



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 August 24, 2017

**SUBJECT:** Initial Study No. 6973 and Classified Conditional Use Permit No. 3497 – First Time Extension

Grant a first one-year time extension to exercise Classified Conditional Use Permit No. 3497 which authorizes the expansion of an existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables with the addition of 27,813 square feet of new warehousing and processing buildings on a 4.42-acre portion of a 10.51-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the northwest corner of S. Highland and E. Central Avenues approximately 1.9 miles northwest of the unincorporated community of Del Rey (8898 E. Central Avenue, Del Rey) (Sup. Dist. 4) (APN 331-040-47, 331-040-78).

**OWNER/  
APPLICANT:** Vita-Pakt Citrus Products Company

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Approve the first one-year Time Extension for Classified Conditional Use Permit No. 3497; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated August 13, 2015
5. Applicant's letter requesting the first one-year time extension

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration prepared for Initial Study Application No. 6973 was approved by the Planning Commission on August 13, 2015 in accordance with the California Environmental Quality Act (CEQA) with approval of Classified Conditional Use Permit No. 3497.

Section 15162(b) of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted. This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

**PUBLIC NOTICE:**

Notices were sent to 19 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

The Fresno County Zoning Ordinance requires that a Conditional Use Permit (CUP) shall become void when substantial development has not occurred within two years after approval of the permit. However, when circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Planning Commission may grant a one-year time extension as provided by the ordinance.

**BACKGROUND INFORMATION:**

Classified Conditional Use Permit No. 3497 was approved by the Planning Commission on August 13, 2015. The subject extension request was filed on June 1, 2017. If granted approval, the Applicant will have an additional year to achieve substantial development of the subject commercial dehydrating facility.

**ANALYSIS/DISCUSSION:**

Unclassified CUP No. 3497 was originally approved on August 13, 2015 concurrently with Initial Study No. 6973 based on a determination that the required findings could be made. Attached is a copy of the Planning Commission’s Resolution and Staff Report (Exhibit 4) documenting Conditions imposed on the project.

It should be noted that the Planning Commission’s jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the CUP as originally approved. According to the Applicant’s letter dated June 1, 2017 (Exhibit 5), the time extension is requested because the proposed improvements cannot be completed prior to August 13, 2017 due to other company priorities. The subject Time Extension will allow the Applicant until August 13, 2018 to begin substantial development of the project.

The current Time Extension was routed to the same agencies that reviewed the project in May 2015. None of those agencies identified any change in circumstances or the need for additional conditions, and did not express any concerns with the proposed extension of time.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Staff believes the first one-year time extension for CUP No. 3497 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to August 13, 2018.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to approve the first one-year time extension for Classified Conditional Use Permit No. 3497; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action

**Alternative Motion** (Denial Action)

- Move to deny the first one-year time extension request for Classified Conditional Use Permit No. 3497 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

EA:ksn

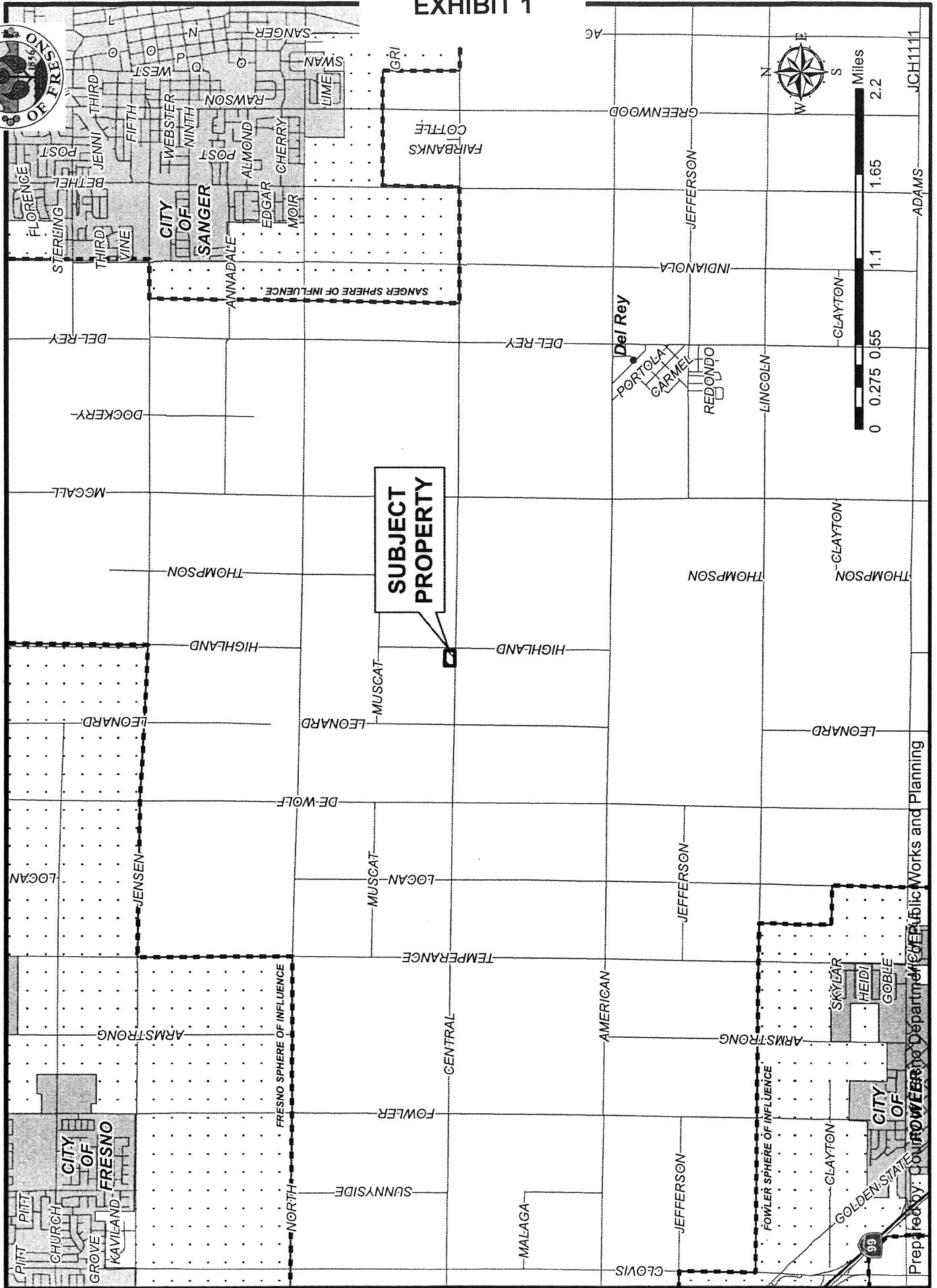
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3400-3499\3497\EXT 1\SR\CUP3497 Ext 1 SR.docx

