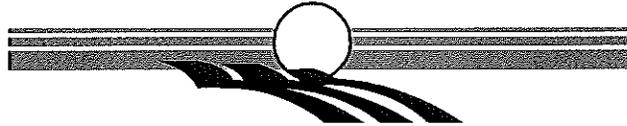


Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel



City of
LEMOORE
CALIFORNIA

**Planning
Department**

210 Fox Street
Lemoore • CA 93245
Phone (559) 924-6700
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STAFF REPORT

Item # 4

To: Lemoore Planning Commission
From: Holly Smyth, Planning Director and Gloria Hobbs, Assistant Planner
Review Date: August 22, 2011
Subject: E.I.A #2011-16 / Conditional Use Permit #2011-01/Site Plan Review #2011-04
Application by Castadio & Burrows, Inc.

A. General Information:

1. **Owner/Applicant:** Castadio & Burrows, Inc.
1200 S. 19th Avenue
Lemoore, Ca 93245
(559) 469-4218
2. **Architect:** Darren Verdegaal
5500 10th Avenue
Hanford, Ca. 93230
(559) 381-9472
3. **Site Location:** 1200 S. 19th Avenue
Lemoore, Ca. 93245
(east side of 19th Avenue and south of Enterprise Drive)
4. **Property Description:** Assessor Parcel #024-052-077
5. **Site Area:** Approximately 2.42 acres
6. **General Plan Designation:** Heavy Industrial
7. **Current Zone Classification:** Light Industrial
8. **Existing Use:** Cardlock Re-Fueling Facility
9. **Proposed Use:** Expansion of fuel dispensing facility (bulk fuel storage)

"In God We Trust"

PLANNING COMMISSIONERS

Chairperson – Lisa Elgin, Vice-Chair Ronald E. Meade
Bob Clement, Sharon Kendall, Marshall Norgaard, Jeffrey Garcia, Jim Marvin

B. Project Location & Description:

Applicant, Castadio & Burrows, Inc., has submitted a Zone Change, Conditional Use Permit and Site Plan Review application to expand the fuel dispensing facility at 1200 S. 19th Avenue. The proposed area is located on the east half of the 2.42 acre site described as Assessor Parcel #024-052-077. The applicant proposes to change the ML(Light Industrial) zoning of the 2.423 acre site to ML(Heavy Industrial) to conform with the 2030 General Plan. The bulk fuel storage proposal includes installation of switch loading rack, four (4) dispensers, two above ground 20,000 gallon vertical red diesel tanks (24' tall), one above ground 14,000 gallon vertical clear diesel tank (35' tall) and one future above ground 20,000 gallon horizontal red diesel tank (10' tall) and ancillary 16" containment area and two (2) storm drainage basins behind the existing tank farm, fuel dispensing area and an existing slated chain link fence. The new dispensers will be used for loading larger company vehicles used to deliver to larger operations; no personal vehicles will use these new dispensers. Vehicle access to the new site will be through the existing chain link fence gates since the frequency will be less often than personal vehicles. These gates will be opened and closed by the person accessing the rear facility. The loading area is 22 feet wide between the new dispensers and the exiting tank farm area. The applicant has already moved some of the "E" Street equipment items to this property and will be moving some of the Lemoore Avenue property as well as part of the relocation to the 19th Avenue properties. The applicant noted that these items will continue to be stored at this location around the proposed storm drainage basins.

The existing cardlock facility to the west of this proposal has no attendant and customers pay with an assigned gas card. The facility has five service bays with a total of seven gas dispensers. Originally, a handicap accessible restroom was available with access using the gas card where the site plan defines an 8' tall equipment building. According to the applicant, because of vandalism to the existing restroom facility, they no longer provide access to the permanent bathroom to their customers. They have placed a porta pottie on site adjacent to the trash enclosure for customers use and intends to place another porta pottie on the site to meet customers needs. A 30 foot wide easement is located along the southern edge of the parcel to provide access to Assessor Parcel #024-052-079. A 48" high CMU retaining wall (for fuel containment) is built around the four existing approved above ground gas tanks located behind the 6 foot high blue slated chain link fence and access gates.

C. Compliance with General Plan/Zoning

The subject property is designated Heavy Industrial use per the 2030 Lemoore General Plan and is zoned Light Industrial. Light Industrial and Heavy Industrial allow cardlock type fueling facilities. However, the proposed bulk fuel storage addition to the site is only allowed under Heavy Industrial Zoning with an approved Conditional Use Permit and therefore a zone change is required for the use and will also conform with the 2030 General Plan. As part of the project, a Zone Change application has been submitted to change the entire parcel to MH (Heavy Industrial) to be consistent with the Lemoore General Plan.

