

AGENDA

PLANNING COMMISSION

of the

CITY OF HANFORD

COUNCIL CHAMBERS
400 N. Douty St.
5:30 PM, Tuesday, September 27, 2022

Commissioners will meet in person in the Council Chambers. The meeting will also be livestreamed on the City's website: <http://livestream.hanford.city/>

CALL TO ORDER

ROLL CALL

INVOCATION

FLAG SALUTE

PUBLIC COMMENT

*This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Commission. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Approval of the Minutes of the September 13, 2022 Meeting

PUBLIC HEARING

1. **Conditional Use Permit No. 2022-05:** a request, by GBH Calcot, LLC, to allow a cannabis cultivation facility in the I-H Heavy Industrial zone district. The permit applies to the processing, curing, grading, and storing of cannabis inside three (3) 35,000 square foot buildings on an existing site. The project is located at 10210 Idaho Avenue (APN 018-242-024).
2. **Conditional Use Permit No. 2022-07:** A request by Tessengerlo Kerley, Inc, to amend their original conditional use permit, in order to add a new 260,000-gallon above-ground molten sulfur tank to their site. The tank will facilitate additional storage onsite. The proposal will not alter the existing use of the site. **Mitigated Negative Declaration No. 2014-02:** An addendum to the previously approved Mitigated Negative Declaration No. 2014-02 has been prepared to certify that the project will not have a significant effect on the environment with the incorporation of mitigation measures. The project is located at 10724 Energy Street (APN 018-242-078).

DIRECTOR'S COMMENTS

Commissioners' Items of Interest

At this time, any Commissioner may ask a question for clarification of matters within the Planning Commission's jurisdiction, make an announcement, or report briefly on activities in their role as a Planning Commissioner. In addition, subject to the Planning Commissioner's Handbook, Commissioners may request staff to report back to the Planning Commission at a subsequent meeting concerning any matter within Commissioner's jurisdiction (GC 54954.2).

ADJOURNMENT

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available to public inspection in the Planning Division Office located at 317 N. Douty Street, Hanford, California 93230, during normal business hours. Such documents are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post documents before the meeting.

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Division's office, 559-585-2580, 317 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}

APPEALS:

Any action of the Planning Commission, which is a final project decision, may be appealed to the City Council by the applicant or any adversely affected person. To file an appeal, an appeal application and filing fee of \$1,000.00 must be submitted to the Community Development Department, 317 N. Douty Street, Hanford, California, within ten (10) days following the date of the final decision of the Planning Commission.



**AGENDA
STAFF REPORT**

MEETING DATE: 9/27/2022	AGENDA SECTION:

SUBJECT:

Approval of the Minutes of the September 13, 2022 Meeting

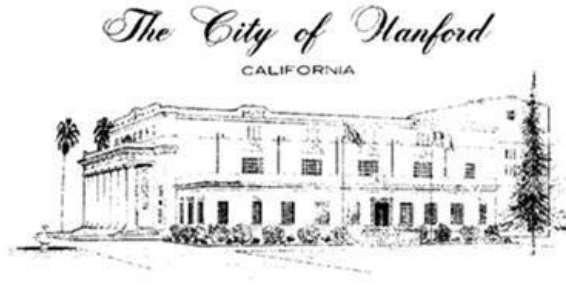
RECOMMENDATION:

Approve the minutes of the September 13, 2022 meeting.

FISCAL IMPACT:

ATTACHMENTS:

09-13-22



MINUTES
PLANNING COMMISSION
of the
CITY OF HANFORD

COUNCIL CHAMBERS
400 N. Douty St.
5:30 PM, Tuesday, September 13, 2022

Commissioners will meet in person in the Council Chambers. The meeting will also be livestreamed on the City's website: <http://livestream.hanford.city/>

CALL TO ORDER

Chair SANCHEZ arrived at 5:35 p.m. and called the meeting to order at 5:36 p.m.

ROLL CALL

Attendee Name	Title	Status	Arrived
Dennis Ham		Absent	
Richard Douglas		Present	
Travis Paden		Present	
Martin Devine		Present	
Jacob Sanchez		Present	
Gunther Norris		Present	

INVOCATION

Ralph Hurtado, Victory Outreach, led the invocation.

FLAG SALUTE

Commissioner PADEN led the flag salute.

PUBLIC COMMENT

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for each speaker. Please begin your comments by stating your name and providing your city of residence.

None.

CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Approval of the Minutes of the August 23, 2022 Meeting

Motion to approve the minutes of the August 23, 2022 meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gunther Norris
SECONDER:	Travis Paden
AYES:	Douglas, Paden, Devine, Sanchez, Norris
ABSENT:	Ham

PUBLIC HEARING

Appeal No. 2022-01, an appeal of the decision of the Community Development Department regarding the operation of a pallet assembly business to include the substantial preparation of unprepared wood for assembly on site in the I-L Light Industrial zone district. The project is located at 9839 Hanford Armona Rd. (APN 016-160-057).

Commissioner PADEN recused himself from the public hearing, due to a conflict of interest.

Chair SANCHEZ opened the public hearing and called for the staff report. Community Development Director Waters provided background information regarding the project. He stated that the applicant applied for a business license, and a site plan review was required. During the review, it was noted that the business included woodcutting, which falls under the "General Industrial Manufacturing Facility" land use definition. The use would be permitted in the I-H (Heavy Industrial) zone, but it is not permitted in the I-L (Light Industrial) zone. As this project location is zoned I-L, woodcutting is not permitted. Staff notified the applicant, and the applicant filed an appeal. Director Waters then invited questions.

There being no questions of staff, Chair SANCHEZ opened Public Comment:

IN FAVOR

Hanford resident and business owner Onan Champi stated that he owns three parcels (78 acres) neighboring this project, all of which are in the County and are zoned Heavy Industrial. He stated that this property is being deprived of a Heavy Industrial permitted use, because of City zoning.

Brady Justice, General Manager of this facility and one in Sacramento, clarified that this business uses chop saws and dust collectors, keeping noise levels nominal and preventing particulates from entering the air. He reiterated Mr. Champi's comments that surrounding County properties are zoned Heavy Industrial. He added that they have employed 12 people and will hire more if they are allowed to operate and expand.

OPPOSED

None.

Following Public Comment, Chair SANCHEZ invited Commissioners' questions.

Commissioner NORRIS asked what the hours of operation are. Mr. Justice replied that they typically operate Monday-Friday, 6:00 a.m. to 2:30 p.m., sometimes earlier (beginning 5:00 a.m.), if higher temperatures are expected. They occasionally operate on a Saturday.

Director Waters provided clarification regarding the property in question, indicating on the map that residential uses are adjacent to the property, and Heavy Industrial uses are mostly to the south. Dust and noise are considerations in these uses. He added that, typically, an applicant comes into the City in advance of applying for a business license, to confirm that a proposed use is permitted. Staff is then able to provide that information. Unfortunately, staff was unaware of this business, until it was already in at this location.

City Attorney Ty Mizote stated that what governs this matter is what the Zoning Ordinance says. He added that, although the applicant makes a good argument as to what he feels the ordinance should say--that it should allow this type of business on this piece of property--the decision must be based on what the ordinance says today and how the Municipal Code applies to this project. He concurred with staff's determination that, the way the Code is written today, it would not allow for this particular use. He listed some of the surrounding permitted uses allowed today under the Code and noted that these uses do not generate much noise and not enough to cause a nuisance.

Chair SANCHEZ thanked City Attorney Mizote for his comments and invited questions.

Commissioner NORRIS's questions: 1) Is the facility indoors? Mr. Justice replied that they have two buildings on the property: a permitted shed--open on two sides and a second building for dry storage. Director Waters showed pictures of the buildings on the screen; 2) What businesses are adjacent to this location? Director Waters replied that the adjacent businesses are in the County, and that there is an agreement with the County that they will coordinate with the City regarding any new business within the City's Sphere of Influence, to ensure it is compatible with existing City land use. He added that he did not know what the adjacent uses are. Mr. Champi stated that he owns the businesses surrounding this property, except on the east side. His businesses are approved I-H uses. Director Waters replied that this location must comply with City land uses.

City Attorney Mizote referred to a note in Site Plan Revision 2 regarding a heat-treat chamber. He asked the applicant to explain what that is. Mr. Justice replied that a heat-treat chamber cooks pallets to 140 degrees and kills any insects and fungus before sending for international shipments.

Motion to adopt Resolution No. 2022-28, denying Appeal No. 2022-01.

Following the Public Hearing, Commissioner PADEN returned to the dais.

RESULT:	APPROVED [4 TO 0]
MOVER:	Richard Douglas
SECONDER:	Gunther Norris
AYES:	Douglas, Devine, Sanchez, Norris
ABSTAIN:	Paden
ABSENT:	Ham

DIRECTOR'S COMMENTS

Director Waters had no comments.

Attachment: 09-13-22 (09-13-22)

COMMISSIONERS' ITEMS OF INTEREST

At this time, any Commissioner may ask a question for clarification of matters within the Planning Commission's jurisdiction, make an announcement, or report briefly on activities in their role as a Planning Commissioner. In addition, subject to the Planning Commissioner's Handbook, Commissioners may request staff to report back to the Planning Commission at a subsequent meeting concerning any matter within Commissioner's jurisdiction (GC 54954.2).

None.

ADJOURNMENT

Chair SANCHEZ adjourned the meeting at 6:07 p.m.

Respectfully submitted,

Diana Black
Recording Secretary

Attachment: 09-13-22 (09-13-22)



AGENDA STAFF REPORT

MEETING DATE: 9/27/2022	AGENDA SECTION: 1

SUBJECT:

Conditional Use Permit No. 2022-05: a request, by GBH Calcot, LLC, to allow a cannabis cultivation facility in the I-H Heavy Industrial zone district. The permit applies to the processing, curing, grading, and storing of cannabis inside three (3) 35,000 square foot buildings on an existing site. The project is located at 10210 Idaho Avenue (APN 018-242-024).

See staff report attached.

FISCAL IMPACT:

ATTACHMENTS:

Staff Report - Greenbrier
 Resolution No. 2022-30
 Attachment 1 - SitePlan Review 2022-35
 Attachment 2 - SPR 2022-35 Approval Letter
 Attachment 3 - Chapter 5.56 Commercial Cannabis Activity
 Attachment 4 - Hanford Cannabis Application Process 4.06.22
 Attachment 5 - Notice of Exemption No. 2022-70
 Attachment 6 -Photos of the Site and Buildings
 Assessor's Map

**CITY OF HANFORD PLANNING COMMISSION
STAFF REPORT
Tuesday, September 27, 2022**

PROJECT: **Conditional Use Permit No. 2022-05:** a request, by GBH Calcot, LLC, to allow a cannabis cultivation facility in the I-H Heavy Industrial zone district. The permit applies to the processing, curing, grading, and storing of cannabis inside three (3) 35,000 square foot buildings on an existing site.

LOCATION: The project is located at 10210 Idaho Avenue (APN 018-242-024).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2022-30, approving Conditional Use Permit No. 2022-05.

RECOMMENDED MOTION

1. I move to adopt Resolution No. 2022-30, approving Conditional Use Permit No. 2022-05.

PROJECT DESCRIPTION

The project is a request, by GBH Calcot, LLC, to allow a cannabis cultivation facility in the I-H Heavy Industrial zone district. The permit applies to the processing, curing, grading, and storing of cannabis inside three (3) 35,000 square foot buildings on the former Calcot site.

The project is located at 10757 Energy Street in the Hanford Industrial Park on APN 018-242-024 (Figure 1). The entire site includes four parcels (APN 018-242—021, -022, -023, and 024), totaling 151.91 acres. The entire site contains 48 35,000 square foot warehouse buildings. The conditional use permit is only subject to the parcel located at 018-242-024, which encompasses 67.69 acres, containing 30 35,000 square foot warehouse structures, an office building, 23 parking spaces, and a rail spur off the BNSF railroad.

The conditional use permit pertains to Buildings A (25), B (26), and C (27), shown as labeled on Site Plan Review No. 2022-35, **Attachment 1**.

Site Plan Review No. 2022-35 was submitted for the project and reviewed by the Site Plan Review Committee. All conditions of approval set forth in the Site Plan Review approval letter are also conditions of approval for this Conditional Use Permit – **Attachment 2**.

Figure 1: Aerial
(Property outlined in red)



BACKGROUND INFORMATION

The General Plan designates the property as Heavy Industrial (Figure 2). The property is zoned H-I Heavy Industrial (Figure 3), which corresponds with the General Plan Designation.

Figure 2: General Plan Designation (outlined in red)
Heavy Industrial

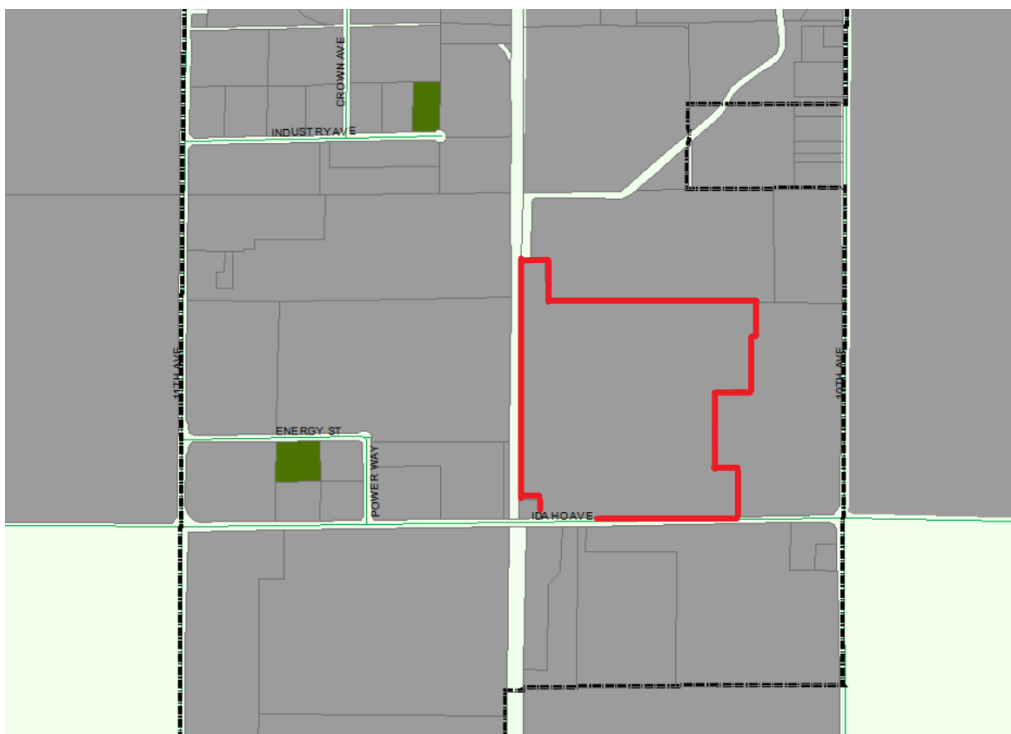
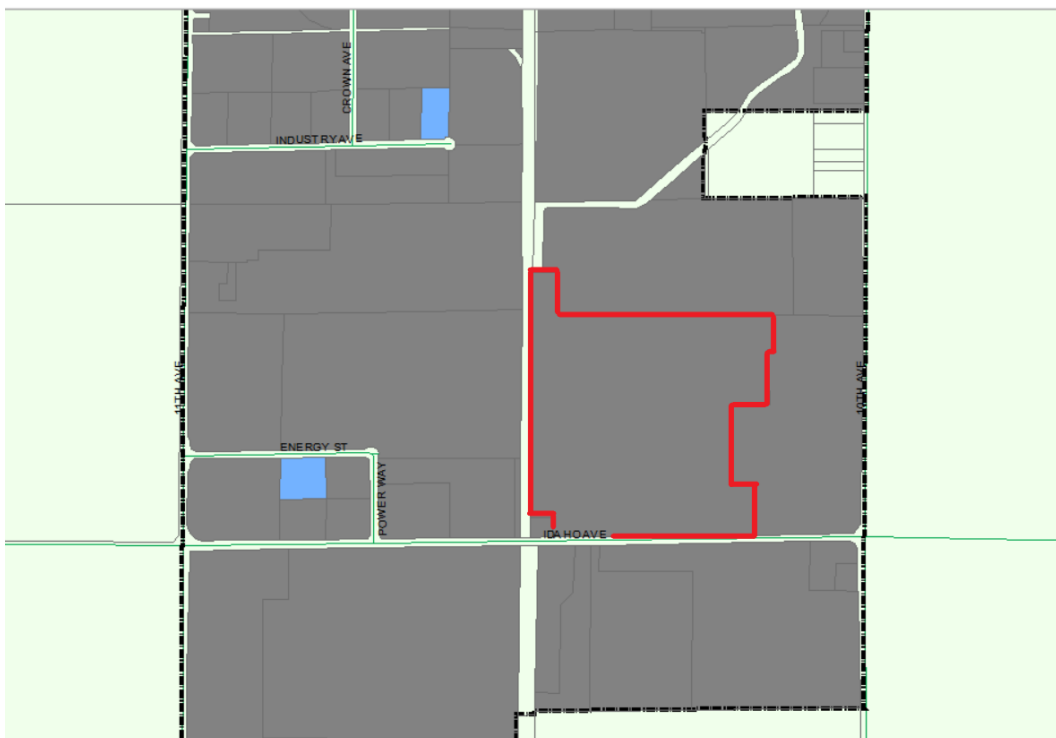


Figure 3: Zoning Designation (outlined in red)
H-I Heavy Industrial



General Plan Designation

According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher.

The proposal to permit a cannabis cultivation facility is consistent with the purpose, intent, and typical uses allowed in the Heavy Industrial designation and compatible with the uses typically permitted in the designation.

Zoning Designation

In 2017, the Municipal Code was amended to allow “cannabis cultivation, manufacture, distribution, transportation, and laboratory testing” as a permitted use with a conditional use permit in the I-H Heavy Industrial zone district, subject to conditions and operating standards in Chapter 5.56 and 17.69. At that time, the cannabis cultivation business was limited to commercial medical cannabis. Following changes in State law, legalizing non-medical, adult use commercial cannabis, the Municipal Code was amended in 2019 to delete references to limitation to medical cannabis business, since both medical and adult use became allowed.

The applicant proposes to utilize three buildings on the existing site for the processing, curing, grading, and storing of cannabis.

The use is categorized as “cannabis cultivation, manufacture, distribution, transportation, and laboratory testing.” Cannabis-related definitions appear in Chapter 5.56 of the Hanford Municipal Code.

“Cannabis” refers to “marijuana,” and means all parts of the Cannabis sativa, Cannabis indica, or Cannabis ruderalis, whether medical or nonmedical, growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by Section 11018 of the California [Health and Safety Code](#) as enacted by Chapter 14017 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean industrial hemp as that term is defined by Section 81000 of the California [Food and Agricultural Code](#) or Section 11018.5 of the California [Health and Safety Code](#).

“Cultivation” means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including cannabis.

Further definitions can be found in Section 5.56.050 of the Hanford Municipal Code.

Figure 4 – Land Use Table

Table 17.08.030

Commercial, Office, and Industrial Zone Use Table																
P = Use Is Permitted by Right C = Use Requires Conditional Use Permit																
A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit																
Blank = Use Is Not Allowed																
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See Identified Section)
		C- N	C- R	C- S	C- H	MX- N	MX- C	MX- D	O- R	O	I- L	I- H	AP	PF	CO	
D	Manufacturing and Processing Uses															
D8	Cannabis cultivation, manufacture, distribution, transportation and laboratory testing										C				See Chapters 5.56 and 17.69	

PROJECT EVALUATION

During a four-phase evaluation period, the project was evaluated for conformance with the Hanford Municipal Code Chapter 5.56. Since the applicant's proposal adhered to all requirements of the HMC Chapter 5.56, Commercial Cannabis Business Permit 2022-01 was issued for Commercial Cannabis Processing on July 20, 2022, by Chief of Police, Parker Sever.

Chapter 5.56 is included for the Planning Commission's reference – **Attachment 3**.

The Cannabis Business Process is included for the Planning Commission's reference – **Attachment 4**.

In accordance with Section 5.56.340, Operating Requirements for Cannabis Cultivation Facilities are as follows:

- Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors. All outdoor cultivation is prohibited.
- In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- If a commercial cannabis cultivation is permitted in the city of Hanford, then it shall only be allowed to cultivate the square feet of canopy space permitted by state law.

- d. Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- e. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- f. The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated; to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis
- g. All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:
 - 1. A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - 2. A description of a legal water source, irrigation plan, and projected water use.
 - 3. Identification of the source of electrical power and plan for compliance with applicable building codes and related codes.
 - 4. Plan for addressing odor and other public nuisances which may derive from the cultivation site.

The project has been evaluated for conformance with Section 17.36 Heavy Industrial Zone District and Section 17.69 Commercial Cannabis-Related Uses and Activity.

Conformance with the standards of the I-H Heavy Industrial zone district

17.36.030 Site Area

In the I-H Heavy Industrial zone district, the minimum site area shall be 20,000 square feet. The subject site is 67.69 acres, which meets and exceeds the minimum site area for the district.

17.36.040 Lot Dimensions

The minimum lot frontage in the I-H Heavy Industrial zone district shall be 60 feet, unless a reciprocal use agreement for shared common access and parking areas is recorded with the Kings County Recorder's Office. The lot has approximately 1,590 feet of frontage along Idaho Avenue, which meets and exceeds the minimum site area for the district.

17.36.050 Coverage

The maximum coverage of the lot shall be determined by the combined building setback area requirements, open space requirements, and off-street parking and loading requirements. The project meets all building setback area requirements, open space requirements, and off-street parking and loading requirements; therefore, the maximum lot coverage is not exceeded.

17.36.060 Building Setback Area

No structure is permitted to be placed within a building setback area. In the I-H Heavy Industrial zone district, the front building setback area shall be a minimum of 10 feet. The rear, side, and street side setbacks may be zero, as the property does not abut a R-L, R-M, R-H, OR, O, PF, AP, or CO zone district. The buildings on site are all existing. No structure encroaches into the required setback area.

17.36.070 Distances Between Structures

The minimum distance between a structure used solely for residential purposes and another structure shall be 10 feet, except as provided by the building code. There are no residential structures on site.

17.36.080 Height of Structures

The maximum height of structures in the I-H Heavy Industrial zone district shall be 75 feet, except that the height of portions of structures set back at least 200 feet from any lot line may be up to 100 feet.

The buildings on site are single-story structures, approximately 27.5 feet tall.

17.36.090 Driveways

Whenever possible, developments in the I-H Heavy Industrial zone district shall share driveways to minimize the number of driveways on public streets. New driveways near street corners shall be located a minimum 100 feet from the radius of the curb, unless otherwise specifically approved by the City Engineer. Gated entrances shall be setback at least 100 feet from the public right-of-way unless a shorter distance is approved by the City Engineer. The property has a primary and secondary access along Idaho Avenue, located near the office building on the eastern portion of the property. A third gated access point exists between building 5 and 6, on the western portion of the frontage. The driveway locations are existing. The applicant does not propose to add any additional driveways.

17.36.100 Off-Street Parking

Off-street parking and off-street loading facilities shall be provided on the site for each use, as prescribed in Chapter 17.54.

In accordance with Section 17.54.040.050 Exceptions to required number of spaces, (c) no additional off-street parking facilities shall be required solely because of the remodeling of an existing use or building, unless there is a change in use or increase in floor area or other unit of measurement as the result of such remodeling.

The proposal to occupy the former Calcot building, which was engaged in cotton warehousing and storage, to conduct commercial cannabis processing (drying, grading, and storing) does not change the use of the building. Therefore, no additional parking spaces were required.

17.36.110 Usable Open Space

There is no minimum requirement for usable open space.

The applicant complies with all requirements of the I-H Heavy Industrial zone district, except additional driveways have been allowed by the City Engineer.

17.36.120 Landscaping

Landscaping shall be provided and permanently maintained in a setback area not less than 10 feet from a lot line adjoining a street. There is existing landscaping provided along Idaho Avenue, which satisfies the requirements.

17.36.130 Screening, Fences, and Walls

In the I-H Heavy Industrial zone district, a block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district. All surrounding properties are zoned I-H Heavy Industrial; therefore, a block wall is not required.

The open storage of materials and equipment attendant to a use shall be permitted only within an area surrounded or screened by a solid wall or fence seven feet minimum in height, except as may be modified under site plan review. Such storage shall not be visible above the fence or wall. The proposed operations will all be conducted within a completely enclosed building.

There is a six-foot high fence with a one-foot razor wire surrounding the entire property. The applicant proposes a six-foot high fence with razor wire around the perimeter of Buildings A, B, and C with an electric fence wire eight inches inside of the fenced area.

17.36.140 Signs

Signs placed in the I-H zone shall be subject to the requirements and standards prescribed in Chapter 17.56.

Signage is not proposed for the cannabis business. Any proposed signage would need to adhere to Chapter 17.56 and 5.56.280 (H).

H. Signage and Notices.

1. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the Hanford Municipal Code, including, but not limited to, seeking the issuance of a city sign permit.
2. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.

3. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
4. Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
5. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
6. Holders of commercial cannabis business permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the city of Hanford utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

17.36.150 General Provisions and Standards

In the I-H Heavy Industrial zone district, no business, service, or processes that is not a part of the main use of the site shall be conducted outside a completely enclosed, permanently fixed structure. The use will be conducted within a completely enclosed, permanently fixed structure.

Mechanical equipment shall be located a minimum of five feet from a rear or side lot line that abuts an R-L, R-M, R-H, OR, O, PF, AP, or CO zone district. All neighboring properties are zoned I-H Heavy Industrial; therefore, this condition does not apply.

Uses in the Kings Industrial Park are subject to the Performance and Development Standards adopted by the Hanford Redevelopment Agency for the Kings Industrial Park and are a part of the zoning code by reference. The proposed project adheres to the prescribed standards.

All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris. This is applied as a condition to all industrial properties.

No use shall be permitted and no process, equipment or material shall be employed, which is found by the planning department to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosions, hazardous or toxic waste, or radioactivity or to emit electrical disturbances, which adversely affect commercial or electronic equipment outside the boundaries of the site. The proposed use has the potential to be injurious to neighboring properties, due to odor associated with cannabis processing, however, the applicant has proposed odor mitigation within their cannabis business permit plan. The plan has been reviewed and approved by the required committees/reviewees.

GBH Calcot, LLC is dependent on the issued Cannabis Regulatory Permit requiring Calcot to provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside

the facility that is distinctive to its operation is not detected outside the premises or anywhere on the adjacent property or public right-of-way.

Chapter 17.69 Commercial Cannabis-Related Uses and Activity

17.69.040 Location of commercial cannabis businesses—Cultivation, dispensaries (non-storefront retail), microbusiness, manufacturing, testing facilities, distributors and transporting.

Commercial cannabis businesses, including those permitted to engage in cultivation, dispensaries (non-storefront retail), microbusiness, manufacturing, testing, distribution and transporting of cannabis and cannabis products shall be permitted only if all the following requirements are met:

- A. The commercial cannabis business, other than a storefront retail dispensary, must be located on property zoned I-H-Heavy Industrial District.

Analysis: The commercial cannabis cultivation facility is proposed to be located on a site zoned I-H Heavy Industrial.

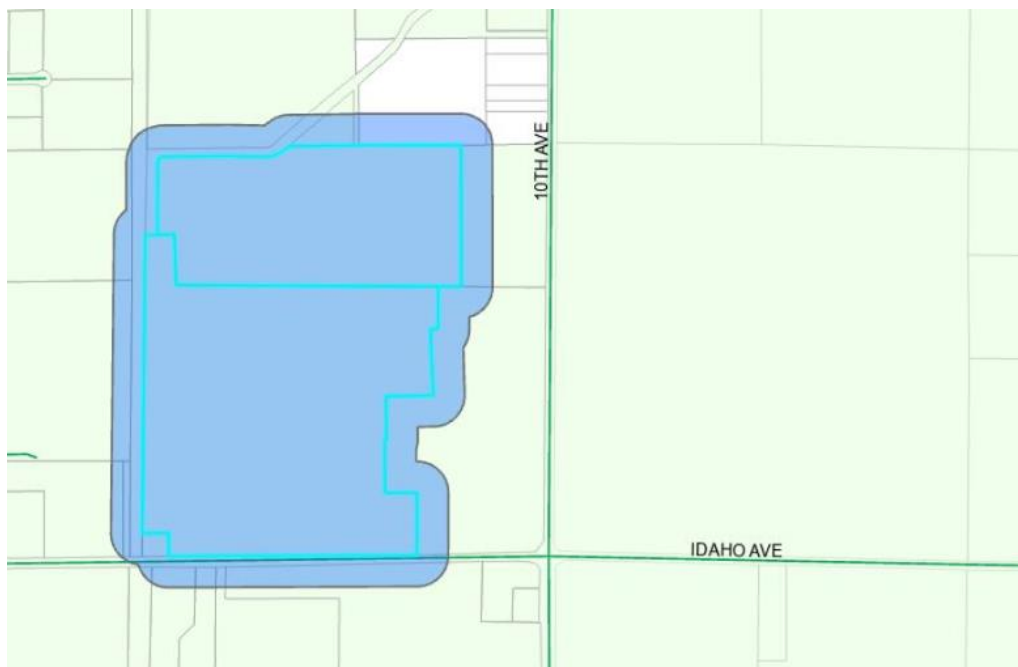
- B. The property on which the commercial cannabis business is located must also meet all of the following distance requirements:

- 1. It shall be no closer than two hundred (200) feet to any property zoned RL-5, RL-8, RL-12, R-M, R-H that is in existence at the time the application is submitted, including any legal nonconforming residential uses as of the date the commercial cannabis business permit is issued. If any part of an I-H zoned parcel falls within the two hundred (200) foot radius from residentially zoned properties within the City, then the entire parcel shall be excluded from allowing the commercial medical cannabis business.

Analysis: The subject site is not located within 200 feet of any property zoned R-L-5, R-L-8, R-L-12, R-M, or R-H. The subject property is also not within any legal non-conforming residential uses.

Staff prepared a 200-foot radius map to show all properties within the vicinity of the Calcot site (including the parcel to the north, APN 018-242-022, where buildings exist). There are not residentially zoned properties or legally existing single-family residences within the 200-foot buffer. See Figure 5.

Figure 5
200-foot Buffer



2. It shall be no closer than six hundred (600) feet from any portion of any parcel containing any of the following that is in existence at the time the application is submitted:
 - a. A school (whether public, private, or charter; including pre-school, transitional kindergarten, and K-12);
 - b. A daycare facility serving nine (9) or more children and is licensed by the State;
 - c. Any youth facility as defined in State of California Health and Safety Code Section 11353.1(e)(2). Youth Facility is further defined to mean any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten (10) or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on public or private school grounds, or on city, county or state parks. This definition shall not include any private commercial activity including martial arts, yoga, ballet, music or similar studio of this nature nor shall it include any private athletic training facility or pizza parlor, dentist office or doctor's office primarily serving children. (Ord. 19-06 § 4, 2019; Ord. 17-08 § 3, 2017)

Analysis: The project site is not located within 600 feet of any school, daycare facility, or youth facility, as defined by the Health and Safety Code.

17.69.050 Distances measured—Applicable properties.

The distance between parcels shall be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the lot on which the commercial cannabis business is to be located, without regard to any intervening structures. The distance requirements in this chapter shall only be applicable with respect to properties located in the City's limits, unless otherwise required by State law. The distance requirements shall not be applicable with respect to any property located outside the City limits.

Analysis: Distances were measured using the above-described methodology.

17.69.060 Certification from the Community Development Director.

Prior to commencing operations, a commercial cannabis business must obtain a certification from the Community Planning Director or designee certifying that the business is located on a site that meets all the requirements of this title and Title 5.

Analysis: A Zoning Verification Letter has been prepared by the Planning Department, certifying the site is feasible for the planned operations. A Cannabis Business Permit has been issued by the Police Chief, certifying the site has complied with the requirements of Chapter 5.56, pending approval of the Conditional Use Permit.

Operation Information

Power

The project pertains to the processing of cannabis only. Electricity will mostly be required for fans and dehumidifiers within the warehouse. Electrical power will be through PG&E.

Water and Wastewater

The project pertains to the processing and drying of cannabis. There are no requirements or a need for water or wastewater to these buildings.

Odor Control

GBH Calcot, LLC is dependent on the issued Cannabis Regulatory Permit requiring Calcot to provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the premises or anywhere on the adjacent property or public right-of-way.

Waste Requirements

The Operations Manager will manage the waste management program and will ensure compliance with:

- USEPA regulations(40CFR260-273)
- California Environmental Protection Agency regulations

- Kings County Health Bureau
- DEA Disposal of Controlled Substances regulations
- All other applicable regulations

FINDINGS FOR APPROVAL

Conditional Use Permit No. 2022-05

In taking action on a Conditional Use Permit, the Planning Commission must make the appropriate findings, in accordance with Section 17.80.030 of the Hanford Municipal Code:

1. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;

Analysis: That the proposed use is an allowed use in the I-H Heavy Industrial zone district. The use is consistent with the designation, in that the City Council added commercial cannabis uses to the list of uses in the Municipal Code. The use has been conditioned to address any potential issues that may arise from the commercial cultivation of cannabis. The project site is consistent with the standards of the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district.

2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;

Analysis: That the use of a cannabis cultivation facility for processing, curing, grading, and storing of commercial cannabis, which is an allowed use in the I-H Heavy Industrial zone district with a conditional use permit, is compatible with existing and future permitted land uses in the I-H Heavy Industrial zone district. The use is occurring within a completely enclosed, gated, facility. Conditions have been placed on the project to ensure compatibility with surrounding uses and eliminate nuisances to neighboring properties. The applicant was awarded a Commercial Cannabis Business Permit by the Chief of Police after going through a thorough application process to ensure that the proposed use and operations would not conflict with the surrounding uses and the community.

3. The proposed use is consistent with the General Plan;

Analysis: That the project is consistent with the General Plan Policy L87 and L88. According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The proposal to permit a cannabis cultivation facility is consistent with the purpose, intent, and typical uses allowed in the Heavy Industrial designation and compatible with the uses typically permitted in the designation.

4. There will not be significant effects upon the quality of the environment and natural resources;

Analysis: This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Exemption has been prepared.

5. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

Analysis: That this application has been reviewed by the various City departments and evaluated for conformity with the requirements of the Hanford Municipal Code Section 17.36 for the H-I Heavy Industrial Commercial district. Any improvements required for public health, safety, and welfare have been applied to the project as conditions of approval in the resolution and the Site Plan Review No. 2022-35 letter.

CONDITIONS OF APPROVAL

The following conditions of approval shall apply to the project:

1. That this conditional use permit shall only apply to Buildings A (25), B (26), and C (27), as identified on the Site Plan Review. Use of the buildings shall be limited to cannabis processing, expressly limited to: processing, curing, grading, and storing of cannabis. **Any request to expand operations will be subject to the site plan review and conditional use permit process.**
2. That all requirements of the Hanford Municipal Code apply to the proposed project, including, but not limited to, Chapter 5.56.
3. All conditions of the Cannabis Business Permit shall also apply to this Conditional Use Permit.
4. That all conditions of Site Plan Review 2022-35 shall also apply to this Conditional Use Permit.
5. That the applicant must maintain a Commercial Cannabis Business Permit, which must be renewed annually and is subject to a renewal fee.
6. That all cannabis operations must be consistent with the materials submitted with the Commercial Cannabis Business Permit application, upon which the award of the permit was based.
7. That the use must be in compliance with all applicable state and local laws and any regulation promulgated thereunder.
8. That all employees/volunteers must be legally allowed to work in a cannabis facility by State law and are required to have a cannabis employee permit issued by the Hanford Police Department.

9. That if the Commercial Cannabis Business Permit expire or be revoked, this conditional use permit may also be revoked by action of the Planning Commission.
10. That a change in business location for this applicant will require the approval of a new conditional use permit.
11. That at all times the applicant is required to have an approved security plan on file with the Hanford Police Department.
12. That no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
13. That no sales direct to the consumer shall occur at this location.
14. That all cultivation of cannabis shall comply with Section 5.56.340.
15. That the City may inspect the premises at any time, without notice.
16. That this permit shall expire and become null and void two years after the date of approval, unless, prior to the expiration, a building permit is issued and construction commenced and diligently pursued or the use for which the permit was issued has commenced.

PUBLIC COMMENTS

A Notice of Public Hearing for a Conditional Use Permit was noticed in the Hanford Sentinel on September 17, 2022 and mailed to property owners within 300 feet of the project site on September 16, 2022. No comments were received, as of the date of preparation of this report.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Exemption has been prepared for the project and is attached – **Attachment 5**.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2022-30, approving Conditional Use Permit No. 2022-05.

Applicant:

Marc Garcia
470 E Herndon Avenue, Suite 204
Fresno, CA 93720

Property Owner:

Forebay Farms, LLC
470 E Herndon Avenue, Suite 204
Fresno, CA 93720

RESOLUTION NO. 2022-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HANFORD PERTAINING TO CONDITIONAL USE PERMIT 2022-05, A REQUEST, BY GBH CALCOT, LLC, TO ALLOW A CANNABIS CULTIVATION FACILITY IN THE I-H HEAVY INDUSTRIAL ZONE DISTRICT. THE PERMIT APPLIES TO THE PROCESSING, CURING, GRADING, AND STORING OF CANNABIS INSIDE THREE (3) 35,000 SQUARE FOOT BUILDINGS ON AN EXISTING SITE. THE PROJECT IS LOCATED AT 10210 IDAHO AVENUE (APN 018-242-024), BUILDINGS A (25), B (26), AND C (27).

At a regular meeting of the City of Hanford Planning Commission duly called and held on September 27, 2022 on motion of Commissioner _____, seconded by Commissioner _____, and duly carried, the following resolution was adopted:

WHEREAS, Conditional Use Permit No. 2022-05, a request by GBH Calcot, LLC, to allow a cannabis cultivation facility in the I-H Heavy Industrial zone district for the processing, curing, grading, and storing of cannabis inside three (3) 35,000 square foot buildings on an existing site, has been reviewed by the Planning Commission of the City of Hanford in accordance with Title 17 of the Hanford Municipal Code; and

WHEREAS, the project is located at 10210 Idaho Avenue (APN 018-242-024); and

WHEREAS, the site will be developed, as shown in the attached site plan and as approved by the Community Development Director and Police Chief for areas not shown for security purposes, attached as **Exhibit A**; and

WHEREAS, staff, the various governmental departments, and the Planning Commission have given careful consideration to this conditional use permit application and have made recommendations thereon; and

WHEREAS, the project is categorically exempt from further environmental review, as per Section 15301 Existing facilities of the California Environmental Quality Act (CEQA) Guidelines and Notice of Exemption 2022-70 has been prepared for the project; and

WHEREAS, on the basis of the facts and evidence provided in the staff report and the written and oral evidence presented at the public hearing, the Planning Commission hereby makes the following findings pursuant to Section 17.80.050 of the Hanford Municipal Code:

1. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;

Analysis: That the proposed use is an allowed use in the I-H Heavy Industrial zone district. The use is consistent with the designation, in that the City Council added commercial cannabis uses to the list of uses in the Municipal Code. The use has been conditioned to address any potential issues that may arise from the commercial cultivation of cannabis. The project site is consistent with the standards of the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district.

2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;

Analysis: That the use of a cannabis cultivation facility for processing, curing, grading, and storing of commercial cannabis, which is an allowed use in the I-H Heavy Industrial zone district with a conditional use permit, is compatible with existing and future permitted land uses in the I-H Heavy Industrial zone district. The use is occurring within a completely enclosed, gated, facility. Conditions have been placed on the project to ensure compatibility with surrounding uses and eliminate nuisances to neighboring properties. The applicant was awarded a Commercial Cannabis Business Permit by the Chief of Police after going through a thorough application process to ensure that the proposed use and operations would not conflict with the surrounding uses and the community.

3. The proposed use is consistent with the General Plan;

Analysis: That the project is consistent with the General Plan Policy L87 and L88. According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The proposal to permit a cannabis cultivation facility is consistent with the purpose, intent, and typical uses allowed in the Heavy Industrial designation and compatible with the uses typically permitted in the designation.

4. There will not be significant effects upon the quality of the environment and natural resources;

Analysis: This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Exemption has been prepared.

5. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

Analysis: That this application has been reviewed by the various City departments and evaluated for conformity with the requirements of the Hanford Municipal Code Section 17.36 for the H-I Heavy Industrial Commercial district. Any improvements required for public health, safety, and welfare have been applied to the project as conditions of approval in the resolution and the Site Plan Review No. 2022-35 letter.