# LOCATION MAP

CUP 3497



## EXHIBIT 1

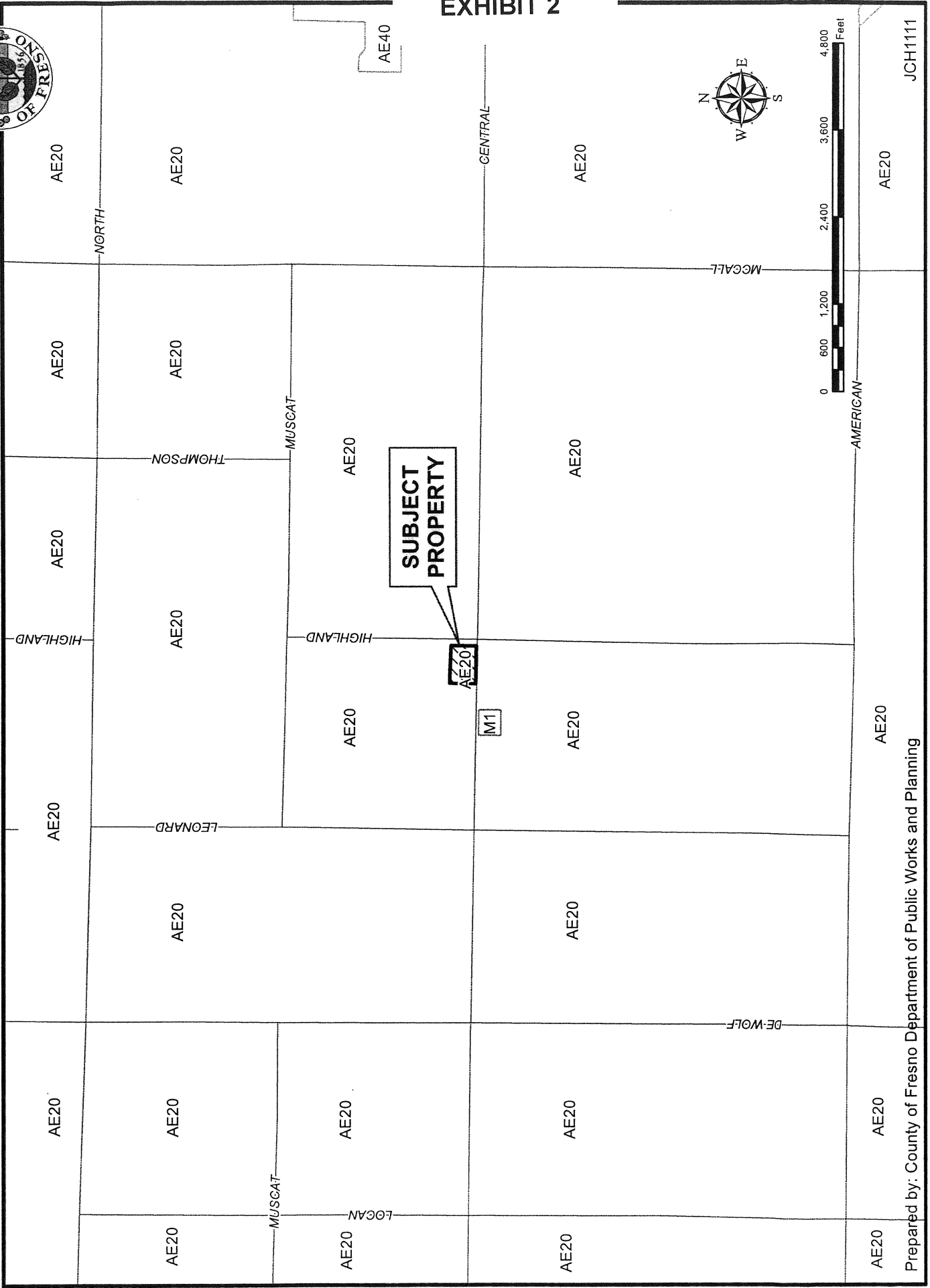


Prepared by: COURTOISE Department of Public Works and Planning

JCH1111

CUP 3497  
STR 25 - 14/21

# EXISTING ZONING MAP





# EXISTING LAND USE MAP

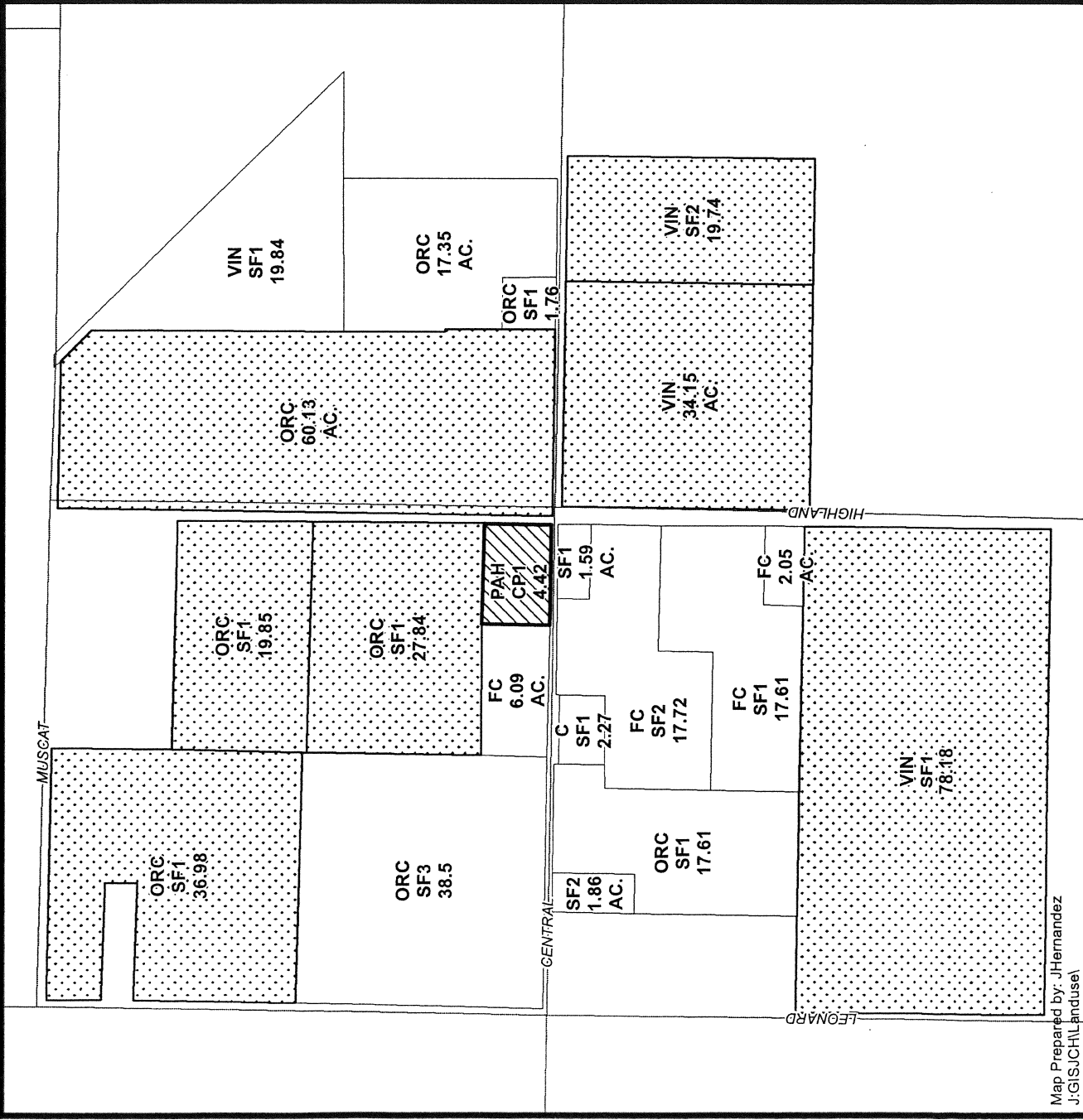
CUP 3497

### LEGEND

- C - COMMERCIAL
- FC - FIELD CROP
- ORC - ORCHARD
- PAH - PACKING HOUSE
- SF# - SINGLE FAMILY RESIDENCE
- VIN - VINEYARD
- V - VACANT
- CP# - OFFICE COMM./PROF

### LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division

Map Prepared by: JHernandez  
J:GISJCH(Landuse)

## EXHIBIT 4



## Inter Office Memo

---

DATE: August 13, 2015

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12519 - INITIAL STUDY APPLICATION NO. 6973  
and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO.  
3497

APPLICANT/: Vita-Pakt Citrus Products Company  
OWNER

REQUEST: Allow the expansion of an existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables with the addition of 27,813 square feet of new warehousing and processing buildings on a 4.42-acre portion of a 10.51-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northwest corner of S. Highland and E. Central Avenues approximately 1.9 miles northwest of the unincorporated community of Del Rey (8898 E. Central Avenue, Del Rey) (Sup. Dist.: 4) (APN: 331-040-47, 331-040-78).

### PLANNING COMMISSION ACTION:

At its hearing of August 13, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Egan and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Classified Conditional Use Permit Application No. 3497, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12519

This motion passed on the following vote:

VOTING: Yes: Commissioners Egan, Lawson, Abrahamian, Borba,  
Mendes, Rocca, Woolf, Zadourian

No: None

Absent: Commissioner Batth

Abstain: None

ALAN WEAVER, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
William M. Kettler, Manager  
Development Services Division

WK:ksn

G:\4360Devs&Plan\PROJSEC\PROJDOCS\CUP\3400-3499\3497\RESOLUTION\CUP3497 Reso.docx

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 Unclassified Conditional Use Permit.

Attachments



EXHIBIT A

Initial Study Application No. 6973  
Unclassified Conditional Use Permit Application No. 3497

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 13, 2015, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- This is our third Conditional Use Permit Application for the existing commercial dehydrator facility.
  - Our project is essentially a remodel of the facility; remodeling will make the facility more competitive in the market place.
  - Many improvements at the site were constructed in the 1950s.
  - The project will not result in any changes to the plant capacity, truck traffic trips, or the number of employees.
  - Orange peels that come from the facility are sold for feed or used in spices and hair products.
  - The project will cost approximately \$50,000 in combined engineering, consultant, and County fees.
  - The project will also pay San Joaquin Valley Air Pollution Control District fee, California Department of Fish and Wildlife fee, and CalFire's new regulatory fees for complying with water storage requirements.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Mitigation Monitoring and Reporting Program**  
**Initial Study (IS) Application No. 6792/Classified Conditional Use Permit (CUP) Application No. 3497**  
**(Including Conditions of Approval and Project Notes)**

EXHIBIT B

Mitigation Measure					
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 toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing
<b>Conditions of Approval</b>					
1.	Development and operation of the approved use shall be in substantial conformance with the approved Site Plan, Floor Plans, Building Elevations, and Operational Statement.				
2.	Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities that surround the proposed development.				
3.	A dust palliative shall be required for all parking and circulation areas not paved to prevent the creation of dust by vehicles.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.					
<b>Notes</b>					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
1.	Plans, permits and inspections shall be required for all structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540 for information.				
2.	According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan may be required showing how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties;</li> <li>• Any additional run-off generated by the proposed development must be retained or disposed of per County Standards;</li> <li>• If not already present, a 10-foot by 10-foot corner cut off shall be improved for sight distance purposes at the existing driveway onto Highland Avenue;</li> <li>• If not already present, a 20-foot by 20-foot corner cut off shall be improved for sight distance purposes at the existing driveway onto Central Avenue.</li> </ul>				

**Notes**

3.	<p>According to the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• All improvements on the property shall be set back from the ultimate road right-of-way for Central and Highland Avenues;</li> <li>• An encroachment permit shall be required prior to any work done within the County road right-of-way;</li> <li>• On-site turnaround facilities shall be provided;</li> <li>• Gates shall be set back a minimum of 20 feet from the right-of-way line or the length of the longest vehicle to enter the property.</li> </ul>
4.	<p>According to the Fresno County Department of Public Health, Environmental Health Division, 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% 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 business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made, and that the changes were submitted to the local agency.</p>
5.	<p>All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.</p>
6.	<p>Records indicate the existing septic system was installed in 1995. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach lines evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspection may indicate possible repairs, additions, or require the proper destruction of the system.</p>
7.	<p>The facility is currently permitted with the San Joaquin Valley Air Pollution Control District (Air District) (C-2248 Vita-Pakt). Any modification that would result in a change in emissions or change in the method of operation/equipment would require the submittal of an Authority to Construct (ATC) permit application and Permit to Operate (PTO). Other Air District Rules that may apply to this proposal include: District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished, or removed.</p>
8.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use.</p>
9.	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District.</p>
10.	<p>A demolition permit shall be required from the Zoning Section of the Fresno County Department of Public Works and Planning for any existing structures/portions of structures that will be removed, and building permits required for the proposed structures.</p>



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 2 August 13, 2015

**SUBJECT:** Initial Study Application No. 6973  
Classified Conditional Use Permit Application No. 3497

Allow the expansion of an existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables with the addition of 27,813 square feet of new warehousing and processing buildings on a 4.42-acre portion of a 10.51-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the northwest corner of S. Highland and E. Central Avenues approximately 1.9 miles northwest of the unincorporated community of Del Rey (8898 E. Central Avenue, Del Rey) (Sup. Dist.: 4) (APN: 331-040-47, 331-040-78).

**Applicant/Owner:** Vita-Pakt Citrus Products  
**Representative:** Dirk Poeschel Land Development Services, Inc.

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

Eric VonBerg, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 6973;
- Approve Classified Conditional Use Permit (CUP) Application No. 3497 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

### IMPACTS ON JOB CREATION:

The Commission's action will have a limited effect on job creation. Short-term jobs associated with construction activity could occur as the result of this proposal.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Floor Plans and Elevation Drawings
7. Applicant’s Operational Statement
8. Summary of Initial Study Application No. 6973
9. Proposed Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change.
Parcel Size	10.51 acres (net)	No change
Project Site	<ul style="list-style-type: none"> <li>• 8,175 square-foot dryer building</li> <li>• 15,585 square-foot roof-only covered storage</li> <li>• 2,800 square-foot office</li> <li>• Propane tanks</li> <li>• Water storage tank</li> <li>• Parking</li> <li>• Perimeter fencing with gated access from Highland and Central Avenues</li> </ul>	<ul style="list-style-type: none"> <li>• 4,800 square-foot dryer building expansion (Phase A)</li> <li>• 11,155 square-foot warehouse building (Phase B)</li> <li>• 1,858 square-foot canopy (Phase B)</li> <li>• 10,000 square-foot warehouse building (Phase C).</li> </ul>
Structural Improvements	<ul style="list-style-type: none"> <li>• 8,175 square-foot dryer building</li> <li>• 15,585 square-foot roof-only covered storage</li> <li>• 2,800 square-foot office</li> <li>• Six-foot tall perimeter fencing</li> </ul>	<ul style="list-style-type: none"> <li>• 4,800 square-foot dryer building expansion (Phase A)</li> <li>• 11,155 square-foot warehouse building (Phase B)</li> <li>• 1,858 square-foot canopy (Phase B)</li> <li>• 10,000 square-foot warehouse</li> </ul>

Criteria	Existing	Proposed
		building (Phase C).
Nearest Residence	Approximately 190 feet to the south	No change
Surrounding Development	Orchards, vineyards, and single-family homes	No change
Operational Features	A commercial dehydrator facility involving drying, processing and packaging of fruits and vegetables	<ul style="list-style-type: none"> <li>• Expansion of an existing commercial dehydrator facility with the addition of 27,813 square feet of new agricultural warehousing and processing buildings and canopy on a 10.51-acre (net) parcel.</li> <li>• The project will be constructed in phases.</li> <li>• Phase A includes a 4,800 square-foot dryer building expansion, Phase B includes a 11,155 square-foot warehouse building with a 1,858 square-foot canopy, and Phase C includes a 10,000 square-foot warehouse building.</li> <li>• No increase in the current number of employees, hours of operation, or traffic trips for the facility</li> <li>• All existing improvements will remain intact and continue to be used.</li> </ul>
Employees	Nine	No change
Customers	20 in any given year	No change
Traffic Trips	<ul style="list-style-type: none"> <li>• 18 daily trips (9 round trips) by employees</li> <li>• 14 daily trips (7 round trips) by delivery trucks</li> </ul>	No change
Lighting	Building exteriors	Building exteriors
Hours of Operation	<ul style="list-style-type: none"> <li>• 24 hours a day, six-days a week (during peak</li> </ul>	No change

Criteria	Existing	Proposed
	harvest season) <ul style="list-style-type: none"> <li>• 7 am to 4 pm (during non-peak season)</li> </ul>	

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**ENVIRONMENTAL DETERMINATION:**

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: July 6, 2015

**PUBLIC NOTICE:**

Notices were sent to 18 property owners within a quarter mile (1,320 feet) of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit (CUP) Application may be approved only if four Findings specified in Zoning Ordinance Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on a Classified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The original dehydrator facility was constructed in the 1950's by a previous property owner to serve his farming operation. In 1995, the Board of Supervisors approved Conditional Use Permit Application No. 2703 and Variance Application No. 3488 which authorized the commercial operation of the existing facility, a property line adjustment, and a 30-foot street side yard setback for the existing tank at the facility. Later in 1997, the Fresno County Planning Commission approved Conditional Use Permit Application No. 2803 which authorized the expansion of the existing commercial dehydrator facility, including the addition of two warehouse buildings, and a building enclosure for an existing dehydrator on the property.

