

County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 January 25, 2024

SUBJECT: Variance No. 4160 and Environmental Review No. 8524

DESCRIPTION: Waive the building height requirements to permit an 89-foot-tall tomato evaporator (35-feet maximum height) for an existing 56.26acre tomato processing facility in the AE 20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of S. Butte Ave. and W. Gale Ave, approximately 2.15-miles southwest from the Unincorporated community of Huron (APN: 075-040-61s) (19800 W. Gale Ave.) (Sup. Dist. 4).

OWNER/APPLICANT: Steven Sesocti

STAFF CONTACT: Elliot Racusin, Planner (559) 600-4245

David Randall, Senior Planner (559) 600-4052

RECOMMENDATION:

- Approve Variance No. 4160 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

- 1. Conditions of Approval and Project Notes
- 2. Location Map
- 3. Existing Zoning Map
- 4. Existing Land Use Map
- 5. Variances within one-mile of subject parcel
- 6. Site Plan
- 7. Elevations
- 8. Applicant's Variance Findings
- 9. Photos
- 10. Letters of Support

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No Change
Parcel Size	58.26-acres	No Change
Project Site	Tomato processing facility	No Change
Structural Improvements	Tank farms, production equipment, scale house/office, loading docks, water tank, water well, pipe racks, cooling towers, parking, storm drainage basin.	Addition of an 89- foot-tall evaporator
Nearest Residence	0.30-miles northwest of the property	No Change
Operational Features	Agricultural and distribution facility	No Change
Employees	148 seasonal employees 52 full time employees	No Change
Traffic Trips (daily)	130 truck trips 250 automobile trips	No Change
Lighting	Outdoor Lighting for the existing facility	No Change
Hours of Operation Seasonal processing: July-October		The addition of the evaporator will reduce production

Criteria	Existing	Proposed	
	The plant operates 24 hours/day, seven days per week for approximately 100 days.	days by up to five days (anticipated 95- day production season)	
	Maintenance: 10-hour per day four- days/week	No Change	
	Office and shipping activities: 8-hour per day, five-days/week	No Change	

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

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

PUBLIC COMMENT:

Two letters of support were received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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

BACKGROUND INFORMATION:

In 1989 Conditional Use Permit No. 2405 was granted allowing for a tomato processing plant and wastewater disposal area to include a 155,000 square-foot plant building and warehouse, an office, a cooling tower and refrigeration system, evaporation system, a water treatment plant, a wastewater pretreatment system, process water system scale house and grade station, parking and circulation areas, loading docks, and septic tank and leach field area to establish an agricultural processing operation. The tomato processing plant produces bulk tomato paste and peeled, diced, tomatoes packed in drums for the industrial market. Most of the tomatoes processed are obtained from local growers with the balance from growers in northern California.

There are no records of variance applications related to height within one-mile radius of the subject property (Exhibit 5).

<u>Finding 1:</u> <u>There are exceptional or extraordinary circumstances or conditions</u> <u>applicable to the property involved which do not apply generally to other</u> <u>property in the vicinity having the identical zoning classification.</u>

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	No Change	Y
Parking	One parking space for every two permanent employees, each company salesperson, and each company vehicle.	No change	N/A
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance.	No change, no walls proposed.	N/A
Septic Replacement Area	100 percent of the existing system.	No Change	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No Change	N/A

Reviewing Agency/Department Comments:

There were no comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Finding 1 Analysis:

In support of Finding 1, the applicants findings state that the project will consist of the addition of an 89-foot-tall evaporator on site to increase productivity of the existing operation. The Variance is requested for the maximum height exceedance.

The situation is exceptional in that the design of the evaporator necessitates height greater than the height limit imposed on agricultural land. The height allowance will allow for the continued agricultural operation.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 can be made as the nature of the operation provides an extraordinary circumstance relating to the property that do not apply to other properties in the same zone classification.

<u>Finding 2:</u> Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Finding 2 Analysis:

In support of Finding 2, the height design of the evaporator is required as the height is correlated with creating efficiencies in processing to the amount of natural gas needed for tomato processing.

Staff concurs that the addition of the evaporator is a substantial property right to maintain the operation efficiency of the existing facility with modern methods utilized by many other similar operations. The addition of the evaporator would improve on the existing equipment.

Finding 2 Conclusion:

Finding 2 can be made as it allows the applicant to preserve the rights to the previously approved and developed structures via maintenance and modernization.

