



Inter Office Memo

DATE: June 8, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12653 - INITIAL STUDY APPLICATION NO. 7269 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3570

APPLICANT: Lion Raisins, Inc.

OWNERS: Bruce Lion Revocable Family Trust
Alfred Lion, Jr. Joint Family Trust
Jeffrey Lion
Dan A. Lion

REQUEST: Allow the installation of a 5.5-acre, 1,108.8 kW photovoltaic solar array to offset energy use at the adjacent packing facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the west side of South Leonard Avenue, between East Manning Avenue and East Dinuba Avenue, approximately 2,000 feet north of the nearest limits of the City of Selma (SUP. DIST. 4) (APNs 348-050-30 and 348-050-21).

PLANNING COMMISSION ACTION:

At its hearing of June 8, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Abrahamian to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Unclassified Conditional Use Permit No. 3570, subject to the Conditions listed in Exhibit B, with modification to Condition No. 2 relating to an Over and Across Agreement.

RESOLUTION NO. 12653

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Abrahamian, Borba, Ede, Eubanks, Mendes and Woolf
	No:	None
	Absent:	Commissioner Vallis
	Abstain:	None
	Recused:	Commissioner Chatha

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

By: 

William M. Kettler, Manager
Development Services Division

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

Attachments

EXHIBIT A

Initial Study Application No. 7269
Unclassified Conditional Use Permit Application No. 3570

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 8, 2017, 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:
- Both the solar array parcel and the fruit packing facility are owned by Lion Raisins.
 - The equipment used to transfer the power will travel as directly as possible between the two parcels.
 - On similar projects, a Covenant of Easement has been recorded instead of an Over and Across Agreement.
 - No excess energy will be sold from the array.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7269/Unclassified Conditional Use Permit Application No. 3570
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Department of Public Works and Planning	During ground-disturbing activities
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Commission.				
2.	The Applicant shall prepare an Over and Across Agreement, or other legal instrument, to permit access, equipment, conduit, etc. crossing from one parcel to another from APN 348-050-30 to 348-050-21. The form of the Agreement, or other legal instrument, shall be subject to the approval of the Director of Public Works and Planning, or his designee, which shall not be unreasonably withheld, prior to the issuance of building permits.				
3.	The segment of South Leonard Avenue that borders the property is classified as a Local road on the Circulation Element of the General Plan; therefore, all new structures and improvements shall be set back a minimum of thirty (30) feet from the centerline of Leonard Avenue. The 30-foot half-road line shall establish the building setback line for future development, including above-grade improvements requiring a building permit.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.					
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	Plans, permits, and inspections will be required. Contact the Building and Safety Section of the Department of Public Works and Planning at (559) 600-4540 for more information.				

Notes

2.	An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
3.	A grading permit or voucher may be required for any grading proposed with this application.
4.	The subject application shall comply with California Code of Regulations Title 24 - Fire Code. It is the Applicant's responsibility to deliver a minimum of three sets of plans to the Fresno County Fire Protection District.
5.	The first 100 feet of driveway off S. Leonard Ave. (right-of-way) shall be asphalt concrete.
6.	Any proposed gates shall be set back at least 20 feet or the length of the longest vehicle entering the site from South Leonard Avenue from the ultimate setback line.
7.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
8.	If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at any exiting driveways.
9.	<p>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 (https://www.fresnocupa.com/ or http://cers.calepa.ca.gov/):</p> <ol style="list-style-type: none"> 1. There is a 100% or more increase in the quantities of a previously-disclosed material; 2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.</p>
10.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.



County of Fresno

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

June 23, 2017

Lion Raisins, Inc.
9500 S. De Wolf Avenue
Selma CA 93662

Dear Applicant:

Subject: Resolution No. 12653 - Initial Study Application No. 7269 and Unclassified
Conditional Use Permit Application No. 3570

On June 8, 2017, the Fresno County Planning Commission approved your Unclassified
Conditional Use Permit with modified Conditions. A copy of the Planning Commission
Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the
Planning Commission's decision is final.

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

If you have any questions regarding the information in this letter please contact me at
cmonfette@co.fresno.ca.us or 559-600-4245.

Sincerely,

Chrissy Monfette, Planner
Development Services Division

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Enclosure