The existing improvements on the property include an 8,175 square-foot dryer building, 15,585 square-foot roof-only covered storage, and a 2,800 square-foot office. Related improvements include propane tanks, water storage tank, parking, and perimeter fencing with gated access from Highland and Central Avenues.

The subject proposal will add 27,813 square feet of new agricultural warehousing and processing buildings and canopy to compensate for a 7,571 square-foot dryer tunnel building, 3,815 square-foot covered storage, and a 4,290 square-foot sulfur tunnel building removed in 2010 and 2014.

The proposed improvements will be constructed in phases. Phase A includes a 4,800 square-foot dryer building expansion, Phase B includes a 11,155 square-foot warehouse building and a 1,858 square-foot canopy, and Phase C includes a 10,000 square-foot warehouse building. The proposal will not result in any changes to the number of employees, operating hours, or traffic trips for the facility as authorized by Conditional Use Permit No. CUP 2803. All existing improvements will remain intact and will continue to be utilized in the operation of the facility.

**ANALYSIS/DISCUSSION:**

*Finding 1: The site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (east property line): 113 feet Side (north property line): 66 feet Side (south property line): 119 feet Rear (west property line): 102 feet	Yes
Parking	<ul style="list-style-type: none"> <li>• One (1) off-street parking space for each two (2) permanent employees</li> <li>• One parking space for each truck operated by the concerns</li> </ul>	Seven standard parking spaces (minimum six required), including one for the disabled	Yes
Lot Coverage	No requirement	No requirement	Yes
Separation Between Buildings	Six feet minimum	45 feet	N/A
Wall Requirements	No requirement	No requirement	Yes
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No new on-site sewage disposal systems	N/A



**Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Analysis:**

Staff review of the Site Plan demonstrates that there is adequate area to accommodate the proposed new warehousing, processing buildings and canopy, and meet the minimum building setback requirements of the AE-20 Zone District. The proposed improvements are to be constructed within the area previously occupied by the buildings and structures removed from the property in 2010 and 2014. The proposed development will not generate additional traffic to the site. As such, the existing parking on the property will suffice for the project.

The project site is adequate in size and shape to accommodate the proposed development, parking and circulation, and ingress and egress from abutting streets.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 1 can be made.

*Finding 2: The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Highland Avenue	No change
		Central Avenue	No change
Direct Access to Public Road	Yes	Highland Avenue	No change
		Central Avenue	No change
Road ADT		300 (Highland Avenue)	No change
		2,100 (Central Avenue)	No change
Road Classification		Highland Avenue: Local	No change
		Central Avenue: Collector	No change

		Existing Conditions	Proposed Operation
Road Width		Highland Avenue: 60 feet	No change
		Central Avenue: 84 feet	No change
Road Surface		Asphalt paved (Highland Avenue): pavement width 22.7 feet	No change
		Asphalt paved (Central Avenue): pavement width 23.4 feet	No change
Traffic Trips		<ul style="list-style-type: none"> <li>• 18 daily trips (9 round trips) by employees</li> <li>• 14 daily trips (7 round trips) by delivery trucks</li> </ul>	No change
Traffic Impact Study (TIS) Prepared	No	Commercial traffic	No TIS required by the Design Division of the Fresno County Department of Public Works and Planning.
Road Improvements Required		Highland Avenue: Excellent	Not required
		Central Avenue: Good	Not required

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: Central Avenue is classified as a Collector road in the County General Plan with an existing 25-foot right-of-way north of the section line, and Highland Avenue is classified as a Local road in the County General Plan with an existing 20-foot right-of-way west of the section line. Ultimate right-of-way for Central Avenue is 84 feet (42 feet north and 42 feet south of the section line) and ultimate right-of-way for Highland Avenue is 60 feet (30 feet east and 30 west of the section line). All improvements on the property shall be set back from the ultimate road right-of-way for Central and Highland Avenues. An encroachment permit shall be required prior to any work done within the County road right-of-way. On-site turnaround facilities shall be provided and gates shall be set back a minimum of 20 feet from the right-of-way line or the length of the longest vehicle to enter the property. These requirements have been included as Project Notes.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Analysis:**

The project site takes access by existing ingress and egress on Central and Highland Avenues.

According to County records, the section of Highland Avenue at the subject property is in excellent condition and the section of Central Avenue at the subject property is in good condition. Both streets are asphalt concrete paved, have an average pavement width of 22.7 feet and 23.4 feet, respectively, and carry an Average Daily Traffic (ADT) of 300 and 2,100, respectively.

The traffic volume will remain at the level approved by CUP 2803. The subject proposal will not add employees or bring additional customers that would add traffic to the project site. The Design and Road Maintenance and Operations Divisions and Development Engineering Section of the Development Services Division reviewed the proposal and identified no concerns with the adequacy of the streets nor required any off-site improvements for the project.

Based on the above information and with adherence to the Project Notes, staff believes that Highland and Central Avenues will remain adequate to accommodate the proposal.

**Recommended Conditions of Approval:**

*See Project Notes attached as Exhibit 1.*

**Conclusion:**

Finding 2 can be made.

*Finding 3: The proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	27.84 acres	Farmland	AE-20	None
South	1.6 acres 17.72 acres	Single-Family Residence	AE-20	190 feet
East	60.13 acres	Orchard	AE-20	None
West	38.8 acres	Orchard	AE-20	None

**Reviewing Agency/Department Comments:**

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development. This requirement has been included as a Condition of Approval.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required showing how additional

storm water run-off generated by the project will be handled without adversely impacting adjacent properties. Any additional run-off generated by the proposed development must be retained or disposed of per County Standards.

Fresno County Department of Public Health, Environmental Health Division: 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% 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. Additionally: 1) the business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made, and that the changes were submitted to the local agency; and 2) 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 Applicant should consider having the existing septic tank pumped, and have the tank and leach lines evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years.

Fresno County Fire Protection District (Fire District): The proposed development shall comply with the California Code of Regulations Title 24. Subsequent to County approval, copies of the approved Site Plan shall be submitted to the Fire District for review and approval.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal.

San Joaquin Valley Air Pollution Control District (Air District): The facility is currently permitted with the Air District (C-2248 Vita-Pakt). Any modification that would result in a change in emissions or change in the method of operation/equipment would require the submittal of an Authority to Construct (ATC) permit application and Permit to Operate (PTO). Other Air District Rules that may apply to this proposal include: District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished, or removed.

Zoning Section of the Fresno County Department of Public Works and Planning: A demolition permit shall be required for any existing structures/portions of structures that will be removed and building permits required for the proposed structures.

The aforementioned requirements have been included as Project Notes.

California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; Design and Resources Divisions, and Water/Geology/Natural Resources and Site Plan Review Sections of the Development Services Division: No concerns with the proposal.

**Analysis:**

The subject property is located in an area characterized by large agricultural parcels. Parcels immediately surrounding the subject property range in size from 1.6 to 60 acres and are developed with orchards, vineyards, and residences. The nearest residence is

located approximately 190 feet to the south of the facility on Central Avenue.

Under the subject proposal, the Applicant proposes to expand an existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables by adding 27,813 square feet of new warehousing and processing buildings on a 4.42-acre portion of a 10.51-acre (net) parcel. The proposed buildings and structure (canopy) are similar in height (maximum 29 feet), design, color, and material to the existing buildings and structures on the property. The proposal will not have significant visual impact on the surrounding area.

An Initial Study prepared for the project has identified aesthetics as a potential impact. Regarding aesthetics, all new lighting on the property will be required to be hooded and directed downward to avoid glare on the adjoining properties. This requirement has been included as a Mitigation Measure (Exhibit 1).

Potential impacts related to air quality, geology and soils, hazards and hazardous materials, public services, and transportation/traffic are considered to be less than significant. The Applicant will be required to follow Air District Rule 9510 and other regulations for the proposed development; submit a Grading and Drainage Plan to ensure that the proposed development will not result in drainage patterns that could adversely affect surrounding properties; retain additional runoff on site; update the Hazardous Materials Business Plan; handle all hazardous waste in accordance with applicable state laws; obtain the Fresno County Fire Protection District's approval on the Site Plan; and develop property according to Road Maintenance and Operations Division comments as discussed in Finding 2 of this report.

Based on the above information, and with adherence to the Mitigation Measure, Conditions of Approval and mandatory Project Notes, staff believes that the proposal will not have adverse effects upon surrounding properties.

**Recommended Conditions of Approval:**

*See Mitigation Measure, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

*Finding 4: The proposed development is consistent with the General Plan.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to following criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands available; c) Use shall not have a detrimental impact on water resources or the	With regard to Criteria "a", the use provides service to the surrounding agricultural community, and it is unlikely this use could be provided more efficiently within an urban center. With regard to Criteria "b", the project is located on a 4.42-acre portion of a 10.51-acre parcel classified as Urban and Built-Up Land on the 2010 Fresno County Important Farmland Map. With regard to Criteria "c", the project is not in a water-short area where it could potentially impact

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>use or management of surrounding properties within 1/4 mile radius; and d) Probable workforce located nearby or readily available.</p>	<p>groundwater resources. With regard to Criteria "d", the project site is approximately 1.9 miles northwest of the community of Del Rey. Although no additional employees are required with this proposal, a probable work force is available from this community. The proposal is consistent with this policy.</p>
<p>General Plan Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses</p> <p>Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>The subject proposal is not located on an active farmland. The project site is developed with an existing commercial dehydrator facility, and is currently fenced off to provide buffer between the existing use and the adjacent farming operations. The proposal is consistent with this policy.</p>
<p>General Plan Policy FP-D.6 requires that the County shall permit individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards.</p>	<p>The subject proposal will not require installation of a new on-site sewage disposal system. Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns with the project except the existing system should be evaluated for repair, addition, or proper destruction. With this requirement included as a Project Note, the proposal is consistent with this policy.</p>
<p>General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p>	<p>The subject proposal is not located in a water-short area. No concerns regarding adequacy of water for the project were expressed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning. The proposal is consistent with this policy.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the General Plan. Policy LU-A.3, allows value-added processing facilities (such as the subject facility) by means of a discretionary use permit. Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses. Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations. Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and mitigation where appropriate. Policy FP-D.6 allows individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality. And, Policy PF-C.17 requires the evaluation for adequacy and sustainability of a water supply for the project. The project site is not subject to an Agricultural Land Conservation Contract.

