



County of Fresno

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

July 16, 2018

Kings River Packing
Attn: Frank Flores
21083 E. Trimmer Springs
Sanger CA 93657

Dear Applicant:

Subject: Resolution No. 12722 - Initial Study Application No. 7410, Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287

On June 28, 2018, the Fresno County Planning Commission approved your above-referenced projects 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 these projects 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. Note that the life of the Minor Variance will run concurrently with the Classified Conditional Use Permit. 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 Minor Variance.

If you have any questions regarding the information in this letter please contact me at dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: June 28, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12722 - INITIAL STUDY APPLICATION NO. 7410,
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3597 and
MINOR VARIANCE APPLICATION NO. 1287

APPLICANT/
OWNER:

Kings River Packing

REQUEST:

Amend Classified Conditional Use Permit (CUP) No. 3476 in order to allow expansion of an existing fruit packing and storage facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts, including authorization of a 39-foot building height (35-foot maximum building height allowed) for a proposed building addition to be partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts, and a 38-foot building height (35-foot maximum building height allowed) for a proposed building addition to be located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The project site is located on the east side of Trimmer Springs Road, approximately three miles north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST. 5) (APNs 158-070-65, 158-070-69, 158-070-76, 158-070-77).

PLANNING COMMISSION ACTION:


At its hearing of June 28, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Lawson 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 Minor Variance, and approve Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Chatha, Lawson, Abrahamian, Delahay, Eubanks, Hill and Vallis
	No:	None
	Absent:	Commissioner Burgess
	Abstain:	None
	Recused:	Commissioner Ede

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 Minor Variance. Note that the life of the Variance will run concurrently with the Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7410
Classified Conditional Use Permit Application No. 3597
Minor Variance No. 1287

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 28, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He identified the locations of the proposed building additions.
- 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.

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Mitigation Monitoring and Reporting Program
Initial Study No. 7410 / Classified Conditional Use Permit No. 3597 / Minor Variance No. 1287
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	In order to mitigate potential impacts to the scenic corridor along Trimmer Springs Road as a result of the proposed project, the Applicant shall screen the facility utilizing drought-tolerant landscaping, consisting of trees and shrubs of adequate size and density, along the western property line of the subject parcel where said property line abuts Trimmer Springs Road. Said landscaping shall be maintained in a healthy condition for the life of project operations. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). Proposed landscaping and irrigation plans shall be submitted in conjunction with the required Site Plan Review Application and all landscaping shall be installed prior to occupancy.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Aesthetics	Prior to occupancy, all outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/PW&P	Ongoing
3.	Air Quality	The Applicant shall comply with all the measures identified in the Project Air Impact Assessment (AIA)/Indirect Source Review (Project Number C-2018007) dated February 15, 2018 as approved for this project by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Applicant shall submit evidence annually to SJVAPCD and the Department of Public Works and Planning demonstrating compliance with the mitigation measures.	Applicant	Applicant/San Joaquin Valley Air Pollution Control District (Air District)	Ongoing
4.	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	Applicant	Applicant	Ongoing

		occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.			
5.	Transportation and Traffic	In order to mitigate potential traffic impacts to County roadways, prior to occupancy, the Applicant/owner shall enter into an agreement with Fresno County agreeing to participate on a pro-rata basis of 38% of the total cost for the maintenance and restoration of Trimmer Springs Road (approximate 2.3-mile segment from project site) and Oliver Street (approximate one-mile segment from Belmont Avenue to State Route 180) for a period not to exceed 10 years. This agreement shall establish the existing baseline condition for Trimmer Springs Road and Oliver Street, and address the monitoring and evaluation of roadway pavement conditions, and the undertaking of roadway repairs and/or maintenance overlay as necessary to ensure project-related traffic can be safely accommodated. The pro-rata share for the maintenance and restoration of said roadways shall not exceed \$485,000 over the term of this agreement.	Applicant	Applicant/PW&P	As noted

Conditions of Approval

1.	All Conditions of Classified Conditional Use Permit No. 3476 shall remain in full force and effect, except as modified with the approval of Classified Conditional Use Permit No. 3597 and Site Plan Review (SPR).
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Floor Plans, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review (SPR).
3.	Prior to issuance of Building Permits, a Site Plan Review (SPR) 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.	The developer shall submit a Grading and Drainage Plan to the Fresno Irrigation District (FID) for review and approval prior to the issuance of Building Permits which demonstrates that the proposed development will not endanger the structural integrity of FID's Gould Canal No. 97 or result in drainage patterns that could adversely affect FID.

*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.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Trimmer Springs Road.
2.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
3.	The Applicant submitted a Report of Waste Discharge (RWD) to the Water Board in 1997 for the discharge of 4,500 gallons of fruit-washing wastewater per day (monthly average) to approximately 65 acres of land. If the proposed expansion project will result in a material change in the volume, character, or location of the discharge that was described in the 1997 RWD, the Applicant shall be required to submit a new RWD to the Water Board at least 140 days prior to initiating discharge from the expanded facility.
4.	As construction associated with this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
5.	According to FEMA FIRM Panel 1645H, portions of the subject parcel are located within FEMA Flood Zone AE, which is subject to flooding from the one-percent (1%)–chance storm. Any work performed within designated Flood Zones shall conform to provisions established in Chapter 15.48 of the Fresno County Ordinance Code (Flood Hazard Areas).
6.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.
7.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
8.	The commercial fruit packing operation shall satisfy the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95. As such, within 30 days of the occurrence of any of the following events, the commercial fruit packing operation must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously disclosed material; or 2) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The commercial fruit packing operation must also certify that a review of the HMBP has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health.
9.	Within six months of the occurrence of any of the following events, the commercial fruit packing operation must update their Risk Management Plan (RMP) on file with the U.S. Environmental Protection Agency (EPA): 1) If a change alters the Program Level that applies to any covered process; or 2) If a change requires a revised Off-Site Consequence Analysis; or 3) If a change requires a revised Process Hazard Analysis or Hazard Review; or 4) If a new regulated substance is present above the threshold quantity in an already covered process; or 5) If a regulated substance is present above the threshold quantity in a new process; or 6) If the U.S. EPA begins regulating a new substance.

Notes

10.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.
11.	Per California Plumbing Code 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 evaporation of sewer effluent. California Plumbing Code Appendix H requires access to septic tanks to be maintained.
12.	The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County.
13.	The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
14.	This proposal is subject to Air District Rule 9510 (Indirect Source Review) and may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions) Rule 4102 (Nuisance) Rule 4601 (Architectural Coatings) Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt)