

RESOLUTION NO. 2007-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LEMOORE APPROVING MITIGATED NEGATIVE DECLARATION 2007-09 /
SITE PLAN REVIEW NO. 2007-03 AS IT RELATES TO EXPANDING THE LEPRINO
WEST PLANT, EXPANDING THE WASTEWATER TREATMENT FACILITY
TO ALLOW FOR THE PROCESSING OF 10 MILLION POUNDS OF MILK DAILY**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 27, 2007 at 7:00 p.m. on said day, it was moved by Commission member _____, seconded by Commission member _____ and carried that the following Resolution be adopted:

WHEREAS, Leprino Foods Company has submitted a Site Plan Review application #2007-03 to expand the existing Leprino West cheese and whey producing facility, located at 351 Belle Haven Drive, by 245,550 square feet in three phases (142,350 square feet in phase I, 18,200 square feet in phase II, and 85,000 square feet in phase III) as well as expand the necessary wastewater treatment facilities to allow the facility to process 10 million pounds per day of milk;

WHEREAS, City staff has conducted an initial study and determined that the project could have potential environmental impacts, and the project was therefore reviewed in accordance with the California Environmental Quality Act analysis;

WHEREAS, staff recommends that a Mitigated Negative Declaration should be adopted with the mitigation monitoring program under the California Environmental Quality Act in accordance with the environmental analysis prepared by Quad Knopf dated August 2007.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore does hereby:

- I.. Find that the staff report, presentations, conditions of approval in this resolution and testimony taken during the Planning Commission meeting demonstrated that:
 - a. All applicable provisions of the Zoning Ordinance will be complied with
 - b. The project is so arranged that traffic congestion will be avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property
 - c. Proposed lighting will be so arranged as to deflect the light away from adjoining properties.
 - d. Signs will comply with all of the applicable provisions of Chapter 14 of the Zoning Ordinance and
 - e. Adequate provisions have been made to reduce all adverse or potentially adverse environmental impacts to acceptable levels; and
- II. Approve the Mitigated Negative Declaration #2007-07 for the project
- III. Approve the attached Site Plan Review No. 2007-03 to expire on August 28, 2009 for phase I, August 28, 2011 for phase II and August 28, 2015 for phase III

with the following conditions of approval pertaining thereto, except as otherwise provided, all conditions should be carried out and satisfied during Phase I of the Project:

1. A secondary emergency access shall be installed along Industry Way and such access area should have a solid surface that fire trucks can drive over and be striped to keep clear at all times.

2. A triple tree buffer shall be planted along the south side of Industry Way that has an average depth of 30', with an average spacing of 30' apart between tree centers in each row, with the ability to grow to at least 40' in height with adequate irrigation and staking, in lieu of sidewalks, curbs, and gutters, which are normally required along arterial streets, as generally shown on the redlined landscape drawing labeled Exhibit A.

Additional trees shall be planted on the easterly side of the parking area as shown in the redlined landscape drawing to block at least 20% of the cross-section view of the parking area

Along the railroad area and the easterly border of the site, plant 7' tall trees (50% of which are evergreen) at an average spacing of 20' between centers along the grove area and easterly border, that will grow to a height of over 40' to help buffer the 140' tall tower, and a portion of Leprino's southerly property line as generally shown in Exhibit A. In the area between Leprino's proposed tree grove and the high pressure gas line, Leprino should pay a \$15,000 in lieu fee to plant trees adjacent to the southside of the San Joaquin Valley Railroad mainline tracks when the right-of-way for the bike path project is given (as shown in mitigation measure 3.1.2).

Proper irrigation shall be installed to all trees and plants.