General Plan designation to the north and south are Heavy Industrial, east is Community Facility and west is Light Industrial. With the zone change to Heavy Industrial (MH) and the approval of a Conditional Use Permit, the proposed bulk fuel storage facility expansion will meet the intent of the MH zone district and conform to the General Plan.

D. Conditional Use Criteria:

The City Code requires the Planning Commission to make findings on an application for conditional use, based on criteria stated in Section 9-15B-2E of the City code. The following findings are made for Commission's consideration and acceptance.

Criteria 1: That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right.

Light Industrial type facilities presently exist and structures are already in place on the project site and on adjacent sites, both to the west and to the north of the project. There are similarly situated sites in other areas of town that installed additional above ground tanks to better meet the needs of onsite capacity to improve their economic vitality. Heavy Industrial type facilities are proposed for this site and therefore a zone change is necessary to meet the heavy industrial type proposal and conform with the General Plan.

The existing cardlock facility provides fueling to businesses, surrounding industries and various other customers. Castadio and Burrows, Inc., would like to add to the types of fuels onsite so that it can serve agricultural customers. By allowing the above ground tank installation, the fueling station will continue to provide service to the community's growing business, industry and other customer's needs and will provide B & C a new fuel storage facility (as they are relocating from Lemoore Avenue). Putting the proposed use at this site will alleviate the need for more land being used for this purpose in other areas of town which may not be as well suited for this purpose. The proposed project meets the above criteria and serves the public's needs as well as providing an economic viability to the business long term.

Criteria 2: That the proposed location of the conditional use is in accordance with the objectives and purposes of the zone district in which is it located.

The Light Industrial zone district is intended primarily for application to those urban areas of the City which are designated for light industrial use in the General Plan. Currently the site is designated as Heavy Industrial in the General Plan with a Light Industrial zoning. The purpose of the industrial zones are to reserve appropriately located areas for various types of industrial plants and related activities; protect area appropriate for industrial use from intrusion by residences and other inharmonious uses; to protect residential and commercial properties and to protect nuisance-free nonhazardous industrial uses from noise, odor, dirt, smoke vibration, heat, glare, fire, explosion, noxious fumes, radiation and other hazardous and objectionable influences incidental to certain industrial uses; to provide opportunities for certain types of industrial lands to concentrate in mutually beneficial relationships to each other; to provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas; and to provide industrial employment for residents of the city.

The proposed bulk fuel storage part of the addition is considered a Heavy Industrial use under Zone Ordinance Section 9-10B-4 with an approved Conditional Use. Both internal departments and Kings County have been contacted and their responses and comments have been documented further in this report. The provision of the more fueling capacity at the site serves and the relocation of fueling facilities on Lemoore Avenue meet the purpose of the zoning regulations as it serves fueling needs of farming operations on adjacent properties serving a mutually beneficial relationship.

Criteria 3: That the proposed use will comply with each of the applicable provisions of the City's Zoning Regulation.

The site plan review analysis and conditions, which are included as part of the conditional use permit approval process, will ensure that the project complies with all applicable zoning regulations.

The City Redevelopment Agency has a Development Disposition Agreement with and is in the process of selling Assessor's Parcel Numbers 024-052-078 and 024-052-079 to Burrows & Castadio Inc so that the bulk fuel storage use could be on the existing card lock facility or on these contiguous parcels south of the project site. Once Burrows & Castadio Inc. owns these two parcels and a Zone Change to Heavy Industrial (MH) is complete, the "conditional use" of "bulk fuel storage" will be allowed on these two pieces. . However, a new Site Plan Review will be needed for additional tanks above the four submitted with Site Plan Review #2011-04.

E. Site Plan Review:

The Site Plan Review application is being reviewed to determine its compliance with the City of Lemoore's, policies, standards, codes, as well as fire codes, environmental impacts and other considerations. The Site Plan Review procedure requires that when approving a project, the conditions shall include items necessary to protect the public health, safety and general welfare in various categories outlined in Section 9-15C-4 of the Zoning Ordinance including Section 9-10-4 required conditions, 9-10-5 site and structure requirements, and 9-10-6 fences, walls and hedges under in Industrial Districts.

1. Setbacks

Minimum front yard requirement for each structure shall have a one to one (1:1) ratio limitation for distance from the front property line to structural height. New structures are proposed more than a 1:1 ratio from the front property line in conformity with zoning.

2. Ingress/Egress/Traffic/ Bikeways/Right of way and Easements/Parking:

Ingress and egress to the site is directly from 19th Avenue via two 40' drive approaches. The proposed addition will be accessed from these drive approaches through the access gates located at the 6' high chain link fence. These gates will be opened and closed by the person accessing the rear facility. The loading area is 22 feet wide between the new dispensers and the exiting tank farm area. Public Works Department is requesting refueling area to show truck delivery pattern.

