



County of Fresno

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

October 2, 2018

Michael Oliver
Harris Ranch Beef Company
16277 S. McCall Avenue
Selma CA 93662

Dear Applicant:

Subject: Resolution No. 12735 - Initial Study Application No. 7373, Classified
Conditional Use Permit Application No. 3593 and Variance Application No. 4049

On August 23, 2018, the Fresno County Planning Commission approved your Classified Conditional Use Permit and Variance with modified 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. Note that the life of the Variance will run concurrently with the Classified Conditional Use Permit.

If you have any questions regarding the information in this letter please contact me at eahmad@co.fresno.ca.us or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: August 23, 2018
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12735 - INITIAL STUDY APPLICATION NO. 7373,
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3593 and
VARIANCE APPLICATION NO. 4049

APPLICANT/
OWNER:

Harris Ranch Beef Company

REQUEST: Allow expansion of an existing cattle slaughtering and meat processing plant on five contiguous parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to include:

1. A 33,491 square-foot, 36.9-foot-tall finished goods warehouse distribution center (maximum 35 feet allowed) with truck docks, 54,907 square-foot processing building, 7,500 square-foot processing building, employee and truck parking, 180,000 square-foot anaerobic pond, and a secondary wastewater treatment facility with related improvements on two parcels totaling 59.9 acres (APN 393-141-09S & 10S);
2. A 19.28-acre treated wastewater retention basin on a 20-acre parcel (APN 393-141-08S); and
3. Application of treated wastewater from the facility onto 77.99 and 78.79 acres of farmland (APN 393-141-06 & 13).

LOCATION: The project site is located on the west side of S. McCall Avenue between E. Clarkson and E. Elkhorn Avenues approximately 2.1 miles southwest of the nearest city limits of the City of Kingsburg (16277 S. McCall Avenue, Selma) (SUP. DIST. 4) (APN 393-141-06, 08S, 09S, 10S & 13).

PLANNING COMMISSION ACTION:

At its hearing of August 23, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Eubanks to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings of Fact for approval of a Conditional Use Permit and a Variance, with an additional Condition of

Approval requiring an indemnification agreement in the event of a California Environmental Quality Act (CEQA) challenge, and approve Classified Conditional Use Permit No. 3593 and Variance No. 4049, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:


VOTING: Yes: Commissioners Abrahamian, Eubanks, Burgess, Chatha, Ede, Hill
 and Vallis

 No: Commissioners Delahay and Lawson

 Absent: None

 Abstain: None

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

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

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NOTE: The approval of this project will expire two years from the date of approval unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permit and Variance. Note that the life of the Variance will run concurrently with the Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7373
Classified Conditional Use Permit Application No. 3593
Variance Application No. 4049

Staff: The Fresno County Planning Commission considered the Staff Report dated August 23, 2018, and heard a summary presentation by staff.

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

- The subject application is required as part of our Cease and Decist Order from the Regional Water Quality Control Board (RWQCB).
- The project would construct a wastewater treatment plant (WWTP) and irrigate additional farmland with cleaner wastewater from the facility than currently produced.
- The Consolidated Mosquito Abatement District (CMAD) had collaborated with RWQCB at the time of the writing of wastewater discharge requirements (WDR) for the project; CMAD comments/conditions are included in WDR.
- The WWTP will address nitrate issues in the wastewater; use of cleaner wastewater on a less frequent basis would result in faster percolation and drying of agricultural fields, and result in effective disruption of the mosquito breeding cycle.
- The project will comply with the Department of Water Resources requirement prohibiting standing water in agricultural fields over 48 hours.

Others: One individual representing the applicant clarified that the project will treat nitrates in the water, and explained the process of nitrate removal.

No other individuals presented information in opposition to the application.

Correspondence: One letter was presented to the Planning Commission in opposition to the application, expressing concerns with standing wastewater creating a mosquito problem and incidents of wastewater flooding neighboring properties.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7373/Classified Conditional Use Permit Application No. 3593/Variance Application No. 4049
(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 so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Transportation/Traffic	<p>Prior to the issuance of building permits for the proposed project (expansion of the existing cattle slaughtering and meat processing facility), the Applicant shall enter into an agreement with the County of Fresno agreeing to participate in pro-rata shares developed in the funding of off-site road improvements as defined in items a and b below.</p> <p>a. The Applicant shall pay their pro-rata share of \$26,124.00 toward roadway structural section improvement for S. McCall Avenue (overlay with 0.15' HMA thickness) from E. Clarkson to the Project site access.</p> <p>b. The Applicant shall pay their pro-rata share of \$73,316.00 toward roadway structural section improvement for S. McCall Avenue (overlay with 0.15' HMA thickness) from the Project site access to E. Elkhorn Avenue.</p> <p>The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p>	Applicant	Applicant/PW&P	As noted
3.	Land Use and Planning	The project shall adhere to the following requirements from the Consolidated Mosquito Abatement District:	Applicant	Applicant/Consolidated	As long as the project lasts