THEREFORE, BE IT RESOLVED that Conditional Use Permit No. 2022-05 be approved, subject to the conditions set forth in Site Plan Review No. 2022-35, **Exhibit B**, and the conditions of approval as follows:

1. That this conditional use permit shall only apply to Buildings A (25), B (26), and C (27), as identified on the Site Plan Review. Use of the buildings shall be limited to cannabis processing, expressly limited to: processing, curing, grading, and storing of cannabis. **Any request to expand operations will be subject to the site plan review and conditional use permit process.**
2. That all requirements of the Hanford Municipal Code apply to the proposed project, including, but not limited to, Chapter 5.56.
3. All conditions of the Cannabis Business Permit shall also apply to this Conditional Use Permit.
4. That all conditions of Site Plan Review 2022-35 shall also apply to this Conditional Use Permit.
5. That the applicant must maintain a Commercial Cannabis Business Permit, which must be renewed annually and is subject to a renewal fee.
6. That all cannabis operations must be consistent with the materials submitted with the Commercial Cannabis Business Permit application, upon which the award of the permit was based.
7. That the use must be in compliance with all applicable state and local laws and any regulation promulgated thereunder.
8. That all employees/volunteers must be legally allowed to work in a cannabis facility by State law and are required to have a cannabis employee permit issued by the Hanford Police Department.
9. That if the Commercial Cannabis Business Permit expire or be revoked, this conditional use permit may also be revoked by action of the Planning Commission.
10. That a change in business location for this applicant will require the approval of a new conditional use permit.
11. That at all times the applicant is required to have an approved security plan on file with the Hanford Police Department.
12. That no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
13. That no sales direct to the consumer shall occur at this location.
14. That all cultivation of cannabis shall comply with Section 5.56.340.
15. That the City may inspect the premises at any time, without notice.
16. That this permit shall expire and become null and void two years after the date of approval, unless, prior to the expiration, a building permit is issued and construction commenced and diligently pursued or the use for which the permit was issued has commenced.

PASSED AND ADOPTED at a regular meeting of the Hanford City Planning Commission by the following vote:

AYES:	Commissioners
NOES:	Commissioners
ABSTAIN:	Commissioners
ABSENT:	Commissioners

STATE OF CALIFORNIA)

COUNTY OF KINGS) ss

CITY OF HANFORD)

I, **Jason Waters**, Secretary of the City of Hanford Planning Commission, do hereby certify the foregoing Resolution was duly passed and adopted by the Planning Commission of the City of Hanford at a regular meeting thereof held on the 27th day of September 2022.

Jason Waters, Secretary

Attachment: Resolution No. 2022-30 (CUP 2022-05)

Exhibit A
Site Plan

Attachment: Resolution No. 2022-30 (CUP 2022-05)

GBH CALCOT, LLC

Site Data

SITE ADDRESS: 10210 IDAHO AVE.
JANUARY, CA 95030
ASSESSOR'S PARCEL NO.: 008-242-001, 002, 003, 004
LATITUDE: 38.02033
LONGITUDE: -120.61414
PARCEL PROVIDED: 22 STALLS (1 VAN ACCESSIBLE)
(SHARED SITE PARKING)



Vicinity Map

Site / Building Information

EXISTING BUILDING HEIGHT: 32'-0"
ALL BUILDINGS ARE EQUIPPED WITH NFPA 13 FIRE SPRINKLER SYSTEMS SUPPORTED BY AN ON SITE DIESEL TANK
TYP. FIRE HYDRANTS: 30'
FIRE DEPARTMENT INBOX BOX: 30'
EXISTING SITE LIGHT: 30'

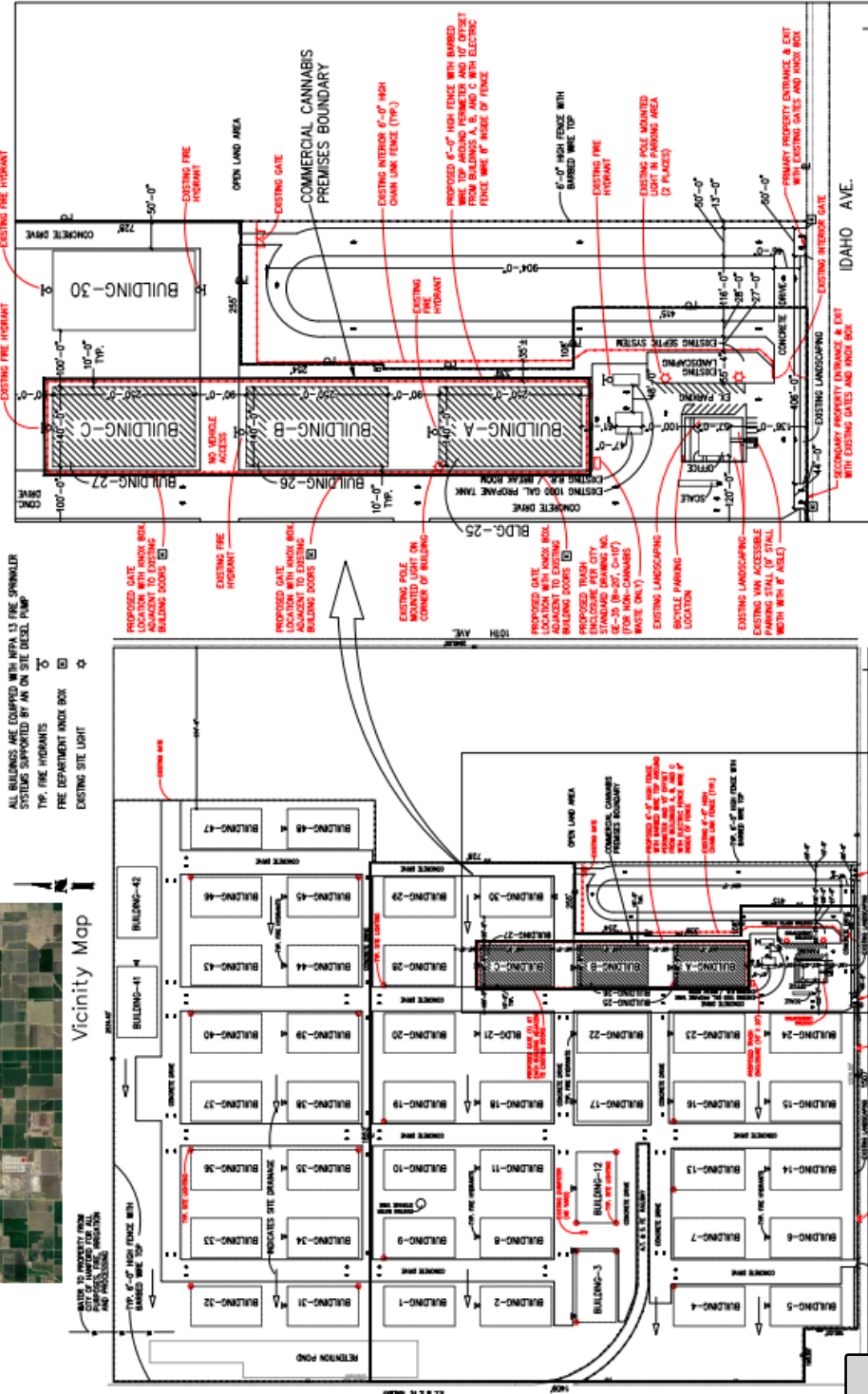
Property Summary:

Subject property is located at 10210 Idaho Ave., consists of four parcels totaling 151.91 acres and was annexed to the City of Hartford in mid 1990's. The subject property is currently zoned R-100 (Residential Single-Family).

"Processors" is a cultivation site that conducts only licensing, drying, curing, grading, packaging and labeling of cannabis and nonmanufactured cannabis products.

Project Description:

GBH Calcot, LLC is requesting a Conditional Use Permit (CUP) to permit cannabis processing on APN 008-242-004 consisting of three (3) 35,000 sq. ft. buildings. The buildings are located on the east side of the property, adjacent to the existing parking area. The buildings will be used for the processing of cannabis.



SITE PLAN

CALCOT SITE PLAN

PLANS PREPARED BY: TERRY ARMENTROUT DRAFTING INC.
Terry ArmentROUT 93638 (559) 479-1714
terry.armentROUT@ymail.com
Modesto, California 95208

DATE	06/14/2022
BY	T. ARMENTROUT
SCALE	AS NOTED

DATE	06/14/2022
BY	T. ARMENTROUT
SCALE	AS NOTED

S.1

GBH Calcot, LLC - Processor's Premise Diagram

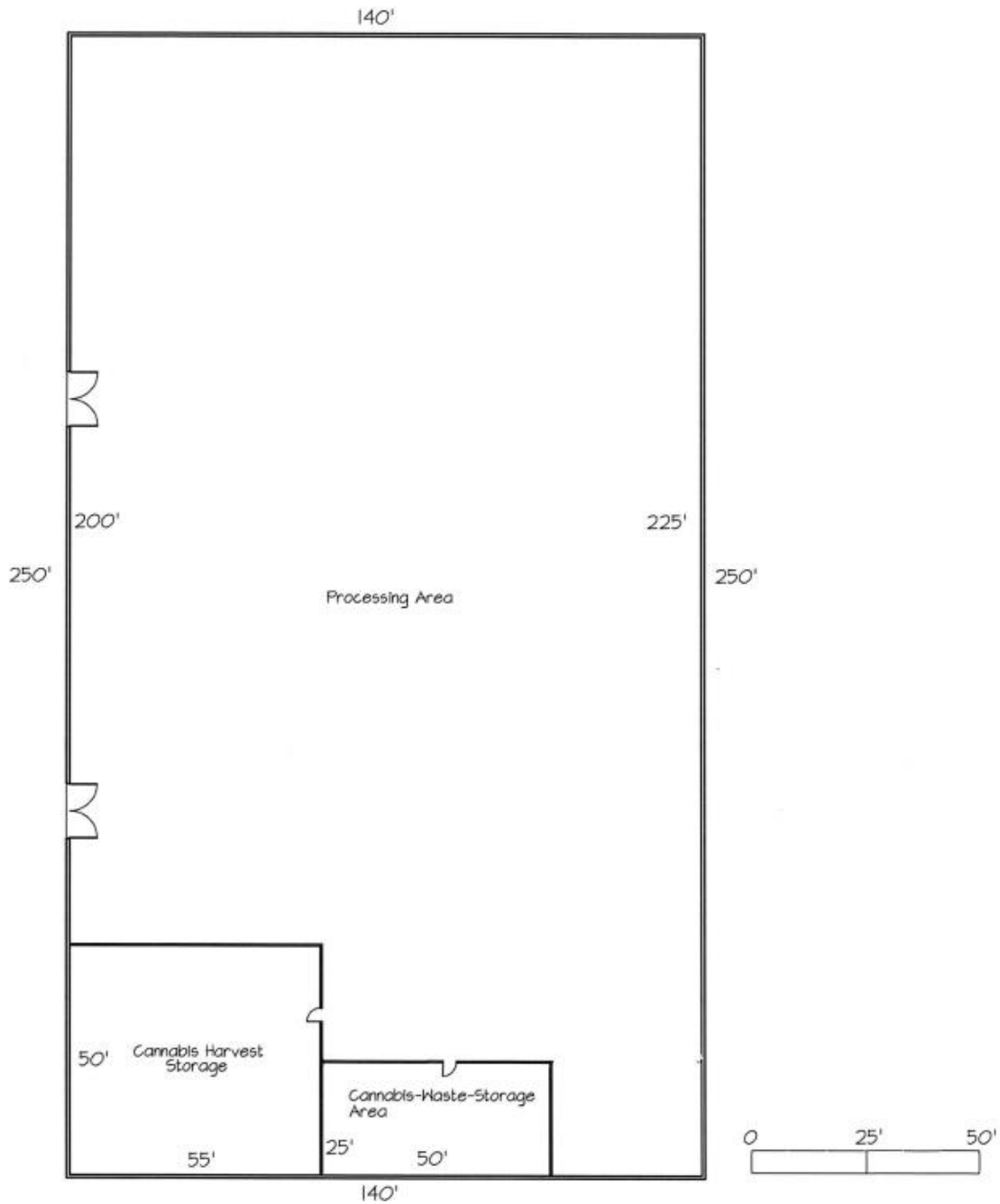


Exhibit B
Site Plan Review 2022-35 Approval Letter

Attachment: Resolution No. 2022-30 (CUP 2022-05)

City of HANFORD

CALIFORNIA 93230
CITY OFFICES 317 NORTH DOUTY STREET



MAYOR
KALISH MOROW

VICE MAYOR
DIANE SHARP
COUNCIL MEMBERS
AMANDA SALTRAY
FRANCISCO RAMIREZ
ARTHUR BRIENO

CITY MANAGER
MARIO CIFUENTEZ II

DATE: September 23, 2022

PROJECT: Site Plan Review 2022-35 (502-1231) Revision 2

APPLICANT: Rachel Spain (GHB)

LOCATION: 10210 Idaho Avenue (018-242-024)

PROPOSAL: Cannabis Drying Facility (3 35,000 sq. ft. buildings)

ZONING: I-H Heavy Industrial

SITE PLAN REVIEW COMMITTEE REVIEW DATE: July 28, 2022; September 7, 2022

Enclosed for your review are the comments and decisions of the Site Plan Review Committee. Please review all comments, since they may impact your project:

☐ **RESUBMIT:** Changes to your plans are required prior to accepting construction drawings for a building permit. A meeting with the Site Plan Review Committee is not required.

☐ **MEETING REQUIRED:** During site plan review, concerns were identified, schedule a meeting with the following prior to resubmittal:

☐ Planning

☐ Fire

☐ Solid Waste

☐ Wastewater

☐ Building

☐ Engineering

☐ Police

☐ Parks and Recreation

☒ **REVISE AND PROCEED**

☒ Approved subject to the following and the attached conditions of approval.

☒ Submit plans for a building permit between the hours of 8:00 a.m. and 4:00 p.m.

☒ Your Plans must be reviewed by:

☐ City Council

☐ Parking and Traffic Commission

☐ Other: _____

☒ Planning Commission **CUP**

☐ Parks and Recreation Commission

Signed,

Gabrielle Myers

Gabrielle Myers, Senior Planner
Community Development Department

September 23, 2022

DATE

Attachment: Resolution No. 2022-30 (CUP 2022-05)

EXPIRATION

A site plan approval shall expire one (1) year from its approval date, unless a building permit application has been submitted or the use has commenced. Prior to expiration, the Community Development Director may extend the permit expiration date by one (1) year if there is substantial evidence that the applicant is diligently pursuing building permit approval or commencement of the use (Hanford Municipal Code Section 17.72.070).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Site Plan Review is a ministerial action, therefore not subject to the California Environmental Quality Act (CEQA) (CEQA Guidelines 15268 and MC 17.70.080). **Exemption No. 2022-70**

COMMENTS AND CONDITIONS OF APPROVAL

THE FOLLOWING DEPARTMENT COMMENTS AND CONDITIONS ARE ATTACHED:

- ☒ PLANNING
- ☒ BUILDING
- ☒ ENGINEERING
- ☐ SOLID WASTE
- ☐ WASTEWATER
- ☐ POLICE
- ☒ FIRE
- ☐ PARKS AND RECREATION

DEFENSE AND INDEMNIFICATION PROVISION

That the applicant shall defend, indemnify, and hold harmless the City of Hanford ("City"), its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating to the Project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document approved by the City or any approval related to the Project

APPLICANT'S STATEMENT (Must be signed prior to issuance of a building permit)

I have reviewed a copy of the Site Plan Review Approval No. 2022-35 and I understand that the proposed construction and/or land use is dependent upon the fulfillment of the conditions of approval and construction of all required public improvements prior to use, inauguration or occupancy, unless other arrangements are approved.

Applicant or Authorized Representative

PLANNING DIVISION
SITE PLAN REVIEW COMMENTS

MEETING DATE: July 27, 2022; September 7, 2022

SITE PLAN NUMBER: 2022-35 (502-1231) REVISION 2

CONTACT: Gabrielle Myers, Senior Planner: (559) 585-2578

General Plan Designation: Heavy Industrial

Zoning: I-H

Other Special Districts: N/A

Planning Division Recommendation ☒ Revise and Proceed ☐ Resubmit

Required Entitlements:

- Cannabis Business Permit (Approved July 21, 2022)
- Conditional Use Permit – Cannabis cultivation, manufacture, distribution, transportation and laboratory testing

I-H Heavy Industrial Checklist: (all checked shall apply)

General:

- ☒ That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
- ☒ That all approved proposals of the applicant be conditions of development, if not mentioned herein.
- ☒ That the site be developed according to the approved site plan, titled Site Plan Review No. 2022-35, with minor modifications to be approved by the Community Development Department.
- ☒ That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Site Plan Review shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements thereof.

Special Conditions:

- ☒ The site plan pertains to the use of three 35,000 sq. ft. (105,000 sq. ft.) buildings for the use of cannabis drying only.

- ☒ Any future development of the site is subject to site plan review and the required entitlement process.
- ☒ That all conditions of Section 17.69 Commercial Cannabis-related uses and activities shall apply.
- ☒ That all applicable conditions of Section 5.56 Commercial Cannabis Activity shall apply.

Cultural Resources:

- ☒ That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.

Building Setback Areas (17.36.060)

- ☒ That the appropriate setbacks be maintained, as follows:
 - ☒ The front building setback shall be a minimum of 10 feet along Idaho Avenue.
 - ☒ The rear building setback may be zero.
 - ☒ The side building setback may be zero.
 - ☒ The street-side building setback shall be 15 feet along 10th Avenue.

Height of Structures: (Section 17.36.080)

- ☒ That the maximum structure height shall be 75 feet, except that the height of portions of structures setback at least 200 feet from any lot line may be up to 100 feet.

Driveways: (Section 17.36.090)

- ☒ That new driveways near street corners shall be located a minimum 100 feet from the radius curve of the curb, unless otherwise specifically approved by the City Engineer.
- ☒ That **gated entrances shall be setback at least 100 feet from the public right of way, unless a shorter distance is approved by the City Engineer.**

General Provisions and Standards:

- ☒ That no business, service, or process that is not a part of the main use of the site shall be conducted outside a completely enclosed, permanently fixed structure.
- ☒ That **all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.**
- ☒ That no use shall be permitted and no process, equipment or material shall be employed which is found by the Planning Department to be injurious to persons residing or working

in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, hazardous or toxic waste, or radioactivity or to emit electrical disturbances, which adversely affect commercial or electronic equipment outside the boundaries of the site.

- ☒ That no solid or liquid waste shall be discharged into a natural watercourse, nor into a public or private sewage disposal system, except in compliance with the applicable regulations of the Central Valley Regional Water Quality Control Board and City ordinances and policies.
- ☒ That no use shall be permitted and no process or equipment shall be employed, which relies on or utilizes only the combustion of coal, coke, or agricultural biomass for the production of heat, steam, electricity, or other forms of energy.

Off Street Parking: (Section 17.54).

- ☒ That the applicant shall maintain a minimum of 23 parking stalls on site, 1 of which is ADA-accessible, as shown on the approved site plan.

Parking is not required to change from the existing configuration, since this does not constitute a change in the use of the site (from cotton processing/storing to cannabis processing/storing).

NOTE: expansion of the use of the site will require additional parking and evaluation

- ☒ That the maximum number of compact-car parking spaces is limited to 30 percent of the total parking spaces required. A compact parking space shall not be less than 16 feet in length and 8 feet in width, and marked for compact cars. There shall be no more than four compact spaces adjacent to each other. (Section 17.54.110 B. and C).
- ☒ That parking for bicycles and low-emission vehicles shall be provided in accordance with the latest adopted version of the California Building Code (Section 17.54.190).
- ☒ That in all industrial zone districts, not less than five percent of the interior square footage of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Parking areas are to have one tree placed at every four lineal parking spaces.

Signage: (Section 17.56).

- ☒ That any/all signs proposed for this development shall be subject to the requirements and prescribed in Chapter 17.56 of the Hanford Municipal Code. A separate application is required.

Fencing and Walls: (Section 17.36.130)

- ☐ That a block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district.

- ☒ That no fence or wall shall be placed in front of or within any landscaped area located next to a street.
- ☒ That the open storage of materials and equipment attendant to a use shall be permitted within an area surrounded or screened by a solid wall or fence seven feet minimum in height.
- ☒ That any proposed fencing on the site be maintained in good repair.
- ☒ That no fence or wall shall be placed within the public right-of-way.
- ☒ That a masonry fence exceeding three (3) feet in height shall require engineered footings and a building permit. All other fencing exceeding seven (7) feet in height shall require engineered post footings and a building permit.
- ☒ That no hedge, shrub, fence, or wall exceeding the three (3) feet in height, or four (4) feet in height if the upper one (1) foot is fifty (50) percent or more open shall be planted, placed, or maintained within the twenty-five (25) feet corner sight triangle of a corner lot, or along a front or street side property line where the hedge, shrub, fence, or wall creates a traffic or pedestrian hazard as determined by the Community Development Director.

Landscaping: (Section 17.34.120).

- ☒ **Landscaping shall be provided and permanently maintained in a setback area not less than 10 feet from a lot line adjoining a street.**
- ☒ General Design Standards: the following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans:
 - ☒ Publicly maintained landscape areas shall be separated from privately maintained landscape areas with, at a minimum, a four (4) inch wide concrete mow strip.
 - ☒ Pedestrian access to sidewalks and structures shall be integrated with the design of landscaped areas.
 - ☒ Landscape adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of a minimum six (6) inch high and six (6) inch wide concrete curb.
 - ☒ Concrete mow strips, when used, shall be a minimum of four (4) inches in width.
 - ☒ Trees and shrubs shall be planted so that at maturity they do not interfere with utility lines and traffic safety sight areas.
 - ☒ Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.
 - ☒ Trees planted within five (5) feet of sidewalks or curbs shall have an eighteen (18) inch by ten (10) foot long linear root barrier placed at each edge of the sidewalk or face of curb, centered on the tree.

- ☒ Plant materials. Plant materials shall be selected and installed in accordance with the following requirements:
 - ☒ The size of ten (10) percent of the trees to be planted shall be twenty-four (24) inch box or larger. The remaining trees shall be sized fifteen (15) gallons or larger.
 - ☒ The size of seventy (70) percent of plants and shrubs shall be at five (5) gallon or larger. The remaining plants and shrubs shall be sized one (1) gallon or larger.
 - ☒ The size of groundcover at planting shall be one (1) gallon or larger.
 - ☒ Groundcover shall be designed to have one hundred (100) percent coverage within two (2) years.
 - ☒ Drought tolerant plant material and climate appropriate species shall be emphasized in the design.
- ☒ That the landscaped area shall be planted with live and healthy plant materials suitable for screening/or ornamenting the site. Landscaped areas shall be watered by automatic systems and designed and developed in accordance with Chapter 12.08 and the most recent State Model Water Efficient Landscaped Ordinance.
- ☒ That no fence, hedge, or shrub shall be installed, planted, or maintained along a street frontage, which creates a traffic or pedestrian hazard.

Outdoor Lighting Standards (Section 17.50.140)

- ☒ That all lights and light fixtures, except public street lights, shall be located, aimed or shielded so as to minimize light trespassing across property boundaries or skyward.
- ☒ That building mounted lighting fixtures shall be attached only to the walls of the building. The top of a light fixture attached to a building wall shall not be higher than the top of the building parapet or the top of the roof eave, whichever is lower.
- ☒ That the canopy ceiling light fixtures shall be recessed or the sides of the lens area shall be shielded, in order to eliminate emission of horizontal light.
- ☒ That the height of freestanding light fixtures, including freestanding parking lot fixtures, shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture and shall not exceed 30 feet, when located more than 150 feet from any residential zone district.

Dust Control:

- ☒ That the appropriate dust-control practices of the San Joaquin Valley Air Pollution Control District shall be implemented.
- ☒ That the any necessary permits be obtained through the San Joaquin Valley Air Pollution Control District.

BUILDING DIVISION
SPR 2022-35(502-1231) Cannabis Processing Facility
10210 Idaho Avenue

Contact Building Official: Tom Webb (559) 585-2584

Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for each structure to include but not limited to: buildings, pools, fences, trash enclosures, signs and carports for any structural, plumbing, electrical, mechanical or **accessibility** work being done.
2. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
3. That detailed dimensioned plans be provided to the Building Division for each structure prior to obtaining construction permits. Each structure will require a separate submittal and permit.
4. That each structure will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Submittal shall consist of as applicable:
 - 4.1 1 copy of the City of Hanford Permit Application form
 - 4.2 1 electronic submittal unless noted, including as applicable:
 - 4.2.1 Grading Plan (Civil Drawings, for reference)
 - 4.2.2 Site Plan
 - 4.2.3 Architectural Drawings
 - 4.2.4 Structural Drawings
 - 4.2.5 Electrical Drawings
 - 4.2.6 Mechanical Drawings
 - 4.2.7 Plumbing Drawings
 - 4.2.8 Landscape Plan (for reference)
 - 4.2.9 Planning Dept. "Conditions of Approval" or "Resolution"
printed on the drawings and part of the drawing submittal
 - 4.2.10 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

****** Each structure will be considered a separate submittal. Grading, Landscaping, Signage, Trash Enclosures and all Fire permits are separate submittals as well and require separate applications and submittals as applicable. ******

- 4.3 1 electronic submittal, unless noted, including as applicable:
 - 4.3.1 Architectural Specifications
 - 4.3.2 Structural Calculations
 - 4.3.3 Electrical Calculations, if not included on the drawings
 - 4.3.4 Mechanical Calculations, if not included on the drawings
 - 4.3.5 Plumbing Calculations, if not included on the drawings
 - 4.3.6 Energy Calculations, if not included on the drawings
 - 4.3.7 CalGreen Compliance **including C & D Recycle plan**
 - 4.3.8 **Compliance with the City of Hanford Landscape Ordinance**
 - 4.3.9 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

7. That all construction shall conform to **the Most Current Edition** (2019) of the California Building or Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code and CalGreen.

Hanford Fire Department

Contact Fire Marshal Christy Whittington @ 559-585-2594 or

cwhittington@cityofhanfordca.com

concerning questions that you may have on the following conditions.

Site Plan Review: SPR 2022-35

Date: July 22, 2022

Project #: 502-1231 Marc Garcia

General Instructions

1. Approval of this project does not exempt compliance with all applicable sections of the City adopted fire codes and local fire ordinances.
2. All fire protection systems must be installed and operational prior to occupying the building.
3. All permits shall be issued and fees paid prior to scheduling inspections with the Fire Department.

To schedule appointments for inspections, please call **559-585-2545**.

4. Scope of work shall be clearly stated on all plans submitted for permit.
5. All deferred submittals shall be listed on the building plan title page. All deferred submittals are required to be submitted within 30-days of building permit issuance.

The following comments are applicable if checked:

1. ☐ No comments.
2. ☐ This project must comply with latest applicable codes.
3. ☐ Project must meet minimum fire flow requirements per the table in Appendix B & C of the 2019 Ca. Fire Code. Provide most current fire flow information for this location.
4. ☐ If a new fire hydrant flow test is required, contact the fire department for submittal requirements.
5. ☐ Based on the occupancy classification, an automatic sprinkler system is required for this project. **A separate fire department permit is required.** Please contact the Building

department for submittal process.

6. ☐ For automatic sprinkler systems, ***a separate permit maybe required if tenant improvements are made to sprinkler system***. Please contact the Building department for submittal information.

7. ☐ Fire Riser Room: All new buildings that require an automatic fire sprinkler system shall contain a separate room to house the fire riser inside of it and shall have the following building elements:
 - At least one man door shall be provided- only exterior door(s) are allowed
 - The fire riser room and the door shall be large enough to accommodate repairs and/or maintenance needed by the use of tools and the removal and/or replacement of parts/pipe to the fire riser or FDC; suggested size 4' X 4' room.
 - One-hour rated construction
 - Fire Sprinkler head coverage required
 - Normal and emergency back-up lighting shall be installed inside the fire riser room.
 - The exterior of the fire riser door shall have permanent signage stating **FIRE RISER ROOM** in a contrasting color to background.
 - For existing buildings: please contact the Fire Department.

8. ☐ When a sprinkler system is required with 21 or more sprinkler heads, the system shall be monitored by a Central Station Service. Fire alarm and detection systems required by Chapter 9 of the currently adopted edition of the California Building Code (CBC) and CFC shall be installed per NFPA 72. ***A separate fire department permit is required*** for fire sprinkler monitoring and/or fire alarm systems required by the latest edition of the CBC. Contact the Building Department for submittal process.

9. ☐ A hydrant will be required within 50 feet of the Fire Department connection. **Knox FDC Locking Caps** are required on all FDC's. The ordering of Knox Box products can be done directly at www.knoxbox.com. Click to choose your local fire department agency, enter "Hanford Fire Dept", and a list of products will populate for you to order.

10. ☐ When any portion of the facility or building to be protected is more than 400

feet from a hydrant on a fire apparatus access road (as measured by an approved route around the exterior of the building) on-site fire hydrants and mains shall be provided where required by the fire code official.

11. ☐ Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the fire department prior to any combustibles being brought onto the site.
12. ☐ No additional hydrants are necessary for this project.
13. ☐ Number of additional hydrants necessary for this project: _____
14. ☐ Fire hydrant spacing shall be as follows:
 - Section 507 or as required by appendix C of the 2019 CFC.
15. ☐ Fire hydrant protection posts shall be installed at all fire hydrants that are subject to vehicle damage.
16. ☐ Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building constructed or moved onto or with the City of Hanford. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings (as measured by an approved route around the exterior of the building or facility).
17. ☐ All dead-end access roads in excess of 150 feet must be provided with an approved turn-around or hammer head complying with City standards.
18. ☐ All access road shall not be less than 20 feet wide and 13 feet 6 inches in height.
19. ☐ Access road turning radius for fire apparatus is as follows:
 - 20 feet, 1 inch inside turning radius
 - 44 feet, 6 inch outside radius
20. ☐ Additional access roads may be required per CFC 2019 Section 503.1.2. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
21. ☐ Traffic calming devices shall not be installed onto fire department emergency

access roads unless prior approval is obtained from the Hanford Fire Department.

22. ☐ Areas identified as “Fire Lanes” must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.
- **Access roads 20-26 feet in width:** Fire lanes shall be on both sides of the fire apparatus access roads.
 - **Access roads 26 to less than 32 feet in width:** Fire lanes shall be on one side of the fire apparatus access roads.
 - **Access roads 32 feet in width or more:** No fire lanes required.
23. ☐ Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
24. ☐ Temporary or permanent fire department access roads shall be constructed in accordance with City Standards ST-36. All weather access roads shall be in place prior to any combustible construction being brought onto the premises unless approved by the fire department.
25. ☒ Locked gates installed across fire department access roads:
- **Manual gates** with a chain lock require a **Knox Padlock** to be installed on them; or a **Knox Box** shall be installed on the exterior of the gate and a key to the lock on the gate must be placed in the Knox Box. (See www.knoxbox.com for current models)
 - **Electric Gates** shall be equipped with an electric **Knox Key Switch**, at the gate location.
 - In case of a loss of power, electrically operated gates shall have a means of back-up power or shall default in the open position for immediate fire department access.
 - At no time shall the width of the fire department access road be reduced below **20-feet wide through or at any gates** along the fire departments’

emergency access roads due to protruding objects from gate supports, frames, signs, access booths, curbs, etc.

26. ☒ A Knox Box will be required. Keys that open all locked areas will also be required and placed in the Knox Box. The ordering of Knox Box products can be done directly at www.knoxbox.com. If there is an existing Know Box installed, contact the Fire Department to determine if it will suffice.

27. ☐ All address numbers shall be installed onto the building and shall be visible from the frontage street. The color of the address numbers shall be in a contrasting color to the building.

Size of Address Numbers:

- Downtown area (existing buildings): 4 inch numbers
- Buildings 20-ft. or less from the street: 6 inch numbers
- Buildings 21- to 40-ft. from the street: 8 inch numbers
- Buildings more than 40-ft. from street: 12 inch numbers

28. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I hood. ***A separate permit is required for the Type I hood.*** Contact the **Building** department for submittal information.

29. ☐ All commercial cooking appliances creating grease laden vapors shall have a K-Class fire extinguisher within 30-feet of cooking appliances in accordance with the most currently adopted edition of the CFC.

30. ☐ ***A separate permit is required*** for all hazardous material and/or flammable and combustible liquids, gases, solids, etc., over the exempt amounts set forth in the latest adopted edition of the California Fire Code.

31. ☐ ***A fuel tank permit is required*** for underground and aboveground gasoline/LPG/Diesel.

32. ☐ Combustible high-piled storage over 12 feet ***requires a separate fire department review and permit.*** Contact the fire department for further information.

33. ☐ Provide a Knox Box for all structures and gates. In accordance to the 2019 CFC 506.1. Location shall be approved by Hanford Fire Department.

34. ☒ Provide premises identification for all structures. Shall be visible from the street. A minimum of four (4) inch numbering on contrasting background. In accordance to the 2019 CFC 505.1
35. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood. In accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use.
36. ☐ Insulated liquid carbon dioxide systems used in beverage dispensing applications with more than 100 pounds (45.4kg) of carbon dioxide shall comply with 2019 CFC 5307.3.1
37. ☒ Facility to provide minimum 2A10BC type fire extinguishers. Provide location and number of fire extinguishers to be installed in accordance to California Fire Code, section 906.
38. ☒ All exiting shall comply with California Fire and Building Code requirements. Requirements shall comply with section 10 of the 2019 CFC 1004.9
39. ☐ Posting of Occupant Load sign shall be provided if room or spaces used for Assembly, Classroom, Dining, or similar purposes having an occupant load of fifty (50) or more persons. Sign shall be placed in conspicuous location and near the main exit in accordance to CFC 1004.9
40. ☐ Any Special Event project shall comply with 2019 edition of the California Fire Code, chapter 31 for tent structures, exiting, fire extinguishers and other fire protection application.

Utilities Division Comments

PROJECT: SPR 2022-35 (502-1231) GBH Calcot, LLC- 10210 Idaho Avenue, APN:018-242-024

General:

1. That all work within the public street right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.
2. That locations of existing water, sanitary sewer and storm drain mains within the City's right-of-way, in the vicinity of the project site will be marked by Public Works Department staff based upon the city's best available records. Contractor shall provide city with a minimum of 48 hours prior notice when requesting location of existing utilities at (559) 585-2564. The City of Hanford is not a member of Underground Service Alert (U.S.A.).
3. That all sewer and water utility work and materials shall conform to City of Hanford Standards and Specifications, latest edition.

Water:

1. That the developer shall provide an accurate fixture unit count and size water services in accordance with the requirements of the Uniform Plumbing Code, latest edition.
2. That the developer shall furnish and install any new water service assemblies required for the project including water meters and meter boxes for both domestic and landscape uses. If existing services are utilized, fixture counts to ensure adequate size of service is required. All new services are to come off of Idaho Avenue.
3. That the developer shall furnish and install appropriate cross connection/backflow prevention assemblies, if not already installed, for all required water services, including fire service lines.
4. That all backflow prevention assemblies required for the development shall be tested and approved by a certified technician prior to occupancy. Copies of all backflow test results shall be provided to the City of Hanford Utilities Division.

Sewer:

1. That the property owner, in the event that a connection to City Sewer is necessary, is responsible for maintenance of all sanitary sewer laterals providing service to their property from property line to the City Sanitary Sewer main.
2. That the developer shall size sewer service lateral(s) to serve the project site in accordance with requirements of the Uniform Plumbing Code, latest edition.

Engineering Division Comments

PROJECT: SPR 2022-35 (502-1231) GBH Calcot, LLC- 10210 Idaho Avenue, APN:018-242-024

General Requirements:

1. That the development shall comply with all applicable City of Hanford Standard and Specification requirements. Any deviation from said Standards and Specifications must be approved by the City Engineer prior to construction.
2. That an Encroachment Permit for all work located within the public street right-of-way and for onsite trash enclosures shall be obtained from the Public Works Department prior to start of work. For additional information regarding Encroachment Permit requirements, contact the City Engineering Division at (559) 585-2558.
3. That the development is subject to a \$5,700.00 Grading Plan Review fee in accordance with City Resolution No. 10-31-R. or any revisions thereof. Grading Plan Review fee shall be paid prior to issuance of building permits.
4. That the development is subject to Engineering Plan Review and Inspection fee based on the cost of improvements required to be constructed within the public street right-of-way and/or onsite trash enclosures or block walls, in accordance with City Resolution No. 92-58-R, or any revisions thereof. Subject fees shall be payable prior to approval of improvement plans.
5. That all financial and other arrangements for planning, engineering, scheduling, installation of and/or relocation/ungrounding of electric, gas, telecommunications, or other privately owned utilities are the sole responsibility of the developer. The developer is advised that significant project delays may result if utility issues are not resolved prior to start of construction.

Map and Plan Requirements:

1. That the developer shall submit to the City Engineer a set of construction plans on 24" X 36" size sheets for all required improvements. The plans shall be prepared by a licensed civil engineer, and shall include a site plan showing all on-site and off-site improvements, including but not limited to, sanitary sewer, storm drainage, and water system infrastructure, refuse enclosure locations, public street & parking lot improvements, landscape & irrigation systems and all other improvements as required by the project conditions of approval and the City of Hanford Standards and Specifications. Plans must be approved by the City of Hanford and any other affected agencies before issuance of building permits.
2. That prior to beginning any construction, or within twenty (20) calendar days after the approved plans are released by the City, the developer shall submit to the City of Hanford Engineering Division four (4) bond copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any.
3. That within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Hanford Engineering Division

one (1) reproducible and one (1) bond copy of the approved set of improvement construction plans revised to reflect all field revisions and marked "RECORD DRAWING".

Drainage Requirements:

1. That the developer shall comply with all applicable State of California requirements pursuant to the National Pollutant Discharge Elimination System (NPDES). If applicable to the project, a Notice of Intent for the development shall be electronically filed by the developer and accepted by the State Water Resource Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development shall be required by the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.
2. That track-out of soil, gravel, or other construction-related materials on to public streets is prohibited.
3. That a drainage/site improvement plan for development be prepared by a license civil engineer for review and approval by the Public Works Department prior to the issuance of building permits. All construction shall be certified by a civil engineer as being constructed to approved plan.
4. That site grading and drainage shall comply with the approved grading and improvement plans for the development. Upon completion of construction, the developer's engineer shall provide a written statement that site grading and drainage has been completed in accordance with approved plans.

Development Impact Fees:

1. That development is subject to the following impact fees in accordance with city ordinances no. 90-09, 90-10 and 98-14, or any revisions thereof. Impact fee calculations are based upon square footage of structures as shown on the site plan. If changes are made to structure thereby increasing or decreasing structure floor areas, then impact fees will likewise change to reflect actual field conditions. Fees listed below reflect rates effective July 1, 2021. All fees are payable prior to issuance of building permits. (Existing building area 105,000 sf.- (Cannabis Processing)- Site Area: 151.91 Acres)
 - a. That the development is NOT subject to a Circulation Impact Fee in accordance with City Resolution No. 98-56-R, or any revisions thereof.
 - b. That the development is NOT subject to a Water System Impact Fee in accordance with City Resolution No. 98-54-R, or any revision thereof.
 - c. That the development is NOT subject to a Wastewater System Impact Fee in accordance with City Resolution No 98-55-R, or any revision thereof.
 - d. That the development is NOT subject to a Storm Water System Impact Fee in accordance with City Resolution No. 98-57-R, or any revision thereof.

- e. That the development is NOT subject to a Fire Protection Impact Fee in accordance with City Resolution No. 98-52-R, or any revision thereof.
- f. That the development is NOT subject to a Police Protection Impact Fee in accordance with city Resolution No. 98-53-R, or any revision thereof.
- g. That the development is subject to a \$2,326.00 Refuse and Recycling Impact Fee in accordance with City Resolution No 98-56-R, or any revision thereof.
- h. That the development is NOT subject to a Park Impact Fee in accordance with City Resolution No 05-64-R, or any revision thereof.