<u>Finding 3:</u> <u>That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.</u>

	Size (acres):	Use:	Zoning:	Nearest Residence:
North	415.96	Orchard	AE-20	N/A
South	78.19	Orchard	AE-20	N/A
	78.19	Orchard	AE-20	N/A
East	133.77	Orchard	AE-20	N/A
West	157.95	Orchard	AE-20	0.30-miles northwest

Surrounding Parcels

Reviewing Agency/Department Comments:

There were no comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Finding 3 Analysis:

In support of Finding 3, the applicant's findings state the location of the evaporator and over height portion of the structure will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity of the project site. The addition of the evaporator will not affect the character of the surrounding area. As the site is already developed and the surrounding parcels are field crops, the height allowance will not be detrimental to the surrounding uses.

Staff notes that the scope and of the proposed additions will not change the nature of the existing operation. The existing use already contains manufacturing related equipment to process tomatoes. Staff believes due to the 1,584 feet between the nearest home and the proposed structures, there are no aesthetic issues as the tower will not obscure any scenic vistas.

This Variance request, if granted, would allow for the addition of the 89-foot-tall evaporator to exceed the 35-foot maximum height limit within the AE-20 Zone District.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 can be made. Staff believes that there will be no adverse impacts on neighboring properties because the subject parcel already consists of manufacturing facility and the proposed improvements will not have any appreciable impacts.

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

Reviewing Agency Comments:

<u>The Policy Planning Section of Public Works and Planning:</u> There are no General Plan issues with the proposed height variance.

No other comments specific to General Plan Policy were expressed by reviewing agencies or County Departments.

Finding 4 Analysis:

In support of Finding 4, the applicant states that the proposed addition is not contrary to the objectives of the Fresno County General Plan as the project enables the company to continue to operate according to the previous use granted through the CUP process. The applicant states that the granting of this Variance would be in accordance with the objectives of the General Plan.

Staff notes that there are no General Plan policies specifically pertinent to the proposed project. The project proposed to improve an existing value-added agriculturally related activity which is in line with the General Plan.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 can be made based on the above analysis.

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes all four Findings required for granting the Variance can be made. Staff therefore recommends approval of Variance No. 4160.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine that the required Findings can be made as stated in the staff report and move to approve Variance No. 4160 subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4160; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:jp

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4100-4199\4160\Staff Report\VA 4160 Staff Report.docx

EXHIBIT 1

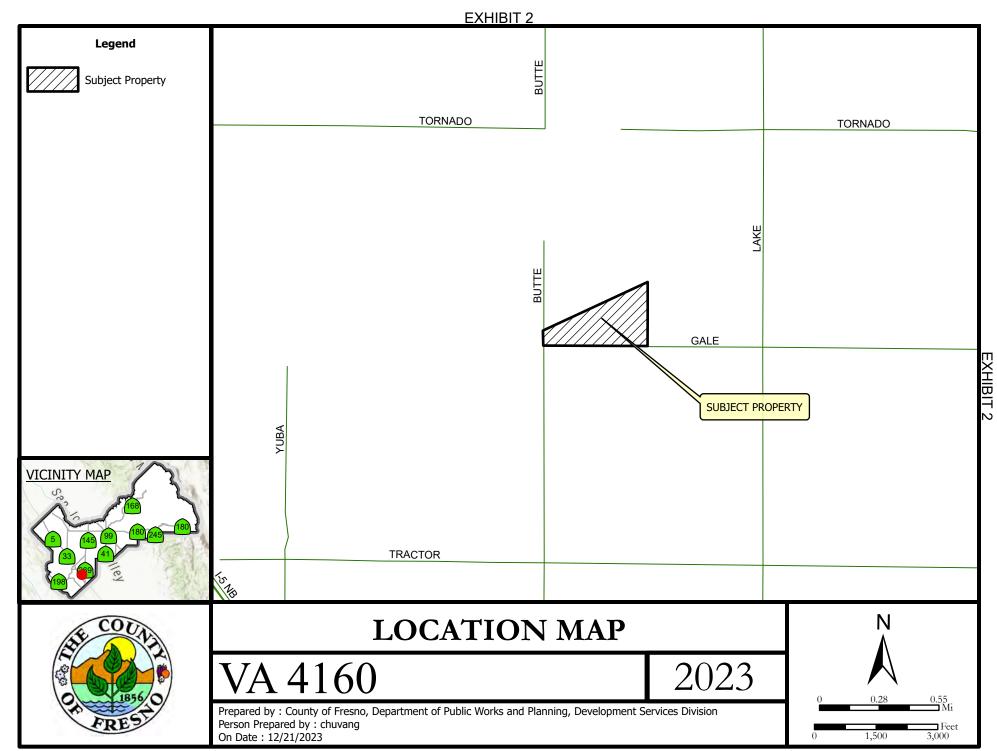
Variance (VA) No. 4160 Conditions of Approval and Project Notes