The project proposes to add 4 dispensers behind a gated area for loading larger vehicles owned by Castadio & Burrows, Inc. and related companies to deliver fuel to farming operations, not public vehicles. It is assumed that the ten fleet fuel vehicles would create up to 50 vehicle trips daily (going out and coming in is considered 2 trips).

Right-of-way across the project site is 40' from the street centerline. A 10' public utility easement is located behind this, and contains above ground power poles. A 30' wide ingress and egress access easement is located along the southern edge of the parcel to provide access to Assessor Parcel #024-052-079. No bikeways are identified in the General Plan adjacent to this site. Therefore, no additional right-of-way or easements or bikeways are required for this proposal.

This project does not propose any additional buildings other than the existing structure (labeled equipment building) which is designed as part of the existing facility, thereby creating zero employees for the site. No on-site parking is being provided or required as the facility is automated and will not have any on-site employees. One ADA parking stall and one standard parking stall (9'x20") is shown along the northern boundary east of the equipment building, but does not exist nor is it required.

3. Utilities/Fire Hydrants/Lighting/Storm Drainage/Refuse:

City water and sewer services are presently provided and received by the site from 19th Avenue. No further improvement plans are being requested by the Public Works Department and/or the City Engineer for additional utilities.

Two fire hydrants presently exist off-site on the west side of 19th Avenue across the street from the site. The fire chief had no comments with regards to the addition of more fire hydrants or fire safety features for this proposal.

Street lights presently exist in the City right of way and at the site. The applicant proposes to install four (4) on-site pole lights. Electrical feeding new poles needs to be undergrounded. No further requests were received from Public Works, Police Department or the fire Department for additional lighting.

All existing concrete areas drain to existing City storm drainage. Storm drainage must accommodate run off to meet the National Pollutant Discharge elimination system requirements. A new 75'x108'-8" storm basin will be located at the southwest corner of the property for refueling and containment area. One 108'-8"x85' new storm drain basin located on the northwest corner of the site will be built for the remaining portion of site east of concrete area. Pubic Works is requesting that fuel containment areas drain to new storm basins; provide sizing of basin and piping with construction plans. City Engineer is requesting plans show the concrete areas which are to drain to the City storm drain system and flow facilities, if any, and the plan should show the dimensions, length, width and depth of the proposed storm drainage basins. Access around drainage basins to remain available. City Engineer will ensure that the drainage basins are designed to not adversely affect the City's sewer ponds that are due east of the proposed basins.

A refuse enclosure is located on the side near the northern entrance and serves the needs of the site.

4. Landscaping/Street Trees/Walls:

19th Avenue is designated as an arterial street, which requires a fifteen foot (15') landscaped front setback per General Plan policy CD-1-8. Additionally, policy CD-1-40 requires a minimum amount of site landscaping to be 15%, including parking lot landscaping, perimeter landscaping, and foundation landscaping. According to the application, 1500 square feet of the site is proposed to be landscaped, however it does not appear on the site plan that any additional landscaping is being added to the site or equals this amount. The site plan shows landscaping only on the westerly side of the property adjacent to 19th Avenue with nothing on the north and south sides of the site. However, landscape exists along an 8½' deep area from 19th Avenue to the equipment building next to the existing chain link fence. Street trees are already incorporated along 19th Avenue at the average spacing of 40' on center. One street tree on the southwesterly project site is dead and needs to be replaced.

In reviewing the initial project, the approval incorporated approximately 7,560 square feet of landscape which equates to 14.3% of the "developed" site, which at that time was 52,900 square feet. The original landscape areas included the westerly property line parallel with 19th and the entire northerly property line from the northwesterly property corner to the northeasterly property corner. Today, the portion along 19th Avenue is still in place, but only a portion of the northerly property line is in place, equating to approximately 3,913 square feet.

The new "developed" area being added to the site is 85.33'x 230' equating to 19,626 square feet. Fifteen percent of this area equates to 2,943 square feet of additional landscape added to the initial requirement of 7,560 square feet for a total of 10,503 square feet. A landscaping plan will need to be submitted with the construction drawings showing the provision of a total of 10,503 square feet of landscaping over the entire site (keeping the front landscape parallel to 19th Avenue intact) for approval by the City Planning Department. Landscape should generally be around the perimeters of the site visible from the street, and must meet the State Water Efficient Landscape Ordinance. The use of above ground potted trees and plants is acceptable and can be incorporated into the total square footage. Public Works has requested that no trees be planted along the rear property line near the City's effluent outfall line.