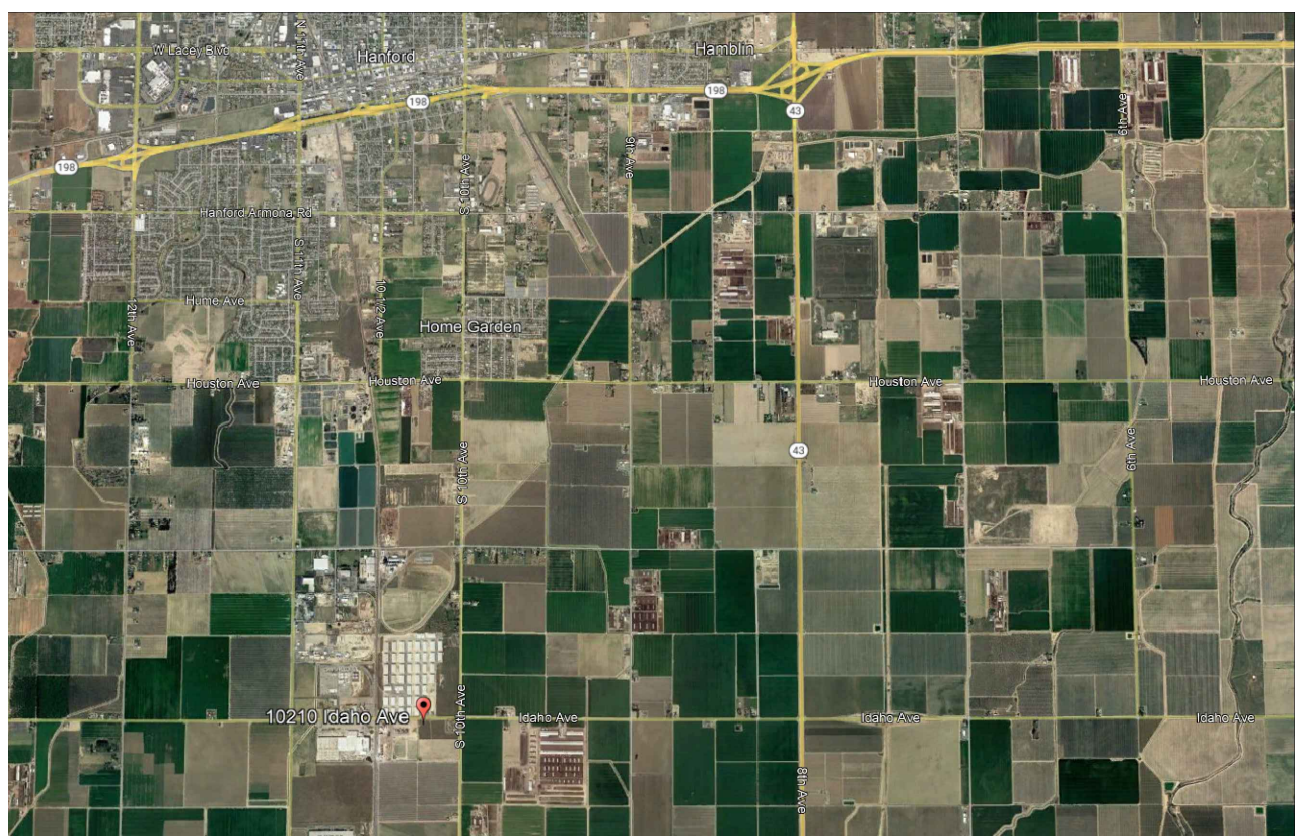
Refuse Division Comments

PROJECT: SPR 2022-35 (502-1231) GBH Calcot, LLC- 10210 Idaho Avenue, APN:018-242-024

General Requirements:

1. That a 10' X 20' inside clear dimension masonry block refuse enclosure with 6' high perimeter walls shall be constructed in accordance with City Std. GE-35, modified to include installation of 12" X 12" interior concrete curbs and 10' concrete apron. If enclosure will be used to service restaurants then a separate grease bin container area shall be constructed in accordance with City Standard GE-41. The refuse enclosure shall have gates of chain-link fencing with earth-tone color vinyl slats or other approved gate material. The enclosure shall be architecturally compatible with surrounding buildings, and the location of the enclosure shall be approved by both the Public Works and Community Development Departments.
2. That nothing other than the city refuse bins shall be stored or kept in refuse enclosures.
3. That refuse enclosure gates shall be securely closed except when in use.
4. That refuse enclosures shall not be located adjacent to combustible construction or beneath windows or non-protected eaves.
5. That all on site vehicle routes used to service trash enclosure shall be constructed in accordance with City Standard GE-32 Industrial Parking Lot pavement requirements to provide an adequate pavement structure section for refuse truck use.
6. That the applicant shall participate in all available waste recycling & reuse programs including the new requirement for food waste separate bin service (if applicable).

GBH CALCOT, LLC



Vicinity Map

Site Data

SITE ADDRESS : 10210 IDAHO AVE.
HANFORD, CA. 93230
ASSESSOR'S PARCEL NO. : 018-242-021, 022, 023, 024
LATITUDE : 36.270313 °
LONGITUDE : -119.641471
PARKING PROVIDED : 23 STALLS (1 VAN ACCESSIBLE)
(SHARED SITE PARKING)

Site / Building Information

EXISTING BUILDING HEIGHT : 27'-6"
ALL BUILDINGS ARE EQUIPPED WITH NFPA 13 FIRE SPRINKLER SYSTEMS SUPPORTED BY AN ON SITE DIESEL PUMP
TYP. FIRE HYDRANTS
FIRE DEPARTMENT KNOX BOX
EXISTING SITE LIGHT

Property Summary:

Subject proerty is located at 10210 Idaho Ave., consists of four parcels totaling 151.91 acres and was annexed to the City of Hanford in mid 1990's. Parcel to be used: APN 018-242-024 is 67.69 + acres and has (30) warehouse structures, (48) on site, an office and a rail spur off the BNSF.

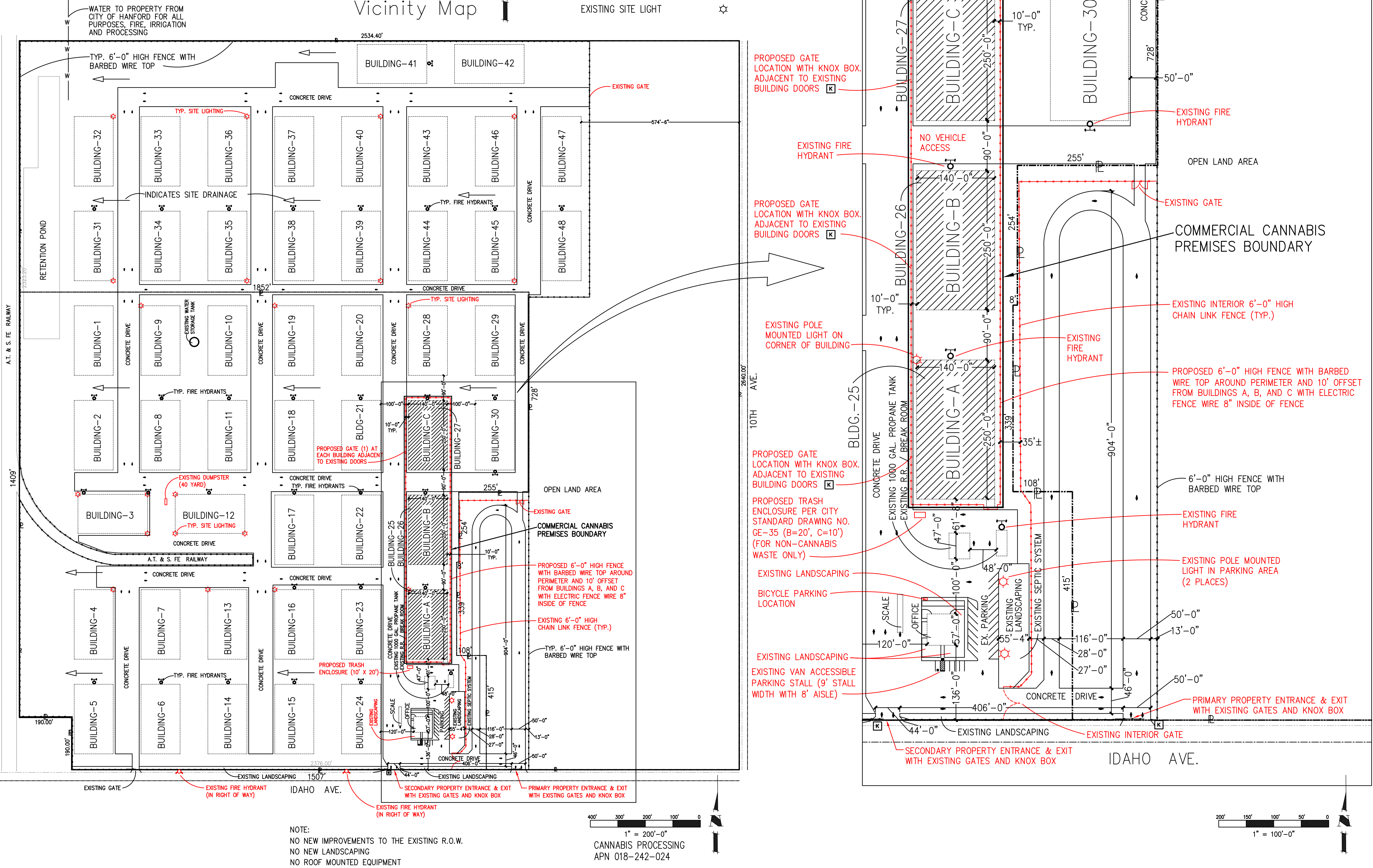
Project Description:

GBH Calcot, LLC is requesting a Conditional Use Permit (CUP), to permit cannabis processing on APN 018-242-024 consisting of three (3) 35,000 square foot buildings - 140'x250' - (bldg. #s 25, 26, & 27) for cannabis processing.

"Processor" is a cultivation site that conducts only trimming, drying, curing, grading, packaging and labeling of cannabis and nonmanufactured cannabis products.

General Notes:

- If cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.
- Parking for bicycles and low-emission vehicles shall be provided in accordance with the latest adopted version of the California Building Code (Section 17.54.190).
- Any proposed signs for this development shall be subject to the requirements and prescribed in Chapter 17.56 of the Hanford Municipal Code. A separate application is required.
- Project shall provide identification for all structures that shall be visible from the street with a minimum of four (4) inch numbering on contrasting background in accordance with the 2019 CFC 505.1.
- The facility shall provide minimum 2A10BC type fire extinguishers. Location and number of fire extinguishers shall be installed in accordance with 2019 CFC, section 906.
- All exiting shall comply with Building Code requirements and California Fire Code, section 10 of the 2019 CFC 1004.9.
- Buildings A, B, and C shall have no domestic water connection or use. Buildings have existing fire sprinklers.
- Proposed fences around building perimeter to be installed as buildings are occupied.



PLANS PREPARED BY :
TERRY ARMENTROUT DRAFTING INC.
Terry & Irene Armentrout 18290 RIDGEDALE DRIVE
Madera, California 93638 (559) 479-1714
terry_armentrout@yahoo.com

REVISIONS		
ITEM	DATE	COMMENTS

CALCOT SITE PLAN

DRAWN BY T. ARMENTROUT
CHECKED BY
DATE 8/4/2022
SCALE AS NOTED
JOB NO.
SHEET S.1
OF SHEETS

City of HANFORD

CALIFORNIA 93230
CITY OFFICES 317 NORTH DOUTY STREET



MAYOR
KALISH MOROW

VICE MAYOR
DIANE SHARP
COUNCIL MEMBERS
AMANDA SALTRAY
FRANCISCO RAMIREZ
ARTHUR BRIENO

CITY MANAGER
MARIO CIFUENTEZ II

DATE: September 23, 2022

PROJECT: Site Plan Review 2022-35 (502-1231) Revision 2

APPLICANT: Rachel Spain (GHB)

LOCATION: 10210 Idaho Avenue (018-242-024)

PROPOSAL: Cannabis Drying Facility (3 35,000 sq. ft. buildings)

ZONING: I-H Heavy Industrial

SITE PLAN REVIEW COMMITTEE REVIEW DATE: July 28, 2022; September 7, 2022

Enclosed for your review are the comments and decisions of the Site Plan Review Committee. Please review all comments, since they may impact your project:

☐ **RESUBMIT:** Changes to your plans are required prior to accepting construction drawings for a building permit. A meeting with the Site Plan Review Committee is not required.

☐ **MEETING REQUIRED:** During site plan review, concerns were identified, schedule a meeting with the following prior to resubmittal:

☐ Planning

☐ Fire

☐ Solid Waste

☐ Wastewater

☐ Building

☐ Engineering

☐ Police

☐ Parks and Recreation

☒ **REVISE AND PROCEED**

☒ Approved subject to the following and the attached conditions of approval.

☒ Submit plans for a building permit between the hours of 8:00 a.m. and 4:00 p.m.

☒ Your Plans must be reviewed by:

☐ City Council

☐ Parking and Traffic Commission

☐ Other: _____

☒ Planning Commission **CUP**

☐ Parks and Recreation Commission

Signed,

Gabrielle Myers

Gabrielle Myers, Senior Planner
Community Development Department

September 23, 2022

DATE

EXPIRATION

A site plan approval shall expire one (1) year from its approval date, unless a building permit application has been submitted or the use has commenced. Prior to expiration, the Community Development Director may extend the permit expiration date by one (1) year if there is substantial evidence that the applicant is diligently pursuing building permit approval or commencement of the use (Hanford Municipal Code Section 17.72.070).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Site Plan Review is a ministerial action, therefore not subject to the California Environmental Quality Act (CEQA) (CEQA Guidelines 15268 and MC 17.70.080). **Exemption No. 2022-70**

COMMENTS AND CONDITIONS OF APPROVAL

THE FOLLOWING DEPARTMENT COMMENTS AND CONDITIONS ARE ATTACHED:

- ☒ PLANNING
- ☒ BUILDING
- ☒ ENGINEERING
- ☐ SOLID WASTE
- ☐ WASTEWATER
- ☐ POLICE
- ☒ FIRE
- ☐ PARKS AND RECREATION

DEFENSE AND INDEMNIFICATION PROVISION

That the applicant shall defend, indemnify, and hold harmless the City of Hanford ("City"), its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating to the Project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document approved by the City or any approval related to the Project

APPLICANT'S STATEMENT (Must be signed prior to issuance of a building permit)

I have reviewed a copy of the Site Plan Review Approval No. 2022-35 and I understand that the proposed construction and/or land use is dependent upon the fulfillment of the conditions of approval and construction of all required public improvements prior to use, inauguration or occupancy, unless other arrangements are approved.

Applicant or Authorized Representative

PLANNING DIVISION
SITE PLAN REVIEW COMMENTS

MEETING DATE: July 27, 2022; September 7, 2022

SITE PLAN NUMBER: 2022-35 (502-1231) REVISION 2

CONTACT: Gabrielle Myers, Senior Planner: (559) 585-2578

General Plan Designation: Heavy Industrial

Zoning: I-H

Other Special Districts: N/A

Planning Division Recommendation ☒ Revise and Proceed ☐ Resubmit

Required Entitlements:

- Cannabis Business Permit (Approved July 21, 2022)
- Conditional Use Permit – Cannabis cultivation, manufacture, distribution, transportation and laboratory testing

I-H Heavy Industrial Checklist: (all checked shall apply)

General:

- ☒ That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
- ☒ That all approved proposals of the applicant be conditions of development, if not mentioned herein.
- ☒ That the site be developed according to the approved site plan, titled Site Plan Review No. 2022-35, with minor modifications to be approved by the Community Development Department.
- ☒ That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Site Plan Review shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements thereof.

Special Conditions:

- ☒ The site plan pertains to the use of three 35,000 sq. ft. (105,000 sq. ft.) buildings for the use of cannabis drying only.

- ☒ Any future development of the site is subject to site plan review and the required entitlement process.
- ☒ That all conditions of Section 17.69 Commercial Cannabis-related uses and activities shall apply.
- ☒ That all applicable conditions of Section 5.56 Commercial Cannabis Activity shall apply.

Cultural Resources:

- ☒ That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.

Building Setback Areas (17.36.060)

- ☒ That the appropriate setbacks be maintained, as follows:
 - ☒ The front building setback shall be a minimum of 10 feet along Idaho Avenue.
 - ☒ The rear building setback may be zero.
 - ☒ The side building setback may be zero.
 - ☒ The street-side building setback shall be 15 feet along 10th Avenue.

Height of Structures: (Section 17.36.080)

- ☒ That the maximum structure height shall be 75 feet, except that the height of portions of structures setback at least 200 feet from any lot line may be up to 100 feet.

Driveways: (Section 17.36.090)

- ☒ That new driveways near street corners shall be located a minimum 100 feet from the radius curve of the curb, unless otherwise specifically approved by the City Engineer.
- ☒ That **gated entrances shall be setback at least 100 feet from the public right of way, unless a shorter distance is approved by the City Engineer.**

General Provisions and Standards:

- ☒ That no business, service, or process that is not a part of the main use of the site shall be conducted outside a completely enclosed, permanently fixed structure.
- ☒ That **all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.**
- ☒ That no use shall be permitted and no process, equipment or material shall be employed which is found by the Planning Department to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations,

illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, hazardous or toxic waste, or radioactivity or to emit electrical disturbances, which adversely affect commercial or electronic equipment outside the boundaries of the site.

- ☒ That no solid or liquid waste shall be discharged into a natural watercourse, nor into a public or private sewage disposal system, except in compliance with the applicable regulations of the Central Valley Regional Water Quality Control Board and City ordinances and policies.
- ☒ That no use shall be permitted and no process or equipment shall be employed, which relies on or utilizes only the combustion of coal, coke, or agricultural biomass for the production of heat, steam, electricity, or other forms of energy.

Off Street Parking: (Section 17.54).

- ☒ That the applicant shall maintain a minimum of 23 parking stalls on site, 1 of which is ADA-accessible, as shown on the approved site plan.

Parking is not required to change from the existing configuration, since this does not constitute a change in the use of the site (from cotton processing/storing to cannabis processing/storing).

NOTE: expansion of the use of the site will require additional parking and evaluation

- ☒ That the maximum number of compact-car parking spaces is limited to 30 percent of the total parking spaces required. A compact parking space shall not be less than 16 feet in length and 8 feet in width, and marked for compact cars. There shall be no more than four compact spaces adjacent to each other. (Section 17.54.110 B. and C).
- ☒ That parking for bicycles and low-emission vehicles shall be provided in accordance with the latest adopted version of the California Building Code (Section 17.54.190).
- ☒ That in all industrial zone districts, not less than five percent of the interior square footage of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Parking areas are to have one tree placed at every four lineal parking spaces.

Signage: (Section 17.56).

- ☒ That any/all signs proposed for this development shall be subject to the requirements and prescribed in Chapter 17.56 of the Hanford Municipal Code. A separate application is required.

Fencing and Walls: (Section 17.36.130)

- ☐ That a block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district.
- ☒ That no fence or wall shall be placed in front of or within any landscaped area located next to a street.

- ☒ That the open storage of materials and equipment attendant to a use shall be permitted within an area surrounded or screened by a solid wall or fence seven feet minimum in height.
- ☒ That any proposed fencing on the site be maintained in good repair.
- ☒ That no fence or wall shall be placed within the public right-of-way.
- ☒ That a masonry fence exceeding three (3) feet in height shall require engineered footings and a building permit. All other fencing exceeding seven (7) feet in height shall require engineered post footings and a building permit.
- ☒ That no hedge, shrub, fence, or wall exceeding the three (3) feet in height, or four (4) feet in height if the upper one (1) foot is fifty (50) percent or more open shall be planted, placed, or maintained within the twenty-five (25) feet corner sight triangle of a corner lot, or along a front or street side property line where the hedge, shrub, fence, or wall creates a traffic or pedestrian hazard as determined by the Community Development Director.

Landscaping: (Section 17.34.120).

- ☒ **Landscaping shall be provided and permanently maintained in a setback area not less than 10 feet from a lot line adjoining a street.**
- ☒ General Design Standards: the following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans:
 - ☒ Publicly maintained landscape areas shall be separated from privately maintained landscape areas with, at a minimum, a four (4) inch wide concrete mow strip.
 - ☒ Pedestrian access to sidewalks and structures shall be integrated with the design of landscaped areas.
 - ☒ Landscape adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of a minimum six (6) inch high and six (6) inch wide concrete curb.
 - ☒ Concrete mow strips, when used, shall be a minimum of four (4) inches in width.
 - ☒ Trees and shrubs shall be planted so that at maturity they do not interfere with utility lines and traffic safety sight areas.
 - ☒ Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.
 - ☒ Trees planted within five (5) feet of sidewalks or curbs shall have an eighteen (18) inch by ten (10) foot long linear root barrier placed at each edge of the sidewalk or face of curb, centered on the tree.
- ☒ Plant materials. Plant materials shall be selected and installed in accordance with the following requirements:

- ☒ The size of ten (10) percent of the trees to be planted shall be twenty-four (24) inch box or larger. The remaining trees shall be sized fifteen (15) gallons or larger.
- ☒ The size of seventy (70) percent of plants and shrubs shall be at five (5) gallon or larger. The remaining plants and shrubs shall be sized one (1) gallon or larger.
- ☒ The size of groundcover at planting shall be one (1) gallon or larger.
- ☒ Groundcover shall be designed to have one hundred (100) percent coverage within two (2) years.
- ☒ Drought tolerant plant material and climate appropriate species shall be emphasized in the design.
- ☒ That the landscaped area shall be planted with live and healthy plant materials suitable for screening/or ornamenting the site. Landscaped areas shall be watered by automatic systems and designed and developed in accordance with Chapter 12.08 and the most recent State Model Water Efficient Landscaped Ordinance.
- ☒ That no fence, hedge, or shrub shall be installed, planted, or maintained along a street frontage, which creates a traffic or pedestrian hazard.

Outdoor Lighting Standards (Section 17.50.140)

- ☒ That all lights and light fixtures, except public street lights, shall be located, aimed or shielded so as to minimize light trespassing across property boundaries or skyward.
- ☒ That building mounted lighting fixtures shall be attached only to the walls of the building. The top of a light fixture attached to a building wall shall not be higher than the top of the building parapet or the top of the roof eave, whichever is lower.
- ☒ That the canopy ceiling light fixtures shall be recessed or the sides of the lens area shall be shielded, in order to eliminate emission of horizontal light.
- ☒ That the height of freestanding light fixtures, including freestanding parking lot fixtures, shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture and shall not exceed 30 feet, when located more than 150 feet from any residential zone district.

Dust Control:

- ☒ That the appropriate dust-control practices of the San Joaquin Valley Air Pollution Control District shall be implemented.
- ☒ That the any necessary permits be obtained through the San Joaquin Valley Air Pollution Control District.

BUILDING DIVISION
SPR 2022-35(502-1231) Cannabis Processing Facility
10210 Idaho Avenue

Contact Building Official: Tom Webb (559) 585-2584

Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for each structure to include but not limited to: buildings, pools, fences, trash enclosures, signs and carports for any structural, plumbing, electrical, mechanical or **accessibility** work being done.
2. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
3. That detailed dimensioned plans be provided to the Building Division for each structure prior to obtaining construction permits. Each structure will require a separate submittal and permit.
4. That each structure will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Submittal shall consist of as applicable:
 - 4.1 1 copy of the City of Hanford Permit Application form
 - 4.2 1 electronic submittal unless noted, including as applicable:
 - 4.2.1 Grading Plan (Civil Drawings, for reference)
 - 4.2.2 Site Plan
 - 4.2.3 Architectural Drawings
 - 4.2.4 Structural Drawings
 - 4.2.5 Electrical Drawings
 - 4.2.6 Mechanical Drawings
 - 4.2.7 Plumbing Drawings
 - 4.2.8 Landscape Plan (for reference)
 - 4.2.9 Planning Dept. "Conditions of Approval" or "Resolution"
printed on the drawings and part of the drawing submittal
 - 4.2.10 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

****** Each structure will be considered a separate submittal. Grading, Landscaping, Signage, Trash Enclosures and all Fire permits are separate submittals as well and require separate applications and submittals as applicable. ******

- 4.3 1 electronic submittal, unless noted, including as applicable:
 - 4.3.1 Architectural Specifications
 - 4.3.2 Structural Calculations
 - 4.3.3 Electrical Calculations, if not included on the drawings
 - 4.3.4 Mechanical Calculations, if not included on the drawings
 - 4.3.5 Plumbing Calculations, if not included on the drawings
 - 4.3.6 Energy Calculations, if not included on the drawings
 - 4.3.7 CalGreen Compliance **including C & D Recycle plan**
 - 4.3.8 **Compliance with the City of Hanford Landscape Ordinance**
 - 4.3.9 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.
7. That all construction shall conform to **the Most Current Edition** (2019) of the California Building or Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code and CalGreen.

Hanford Fire Department

Contact Fire Marshal Christy Whittington @ 559-585-2594 or
cwhittington@cityofhanfordca.com

concerning questions that you may have on the following conditions.

Site Plan Review: SPR 2022-35

Date: July 22, 2022

Project #: 502-1231 Marc Garcia

General Instructions

1. Approval of this project does not exempt compliance with all applicable sections of the City adopted fire codes and local fire ordinances.
2. All fire protection systems must be installed and operational prior to occupying the building.
3. All permits shall be issued and fees paid prior to scheduling inspections with the Fire Department.
To schedule appointments for inspections, please call **559-585-2545**.
4. Scope of work shall be clearly stated on all plans submitted for permit.
5. All deferred submittals shall be listed on the building plan title page. All deferred submittals are required to be submitted within 30-days of building permit issuance.

The following comments are applicable if checked:

1. ☐ No comments.
2. ☐ This project must comply with latest applicable codes.
3. ☐ Project must meet minimum fire flow requirements per the table in Appendix B & C of the 2019 Ca. Fire Code. Provide most current fire flow information for this location.
4. ☐ If a new fire hydrant flow test is required, contact the fire department for submittal requirements.
5. ☐ Based on the occupancy classification, an automatic sprinkler system is required for this project. ***A separate fire department permit is required.*** Please contact the Building department for submittal process.
6. ☐ For automatic sprinkler systems, ***a separate permit maybe required if tenant improvements are made to sprinkler system.*** Please contact the

Attachment: Attachment 2 - SPR 2022-35 Approval Letter (CUP 2022-05)

Building department for submittal information.

7. ☐ Fire Riser Room: All new buildings that require an automatic fire sprinkler system shall contain a separate room to house the fire riser inside of it and shall have the following building elements:
 - At least one man door shall be provided- only exterior door(s) are allowed
 - The fire riser room and the door shall be large enough to accommodate repairs and/or maintenance needed by the use of tools and the removal and/or replacement of parts/pipe to the fire riser or FDC; suggested size 4' X 4' room.
 - One-hour rated construction
 - Fire Sprinkler head coverage required
 - Normal and emergency back-up lighting shall be installed inside the fire riser room.
 - The exterior of the fire riser door shall have permanent signage stating **FIRE RISER ROOM** in a contrasting color to background.
 - For existing buildings: please contact the Fire Department.
8. ☐ When a sprinkler system is required with 21 or more sprinkler heads, the system shall be monitored by a Central Station Service. Fire alarm and detection systems required by Chapter 9 of the currently adopted edition of the California Building Code (CBC) and CFC shall be installed per NFPA 72. **A separate fire department permit is required** for fire sprinkler monitoring and/or fire alarm systems required by the latest edition of the CBC. Contact the Building Department for submittal process.
9. ☐ A hydrant will be required within 50 feet of the Fire Department connection. **Knox FDC Locking Caps** are required on all FDC's. The ordering of Knox Box products can be done directly at www.knoxbox.com. Click to choose your local fire department agency, enter "Hanford Fire Dept", and a list of products will populate for you to order.
10. ☐ When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road (as measured by an approved route around the exterior of the building) on-site fire hydrants and mains shall be provided where required by the fire code official.
11. ☐ Depending on the location of the existing fire hydrant(s), additional fire hydrants

may be required. All hydrants must be in place and accepted by the fire department prior to any combustibles being brought onto the site.

12. ☐ No additional hydrants are necessary for this project.
13. ☐ Number of additional hydrants necessary for this project: _____
14. ☐ Fire hydrant spacing shall be as follows:
 - Section 507 or as required by appendix C of the 2019 CFC.
15. ☐ Fire hydrant protection posts shall be installed at all fire hydrants that are subject to vehicle damage.
16. ☐ Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building constructed or moved onto or with the City of Hanford. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings (as measured by an approved route around the exterior of the building or facility).
17. ☐ All dead-end access roads in excess of 150 feet must be provided with an approved turn-around or hammer head complying with City standards.
18. ☐ All access road shall not be less than 20 feet wide and 13 feet 6 inches in height.
19. ☐ Access road turning radius for fire apparatus is as follows:
 - 20 feet, 1 inch inside turning radius
 - 44 feet, 6 inch outside radius
20. ☐ Additional access roads may be required per CFC 2019 Section 503.1.2. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
21. ☐ Traffic calming devices shall not be installed onto fire department emergency access roads unless prior approval is obtained from the Hanford Fire Department.
22. ☐ Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.

- **Access roads 20-26 feet in width:** Fire lanes shall be on both sides of the fire apparatus access roads.
- **Access roads 26 to less than 32 feet in width:** Fire lanes shall be on one side of the fire apparatus access roads.
- **Access roads 32 feet in width or more:** No fire lanes required.

23. ☐ Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
24. ☐ Temporary or permanent fire department access roads shall be constructed in accordance with City Standards ST-36. All weather access roads shall be in place prior to any combustible construction being brought onto the premises unless approved by the fire department.
25. ☒ Locked gates installed across fire department access roads:
- **Manual gates** with a chain lock require a **Knox Padlock** to be installed on them; or a **Knox Box** shall be installed on the exterior of the gate and a key to the lock on the gate must be placed in the Knox Box. (See www.knoxbox.com for current models)
 - **Electric Gates** shall be equipped with an electric **Knox Key Switch**, at the gate location.
 - In case of a loss of power, electrically operated gates shall have a means of back-up power or shall default in the open position for immediate fire department access.
 - At no time shall the width of the fire department access road be reduced below **20-feet wide through or at any gates** along the fire departments' emergency access roads due to protruding objects from gate supports, frames, signs, access booths, curbs, etc.
26. ☒ A Knox Box will be required. Keys that open all locked areas will also be required and placed in the Knox Box. The ordering of Knox Box products can be done directly at www.knoxbox.com. If there is an existing Know Box installed, contact the Fire Department to determine if it will suffice.

27. ☐ All address numbers shall be installed onto the building and shall be visible from the frontage street. The color of the address numbers shall be in a contrasting color to the building.

Size of Address Numbers:

- Downtown area (existing buildings): 4 inch numbers
- Buildings 20-ft. or less from the street: 6 inch numbers
- Buildings 21- to 40-ft. from the street: 8 inch numbers
- Buildings more than 40-ft. from street: 12 inch numbers

28. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I hood. ***A separate permit is required for the Type I hood.*** Contact the **Building** department for submittal information.
29. ☐ All commercial cooking appliances creating grease laden vapors shall have a K-Class fire extinguisher within 30-feet of cooking appliances in accordance with the most currently adopted edition of the CFC.
30. ☐ ***A separate permit is required*** for all hazardous material and/or flammable and combustible liquids, gases, solids, etc., over the exempt amounts set forth in the latest adopted edition of the California Fire Code.
31. ☐ ***A fuel tank permit is required*** for underground and aboveground gasoline/LPG/Diesel.
32. ☐ Combustible high-piled storage over 12 feet ***requires a separate fire department review and permit.*** Contact the fire department for further information.
33. ☐ Provide a Knox Box for all structures and gates. In accordance to the 2019 CFC 506.1. Location shall be approved by Hanford Fire Department.
34. ☒ Provide premises identification for all structures. Shall be visible from the street. A minimum of four (4) inch numbering on contrasting background. In accordance to the 2019 CFC 505.1
35. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood. In accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use.

36. ☐ Insulated liquid carbon dioxide systems used in beverage dispensing applications with more than 100 pounds (45.4kg) of carbon dioxide shall comply with 2019 CFC 5307.3.1
37. ☒ Facility to provide minimum 2A10BC type fire extinguishers. Provide location and number of fire extinguishers to be installed in accordance to California Fire Code, section 906.
38. ☒ All exiting shall comply with California Fire and Building Code requirements. Requirements shall comply with section 10 of the 2019 CFC 1004.9
39. ☐ Posting of Occupant Load sign shall be provided if room or spaces used for Assembly, Classroom, Dining, or similar purposes having an occupant load of fifty (50) or more persons. Sign shall be placed in conspicuous location and near the main exit in accordance to CFC 1004.9
40. ☐ Any Special Event project shall comply with 2019 edition of the California Fire Code, chapter 31 for tent structures, exiting, fire extinguishers and other fire protection application.

Utilities Division Comments

PROJECT: SPR 2022-35 (502-1231) GBH Calcot, LLC- 10210 Idaho Avenue, APN:018-242-024

General:

1. That all work within the public street right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.
2. That locations of existing water, sanitary sewer and storm drain mains within the City's right-of-way, in the vicinity of the project site will be marked by Public Works Department staff based upon the city's best available records. Contractor shall provide city with a minimum of 48 hours prior notice when requesting location of existing utilities at (559) 585-2564. The City of Hanford is not a member of Underground Service Alert (U.S.A.).
3. That all sewer and water utility work and materials shall conform to City of Hanford Standards and Specifications, latest edition.

Water:

1. That the developer shall provide an accurate fixture unit count and size water services in accordance with the requirements of the Uniform Plumbing Code, latest edition.
2. That the developer shall furnish and install any new water service assemblies required for the project including water meters and meter boxes for both domestic and landscape uses. If existing services are utilized, fixture counts to ensure adequate size of service is required. All new services are to come off of Idaho Avenue.
3. That the developer shall furnish and install appropriate cross connection/backflow prevention assemblies, if not already installed, for all required water services, including fire service lines.
4. That all backflow prevention assemblies required for the development shall be tested and approved by a certified technician prior to occupancy. Copies of all backflow test results shall be provided to the City of Hanford Utilities Division.

Sewer:

1. That the property owner, in the event that a connection to City Sewer is necessary, is responsible for maintenance of all sanitary sewer laterals providing service to their property from property line to the City Sanitary Sewer main.
2. That the developer shall size sewer service lateral(s) to serve the project site in accordance with requirements of the Uniform Plumbing Code, latest edition.

Engineering Division Comments

PROJECT: SPR 2022-35 (502-1231) GBH Calcot, LLC- 10210 Idaho Avenue, APN:018-242-024

General Requirements:

1. That the development shall comply with all applicable City of Hanford Standard and Specification requirements. Any deviation from said Standards and Specifications must be approved by the City Engineer prior to construction.
2. That an Encroachment Permit for all work located within the public street right-of-way and for onsite trash enclosures shall be obtained from the Public Works Department prior to start of work. For additional information regarding Encroachment Permit requirements, contact the City Engineering Division at (559) 585-2558.
3. That the development is subject to a \$5,700.00 Grading Plan Review fee in accordance with City Resolution No. 10-31-R. or any revisions thereof. Grading Plan Review fee shall be paid prior to issuance of building permits.
4. That the development is subject to Engineering Plan Review and Inspection fee based on the cost of improvements required to be constructed within the public street right-of-way and/or onsite trash enclosures or block walls, in accordance with City Resolution No. 92-58-R, or any revisions thereof. Subject fees shall be payable prior to approval of improvement plans.
5. That all financial and other arrangements for planning, engineering, scheduling, installation of and/or relocation/ungrounding of electric, gas, telecommunications, or other privately owned utilities are the sole responsibility of the developer. The developer is advised that significant project delays may result if utility issues are not resolved prior to start of construction.

Map and Plan Requirements:

1. That the developer shall submit to the City Engineer a set of construction plans on 24" X 36" size sheets for all required improvements. The plans shall be prepared by a licensed civil engineer, and shall include a site plan showing all on-site and off-site improvements, including but not limited to, sanitary sewer, storm drainage, and water system infrastructure, refuse enclosure locations, public street & parking lot improvements, landscape & irrigation systems and all other improvements as required by the project conditions of approval and the City of Hanford Standards and Specifications. Plans must be approved by the City of Hanford and any other affected agencies before issuance of building permits.
2. That prior to beginning any construction, or within twenty (20) calendar days after the approved plans are released by the City, the developer shall submit to the City of Hanford Engineering Division four (4) bond copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any.
3. That within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Hanford Engineering Division

one (1) reproducible and one (1) bond copy of the approved set of improvement construction plans revised to reflect all field revisions and marked "RECORD DRAWING".

Drainage Requirements:

1. That the developer shall comply with all applicable State of California requirements pursuant to the National Pollutant Discharge Elimination System (NPDES). If applicable to the project, a Notice of Intent for the development shall be electronically filed by the developer and accepted by the State Water Resource Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development shall be required by the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.
2. That track-out of soil, gravel, or other construction-related materials on to public streets is prohibited.
3. That a drainage/site improvement plan for development be prepared by a license civil engineer for review and approval by the Public Works Department prior to the issuance of building permits. All construction shall be certified by a civil engineer as being constructed to approved plan.
4. That site grading and drainage shall comply with the approved grading and improvement plans for the development. Upon completion of construction, the developer's engineer shall provide a written statement that site grading and drainage has been completed in accordance with approved plans.

Development Impact Fees:

1. That development is subject to the following impact fees in accordance with city ordinances no. 90-09, 90-10 and 98-14, or any revisions thereof. Impact fee calculations are based upon square footage of structures as shown on the site plan. If changes are made to structure thereby increasing or decreasing structure floor areas, then impact fees will likewise change to reflect actual field conditions. Fees listed below reflect rates effective July 1, 2021. All fees are payable prior to issuance of building permits. (Existing building area 105,000 sf.- (Cannabis Processing)- Site Area: 151.91 Acres)
 - a. That the development is NOT subject to a Circulation Impact Fee in accordance with City Resolution No. 98-56-R, or any revisions thereof.
 - b. That the development is NOT subject to a Water System Impact Fee in accordance with City Resolution No. 98-54-R, or any revision thereof.
 - c. That the development is NOT subject to a Wastewater System Impact Fee in accordance with City Resolution No 98-55-R, or any revision thereof.
 - d. That the development is NOT subject to a Storm Water System Impact Fee in accordance with City Resolution No. 98-57-R, or any revision thereof.

- e. That the development is NOT subject to a Fire Protection Impact Fee in accordance with City Resolution No. 98-52-R, or any revision thereof.
- f. That the development is NOT subject to a Police Protection Impact Fee in accordance with city Resolution No. 98-53-R, or any revision thereof.
- g. That the development is subject to a \$2,326.00 Refuse and Recycling Impact Fee in accordance with City Resolution No 98-56-R, or any revision thereof.
- h. That the development is NOT subject to a Park Impact Fee in accordance with City Resolution No 05-64-R, or any revision thereof.

Refuse Division Comments

PROJECT: SPR 2022-35 (502-1231) GBH Calcot, LLC- 10210 Idaho Avenue, APN:018-242-024

General Requirements:

1. That a 10' X 20' inside clear dimension masonry block refuse enclosure with 6' high perimeter walls shall be constructed in accordance with City Std. GE-35, modified to include installation of 12" X 12" interior concrete curbs and 10' concrete apron. If enclosure will be used to service restaurants then a separate grease bin container area shall be constructed in accordance with City Standard GE-41. The refuse enclosure shall have gates of chain-link fencing with earth-tone color vinyl slats or other approved gate material. The enclosure shall be architecturally compatible with surrounding buildings, and the location of the enclosure shall be approved by both the Public Works and Community Development Departments.
2. That nothing other than the city refuse bins shall be stored or kept in refuse enclosures.
3. That refuse enclosure gates shall be securely closed except when in use.
4. That refuse enclosures shall not be located adjacent to combustible construction or beneath windows or non-protected eaves.
5. That all on site vehicle routes used to service trash enclosure shall be constructed in accordance with City Standard GE-32 Industrial Parking Lot pavement requirements to provide an adequate pavement structure section for refuse truck use.
6. That the applicant shall participate in all available waste recycling & reuse programs including the new requirement for food waste separate bin service (if applicable).

Hanford, California Municipal Code

Title 5 BUSINESS LICENSES AND REGULATIONS

Chapter 5.56 COMMERCIAL CANNABIS ACTIVITY

5.56.010 Purpose and intent.

5.56.020 Legal authority.

5.56.030 Cannabis cultivation and commercial cannabis business activities prohibited unless specifically authorized by this chapter.