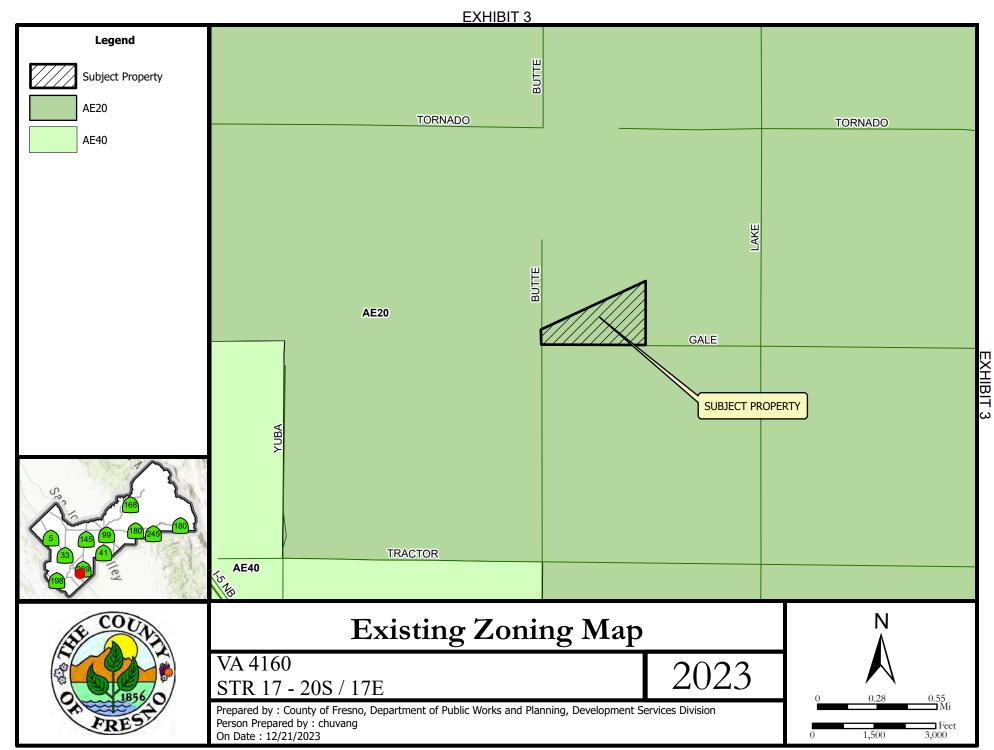
1. Develo	opment shall be in substantial accordance with the Site Plan and Elevation as approved by the Commission.

Conditions of Approval reference recommended Conditions for the project.

	Notes
The follo Applicar	wing Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project nt.
1.	This Variance approval will become void unless there has been substantial development within one year of the effective date of this approval.
2.	Construction plans, building permits and inspections are required for the proposed development. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 regarding plans, permits and inspections.
3.	The project shall comply with California Code of Regulations Title 24 – Fire Code and prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, must submit construction plans to the Fresno County Department of Public Works and Planning and FCFPD for review. The project may be required to annex into the Community Facilities District No. 2010-01 of the FCFPD.
4.	Environmental Health Division:
	Risk Management Plan (RMP)/Cal ARP
	The facility shall update and resubmit the RMP/Cal ARP within six months if there is a significant change to the regulated process. RMPs/Call Arps must be updated at least once every five years. Owners and operators responsible for RMP implementation should review <u>A Checklist for Submitting your Risk Management Plan (RMP)</u> .
	You must fully update your RMP for resubmission sooner than the five-year anniversary date, if any of the changes specified below occur [as specified in <u>40 CFR 68.190(b)</u>].
	• If a change alters the Program Level that applies to any covered process, the RMP must be resubmitted within six months of that change.
	If a change requires a revised Off-site Consequence Analysis, the RMP must be resubmitted within six months of that change.
	• If a change requires a revised process hazard analysis or hazard review, the RMP must be resubmitted within six months of that change.