3. At least 10 preferential parking spaces shall be striped for carpool parking and bike racks or lockers to accommodate at least 19 bikes shall be installed in close proximity to employee entrances (listed in mitigation measure 3.15.6).
4. The facility is located in a flood plain zone A, therefore grading and drainage improvement plans must be submitted for review and approval with the building permit and the construction shall be in conformance with the requirements of the City of Lemoore's Flood Plain Ordinance.
5. Signed final plans, including profiles, and subsequent plan revisions as soon as they are available for their review shall be submitted to Southern California Gas Company to analyze conflicts in their facilities. The Gas Company shall also be informed of all construction schedules and pre-construction meetings.
6. Power poles along the railroad shall be under grounded with phase I of the project. Undergrounding the lines along Industry Way shall be deferred until (a) additional development to the west occurs and the cost may be shared or (b) the trees interfere with the maintenance or operation of the utility lines, which could be anticipated in approximately 5 years.

The applicant shall install street lights shall in accordance with City standards unless the applicant enters into a deferral agreement to put them in place at a later time when needed when development to the west occurs with Leprino paying their pro-rata share. Additionally, it is anticipated that a possible new (fewer lights) lighting standard may exist for Industry Way because it serves as the urban-rural edge.

7. All on-site lighting shall be hooded and directed to prevent glare onto surrounding properties, sky, and roadways (listed in mitigation measure 3.1.3)
8. Utilized the proposed arched dome canopy elevation design in front of the new office addition.

9. A hazardous materials business plan update shall be submitted to the County of Kings Department of Public Health within 30 days of completion of each development phase of the project prior to final occupancy being given. Additionally, a CalARP compliance program plan shall also be amended and refilled with the County of Kings if additional storage and processes are installed involving anhydrous ammonia or any other reportable chemical under CalARP program prior to final occupancy being given.
10. Applicant shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District standards (listed in mitigation measure 3.3.1) and the City of Lemoore dust control requirements.

Applicant shall implement mitigation to reduce construction exhaust emission listed in measure 3.3.2.

The applicant shall purchase NOx offsets sufficient to bring project emissions impacts to less than 10 tons per year as outlined in mitigation measure 3.3.3.

11. Two wastewater treatment units shall be removed from service but left in place so that they cannot be used for wastewater treatment at the Leprino West Plant and new ones shall be installed adjacent to the City's wastewater treatment facility between 19th Avenue and Vine Streets south of Iona Avenue.
12. If presently unknown archaeological or historical resources are discovered during development of either project site, work shall be terminated until such time that a certified archaeological/historical consultant can investigate the findings and they will determine appropriate future actions that must be taken prior to continuation of all affected projects (listed in mitigation measure 3.5.1).
13. Before any new signage is put in place, a separate sign application and approval will need to be applied for prior to ordering or installation.
14. In accordance with the findings of City Council Resolutions: 2006-46 adopted on December 5, 2006; 2006-48 and 2006-49 adopted on December 19, 2006; 2007-01 adopted on January 16, 2007; 2007-04 adopted on February 20, 2007 and the Colgan Consulting Corporation Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in these five (5) Resolutions listed along with the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in these five (5) Resolutions.

Westside streets and thoroughfares impact fees have not been complete yet, therefore Leprino will be subject to such fees when adopted based on the proportional fair shares listed in the attached mitigation monitoring program page 4-7 with the exception that Leprino will be responsible for 25% of the cost to signalized the intersection of Bush and Belle Haven Drive intersection prior to pulling building permits.

15. Leprino shall follow all conditions listed in the attached Mitigation Monitoring Program, labeled Exhibit B and sign a Mitigation Monitoring Agreement prepared by the City attorney.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 27, 2007, by the following votes:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

APPROVED:

Kimberly Moss, Chairman

ATTEST:

Holly P. Smyth, Secretary

CERTIFICATE

STATE OF CALIFORNIA

COUNTY OF KINGS)
CITY OF LEMOORE) ss.

I, Holly P. Smyth, Secretary of the City of Lemoore's Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on August 27, 2007.

DATED: _____, 2007

**Holly P. Smyth, Secretary
Lemoore Planning Commission**