5.56.040 Compliance with state and local laws.

5.56.050 Definitions.

5.56.060 Commercial cannabis business permit required to engage in commercial cannabis business.

5.56.070 Cannabis employee permit required.

5.56.080 Maximum number and type of authorized commercial cannabis businesses permitted.

5.56.090 Initial application procedure.

5.56.100 Expiration of commercial cannabis business permits.

5.56.110 Revocation of permits.

5.56.120 Renewal applications.

5.56.130 Effect of state license suspension, revocation, or termination.

5.56.140 Appeals.

5.56.150 Written request for appeal.

5.56.160 Appeal hearing process.

5.56.170 Permittee selection process.

- 5.56.180 Change in location—Updated registration form.
- 5.56.185 Sale and assignment of license.
- 5.56.190 City business license.
- 5.56.200 Building permits and inspection.
- 5.56.210 Certification from the city manager or designee(s).
- 5.56.220 Right to occupy and to use property.
- 5.56.230 Limitations on city's liability.
- 5.56.240 Records and recordkeeping.
- 5.56.250 Security measures.
- 5.56.260 Restriction on alcohol sales.
- 5.56.270 Fees and charges.
- 5.56.280 Miscellaneous operating requirements.
- 5.56.300 Operational requirements.
- 5.56.310 Operating requirements for dispensaries/storefront retail facilities.
- 5.56.320 Operating requirements for delivery services.
- 5.56.330 Operating requirements for non-store front retail.
- 5.56.340 Operating requirements for cultivation facilities.
- 5.56.350 Cannabis manufacturing—Edibles and other cannabis products—Sale or distribution of edible and other cannabis products.
- 5.56.360 Packaging and labeling.
- 5.56.370 Operating requirements for cannabis manufacturing (levels one and two)—Extraction, etc.
- 5.56.372 Operating requirements for distributors.

5.56.374 Operating requirements for testing laboratories.

5.56.376 Operating requirements for microbusinesses.

5.56.380 Promulgation of regulations, standards and other legal duties.

5.56.390 Community relations.

5.56.400 Fees deemed debt to city of Hanford.

5.56.410 Permit holder responsible for violations.

5.56.420 Inspection and enforcement.

5.56.430 Concurrent regulation with state.

5.56.440 Violations declared a public nuisance.

5.56.450 Each violation a separate offense.

5.56.460 Criminal penalties.

5.56.470 Administrative penalties and costs.

5.56.480 Remedies cumulative and not exclusive.

5.56.010 Purpose and intent.

It is the purpose and intent of this chapter to accommodate the needs of medically-ill persons in need of cannabis for medical purposes, as advised and recommended by their health care provider(s), and to implement the Adult Use Cannabis Act, which was passed by the voters of California while imposing regulations on the use of land to protect the city's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this chapter to regulate the cultivation, manufacturing, processing, testing, transporting, delivery, and distribution of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of Hanford, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required to own and/or to operate a commercial cannabis business within Hanford. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under state, county, or other law. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.020 Legal authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the Medical Cannabis Regulation and Safety Act (hereinafter “MCRSA”), and the Adult Use Cannabis Act (hereinafter “AUMA”) the city of Hanford is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state of California, or any of its departments or divisions, shall be the minimum standards applicable in the city of Hanford to cannabis, and/or cannabis-related activity. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.030 Cannabis cultivation and commercial cannabis business activities prohibited unless specifically authorized by this chapter.

Except as specifically authorized in this chapter, the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, delivery, or sale of cannabis or cannabis product is expressly prohibited in the city of Hanford. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.040 Compliance with state and local laws.

It is the responsibility of the owners and operators of the commercial cannabis business to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this chapter shall be construed as authorizing any actions which violate federal, state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, the 2008 Attorney General Guidelines, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit. Nothing in this chapter shall be construed as authorizing any actions which violate federal or state law regarding the operation of a commercial cannabis business. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.050 Definitions.

When used in this chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

“Bureau” means the Bureau of Cannabis Control within the California Department of Consumer Affairs.

“Cannabis” refers to “marijuana,” and means all parts of the Cannabis sativa, Cannabis indica, or Cannabis ruderalis, whether medical or nonmedical, growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by Section 11018 of the California [Health and Safety Code](#) as enacted by Chapter 14017 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean industrial hemp as that term is defined by Section 81000 of the California [Food and Agricultural Code](#) or Section 11018.5 of the California [Health and Safety Code](#).

“Cannabis business park” means a park or campus that is one contiguous commercial area of land which has many cannabis related businesses grouped together. Each individual business is clearly defined, having a unique entrance and immovable physical barriers between uniquely licensed premises.

“Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency.

“Cannabis product” means a product containing cannabis, including, but not limited to, manufactured cannabis intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California [Health and Safety Code](#) (as the same may be amended from time to time) or pursuant to the Adult Use of Marijuana Act. For purposes of this chapter, “medical cannabis” does not include industrial hemp as defined by Section 81000 of the California [Food and Agricultural Code](#) or Section 11018.5 of the California [Health and Safety Code](#).

“Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

“Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California [Health and Safety Code](#).

“City” or “city of Hanford” means the city of Hanford, a California general law city.

“Commercial cannabis activity” includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis product, within the meaning of California [Business and Professions Code](#) Section 26001 and California [Business and Professions Code](#) Section 26050, et seq.

“Commercial cannabis business” means any business or operation which engages in cannabis activity.

“Commercial cannabis business permit” means a regulatory permit issued by the city of Hanford pursuant to this chapter to a commercial cannabis business, and is required before any commercial cannabis activity may be conducted in the city. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business’s ongoing compliance with all of the requirements of this chapter and any regulations adopted by the city governing the commercial cannabis activity at issue.

“Cultivation” means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including cannabis.

“Cultivation site” means a facility where cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and where the operator holds a valid commercial cannabis business permit for cultivation from the city of Hanford and a valid state license to cultivate cannabis as required by state law.

“Delivery” means the commercial transfer of cannabis or cannabis products from a dispensary, up to an amount determined to be authorized by the state of California, or any of its departments or divisions, to anyone for any purpose. “Delivery” also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the state of California under the MCRSA or AUMA (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.

“Dispensary” means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the city of Hanford authorizing the operation of a dispensary, and a valid state license as required by state law to operate a dispensary.

“Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a dispensary.

“Distribution” means the wholesale procurement and sale of cannabis or cannabis products between entities licensed pursuant to MCRSA, AUMA and any subsequent state of California legislation regarding the same.

“Distributor” means a person holding a valid commercial cannabis business permit for distribution issued by the city of Hanford, and, a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed dispensary.

“Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

“Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California [Health and Safety Code](#) or a drug as defined by Section 109925 of the California [Health and Safety Code](#). An edible cannabis product shall not be deemed to be adulterated pursuant to Section 19347.6 of the [Business and Professions Code](#) solely because it contains cannabis.

“Greenhouse” means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.

“Live plants” means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.

“Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

“Manufacturer” means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, where the operator holds a valid commercial cannabis business permit for manufacturing from the city of Hanford and, after January 1, 2018 or as soon as permitted by the state granting agency, department or division, a valid state license for manufacturing pursuant to MCRSA and/or AUMA. A manufacturer may also be a person that infuses cannabis in its products but does not perform its own extraction.

“Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the city of Hanford and, a valid state license as required for manufacturing of cannabis products.

“Microbusiness” has the same meaning as that contained in Section 26070(a)(3) of the [Business and Professions Code](#) of the State of California.

“Nursery” means a person that produces only clones, immature plants, seeds and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

“Patient” or “qualified patient” has the same definition as California [Health and Safety Code](#) Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California [Health and Safety Code](#) Section 11362.5.

“Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

“Person with an identification card” has the meaning given that term by California [Health and Safety Code](#) Section 11362.7.

“State license” means a permit or license issued by the state of California, or one of its departments or divisions, under MCRSA or AUMA to engage in commercial cannabis activity.

“Topical cannabis” means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California [Health and Safety Code](#).

“Testing laboratory” means a facility, entity, or site in the city of Hanford that offers or performs tests of cannabis or cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state.
2. Licensed by the Bureau of Cannabis Control, and is owned and operated by a person issued a valid commercial cannabis business permit for laboratory testing from the city of Hanford.

“Transport” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the MCRSA and/or AUMA.

“Transporter” means a person issued a state license, and a commercial cannabis business permit by the city of Hanford, authorizing the transport of cannabis or cannabis products in amounts authorized by the state of California, or by one of its departments or divisions under the MCRSA and/or AUMA. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.060 Commercial cannabis business permit required to engage in commercial cannabis business.

A. No person may engage in any commercial cannabis business or activity within the city of Hanford including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person: (1) has a valid commercial cannabis business permit from the city of Hanford; and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business or activities, including the duty to obtain any required state licenses.

B. Until [Health and Safety Code](#) Section 11362.775, subdivision (a), is repealed, the city intends that person's eligible to operate collectives or cooperatives under that subdivision shall be eligible to apply for a city permit to conduct commercial cannabis activities, but only to the degree those activities are authorized under state law for collectives and cooperatives. When the [Health and Safety Code](#) Section 11362.775, subdivision (a), is repealed, or as soon as collectives and cooperatives are no longer permitted to engage in commercial cannabis activity under state law, any city permit holder operating a commercial cannabis business under a collective or cooperative who has not already obtained a state license for the commercial cannabis activities they are engaged in shall automatically forfeit his or her city commercial cannabis business permit. At that point, they shall no longer be authorized to engage in any commercial cannabis activities in the city until they obtain both a city issued commercial cannabis business permit and a state license for that commercial cannabis activity. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.070 Cannabis employee permit required.

A. Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business must be legally authorized to do so under applicable state law. Employees, workers, or volunteers at businesses that are permitted by the city of Hanford as cannabis business cultivators, manufacturers, distributors, or delivers that are operating pursuant to [Health and Safety Code](#) Section 11362.775(a) as collectives or cooperatives until that subsection is repealed must be qualified patients or primary caregivers as required by state law.

B. Any person who is an employee or who otherwise works or volunteers within a commercial cannabis business must obtain a commercial cannabis employee work permit from the city prior to performing any work at any commercial cannabis business.

C. Applications for a commercial cannabis employee work permit shall be developed and made available by the city manager or designee(s), and shall include, but not be limited to, the following information:

1. Name, address, and phone number of the applicant;
2. Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application;
3. Name, address of the commercial cannabis businesses where the person will be employed, and the name of the primary manager of that business;
4. A list of any crimes enumerated in California [Business and Professions Code](#) Section 26507(b) (4) for which the applicant has been convicted;
5. Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
6. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the chief of police or designee(s);

7. A signed statement under penalty of perjury that the information provided is true and correct;
8. If applicable, verification that the applicant is a qualified patient or primary caregiver;
9. A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

D. The chief of police or designee(s) shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

1. Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California [Penal Code](#) Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states.
2. Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
3. Was convicted of a violent felony, a crime of moral turpitude; or
4. Has illegally used, possessed, transported, distributed or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant has been convicted of a crime involving dishonesty, fraud or deceit are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (a) a conviction for any crime listed in subsection (D)(4) of this section for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California [Penal Code](#); or (b) a conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the California [Penal Code](#) or any other provision of state law allowing for dismissal of a conviction.

E. The city manager or designee(s) shall issue the commercial cannabis work permit or a written denial to the applicant within ninety (90) days of the date the application was deemed complete. Upon the request of a commercial cannabis business and while processing the application for a work permit, the city manager or designee(s) may issue a temporary work permit for an employee if the business demonstrates to the city manager or designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or designee(s) upon determination that the applicant has failed the background check.

F. A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection B of this section including the payment of a renewal application fee in an amount to be set by resolution of the city council.

G. In the event a person changes employment from one commercial cannabis business in the city to another, the work permit holder shall notify the city manager or designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked and such person shall not be permitted to work at any commercial cannabis business in the city.

H. The city may immediately revoke the commercial cannabis work permit should the permit holder be convicted of a crime listed in subsections C and D of this section or if facts become known to the chief of police or designee(s) that the permit holder has engaged in activities showing that he or she is dishonest.

I. The city manager or designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

J. The applicant may appeal the denial or revocation of a commercial cannabis work permit by filing a notice of appeal with the city clerk within ten (10) days of the date the applicant received the notice of denial, which appeal shall be conducted as set forth in Section 5.56.140 of this chapter.

K. The city manager or designee(s) shall issue a permit in the form of a personal identification card that can be worn by the employee. The personal identification card shall be worn approximately chest-high on their outermost garment, in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.080 Maximum number and type of authorized commercial cannabis businesses permitted.

The number of each type of commercial cannabis business that shall be permitted to operate in the city shall be established by resolution of the city council.

A. This section is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the city under each category. Nothing in this chapter creates a mandate that the city issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process.

B. At any time, in the city council's discretion, the city council may reassess the number of commercial cannabis business permits which are authorized for issuance. The city council, in its discretion, may determine by resolution that the number of commercial cannabis permits should stay the same, or be expanded. (Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.090 Initial application procedure.

A. The city council shall adopt by resolution the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s). The city manager or designee(s) is hereby authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to ultimately select the applicant(s) that will be awarded a permit.

B. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the city in the application process.

C. After the initial review, the city manager or designee(s) will select the applicant(s) to be awarded a permit based upon the available permits and the ranking of the applicants during the review process.

D. The City's Reservation of Rights. The city reserves the right to reject any or all applications. The city may also modify, postpone, or cancel any request for applications, or the entire program under this chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this chapter, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided, a failure to comply with other requirements in this chapter, an application risks being rejected for any of the following reasons:

1. Proposal received after designated time and date.
2. Proposal not containing the required elements, exhibits, nor organized in the required format.
3. Proposal considered not fully responsive to this request for permit application.
4. Proposal contains excess or extraneous material not called for in the request for permit application. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.100 Expiration of commercial cannabis business permits.

Each commercial cannabis business permit issued pursuant to this chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis permits may be renewed as provided in Section 5.56.120. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.110 Revocation of permits.

Commercial cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this chapter. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.120 Renewal applications.

- A. An application for renewal of a commercial cannabis business permit shall be filed at least thirty (30) calendar days prior to the expiration date of the current permit.
- B. The renewal application shall contain all the information required for new applications.
- C. The applicant shall pay a fee in an amount to be set by the city council to cover the costs of processing the renewal permit application, together with any costs incurred by the city to administer the program created under this chapter.
- D. An application for renewal of a commercial cannabis business permit may be rejected if any of the following exists:
1. The application is filed less than thirty (30) days before its expiration.
 2. The commercial cannabis business permit is suspended or revoked at the time of the application.
 3. The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 4. The commercial cannabis business has failed to conform to the requirements of this chapter, or of any regulations adopted pursuant to this chapter.
 5. The permittee fails or is unable to renew its state of California license.
 6. If the city or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this chapter, of the city's municipal code, or of the state rules and regulations, and the city or state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.
- E. The city manager or designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or designee(s) shall be handled pursuant to Section 5.56.140.
- F. If a renewal application is rejected, a person may file a new application pursuant to this chapter no sooner than one year from the date of the rejection. An application may be approved, conditionally approved, or rejected at the discretion of the city manager or designee(s). Any correction required for a conditionally approved application must be done in a timely manner as set forth by the city manager or designee(s). (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.130 Effect of state license suspension, revocation, or termination.

Suspension of a license issued by the state of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the city, until the state of California, or its respective department or division, reinstates or reissues the state license. Should the state of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the city of Hanford. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.140 Appeals.

Unless specifically provided elsewhere to the contrary, an appeal of a city decision or action occurring under this chapter from the city manager or designee(s) shall be conducted as prescribed hereinafter. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.150 Written request for appeal.

A. Within ten (10) calendar days after the date of a decision or action of the city manager or designee(s) occurring pursuant to this chapter, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. The failure to file a timely appeal shall constitute the failure to exhaust administrative remedies.

B. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the city council from time to time. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.160 Appeal hearing process.

A. Upon receipt of the written appeal, the city clerk shall set the matter for a hearing before the city council or its designee. The city council or its designee shall hear the matter de novo.

B. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The city shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.

C. At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

D. The failure of an appealing party to appear at the appeal hearing shall constitute a failure to exhaust their administrative remedies.

E. At the conclusion of the hearing the city council or its designee may affirm, reverse or modify the decision appealed. The decision of the city council or its designee shall be final.

F. Following the appeal hearing, an aggrieved party may seek judicial review of the city council or its designee's appeal decision by filing a complaint with the Superior Court of Kings County, California during the period identified by California [Code of Civil Procedure](#) Section 1094.6, as may be amended. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.170 Permittee selection process.

A. The city manager or designee(s) shall develop procedures and review criteria by which the applicants for a commercial cannabis business permit shall be evaluated.

B. Applications shall be vetted by the city manager or designee(s) and a committee of his or her choice or his or her designee's choice. At the conclusion of the vetting process, the committee shall prepare a report ranking the applications and submit that report for consideration to the city manager or designee(s). The recommendations shall include a summary of the concerns which need to be mitigated by the applicant prior to the issuance of the permit.

C. At least twenty (20) days prior to the selection of the applicants, notice shall be sent to all property owners located within five hundred (500) feet of the proposed business locations of each of the finalists to be considered.

D. The city manager or designee(s) shall either deny or approve the final candidates. The decision of the city manager or designee(s) shall be subject to appeal in accordance with the appeal provisions of this chapter.

E. Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the selection, the prevailing candidate(s) shall apply to the city's community development department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The city manager or designee(s) shall formally issue the commercial cannabis business permit(s) once it has been affirmed that all of the required land use approvals have been obtained.

F. Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of twelve (12) months, and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including, but not limited to, the requirements of this chapter and of the permit, have been complied with.

G. Notwithstanding anything in this chapter to the contrary, the city reserves the right to reject any or all applications if it determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permits term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this chapter.

H. If an application is denied, a new application may not be filed for one year from the date of the denial.

I. Each applicant granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the commercial cannabis business permit program created in this chapter. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.180 Change in location—Updated registration form.

A. Any time the dispensing, cultivation, manufacturing, transportation and/or distribution location specified in the regulatory permit is changed, the applicant shall re-register with the city manager or designee(s). The process and the fees for re-registration shall be the same as the process and fees set forth for registration in Sections 5.56.090 and 5.56.120.

B. Within fifteen (15) calendar days of any other change in the information provided in the registration form or any change in status of compliance with the provisions of this chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated registration form with the city manager or designee(s) for review along with a registration amendment fee, as set forth in Sections 5.56.090 and 5.56.120. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.185 Sale and assignment of license.

No commercial cannabis business permit may be sold, assigned, or otherwise transferred without the approval of the city manager or designee(s). As a condition of approval, the proposed purchaser, assignee, or transferee of a commercial cannabis business permit shall undergo the application and approval process described in Section 5.56.090 above. (Ord. 21-06 § 3, 2021)

5.56.190 City business license.

Prior to commencing operations, a commercial cannabis business shall obtain a city of Hanford business license. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.200 Building permits and inspection.

Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory building inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes, but is not limited to, obtaining any required building permit(s), fire department approvals, health department approvals and other zoning and land use permit(s) and approvals. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.210 Certification from the city manager or designee(s).

Prior to commencing operations, a commercial cannabis business must obtain a certification from the city manager or designee(s) certifying that the business is located on a site that meets all of the requirements of Title 17 of the city's municipal code. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.220 Right to occupy and to use property.

As a condition precedent to the city's issuance of a commercial cannabis business permit pursuant to this chapter, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this chapter and consents to the operation of the commercial cannabis business on the owner's property. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.230 Limitations on city's liability.

To the fullest extent permitted by law, the city of Hanford shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

A. They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the city of Hanford, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the city's issuance of the commercial cannabis business permit, the city's decision to approve the operation of the commercial cannabis business or activity, the process used by the city in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.

B. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city attorney.

C. Reimburse the city of Hanford for all costs and expenses, including, but not limited to, attorney fees and costs and court costs, which the city of Hanford may be required to pay as a result of any legal challenge related to the city's approval of the applicant's commercial cannabis business permit, or related to the city's approval of a commercial cannabis activity. The city of Hanford may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.240 Records and recordkeeping.

A. Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this chapter), or at any time upon reasonable request of the city, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve (12) month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or designee(s).

B. Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the city manager or designee(s) upon a reasonable request.

C. Each commercial cannabis business shall maintain a record of all persons, patients, collectives and primary caregivers served by the commercial cannabis business, for a period of no less than four (4) years.

D. All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase by or distribution to a qualified patient, primary caregiver for purpose or an adult twenty-one (21) years of age or older who qualifies to purchase cannabis as set forth in AUMA.

E. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial cannabis business shall allow city of Hanford officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.250 Security measures.

A. A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the chief of police or designee(s), these security measures shall include, but shall not be limited to, all of the following:

1. Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.

2. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

3. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

4. Installing twenty-four (24) hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Hanford police department, and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the Hanford police department. Video recordings shall be maintained for a minimum of forty-five (45) days, and shall be made available to the Hanford police department upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.

5. Sensors shall be installed to detect entry and exit from all secure areas.

6. Panic buttons shall be installed in all commercial cannabis businesses.

7. Having a professionally installed, maintained, and monitored alarm system.

8. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

9. Security personnel shall be on-site twenty-four (24) hours a day or alternative security as authorized by the chief of police or designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Hanford police department, with such approval not to be unreasonably withheld.

10. Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

B. Each commercial cannabis business shall identify a designated security representative or liaison to the city of Hanford, who shall be reasonably available to meet with the chief of police or designee(s) regarding any security related measures or any operational issues.

C. As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

D. The commercial cannabis business shall cooperate with the city whenever the city manager or designee(s) makes a request, upon reasonable notice to the commercial cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this chapter.

E. A commercial cannabis business shall notify the city manager or designee(s) within twenty-four (24) hours after discovering any of the following:

1. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or designee(s).
2. Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
3. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis business.
4. Any other breach of security. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.260 Restriction on alcohol sales.

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.270 Fees and charges.

A. No person may commence or continue any commercial cannabis activity in the city, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the city council which may be amended from time to time.

B. All commercial cannabis businesses authorized to operate under this chapter shall pay all sales, use, business and other applicable taxes, and all licenses, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the city with respect to any reasonable request to audit the commercial cannabis business's books and records for the purpose of verifying compliance with this section, including, but not limited to, a verification of the amount of taxes required to be paid during any period. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.280 Miscellaneous operating requirements.

A. Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the city.

B. Restriction on Consumption. Cannabis shall not be consumed on the premises of any commercial cannabis businesses or elsewhere in the city of Hanford other than within private residences.

C. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

D. Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The commercial cannabis business shall ensure that such information is compatible with the city's recordkeeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager or designee(s) prior to being used by the permittee.

E. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.

F. There shall not be a physician located in or around any commercial cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.

G. Emergency Contact. Each commercial cannabis business shall provide the city manager or designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

H. Signage and Notices.

1. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the Hanford Municipal Code, including, but not limited to, seeking the issuance of a city sign permit.

2. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.

3. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

4. Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

5. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

6. Holders of commercial cannabis business permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the city of Hanford utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

I. Minors.

1. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It is unlawful and a violation of this chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.

2. Notwithstanding subsection (I)(1) of this section, persons aged eighteen (18) to twenty (20) years shall be allowed on the premises of a commercial cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation.

3. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

J. Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the city manager or designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

2. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

K. Display of Permit and City Business License. The original copy of the commercial cannabis business permit issued by the city pursuant to this chapter and the city issued business license shall be posted inside the commercial cannabis business in a location readily-visible to the public.

L. Background Check. Pursuant to California [Penal Code](#) Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee or volunteer, of the commercial cannabis business must submit fingerprints and other information deemed necessary by the chief of police or designee(s) for a background check by the Hanford police department. Pursuant to California [Penal Code](#) Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the chief of police or designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the city of Hanford to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted.

M. Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.

N. Permits and Other Approvals. Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.

O. If a commercial cannabis business permittee is operating as a collective or cooperative under [Health and Safety Code](#) Section 11362.775, subdivision (a), members of the applicant authorized to possess cannabis shall sign an agreement with the commercial cannabis business which states that members shall not distribute cannabis or cannabis products to non-members or in violation of the "Memorandum for all United States Attorneys," issued by the United States Department of Justice, from James M. Cole, Deputy Attorney General and any other applicable state and federal laws, regulations, or guidelines.

P. If the commercial cannabis business permittee is operating as a collective or cooperative under [Health and Safety Code](#) Section 11362.775, subdivision (a), the commercial cannabis business shall terminate the membership of any member violating any of the provisions of this chapter. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.300 Operational requirements.

The city manager or designee(s) may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.310 Operating requirements for dispensaries/storefront retail facilities.

A. No more than the number of cannabis retailers adopted by resolution may operate within the city of Hanford at any one time and shall be issued a permit by the city of Hanford.

B. Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is eighteen (18) to twenty (20) years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and/or identification card (Medical Cannabis Card) pursuant to [Health & Safety Code](#) Section 11362.71. For adult-use purchases, retailers shall verify that all customers are twenty-one (21) years of age or older for the purchase of cannabis or cannabis products.

C. Entrances into the retailer shall be strictly controlled in a manner approved by the chief of police or designee(s). Individuals eighteen (18) – twenty-one (21) years of age must show their physician's recommendation to gain access. Physician's recommendations are not to be obtained or provided at the retail location.

D. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the chief of police.

E. Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

F. All restroom facilities shall remain locked and under the control of management.

G. Retailers and microbusinesses authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this chapter.

1. All cannabis goods sold by a retail business shall be contained in child-resistant packaging.

2. Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

3. A retail licensee or microbusiness licensee who is engaged in retail sale shall hire or contract for security personnel who are at least twenty-one (21) years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the [Business and Professions Code](#).

H. Access to Retailer Premises.

1. Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least twenty-one (21) years of age.

2. Notwithstanding subsection (H)(1) of this section, individuals who are at least eighteen (18) years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

I. Authorized Sales. A retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least twenty-one (21) years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least eighteen (18) years of age, but not yet twenty-one (21), if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals twenty-one (21) years of age and older are unrestricted.

J. Limited Access Areas. A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the city manager or designee(s) upon request.

K. Microbusiness—Commercial Activity. All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a Type 12-Microbusiness permit shall occur on the same licensed premises. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.

L. Operating hours of the store front retailer license shall be limited to the hours of nine a.m. through nine p.m., seven (7) days a week.

M. Store Front Retail Security Requirements. All provisions incorporated within Section 5.56.250 of this Chapter (Security Measures), are directly applicable to and binding on all commercial cannabis businesses, including all store front retail businesses. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.320 Operating requirements for delivery services.

Prior to commencing operations, a cannabis delivery service shall comply with the following requirements:

A. Obtain from the city a permit authorizing the delivery of cannabis and cannabis products within the city limits. A copy of this permit shall be retained by all drivers.

B. The retail business operating the delivery service shall provide the city manager or designee(s) with evidence of a valid state license for a commercial cannabis business on whose authorization the delivery service is performing the delivery function.

C. The retail business operating the delivery service shall furnish to the city manager or designee(s), directly or via the jurisdiction from which the business has received an operating permit, the names and driver's license numbers of all the business' delivery drivers, and evidence verifying that criminal background checks have been conducted for all the business's drivers.

D. The retail business operating the delivery service shall furnish to the city manager or designee(s) the year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019)

5.56.330 Operating requirements for non-store front retail.

A. Non-store front retailer (delivery) license owners and operators are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of eighteen (18) years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location.

B. All store front retailers, non-store front retailers (delivery) and microbusinesses which conduct deliveries into or within the City of Hanford shall be required to obtain a permit from the city of Hanford in order to conduct retail sales regardless if they are located in the city or another local jurisdiction.

C. Operating hours of the non-store front retailer license shall be limited to the hours of nine a.m. through nine p.m., seven (7) days a week.

D. The commercial non-store front retailer shall only sell cannabis or cannabis products to a person twenty-one (21) years of age or older, or a natural person eighteen (18) years of age or older who possesses a physician's recommendation for medical cannabis use only.

E. Except as otherwise provided herein, the commercial cannabis non-store front retailer may only have on site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

F. The commercial cannabis non-store front dispensary may store additional product on-site if they meet the following requirements:

1. Product must be secured in a locked vault to which customers, visitors and vendors shall not have access.
2. Must have twenty-four (24) hour security.
3. All product must be entered into the state mandated track and trace system.
4. Excess product storage shall not exceed the amount that would typically be used in a six (6) week period.
5. Separate security plan for the additional product being stored shall be approved by the chief of police or designee. (Ord. 21-06 § 3, 2021; Ord. 20-13 § 4, 2020; Ord. 19-03 § 4, 2019)

5.56.340 Operating requirements for cultivation facilities.

A. Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors. All outdoor cultivation is prohibited.

B. In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

C. If a commercial cannabis cultivation is permitted in the city of Hanford then it shall only be allowed to cultivate the square feet of canopy space permitted by state law.

D. Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

E. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

F. The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated; to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

G. All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:

1. A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
2. A description of a legal water source, irrigation plan, and projected water use.
3. Identification of the source of electrical power and plan for compliance with applicable building codes and related codes.
4. Plan for addressing odor and other public nuisances which may derive from the cultivation site. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.350 Cannabis manufacturing—Edibles and other cannabis products—Sale or distribution of edible and other cannabis products.

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate manufacturing zoning districts as described in Title 17, subject to the regulations set forth in this chapter, and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the city council. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.360 Packaging and labeling.

- A. Before a commercial cannabis manufacturer delivers any edible cannabis or edible cannabis product to a dispensary, the same shall be labeled and placed in tamper-evident packaging which at least meets the requirements of California [Business and Professions Code](#) Section 19347, as the same may be amended from time to time or superseded or replaced by subsequent state legislation or by any department or division of the state of California.
- B. All items to be sold or distributed shall be individually wrapped at the original point of preparation by the business permitted as a commercial cannabis manufacturer.
- C. Labeling must include a warning if nuts or other known allergens are used, and must include the total weight (in ounces or grams) of cannabis in the package.
- D. A warning that the item is a medication and not a food must be clearly legible on the front of the package and/or must comply with state packing requirements.
- E. The package must have a label warning that the product is to be kept away from children.
- F. The label must also state that the product contains cannabis and must specify the date of manufacture.

G. Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the commercial cannabis manufacturing business.

H. Deliveries must be in a properly labeled opaque package when delivered.

I. The city council may impose additional packaging and labeling requirements on cannabis or cannabis products by resolution, as permitted by law. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.370 Operating requirements for cannabis manufacturing (levels one and two)—Extraction, etc.

A. Cannabis manufacturing facilities requiring a Type 6 or Type 7 state license (using non-volatile and volatile solvents) as defined in [Business and Professions Code](#) Section 19341, may be permitted to operate within those zone districts as defined in Title 17 of the Hanford Municipal Code.

B. Any compressed gases used in the manufacturing process shall not be stored on any property within the city of Hanford in containers that exceeds the amount which is approved by the fire department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the fire department on the property at any time.

C. Cannabis manufacturing facilities may use the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least ninety-nine percent (99%) purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents, work an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

D. If an extraction process uses a professional grade closed loop carbon dioxide (CO₂) gas extraction system where every vessel is certified by the manufacturer for its safe use as referenced in subsection F of this section. The CO₂ must be of at least ninety-nine percent (99%) purity.

E. Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.

F. Certification from an engineer licensed by the state of California must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including, but not limited to:

1. The American Society of Mechanical Engineers (ASME);
2. American National Standards Institute (ANSI);

3. Underwriters Laboratories (UL); or

4. The American Society for Testing and Materials (ASTM).

G. The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

H. Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

I. Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

J. Cannabis manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. All ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

K. Cannabis manufacturing facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

L. Any person using solvents or gases in a closed loop system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

M. Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.372 Operating requirements for distributors.

A. A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premise. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Section 5000(c) of the [California Code of Regulations](#).

B. After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.

C. A distributor shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.

D. The distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the [California Code of Regulations](#).

E. A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state and local authorities for a minimum of one hundred eighty (180) days, pursuant to Section Title 16, 5305 of the [California Code of Regulations](#).

F. A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Title 16, Sections 5705, 5710 and 5714 of the [California Code of Regulations](#). (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019)

5.56.374 Operating requirements for testing laboratories.

A. Testing labs shall be required to conduct all testing in a manner pursuant to [Business and Professions Code](#) Section 26100 and shall be subject to state and local law. Each testing lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this chapter and any subsequent state of California legislation regarding the same.

B. Testing labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.

C. All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.

D. Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.

E. Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.

F. Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol as established in approved security measures by the chief of police.

G. A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019)

5.56.376 Operating requirements for microbusinesses.

Microbusinesses must comply with the local operating requirements and all requirements imposed by state law that apply to the specific activities operating under the umbrella of the individual microbusiness.

A. Outdoor commercial cultivation is prohibited.

B. In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

C. Commercial cannabis cultivation which is permitted in the city of Hanford shall not exceed ten thousand (10,000) square feet of canopy space permitted by state law as part of a microbusiness license.

D. Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

E. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

F. The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated; to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

G. All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:

1. A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

2. A description of a legal water source, irrigation plan, and projected water use.

3. Identification of the source of electrical power and plan for compliance with applicable building codes and related codes.

4. Plan for addressing odor and other public nuisances that may derive from the cultivation site. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019)

5.56.380 Promulgation of regulations, standards and other legal duties.

A. In addition to any regulations adopted by the city council, the city manager or designee(s) is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this chapter.

B. Regulations shall be published on the city's website.

C. Regulations promulgated by the city manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including, but not limited to, any rules, regulations or standards adopted by the city manager or designee(s).

D. Testing labs, transporters and distribution facilities shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed under subsection A of this section. (Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.390 Community relations.

A. Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business.

B. During the first year of operation pursuant to this chapter, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this chapter shall attend a quarterly meeting with the city manager or designee(s) and other interested parties as deemed appropriate by the city manager, to discuss costs, benefits, and other community issues arising as a result of implementation of this chapter. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the city manager or designee(s) when and as requested by the city manager or designee(s).

C. Commercial cannabis businesses to which a permit is issued pursuant to this chapter shall develop and make available to youth organizations and educational institutions a public education plan that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.400 Fees deemed debt to city of Hanford.

The amount of any fee, cost or charge imposed pursuant to this chapter shall be deemed a debt to the city of Hanford that is recoverable via an authorized administrative process as set forth in the municipal code, or in any court of competent jurisdiction. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.410 Permit holder responsible for violations.

The person to whom a permit is issued pursuant to this chapter shall be responsible for all violations of the laws of the state of California or of the regulations and/or the ordinances of the city of Hanford, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.420 Inspection and enforcement.

A. Representatives of the city, charged with enforcing the provisions of the Hanford Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this chapter or under applicable provisions of state law.

B. It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law.

C. Representatives of the city, charged with enforcing the provisions of this chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the city of Hanford shall be logged, recorded, and maintained in accordance with the Hanford Police department standards for evidence. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.430 Concurrent regulation with state.

It is the stated intent of this chapter to regulate commercial cannabis activity in the city of Hanford concurrently with the state of California. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.440 Violations declared a public nuisance.

Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance per se. The nuisance abatement remedies and procedures identified in Chapter 17.94 of this code, which are incorporated herein by reference, shall apply to nuisances existing under this chapter. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.450 Each violation a separate offense.

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Hanford Municipal Code or by state law. Each day a violation is committed or permitted to continue shall constitute a separate violation. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the city of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city of Hanford may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager or designee(s) may take immediate action to temporarily suspend or revoke a commercial cannabis business permit issued by the city, pending a hearing before the city council or its designee. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.460 Criminal penalties.

Each and every violation of the provisions of this chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

5.56.470 Administrative penalties and costs.

In addition to any other remedy available at law, an administrative citation may be issued to any person or entity that violates this chapter.

A. Issuance of Citation.

1. Whenever the city's police chief, designee, or a city code enforcement officer determines that a violation of this chapter has occurred, the police chief, designee, or a code enforcement officer shall have the authority to issue an administrative citation to any person or entity responsible for the violation.

2. Each administrative citation shall contain the following information:

- a. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
- b. The address or a definite description of the location where the violation occurred;
- c. The section of this chapter that was violated and a description of the violation;
- d. The amount of the fine for the violation;
- e. A description of the fine payment process, including a description of the time within which and the place at which the fine shall be paid;
- f. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
- g. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
- h. The name and signature of the individual issuing the citation.

B. Amount of Fines.

1. The amounts of the administrative citation fines for violations of this chapter shall be set forth in a schedule of fines established by resolution of the city council.
2. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person or entity.

C. Payment of Fines.

1. Fines shall be paid to the city within thirty (30) days from the date of the administrative citation.
2. Any administrative citation fine paid shall be refunded if it is determined, after an appeal hearing, that a person or entity charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the citation.
3. Payment of a fine under this chapter shall not excuse, discharge, or permit any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

D. Hearing Request.

1. Any recipient of an administrative citation may appeal the citation by submitting a written request for hearing to the city clerk or designee within thirty (30) days from the date of the administrative citation, together with an advance deposit of the fine and appeal fee.

2. If the police chief, designee, or a code enforcement officer submits an additional written report concerning the administrative citation to the hearing body, then a copy of such report shall be served on the person requesting the hearing at least five (5) days prior to the date of the hearing.

E. Hearing Procedure.

1. The appeal procedures described in Section 5.56.160 of this chapter shall apply to appeals involving administrative citations.

2. No hearing to contest an administrative citation shall be held unless the fine has been deposited with the city in advance.

3. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

4. The administrative citation and any additional report submitted by the police chief, designee, or a code enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

5. The hearing body may continue the hearing and request additional information from the police chief, designee, code enforcement officer, or the recipient of the administrative citation prior to issuing a written decision.

F. Hearing Body's Decision.

1. After considering all of the testimony and evidence submitted at the hearing, the hearing body shall issue a written decision to uphold, modify, or cancel the administrative citation and shall list in the decision the reasons for the decision. The decision of the hearing body shall be final.

2. If the hearing body determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

3. If the hearing body determines that the administrative citation should be canceled, then the city shall promptly refund the amount of the deposited fine.

4. If the hearing body determines that the fine levied under the administrative citation should be adjusted, then the city will promptly refund the amount of the deposited fine that exceeds the amount fixed by the hearing body or the recipient of the administrative citation will promptly pay to the city an additional amount fixed by the hearing body if the body finds that the fine assessed under the administrative citation to be insufficient.

5. The recipient of the administrative citation shall be served with a copy of the hearing body's written decision.

G. Late Payment Charges. Any person or entity who fails to pay to the city any fine imposed or amount owed pursuant to the provisions of this chapter on or before the date that the fine or amount is due shall also be liable for a late payment charge equal to ten percent (10%) of the unpaid amount, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month on the unpaid fine; provided however, the additional penalty and/or interest shall not apply if collection of the same by the city would violate state law.

H. Recovery of Administrative Citation Fines and Costs. Any person or entity that violates this chapter shall be responsible for the enforcement costs incurred by the city with respect to such violation. The city may collect any past due administrative citation fines, enforcement and collection costs, and late payment charges by use of all available legal means. Collection costs shall be in addition to any interest and/or late charges imposed upon the delinquent obligation and shall be added to and become a part of the underlying obligation. Any partial payment of an obligation, when a partial payment is permitted, will be applied first to the principal amount of the underlying obligation, then to any penalties, and then to interest.

I. Recovery of Administrative Citation Fines and Costs. Any person or entity that violates this chapter shall be responsible for the enforcement costs incurred by the city with respect to such violation. The city may collect any past due administrative citation fines, enforcement and collection costs, and late payment charges by use of all available legal means, including, without limitation, the lien procedures identified in Sections 17.94.180 and 17.94.190 of this code, which are incorporated herein by reference. Collection costs shall be in addition to any interest and/or late charges imposed upon the delinquent obligation and shall be added to and become a part of the underlying obligation. Any partial payment of an obligation, when a partial payment is permitted, will be applied first to the principal amount of the underlying obligation, then to any penalties, and then to interest.

J. Right to Judicial Review. Any person or entity aggrieved by a decision of the hearing body on an administrative citation may obtain review of the decision by filing a petition for review with the Superior Court for Kings County, California in accordance with the timelines and provisions set forth in California Government Code Section 53069.4, as may be amended.