Notes
 If a new regulated substance is present above the threshold quantity in an already covered process, the RMP must be resubmitted on the date which the new substance is present.
 If a regulated substance is present above the threshold quantity in a new process, the RMP must be resubmitted on the date which the substance is present above the threshold quantity.
 If EPA begins regulating a new substance, the RMP must be resubmitted within three years of the date the substance is first regulated.
 You may use <u>RMP*eSubmit</u> for your resubmission. For additional information see: <u>RMP*eSubmit Users' Manual</u>. Resubmissions reset the five-year anniversary date by which you must next update your RMP. To resubmit, you must update all nine sections of your RMP.
 It is recommended that the applicant consider having the existing septic tanks pumped and have the tank and leach lines/seepage pits evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
 Any new sewage disposal system proposal shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
• The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the noise elements of the County Ordinance Code.
 At such time the applicant or property owner(s) decides to construct a water well, 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. For more information, contact the Water Surveillance Program at (559) 600-3357.
 If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
 As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.





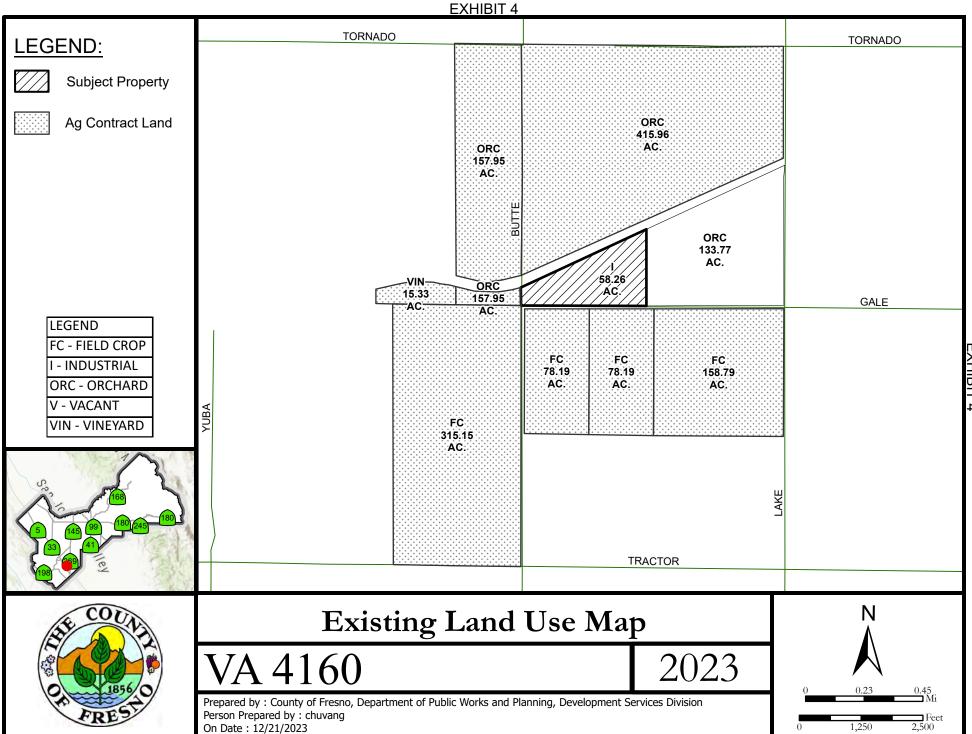
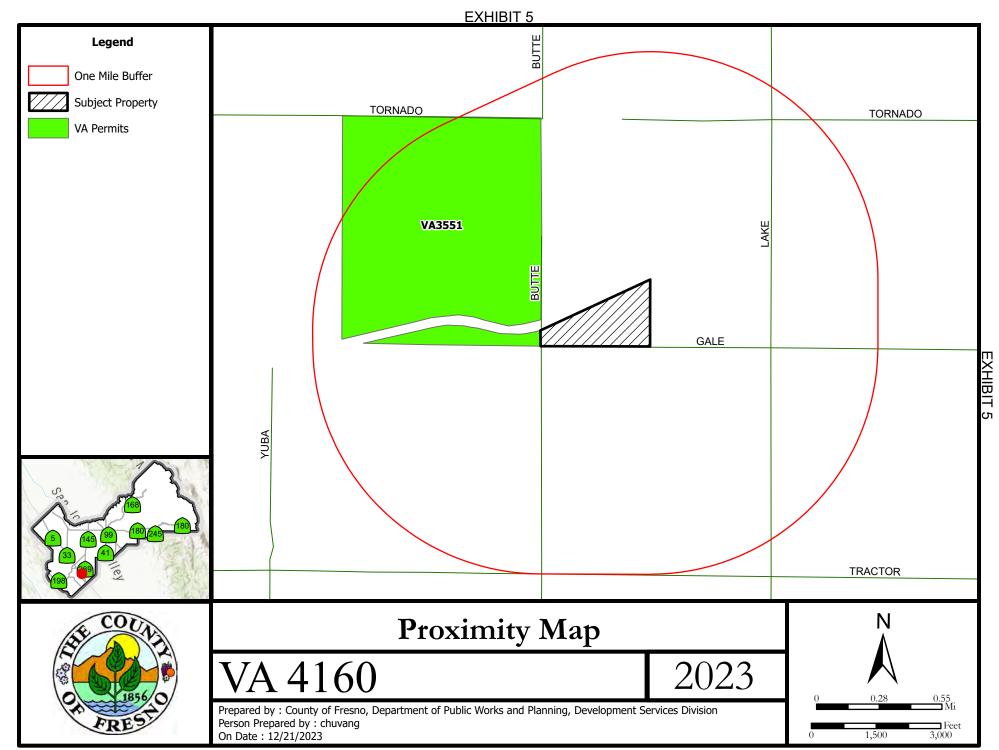