**Analysis:**

The subject parcel is designated Agriculture in the Fresno County General Plan. The general objective of the Agricultural policies is to encourage continued agricultural use of the land and to minimize the amount of land converted to non-agricultural uses. The subject facility is regarded as a value-added facility and is allowed in the areas designated Agriculture in Fresno County, provided that it adheres to criteria a through d of Policy LU-A.3. This proposal meets the subject Policy LU-A.3 criteria a, b, c, and d, as discussed above.

The proposal also meets Policy LU-A.12, Policy LU-A.13, Policy LU-A.14, Policy FP-D.6 and Policy PF-C.17 in that it will be located on a portion of already developed property with an existing commercial dehydrator facility, fenced off to provide a buffer between the existing use and the adjacent farming operations, not require installation of a new on-site sewage disposal system that could potentially impact groundwater quality, and no impact to groundwater resources was identified by any reviewing agencies.

Based on the above information, staff believes the project is consistent with the County General Plan.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

Staff has not received any public comments for this item.

**CONCLUSION:**

Staff believes the required Findings for granting the Classified CUP Application can be made based on the factors cited in the analysis in conjunction with the recommended Mitigation Measure, Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project

and approval of Classified Conditional Use Permit Application No. 3497 subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 6973; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3497, subject to the Mitigation Measure, Conditions of Approval, and Project Notes listed below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit Application No. 3497; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measure, Recommended Condition of Approval and Project Notes:**

See attached Exhibit 1.

EA:ksn  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3400-3499\3497\SR\CUP3497 SR.docx



**Mitigation Monitoring and Reporting Program**  
**Initial Study (IS) Application No. 6792/Classified Conditional Use Permit (CUP) Application No. 3497**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measure					
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 toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing
<b>Conditions of Approval</b>					
1.	Development and operation of the approved use shall be in substantial conformance with the approved Site Plan, Floor Plans, Building Elevations, and Operational Statement.				
2.	Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities that surround the proposed development.				
3.	A dust palliative shall be required for all parking and circulation areas not paved to prevent the creation of dust by vehicles.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.					
Notes					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
1.	Plans, permits and inspections shall be required for all structures, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540 for information.				
2.	According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan may be required showing how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties;</li> <li>• Any additional run-off generated by the proposed development must be retained or disposed of per County Standards;</li> <li>• If not already present, a 10-foot by 10-foot corner cut off shall be improved for sight distance purposes at the existing driveway onto Highland Avenue;</li> <li>• If not already present, a 20-foot by 20-foot corner cut off shall be improved for sight distance purposes at the existing driveway onto Central Avenue.</li> </ul>				

**EXHIBIT 1**

**Notes**

3.	<p>According to the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• All improvements on the property shall be set back from the ultimate road right-of-way for Central and Highland Avenues;</li> <li>• An encroachment permit shall be required prior to any work done within the County road right-of-way;</li> <li>• On-site turnaround facilities shall be provided;</li> <li>• Gates shall be set back a minimum of 20 feet from the right-of-way line or the length of the longest vehicle to enter the property.</li> </ul> <p>According to the Fresno County Department of Public Health, Environmental Health Division, 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% 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 business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made, and that the changes were submitted to the local agency.</p>
4.	<p>All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.</p>
5.	<p>Records indicate the existing septic system was installed in 1995. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach lines evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspection may indicate possible repairs, additions, or require the proper destruction of the system.</p>
6.	<p>The facility is currently permitted with the San Joaquin Valley Air Pollution Control District (Air District) (C-2248 Vita-Pakt). Any modification that would result in a change in emissions or change in the method of operation/equipment would require the submittal of an Authority to Construct (ATC) permit application and Permit to Operate (PTO). Other Air District Rules that may apply to this proposal include: District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished, or removed.</p>
7.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to occupancy being granted for the use.</p>
8.	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District.</p>
9.	<p>A demolition permit shall be required from the Zoning Section of the Fresno County Department of Public Works and Planning for any existing structures/portions of structures that will be removed, and building permits required for the proposed structures.</p>