K. Notices. The administrative citation and all notices required to be given by this chapter shall be served by personal delivery thereof to the person or entity to be notified or by deposit in the United States mail, certified mail with return receipt requested, addressed to such person to be notified at his or her last-known address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the mail. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019)

5.56.480 Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law. (Ord. 21-06 § 3, 2021; Ord. 19-03 § 4, 2019; Ord. 17-08 § 2, 2017)

Contact:

City Clerk: 559-585-2515

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APPLICATION PROCEDURE TO OPERATE A COMMERCIAL CANNABIS BUSINESS IN THE CITY OF HANFORD

This document outlines the application process, required submittal materials, and other information necessary to obtain approval to operate a Commercial Cannabis Business (CCB) in Hanford. These application processes are adopted pursuant to Hanford Municipal Code <https://qcode.us/codes/hanford/> Title 5 Business Licenses and Regulations - Chapter 5.56 Commercial Cannabis Activity and Title 17 Zoning Ordinance - Primarily Chapters 17.69 Commercial Cannabis-Related Uses and Activities, and Chapter 17.80, Conditional Use Permits (CUP). Applications to operate a CCB in Hanford require both an approved CCB License and an approved Conditional Use Permit.

Applications are accepted on a continuous basis except for Storefront and non-storefront dispensaries, pursuant to the Hanford Municipal Code ("HMC"). Applications for storefront and non-storefront dispensaries are subject to an application period. Application forms are available at the Community Development Department located inside City Hall, at 317 North Douty Street and on-line at. To be considered, a complete application for a CCB License must be approved first before an application for a Conditional Use Permit can be filed and considered. Both applications when completed will be submitted to the Community Development Department, at 317 North Douty Street, Hanford, CA, 93230. For questions regarding the application process please review the FAQ's and other information at the City of Hanford's Cannabis webpage cited above.

City of Hanford Commercial Cannabis Information Page:

https://www.cityofhanfordca.com/departments/community_development/planning_division/cannabis_information.php

BEFORE YOU APPLY:

1. Review this document and all on-line resource and information at the link above to learn about the entire application process and which documents you will need for the Business License and the Conditional Use Permit ("CUP").
2. Request a Zoning Verification Letter from the CDD. This must be included in the Business License submittal.
3. Review the application in its entirety to ensure that it is complete and accurate, and all required documents have been attached/included. Incomplete applications will be returned to applicants for correction before they can be accepted for processing. Personal or Business checks will not be accepted. Payment of fees must be made by a bank-issued check. **ALL APPLICATION FEES ARE NON_REFUNDABLE**
4. Review the information regarding the Commercial Cannabis Business permit application on the webpage: www.cityofhanfordca.com which includes the following information:
 - Local regulations governing Hanford CCB's: Hanford Municipal Code ("HMC") Chapters 17 and Chapter 5.56
 - Background authorization form and/or Live Scan
 - Additional application information: Ordinance No. 17-08.
 - State laws governing CCB's: The California Department of Justice Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use and Senate Bill 420 (Medical Marijuana Program Act).

- Medical Cannabis Safety Act (MCRSA)
- Adult Use Marijuana Act (AUMA)
- Frequently Asked Questions

COMMERCIAL CANNABIS APPLICATION REQUIREMENTS:

1) Application:

Applicants shall hand deliver one (1) complete comprehensive and signed copy of the Hanford Commercial Cannabis Business Form, and all attachments, if any, along with a flash drive which contains one comprehensive and signed copy of the application in a pdf format, and phase 1 fee.

- a) The Hanford Commercial Cannabis Business Form.
- b) The Background Authorization Form and/or Proof of Live Scan payment for each of the principals. The application for the Live Scan and the background form will be available on the city website or at the Community Development Department in City Hall. Please provide proof of completing your background form and/or Live Scan form by providing proof of a receipt along with your application. Principals who do not meet criminal history eligibility requirements will be disqualified.
- c) The Zoning Verification Letter will need to be included with the application package, to ensure that the proposed location, which the applicant is applying for, meets locational requirements prior to submitting their CCB application. Please note that the issuance of a Zoning Verification Letter does not constitute written evidence of permission by the City of Hanford or any of its officials to operate a CCB, nor does it not mean "permit" within the meaning of the Permit Streamlining Act, nor does it constitute an entitlement under the Zoning or Building Code. A regulatory permit for regulating a CCB does not constitute a permit that runs with the land on which the CCB is established. Requests for Zoning Verification Letters must be submitted in writing from the Community Development Department and will not be completed over the counter since the process may require additional research and review.

2) Amendments to the Application:

Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or authorized in writing by the City. Any change in location will require a new "Zoning Verification Letter" and must be submitted with the application package prior to your interview in Phase 3 of the selection process. Please note that should you choose to submit a different location prior to Phase 3 you can only do so if your initial proposed site was approved as part of your original application package. Any change in location may result in a change of the scoring in phase 1.

3) Payment of Application Fees:

The individual designated as the CCB contact on the application will be notified by e-mail as to whether the application is advancing, the associated fees and the payment deadlines.

LATE AND INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED ON ANY APPLICATION FOR A STOREFRONT OR NON-STOREFRONT DISPENSARY.

COMMERCIAL CANNABIS APPLICATION FEES:

All fees are submitted to the community development department, located at City Hall 317 N. Douty St.

- ❖ **Phase 1:** Preliminary determination of eligibility. Filing fee: \$4,254
 - **Criminal History Check:** Each principal/owner must undergo a criminal background check the Live Scan Fee shall be \$135.55 and the background Review shall be \$300.
 - **Zoning Verification Letter:** Shall be \$135
- ❖ **Phase 2:** Initial ranking. \$1,689

- ❖ **Phase 3:** Second ranking. \$2,241
- ❖ **Phase 4:** City Manager's Determination and Award. \$1,102

EVALUATION AND SELECTION PROCESS:

The evaluation and selection process shall consist of the following four phases:

- ❖ **Phase 1: Determination of Eligibility and Application**
 - Each Principal must undergo a criminal history check demonstrating compliance with the eligibility requirements of HMC Section 5.56.290 (m) and 5.56.070.
 - Applications must be complete to be considered if the application is for a license type that has limited permits. Applications will be considered complete only if they include all information required for Phases 1, 2 and 3.
 - Proposed location of business.
 - Execute an agreement indemnifying the City from liability.
- ❖ **Phase 2: Initial Ranking (1,500 Points)**
 - Applications will be evaluated based on the following criteria:
 - Proposed Location of business (300 Points)
 - Business Plan (500 Points)
 - Neighborhood Compatibility Plan (300 Points)
 - Safety and Security Plan (300 Points)
 - Labor and Employment Plan (100 Points)
 - Those applicants who scored a minimum of 80% in Phase 2 will move on to Phase 3.
 - Applicants for a permits that are unlimited may begin the CUP process during this phase.
- ❖ **Phase 3: Second Ranking (2,500 Points)**
 - All applications who score at least 80% in Phase 2, will be interviewed, and evaluated by the Selection Committee based on the criteria listed below.
 - Prior to the scheduling of the interviews in Phase 3, each of the applicants will be required to have their proposed site inspected by the assigned City designee to ascertain current conditions of the facility.
 - The second ranking will be scored based on the following criteria:
 - Final Location (proof of ownership or a signed and notarized statement from the Property Owner) (300 Points)
 - Business Plan (300 Points)
 - Community Benefits (750 Points)
 - Labor & Employment (200 Points)
 - Neighborhood Compatibility Plan (200 Points)
 - Qualifications of Principals (500)
 - Safety and Security Plan (250 Points)
 - After all the applicants from Phase 3 scores have been tabulated, they will be combined with Phase 2 to establish a new ranking of the top applicants. The ranked applicants, as determined by the Selection Committee, will move onto Phase 4 of the selection process.
- ❖ **Phase 4: City Manager's Final Approval and Award of Permit**
 - All eligible applicants as determined by the Ordinance or by resolution will be presented to City Manager.
 - The City Manager will review the Selection Committee's evaluation, final rankings and recommendation.
 - City Manager Approves Final recommendations and Awards Permit(s).

DESCRIPTION OF EVALUATION CRITERIA:

- ❖ **Proposed Location.** Your application must include the address and a detailed description of the proposed location. (Note that proof of ownership, or a notarized letter of the owner's willingness to lease will not be given any additional consideration until Phase 3). This section should also describe all sensitive uses described in within six hundred (600) feet of the proposed location from the property line of a K-12 school, daycare center and youth center. The CCB must be in the appropriate zoning and meet all the locational requirements as described in HMC Chapter 17 and HMC 5.56.290 (o).
- ❖ **Business Plan.** With as much detail as possible, the Business Plan should describe:
 - Description of day-to-day operations which meet industry best practices for the specific type of permit in which they will be applying for in the City.
 - How the CCB will conform to local and state law. See HMC Sections 5.56.290, and HMC Sections 5.56.310, 5.56.340, Ordinance 17-08, and the Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.
 - How medical and retail cannabis will be tracked and monitored to prevent diversion.
 - A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.
 - A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
 - Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
 - A pro forma for at least three years of operation.
- ❖ **Neighborhood Compatibility Plan.** For the proposed location, your application should address how
 - the CCB, including its exterior areas and surrounding public areas, will be managed, to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
 - Furthermore, a site plan (accurate, dimensioned and to-scale [minimum scale of 1/4"]) should be included for each potential location.
- ❖ **Safety and Security Plan.** For each proposed location, your application should include:
 - A detailed safety plan. This plan should describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place.
 - An assessment of the facility's fire safety by a qualified fire prevention and suppression consultant. An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
 - A detailed security plan. This plan should include a description and detailed schematic of the overall facility security. It should have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security. In particular, applications should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed. The security plan shall also include an assessment of site security by a qualified security consultant. Security plans will not be made public.
 - A floor plan showing existing conditions. If changes are proposed as part of the project, then a proposed floor plan should also be submitted. The floor plan(s) should be accurate, dimensioned and to-scale (minimum scale of 1/4").

- ❖ **Community Benefits.** The application should describe benefits that the CCB would provide to the local community, such as employment for residents of the City, community contributions, or economic incentives to the City.
- ❖ **Labor & Employment.** The application should describe to what extent the CCB will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees. Specific practices that are subject to consideration include the following:
 - Providing compensation to and opportunities for continuing education and training of employees/staff (applications should provide proof of the CCB policy and regulations to employees);
 - Providing a “living wage” to facility staff and employees. Wage scale should be provided in writing for all levels of employment at the facility. “Living Wage” shall mean 150% of the minimum wage mandated by California or Federal law, whichever is greater.
- ❖ **Qualifications of Principals.** The application should include information concerning any special business or professional qualifications or licenses of principals that would add to the number or quality of services that the CCB would provide, especially in areas related to medical cannabis, such as scientific or health care fields.

ADDITIONAL EVALUATION NOTES:

- ❖ After the completion of the application interviews in Phase 3 and prior to the Selection Committees final review and evaluation, the City reserves the right to request and obtain additional information from any candidate who submitted a proposal. Upon the completion of the final review process, the Selection Committee will tabulate its final scores of all applicants who were interviewed in Phase 3. The City Manager will review the selection committee’s rankings and recommendations and may award up to the amount permitted by the Ordinance or Council Resolution pursuant to HMC Section 5.56.080. The City reserves the right to award a lesser number of permits, or to award no permits at all. Only those applicants on the final list will be eligible to be issued a permit from the initial permit process. The top Applicants, which are being reviewed by the City Manager for consideration, should be prepared to attend a second interview in Hanford to provide additional information, introduce their team and provide an overview of their proposal if requested by the City Manager.
- ❖ Please note that being awarded a CCB permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCB application process meet the standards or requirements in Chapter 17 or any other permit requirement from other city departments or agencies.

CCB PERMIT APPLICATION TIMELINE

1. For storefront and non-storefront applications there will be a set date for the acceptance of applications.
2. For all other CBB permit types they are accepted on an on-going basis.
3. Phase 1 Preliminary determination of eligibility
 - a. Backgrounds 1 month
 - b. Zoning verification letter 10 days.
4. Phase 2 Initial Ranking
 - a. 1 month
5. Phase 3 Second Ranking
 - a. 1 month

6. Phase 4 City Managers determination and award
 - a. 3 weeks

This is an approximate timeline. Actual timeline may vary based upon the number of applicants, information being requested by third parties, approved corrections that need to be made by the applicant and other factors that may arise during the application process. You may always contact the City to determine the status of your application.

CONDITIONAL USE PERMIT PROCESS

Applications for storefront and non-storefront dispensaries cannot begin the CUP process until they have been awarded a permit by the City of Hanford. Applications for other CCB permit types may begin the CUP process if they are prepared to do so. This may occur concurrently with the CCB permit application process once the application has entered phase 3. The process is outlined below;

1. Site Plan Review (SPR) application (link below), pursuant to HMC 17.72.020
 - a. The SPR is an administrative process to assure that the project types as listed in HMC 17.72.020 comply with all applicable requirements of the HMC and the City General Plan. Once this process is completed the applicant may move to step 2.
 - b. https://cms6.revize.com/revize/hanfordca/document_center/Planning/Planning%20Applications/Site%20Plan%20Review%20Application.pdf
2. Conditional Use Permit application(link below), pursuant to HMC 17.80
 - a. The CUP permit process allows a City to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. The permit application is approved after a review and under a set of conditions as identified by the City of Hanford.
 - b. https://cms6.revize.com/revize/hanfordca/document_center/Planning/Planning%20Applications/Conditional%20Use%20Permit.pdf
3. California Environmental Quality Act (CEQA)
 - a. Any development project in California requiring to a discretionary land use entitlement, such as a Conditional Use Permit, are also subject to review for potential environmental impacts pursuant to CEQA, pronounced "C-kwah". This process can typically take 4-6 months depending on the complexity of the project and/or potential environmental impacts that could result from the project related to the site or areas surrounding the site. The City will prepare and implement the required CEQA document and process; however, the applicant may choose to hire a consultant (approved by the City) to perform the work. The consultant's product must be provided to City in Administrative Draft form for the City's review and comment. A final draft acceptable to City staff will then be provided to the City who will manage the required public review process.
 - b. As soon as the public review CEQA process is completed, responses to any comments received will be prepared and the CUP staff report/CEQA doc. will be scheduled by staff for the soonest available Planning Commission meeting for a required public hearing.
 - c. As soon as the public review CEQA process is completed, responses to any comments received will be prepared and the CUP staff report/CEQA doc. will be scheduled by staff for the soonest available Planning Commission meeting for a required public hearing.
 - d. If the CEQA document (including the Mitigation Monitoring and Reporting Program (MMRP), if required, and the Project are approved by Planning Commission, a 10-day appeal period will follow, during which time any aggrieved party may file a written appeal (along with required appeal fees) of the Planning Commission's decision to the City Council.
 - e. If an appeal is filed, the matter will be scheduled for the soonest available City Council meeting for a required public hearing for a decision to uphold or deny the appeal.

- f. If no appeals are received, or the appeal is denied by Council, the Project may proceed to file for Building Permits.
- g. If the appeal is upheld by Council, the Project can be denied or returned to Planning Commission, if so directed by Council, with specific direction for consideration of changes or modifications to the project.
- 4. Building Permit issuance
 - a. The use may not commence operations until passing a Final Building Inspection and a Certificate of Occupancy is issued.

CONDITIONAL USE PERMIT PROCESS FEES

- 1. Site Plan Review Application Fee.
 - a. Initial Minor - \$1,000
 - b. Initial Major - \$3,000
 - c. Resubmittal (First Resubmittal - No Charge) - \$750
- 2. Conditional Use Permit Application Fees
 - a. Minor (Existing Structures) - \$1,500
 - b. Regular – \$3,500
 - c. Amendment to an approved CUP - \$1,500
- 3. CEQA Compliance, Initial Fee
 - a. Initial Study/Negative Declaration (City-Prepared) - \$1,450
 - b. Initial Study/Negative Declaration (Consultant Prepared – Actual Cost +10%)

THE CITY'S RESERVATION OF RIGHT'S

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Late and incomplete proposals WILL BE REJECTED. Furthermore, a proposal RISKS BEING REJECTED for any of the following reasons:

- Proposal considered not fully responsive to this request for a permit application.
- Proposal contains excess or extraneous material not called for in the request for permit application.

CONTACT:

If you have any questions or would like an update on the status of your application, please contact; The City Clerk at 559-585-2515 or by email at ncorral@cityofhanfordca.com.

THE CCB PERMITTING PROCESS REQUIRES A HIGH LEVEL OF EXPERTISE. IT IS HIGHLY RECOMMENDED THAT YOU HIGHER A PROFESSIONAL TO HELP YOU NAVIGATE THIS PROCESS TO AVOID UNNECESSARY DELAYS AND ADDITIONAL COSTS.

Notice of Exemption 2022-70

To: ☐ Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

☒ County Clerk
County of Kings
Kings County Government Center
Hanford, CA 93230

From: City of Hanford
317 North Douty Street
Hanford, CA 93230

Project Title: Conditional Use Permit 2022—05; Site Plan Review 2022-35

Project Location – 10210 Idaho Avenue (APN 018-242-024) Buildings 25, 26, and 27

Project Location – City: Hanford **Project Location – County:** Kings County

Description of Nature, Purpose and Beneficiaries of Project: Conditional Use Permit No. 2022-05: a request, by GBH Calcot, LLC, to allow a cannabis cultivation facility in the I-H Heavy Industrial zone district. The permit applies to the processing, curing, grading, and storing of cannabis inside three (3) 35,000 square foot buildings on an existing site.

Name of Public Agency Approving Project: City of Hanford, Planning Division

Name of Person or Agency Carrying Out Project: GBH Calcot, LLC – Applicant Rachel Spain

Exempt Status: **(check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 152698);
☐ Declared Emergency (Sec. 21080(b)(3); 15269 (a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption: State type and section number: 15301 Existing Facilities
☐ Statutory Exemption. State code number:

Reasons why project is exempt:

The City of Hanford determined the project to be exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301 states that Class 1 exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. This project involves the permitting of an existing private structure, involving negligible or no expansion.

Lead Agency

Contact Person: Gabrielle Myers Area Code/ Telephone: (559) 585-2578

Signature: _____ Date: September 27, 2022 Title: Senior Planner

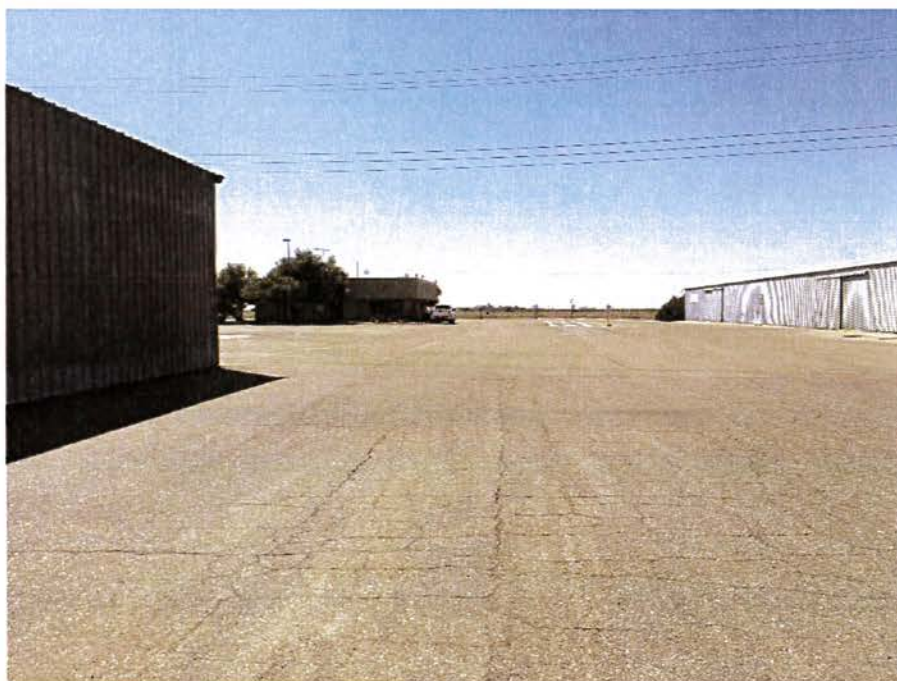
☒ Signed by Lead Agency Date received for filing at OPR: _____
☐ Signed by Applicant

Attachment: Attachment 5 - Notice of Exemption No. 2022-70 (CUP 2022-05)

GBH CALCOT, LLC
COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION
PHASE 1: F.1 PHOTOS OF THE SITE AND BUILDING(S)

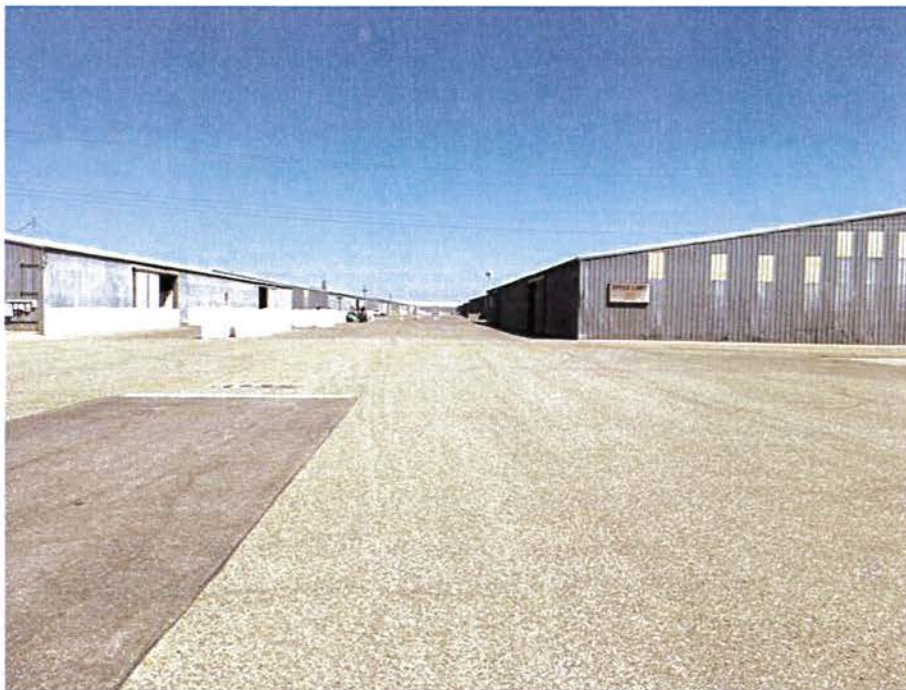


GBH CALCOT, LLC
COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION



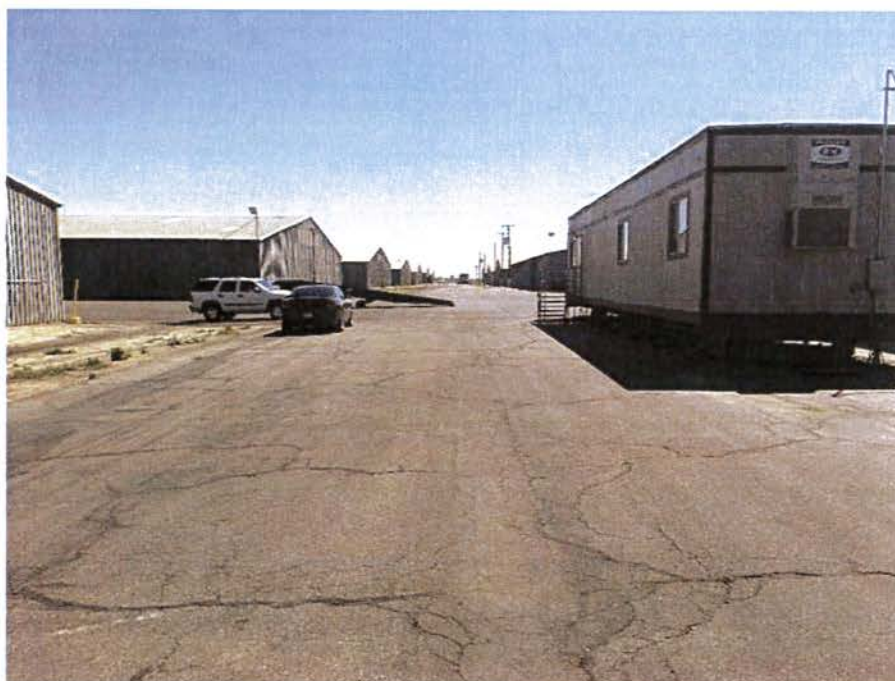
Attachment: Attachment 6 -Photos of the Site and Buildings (CUP 2022-05)

**GBH CALCOT, LLC
COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION**



Attachment: Attachment 6 -Photos of the Site and Buildings (CUP 2022-05)

GBH CALCOT, LLC
COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION



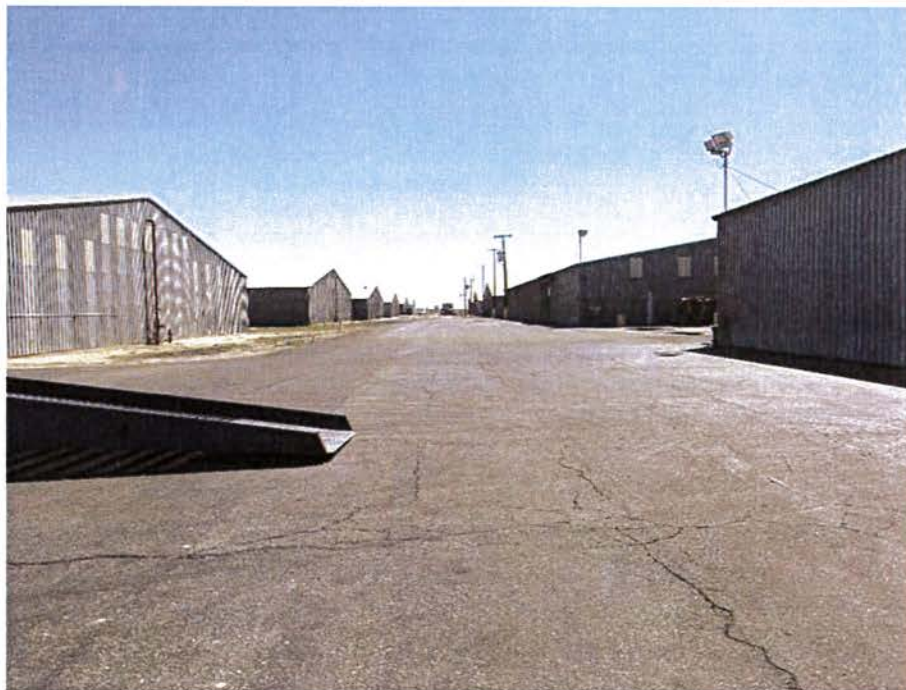
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COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION**



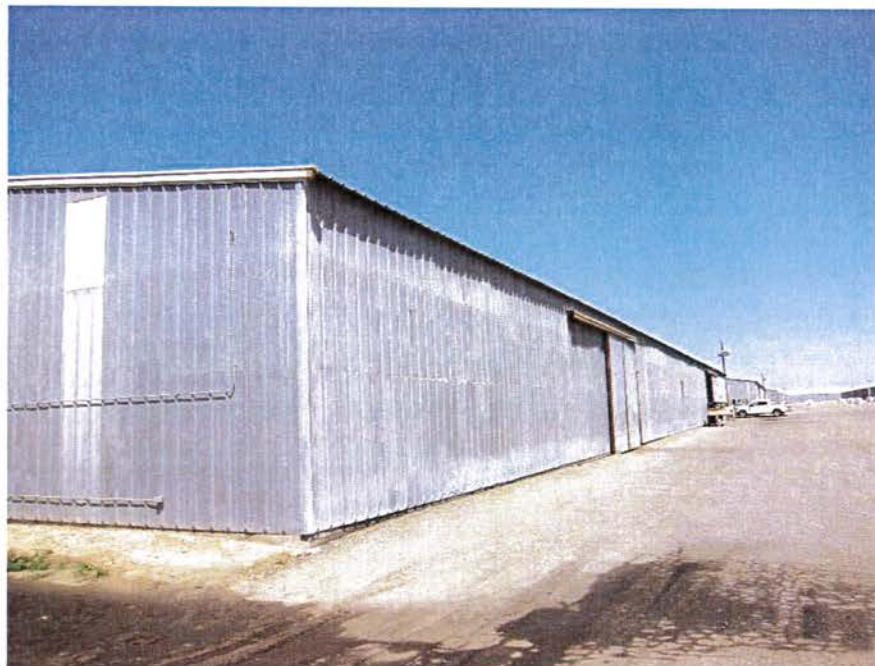
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COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION



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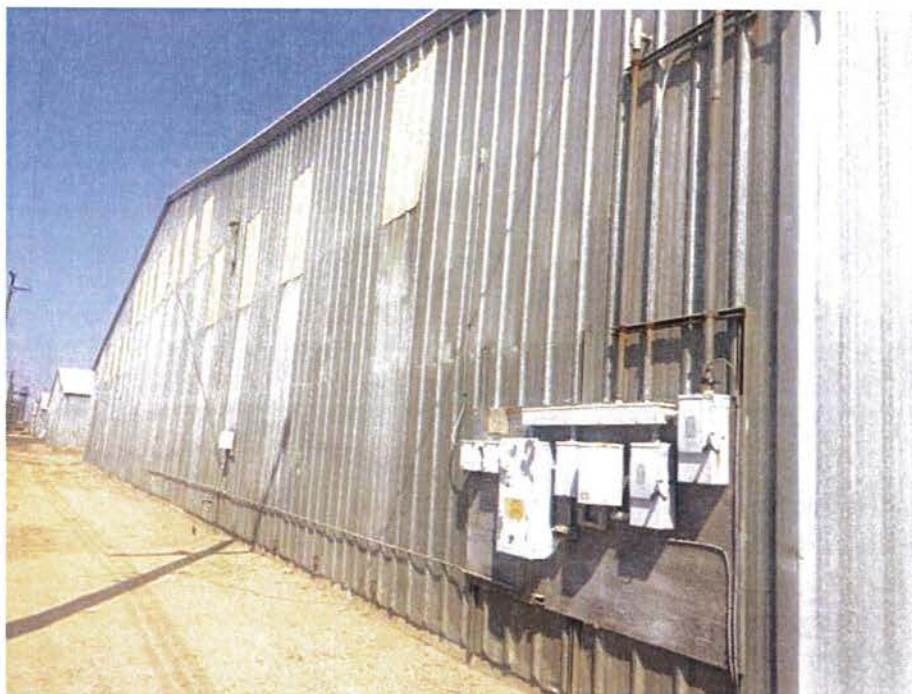
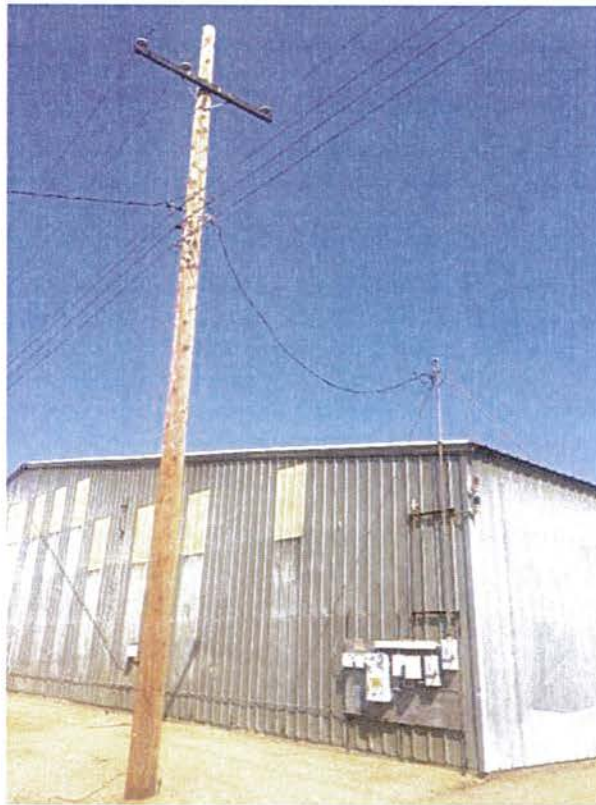


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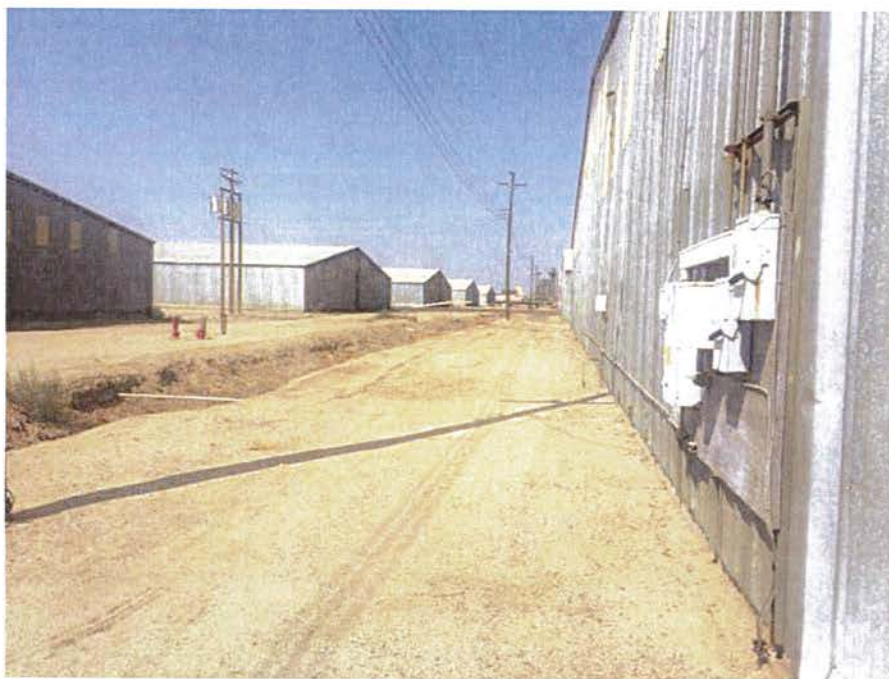