		<p>a. Any and all fresh water, wastewater, or processed water applied to the farmland shall infiltrate completely within 48 hours of the application (shorter than minimum mosquito development time).</p> <p>b. Shallow water in retention basins and ponds (less than 4 feet in depth) encourages vegetative growth. Retention basins and ponds shall be rapidly filled and/or dewatered to preclude the growth of emergent vegetation. Any retention basins or ponds that will hold water for more than seven days shall be designed to maintain water depths in excess of four feet to preclude invasive emergent vegetation such as reeds or cattails.</p> <p>c. Vegetation associated with impounded water promotes mosquito breeding, and the production of mosquitoes constitutes a public nuisance. Retention basins and pond edges must be maintained free of excess vegetation to prevent harborage for mosquito breeding, and so that mosquito fish and other predators are not inhibited.</p> <p>d. Free and unencumbered access to retention basins and pond perimeters for vehicle and foot traffic must be provided for inspection and mosquito control activities.</p> <p>e. Floating islands of vegetation or of any solid substance which could provide harborage for immature mosquito stages (larvae) shall be kept out of all wastewater retention basins and ponds.</p> <p>f. Should any of the retention basins, ponds, or the application of fresh or treated wastewater onto the land be found to support mosquito development, Harris Ranch Beef Company will take all necessary actions to eliminate and prevent the recurrence of the conditions and or management practices responsible for mosquito development, which is a public nuisance as defined by the California Health and Safety Code.</p>	Mosquito Abatement District	
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Conditions of Approval

1. Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.

2.	All Conditions of Conditional Use Permit Nos. 2855, 2297, 2251, 2061, 1666, 1474, 674 and 145 shall remain in full force and effect except where superseded by this application.
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.	A dust palliative shall be required on all unpaved parking and circulation areas.
5.	Pursuant to the Fresno County Local Agency Management Plan (LAMP), where the quantity or quality of the sewage is in excess of 3,500 gallons per day design flow, the method of sewage treatment and dispersal shall be first approved and permit issued by the Regional Water Quality Control Board.
6.	For the project to be in compliance with Health Risk Assessments approved by the San Joaquin Valley Air Pollution Control District, the Applicant-owned single-family residence at 16481 S. McCall Avenue, Selma, CA (Assessor's Parcel Number: 393-141-12) shall be demolished and not be replaced by another house. Prior to demolition, the Applicant shall obtain a demolition permit from the Fresno County Department of Public Works and Planning.
7.	The Applicant shall enter into an agreement indemnifying the County for all legal costs up to \$150,000 associated with its approval of Initial Study No. 7373, Classified Conditional Use Permit No. 3593 and Variance No 4049.

*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 approval.
2.	Construction plans, building permits and inspections will be required for all improvements on the property. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 for plans, permits and inspections.
3.	To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following: <ul style="list-style-type: none"> • 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: 1) There is a 100 percent or more increase in the quantities of a previously-disclosed material; and 2) The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. 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. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, and Division 4.5. • 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.

Notes

<ul style="list-style-type: none"> • The facility shall update and resubmit the Risk Management Plan (RMP) within six months if there is a significant change to the regulated process. RMP's must be updated at least once every five years. • The RMP shall be submitted sooner than the five-year anniversary date if any of the changes specified in 40 CFR (Code of Federal Regulations) 68.190(b) occur. • In an effort to protect groundwater it is required that all water wells (not intended for use by the project or for future use) and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor. • For water wells located in the unincorporated area of Fresno County, permits for destruction and construction shall be obtained from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. 	
<p>4. To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. • A 10-foot by 10-foot corner cutoff should be improved for sight distance purposes at the existing driveway onto McCall Avenue. • Any access driveway shall be set back a minimum of 10 feet from the property line. • An Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties. • A grading permit or voucher for any grading proposed with this application. • Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County Standards. 	
<p>5. To address air quality impacts resulting from the project, the project may be subject to the following San Joaquin Valley Air Pollution Control District rules:</p> <ul style="list-style-type: none"> • District Regulation VIII (Fugitive PM10 Prohibitions) • Rule 4601 (Architectural Coatings) • Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) • Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed • Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials 	
<p>6. To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> • The driveways shall be concrete or asphalt concrete paved a minimum of 24 feet from the first 100 feet off the edge of the road right-of-way. • Any additional entrance shall be asphalt concrete driveway approach 24 to 35 feet in width, as approved by the Road Maintenance and Operations (RMO) Division. • ADA stalls for the physically disabled shall conform to state standards and be located as close as possible to the main entrance of buildings where employees work. 	

Notes

- All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

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

7. The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fresno County Fire Protection District prior to issuance of building permits by the County. The property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

8. The Consolidated Irrigation District (CID) Hatch Ditch pipeline runs south along the west side of McCall Avenue from just south of Clarkson Avenue and terminates at the northeast corner of the parcel identified by APN 393-141-10S. The Consolidated Irrigation District shall be consulted for any development near the pipeline.