EXHIBIT 4



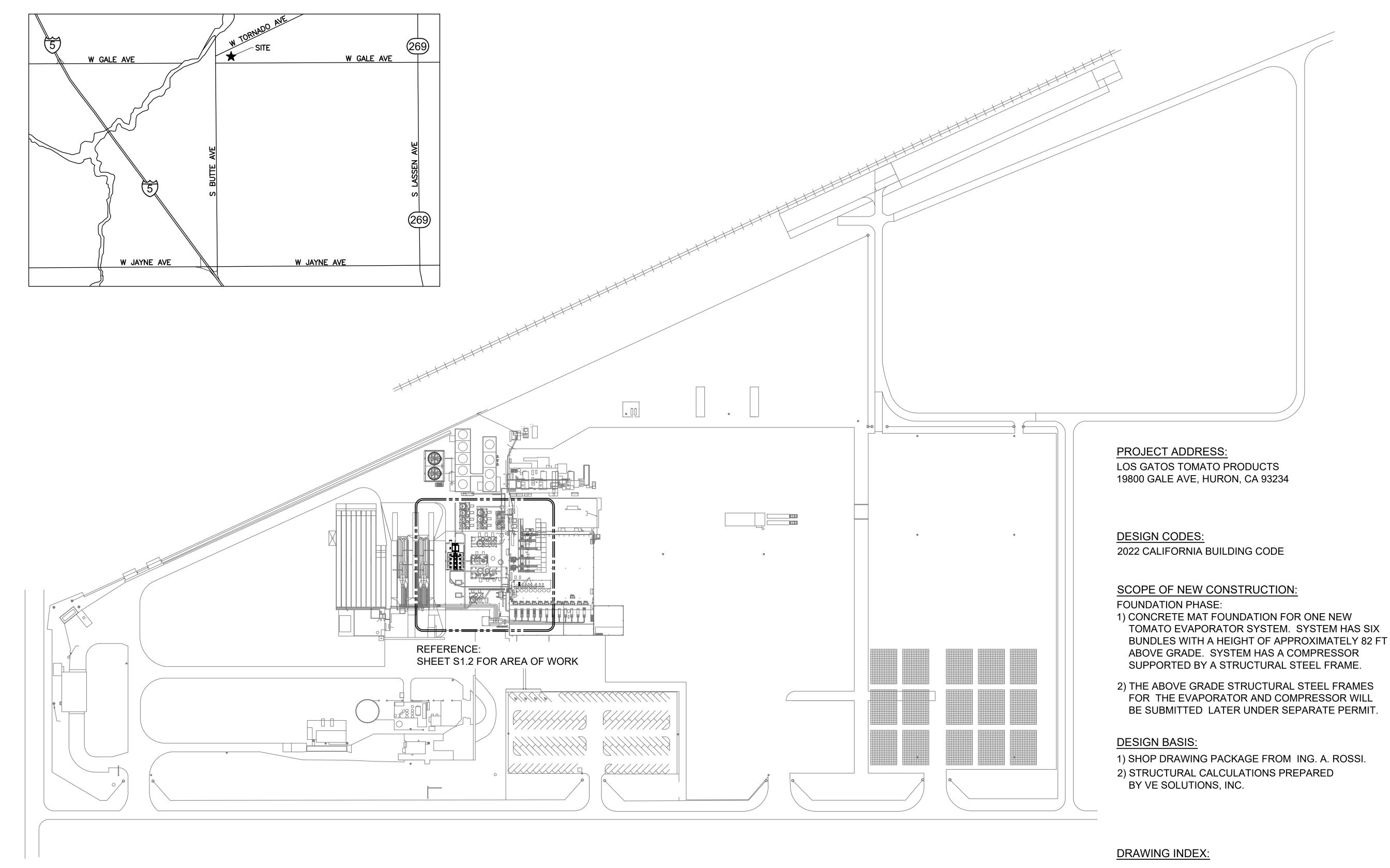


EXHIBIT 6

LOS GATOS TOMATO - PLAN VIEW <u>S1.0</u> SCALE: 1"=100'-0"

- SHEET S1.0 SHEET S1.1
- SHEET S1.2
- SHEET S1.3
- SHEET S2.0 SHEET S2.1
- SHEET S3.0

COVER SHEET STRUCTURAL NOTES THOR M6-420 SITE PLAN THOR M6-420 FOUNDATION PLAN THOR M6-420 SECTION VIEWS THOR M6-420 SECTION VIEWS ING. A. ROSSI SHEET OC2300010



Incorporated 7777 Greenback Lane, Suite 104 Citrus Heights, CA 95610 PH. (916) 505-0519 Fax. (916) 514-9102 E-mail: bradf@vesolutions.net



Project LOS GATOS TOMATO THOR M6-420 FOUNDATION

Sheet Title

FOUNDATION **COVER SHEET**



The undersigned Engineer does not represent that these plans or the specifications in connection therewith are suitable, whether or not modified for other site than the one for which they were specifically prepared. The Engineer disclaims responsibility for these plans and specifications if they are used in whole or in part at any other site.

The contractor shall verify and be responsible for all dimensions and conditions on the job and this office must be notified in writing of any variation from the dimensions and conditions shown by these drawings.

This drawing is not final or to be used for construction until signed by the Engineer and owner.

All drawings and written material appearing herein constitute the original and unpublished work of the Engineer and the same may not be duplicated, used or disclosed without written consent of the Engineer.

Engineer	BAF			
Drawn By	СМН			
Revisions				
NO.	DATE	DESCRIPTION		
Job No. 23044				
Date 11/14/2023				
Drawing No.				
S1 0				
U 10				