**GBH CALCOT, LLC
COMMERICAL CANNABIS BUSINESS PERMIT APPLICATION**



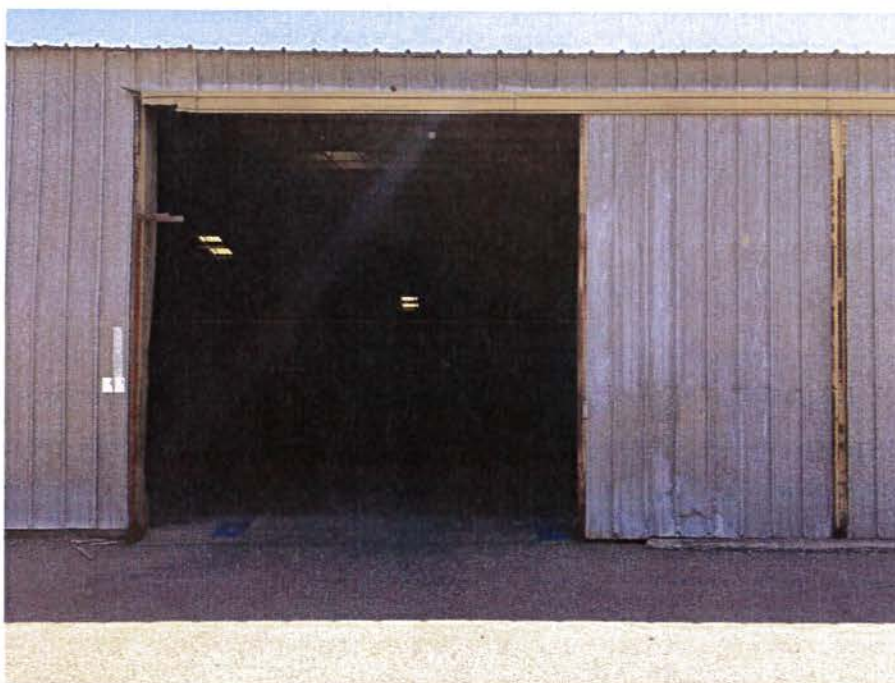
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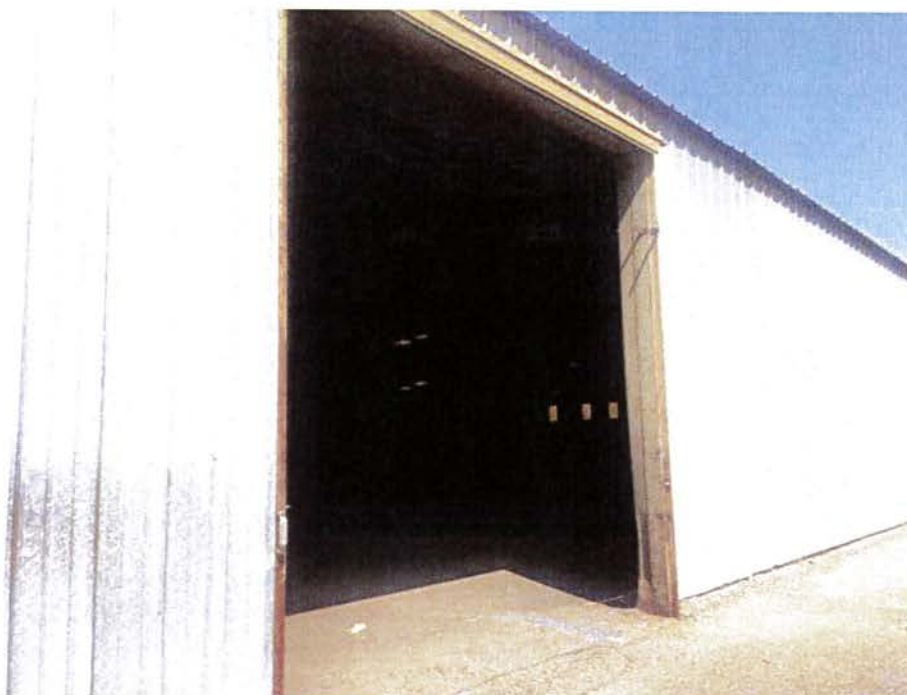
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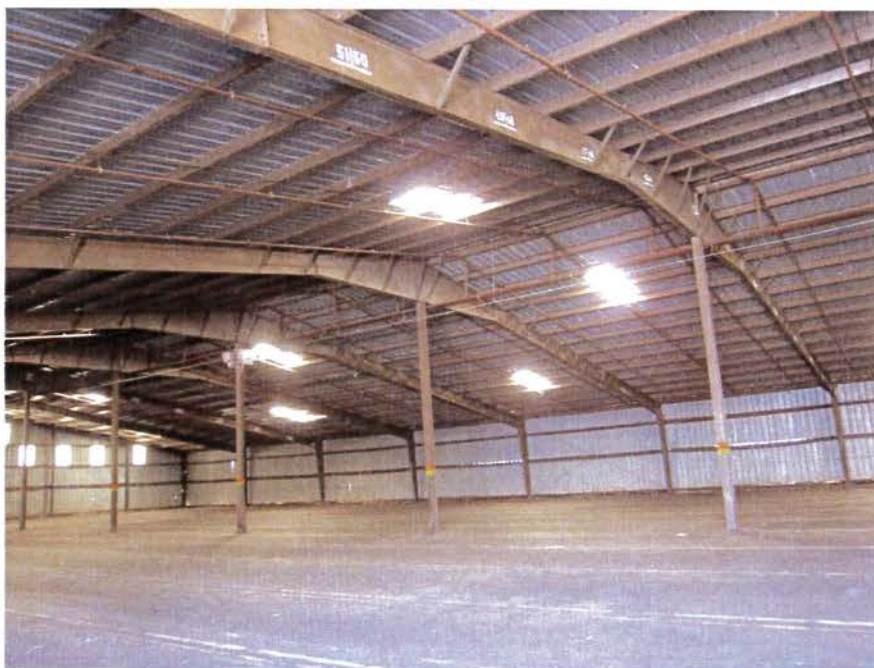
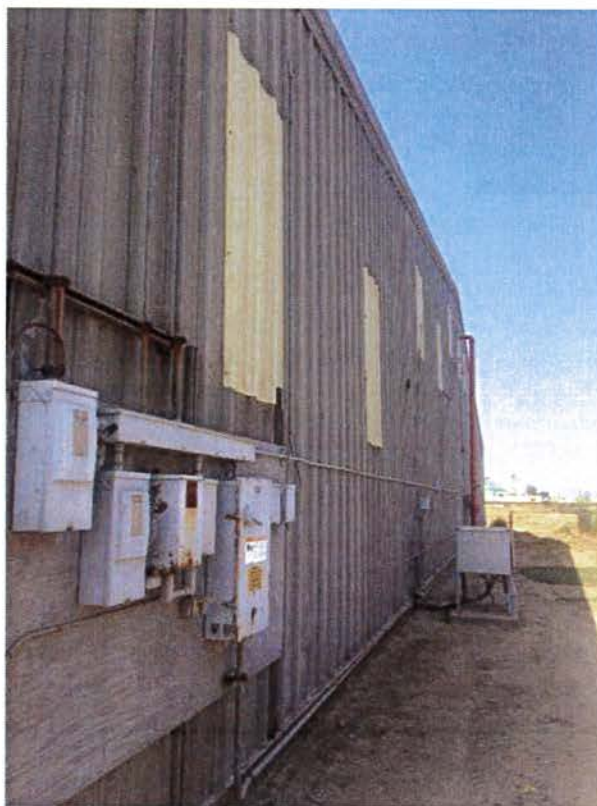
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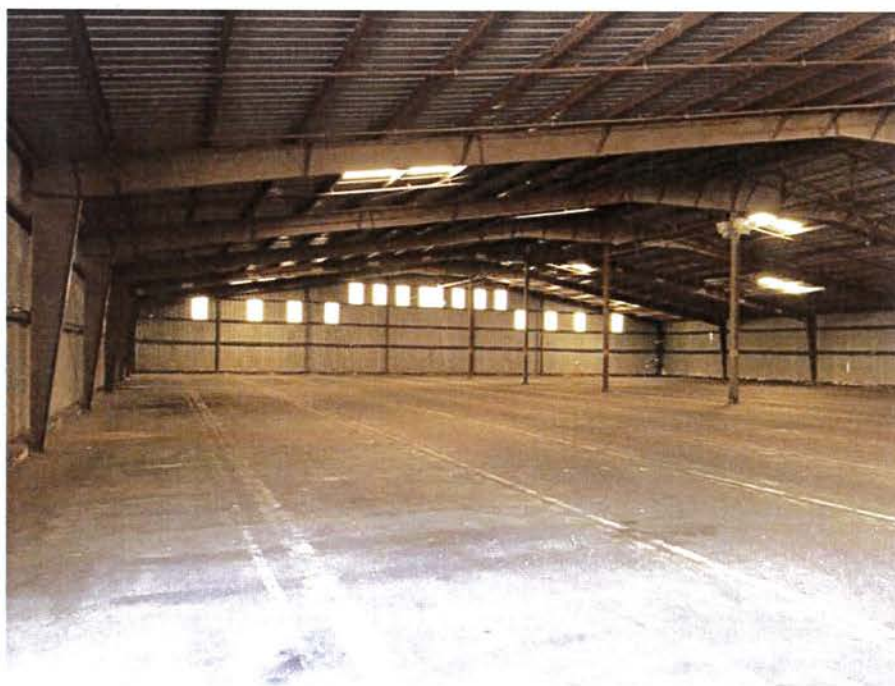
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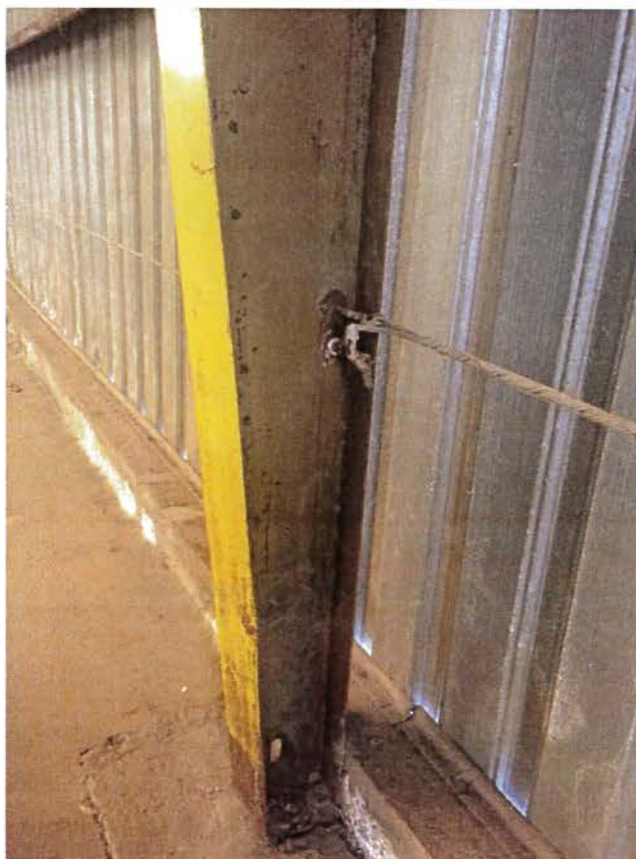
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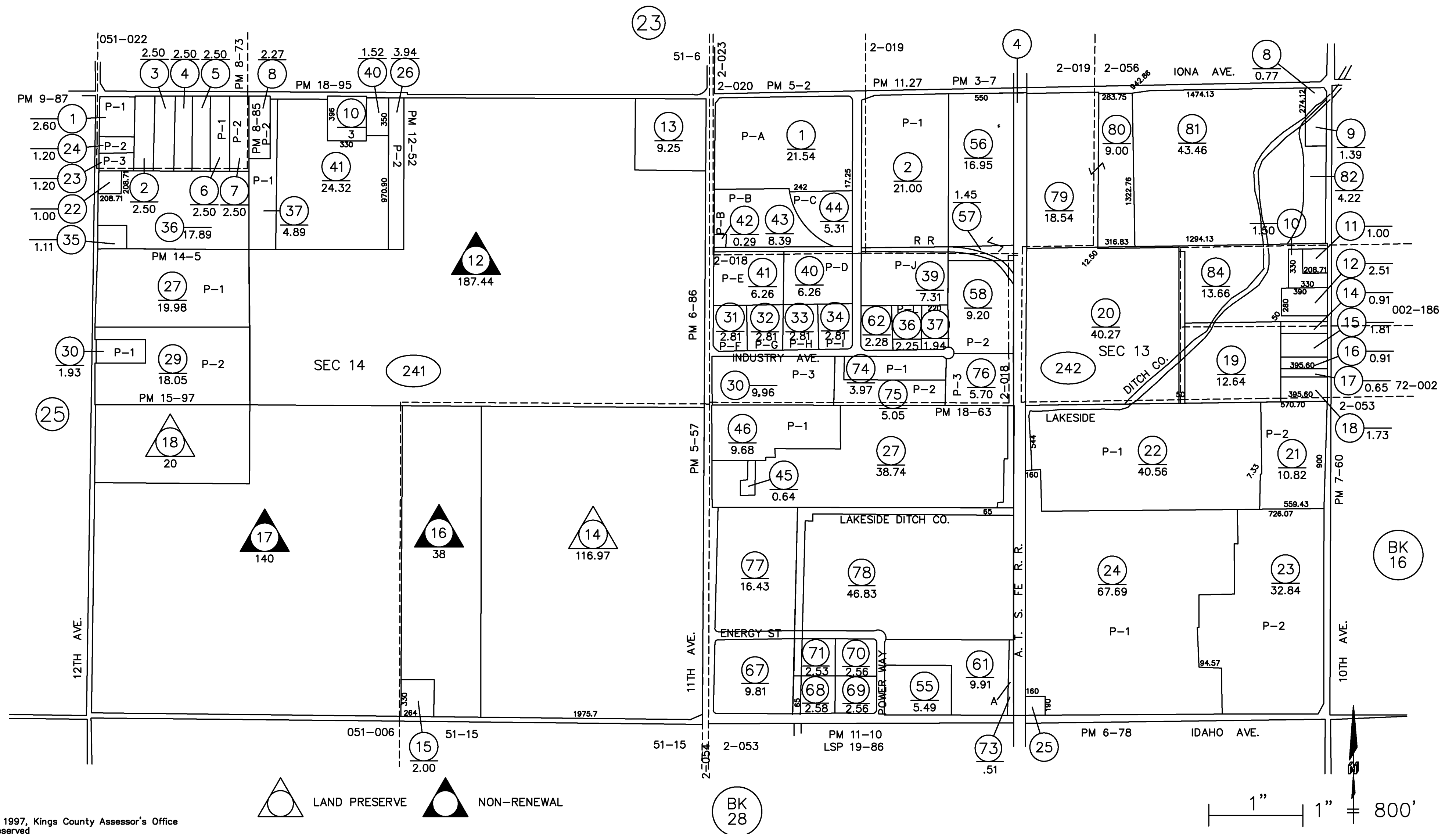
Attachment: Attachment 6 -Photos of the Site and Buildings (CUP 2022-05)

PARCELQUEST
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY
IT IS NOT TO BE CONSTRUED AS PORTRAYING
LEGAL OWNERSHIP OF DIVISIONS OF LAND FOR
PURPOSES OF ZONING OR SUBDIVISION LAW.
JUNE 2018

KINGS COUNTY ASSESSOR'S MAP

SEC'S. 13 & 14-19-21

18-24



LAND PRESERVE NON-RENEWAL

1" 1" 800'



AGENDA STAFF REPORT

MEETING DATE: 9/27/2022	AGENDA SECTION: 2

SUBJECT:

Conditional Use Permit No. 2022-07: A request by Tessengerlo Kerley, Inc, to amend their original conditional use permit, in order to add a new 260,000-gallon above-ground molten sulfur tank to their site. The tank will facilitate additional storage onsite. The proposal will not alter the existing use of the site. Mitigated Negative Declaration No. 2014-02: An addendum to the previously approved Mitigated Negative Declaration No. 2014-02 has been prepared to certify that the project will not have a significant effect on the environment with the incorporation of mitigation measures. The project is located at 10724 Energy Street (APN 018-242-078).

FISCAL IMPACT:

ATTACHMENTS:

Staff Report - TKI
 Resolution No. 2022-29
 Attachment 1 - Project Description
 Attachment 2 - Site Plan Review 2022-43
 Attachment 3 - SPR 2022-43 Approval Letter
 Attachment 4 - Original PC Staff Report
 Attachment 5 - Safety Data Sheet
 Attachment 6 - Addendum No 4
 Original MND
 Kings County Assessor's Map

**CITY OF HANFORD PLANNING COMMISSION
STAFF REPORT
Tuesday, September 27, 2022**

PROJECT: **Conditional Use Permit No. 2022-07:** A request by Tessenderlo Kerley, Inc. to amend their original conditional use permit, in order to add a new 260,000 gallon above-ground molten sulfur tank to their site. The tank will facilitate additional storage onsite. The proposal will not alter the existing use of the site.

Mitigated Negative Declaration No. 2014-02: An addendum to the previously approved Mitigated Negative Declaration No. 2014-02 has been prepared to certify that the project will not have a significant effect on the environment with the incorporation of mitigation measures.

LOCATION: The project is located at 10724 Energy Street (APN 018-242-078).

PLANNER: Gabrielle Myers, Senior Planner

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2022-29, approving Conditional Use Permit No. 2022-07.

RECOMMENDED MOTION

1. I move to adopt Resolution No. 2022-29, approving Conditional Use Permit No. 2022-07.

PROJECT DESCRIPTION

On January 28, 2014, the Planning Commission approved Conditional Use Permit No. 2013-02, allowing the development of a Potassium Thiosulfate Solution (KTS) manufacturing facility on a 46-acre property in the I-H Heavy Industrial zone district to allow for fertilizer blending.

Conditional Use Permit No. 2022-07 is a request, by Tessenderlo Kerley, Inc., to amend their original conditional use permit, in order to install a new 260,000 gallon above-ground molten sulfur tank to their site. The tank will facilitate additional storage onsite. The proposal will not alter the existing use of the site.

See the applicant's statement – **Attachment 1.**

The addition of the storage tank is proposed under Site Plan Review No. 2022-43, shown in **Attachment 2**. All conditions of approval for cited in the approval letter for Site Plan Review No. 2022-43, attached in **Attachment 3**, shall also be conditions of approval for the Conditional Use Permit.

The project is located in the industrial park at 10724 Energy Street (Figure1). The property is designated by the General Plan as Heavy Industrial (Figure 2) and zoned I-H Heavy Industrial (Figure 3).

Figure 1: Land Use
(Property outlined in red)



Figure 2: General Plan Designation (outlined in red)
Heavy Industrial

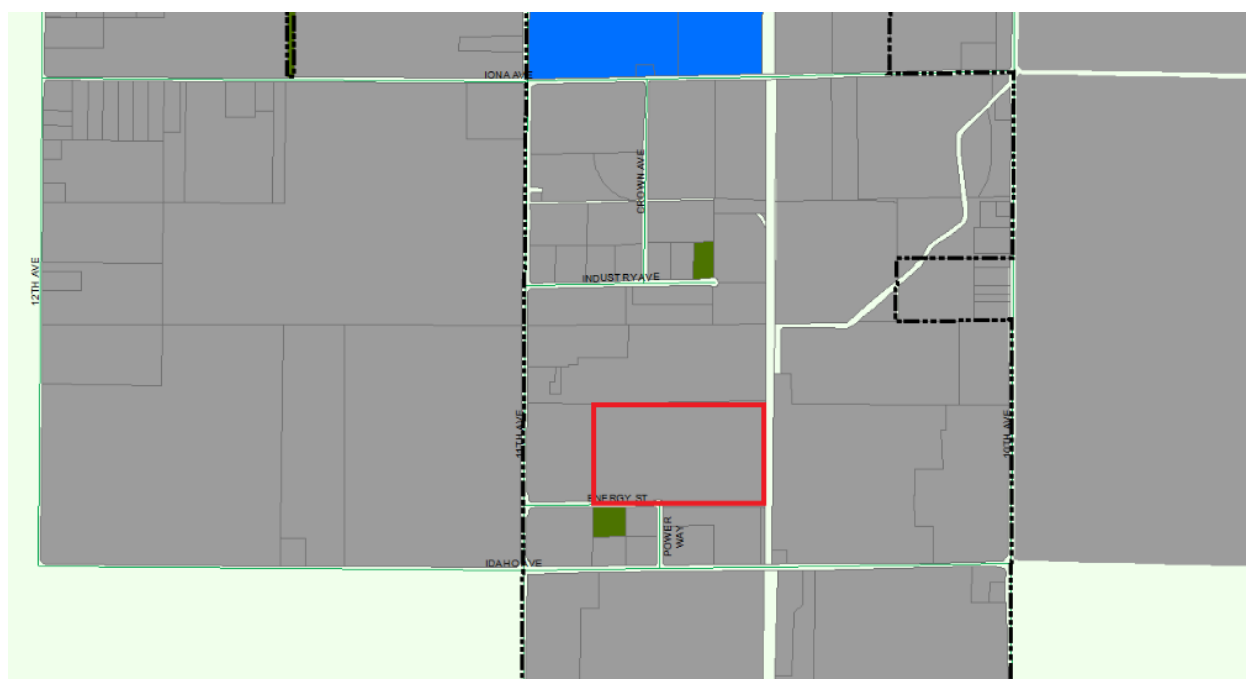
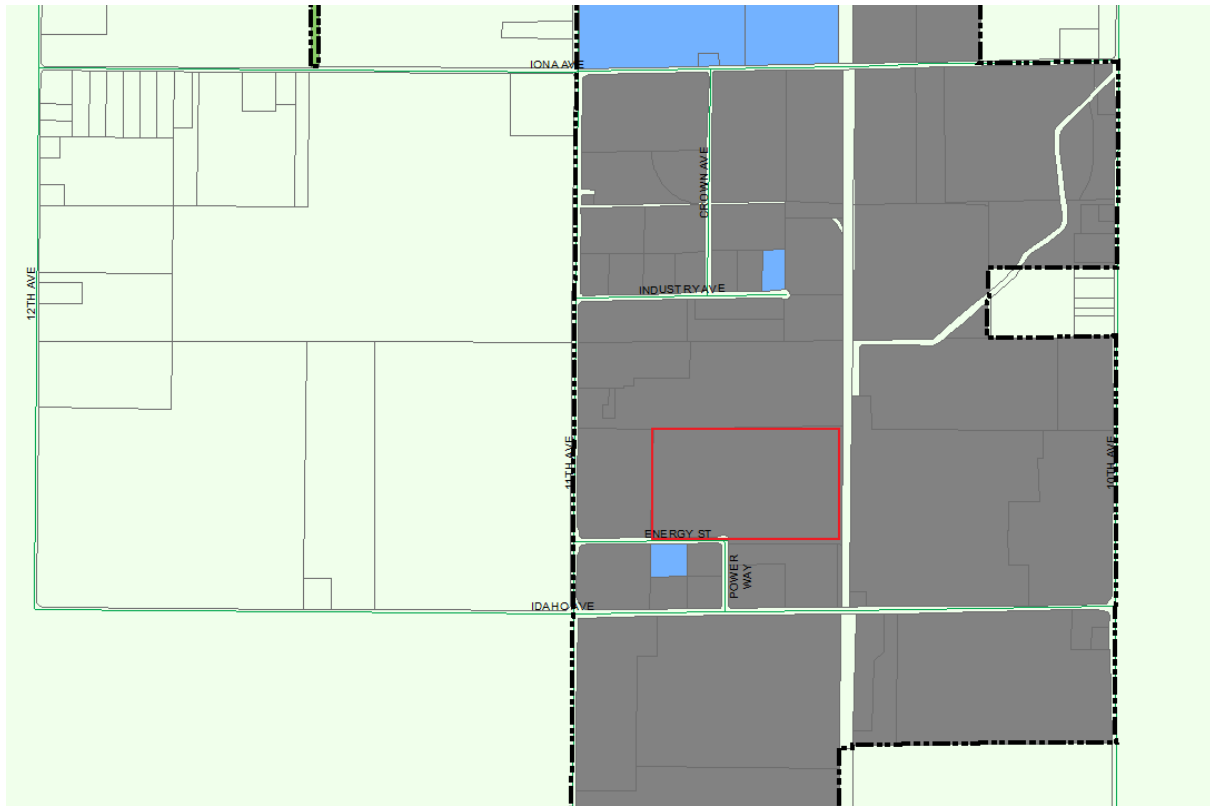


Figure 3: Zoning Designation (outlined in red)
H-I Heavy Industrial



BACKGROUND INFORMATION

General Plan Designation

The General Plan designates the property as Heavy Industrial. The property is zoned I-H Heavy Industrial, which corresponds with the General Plan Designation. According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The request for additional storage in conjunction with a fertilizer mixing facility is consistent with the purpose of the Heavy Industrial Land Use designation and compatible with the uses typically permitted in the designation.

Zoning Designation

The existing use of the facility is categorized as an “industrial or manufacturing facility, intensive,” which according to Section 17.96.020 means, “a facility that regularly uses hazardous chemicals

or procedure or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic or synthetic resins, and radioactive materials. The subcategory also includes biomass energy conversion, chemical manufacturing, animal food manufacturing, petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete plants, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic.” An industrial or manufacturing facility, intensive requires a conditional use permit in the I-H Heavy Industrial zone district.

Figure 4 – Land Use Table

Commercial, Office, and Industrial Use Table													
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed													
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP
													PF
													CO
													Specific Land Use Standards (See identified Section)
	Manufacturing and Processing Uses												
D6	Industrial or manufacturing facility, general											P	
	Industrial or manufacturing, intensive											C	

Due to the request to install an additional storage tank associated with the existing use, an amendment to the conditional use permit is required.

Former Entitlements

2012-2013

The Tessengerlo Kerley, Inc. site was developed under Site Plan Review No. 2012-09, Site Plan Review No 2013-13, Site Plan Review No. 2018-16, and Conditional Use Permit No. 2013-02, which allowed the use of chemical manufacturing (fertilizer mixing) at 10724 Energy Street, within the industrial park.

The original Planning Commission staff report for Conditional Use Permit No. 2013-02 is attached – **Attachment 4**.

2018

Site Plan Review No. 2018-16 and Conditional Use Permit No. 2018-04 approved the installation of a TDSX recycling unit. The TDSX unit cleans amines and glycols of heat stable salts that build up over time as the material is used in refinery processes. The heat stable salts prevent the materials from working efficiently, so periodically, the material must be removed from the process and either disposed of or recycled for reuse. The TDSX process removes the heat stable salts through evaporation and condensation allowing the treated material to be used back into the refinery process and not have to be sent for disposal.

2019

Site Plan Review No. 2019-30 and Conditional Use Permit No. 2013-02 Amendment #1 approved the installation of four additional above ground, bulk storage tanks for the storage of KTS, a potassium and sulfur non-hazardous liquid fertilizer. The four tanks each have a 1-million-gallon capacity and are constructed with stainless steel. Along with the storage tanks, associated pumps, piping, instruments, etc. were installed.

Since the proposed solar facility and the chemical manufacturing facility are currently located on two separate parcels, the applicant is required to merge the two parcels through the Parcel Map Waiver process.

2021

Site Plan Review No. 2021-47 and Conditional Use Permit No. 2021-09 approved the installation a 1 MW ground-mounted tracker photovoltaic (PV) solar facility as an accessory use to the existing TKI site.

PROJECT EVALUATION

Operating Conditions

Storage Tank

The new molten sulfur tank will be a 260,000 gallon, carbon steel, insulated tank. The tank will be heated with on-site steam and will be located in the same area as the existing above ground tank. The vent from the new tank will go to the existing H₂S scrubber.

The facility currently has one molten sulfur unloading tank and one molten sulfur above ground storage tank. According to the applicant's project description, these tanks are used to unload and store molten sulfur, which is used as a raw material in the Potassium Thiosulfate Solution (KTS) manufacturing plant. The addition of another above ground tank would be for additional molten sulfur storage to help with inventory, due to potential shortages or long lead times by the railroad in the future. The ability to load molten sulfur into trucks and/or railcars would allow the Tessengerlo Kerley, Inc. Hanford facility to supply molten sulfur to other TKI locations, if they run into a molten sulfur shortage in their area.

There will not be modifications made to the KTS manufacturing plant, or changes to the amount of products the KTS manufacturing plant can make.

The material and safety data sheet for molten sulfur is attached – **Attachment 5.**

Truck Loading and Unloading Areas

According to the project description submitted by the applicant, “one new rail loading station and one new truck loading station will be added for the expansion to allow loading of molten sulfur. The new loading areas will be located in the same area as the existing above ground molten sulfur tank. The vent from the loading areas will go to the existing H₂S scrubber. An air construction permit will be obtained from the San Joaquin Valley Air Pollution Control District for the modification.”

There will be no change to the existing loading and unloading areas.

Additional Storage

The project is for additional storage only and will not require modifications to the current loadout area or production facility.

Hazardous Materials

Molten sulfur is a liquid fertilizer comprised of molten sulfur, hydrogen sulfide, and sulfur dioxide.

There is a Hazardous Materials Business Plan and Emergency Contingency Plan in place for the KTS production plant.

The Kings County Department of Public Health Reviewed the project and provided the following comments:

1. The facility has an existing Hazardous Materials Business Plan. Within 30 days of installing the above-ground molten sulfur tank, you must update the current chemical inventory online at <http://cers.calepa.ca.gov> to reflect the change on your CERS account. Contact our office if you have any questions.
2. Construction activities that disturb soils containing the spores of the fungus, *Coccidioides immitis*, can put workers and the nearby public at risk for valley fever, a serious and potentially long-term respiratory illness caused by the fungus that is endemic in the soils of Kings County. Effective dust control must be maintained on the job site at all times in order to reduce the risk of valley fever to workers and nearby residents. For more information regarding the prevention of work-related valley fever is available at the following website. Contact the San Joaquin Valley Air Pollution Control District for more information on dust control techniques.

<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/ValleyFeverFactSheet.pdf>

Personnel

There are 24 full-time employees associated with the TKI site.

No additional personnel will be required due to the increased storage on site.

Conformance with the Standards of the I-H Heavy Industrial Zone District

The project has been evaluated for conformance with the standards of the I-H Heavy Industrial zone district, below.

17.36.030 Site Area

In the I-H Heavy Industrial zone district, the minimum site area shall be 20,000 square feet. The entire parcel totals 46.83 acres, which meets and exceeds the minimum site area for the district.

17.36.040 Lot Dimensions

The minimum lot frontage in the I-H Heavy Industrial zone district shall be 60 feet, unless a reciprocal use agreement for shared common access and parking areas is recorded with the Kings County Recorder's Office. The lot has over 650 feet of frontage along Energy Street, which meets and exceeds the minimum site area for the district.

17.36.050 Coverage

The maximum coverage of the lot shall be determined by the combined building setback area requirements, open space requirements, and off-street parking and loading requirements. The project meets all building setback area requirements, open space requirements, and off-street parking and loading requirements; therefore, the maximum lot coverage is not exceeded.

17.36.060 Building Setback Area

No structure is permitted to be placed within a building setback area. In the I-H Heavy Industrial zone district, the front building setback area shall be a minimum of 10 feet. The rear, side, and street side setbacks may be zero, as the property does not abut a R-L, R-M, R-H, OR, O, PF, AP, or CO zone district. All required setbacks have been met and ensured under Site Plan Review No. 2022-43 and all former site plans.

The proposed storage tank is located approximately 800 feet from the front property line along Energy Way, which exceeds the front building setback requirement.

17.36.070 Distances Between Structures

The minimum distance between a structure used solely for residential purposes and another structure shall be 10 feet, except as provided by the building code. There are no residential structures on site.

17.36.080 Height of Structures

The maximum height of structures in the I-H Heavy Industrial zone district shall be 75 feet, except that the height of portions of structures set back at least 200 feet from any lot line may be up to 100 feet. The storage tank will not exceed 75 feet.

17.36.090 Driveways

Whenever possible, developments in the I-H Heavy Industrial zone district shall share driveways to minimize the number of driveways on public streets. New driveways near street corners shall be located a minimum 100 feet from the radius of the curb, unless otherwise specifically approved by the City Engineer. Gated entrances shall be setback at least 100 feet from the public right-of-way, unless a shorter distance is approved by the City Engineer. The property has three existing driveways along Energy Street and one along Power Way, as shown in Figure 5. No new driveway is not proposed. The Engineering Division is not requiring abandonment of any driveway.



17.36.100 Off-Street Parking

In accordance with Section 17.54.040, parking shall be provided for commercial and industrial uses conducted primarily outside of buildings at a ratio of one space for each two employees of the maximum working shift. Between Tessenderlo Kerely Inc.'s operations and MPR Services' operations, there are a total of 24 employees overall. The applicant provides 24 parking stalls on site, two of which are ADA- accessible, which exceeds the required parking ratio for the use.

The addition of the storage tanks does not require changes to the number of employees on site. Therefore, additional parking is not required.

17.36.110 Usable Open Space

There is no minimum requirement for usable open space.

The applicant complies with all requirements of the I-H Heavy Industrial zone district, except additional driveways have been allowed by the City Engineer.

17.36.120 Landscaping

Properties in the I-H Heavy Industrial zone district shall provide and permanently maintain landscaping in a setback area not less than 10 feet from a lot line adjoining a street. The property will have a minimum of 10 feet of landscaping along the lot lines adjoining a street. The project satisfies the landscaping requirements for the I-H Heavy Industrial zone district.

17.36.130 Screening, Fences, and Walls

Properties in the I-H Heavy Industrial zone district shall meet the screening, fences, and walls standards in Section 17.28.130 of the Hanford Municipal Code. A seven-foot-high fence with six feet of chain link and one foot of barbed wire will surround the solar facility. This fence is permitted and shall be located behind any landscaped area located next to a street. A block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district. The property is only adjacent to properties in the I-H Heavy Industrial zone district; no block wall is required. The project satisfies all screening, fence, and wall regulations for the I-H Heavy Industrial zone district.

17.36.140 Signs

All signage must follow the standards set in Chapter 17.56 of the Hanford Municipal Code for the I-H Heavy Industrial zone district. For permanent building signs, there is no limit to number of signs per business establishment; a maximum sign surface area of 500 sq. ft. per sign and 1,000 sq. ft. cumulative of all signs is permitted; 1 sq. ft. per lineal foot of property line adjoining a street, or 100 sq. ft. per acre of site area in use, whichever is greater, to a maximum of 600 sq. ft. of sign face is permitted for signage. Permanent freestanding signs may have one sign per frontage maximum; a 40 sq. ft. maximum sign face size; a maximum height of 10 feet; sites within 100 feet of State Route 198 may increase the maximum sign height to 50 feet.

Signage requires a separate application and will be evaluated at the time of submittal. No additional signage is proposed for the site at this time.

17.36.150 General Provisions and Standards

In the I-H Heavy Industrial zone district, no business, service, or process that is not a part of the main use of the site shall be conducted outside a completely enclosed permanently fixed structure, except where specifically permitted by this title. The proposal applies to storage within enclosed storage tanks.

All requirements of the I-H Heavy Industrial zone district, prescribed by Chapter 17.36 of the Hanford Municipal Code, are satisfied.

FINDINGS FOR APPROVAL

Conditional Use Permit No. 2022-07

In taking action on a Conditional Use Permit, the Planning Commission must make the appropriate findings, in accordance with Section 17.80.030 of the Hanford Municipal Code:

1. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;

ANALYSIS: That the addition of the 260,00 gallon molten sulfur storage tank on the existing Tessenderlo Kerely Inc. site will not impair the integrity and character of the I-H Heavy Industrial zone district. The use is consistent with the regulations set forth in the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district, with the exception of the number of driveways, which has been permitted by the City Engineer. The use of the facility is classified as an industrial or manufacturing facility, intensive, which requires a conditional use permit in the I-H Heavy Industrial zone district, as prescribed in the land use table in Section 17.08.030.

2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;

ANALYSIS: That the installation of the 260,000 gallon molten storage tanks on the existing Tessenderlo Kerely Inc. site is compatible with the existing land uses and the future permitted land uses within the I-H Heavy Industrial zone district. The site is designated as Heavy Industrial by the General Plan. The storage tank is for the storage of molten sulfur on the Tessenderlo Kerley Inc. site, for which a conditional use permit was permitted to allow chemical manufacturing (fertilizer mixing). According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The installation of the storage tank is consistent with the purpose of the Heavy Industrial Land Use designation and compatible with the uses typically permitted in the designation.

3. The proposed use is consistent with the General Plan;

ANALYSIS: The General Plan designates the property as Heavy Industrial According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The installation of the storage tank is consistent with the purpose of the Heavy Industrial Land Use designation and compatible with the uses typically permitted in the designation.

4. There will not be significant effects upon the quality of the environment and natural resources;

ANALYSIS: In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared and Mitigated Negative Declaration No. 2014-02 was adopted on February 27, 2014 for Conditional Use Permit No. 2013-02. Due to the addition of the storage tanks on the property, Addendum No. 4 was prepared. Staff has evaluated the changes proposed in the addendum to the initial study and determined that the changes would not result in any new or increased environmental impacts that were not identified in Mitigated Negative Declaration No. 2014-02. The addendum is attached as **Attachment 6**.

5. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

ANALYSIS: That this application has been reviewed by the various City departments and evaluated for conformity with the requirements of the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district. The use is consistent with the regulations set forth in the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district, except for the number of driveways, which has been previously permitted by the Engineering Division. Any other improvements or mitigations required for public health, safety, and welfare have been applied to the project as conditions of approval in Site Plan Review No. 2022-43, the mitigation monitoring and reporting program, and the resolution.

PUBLIC COMMENTS

A Notice of Public Hearing for a Conditional Use Permit was noticed in the Hanford Sentinel on September 17, 2022 and mailed to property owners within 300 feet of the project site on September 16, 2022. No comments have been received, as of the date of preparation of this report.

ENVIRONMENTAL ASSESSMENT

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared and Mitigated Negative Declaration No. 2014-02 was adopted on February 27, 2014 for Conditional Use Permit No. 2013-02. Due to the addition of the storage tank on the property, Addendum No. 4 was prepared. Staff has evaluated the changes proposed in the addendum to the initial study and determined that the changes would not result in any new or increased environmental impacts that were not identified in Mitigated Negative Declaration No. 2014-02. The addendum is attached as **Attachment 6**.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2022-29, approving Conditional Use Permit No. 2022-07.

Property Owner/Applicant

Tessengerlo Kerley Inc.
10724 Energy Street
Hanford, CA 93230

RESOLUTION NO. 2022-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HANFORD PERTAINING TO CONDITIONAL USE PERMIT NO. 2022-07, A REQUEST BY TESSENDERLO KERLEY, INC. TO AMEND THEIR ORIGINAL CONDITIONAL USE PERMIT, IN ORDER TO ADD A NEW 260,000 GALLON ABOVE-GROUND MOLTEN SULFUR TANK TO THEIR SITE. THE TANK WILL FACILITATE ADDITIONAL STORAGE ONSITE. THE PROPOSAL WILL NOT ALTER THE EXISTING USE OF THE SITE. THE PROJECT IS LOCATED AT 10724 ENERGY STREET (APN 018-242-078).

At a regular meeting of the City of Hanford Planning Commission duly called and held on September 27, 2022 on motion of Commissioner _____, seconded by Commissioner _____, and duly carried, the following resolution was adopted:

WHEREAS, Conditional Use Permit No. 2022-07, a request by Tessengerlo Kerley, Inc. to amend their original conditional use permit, in order to add a new 260,000 gallon above-ground molten sulfur tank to their site, as shown in **Exhibit A**, has been reviewed by the Planning Commission of the City of Hanford in accordance with Title 17.80 of the Hanford Municipal Code; and

WHEREAS, the project is located at 10724 Energy Street (APN 018-242-078); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared and Mitigated Negative Declaration No. 2014-02 was adopted on February 27, 2014 for Conditional Use Permit No. 2013-02, the Tessengerlo Kerley, Inc. chemical manufacturing facility; and

WHEREAS, Mitigated Negative Declaration No. 2014-02 has been adopted, certifying that the project will not result in any significant environmental impacts with the incorporation of mitigation measures; and

WHEREAS, staff, the various governmental departments, and the Planning Commission have given careful consideration to this conditional use permit and have made recommendations thereon; and

WHEREAS, the site will be developed, as shown in Site Plan Review No. 2022-43 attached as **Exhibit A** and be subject to all conditions of approval cited in the site plan review approval letter, attached as **Exhibit B**; and

WHEREAS, due to the addition of the 260,000 gallon molten sulfur tank on the existing site, proposed under Conditional Use Permit No. 2022-07, an Addendum to the previously approved Mitigated Negative Declaration No. 2014-02 was prepared in compliance with CEQA and the CEQA Guidelines Section 15164, and the Planning Commission has considered both the prior Mitigated Negative Declaration No. 2014-02 and Addendum No. 4, and determined the addition of the molten sulfur storage tank on the property would not result in any new or increased environmental impacts that were not identified in Mitigated Negative Declaration No. 2014-02; and

WHEREAS, all mitigation measures cited in the Mitigation Monitoring and Reporting Program, attached as **Exhibit C**, shall also be conditions of development; and

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

WHEREAS, on the basis of the facts and evidence provided in the staff report and the written and oral evidence presented at the public hearing, the Planning Commission hereby makes the following findings pursuant to Section 17.80.030 of the Hanford Municipal Code:

1. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;

ANALYSIS: That the addition of the 260,00 gallon molten sulfur storage tank on the existing Tessenderlo Kerely Inc. site will not impair the integrity and character of the I-H Heavy Industrial zone district. The use is consistent with the regulations set forth in the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district, with the exception of the number of driveways, which has been permitted by the City Engineer. The use of the facility is classified as an industrial or manufacturing facility, intensive, which requires a conditional use permit in the I-H Heavy Industrial zone district, as prescribed in the land use table in Section 17.08.030.

2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;

ANALYSIS: That the installation of the 260,000 gallon molten storage tanks on the existing Tessenderlo Kerley Inc. site is compatible with the existing land uses and the future permitted land uses within the I-H Heavy Industrial zone district. The site is designated as Heavy Industrial by the General Plan. The storage tank is for the storage of molten sulfur on the Tessenderlo Kerley Inc. site, for which a conditional use permit was permitted to allow chemical manufacturing (fertilizer mixing). According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The installation of the storage tank is consistent with the purpose of the Heavy Industrial Land Use designation and compatible with the uses typically permitted in the designation.

3. The proposed use is consistent with the General Plan;

ANALYSIS: The General Plan designates the property as Heavy Industrial According to General Plan Policy L87, the purpose of the Heavy Industrial Land Use designation is to provide for manufacturing facilities and industries that may be obnoxious due to odor, dust, smoke, gas, noise, vibration or similar causes and therefore require isolation from many other kinds of land uses. According to General Plan Policy L88, typical uses in the Heavy Industrial Land Use designation include industrial parks, manufacturing, truck terminals, fabrication, processing, assembling, warehousing and distribution, large machinery sales and service, and research and development activities. The uses in this designation differ from uses in the light industrial designation in that operations are typically larger in scale, freight rail service may be needed, large trucks and equipment are utilized, outside processing and storage of materials may be permitted, and nuisance effects may be higher. The installation of the

storage tank is consistent with the purpose of the Heavy Industrial Land Use designation and compatible with the uses typically permitted in the designation.

4. There will not be significant effects upon the quality of the environment and natural resources;

ANALYSIS: In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared and Mitigated Negative Declaration No. 2014-02 was adopted on February 27, 2014 for Conditional Use Permit No. 2013-02. Due to the addition of the storage tanks on the property, Addendum No. 4 was prepared. Staff has evaluated the changes proposed in the addendum to the initial study and determined that the changes would not result in any new or increased environmental impacts that were not identified in Mitigated Negative Declaration No. 2014-02.

5. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

ANALYSIS: That this application has been reviewed by the various City departments and evaluated for conformity with the requirements of the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district. The use is consistent with the regulations set forth in the Hanford Municipal Code Section 17.36 for the I-H Heavy Industrial zone district, except for the number of driveways, which has been previously permitted by the Engineering Division. Any other improvements or mitigations required for public health, safety, and welfare have been applied to the project as conditions of approval in Site Plan Review No. 2022-43, the mitigation monitoring and reporting program, and the resolution.

THEREFORE, BE IT RESOLVED that Conditional Use Permit No. 2022-07 be approved, subject to the conditions of approval for Site Plan Review No. 2021-43, attached as **Exhibit B**.

EXPIRATION

This Conditional Use Application Permit shall become null and void two (2) years after the effective date of approval, unless, prior to the expiration, the use for which the permit was approved has commenced. Prior to expiration of a permit, a person having authority to file an application may file a written request with the Community Development Director for extension of a permit that may otherwise expire. The request for extension will be taken to the Planning Commission, who may extend the expiration of the permit by one year.

PASSED AND ADOPTED at a regular meeting of the Hanford City Planning Commission by the following vote:

AYES:	Commissioners
NOES:	Commissioners
ABSTAIN:	Commissioners
ABSENT:	Commissioners

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, **Jason Waters**, Secretary of the City of Hanford Planning Commission, do hereby certify the foregoing Resolution was duly passed and adopted by the Planning Commission of the City of Hanford at a regular meeting thereof held on the 27th day of September 2022.