# LOCATION MAP

CUP 3497

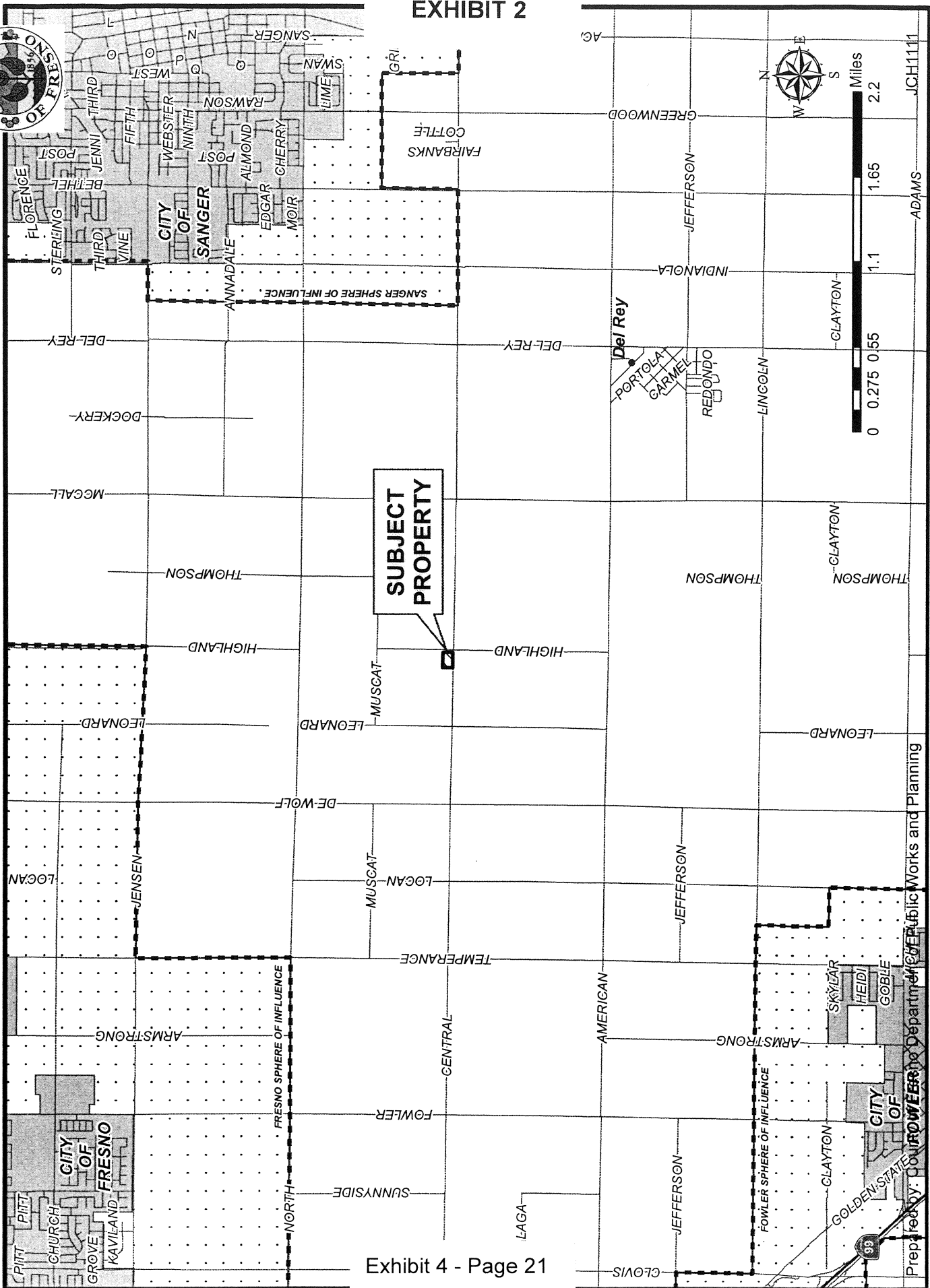


EXHIBIT 2

# EXISTING ZONING MAP

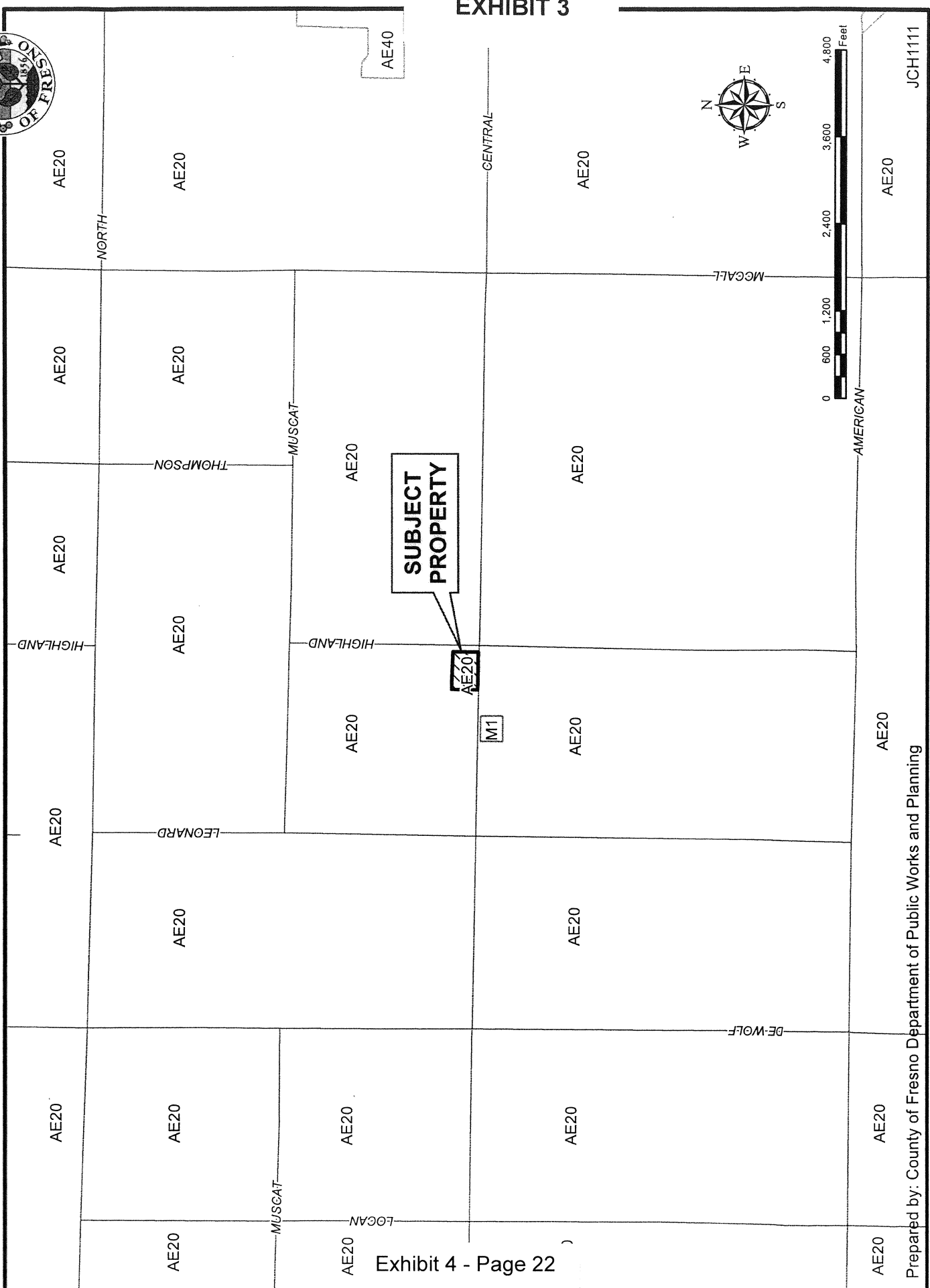
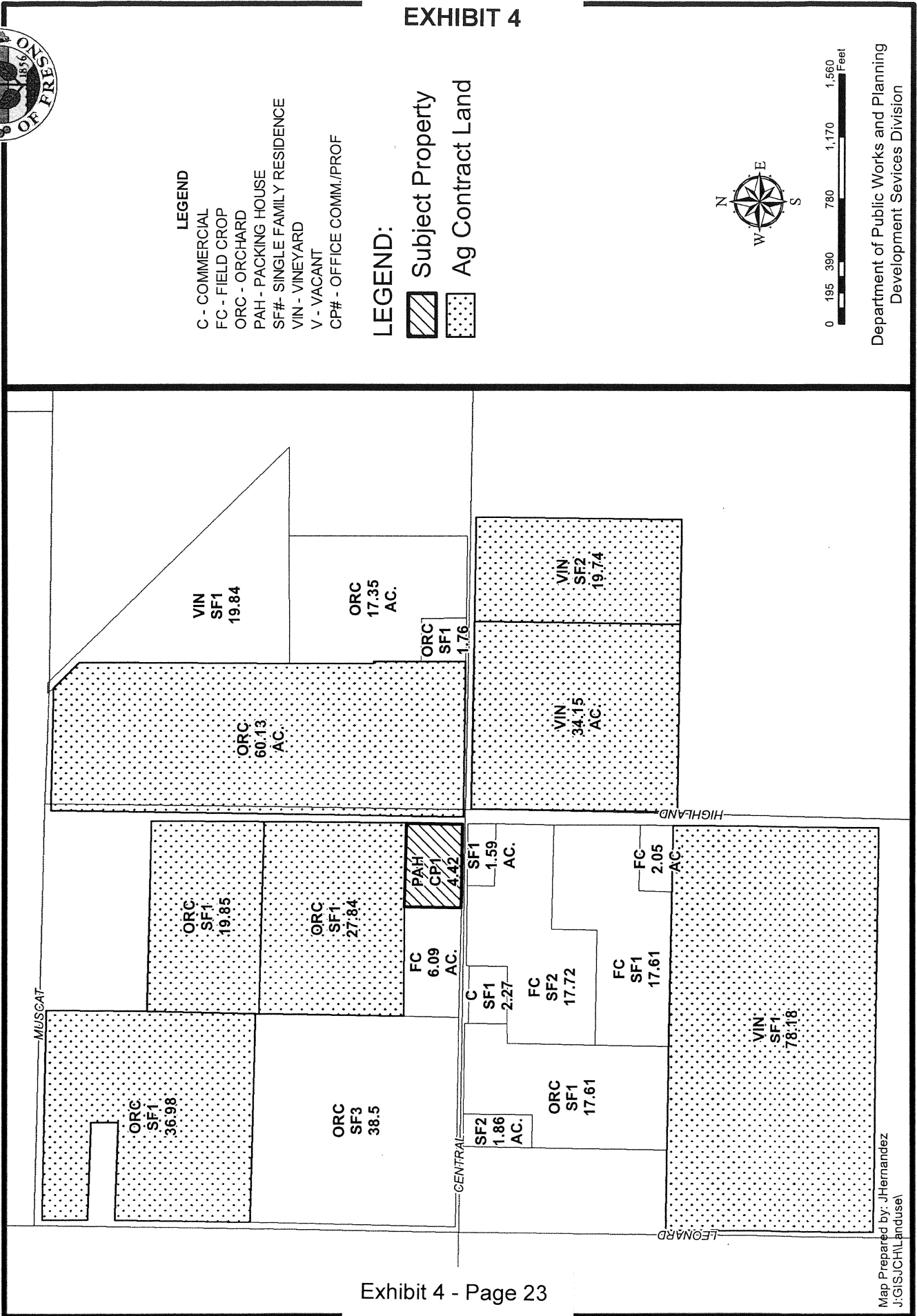


EXHIBIT 3

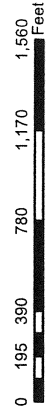
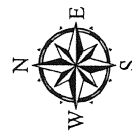


# EXISTING LAND USE MAP

CUP 3497



## EXHIBIT 4



Department of Public Works and Planning  
Development Services Division

Project  
 DRYER BUILDING &  
 WAREHOUSE EXPANSION  
 DEL, NET, CA

Prepared For  
 VITA-PAKT CITRUS  
 PRODUCTS, INC.



LANE ENGINEERS, INC.  
 CIVIL-STRUCTURAL-SURVEYING  
 979 North Blackhawk Street  
 Tulare, California 93274  
 559.688.5103  
 www.laneengineers.com

Professional Seal

# EXHIBIT 5



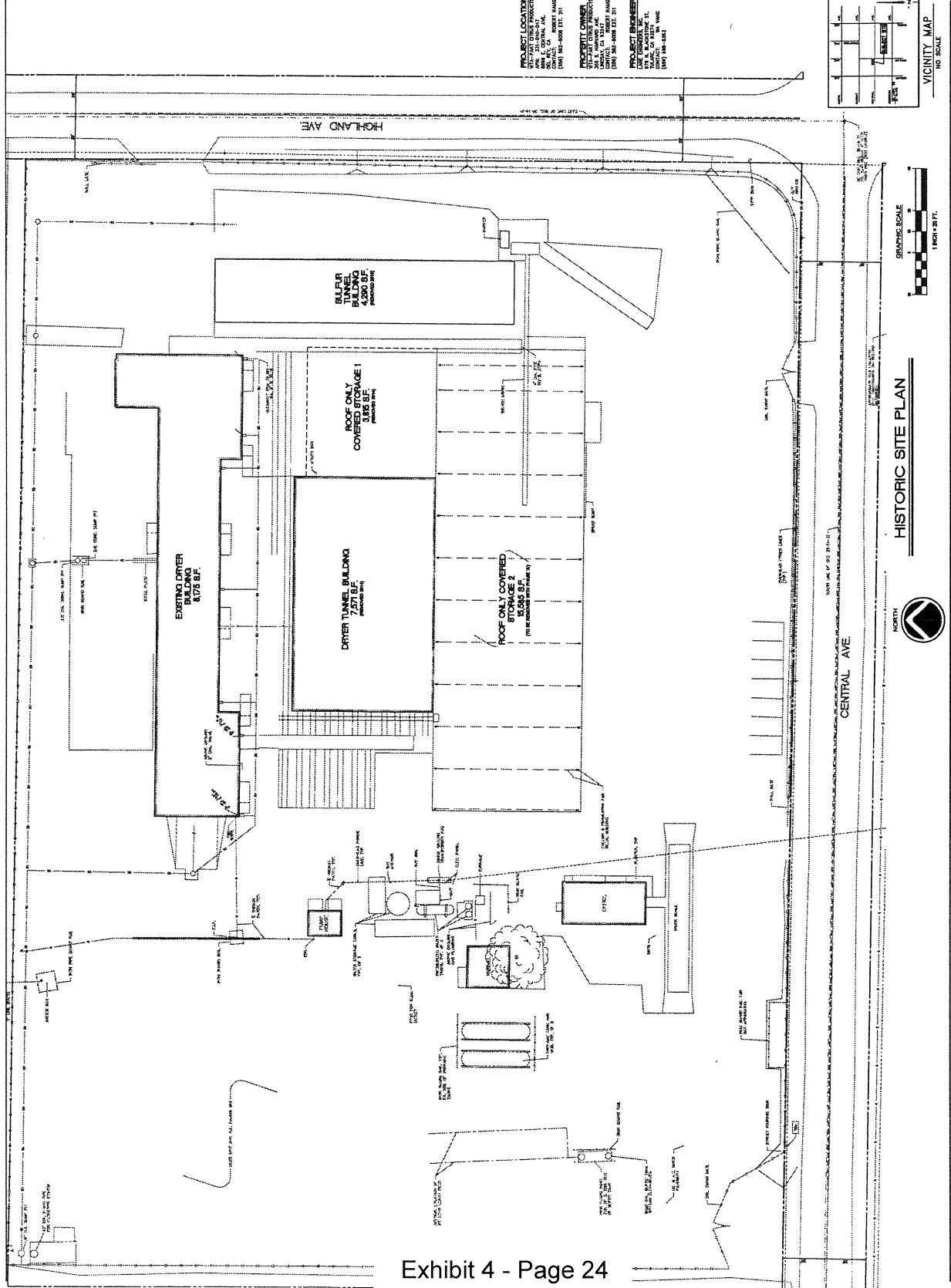
Project Location  
 4150 S. 31ST ST  
 TULARE, CA 93274  
 PROJECT OWNER  
 VITA-PAKT CITRUS PRODUCTS, INC.  
 4150 S. 31ST ST  
 TULARE, CA 93274  
 PROJECT ENGINEER  
 ALAN CHAN, P.E.  
 4150 S. 31ST ST  
 TULARE, CA 93274

Date: 01/15/14  
 Drawn By: M.T.  
 Checked By: L.L.B.

## SITE PLAN REVIEW

### SPR-1

Page No. 10 of 14



### HISTORIC SITE PLAN



NORTH



GRAPHIC SCALE  
 1 INCH = 20 FT.

VICINITY MAP  
 NO SCALE

Project  
**DRYER BUILDING &  
WAREHOUSE EXPANSION**  
PROJECT LOCATION  
DEL REY, CA

Prepared For  
**VITAPAKT CITRUS  
PRODUCTS, INC.**



**LANE ENGINEERS, INC.**  
CIVIL & STRUCTURAL - SURVEYING  
2791 Vista Verde Drive, Suite 200  
Tulare, California 91324  
558.685.5153  
www.laneengineers.com



Revision Log

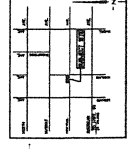
No.	Description	Date
1	Issue for Permit	12/15/2023
2	Revised drawings	01/10/2024
3	Final drawings	01/20/2024

**PROJECT LOCATION**  
10771 Central Expressway, Parcel No. 051-008-001-001  
Parcel No. 051-008-001-001  
Map No. 051-008-001-001  
City of Del Rey, CA