Currently a 6' high chain link fence exists along the perimeter of the entire property except the portion that is adjacent to 19th Avenue and a 6' slated chain link fence is located behind the fuel pumps approximately 225' east of the front boundary to screen the existing above ground tanks. According to the Site Plan, behind this chain link fence sits four (4) existing fuel tanks with a 48" high containment wall. Just east of this wall is the proposed location for the additional fuel tanks. A 16" new containment wall is proposed around the new tanks and the existing 6' high chain link fence exists around the back portion of the site. The Kings County Health Department and Building Department will determine the required height of the containment wall as it may be required that it hold half of the capacity of the tanks.

It appears that the storage of materials and/or equipment is occurring behind the slated chain link fence. Should open storage be continued onsite, Section 9-10-6 of the Zoning Code requires that the open storage area be surrounded and screened by an ornamental solid wall or fence or compact evergreen hedge not less than seven feet in height. However, because the zoning is changing from Light Industrial to Heavy Industrial designation, the existing slated fence is acceptable screening.

5. Design:

General Plan policy CD-1-40 outlines design standards for new office and industrial development. Based on the application no buildings are proposed with the facility.

A porta pottie was observed on the site adjacent to the trash enclosure. The existing uses at the site do not require restroom facilities. According to the applicant, the porta pottie was put in place to accommodate the patrons of the existing cardlock fuel facility because of vandalism to the existing restroom facility initially built with the equipment room. The applicant noted that he is proposing a second porta pottie next to the existing one on his site. When any future site additions require restroom facilities on site, the porta potties will need to be removed.

F. Hazards:

According to the Kings County Department of Health, the facility maintains an existing hazardous materials business plan (HMBP) with their office as B & C enterprises. The HMBP site plan and chemical inventory must be updated within 30 days of operation to reflect the new construction and storage and must be provided to the Kings County Environmental Health Services, 330 Campus Drive, Hanford, Ca 93230. The necessary forms are located at www.countyofkings.com/health/eha

The facility is also subject to the California Aboveground Petroleum Storage Act, (California Health & Safety code 25270-25270.13 and 40 CFR 112). As such, the facility's Federal spill Prevention Control and Countermeasure (SPCC) plan must be amended and recertified within 6 months of installation of any new tanks(s). Additionally, prior to installation the applicant must coordinate with the Lemoore Fire Department to insure all fire code requirements are met.

While on site staff noticed five other fuel tanks that are not shown on the site plan and assume that they are being temporarily stored and not in use at the site or that a few of them may be incorporated with this project. Should the applicant want to use all of them in the future (and they are not part of this Conditional Use Permit/Site Plan approval, they will need to be approved via new Conditional Use Permit and Site Plan approval and meet the same containment requirements of the other tanks on site.

G. Dust Control:

Soil disruption during construction causes significant fugitive dust, contributing to the current air quality problem in the region. The developer will need to comply with the San Joaquin Valley air Pollution Control District (SJVAPD) Standards as well as with the City of Lemoore's dust control requirements.

H. Signs:

No new signs are proposed and will need to go through separate sign application with the fee.

E. **Public Input:**

A notice of intent to adopt a mitigated negative declaration and notice of public hearing was published in the Hanford Sentinel on July 20, 2011. Additionally, letters were sent to property owners within a 300 foot radius of the site to notify them of the proposed project. No comments have been received to date.

F. **Comments from Other Agencies/Departments:**

Referrals were made to various agencies and City Departments. Comments were received from the Public Works Director, City Engineer Quad Knopf, Fire Chief and Kings County Department of Public Health Environmental Health Services Division, and their comments have been incorporated in this report and conditions.