Jason Waters, Secretary

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

Exhibit A
Site Plan

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

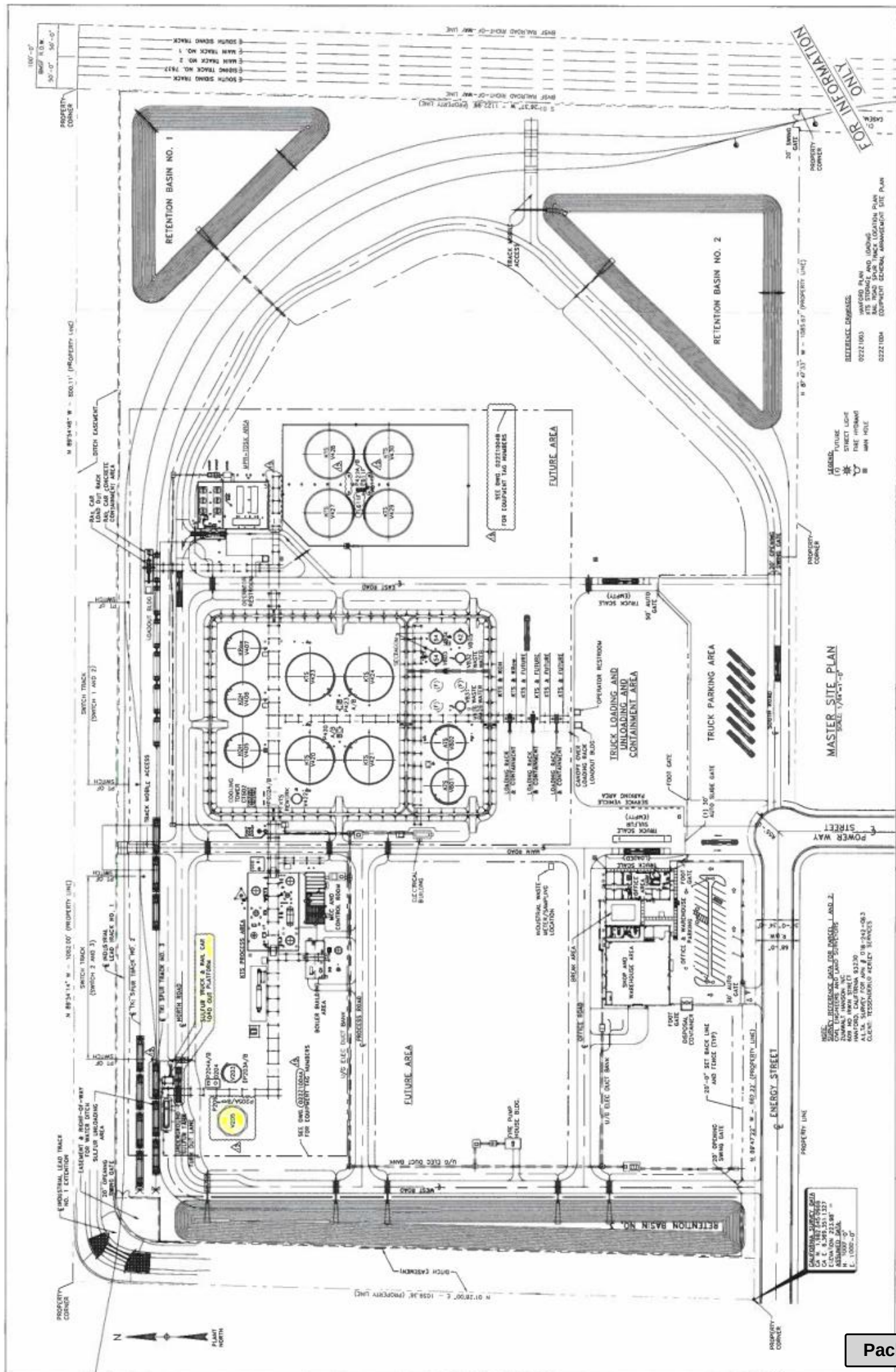
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Exhibit B
Site Plan Review Approval Letter – Conditions of Approval

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

City of HANFORD

CALIFORNIA 93230



MAYOR
KALISH MOROW

VICE MAYOR
DIANE SHARP
COUNCIL MEMBERS
AMANDA SALTRAY
FRANCISCO RAMIREZ
ARTHUR BRIENO

CITY MANAGER
MARIO CIFUENTEZ II

DATE: September 23, 2022

PROJECT: Site Plan Review 2022-43 (502-1239)

APPLICANT: Dawn Kominski

LOCATION: 10724 Energy Street (APN 018-242-078)

PROPOSAL: 260,000 gallon molten sulfur storage tank for an existing fertilizer mixing plant

ZONING: I-H Heavy Industrial

SITE PLAN REVIEW COMMITTEE REVIEW DATE: August 24, 2022

Enclosed for your review are the comments and decisions of the Site Plan Review Committee. Please review all comments, since they may impact your project:

☐ **RESUBMIT:** Changes to your plans are required prior to accepting construction drawings for a building permit. A meeting with the Site Plan Review Committee is not required.

☐ **MEETING REQUIRED:** During site plan review, concerns were identified, schedule a meeting with the following prior to resubmittal:

☐ Planning

☐ Fire

☐ Solid Waste

☐ Wastewater

☐ Building

☐ Engineering

☐ Police

☐ Parks and Recreation

☒ **REVISE AND PROCEED**

☒ Approved subject to the following and the attached conditions of approval.

☒ Submit plans for a building permit between the hours of 8:00 a.m. and 4:00 p.m.

☒ Your Plans must be reviewed by:

☐ City Council

☐ Parking and Traffic Commission

☐ Other: _____

☒ Planning Commission **CUP**

☐ Parks and Recreation Commission

Signed,

Gabrielle Myers

Gabrielle Myers, Senior Planner
Community Development Department

September 23, 2022

DATE

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

EXPIRATION

A site plan approval shall expire one (1) year from its approval date, unless a building permit application has been submitted or the use has commenced. Prior to expiration, the Community Development Director may extend the permit expiration date by one (1) year if there is substantial evidence that the applicant is diligently pursuing building permit approval or commencement of the use (Hanford Municipal Code Section 17.72.070).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Site Plan Review is a ministerial action, therefore not subject to the California Environmental Quality Act (CEQA) (CEQA Guidelines 15268 and MC 17.70.080). **Exemption No. 2022-81**

COMMENTS AND CONDITIONS OF APPROVAL

THE FOLLOWING DEPARTMENT COMMENTS AND CONDITIONS ARE ATTACHED:

- ☒ PLANNING
- ☒ BUILDING
- ☐ ENGINEERING
- ☐ SOLID WASTE
- ☐ WASTEWATER
- ☐ POLICE
- ☒ FIRE
- ☐ PARKS AND RECREATION

DEFENSE AND INDEMNIFICATION PROVISION

That the applicant shall defend, indemnify, and hold harmless the City of Hanford ("City"), its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating to the Project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document approved by the City or any approval related to the Project

APPLICANT'S STATEMENT (Must be signed prior to issuance of a building permit)

I have reviewed a copy of the Site Plan Review Approval No. 2022-43 and I understand that the proposed construction and/or land use is dependent upon the fulfillment of the conditions of approval and construction of all required public improvements prior to use, inauguration or occupancy, unless other arrangements are approved.

Applicant or Authorized Representative

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

PLANNING DIVISION
SITE PLAN REVIEW COMMENTS

MEETING DATE: August 24, 2022

SITE PLAN NUMBER: 2022-43

CONTACT: Gabrielle Myers, Senior Planner: (559) 585-2578

General Plan Designation: Heavy Industrial

Zoning: I-H

Other Special Districts: N/A

Planning Division Recommendation ☒ Revise and Proceed ☐ Resubmit

The project does meet the requirements of the Hanford Municipal Code, development standards and other codes and policies.

Required Entitlements:

- Conditional Use Permit Amendment (submitted)
 - o Planning Commission Approval Required

I-H Heavy Industrial Checklist: (all checked shall apply)

General:

- ☒ That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
- ☒ That all approved proposals of the applicant be conditions of development, if not mentioned herein.
- ☒ That the site be developed according to the approved site plan, titled Site Plan Review No. 2022-43, with minor modifications to be approved by the Community Development Department.
- ☒ That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Site Plan Review shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements thereof.

Special Conditions:

- ☒ The site plan pertains to the installation of one 260,000 gallon above-ground molten sulfur tank (including the ability to load molten sulfur into a truck or railcar).

- ☒ This application permits the storage of fertilizer. There shall be no expansion of fertilizer manufacturing on site.
- ☒ Any future development of the site is subject to site plan review and the required entitlement process.

Cultural Resources:

- ☒ That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.

Building Setback Areas (17.36.060)

- ☒ That the appropriate setbacks be maintained, as follows:
 - ☒ The front building setback shall be a minimum of 10 feet along Energy Street.
 - ☒ The rear building setback may be zero.
 - ☒ The side building setbacks may be zero.

Height of Structures: (Section 17.36.080)

- ☒ That the maximum structure height shall be 75 feet, except that the height of portions of structures setback at least 200 feet from any lot line may be up to 100 feet.

Driveways: (Section 17.36.090)

- ☒ That new driveways near street corners shall be located a minimum 100 feet from the radius curve of the curb, unless otherwise specifically approved by the City Engineer.
- ☒ That gated entrances shall be setback at least 100 feet from the public right of way, unless a shorter distance is approved by the City Engineer.

General Provisions and Standards:

- ☒ That no business, service, or process that is not a part of the main use of the site shall be conducted outside a completely enclosed, permanently fixed structure.
- ☒ That all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
- ☒ That no use shall be permitted and no process, equipment or material shall be employed which is found by the Planning Department to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, hazardous or toxic waste, or radioactivity or to emit electrical disturbances, which adversely affect commercial or electronic equipment outside the boundaries of the site.

- ☒ That no solid or liquid waste shall be discharged into a natural watercourse, nor into a public or private sewage disposal system, except in compliance with the applicable regulations of the Central Valley Regional Water Quality Control Board and City ordinances and policies.
- ☒ That no use shall be permitted and no process or equipment shall be employed, which relies on or utilizes only the combustion of coal, coke, or agricultural biomass for the production of heat, steam, electricity, or other forms of energy.

Off Street Parking: (Section 17.54).

- ☒ That the applicant shall maintain 24 parking stalls, in accordance with the approved Conditional Use Permit No. 2013-02.

Signage: (Section 17.56).

- ☒ That any/all signs proposed for this development shall be subject to the requirements and prescribed in Chapter 17.56 of the Hanford Municipal Code. A separate application is required.

Fencing and Walls: (Section 17.36.130)

- ☐ That a block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district.
- ☒ That no fence or wall shall be placed in front of or within any landscaped area located next to a street.
- ☒ That the open storage of materials and equipment attendant to a use shall be permitted within an area surrounded or screened by a solid wall or fence seven feet minimum in height.
- ☒ That any proposed fencing on the site be maintained in good repair.
- ☒ That no fence or wall shall be placed within the public right-of-way.
- ☒ That a masonry fence exceeding three (3) feet in height shall require engineered footings and a building permit. All other fencing exceeding seven (7) feet in height shall require engineered post footings and a building permit.
- ☒ That no hedge, shrub, fence, or wall exceeding the three (3) feet in height, or four (4) feet in height if the upper one (1) foot is fifty (50) percent or more open shall be planted, placed, or maintained within the twenty-five (25) feet corner sight triangle of a corner lot, or along a front or street side property line where the hedge, shrub, fence, or wall creates a traffic or pedestrian hazard as determined by the Community Development Director.

Landscaping: (Section 17.34.120).

- ☒ Landscaping shall be provided and permanently maintained in a setback area not less than 10 feet from a lot line adjoining a street.

- ☒ General Design Standards: the following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans:
 - ☒ Publicly maintained landscape areas shall be separated from privately maintained landscape areas with, at a minimum, a four (4) inch wide concrete mow strip.
 - ☒ Pedestrian access to sidewalks and structures shall be integrated with the design of landscaped areas.
 - ☒ Landscape adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of a minimum six (6) inch high and six (6) inch wide concrete curb.
 - ☒ Concrete mow strips, when used, shall be a minimum of four (4) inches in width.
 - ☒ Trees and shrubs shall be planted so that at maturity they do not interfere with utility lines and traffic safety sight areas.
 - ☒ Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.
 - ☒ Trees planted within five (5) feet of sidewalks or curbs shall have an eighteen (18) inch by ten (10) foot long linear root barrier placed at each edge of the sidewalk or face of curb, centered on the tree.
- ☒ Plant materials. Plant materials shall be selected and installed in accordance with the following requirements:
 - ☒ The size of ten (10) percent of the trees to be planted shall be twenty-four (24) inch box or larger. The remaining trees shall be sized fifteen (15) gallons or larger.
 - ☒ The size of seventy (70) percent of plants and shrubs shall be at five (5) gallon or larger. The remaining plants and shrubs shall be sized one (1) gallon or larger.
 - ☒ The size of groundcover at planting shall be one (1) gallon or larger.
 - ☒ Groundcover shall be designed to have one hundred (100) percent coverage within two (2) years.
 - ☒ Drought tolerant plant material and climate appropriate species shall be emphasized in the design.
- ☒ That the landscaped area shall be planted with live and healthy plant materials suitable for screening/or ornamenting the site. Landscaped areas shall be watered by automatic systems and designed and developed in accordance with Chapter 12.08 and the most recent State Model Water Efficient Landscaped Ordinance.
- ☒ That no fence, hedge, or shrub shall be installed, planted, or maintained along a street frontage, which creates a traffic or pedestrian hazard.

Outdoor Lighting Standards (Section 17.50.140)

- ☒ That all lights and light fixtures, except public street lights, shall be located, aimed or shielded so as to minimize light trespassing across property boundaries or skyward.
- ☒ That building mounted lighting fixtures shall be attached only to the walls of the building. The top of a light fixture attached to a building wall shall not be higher than the top of the building parapet or the top of the roof eave, whichever is lower.
- ☒ That the canopy ceiling light fixtures shall be recessed or the sides of the lens area shall be shielded, in order to eliminate emission of horizontal light.
- ☒ That the height of freestanding light fixtures, including freestanding parking lot fixtures, shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture and shall not exceed 25 feet, when located within 51-150 feet of any residential district.

Dust Control:

- ☒ That the appropriate dust-control practices of the San Joaquin Valley Air Pollution Control District shall be implemented.
- ☒ That the any necessary permits be obtained through the San Joaquin Valley Air Pollution Control District.

BUILDING DIVISION

SPR 2022-43(502-1239) Molten Sulfur Storage Tank

10724 Energy Street

Contact Building Official: Tom Webb (559) 585-2584

Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for each structure to include but not limited to: buildings, pools, fences, trash enclosures, signs and carports for any structural, plumbing, electrical, mechanical or **accessibility** work being done.
2. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
3. That detailed dimensioned plans be provided to the Building Division for each structure prior to obtaining construction permits. Each structure will require a separate submittal and permit.
4. That each structure will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Submittal shall consist of as applicable:
 - 4.1 1 copy of the City of Hanford Permit Application form
 - 4.2 1 electronic submittal unless noted, including as applicable:
 - 4.2.1 Grading Plan (Civil Drawings, for reference)
 - 4.2.2 Site Plan
 - 4.2.3 Architectural Drawings
 - 4.2.4 Structural Drawings
 - 4.2.5 Electrical Drawings
 - 4.2.6 Mechanical Drawings
 - 4.2.7 Plumbing Drawings
 - 4.2.8 Landscape Plan (for reference)
 - 4.2.9 Planning Dept. "Conditions of Approval" or "Resolution"
printed on the drawings and part of the drawing submittal
 - 4.2.10 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

****** Each structure will be considered a separate submittal. Grading, Landscaping, Signage, Trash Enclosures and all Fire permits are separate submittals as well and require separate applications and submittals as applicable. ******

- 4.3 1 electronic submittal, unless noted, including as applicable:
 - 4.3.1 Architectural Specifications
 - 4.3.2 Structural Calculations
 - 4.3.3 Electrical Calculations, if not included on the drawings
 - 4.3.4 Mechanical Calculations, if not included on the drawings
 - 4.3.5 Plumbing Calculations, if not included on the drawings
 - 4.3.6 Energy Calculations, if not included on the drawings
 - 4.3.7 CalGreen Compliance **including C & D Recycle plan**
 - 4.3.8 **Compliance with the City of Hanford Landscape Ordinance**
 - 4.3.9 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

7. That all construction shall conform to **the Most Current Edition** (2019) of the California Building or Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code and CalGreen.

Hanford Fire Department

Contact Fire Marshal Christy Whittington @ 559-585-2594 or

cwhittington@cityofhanfordca.com

concerning questions that you may have on the following conditions.

Site Plan Review: SPR 2022-43

Date: August 24, 2022

Project #: 502-1239 (Tessengerlo Kerley)

General Instructions

1. Approval of this project does not exempt compliance with all applicable sections of the City adopted fire codes and local fire ordinances.
2. All fire protection systems must be installed and operational prior to occupying the building.
3. All permits shall be issued and fees paid prior to scheduling inspections with the Fire Department.

To schedule appointments for inspections, please call **559-585-2545**.

4. Scope of work shall be clearly stated on all plans submitted for permit.
5. All deferred submittals shall be listed on the building plan title page. All deferred submittals are required to be submitted within 30-days of building permit issuance.

The following comments are applicable if checked:

1. ☐ No comments.
2. ☐ This project must comply with latest applicable codes.
3. ☐ Project must meet minimum fire flow requirements per the table in Appendix B & C of the 2019 Ca. Fire Code. Provide most current fire flow information for this location.
4. ☐ If a new fire hydrant flow test is required, contact the fire department for submittal requirements.
5. ☐ Based on the occupancy classification, an automatic sprinkler system is required for this project. ***A separate fire department permit is required.*** Please contact the Building department for submittal process.
6. ☐ For automatic sprinkler systems, ***a separate permit maybe required if***

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

tenant improvements are made to sprinkler system. Please contact the Building department for submittal information.

7. ☐ Fire Riser Room: All new buildings that require an automatic fire sprinkler system shall contain a
 separate room to house the fire riser inside of it and shall have the following building elements:
 - At least one man door shall be provided- only exterior door(s) are allowed
 - The fire riser room and the door shall be large enough to accommodate repairs and/or maintenance needed by the use of tools and the removal and/or replacement of parts/pipe to the fire riser or FDC; suggested size 4' X 4' room.
 - One-hour rated construction
 - Fire Sprinkler head coverage required
 - Normal and emergency back-up lighting shall be installed inside the fire riser room.
 - The exterior of the fire riser door shall have permanent signage stating **FIRE RISER ROOM** in a contrasting color to background.
 - For existing buildings: please contact the Fire Department.

8. ☐ When a sprinkler system is required with 21 or more sprinkler heads, the system shall be monitored by a Central Station Service. Fire alarm and detection systems required by Chapter 9 of the currently adopted edition of the California Building Code (CBC) and CFC shall be installed per NFPA 72. ***A separate fire department permit is required*** for fire sprinkler monitoring and/or fire alarm systems required by the latest edition of the CBC. Contact the Building Department for submittal process.

9. ☐ A hydrant will be required within 50 feet of the Fire Department connection. **Knox FDC Locking Caps** are required on all FDC's. The ordering of Knox Box products can be done directly at www.knoxbox.com. Click to choose your local fire department agency, enter "Hanford Fire Dept", and a list of products will populate for you to order.

10. ☐ When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road (as measured by an approved route around the exterior of the building) on-site fire hydrants and mains shall be provided where required by the fire code official.

11. ☐ Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the fire department prior to any combustibles being brought onto the site.
12. ☐ No additional hydrants are necessary for this project.
13. ☐ Number of additional hydrants necessary for this project: _____
14. ☐ Fire hydrant spacing shall be as follows:
- Section 507 or as required by appendix C of the 2019 CFC.
15. ☒ If existing fire hydrants are re-located, hydrant protection posts shall be installed at all fire Hydrants that are subject to vehicle damage.
16. ☒ Approved fire apparatus access roads shall be provided for every tanks, facility or building, or portion of a building constructed or moved onto or with the City of Hanford. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings (as measured by an approved route around the exterior of the building or facility).
17. ☐ All dead-end access roads in excess of 150 feet must be provided with an approved turn-around or hammer head complying with City standards.
18. ☐ All access road shall not be less than 20 feet wide and 13 feet 6 inches in height.
19. ☒ Access road turning radius for fire apparatus is as follows:
- 20 feet, 1 inch inside turning radius
 - 44 feet, 6 inch outside radius
20. ☐ Additional access roads may be required per CFC 2019 Section 503.1.2. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
21. ☐ Traffic calming devices shall not be installed onto fire department emergency access roads unless prior approval is obtained from the Hanford Fire Department.
22. ☒ Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.

- **Access roads 20-26 feet in width:** Fire lanes shall be on both sides of the fire apparatus access roads.
 - **Access roads 26 to less than 32 feet in width:** Fire lanes shall be on one side of the fire apparatus access roads.
 - **Access roads 32 feet in width or more:** No fire lanes required.
23. ☒ Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
24. ☐ Temporary or permanent fire department access roads shall be constructed in accordance with City Standards ST-36. All weather access roads shall be in place prior to any combustible construction being brought onto the premises unless approved by the fire department.
25. ☒ Locked gates installed across fire department access roads:
- **Manual gates** with a chain lock require a **Knox Padlock** to be installed on them; or a **Knox Box** shall be installed on the exterior of the gate and a key to the lock on the gate must be placed in the Knox Box. (See www.knoxbox.com for current models)
 - **Electric Gates** shall be equipped with an electric **Knox Key Switch**, at the gate location.
 - In case of a loss of power, electrically operated gates shall have a means of back-up power or shall default in the open position for immediate fire department access.
 - At no time shall the width of the fire department access road be reduced below **20-feet wide through or at any gates** along the fire departments' emergency access roads due to protruding objects from gate supports, frames, signs, access booths, curbs, etc.
26. ☐ A Knox Box will be required. Keys that open all locked areas will also be required

and placed in the Knox Box. The ordering of Knox Box products can be done directly at www.knoxbox.com. If there is an existing Knox Box installed, contact the Fire Department to determine if it will suffice.

27. ☐ All address numbers shall be installed onto the building and shall be visible from the frontage street. The color of the address numbers shall be in a contrasting color to the building.

Size of Address Numbers:

- Downtown area (existing buildings): 4 inch numbers
- Buildings 20-ft. or less from the street: 6 inch numbers
- Buildings 21- to 40-ft. from the street: 8 inch numbers
- Buildings more than 40-ft. from street: 12 inch numbers

28. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I hood. ***A separate permit is required for the Type I hood.*** Contact the **Building** department for submittal information.

29. ☐ All commercial cooking appliances creating grease laden vapors shall have a K-Class fire extinguisher within 30-feet of cooking appliances in accordance with the most currently adopted edition of the CFC.

30. ☒ ***A separate permit is required*** for all hazardous material and/or flammable and combustible liquids, gases, solids, etc., over the exempt amounts set forth in the latest adopted edition of the California Fire Code.

31. ☒ ***A fuel tank permit is required*** for underground and aboveground gasoline/LPG/Diesel.

32. ☐ Combustible high-piled storage over 12 feet ***requires a separate fire department review and permit.*** Contact the fire department for further information.

33. ☐ Provide a Knox Box for all structures and gates. In accordance to the 2019 CFC 506.1. Location shall be approved by Hanford Fire Department.

34. ☐ Provide premises identification for all structures. Shall be visible from the street. A minimum of four (4) inch numbering on contrasting background. In accordance to the 2019 CFC 505.1

35. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood. In accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use.
36. ☐ Insulated liquid carbon dioxide systems used in beverage dispensing applications with more than 100 pounds (45.4kg) of carbon dioxide shall comply with 2019 CFC 5307.3.1
37. ☒ Facility to provide minimum 2A10BC type fire extinguishers. Provide location and number of fire extinguishers to be installed in accordance to California Fire Code, section 906.
38. ☐ All exiting shall comply with California Fire and Building Code requirements. Requirements shall comply with section 10 of the 2019 CFC 1004.9
39. ☐ Posting of Occupant Load sign shall be provided if room or spaces used for Assembly, Classroom, Dining, or similar purposes having an occupant load of fifty (50) or more persons. Sign shall be placed in conspicuous location and near the main exit in accordance to CFC 1004.9
40. ☐ Any Special Event project shall comply with 2019 edition of the California Fire Code, chapter 31 for tent structures, exiting, fire extinguishers and other fire protection application.

Exhibit C
Mitigation Monitoring and Reporting Program

Attachment: Resolution No. 2022-29 (Conditional Use Permit No. 2022-07)

MITIGATION MONITORING AND REPORTING PLAN PERTAINING TO SITE PLAN REVIEW 2013-13

The following is quoted directly from the California Environmental Quality Act (CEQA) Guidelines 2012.

15064.4 DETERMINING THE SIGNIFICANCE OF IMPACTS FROM GREENHOUSE GAS EMISSIONS

- A) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
 - 1. Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/ or
 - 2. Rely on a qualitative analysis or performance based standards.

- B) The lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:
 - 1. The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
 - 2. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
 - 3. The extent to which the project complies with regulations or requirements adopted implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

DETERMINING SIGNIFICANCE

The anticipated greenhouse gas emissions were quantified concurrent with the submission of Site Plan Review 2013-13 (emissions appear in the Initial Study – under Greenhouse Gas Emissions). Based on the projected annual emissions, it was determined that the Potassium Thiosulfate Solution manufacturing plant could have a potential impact on the environment. Due to the absence of an adopted level of significance for greenhouse gas emissions, it has been accepted by the San Joaquin Valley Air Pollution Control District that any project implementing Best Performance Standards would be considered to have a less than significant environmental impact. Thus, the City of Hanford is requesting that Tessengerlo Kerley, Inc. integrate the San Joaquin Valley Air Pollution Control District's Best Performance Standards into their facility's design.

Mitigation MONITORING AND REPORTING PLAN

Listed below is the mitigation monitoring and reporting plan for Site Plan Review 2013-13. The mitigations listed were developed by the San Joaquin Valley Air Pollution Control District (District). The District is responsible for reviewing and permitting various developments' stationary sources. In issuing development permits for Tessengerlo Kerley Inc's Postassium Thiosulfate Solution (KTS) manufacturing facility, the mitigations listed below and in the attached are requirements of the District. These mitigations will be incorporated into the development's design; these mitigations are mandatory and without their incorporation, development may not proceed.

Significant Impact	Mitigation Measure	Monitoring Responsibility / Action Notes	Mitigation Timing	Method for Compliance
Greenhouse Gas Emissions	- Compliance with the mitigations set forth by the San Joaquin Valley Air Pollution Control District for the following: - POTASSIUM THIOSULFATE PRODUCTION OPERATION INCLUDING A SULFUR FURNACE (F400), 5 MMBTU/HR NATURAL GAS-FIRED SULFUR IGNITER (IG400), SULFUR THERMAL REACTOR (D400), WASTE HEAT RECOVERY BOILER (B400), TWO SO₂ ABSORBERS (T401 AND T402), A POTASSIUM THIOSULFATE REACTION UNIT (R410), AN EVAPORATOR (D411), HIGH EFFICIENCY PARTICULATE FILTERS (D403), AND A POTASSIUM THIOSULFATE PROCESS VENT (S401) - (Mitigations Attached)	The applicant (Tessenderlo Kerley Inc.) must incorporate these mitigations into their development's design. The San Joaquin Valley Air Pollution Control District will ensure compliance with these mitigations.	Prior to construction and continuing during operations.	Comply with the conditions of the San Joaquin Valley Air Pollution Control District's "Authority to Construct."
Greenhouse Gas Emissions	Compliance with the mitigations set forth by the San Joaquin Valley Air Pollution Control District for the following:) - 3,000 GALLON PER MINUTE COOLING TOWER (CT602) - (Mitigations Attached)	The applicant (Tessenderlo Kerley Inc.) must incorporate these mitigations into their development's design. The San Joaquin Valley Air Pollution Control District will ensure compliance with these mitigations.	Prior to construction and continuing during operations.	Comply with the conditions of the San Joaquin Valley Air Pollution Control District's "Authority to Construct."
Greenhouse Gas Emissions	Compliance with the mitigations set forth by the San Joaquin Valley Air Pollution Control District for the following: - 22,000 GALLON SULFUR UNLOADING TANK (D202)	The applicant (Tessenderlo Kerley Inc.) must incorporate these mitigations into their development's design.	Prior to construction and continuing during operations.	Comply with the conditions of the San Joaquin Valley Air Pollution Control District's "Authority to Construct."

	AND 167,000 GALLON SULFUR STORAGE TANK (V203) SERVED BY AN H2S SCRUBBER - (Mitigations Attached)	The San Joaquin Valley Air Pollution Control District will ensure compliance with these mitigations.		

**Tessenderlo Kerley, Inc.
Hanford, California**

Tessenderlo Kerley, Inc. (TKI) has a facility in the Hanford Industrial Park for the manufacturing of liquid fertilizer and bulk storage of raw materials and products. TKI would like to add a new 260,000 gallon above ground molten sulfur tank and the ability to load molten sulfur into a truck or railcar.

The facility currently has one molten sulfur unloading tank and one molten sulfur above ground storage tank. These tanks are used to unload and store molten sulfur which is used as a raw material in the KTS manufacturing plant. The addition of another above ground tank would be for additional molten sulfur storage to help with inventory due to potential shortages or long lead times by the railroad in the future. The ability to load molten sulfur into trucks and/or railcars would allow the Hanford facility to supply molten sulfur to other TKI locations if they run into a molten sulfur shortage in their area. There will be no modifications made to the KTS manufacturing plant or changes to the amount of product the KTS manufacturing plant can make.

Material Information:

Molten Sulfur – Molten sulfur is elemental sulfur that is heated so that the material is a liquid. Molten sulfur has a rotten egg smell and is a combustible liquid. See attached SDS.

Truck and Rail Loading/Unloading areas:

One new rail loading station and one new truck loading station will be added for the expansion to allow loading of Molten Sulfur. The new loading areas will be located in the same area as the existing above ground Molten Sulfur tank. The vent from the loading areas will go to the existing H₂S scrubber. An air construction permit will be obtained from the San Joaquin Valley Air Pollution Control District for the modification.

There will be no change to the existing loading/unloading areas.

Buildings:

No new buildings will be added with the project.

New Molten Sulfur Tank:

The new Molten Sulfur tank will be a 260,000 gallon, carbon steel, insulated tank. The tank will be heated with on-site steam and will be located in the same area as the existing above ground tank (see attached plot plan). The vent from the new tank will go to the existing H₂S scrubber. An air construction permit will be obtained from the San Joaquin Valley Air Pollution Control District for the modification.

Waste:

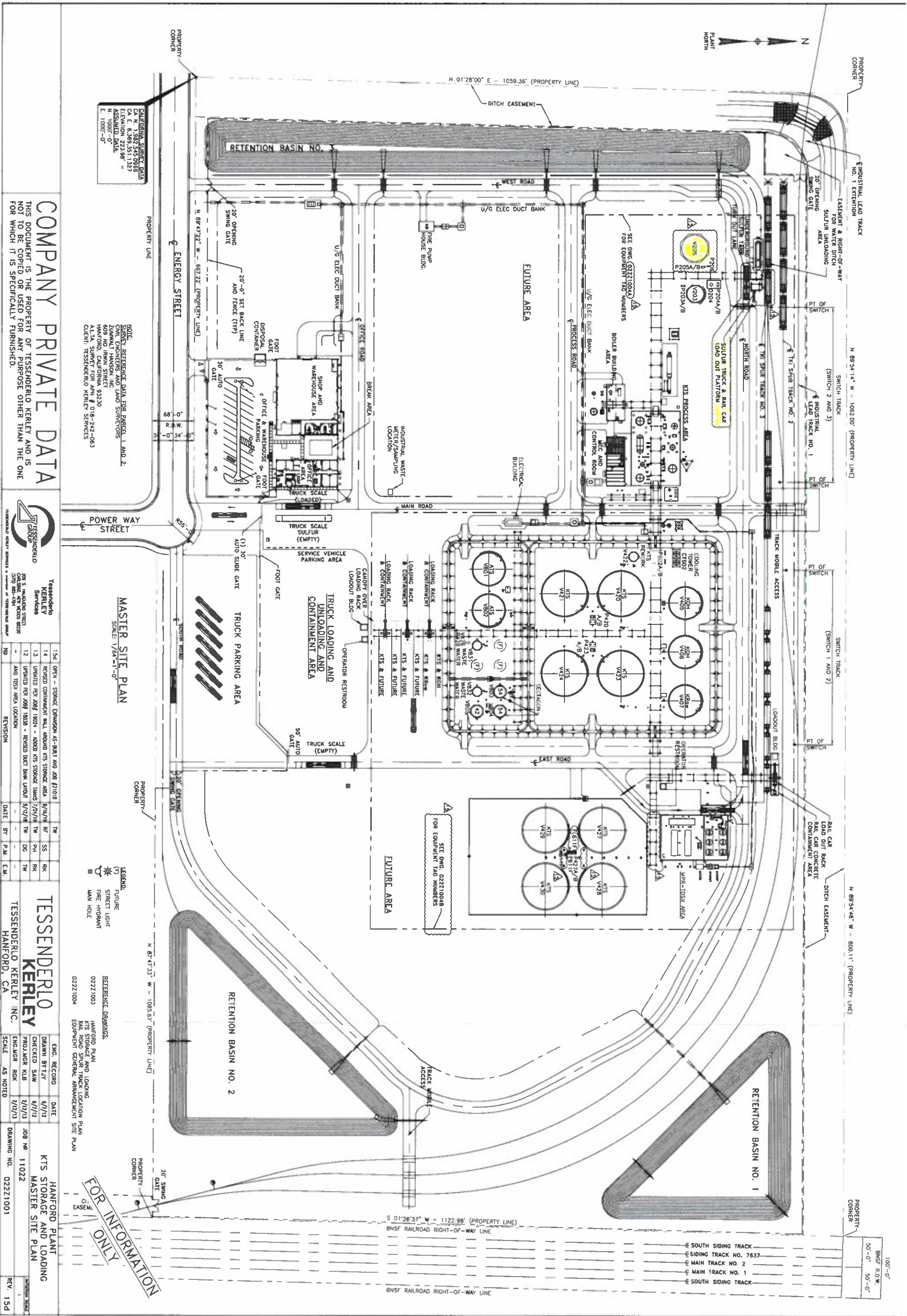
Additional waste is not expected from the new project.

General:

The modifications will not cause the following:

- a) Change in existing features of any bays, tidelands, beaches or hills, or substantial alteration of ground contours
- b) Change in scenic views or vistas from existing residential areas or public lands or roads
- c) Change in pattern, scale or character of general area
- d) Significant amount of solid waste or litter
- e) Change in dust, ash, smoke, fumes or odors in vicinity
- f) Change in ocean, bay lake, stream or ground water quality or quantity, or alteration of existing drainage patterns
- g) Substantial change in existing noise or vibration levels in the vicinity
- h) Site on filled land or slope of 10 percent or more
- i) Use or disposal of potentially hazardous materials, such as toxic substances, flammable, or explosives
- j) Substantial change in demand for municipal services (police, fire, water, sewage, etc.)
- k) Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)
- l) Relationship to a larger project or series of projects

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COMPANY PRIVATE DATA



Tessenier Kerley
209 S. HANFORD STREET
HANFORD, CA 93230

NO.	REVISION	DATE	BY	P.M.	E.M.
15d	OPEN - STORAGE EXPANSION AS-BUILT AND JOG #2108	9/14/18	TC		
14	REVISED CONTAINMENT WALL AROUND KTS STORAGE AREA	9/14/18	TC	SS	RK
13	UPGRADED PER JOG #1824 - ADDED KTS STORAGE TANKS 1/24/18	9/14/18	TC	PH	RK
12	UPGRADED PER JOG #1824 - REVISED DUCT BANK LAYOUT	9/12/18	TC	DC	TC
11	AND TDSX AREA LOCATION				

TESSENDERLO
KERLEY
HANFORD, CA

ENG. RECORD	DATE
DRAWN BTJ/V	6/7/12
CHECKED SAW	6/7/12
PRODUCED KLB	7/12/13
ENGINEER RKC	7/12/13

HANFORD PLANT
KTS STORAGE AND LOADING
MASTER SITE PLAN
DRAWING NO. 02221001
REV. 15d

City of HANFORD

CALIFORNIA 93230
CITY OFFICES 317 NORTH DOUTY STREET



MAYOR
KALISH MOROW

VICE MAYOR
DIANE SHARP
COUNCIL MEMBERS
AMANDA SALTRAY
FRANCISCO RAMIREZ
ARTHUR BRIENO

CITY MANAGER
MARIO CIFUENTEZ II

DATE: September 23, 2022

PROJECT: Site Plan Review 2022-43 (502-1239)

APPLICANT: Dawn Kominski

LOCATION: 10724 Energy Street (APN 018-242-078)

PROPOSAL: 260,000 gallon molten sulfur storage tank for an existing fertilizer mixing plant

ZONING: I-H Heavy Industrial

SITE PLAN REVIEW COMMITTEE REVIEW DATE: August 24, 2022

Enclosed for your review are the comments and decisions of the Site Plan Review Committee. Please review all comments, since they may impact your project:

☐ **RESUBMIT:** Changes to your plans are required prior to accepting construction drawings for a building permit. A meeting with the Site Plan Review Committee is not required.

☐ **MEETING REQUIRED:** During site plan review, concerns were identified, schedule a meeting with the following prior to resubmittal:

☐ Planning

☐ Fire

☐ Solid Waste

☐ Wastewater

☐ Building

☐ Engineering

☐ Police

☐ Parks and Recreation

☒ **REVISE AND PROCEED**

☒ Approved subject to the following and the attached conditions of approval.

☒ Submit plans for a building permit between the hours of 8:00 a.m. and 4:00 p.m.

☒ Your Plans must be reviewed by:

☐ City Council

☐ Parking and Traffic Commission

☐ Other: _____

☒ Planning Commission **CUP**

☐ Parks and Recreation Commission

Signed,

Gabrielle Myers

Gabrielle Myers, Senior Planner
Community Development Department

September 23, 2022

DATE

EXPIRATION

A site plan approval shall expire one (1) year from its approval date, unless a building permit application has been submitted or the use has commenced. Prior to expiration, the Community Development Director may extend the permit expiration date by one (1) year if there is substantial evidence that the applicant is diligently pursuing building permit approval or commencement of the use (Hanford Municipal Code Section 17.72.070).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Site Plan Review is a ministerial action, therefore not subject to the California Environmental Quality Act (CEQA) (CEQA Guidelines 15268 and MC 17.70.080). **Exemption No. 2022-81**

COMMENTS AND CONDITIONS OF APPROVAL

THE FOLLOWING DEPARTMENT COMMENTS AND CONDITIONS ARE ATTACHED:

- ☒ PLANNING
- ☒ BUILDING
- ☐ ENGINEERING
- ☐ SOLID WASTE
- ☐ WASTEWATER
- ☐ POLICE
- ☒ FIRE
- ☐ PARKS AND RECREATION

DEFENSE AND INDEMNIFICATION PROVISION

That the applicant shall defend, indemnify, and hold harmless the City of Hanford ("City"), its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating to the Project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document approved by the City or any approval related to the Project

APPLICANT'S STATEMENT (Must be signed prior to issuance of a building permit)

I have reviewed a copy of the Site Plan Review Approval No. 2022-43 and I understand that the proposed construction and/or land use is dependent upon the fulfillment of the conditions of approval and construction of all required public improvements prior to use, inauguration or occupancy, unless other arrangements are approved.

Applicant or Authorized Representative

PLANNING DIVISION
SITE PLAN REVIEW COMMENTS

MEETING DATE: August 24, 2022

SITE PLAN NUMBER: 2022-43

CONTACT: Gabrielle Myers, Senior Planner: (559) 585-2578

General Plan Designation: Heavy Industrial

Zoning: I-H

Other Special Districts: N/A

Planning Division Recommendation ☒ Revise and Proceed ☐ Resubmit

The project does meet the requirements of the Hanford Municipal Code, development standards and other codes and policies.

Required Entitlements:

- Conditional Use Permit Amendment (submitted)
 - o Planning Commission Approval Required

I-H Heavy Industrial Checklist: (all checked shall apply)

General:

- ☒ That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
- ☒ That all approved proposals of the applicant be conditions of development, if not mentioned herein.
- ☒ That the site be developed according to the approved site plan, titled Site Plan Review No. 2022-43, with minor modifications to be approved by the Community Development Department.
- ☒ That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Site Plan Review shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements thereof.

Special Conditions:

- ☒ The site plan pertains to the installation of one 260,000 gallon above-ground molten sulfur tank (including the ability to load molten sulfur into a truck or railcar).

- ☒ This application permits the storage of fertilizer. There shall be no expansion of fertilizer manufacturing on site.
- ☒ Any future development of the site is subject to site plan review and the required entitlement process.

Cultural Resources:

- ☒ That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.

Building Setback Areas (17.36.060)

- ☒ That the appropriate setbacks be maintained, as follows:
 - ☒ The front building setback shall be a minimum of 10 feet along Energy Street.
 - ☒ The rear building setback may be zero.
 - ☒ The side building setbacks may be zero.

Height of Structures: (Section 17.36.080)

- ☒ That the maximum structure height shall be 75 feet, except that the height of portions of structures setback at least 200 feet from any lot line may be up to 100 feet.

Driveways: (Section 17.36.090)

- ☒ That new driveways near street corners shall be located a minimum 100 feet from the radius curve of the curb, unless otherwise specifically approved by the City Engineer.
- ☒ That gated entrances shall be setback at least 100 feet from the public right of way, unless a shorter distance is approved by the City Engineer.

General Provisions and Standards:

- ☒ That no business, service, or process that is not a part of the main use of the site shall be conducted outside a completely enclosed, permanently fixed structure.
- ☒ That all open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
- ☒ That no use shall be permitted and no process, equipment or material shall be employed which is found by the Planning Department to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, hazardous or toxic waste, or radioactivity or to emit electrical disturbances, which adversely affect commercial or electronic equipment outside the boundaries of the site.

- ☒ That no solid or liquid waste shall be discharged into a natural watercourse, nor into a public or private sewage disposal system, except in compliance with the applicable regulations of the Central Valley Regional Water Quality Control Board and City ordinances and policies.
- ☒ That no use shall be permitted and no process or equipment shall be employed, which relies on or utilizes only the combustion of coal, coke, or agricultural biomass for the production of heat, steam, electricity, or other forms of energy.

