, if not already improved.
9.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. The Environmental Health Division can provide additional information on the proper labeling, storage and handling of hazardous wastes.
10.	The Applicant should contact the local Fire Authority concerning construction and installation requirements for aboveground storage tanks.
11.	The Applicant should be advised of the State of California Public Resources Code, Division 30 - Waste Management: Chapter 16 - Waste Tires, and Chapter 19 - Tire Hauler Registration, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the Local Waste Tire Enforcement Unit, Fresno County Department of Public Health, Environmental Health Division at (559) 600-3271 for additional information.
12.	The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance.
13.	<p>The site in question is located in Flood Hazard Zone A per FIRM Panel 2025H, and is subject to flooding from the 100-year storm. The storage of bulk materials must comply with Ordinance Code Chapter 15.48 (Flood Hazard Areas). The following is required to comply with the flood hazard ordinance:</p> <ul style="list-style-type: none"> • The storage site must be protected from flood water, by either a watertight barrier taller than the Base Flood Elevation (BFE) or by elevating the storage site to an elevation above the BFE. • In either case, an elevation certificate establishing the BFE and the minimum pad elevation prepared by a licensed land surveyor is required. • An engineered grading plan and permit, and a geotechnical report will be required. • The material used to elevate the site must come from within the flood zone. No net import of material into the flood zone is allowed. If compacted earth is used to create a barrier around the site, this material must also come from within the flood zone. • Any unpermitted structures built in the flood zone must comply with the flood zone ordinance either by being elevated above the BFE or through appropriate flood proofing.
14.	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.
15.	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.

16.	This property shall be annexed into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
17.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.

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