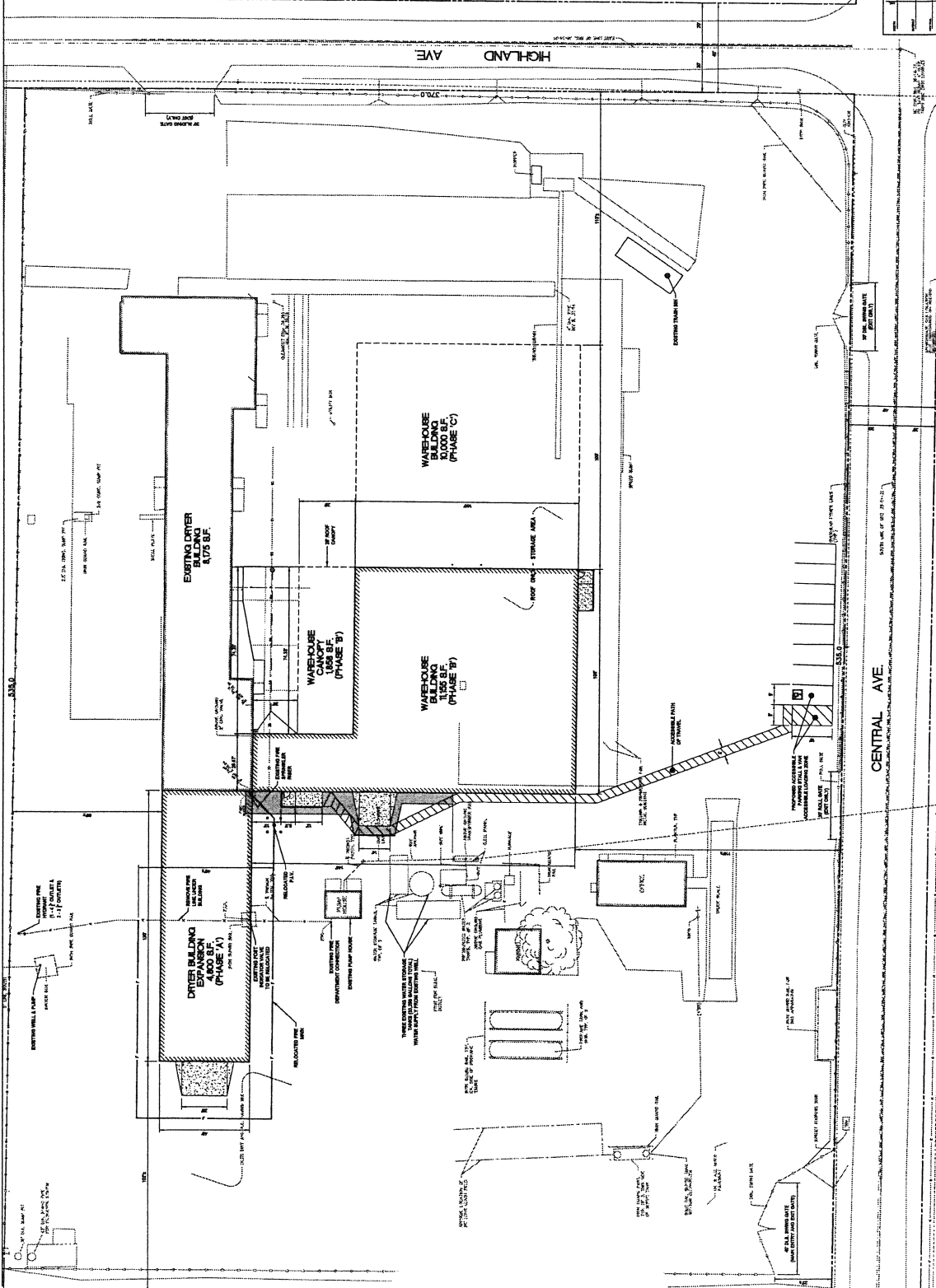
**PROPERTY OWNER**  
VITAPAKT CITRUS PRODUCTS, INC.  
3001 N. Main Street, Suite 200  
Tulare, California 91324  
(558) 685-5153

**PROJECT ENGINEER**  
L. E. LAINE  
1775 N. Main Street, Suite 200  
Tulare, California 91324  
(558) 685-5153

### SITE PLAN REVIEW



**SPR-2**  
Sheet No.



### PROPOSED SITE PLAN



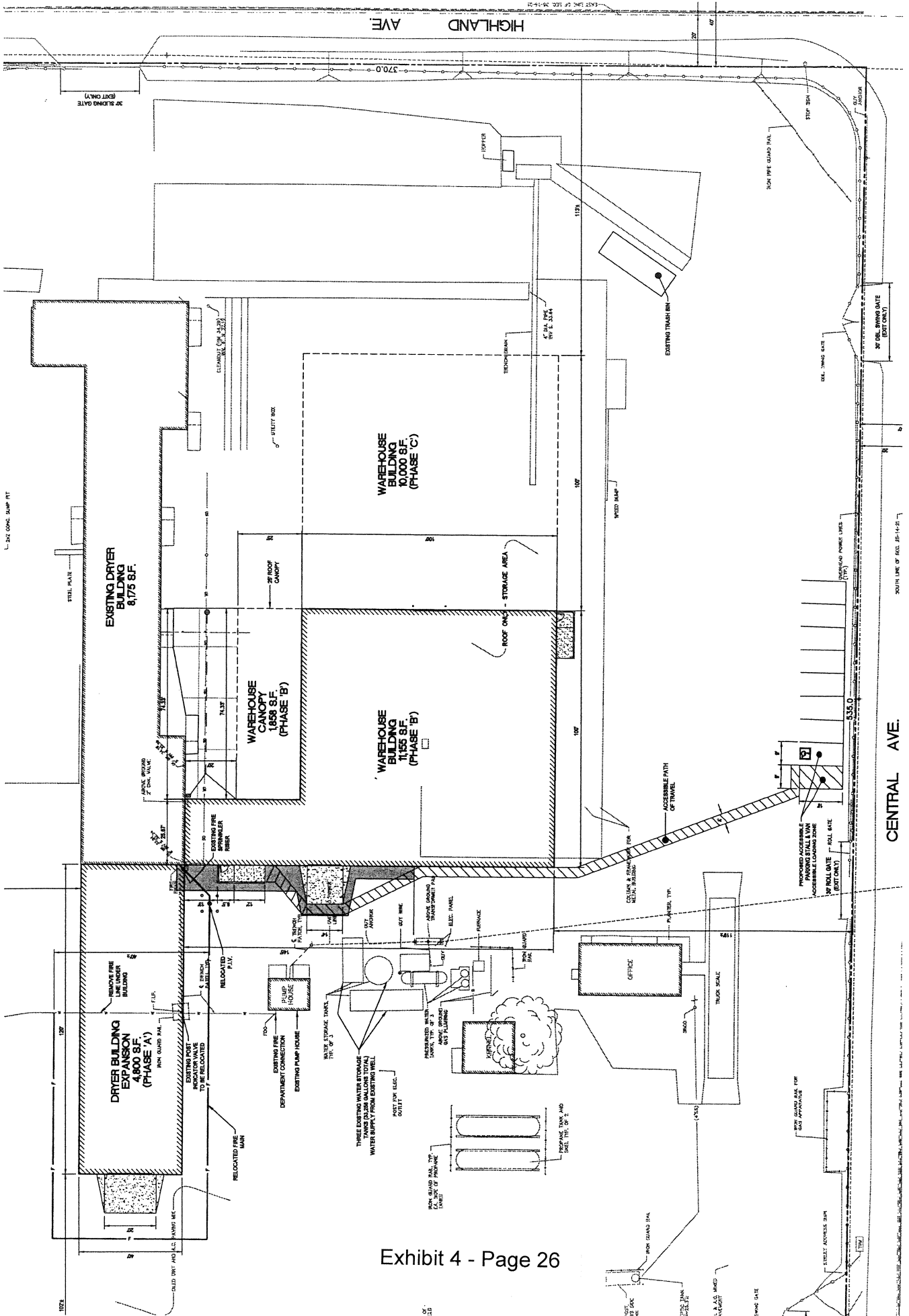


Exhibit 4 - Page 26





Project  
**NEW WAREHOUSE AND  
 DRYER BLDG. EXPANSION**  
 8900 EAST CENTRAL  
 DEL REY, CALIFORNIA

Prepared For  
**VITA-PAKT**



**LANE ENGINEERS, INC.**  
 CIVIL - STRUCTURAL - SURVEYING

979 North Bluewater Street  
 Del Rey, California 90231  
 310.450.5333  
 www.laneengineers.com

Attn: Project Architect/Structural/Engineering/Design



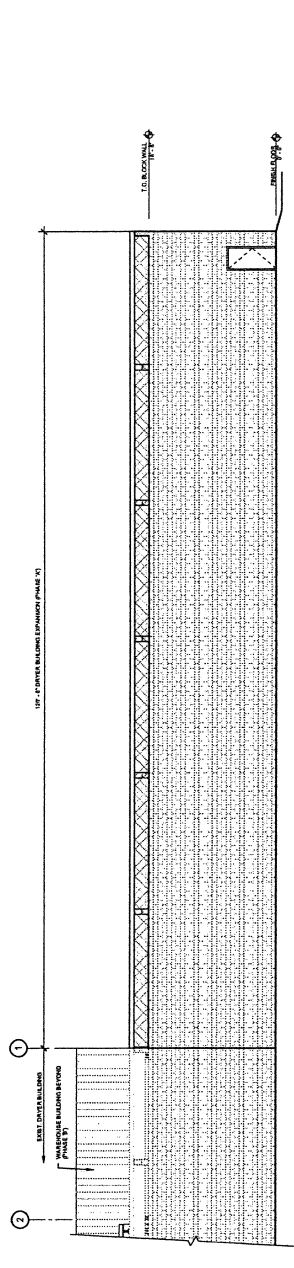
Date	By	For

Scale: As Shown  
 Drawn By: T.C.  
 Reviewed By: J.A.

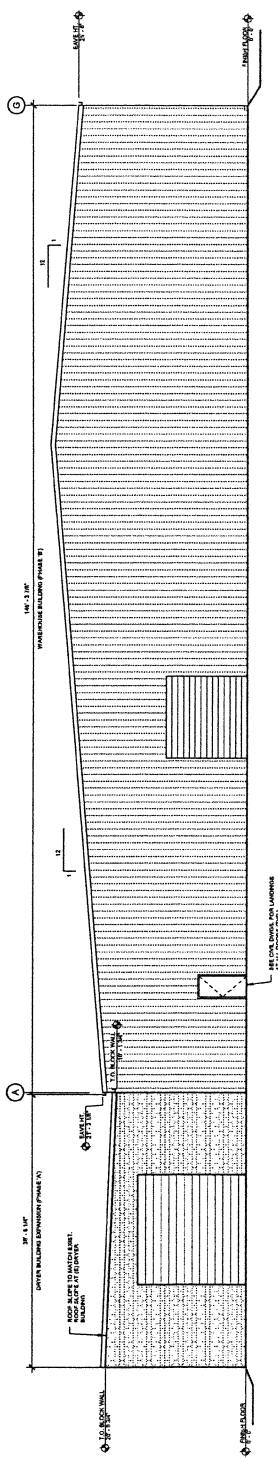
Sheet No. **BUILDING ELEVATIONS**

**A3.1**

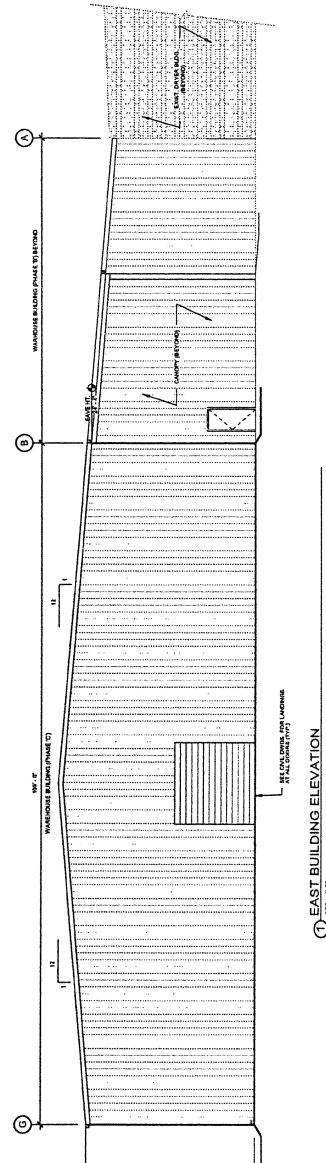
Project No.: 123456



**(A) DRYER BUILDING EXPANSION - NORTH ELEVATION**  
 10' x 11' 10"



**(2) WEST BUILDING ELEVATION**  
 10' x 11' 10"



**(1) EAST BUILDING ELEVATION**  
 10' x 11' 10"



## EXHIBIT 7

### Vita-Pakt Citrus Products Co.

Revised June 22, 2015

**Applicant:** Vita-Pakt Citrus Products Co.

**Property Owner:** Same as Above  
Mr. Bob Naugle Director of Vita Pakt Operations  
Mr. Aaron Avedian Senior Vice President of Operations  
707 N. Barranca Ave.  
Covina, CA 91723

**Project Address:** 8898 E. Central Ave.

**Representative:** Dirk Poeschel, AICP  
Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite No. 200  
Fresno, CA 93721

**APN:** 331 040-47

**Zoning:** Agricultural AE-20

**Request**

CUP3497  
RECEIVED  
COUNTY OF FRESNO  
JUN 22 2015  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION  
(REVISED)

The applicant requests approval of a Conditional Use Permit to allow the phased construction of 27,813 sq. ft. of new agricultural warehousing and processing buildings at an existing fruit and vegetable facility resulting in a *net reduction* of 3,448 sq. ft. of warehousing and processing space. Please see the project site plan prepared by Lane Engineering of Tulare, California.