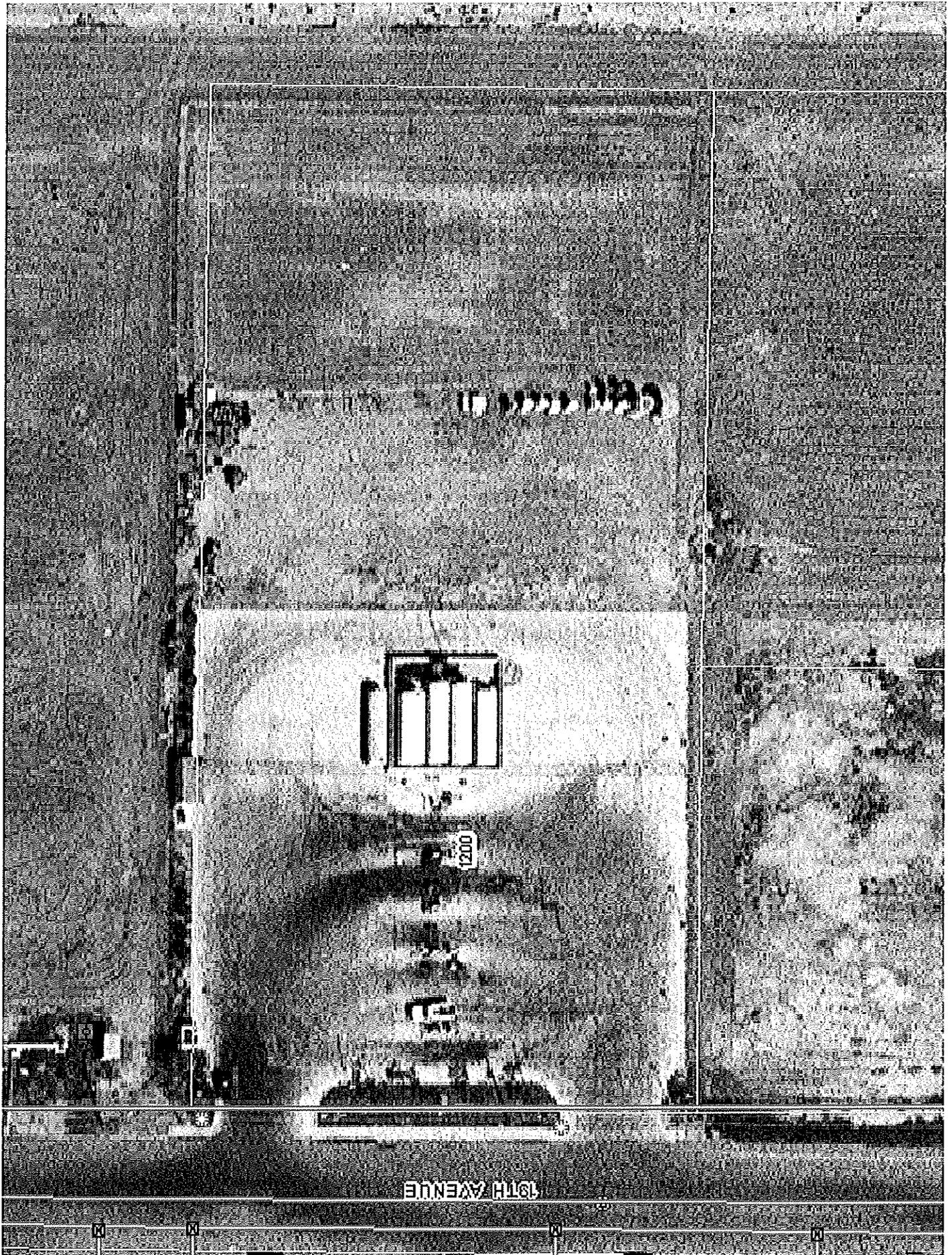
G. **Environmental Impact Assessment:**

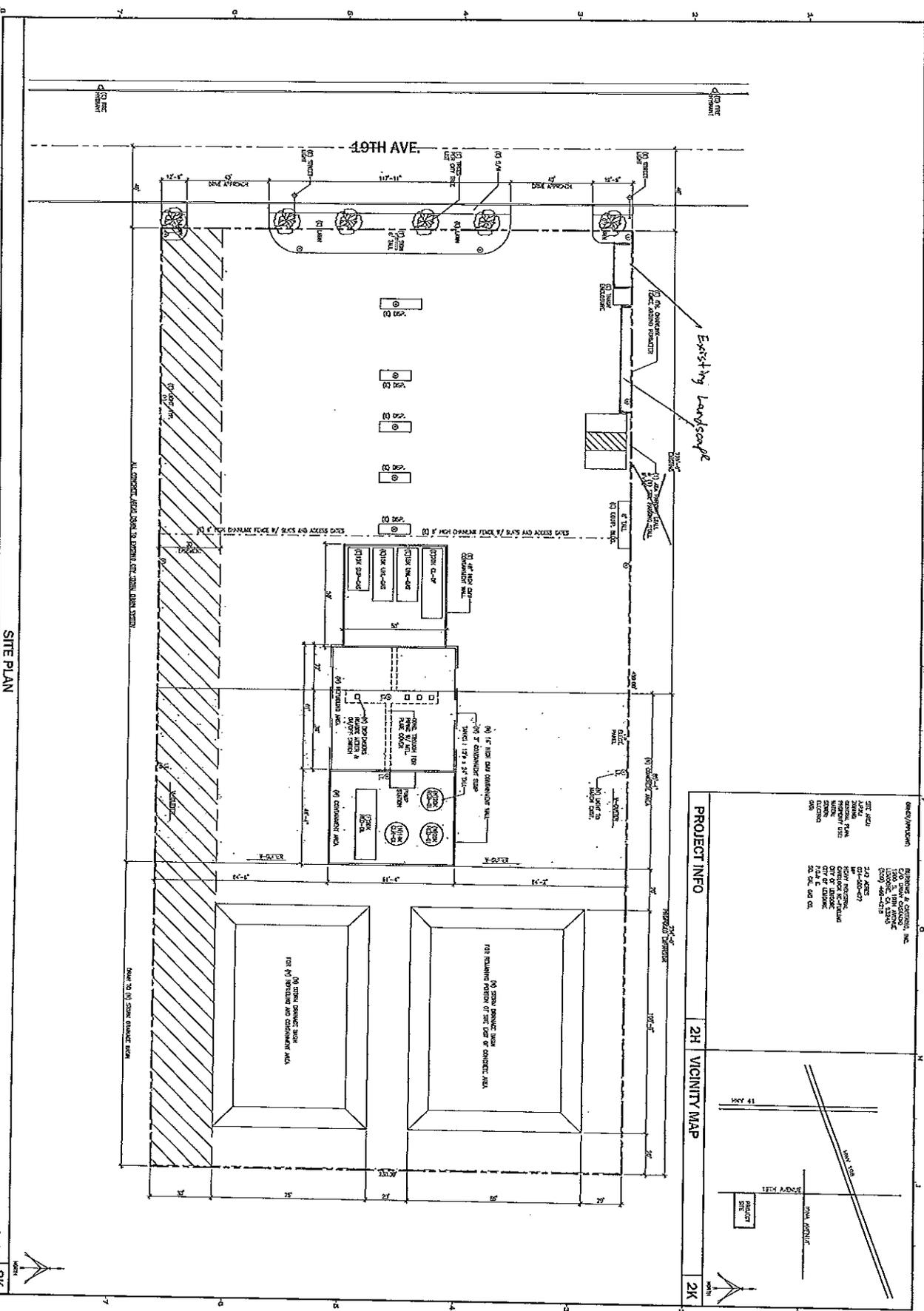
A preliminary environmental impact assessment was conducted by staff in accordance with the California Environmental Quality Act per the attached environmental checklist. It was determined that the project would not have any significant adverse impacts on the environment so long as the conditions of approval included in Resolution #2011-05 are implemented to mitigate the impacts.

In regards to the Zone Change, it is consistent with the General Plan designations and therefore no new environmental is needed for the Zone Change.

H. **Recommendation:**

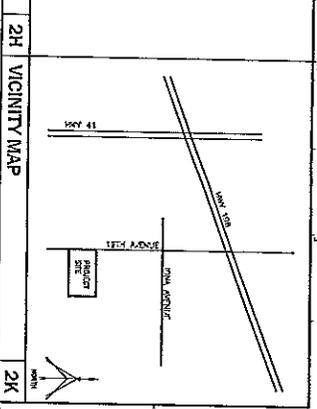
Staff recommends that the staff report be given, public hearing be opened, testimony taken and the Planning Commission adopt the attached Resolution #2011-05 approving a Mitigated Negative Declaration #2011-16, Conditional Use Permit 2011-01, Site Plan Review #2011-04 allowing Castadio & Burrows, Inc. to expand the fuel dispensing facility