1 OF **7** SHEETS

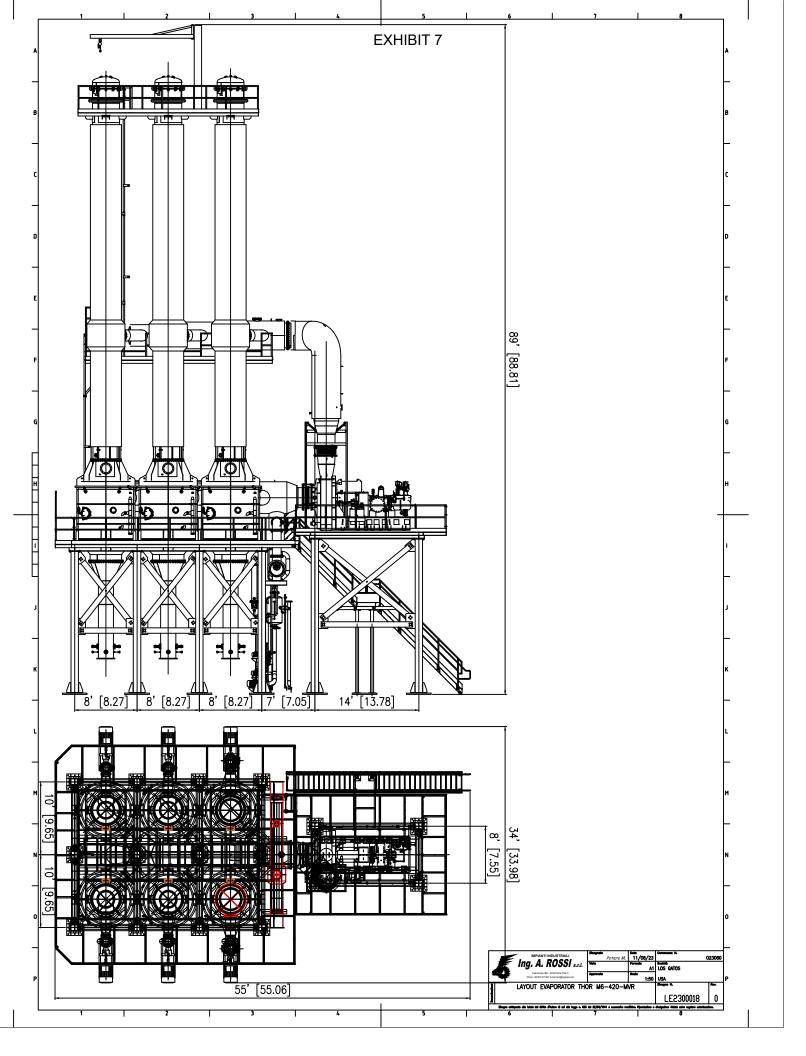


EXHIBIT 8

Variance Findings

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification;

The equipment will be installed on plant property that is substantially surrounded by agricultural lands. The closest town within the vicinity would be the City of Huron located more than 3 miles away.

The proposed THOR MVR Evaporator's tallest point would be 88'-8". It will be located in the same footprint of current Evaporators. It will be 482' from the South property line, 361' from the north property line, 1,648' from the east property line and 852' from the west property line. The plant location is centered around agricultural lands.

The proposed THOR Evaporator will be installed next to and in the same vicinity of the other evaporators and equipment currently at the Tomato Processing Plant.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;

The design structure of the THOR MVR has heater bundles that reach over the height of the 70' of previous evaporators onsite. It will however, fit into the skyline of the other evaporators and be visually appealing as an added piece of equipment. The purpose of the height is to gain maximum efficiency and reduce natural gas consumption. The THOR evaporator will enhance and work in conjunction with the current evaporators and the amount of seasonal tomato paste produced, stays the same. The result will be producing less Natural Gas for the entire seasonal production of tomato paste and ultimately reduce Green House Gases produced at plant every processing season.

