



Inter Office Memo

DATE: May 19, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12943 - INITIAL STUDY NO. 8133 and CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3720

APPLICANT/
OWNER:

Westside Farmers Cooperative Gins, Inc

REQUEST:

Allow the development and operation of an almond hulling/shelling facility within existing buildings previously used as part of a cotton gin operation, on a 21.41-acre parcel, along with an adjacent 43.83-acre and 94.40-acre parcel to be used for temporary product storage. The project site is located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION:

The project site is located on the south side of W. Clayton Avenue 1,000 feet west of S. Tuolumne Avenue, and approximately 2.30 miles west-southwest of the unincorporated community of Tranquillity (APNs: 028-041-16S, 028-041-62S, 028-081-53S) (28285 W. Clayton Avenue) (Sup. Dist. 1).

PLANNING COMMISSION ACTION:

At its hearing of May 19, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Zante to adopt the Mitigated Negative Declaration for the project based on Initial Study No. 8133, adopt the required Findings as described in the staff report, and approve Classified Conditional Use Permit No. 3720, subject to the Conditions listed in Exhibit B.

RESOLUTION NO. 12943

This motion passed on the following vote:

VOTING: Yes: Commissioners Chatha, Zante, Arabian, Hill, and Ewell
 No: None
 Absent: Commissioners Abrahamian and Carver
 Recused: Commissioner Woolf

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

By: 

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

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

The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

Attachments

EXHIBIT A

Initial Study No. 8133
Unclassified Conditional Use Permit Application No. 3720

- Staff: The Fresno County Planning Commission considered the Staff Report dated May 19, 2022 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:
- The facility, utilizing the existing structures, will support the proposed new almond hulling and shelling operation.
 - The project will provide several needed jobs to the Tranquillity Area in the western portion of Fresno County.
- 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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EXHIBIT B

**Mitigation Monitoring and Reporting Program
Initial Study No. 8133/Classified Conditional Use Permit No. 3720
(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 and away from adjacent properties and public streets.	Applicant	Applicant/PW&P	Prior to occupancy
*2.	Cultural Resources/Tribal 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 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/Qualified Archeologist	During ground-disturbing activities
*3.	Geology and Soils	If a paleontological resource is found, regardless of depth or setting, the Project contractor shall cease ground-disturbing activities within 50 feet of the find and contact a qualified paleontologist. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.	Applicant	Applicant/Qualified Paleontologist	During ground-disturbing activities
*4.	Transportation	Prior to issuance of development permits, a Traffic Management Plan, prepared by a licensed Traffic Engineer, shall be submitted to the Design Division of the Fresno County Department of Public Works and Planning (Design Division), for review and approval. Construction of the proposed new Almond Hulling/Shelling facility shall be in substantial conformance with the Traffic Management Plan, as approved by the Design Division	Applicant	Applicant/Road Maintenance and Operations Division, PW&P	Prior to occupancy

EXHIBIT B

Conditions of Approval

1.	The project shall be developed in substantial conformance with the operational statement, site plan, and floor plan, as presented to and approved by the Planning Commission.
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*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.	Classified Conditional Use Permit No. 3720 shall become void unless there has been substantial development within two years of the effective date of approval of said Conditional Use Permit; or, there is a cessation of occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two-years; except where the structure or land is limited to a single purpose use.
2.	Plans, permits and inspections shall be required for all on-site improvements. Buildings and facilities providing a public use must comply with the accessibility requirements of chapter 11B of the California Building Code.
3.	The proposed almond hulling/shelling operation partially lies within the Westlands Water District (WWD) boundary, with APN No. 028-081-53S. The land currently receives an allocation of water from the WWD agricultural service contract; however, once the land use changes to non-agricultural, the land will no longer be eligible to receive an allocation of water from WWD. Additionally, based on the submitted site location map, the project site is near the District's Lateral 7L. Prior to construction, please contact Underground Service Alert (811).
4.	Any proposed driveway shall be a minimum of 24 feet or a maximum of 35 feet in width. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.
5.	A dust palliative shall be required on all parking and circulation areas that are not paved.
6.	This project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
7.	No building or structure erected in this District shall exceed 35 feet in height per Section 816.5.D of the Fresno County Zoning Ordinance.
8.	An additional storm water runoff generated by the proposed development cannot be drained across property boundaries or into the public right-of-way and must be retained or disposed of on site as per County standards.
9.	Parking areas shall be constructed in accordance with Fresno County Parking Standards, and applicable State standards.
10.	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

Notes	
	4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). 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.
11.	Should any underground storage tank(s) be found on the project site, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health Environmental Health Division.
12.	An engineered grading and drainage plan is required to demonstrate how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent property. The grading and drainage plan shall provide calculations of the required basin storage capacity and the basin design storage capacity.
13.	As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor.
14.	At such time the applicant or property owner(s) decides to construct a water well, (following approval of the engineered design septic system for the parcel) the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells.
15.	Any new sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.
16.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last 5 years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.