at 1200 S. 19th Avenue with required findings and conditions contained therein insuring that all applicable provisions of the Zoning Ordinance are complied with and the expiration of this project to be May 3, 2016 (to be in line with the Development Agreement), contingent upon the City Council approval of Zone Change #2011-01.





PROJECT INFO

OWNER/CLIENT	BURROWS & CASTADIO, INC.
PROJECT NO.	2017-001
PROJECT ADDRESS	1200 S. 19TH AVE., LEMOORE, CA 93240
PROJECT TYPE	INDUSTRIAL
DATE	05/15/17
SCALE	AS SHOWN
DRAWN BY	DUNN ENGINEERING
CHECKED BY	DUNN ENGINEERING
DATE	05/15/17



PROPOSED SWITCH LOADING RACK & TANK FARM FOR:

BURROWS & CASTADIO INC.
1200 S. 19TH AVE., LEMOORE, CA

DATE: 5-27-17
SCALE: 1" = 20'

SITE PLAN, PROJECT INFORMATION

DRAPING BY
DARREN VERDEGAAL

1208 TRAVELER BLVD. SUITE 100
PO BOX 241000
SAN ANTONIO, TEXAS 78224
TEL: 210-350-0000
WWW.DUNNENGINEERING.COM

DUNN ENGINEERING
Richard E. Dunn
Scott A. Dunn
Professional Engineers

PO BOX 241000
SAN ANTONIO, TEXAS 78224
TEL: 210-350-0000
WWW.DUNNENGINEERING.COM
rdunn@dneng.com

