



Inter Office Memo

DATE: January 12, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12618 - INITIAL STUDY APPLICATION NO. 7189 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3543

APPLICANT: John Lewandowski

OWNER: J.R. Simplot Company

REQUEST: Allow a commercial establishment for the processing, storage, and sale of agricultural chemicals on two contiguous parcels totaling 48.97 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject property is located approximately 1,295 feet south of W. Kamm Avenue, 2,598 feet east of S. Lassen Avenue, and five miles southeast of the City of San Joaquin (16429 W. Kamm Avenue, Helm) (Sup. Dist. 1) (APNs 040-140-32, 34). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7189 and approve Classified Conditional Use Permit Application No. 3543 with Findings and Conditions.

PLANNING COMMISSION ACTION:

At its hearing of January 12, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit No. 3543, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12618

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Borba, Chatha, Abrahamian, Eubanks, Lawson, Mendes, Pagel, Woolf
	No:	None
	Absent:	None
	Abstain:	None

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

By: 
William M. Kettler, Manager
Development Services Division

WMK:ksn
G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3500-3599\3543\RESOLUTION\CUP3543 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 Classified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7189
Classified Conditional Use Permit Application No. 3543

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 12, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- We have been in the business of selling agricultural fertilizers since the 1950s.
 - We operate a fertilizer business at Five-Points on Fresno-Coalinga Road which we would like to relocate to the subject property.
 - The project site is currently leased; we will purchase the site to allow for a long-term business operation and commitment to the area.
 - The existing equipment related to the tomato processing operation will be dismantled and removed from the property.
 - The project site will be used as a retail/distribution site. We do not manufacture fertilizers.
- 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.

EA:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3543\RESOLUTION\CUP3543 Reso.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7189/Classified Conditional Use Permit Application No. 3543
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2*	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 should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development and operation of the use shall be conducted in accordance with the Site Plan, Floor Plans and Operational Statement approved by the Commission.				
2.	Per the State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW), the Applicant shall: <ul style="list-style-type: none"> • Provide SWRCB-DDW with a semi-annual report certifying to DDW the number of employees that work on site at the facility located at 16429 W. Kamm Avenue, Helm CA. • Submit a permit application to DDW no later than 60 days prior to exceeding an employee population of 25 persons on site. • At the time of permit application, demonstrate to DDW that the source of water complies with all regulatory requirements and drinking water standards with centralized treatment as needed. Point of Use devices will not be deemed an acceptable alternative for compliance with drinking water standards at the time the facility meets the definition of a public water system. 				
3.	The Applicant shall submit plans to the Building and Safety Section of the Fresno County Department of Public Works and Planning to allow for a change of occupancy from a tomato processing facility to an agricultural chemical processing, storage and sales facility prior to a certificate of occupancy being granted to the use. The change of occupancy will also require inspection and approval of the facility by the Fresno County Fire Protection District.				

*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.

Project Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	<p>This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.</p>
2.	<p>Plans, permits and inspections are required for proposed remodel work. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.</p>
3.	<p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> • 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. • A Grading Permit or Voucher shall be required for any grading proposed with this application. • Any additional runoff generated by the proposed development shall be retained or disposed of per County Standards. Any development within the area identified as Zone A shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. • An on-site turnaround shall be required for vehicles leaving the site to enter Kamm Avenue in a forward motion. • Any work done within the right-of-way along Kamm Avenue to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. • If not already present, 30-foot by 30-foot corner cutoffs are needed on Kamm Avenue for sight distance purposes.
4.	<p>Per the Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (or http://cers.calepa.ca.gov/ or https://www.fresnocupa.com/). The default State reporting thresholds that apply are: ≥55 gallons (liquids), ≥500 pounds (solids), ≥200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. • 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.
5.	<p>The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project. The Applicant shall submit three sets of 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 a certificate of occupancy being granted for the use. The project shall also annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
6.	<p>Per Westlands Water District (WWD), WWD has an 'Agreement for Conveyance of Water to Lands Outside of District's Service Area' with the previous operator (tomato processing plant) and will continue to convey water through District Lateral 14, meter location 14-13.0W under a similar agreement with the Applicant.</p>

Project Notes

7.	<p>Per the San Joaquin Valley Air Pollution Control District (Air District) the project may be subject to 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>Per the Central Valley Regional Water Quality Control Board (Region 5):</p> <ul style="list-style-type: none">• The primary economic and industrial activity at the proposed facility is best described by Standard Industrial Classification (SIC) Code 5191 (Farm Supplies), which involves the wholesale distribution of fertilizers and agricultural chemicals that do not require on-site mixing. Operators of facilities described by SIC Code 5191 and that discharge storm water to waters of the United States are <u>not</u> required to obtain coverage under the <i>State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Storm Water Discharges Associated with Industrial Activity, Water Quality No. 97-03-DWQ</i> or State Board's <i>Order 2014-0057-DWQ (NPDES No. CAS000001) for Storm Water Discharges Associated with Industrial Activities</i> (adopted on 1 April 2014 and effective on 1 July 2015). However, if the primary industrial/economic activity at some point in the future includes fertilizer mixing, the facility will need to sign up for the Industrial Storm Water Permit.• Measures should be taken to ensure fertilizer chemicals and other chemicals on site are not handled in a manner that would degrade underlying groundwater quality. Such measures include, but are not limited to, storing and handling chemicals indoors, implementing clean-up procedures for spills/leaks, and minimizing any chemical contact with storm water, etc. Any person that discharges or proposes to discharge waste to land in quantities that could affect the quality of waters of the State (includes groundwater) is required to file a Report of Waste Discharge with the Regional Water Quality Control Board pursuant to Section 13260 of the California Water Code.



County of Fresno

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

March 28, 2017

J.R. Simplot Company
PO Box 27
Boise ID 83707

Dear Applicant:

Subject: Resolution No. 12618 - Initial Study Application No. 7189 and Classified
Conditional Use Permit Application No. 3543

On January 12, 2017, the Fresno County Planning Commission approved your Classified Conditional Use Permit with Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

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

Sincerely,

Ejaz Ahmad, Planner
Development Services Division

EJ:ksn
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3500-3599\3543\RESOLUTION\CUP3543 Reso.docx

Enclosure