The design and height are consistent with many other MVR evaporative systems with that technology and just a little taller than the other evaporators currently in position at the plant.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located;

Because of the location of the evaporator and the over-height portion of the structure on this 58.2 acre parcel, the granting of this variance will not be materially detrimental to the public welfare or injurious to property and will be an improvement in the plant.

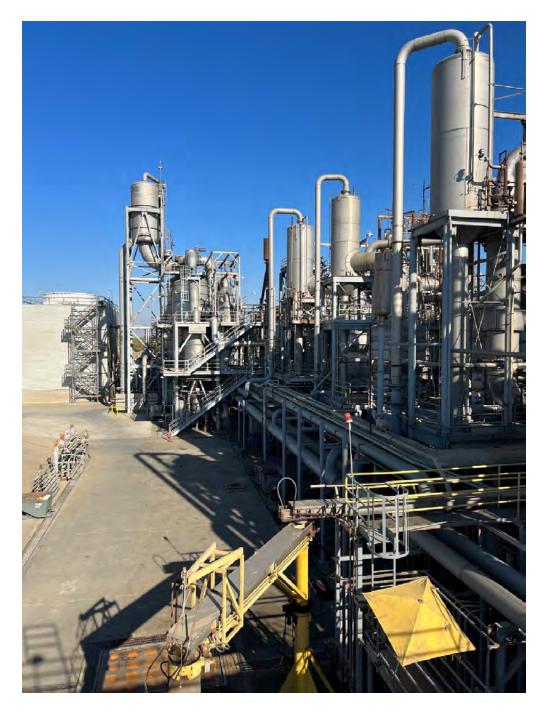
4. The granting of such variance will not be contrary to the objectives of the Fresno CountyGeneral Plan;

The proposed Evaporator's use on this parcel is allowed with a Director Review and Approval. The height of the proposed Evaporator is consistent with other similar equipment at other manufacturing plants in the community. We believe that the additional height proposed with this MVR Evaporator will not be contrary to the objectives of the Fresno County General Plan. Furthermore, this site is located within the heartland of agricultural fields, away from any population areas. The proposed evaporator is within the state's goal to reduce Green House Gas production, which benefits all.