A summary of the building changes is attached to this document entitled ATTACHMENT "A" In simple terms, the facility modifications are as follows:

Existing Building area	39,436 sq. ft.
Building area to be removed	<u>31,261</u>
Building area to remain	8,175
Proposed new construction	27,813 sq. ft.
Building area to remain	<u>8,175</u>
<b>Net New Building Area</b>	<b>-3,448 sq. ft.</b>

As detailed above and on ATTACHMENT "A" the result of these changes is a *net reduction* of 3,348 sq. ft. of agricultural storage, processing and warehousing. As noted above, said improvements will be constructed over time in phases as the market dictates.

## **Background**

For more than 25 years, Vita Pakt has operated at the subject site providing warehousing, and value-added agricultural processes to locally grown fruit and vegetables providing a valuable and critical service to the agricultural community and Fresno County. The subject proposal represents a need to remove, improve and remodel the site to address production and warehousing efficiencies for such agricultural services uses in Fresno County. Said use now operates under Conditional Use Permit No. 2803 and Site Plan Review 7905. No change in the volume or type of product processing will occur as a result of the proposed request.

## **Proposed Use**

Please see the site plan submitted for the subject conditional use permit prepared by Lane Engineering which identifies the purpose of each building. Vida Pakt proposes to construct a dry warehouse building on the property at 8898 E. Central Avenue. This building will be located in the area previously occupied by the dryer tunnels which have been removed and will be used for storage of materials now stored under the roof only/canopy structure on the property and stored in around the dryer tunnels. This storage configuration is highly inefficient and poses other operational and food safety challenges. The stored materials consist primarily of dried citrus peel in tote bins produced by the existing on-site dryers. Packaging materials and maintenance supplies are also stored on site.

The project and the proposed changes will operate under the same characteristics and intensity as defined in Conditional Use Permit No. 2803 which permits the current use. The proposed improvements will provide typical warehousing and processing for fruit and vegetables grown on nearby farms. The project will meet all applicable building, development and fire safety requirements.

The proposed buildings will be constructed of concrete and metal consistent with the site elevation plans submitted for review. All buildings will be used in the proposed fruit processing and packaging.

Existing lighting is hooded and directed in such a way that it will not annoy adjacent property owners. All new lighting will meet the aforementioned criteria.

No outdoor sound amplification is used or proposed.

No goods are sold on site. All products are for wholesale only. In accordance with Conditional Use Permit No. 2803, the use entails the drying, processing and packaging of fruit. The dryer or such activities is existing

Cardboard and plastic are the principal materials that are used at the facility to package the fruit products. These materials are stored so that they may not be contaminated to assure a safe and aesthetically pleasing packaging.

### **Hours of Operation**

No change in hours of operation as defined in Conditional Use Permit No. 280~~3~~<sup>3</sup>. The facility will operate 24 hours a day, six days week. It is a seasonal business with peaks occurring during harvest. Off season hours will be 7am to 4pm.

### **Project Justification/Conformity with Applicable Plans**

Vita Pakt is a regionally recognized company that specializes in processing and warehousing of local fruits and vegetables. Due to its location within an established agricultural area where said fruits and vegetables are grown, the proposed site is ideally suited to provide a safe and convenient location for the processing and storage of agricultural products.

As noted above, the proposal represents a need to improve and remodel the site to address production and warehousing efficiencies. The facility operates under Conditional Use Permit No. 2803 and Site Plan Review 7905. The proposed use is consistent with the adopted County of Fresno Agricultural General Plan land use designation and related agricultural zoning.

The site is flat and well-drained. It is graded and paved in accordance with applicable standards. All utilities necessary for the proposed remodeling are adequate in capacity for the intended use.

The project will be subject to various mandatory conditions, regulations, standards and ministerial permits which have proven to be effective in reducing the potential for a variety of potential adverse impacts to occur at a level of significance on site or to surrounding properties. The applicant seeks no deviations from any property development standard or building regulation.

### **Trip Generation**

There are a total of 9 employees. No more than five employees per shift. There are two shifts. No changes to employees are proposed. On average no more than 20 customers will visit the site in any given year.

Service and delivery vehicles include one UPS type daily delivery and 6 project related deliveries. These project related deliveries are generated by 1 bob-tailed Vita Pakt truck. The site takes access from an existing egress and ingress point approved by Conditional Use Permit No. 2803 on E. Central and S. Highland Avenues.

Project parking and circulation areas are paved to prevent deterioration of dust by vehicles. The existing driveways on E. Central and S. Highland Avenues meet applicable county width requirements. It is also noted that the first hundred feet of the driveways are constructed in concrete or asphalt to protect the public roadways.

Given the proposal results in a *net reduction* of 3,348 sq. ft. of agricultural processing and warehousing, some negligible reduction of traffic trips will likely occur. Therefore, traffic profiles such as the kind, type and volume of trips associated with the use will essentially not change.

### **Parking**

Please see the project site plan prepared by Lane Engineering of Tulare, California. In accordance with County of Fresno requirements, adequate on-site parking is available on site to accommodate the proposed use. It is noted all parking spaces for the physically disabled will be placed adjacent the facility in strategic areas where the disabled will not have to travel behind parking spaces. Said parking for the physically handicapped will be illustrated on the project Grading and Drainage plan.

### **Water Supply/Fire Protection**

A private well serves the existing facility through a water delivery system that was designed specifically for the site. The location of said well is detailed on the project site plan prepared by Lane Engineering of Tulare, California. Said well produces approximately 1,200 gpm. A water storage tank of 30,000 gallons exists on site which is also detailed on the aforementioned project site plan. It is estimated that *less than* 2,000 gallons of water is used per day. Water is not used in the processing or packaging process but for facility sanitation.

No information exists to suggest that the capacity of the water or septic sewer lines serving the subject site are inadequate.

The applicant will install a fire protection/sprinkler system in the proposed building in accordance with the California Building and Fire Code requirements. Further, the project will be subject to various mandatory conditions, regulations, standards and ministerial permits which have proven to be effective in reducing the potential for a variety of potential fire or related hazards to occur at a level of significance on site or to surrounding properties.

### **Other Matters**

- All project lighting will consist of downward directed and hooded lights mounted on building exteriors or poles. Lighting will enhance site security and will be installed in a manner as to minimize light from interfering with adjacent properties.
- The noise profile of the proposed use is typical of other agricultural processing facilities that are generated in the area in which the project is to be located. No atypical agricultural noise from processing or warehousing will be generated by the proposed use. The use will comply with the Fresno County Noise Ordinance.
- The site will meet all seismic safety requirements of applicable rules, regulations and law. Among other things, said requirements specify height, strength, seismic loading and

fire/hazardous gas detection devices for the storage of the material to be stored at the subject site.

- All municipal waste will be handled in accordance with the applicable disposal and handling and recycling requirements. No hazardous solid or liquid waste are produced at the facility. Therefore, no Hazardous Materials Plan is required.
- The applicant is aware of no information that would suggest that the proposed use will be incompatible with adjacent agricultural uses or the community at large. In fact, Vida Pakt Inc. provides a valuable and critical service to the agricultural community and Fresno County.
- The site does not cause an unsightly appearance. The facility exists and operates in accordance with Conditional Use Permit No. 2803.
- The site does not currently have nor does it propose on-site advertising.
- The site is landscaped in accordance with the previously approved Conditional Use Permit No. 2805 and related Site Plan Review No. 7905.

c:\users\eahmad\appdata\local\microsoft\windows\temporary internet files\content.outlook\rbc5d82p\vida pakt operational statement.docx



## EXHIBIT 8

# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Vida Pakt Citrus Products

APPLICATION NOS.: Initial Study Application No. 6973 and Classified Conditional Use Permit Application No. 3497

DESCRIPTION: Allow the expansion of an existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables with the addition of 27,813 square feet of new warehousing and processing buildings on a 4.42-acre portion of a 10.51-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located on the northwest corner of S. Highland and E. Central Avenues approximately 1.9 miles northwest of the unincorporated community of Del Rey (8898 E. Central Avenue, Del Rey) (Sup. Dist.: 4) (APN: 331-040-47, 331-040-78).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The project site is located in an agricultural area and is currently developed with improvements related to an existing commercial dehydrator facility involving drying, processing and packaging of fruits and vegetables. Surrounding land uses include orchards, vineyards, and single family homes. The site is not located along a designated scenic highway and no scenic vistas or scenic resources were identified on or near the site.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:



The subject proposal entails construction of 27, 813 square feet of new agricultural warehousing and processing buildings to compensate for the buildings and structures (7,571 square feet dryer tunnel building, 3,815 square-foot roof-only covered storage 1, 4,290 square feet sulfur tunnel building) removed from the subject property in 2010 and 2014 for the existing commercial dehydrator facility.

The existing improvements on the property consist of a 8,175 square-foot dryer building, 15,585 square-foot roof-only covered storage, 2, 800 square-foot office and related improvements, including but limited to propane tanks, water storage tank, parking and perimeter fencing with gated access from Highland and Central Avenues.

The proposed improvements (27, 813 square feet of agricultural warehousing and processing buildings) will be constructed over time in phases and include a 4,800-square foot dryer building expansion (Phase A), 11,155 square-foot warehouse building and a 1,858 square-foot canopy (Phase B), and, a 10,000 square-foot warehouse building (Phase C). All existing improvements will remain intact and continue to be used in the operation of the current facility.

The proposed improvements are similar in look, size, and height to the existing on site improvements and therefore will have a less than significant impact on the visual character or quality of the site and its surroundings.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project will require outdoor lightings on new buildings and structures. To minimize any lighting impacts in the area resulting from this proposal, a mitigation measure would require that all lighting shall be hooded and directed downward so as to not shine toward adjacent property and public streets.