NO.	DATE	DESCRIPTION

**RESOLUTION #2011-05
A RESOLUTION OF THE LEMOORE PLANNING COMMISSION APPROVING
MITIGATED NEGATIVE DECLARATION #2011-16/ZONE CHANGE #2011-02/
CONDITIONAL USE PERMIT #2011-01 / SITE PLAN REVIEW #2011-04
APPLICATION BY CASTADIO & BURROWS, INC.**

At a Regular Meeting of the Planning Commission of the City of Lemoore, duly called and held on August 22, 2011 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, Castadio & Burrows, Inc., has submitted a Zone Change and Conditional Use Permit/Site Plan Review applications to expand the fuel dispensing facility by adding bulk fuel storage at 1200 S. 19th Avenue. The proposal includes installation of switch loading rack, four (4) dispensers, two above ground 20,000 gallon vertical red diesel tanks, one above ground 14,000 gallon vertical clear diesel tank and one future above ground 20,000 gallon horizontal red diesel tank and ancillary containment area and storm drainage basins:

WHEREAS, The project area is a 230'x234' portion of the 2.42 acres of the entire site described as Assessor Parcel #024-052-077 located at 1200 S. 19th Avenue; and

WHEREAS, the General Plan designation for the site is Heavy Industrial which allows bulk fuel storage while the current zoning is ML (Light Industrial). Therefore, a Zone Change is begin sought to MH (Heavy Industrial) to be in conformity with the 2030 General Plan and the proposed project; and

WHEREAS, staff conducted an Environmental Impact Assessment #2011-16 and #2011-01 and Site Plan Review; and

WHEREAS, staff recommends no new environmental assessment be done for the Zone Change as it brings the existing Zoning into conformity with the Heavy Industrial designation of the 2030 General Plan; and

WHEREAS, a public hearing was noticed in the Hanford Sentinel on August 10, 2011, and notices were sent to the property owners within 300' of each of the corners of the subject site more than 10 days in advance of the meeting, and the Lemoore Planning Commission held a duly noticed public hearing at their August 22, 2011 meeting; and

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

- A. Recommend that the City Council approve Ordinance #2011-04 approving Zone Change from Light Industrial (ML) to Heavy Industrial (MH) after holding a public hearing on the proposed Zone Change and agree that no new environmental assessment is needed for the Zone Change as it conforms to the General Plan.
- B. Make the following findings specified in Section 9-15B-2-E of the Lemoore Municipal Code on the basis of the application, staff report, and the evidence submitted to the Planning Commission:
 1. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
 2. That the proposed location of the conditional use is in accordance with the objectives of this Title and the purposes of the district in which the site is located once the Zone District is changed.

3. That the proposed use will comply with each of the applicable provisions of this Title. (Ord. 7901 2-6-79 as amended, 1-1986) so long as the following conditions of approval are met;
- C. Approve Mitigated Negative Declaration #2011-16 pursuant to CEQA after receiving all written and verbal testimony.
 - D. Approve Conditional Use Permit #2011-01 for "bulk fuel storage" use to be applicable to the project site on APN#024-052-077 as well as APN#024-052-078 and #024-052-079 once the parcels are owned by Burrows & Castadio Inc. and a zone change to Heavy Industrial (MH) has occurred. However, any additional tanks above the four submitted tanks listed on Site Plan Review #2011-04 shall require a new Site Plan Review.
 - E. Site Plan Review #2011-04 to add bulk fuel storage with four (4) additional fuel tanks and ancillary apparatus described above to the existing four (4) approved tanks delineated on the attached Site Plan to expire by May 3, 2016 (unless the project is fully exercised) after Zone Change Ordinance takes effect, with the following conditions of approval pertaining thereto:
 1. The project shall be developed as per approved plans as shown on the Exhibit A, and deviation from the approved plans will require to be resubmitted to the Planning Commission along with applicable fees.
 2. Public Works is requiring refueling area to show truck delivery pattern, fuel containment areas to drain to new storm basins with their sizing and piping be shown with construction plans. City Engineer is requiring the construction plan to show the concrete areas which are to drain to the city storm drain system and flow facilities, if any, and the dimensions, length, width and depth of the proposed storm drainage basins. Access around drainage basins to remain accessible. City Engineer will ensure that the drainage basins are designed to not adversely affect the City's sewer ponds that are due east of the proposed basins.
 3. Any electrical feeding new proposed light poles or other equipment on site will need to be undergrounded.
 4. One street tree on the southwesterly project site must be replaced. A landscaping plan will need to be submitted with the construction drawings showing the provision of a total of 10,503 square feet of landscaping over the entire site (keeping the front landscape parallel to 19th Avenue intact) for approval by the City Planning Department. Landscape should generally be around the perimeters of the site visible from the street, should incorporate trees and landscaping, and must meet the State Water Efficient Landscape Ordinance. The use of above ground potted trees and plants is acceptable and can be incorporated into the total square footage. Public Works has requested that no trees be planted along the rear property line near the City's effluent outfall line.
 5. Kings County Health Department or Building Department will need to determine the required height of the containment wall to meet applicable local, state, and federal regulations.