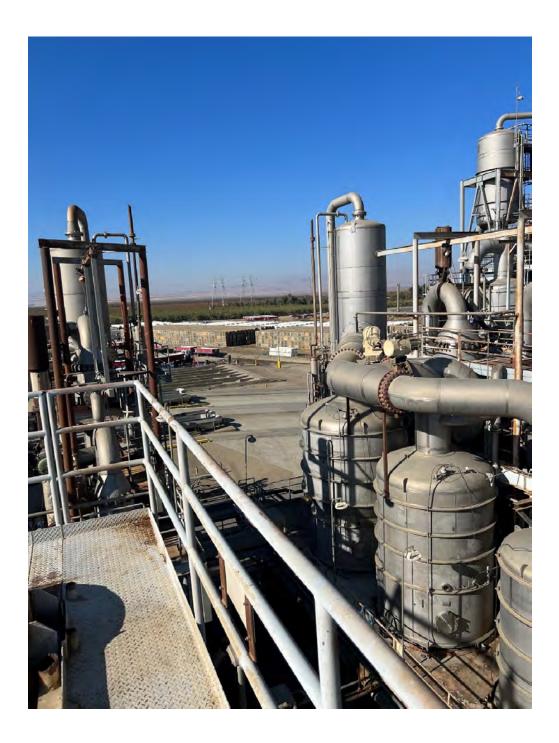
EXHIBIT 9

Pictures

View from the South to North:









Dresick Farms Inc. 19536 Jayne Avenue Huron, Ca. 93234 01/15/2024

To Planning Commissioning Board,

I am writing to support Los Gatos Tomato Products (LGTP) installation of a THOR MVR Evaporator at LGTP's facility in Huron CA, to significantly reduce energy consumption and reduce Greenhouse Gas emissions. This is a viable project associated with tomato paste food production to utilize a Clean Energy Technology opportunity.

Los Gatos Tomato Products (LGTP) is a grower-owned tomato paste processing facility located in the most productive tomato-growing region in the world. It has one of the largest, cost-efficient plants located in the middle of its productive tomato fields.

Dresick Farms Inc. is a neighboring farmer, our main crops are melons, processing tomatoes and citrus.

In conclusion, Dresick Farms Inc. supports Los Gatos Tomato Product's efforts to bring The THOR MVR Evaporator into production. We believe these efforts are directly in line with California's clean energy goals, and we look forward to the technology's commercial availability and LGTP's role in sustainability.

Sincerely,

RAR

John Dresick

OFFICE of MAYOR



CITY OF HURO

To Planning Commissioning Team and Board,

I am writing to support Los Gatos Tomato Products (LGTP) installation of a THOR MVR Evaporator at their facility, to significantly reduce energy consumption and reduce Greenhouse Gas emissions. LGTP is fully committed to the adoption of advanced energy efficiency and renewable energy technologies at their plant in Huron, California located in western Fresno County. These efforts will allow LGTP to be a viable company working in California as they face environmental and sustainability challenges and enable them to become more of an industry leader in this area.

LGTP is a grower-owned tomato paste processing facility located in the most productive tomato-growing region in the world. It has one of the largest, most cost-efficient plants located in the middle of its productive tomato fields and is within 3 miles from the City of Huron. The City of Huron provides efficient and effective quality municipal services that enhance the quality of life that the community of Huron deserves. The methodology of the city is structured in a way that provides a financially viable business friendly and family-oriented community promoting a full range of housing, business, and culture in a safe and attractive environment.

LGTP employs close to 200 employees, which includes 148 seasonal workers with a vast percentage of those residing in Huron. As Mayor of Huron, I am focused on ensuring sustainability, viability, and economic security for Huron and the surrounding area which makes LGTP a great fit. I am excited about the future of this investment and the economic & environmental benefits for our community. This project affirms LGTP as a long-standing, sustainable business in Huron for years to come.

I am enthusiastic that this project will demonstrate how this innovative system can contribute more to sustainability with California food processing plants who are key players in Fresno County. This system is an important tool to ensure LGTP can continue to produce, advance its climate resiliency while delivering the precious food sources derived from locally grown Fresno County tomatoes. It will also allow LGTP be competitive and strive.

In conclusion, I would like to express strong support to the proposed project and LGTP's efforts to bring the THOR MVR Evaporator into production this upcoming season in 2024. These efforts are directly in line with California's clean energy and climate goals, and we look forward to the technology's commercial availability. LGTP has a role to develop this comprehensive project to work with California farms, ranches, and communities to implement, analyze and promote new and expanded climate smart practices and technologies here in the "Heart of the Valley"!

Sincerely.

. Jen

Mayor Rey Leon City of Huron

"Unidos Se Puede!"

WWW.CITYOFHURON.COM • MAYOR.LEON@CITYOFHURON.COM