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or

- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with the existing agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The subject 10.51-acre (net) property is classified as Prime Farmland and Urban and Built-Up Land on the 2010 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Conservation Contract. Also, the property has been developed with improvements related to a commercial dehydrator facility involving drying, processing and packaging of fruits and vegetables. The improvements proposed by this application are similar to the existing improvements resulting in no changes to the existing environment on or near the property.

The Fresno County Agricultural Commissioners' Office reviewed the project and requires the applicant to acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development. This requirement will be included as a Condition of Approval.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the San Joaquin Valley Air Pollution Control District (Air District) the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. The project will not have significant adverse impact on air quality and is not subject to Air District Rule 9510. Since the facility is currently permitted with the Air District (C-2248 Vida-Pakt), any modification that would result in a change in emissions or change in the method of

operation/equipment would require the submittal of an Authority to Construct (ATC) permit application and Permit to Operate (PTO).

Other Air District Rules that may apply to this proposal include: District Rule 2010 (Permits Required); Rule 2201 (New and Modified Stationary Source Review); District Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished, or removed.

Adherence to these Rules will reduce the project's impact on air quality to less than significant and will be included as Project Notes.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the San Joaquin Valley Air Pollution Control District review of the application indicates that the project may be subject to District Rule 4102 (Nuisance). This Rule applies to any source operation (including odor) which may emit air contaminants or other materials and will be included as a Project Note.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The subject parcel is located in an agricultural area and has been previously disturbed as said property has been historically utilized for a commercial dehydrator facility. Additionally, neighboring properties have also been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not identify any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns. Therefore, no impacts were identified in regard to: 1.) any candidate, sensitive, or special-status species; 2.) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3.) any Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4.) or the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or State Habitat Conservation Plan?

FINDING: NO IMPACT:

This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

The project site is not within or near an area sensitive to historical, archeological, or paleontological resources. The project will not impact these resources.

## VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within or near a fault zone. As such, it will not create a substantial risk or expose people or structures to earthquake rupture, strong seismic ground shaking, seismic-related ground failure, liquefaction or landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) any additional runoff generated by the proposed development must be retained, or disposed of, per County Standards; and 2) an Engineered Grading and Drainage Plan may be required showing how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. These requirements will be included as Project Notes.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known expansive soils.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No new onsite sewage disposal system is proposed by this application. The proposal will utilize the existing systems on the property.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and recommends that the applicant consider having the existing septic tank pumped, and have the tank and leach lines evaluated by an appropriately licensed contractor if they have not been serviced and/or maintained within the last five years. This will be included as a Project Note.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Comments received from the San Joaquin Valley Air Pollution Control District expressed no specific project-related concerns supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will adhere to Air District Rules discussed above in Section III. A.B.C.D. Air Quality.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that 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% 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. Additionally: 1) the business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency; and 2) all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as Project Notes.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not within one quarter-mile of a school. The nearest school, Oro Loma Elementary School, is approximately 2.1 miles south of the project site.

As noted above, the proposed facility will be required to update its online Hazardous Materials Business Plan and site map with the Fresno County Department of Public Health, Environmental Health Division and handle all hazardous waste in accordance with the California Health and Safety Code regulations.

D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project is not located on a hazardous materials site. No concerns regarding the site were expressed by the Fresno County Department of Public Health, Environmental Health Division.

E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan area, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airstrip, Turner Field, is approximately five miles west of the site.

G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The existing and proposed improvements related to this proposal would not result in interference with any emergency response plan.

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not within or adjacent to a wildlands fire area.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: NO IMPACT:

No new onsite sewage disposal system is proposed by this application. The project will utilize the existing systems on the property and onsite well to meet its water needs.

No impacts on water quality standards resulting from this proposal were identified by any department or agency, including the Central Valley Regional Water Quality Control Board.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

According to the applicant's Operational Statement, water is not used in the fruits/vegetables processing or packaging process but for facility sanitation. Estimated water usage for the facility is less than 2,000 gallons per day. The onsite water well, which produces approximately 1,200 gallons of water per minute, has enough capacity to serve this proposal.

The subject property is not in a water-short area. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns with the project.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No streams or rivers are located on or near the project site that could be impacted by this proposal. As noted above in Section VI. B. Geology and Soils, a Project Note would require that any additional runoff generated by the proposal shall be retained, or disposed



of, per County Standards, and a Grading Permit or Voucher shall be obtained for any grading proposed with this application.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this project.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to Federal Emergency Management Agency (FEMA) FIRM Panel 2145H, the subject property is not subject to flooding from the 100-year storm.

- I. Would the project expose persons or structures to levee or dam failure; or

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The project site is not prone to hazards such as seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure.

## X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest City of Sanger is approximately 1.9 miles northwest of the unincorporated community of Del Rey.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated Agriculture in the Fresno County General Plan which allows certain non-agricultural uses such as the proposed use by discretionary land use approval provided the use meets General Plan Policy LU-A.3., criteria a. b. c. & d. and others as discussed below.

Criteria LU-A.3.a. requires that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.

With regard to Criteria "a", the existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables is an agricultural-related use. Given the nature of operation, the facility's location in an agricultural area is more logical in serving the nearby farming communities than in an urban area. With regard to Criteria "b", the project is not located on productive farmland. A 4.42-acre portion of a 10.51-acre (net) the facility is located at is classified as Urban and Built-Up Land on the 2010 Fresno County Important Farmland Map. With regard to Criteria "c", the project will not impact groundwater resources due to being located outside of a water short area. With regard to Criteria "d", the project site is approximately 1.9 miles northwest of the unincorporated community of Del Rey which can provide an adequate workforce.

General Plan Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses, Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations, and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate. In this instance, a portion of the property is not an active farmland, has been developed with an existing commercial dehydrator facility, and fenced off to provide buffer between the existing use and the adjacent farming operations.

General Plan Policy FP-D.6 requires that the County shall permit individual on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards. The proposal involves no new individual on-site sewage disposal system. Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns with the project.

General Plan Policy PF-C.17 requires a water supply evaluation to determine the adequacy of a water supply to meet the highest demand that could be permitted on the land in question. The subject proposal is not located in a water-short area. No concerns regarding adequacy of water for the project were expressed by the Water/Geology/ Natural Resources Section of the Fresno County Department of Public Works and Planning.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area as identified in Policy OS-C.2 of the General Plan.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. The project will comply with the Fresno County Noise Ordinance.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no noise-related concerns with the project.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located near an airport. The nearest airstrip, Turner Field, is approximately five miles west of the site.

### XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

### XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
  - 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District's (CalFire) review of the proposal did not identify any concerns with the project. The project is required to comply with the California Code of Regulations Title 24 – Fire Code, and requires approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. This requirement will be included as a Project Note.

- 2. Police protection?
- 3. Schools?
- 4. Parks?
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in the need for additional public facilities and will not affect existing public services.

## XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No impacts on recreational resources were identified in the project analysis.

## XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the applicant's Operational Statement, nine employees work at the current facility in two shifts. The subject application proposed no changes to the employees. Additionally, no more than 20 customers will visit the site in any given year.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and did not express any traffic-related concerns or require a Traffic Impact Study for the project.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site currently gains access from Central and Highland Avenues via paved access drives.

According to the Road Maintenance and Operation (RMO) Division of the Fresno County Department of Public Works and Planning, Central Avenue is classified as a Collector Road in the County General Plan with an existing 25-foot right-of-way north of section line and Highland Avenue is classified as a local road in the County General Plan with an existing 20-foot right-of-way west of section line. Ultimate right-of-way for Central

Avenue is 84 feet (42 feet north and 42 feet south of section line) and ultimate right-of-way for Highland Avenue is 60 feet (30 feet east and 30 west of section line). Since no additional traffic is expected from the current proposal, Central and Highland Avenues will remain adequate to accommodate the proposed use.

Further, as required by RMO: 1) all improvements on the property shall be setback from ultimate road right-of-way for Central and Highland Avenues; 2) an encroachment permit shall be required prior to any work done within the County road right-of-way; 3) on-site turnaround facilities shall be provided; and 4) gates shall be set back a minimum of 20 feet from right-of-way line or the length of the longest vehicle to enter the property. These requirements will be included as Project Notes.

- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The Fresno County Fire Protection District's review of the project did not identify any concerns regarding inadequate emergency access. Emergency access requirements for the project will be further analyzed by the Fire District prior to issuance of building permits by the County.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils.

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: NO IMPACT:

See discussion in Section IX. A. B. Hydrology and Water Quality.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICATION IMPACT:

See discussion in Section IX.E Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project is not expected to create additional solid waste. Any waste disposal will be through regular trash collection service.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: NO IMPACT:

No impacts on biological and cultural resources were identified in the project analysis.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively

considerable impacts were identified in the analysis other than aesthetics, which will be addressed with the Mitigation Measure discussed in Section I.D.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

### **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3497, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to biological resources, cultural resources, mineral resources, population and housing, or recreation.

Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics have been determined to be less than significant with the identified Mitigation Measure.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southeast corner of Tulare and "M" Streets, Fresno, California.

EA:  
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3400-3499\3497\IS-CEQA\CUP3497 IS wu.doc



## EXHIBIT 9

File original and one copy with:  <b>Fresno County Clerk</b> <b>2221 Kern Street</b> <b>Fresno, California 93721</b>		Space Below For County Clerk Only.   CLK-2046.00 E04-73 R00-00		
Agency File No:  <b>IS 6973</b>		<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No:  <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Vita-Pakt Citrus Products Company		Project Title: Classified Conditional Use Permit Application No. 3497		
Project Description: Allow the expansion of an existing commercial dehydrator facility involving drying, processing, and packaging of fruits and vegetables with the addition of 27,813 square feet of new warehousing and processing buildings on a 4.42-acre portion of a 10.51-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property is located on the northwest corner of S. Highland and E. Central Avenues approximately 1.9 miles northwest of the unincorporated community of Del Rey (8898 E. Central Avenue, Del Rey) (Sup. Dist.: 4) (APN: 331-040-47, 331-040-78).				
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3497, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to biological resources, cultural resources, mineral resources, population and housing, or recreation.  Potential impacts related to agricultural and forestry resources, air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics have been determined to be less than significant with the identified mitigation measure.  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – July 6, 2015		Review Date Deadline: Planning Commission – August 13, 2015		
Date: June 25, 2015	Type or Print Signature: Eric VonBerg, Senior Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

### LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

## EXHIBIT 5

### Memorandum

Date: June 1<sup>st</sup>, 2017

To: Fresno County Department of Public Works and Planning Development  
Services Division

Cc:

From: Robert Naugle, Vita-Pakt Citrus Products Co.

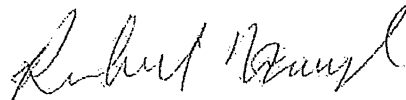
RE: CUP 3497 Extension Request- Warehouse at 8898 E. Central Ave.

---

Vita-Pakt respectfully requests a one-year extension for Conditional Use Permit Application No. 3497 (approved by Fresno County Planning Commission on August 13, 2015). Substantial progress has been made towards developing a complete set of improvement plans; however due to other company priorities, Vita-Pakt will not be in a position to complete the improvements prior to August 13, 2017. As a result, Vita-Pakt is requesting time extension for CUP no. 3497 to allow sufficient time to complete the improvements. Please forward this request to the planning commission for action as soon as possible.

Attached is a check payable to Fresno County in the amount of \$1,142.25 to process the extension request. If you should have any questions, or need additional information, please contact Lane Engineers, Inc. at 559-688-5263.

Respectfully,



Robert Naugle