The porta pottie on site and the proposed additional porta pottie will be allowed on site, so long as no future addition requires restroom facilities (which would then need to be permanent).
 6. The HMBP site plan and chemical inventory must be updated within 30 days of operation to reflect the new construction and storage and must be provided to the Kings County Environmental Health Services, 330 Campus Drive, Hanford, Ca 93230. The necessary forms are located at www.countyofkings.com/health/eha . The facility is also

subject to the California Aboveground Petroleum Storage Act, (California Health & Safety code 25270-25270.13 and 40 CFR 112). As such, the facility's Federal spill Prevention Control and Countermeasure (SPCC) plan must be amended and recertified within 6 months of installation of any new tanks(s) and meet fire code requirements.

7. Should the applicant want to use more tanks than the previously approved four tanks and the four tanks in this approval, they will need to be approved via new Conditional Use Permit and Site Plan approval and meet the same local, state, and federal requirements, including containment, as the other tanks on site.
8. In accordance with the findings of City Council Resolution #2011-10 adopted on March 15, 2011 and the Colgan Consulting Corporation City of Lemoore, CA – 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 Resolution #2011-10 and the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in Resolution #2011-10. Traffic impacts shall be based on fifty (50) trips per day.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 22, 2011, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Lisa Elgin, Chairperson

ATTEST:

Holly P. Smyth

* This resolution shall not become effective until reviewed by the City Council (anticipated to be September 6, 2011) pursuant to Lemoore Municipal code Section 9-15-B-2G and the Zone Change Ordinance #2011-04 takes effect. The City council may affirm, reverse, or modify this resolution.*

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) **ss.**
CITY OF LEMOORE)

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 22, 2011.

DATED: _____, 2011

Holly P. Smyth, Secretary
Lemoore Planning Commission

ORDINANCE #2011-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE
CHANGING THE ZONE DISTRICT BOUNDARIES OF 1200 S. 19th AVENUE
FROM ML (LIGHT INDUSTRIAL) TO MH (HEAVY INDUSTRIAL)
AS PER ZONE MAP #2011-01**

In accordance with the provisions of Lemoore Municipal Code to amend the Zone Map established by said Ordinance, the City Council of the City of Lemoore does ordain as follows:

SECTION 1: All that portion of incorporated territory of the City of Lemoore described as Assessor Parcel #024-052-077 consisting of 2.42+/- acres located on the east side of 19th Avenue and south of Enterprise Drive as shown on the attached Exhibit A, is hereby zoned MH (Heavy Industrial) under the City of Lemoore Municipal Code, and the uses permitted, together with the regulations and restrictions imposed therein by said code, is hereby amended accordingly.

SECTION 2: Determine that a new environmental determination for the Zone Change is not needed as the Zone Change conforms to the 2030 General Plan Heavy Industrial designation.

SECTION 3: The City Council finds, based on all evidence in the record including without limitation all oral and written testimony presented at the hearings on this matter, that the MH (Heavy Industrial) zone designation for the above described area, shown on attachment, is required to achieve the purpose of the Zoning Ordinance and the 2030 General Plan of the City of Lemoore and that such zone designation is consistent with the purpose and application of the zone district.

SECTION 4: This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 5: The City Clerk is authorized and directed to cause this Ordinance or a summary of this Ordinance to be published once in a newspaper of general circulation published and circulated in the City of Lemoore, within fifteen (15) days after its adoption. If a summary of this Ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed Ordinance to be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which the Ordinance is adopted and again after the meeting at which the Ordinance is adopted. The summaries shall be approved by the City Attorney. The City Clerk is further directed to cause this Ordinance to be codified after its adoption.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the _____ day of _____, 2011 and was passed and adopted at a Regular Meeting of the City Council held on the _____ day of _____, 2011, by the following vote:

**AYES:
NOES:
ABSTAINING:
ABSENT:**

APPROVED:

Willard J. Rodarmel, Mayor

ATTEST:

**Nanci C.O. Lima, MMC
City Clerk**

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Ordinance of the City Council of the City of Lemoore was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the ____ day of _____, 2011 and was passed and adopted at a Regular Meeting of the City Council held on _____, 2011.

DATED: _____, 2011

Nanci C.O. Lima, MMC
City Clerk

ZONE CHANGE NO 2011-01