Off Street Parking: (Section 17.54).

- ☒ That the applicant shall maintain 24 parking stalls, in accordance with the approved Conditional Use Permit No. 2013-02.

Signage: (Section 17.56).

- ☒ That any/all signs proposed for this development shall be subject to the requirements and prescribed in Chapter 17.56 of the Hanford Municipal Code. A separate application is required.

Fencing and Walls: (Section 17.36.130)

- ☐ That a block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district.
- ☒ That no fence or wall shall be placed in front of or within any landscaped area located next to a street.
- ☒ That the open storage of materials and equipment attendant to a use shall be permitted within an area surrounded or screened by a solid wall or fence seven feet minimum in height.
- ☒ That any proposed fencing on the site be maintained in good repair.
- ☒ That no fence or wall shall be placed within the public right-of-way.
- ☒ That a masonry fence exceeding three (3) feet in height shall require engineered footings and a building permit. All other fencing exceeding seven (7) feet in height shall require engineered post footings and a building permit.
- ☒ That no hedge, shrub, fence, or wall exceeding the three (3) feet in height, or four (4) feet in height if the upper one (1) foot is fifty (50) percent or more open shall be planted, placed, or maintained within the twenty-five (25) feet corner sight triangle of a corner lot, or along a front or street side property line where the hedge, shrub, fence, or wall creates a traffic or pedestrian hazard as determined by the Community Development Director.

Landscaping: (Section 17.34.120).

- ☒ Landscaping shall be provided and permanently maintained in a setback area not less than 10 feet from a lot line adjoining a street.

- ☒ General Design Standards: the following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans:
 - ☒ Publicly maintained landscape areas shall be separated from privately maintained landscape areas with, at a minimum, a four (4) inch wide concrete mow strip.
 - ☒ Pedestrian access to sidewalks and structures shall be integrated with the design of landscaped areas.
 - ☒ Landscape adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of a minimum six (6) inch high and six (6) inch wide concrete curb.
 - ☒ Concrete mow strips, when used, shall be a minimum of four (4) inches in width.
 - ☒ Trees and shrubs shall be planted so that at maturity they do not interfere with utility lines and traffic safety sight areas.
 - ☒ Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.
 - ☒ Trees planted within five (5) feet of sidewalks or curbs shall have an eighteen (18) inch by ten (10) foot long linear root barrier placed at each edge of the sidewalk or face of curb, centered on the tree.
- ☒ Plant materials. Plant materials shall be selected and installed in accordance with the following requirements:
 - ☒ The size of ten (10) percent of the trees to be planted shall be twenty-four (24) inch box or larger. The remaining trees shall be sized fifteen (15) gallons or larger.
 - ☒ The size of seventy (70) percent of plants and shrubs shall be at five (5) gallon or larger. The remaining plants and shrubs shall be sized one (1) gallon or larger.
 - ☒ The size of groundcover at planting shall be one (1) gallon or larger.
 - ☒ Groundcover shall be designed to have one hundred (100) percent coverage within two (2) years.
 - ☒ Drought tolerant plant material and climate appropriate species shall be emphasized in the design.
- ☒ That the landscaped area shall be planted with live and healthy plant materials suitable for screening/or ornamenting the site. Landscaped areas shall be watered by automatic systems and designed and developed in accordance with Chapter 12.08 and the most recent State Model Water Efficient Landscaped Ordinance.
- ☒ That no fence, hedge, or shrub shall be installed, planted, or maintained along a street frontage, which creates a traffic or pedestrian hazard.

Outdoor Lighting Standards (Section 17.50.140)

- ☒ That all lights and light fixtures, except public street lights, shall be located, aimed or shielded so as to minimize light trespassing across property boundaries or skyward.
- ☒ That building mounted lighting fixtures shall be attached only to the walls of the building. The top of a light fixture attached to a building wall shall not be higher than the top of the building parapet or the top of the roof eave, whichever is lower.
- ☒ That the canopy ceiling light fixtures shall be recessed or the sides of the lens area shall be shielded, in order to eliminate emission of horizontal light.
- ☒ That the height of freestanding light fixtures, including freestanding parking lot fixtures, shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture and shall not exceed 25 feet, when located within 51-150 feet of any residential district.

Dust Control:

- ☒ That the appropriate dust-control practices of the San Joaquin Valley Air Pollution Control District shall be implemented.
- ☒ That the any necessary permits be obtained through the San Joaquin Valley Air Pollution Control District.

BUILDING DIVISION
SPR 2022-43(502-1239) Molten Sulfur Storage Tank
10724 Energy Street

Contact Building Official: Tom Webb (559) 585-2584
 Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for each structure to include but not limited to: buildings, pools, fences, trash enclosures, signs and carports for any structural, plumbing, electrical, mechanical or **accessibility** work being done.
2. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
3. That detailed dimensioned plans be provided to the Building Division for each structure prior to obtaining construction permits. Each structure will require a separate submittal and permit.
4. That each structure will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Submittal shall consist of as applicable:
 - 4.1 1 copy of the City of Hanford Permit Application form
 - 4.2 1 electronic submittal unless noted, including as applicable:
 - 4.2.1 Grading Plan (Civil Drawings, for reference)
 - 4.2.2 Site Plan
 - 4.2.3 Architectural Drawings
 - 4.2.4 Structural Drawings
 - 4.2.5 Electrical Drawings
 - 4.2.6 Mechanical Drawings
 - 4.2.7 Plumbing Drawings
 - 4.2.8 Landscape Plan (for reference)
 - 4.2.9 Planning Dept. "Conditions of Approval" or "Resolution"
printed on the drawings and part of the drawing submittal
 - 4.2.10 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

****** Each structure will be considered a separate submittal. Grading, Landscaping, Signage, Trash Enclosures and all Fire permits are separate submittals as well and require separate applications and submittals as applicable. ******

- 4.3 1 electronic submittal, unless noted, including as applicable:
 - 4.3.1 Architectural Specifications
 - 4.3.2 Structural Calculations
 - 4.3.3 Electrical Calculations, if not included on the drawings
 - 4.3.4 Mechanical Calculations, if not included on the drawings
 - 4.3.5 Plumbing Calculations, if not included on the drawings
 - 4.3.6 Energy Calculations, if not included on the drawings
 - 4.3.7 CalGreen Compliance **including C & D Recycle plan**
 - 4.3.8 **Compliance with the City of Hanford Landscape Ordinance**
 - 4.3.9 Plans shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California, if required.

7. That all construction shall conform to **the Most Current Edition** (2019) of the California Building or Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code and CalGreen.

Hanford Fire Department

Contact Fire Marshal Christy Whittington @ 559-585-2594 or

cwhittington@cityofhanfordca.com

concerning questions that you may have on the following conditions.

Site Plan Review: SPR 2022-43

Date: August 24, 2022

Project #: 502-1239 (Tessengerlo Kerley)

General Instructions

1. Approval of this project does not exempt compliance with all applicable sections of the City adopted fire codes and local fire ordinances.
2. All fire protection systems must be installed and operational prior to occupying the building.
3. All permits shall be issued and fees paid prior to scheduling inspections with the Fire Department.

To schedule appointments for inspections, please call **559-585-2545**.

4. Scope of work shall be clearly stated on all plans submitted for permit.
5. All deferred submittals shall be listed on the building plan title page. All deferred submittals are required to be submitted within 30-days of building permit issuance.

The following comments are applicable if checked:

1. ☐ No comments.
2. ☐ This project must comply with latest applicable codes.
3. ☐ Project must meet minimum fire flow requirements per the table in Appendix B & C of the 2019 Ca. Fire Code. Provide most current fire flow information for this location.
4. ☐ If a new fire hydrant flow test is required, contact the fire department for submittal requirements.
5. ☐ Based on the occupancy classification, an automatic sprinkler system is required for this project. ***A separate fire department permit is required.*** Please contact the Building department for submittal process.
6. ☐ For automatic sprinkler systems, ***a separate permit maybe required if***

tenant improvements are made to sprinkler system. Please contact the Building department for submittal information.

7. ☐ Fire Riser Room: All new buildings that require an automatic fire sprinkler system shall contain a
 separate room to house the fire riser inside of it and shall have the following building elements:
 - At least one man door shall be provided- only exterior door(s) are allowed
 - The fire riser room and the door shall be large enough to accommodate repairs and/or maintenance needed by the use of tools and the removal and/or replacement of parts/pipe to the fire riser or FDC; suggested size 4' X 4' room.
 - One-hour rated construction
 - Fire Sprinkler head coverage required
 - Normal and emergency back-up lighting shall be installed inside the fire riser room.
 - The exterior of the fire riser door shall have permanent signage stating **FIRE RISER ROOM** in a contrasting color to background.
 - For existing buildings: please contact the Fire Department.

8. ☐ When a sprinkler system is required with 21 or more sprinkler heads, the system shall be monitored by a Central Station Service. Fire alarm and detection systems required by Chapter 9 of the currently adopted edition of the California Building Code (CBC) and CFC shall be installed per NFPA 72. **A separate fire department permit is required** for fire sprinkler monitoring and/or fire alarm systems required by the latest edition of the CBC. Contact the Building Department for submittal process.

9. ☐ A hydrant will be required within 50 feet of the Fire Department connection. **Knox FDC Locking Caps** are required on all FDC's. The ordering of Knox Box products can be done directly at www.knoxbox.com. Click to choose your local fire department agency, enter "Hanford Fire Dept", and a list of products will populate for you to order.

10. ☐ When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road (as measured by an approved route around the exterior of the building) on-site fire hydrants and mains shall be provided where required by the fire code official.

11. ☐ Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the fire department prior to any combustibles being brought onto the site.
12. ☐ No additional hydrants are necessary for this project.
13. ☐ Number of additional hydrants necessary for this project: _____
14. ☐ Fire hydrant spacing shall be as follows:
- Section 507 or as required by appendix C of the 2019 CFC.
15. ☒ If existing fire hydrants are re-located, hydrant protection posts shall be installed at all fire Hydrants that are subject to vehicle damage.
16. ☒ Approved fire apparatus access roads shall be provided for every tanks, facility or building, or portion of a building constructed or moved onto or with the City of Hanford. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings (as measured by an approved route around the exterior of the building or facility).
17. ☐ All dead-end access roads in excess of 150 feet must be provided with an approved turn-around or hammer head complying with City standards.
18. ☐ All access road shall not be less than 20 feet wide and 13 feet 6 inches in height.
19. ☒ Access road turning radius for fire apparatus is as follows:
- 20 feet, 1 inch inside turning radius
 - 44 feet, 6 inch outside radius
20. ☐ Additional access roads may be required per CFC 2019 Section 503.1.2. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
21. ☐ Traffic calming devices shall not be installed onto fire department emergency access roads unless prior approval is obtained from the Hanford Fire Department.
22. ☒ Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.

- **Access roads 20-26 feet in width:** Fire lanes shall be on both sides of the fire apparatus access roads.
 - **Access roads 26 to less than 32 feet in width:** Fire lanes shall be on one side of the fire apparatus access roads.
 - **Access roads 32 feet in width or more:** No fire lanes required.
23. ☒ Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
24. ☐ Temporary or permanent fire department access roads shall be constructed in accordance with City Standards ST-36. All weather access roads shall be in place prior to any combustible construction being brought onto the premises unless approved by the fire department.
25. ☒ Locked gates installed across fire department access roads:
- **Manual gates** with a chain lock require a **Knox Padlock** to be installed on them; or a **Knox Box** shall be installed on the exterior of the gate and a key to the lock on the gate must be placed in the Knox Box. (See www.knoxbox.com for current models)
 - **Electric Gates** shall be equipped with an electric **Knox Key Switch**, at the gate location.
 - In case of a loss of power, electrically operated gates shall have a means of back-up power or shall default in the open position for immediate fire department access.
 - At no time shall the width of the fire department access road be reduced below **20-feet wide through or at any gates** along the fire departments' emergency access roads due to protruding objects from gate supports, frames, signs, access booths, curbs, etc.
26. ☐ A Knox Box will be required. Keys that open all locked areas will also be required

and placed in the Knox Box. The ordering of Knox Box products can be done directly at www.knoxbox.com. If there is an existing Knox Box installed, contact the Fire Department to determine if it will suffice.

27. ☐ All address numbers shall be installed onto the building and shall be visible from the frontage street. The color of the address numbers shall be in a contrasting color to the building.

Size of Address Numbers:

- Downtown area (existing buildings): 4 inch numbers
- Buildings 20-ft. or less from the street: 6 inch numbers
- Buildings 21- to 40-ft. from the street: 8 inch numbers
- Buildings more than 40-ft. from street: 12 inch numbers

28. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I hood. ***A separate permit is required for the Type I hood.*** Contact the **Building** department for submittal information.
29. ☐ All commercial cooking appliances creating grease laden vapors shall have a K-Class fire extinguisher within 30-feet of cooking appliances in accordance with the most currently adopted edition of the CFC.
30. ☒ ***A separate permit is required*** for all hazardous material and/or flammable and combustible liquids, gases, solids, etc., over the exempt amounts set forth in the latest adopted edition of the California Fire Code.
31. ☒ ***A fuel tank permit is required*** for underground and aboveground gasoline/LPG/Diesel.
32. ☐ Combustible high-piled storage over 12 feet ***requires a separate fire department review and permit.*** Contact the fire department for further information.
33. ☐ Provide a Knox Box for all structures and gates. In accordance to the 2019 CFC 506.1. Location shall be approved by Hanford Fire Department.
34. ☐ Provide premises identification for all structures. Shall be visible from the street. A minimum of four (4) inch numbering on contrasting background. In accordance to the 2019 CFC 505.1

35. ☐ Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood. In accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use.
36. ☐ Insulated liquid carbon dioxide systems used in beverage dispensing applications with more than 100 pounds (45.4kg) of carbon dioxide shall comply with 2019 CFC 5307.3.1
37. ☒ Facility to provide minimum 2A10BC type fire extinguishers. Provide location and number of fire extinguishers to be installed in accordance to California Fire Code, section 906.
38. ☐ All exiting shall comply with California Fire and Building Code requirements. Requirements shall comply with section 10 of the 2019 CFC 1004.9
39. ☐ Posting of Occupant Load sign shall be provided if room or spaces used for Assembly, Classroom, Dining, or similar purposes having an occupant load of fifty (50) or more persons. Sign shall be placed in conspicuous location and near the main exit in accordance to CFC 1004.9
40. ☐ Any Special Event project shall comply with 2019 edition of the California Fire Code, chapter 31 for tent structures, exiting, fire extinguishers and other fire protection application.

**HANFORD CITY PLANNING COMMISSION STAFF REPORT
PERTAINING TO CONDITIONAL USE PERMIT NO. 2013-02
JANUARY 28, 2014**

Applicant

Tessengerlo Kerley, Inc
2255 N 44th St, Suite 300
Phoenix, AZ 85008

Property Owner

Tessengerlo Kerley, Inc
2255 N 44th St, Suite 300
Phoenix, AZ 85008

PROPOSAL

The applicant is proposing to install a KTS (Potassium Thiosulfate Solution) manufacturing facility in the Kings Industrial Park on approximately 46 acres.

LOCATION

The proposed project site is defined as 10724 Energy Street in the Kings Industrial Park (APN 018-242-063).

PROPERTY CHARACTERISTICS

The property is to be located within the Kings Industrial Park and is therefore subject to the standards set forth in the *Kings Industrial Park Performance and Development Standards, 2011*.

General Plan Designation and Zoning:

The General Plan designates the property as Heavy Industrial. The zoning is "HI" Heavy Industrial which corresponds with the General Plan Designation. The applicant's proposal to install a KTS (Potassium Thiosulfate Solution) manufacturing facility is consistent with both the General Plan and Zoning Ordinance with the approval of a Conditional Use Permit.

Adjacent Land Use and Zoning**Direction**

North
South
East
West

Land Use

Industrial Facility
Industrial Facility
Industrial Facility
Vacant

Zoning

"HI" Heavy Industrial
"HI" Heavy Industrial
"HI" Heavy Industrial
"HI" Heavy Industrial

ANALYSIS**A. Background**

According to the Kings Industrial Park Performance and Development Standards, Chemical Manufacturing activities (fertilizer manufacturing) are subject to Planning Commission Approval. Hanford Municipal Code, Chapter 17.38.030, NAISC Code 325 Chemical Manufacturing requires a conditional use permit and may be permitted in accordance with the provisions of Chapter 17.58 subject to applicable site plan review and CEQA procedures.

B. Property Characteristics

Parcel Size	46 Acres
Street Frontage	1862.11 ft

D. Utility/Public Service

The private utility companies have been contacted for comments concerning this project and have had no comments. The various public service departments and agencies have also reviewed this proposal to develop this KTS manufacturing plant and stated that the proposed project will not significantly affect their services and all utilities can be extended to the project site.

PUBLIC COMMENTS

Noticing of the project was published in the newspaper on January 17, 2014, and given to property owners within 500 ft of the project site on January 17, 2014. The Community Development Department has received no comments on the proposed project as of the date of this report.

REQUIRED CONDITIONAL USE FINDINGS

Pursuant to Section 17.58.060(A) of the Hanford Municipal Code, the Planning Commission may grant an application for a Conditional Use Permit if, from the application and the evidence submitted, the Commission makes all of the following five findings:

1. **The proposed use will not impair the integrity and character of the zoning district in which it is to be located.** This finding can be made based on the following:
 - a. The site is physically suitable for the proposed use.
 - b. The proposed Potassium Thiosulfate Solution manufacturing facility will not impair the area since it has been designated for industrial uses of the sorts. The proposal is consistent with the City of Hanford Municipal Code and the *Kings Industrial Park Development and Performance Standards* (as a conditionally permitted use).
 - c. The area is not adjacent to any commercial or residential zones and therefore will not impact residents/patrons with noise nor nuisance.

Evidence: City of Hanford Municipal Code, Zoning Map

2. **The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;.** This finding can be made based on the following:
 - a. The proposal for the Potassium Thiosulfate Solution manufacturing facility would be consistent with existing land uses and future permitted land uses within the "HI" Heavy Industrial zoning district. The proposed industrial use will be proximal to various industrial uses within the Kings Industrial Park. The proposal of a Potassium Thiosulfate Solution manufacturing plant shall not inhibit future uses from being located in proximity to the location.

Evidence: Site Plan, Hanford General Plan and Zoning Ordinance, Zoning Map.

3. **The proposed use is consistent with the General Plan.** This finding can be made based on the following:
 - a. The General Plan designates the property as "HI" Heavy Industrial. According to the General Plan Land Use Element, "This Designation provides for industrial parks, manufacturing, truck terminals, public or quasi-public facilities and structures, including utility operations, fabrication, processing, assembling, warehousing, wholesale sales, research and development activities" (City of Hanford General Plan, 2002). Tessenderlo Kerley Inc.'s operations are compatible with the designation's purpose.
 - b. The proposed use is a conditionally approved use within the "HI" Heavy Industrial Zone District. According to the *Kings Industrial Park Development and Performance Standards, 2011*, anything falling under the North American Industry Classification System (NAICS) Code 325 for Chemical Manufacturing requires a Conditional Use Permit. (See Figure 1: NAICS Code 325)

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 325	
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing
32531	Fertilizer Manufacturing

325311	Nitrogenous Fertilizer Manufacturing
325312	Phosphatic Fertilizer Manufacturing
325314	Fertilizer (Mixing Only) Manufacturing
32532	Pesticide and Other Agricultural Chemical Manufacturing
325320	Pesticide and Other Agricultural Chemical Manufacturing

Source: U.S. Census Bureau, *North American Industry Classification System*,
<http://www.census.gov/cgi-bin/sssd/naics/naicsrch>,

Evidence: Hanford General Plan, Zoning Ordinance, Kings Industrial Park Development and Performance Standards, North American Industry Classification System Codes (US Census Bureau), Operational Statement

4. There will not be significant effects upon the quality of the environment and natural resources.
This finding can be made based on the following:

- a. Through mitigation measures, the Potassium Thiosulfate Solution Manufacturing plant will have a less than significant impact on the environment.
- b. Intent to adopt a Mitigated Negative Declaration was published in the paper. The public review period began December 23 and ended January 13. No comments were received.
- c. A Notice of Determination and Mitigated Negative Declaration have been prepared for the project.

Evidence: Conditional Use Application; Planning Commission Resolution, California Environmental Quality Act

5. The location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval. This finding can be made based on the following:

- a. This application has been reviewed by the, fire department, building division, public works, and planning division. Any improvements or mitigations required for public health, safety, and welfare have been applied to Conditional Use Permit No. 2013-02 as conditions of approval.

Evidence: Conditional Use Application; Planning Commission Resolution, Site Plan, Operational Statement

ENVIRONMENTAL ASSESSMENT

This development of a Potassium Thiosulfate Solution manufacturing plant has undergone an initial study. From that initial study, it was determined that the operations of the plant would cause a less than significant environmental impact with the implementation of mitigation measures. A Mitigated Negative Declaration has been prepared for the project.

Intent to adopt a Mitigated Negative Declaration was noticed in the Hanford Sentinel on December 23, 2013. The public review period ended on January 13, 2014. No comments regarding the intent to adopt a Mitigated Negative Declaration were received.

RECOMMENDATIONS

That Conditional Use Permit No. 2013-02 be approved subject to the findings and conditions of the attached resolution.

Respectfully submitted,

Hanford Community Development Department

Gabrielle de Silva
Assistant Planner



Safety Data Sheet Molten Sulfur

SDS Number: 283 Revision: January 3, 2020

Section 1: IDENTIFICATION

1.1 Product Name: Molten Sulfur

1.2 Other Identification:

Chemical Family: Sulfur
Formula: S

1.3 Recommended Use of Chemical: Multiple industrial and agricultural uses

1.4 Manufacturer: Tessenderlo Kerley, Inc.
2910 N. 44th Street, Suite 100
Phoenix, Arizona 85018
Information: (602) 889-8300

1.5 Emergency Contact: Tessenderlo Kerley, Inc. (800) 877-1737
CHEMTREC (800) 424-9300 (Domestic)
(703) 527-3887 (International)

Section 2: HAZARD(S) IDENTIFICATION

2.1 Hazard Classification:	Health	Skin Corrosion/Irritation	Category 2
		Eye Damage/Irritation	Category 1
	Physical	None	

2.2 Signal Word: DANGER

2.3 Hazard Statement(s): Causes skin irritation
Causes serious eye damage



2.4 Symbol(s):

Molten Sulfur

- 2.5 Precautionary Statement(s):** **If on skin:** Wash with plenty of water. Take off contaminated clothing and wash it before use. If skin irritation occurs: Get medical advice/attention.
If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a poison control center/doctor/regional medical center. Wear heat-resistant gloves/chemical goggles/face shield/long sleeve shirt.
Wash hands and face thoroughly after handling.
- 2.6 Unclassified Hazard(s):** Molten non-metal. Flammable solid when solidified.
- 2.7 Unknown Toxicity Ingredient:** None

Section 3: COMPOSITION/INFORMATION on INGREDIENTS

3.1 Chemical Ingredients: (See Section 8 for exposure guidelines)

Chemical	Synonym, Common Name	CAS No.	EINECS No.	% by Wt.
Sulfur	Molten sulfur	7704-34-9	231-722-6	>99
Hydrogen sulfide	Hydrogen sulfide	7783-06-4	231-977-3	<1
Sulfur dioxide	Sulfur dioxide	7446-09-5	231-195-2	0 – 10 ppm

Section 4: FIRST AID MEASURES

4.1 Symptoms/Effects:

Acute: Eye contact may cause eye damage and/or irritation. Skin contact will cause skin burns and/or irritation. Ingestion will irritate the gastrointestinal tract.

Chronic: No known chronic effects.

4.2 Eyes: If irritation or redness develops from exposure, flush eyes with clean water. If symptoms persist, seek medical attention. For contact with hot material, gently open eyelids and flush affected eye(s) with cold (not icy) water. Seek immediate medical attention. For cold material, wash with plenty of water with eyelids open. If redness or pain develops, seek medical attention.

4.3 Skin: For contact with molten product, remove clothing if not sticking to skin. Attempts should not be made during first aid to remove molten sulfur stuck to the skin, as underlying tissue may easily be torn away. Flush immediately with large amounts of cool water. Keep injury cool to minimize swelling and tissue damage. Be alert for signs of shock from trauma, and hyperthermia from excessive cooling of the injury. Thermal burns require immediate medical attention.

4.4 Ingestion: First aid is not normally required for solid material; however, if molten Sulfur is swallowed, seek immediate medical attention.

4.5 Inhalation: If respiratory symptoms or other symptoms of exposure develop, move victim away from the source of exposure and into fresh air in a position comfortable for breathing. If

Molten Sulfur

symptoms persist, seek immediate medical attention. If victim is not breathing, clear airway and immediately begin CPR. If breathing difficulties develop, Oxygen should be administered by qualified personnel. Seek immediate medical attention.

Section 5: FIRE FIGHTING MEASURES

5.1 Flammable Properties: (See Section 9, for additional flammable properties)

NFPA: Health - 2 Flammability - 1 Reactivity - 0

5.2 Extinguishing Media:

5.2.1 Suitable Extinguishing Media: Dry chemical, Carbon dioxide, foam or water spray is recommended. Water or foam may cause frothing of materials heated above 212°F (100°C). Carbon dioxide (CO₂) may displace Oxygen. Use caution when applying CO₂ in confined spaces.

5.2.2 Unsuitable Extinguishing Media: Simultaneous use of foam and water on the same surface is to be avoided.

5.3 Protection of Firefighters:

5.3.1 Specific Hazards Arising from the Chemical:

Physical Hazards:

When overheated, Hydrogen sulfide and/or Sulfur dioxide vapors may evolve. Hydrogen sulfide can form explosive mixtures with air. Sulfur dioxide is a severe respiratory irritant. Keep containers /storage tanks in fire area cooled with water spray. If the vapors venting from a storage vessel are burning, they should be permitted to continue to burn until the source of ignition has been extinguished. Water spray is effective in washing venting vapors from the air.

Molten Sulfur burns with a pale blue flame that may be difficult to see in the daytime. Combustion of Sulfur produces Sulfur dioxide vapors.

Chemical Hazards:

None

5.3.2: Protective Equipment and Precautions for Firefighters:

Firefighters should wear self-contained breathing apparatus (SCBA) and full fire-fighting turnout gear. Keep containers/storage vessels in fire area cooled with water spray. Firefighters should be advised that solid material on the ground

Molten Sulfur

may only be a crust formed over molten material underneath and they should move over the solid material with extreme caution.

Section 6: ACCIDENTAL RELEASE MEASURES

6.1 Personal Precautions:

Keep all sources of ignition away from spill/release. Material may contain or release poisonous Hydrogen sulfide gas. If the presence of dangerous amounts of H₂S around the spilled product is suspected, additional or special actions may be warranted, including access restrictions and use of protective equipment. Use personal protective equipment specified in Section 8. Isolate the release area and deny entry to unnecessary, unprotected and untrained personnel.

6.2 Environmental Precautions:

Keep out of "waters of the United States" because of potential aquatic toxicity.

6.3 Methods of Containment:

Small Release:

Confine release with dirt, sand or absorbent or use small amount of water to cause molten material to solidify.

Large Release:

Shut off release if safe to do so. Dike spill area with earth, sand, other inert absorbents or use water sparingly to solidify material and prevent runoff into sewers, storm drains or surface waterways.

6.4 Method for Cleanup:

Small Release:

For small areas break up hardened material and shovel into suitable drums for recycle or disposal as chemical waste. Use non-sparking tools.

Large Release:

Recover as much of the spilled product for recycle by breaking up material and shoveling into suitable contains. Any unusable material should be disposed of as a chemical waste. Use non-sparking tools.

Section 7: HANDLING and STORAGE

7.1 Handling:

Material is handled at high temperatures (260 to 280°F); protective clothing is required. Handle in enclosed containers to avoid breathing product. Avoid any sources of ignition. Avoid contact with skin and eyes. Use in a well-ventilated area. Use non-sparking tools. Liquid Sulfur should not be placed in any vessel which contains trace quantities of water (potential steam explosion) or hydrocarbons (evolution of Hydrogen sulfide gas). Wash thoroughly after handling.

7.2 Storage:

Store in cool, dry, well-ventilated areas in enclosed containers. Do not store combustibles in the area of storage vessels. Keep away from any sources of heat or flame. Keep

Molten Sulfur

Attachment: Attachment 5 - Safety Data Sheet (Conditional Use Permit No. 2022-07)

moisture away from the bottom of tanks. Electrostatically ground storage and transfer vessels.

Section 8: EXPOSURE CONTROLS/PERSONAL PROTECTION

8.1 Exposure Guidelines:

Chemical	OSHA PELs		ACGIH TLVs	
	TWA	STEL	TWA	STEL
Sulfur dioxide	5 ppm	None	None	0.25 ppm
Hydrogen sulfide	None	20 ppm (Ceiling)	1 ppm	5 ppm
Sulfur	None	None	None	None

8.2 Engineering Controls: Use adequate exhaust ventilation to prevent inhalation of product vapors. Keep eye wash/safety showers in areas where product is used.

8.3 Personal Protective Equipment (PPE):

8.3.1 Eye/Face Protection: Chemical goggles and a full face shield.

8.3.2 Skin Protection: Heat resistant gloves and apron or Nomex clothing may be worn to prevent contact with molten sulfur. Long-sleeve shirts are advisable. Wash contaminated clothing prior to reuse.

8.3.3 Respiratory Protection: Where there is potential for airborne exposure to Hydrogen sulfide (H₂S) and/or Sulfur dioxide (SO₂), above exposure limits, a NIOSH approved, self-contained breathing apparatus (SCBA) or equivalent, operated in a pressure demand or other positive pressure mode, should be used.

8.3.4 Hygiene Considerations: Common good industrial hygiene practices should be followed, such as washing thoroughly after handling and before eating or drinking.

Section 9: PHYSICAL and CHEMICAL PROPERTIES

9.1 Appearance:	Yellow brown to bright yellow molten liquid.
9.2 Odor:	Rotten egg or sulfurous odor.
9.3 Odor Threshold:	0.3 to 5 ppm (sulfur dioxide). 4.7 ppb (hydrogen sulfide).
9.4 pH:	Not applicable
9.5 Melting Point/Freezing Point:	247°F (119°C)
9.6 Boiling Point:	833°F (445°C)
9.7 Flash Point:	405°F (207°C) (closed Cup)
9.8 Evaporation Rate:	Not determined
9.9 Flammability:	Not applicable
9.10 Upper/Lower Flammability Limits:	Not applicable
9.11 Vapor Pressure:	1 mm Hg @ 363°F (184°C)
9.12 Vapor Density:	> 38.9

Molten Sulfur

9.13 Relative Density:	1.8 @ 68°F (20°C), 15 lbs/gal.
9.14 Solubility:	Insoluble in water; soluble in carbon disulfide
9.15 Partition Coefficient:	No data available.
9.16 Auto-ignition Temperature:	450°F (232°C)
9.17 Decomposition Temperature:	Not applicable
9.18 Viscosity:	6.5 cP @ 363°F (184°C)

Section 10: STABILITY and REACTIVITY

10.1 Reactivity:	See Section 10.5, below.
10.2 Chemical Stability:	Stable under normal (ambient) pressure and temperature.
10.3 Possibility of Hazardous Reactions:	See Section 10.5, below. Polymerization is not known to occur.
10.4 Conditions to Avoid:	Avoid all possible sources of ignition. Avoid overheating (>290°F).
10.5 Incompatible Materials:	Sulfur can react with metals such as Sodium, Calcium, Tin, Nickel or Zinc under certain conditions. Avoid contact with strong oxidizing agents such as acids, chlorine, dichromates or permanganates.
10.6 Hazardous Decomposition Products:	Heat (flames) can release toxic vapors or gases. Combustion can yield Sulfur Oxides. Molten sulfur reacts with hydrocarbons to form Carbon disulfide and Hydrogen sulfide. May contain or liberate toxic Hydrogen sulfide gas.

Section 11: TOXICOLOGICAL INFORMATION

11.1 Oral:	Oral Rat LD ₅₀ : 8,437 mg/kg (literature value)
11.2 Dermal:	No data available.
11.3 Inhalation:	May contain or release highly toxic H ₂ S gas.
11.4 Eyes:	Vapors from molten sulfur may cause watering of the eyes/eye irritation. Contact with the molten material will cause thermal burns.
11.5 Chronic/Carcinogenicity:	Not listed in NTP, IARC or by OSHA.
11.6 Teratology:	No data available.
11.7 Reproduction:	No data available.
11.8 Mutagenicity:	No data available.

Section 12: ECOLOGICAL INFORMATION

12.1 Ecotoxicity:	Sulfur is not classified as an environmental hazard.

Molten Sulfur

- 12.2 Persistence & Degradability:** Sulfur is a component of the environment and there is a natural cycle of oxidation and reduction reactions which transform sulfur into both organic and inorganic products. Sulfur is amenable to microbial utilization. Therefore this material can be degraded by microorganisms and is regarded as inherently biodegradable.
- 12.3 Bioaccumulative Potential:** This product is not bioaccumulative.
- 12.4 Mobility in Soil:** Sulfur is not expected to be mobile in the soil. Sulfur is slowly converted to sulfate in soil by the action of autotrophic bacteria.
- 12.5 Other Adverse Effects:** None

Section 13: DISPOSAL CONSIDERATIONS

Consult federal, state and local regulations for disposal requirements.

Section 14: TRANSPORT INFORMATION

14.1 Basic Shipping Description:

- 14.1.1 Proper Shipping Name:** Sulfur, molten
- 14.1.2 Hazard Classes:** 9 (domestic only)
4.1 (international)
- 14.1.3 Identification Number:** NA2448 (domestic only)
UN2448 (international)
- 14.1.4 Packing Group:** III
- 14.1.5 Hazardous Substance:** No
- 14.1.6 Marine Pollutant:** No

14.2 Additional Information:

14.2.1 Other DOT Requirements:

- 14.2.1.1 Reportable Quantity:** Not applicable
- 14.2.1.2 Placard(s):** Class 9 (domestic only)
Flammable solid (international)
- 14.2.1.3 Label(s):** Class 9 (domestic only)
Flammable solid (international)

14.2.2 USCG Classification: Compatibility Group 0 (unassigned). Chris Code: SXX

14.2.3 International Transportation:

- 14.2.3.1 IMO:** Not normally shipped by this mode.
- 14.2.3.2 IATA:** Forbidden
- 14.2.3.3 TDG (Canada):** Sulphur, molten (UN2448)
- 14.2.3.4 ADR (Europe):** Sulphur, molten (UN2448)

14.2.3.5 ADG (Australia):	Sulphur, molten (UN2448)
14.2.4 Emergency Response Guide:	133
14.2.5 ERAP – Canada:	Not applicable
14.2.6 Special Precautions:	Not applicable

Section 15: REGULATORY INFORMATION

15.1 U.S. Federal Regulations:

15.1.1 OSHA:	This product is considered hazardous under the criteria of the Federal OSHA Hazard Communication Standard (29 CFR 1910.1200).		
15.1.2 TSCA:	Product is contained in USEPA Toxic Substance Control Act inventory.		
15.1.3 CERCLA:	Reportable Quantity – No		
15.1.4 SARA Title III:			
15.1.4.1 Extremely Hazardous Substance (EHS):		No	
15.1.4.2 Section 312 (Tier II) Ratings:	Immediate (acute)	Yes	
	Fire	Yes	
	Sudden Release	No	
	Reactivity	No	
	Delayed (chronic)	No	
15.1.4.3 Section 313 (FORM R):	Not applicable		
15.1.5 RCRA:	Not Applicable		
15.1.6 CAA (Hazardous Air Pollutant/HAP):	Not Applicable		

15.2 International Regulations:

15.2.1 Canada:

15.2.1.1 WHMIS:	B4, D2B
15.2.1.2 DSL/NDL:	Yes, DSL No. 8339

15.3 State Regulations:

15.3.1 CA Proposition 65:	 WARNING: This product can expose you to chemicals including sulfur dioxide, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65.Warnings.ca.gov .

Section 16: OTHER INFORMATION

REVISIONS: This SDS was reformatted to comply with the new Hazard Communication Standard dated March 26, 2012, by the Regulatory Affairs Department of Tessenderlo Kerley, Inc. 9/26/2014.
Revised sections 2, 8, 10 and 15. 6/10/2016.
Revised section 15. 12/22/2018.
Revised section 1. 1/3/2020.

The information above is believed to be accurate and represents the best information currently available to Tessenderlo Kerley, Inc. (TKI). No warranty of merchantability, fitness for any particular purpose, or any other warranty is expressed or is to be implied regarding the accuracy or completeness of this information, the results to be obtained from the use of this information or the product, the safety of this product, or the hazards related to its use. Users should make their own investigations to determine the suitability of the information for their particular purpose and on the condition that they assume the risk of their use thereof. TKI reserves the right to revise this Safety Data Sheet periodically as new information becomes available.

Addendum No. 4 to
Initial Study/ Mitigated Negative Declaration No. 2014-02
For: Conditional Use Permit No. 2013-02 and Conditional Use Permit No. 2021-09

Overview

On January 28, 2014, the City of Hanford Planning Commission approved Conditional Use Permit No. 2013-02, for which an initial study was prepared, and Mitigated Negative Declaration No. 2014-02 was adopted. A Notice of Determination was filed with Kings County on February 27, 2014. A request to install a new 260,000 gallon above-ground molten sulfur tank for truck and railcar loadout on the existing Tessengerlo Kerley, Inc. chemical manufacturing facility was received on August 16, 2022. Due to the changes proposed to the site, an amendment to the Conditional Use Permit is required, proposed under Conditional Use Permit No. 2022-07.

Staff determined an addendum to Initial Study and Mitigated Negative Declaration No. 2014-02 would adequately address the additions proposed under Conditional Use Permit No. 2022-07.

Purpose of an Addendum

The purpose of this addendum is to demonstrate that the addition of the solar facility, proposed under Conditional Use Permit No. 2021-09, would not result in any of the conditions under which a subsequent Environmental Impact Report (EIR) or Negative Declaration would be required pursuant to Public Resources Code Section 21166 or CEQA Guidelines Sections 15162 and 15164.

CEQA and the CEQA Guidelines establish the type of environmental documentation that is required when changes to a project occur or new information arises after an EIR is certified or a Negative Declaration adopted for a project. CEQA Guidelines Section 15162 establishes criteria for determining whether more detailed information, such as the preparation of a Subsequent or Supplemental EIR, is needed, and Section 15164 defines the appropriate use of addendums to previous EIRs and negative declarations.

CEQA Guidelines Section 15162(a) states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project, which will require major revisions in the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is to be undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

a. The project will have one or more significant effects not discussed in the EIR.

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure; or

d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more effects on the environment but the project proponents decline to adopt the mitigation measure.

CEQA Guidelines Section 15164(b) states: “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

The following analysis demonstrates that the amendments proposed under Conditional Use Permit No. 2022-07 do not raise any new environmental issues and requires only minor changes or additions to the previous Negative Declaration No. 2014-02 to satisfy the requirements of CEQA.

Project Description

The project is a request to install a new 260,000 gallon above-ground molten sulfur tank for truck and railcar loadout on the existing Tessengerlo Kerley, Inc. chemical manufacturing facility. The facility currently has one molten sulfur unloading tank and one molten sulfur above ground storage tank. These tanks are used to unload and store molten sulfur which is used as raw material in the KTS manufacturing plant. The addition of another above ground storage tank would be for additional molten sulfur storage to help with inventory due to potential shortages or long lead times by the railroad in the future. The ability to load molten sulfur into trucks and/or railcars would allow the facility to supply molten sulfur to other TKI locations if they run into a molten sulfur shortage in their area. there will be no modifications made to the KTS manufacturing plant or changes to the amount of product the KTS manufacturing plant can make.

Project Evaluation

Aesthetics – No significant change. The site is not located in a state scenic highway area. The project would have minimal effect on public views around the area. The project site is located outside of any Airport Compatibility Zone, reducing any potential glare-related effects on any nearby aircrafts in flight. All on-site lighting is subject to the regulations set in Chapter 17.50.140 of the Hanford Municipal Code.

Agriculture and Forestry Resources – No significant change. The General Plan designates the site for industrial development. The project will not convert any existing farmland or forest land to a non-agricultural use.

Air Quality – No significant change. During project construction, any activities that may negatively impact air quality shall be limited by applying requirements established by the San Joaquin Valley Air Pollution Control District and the Air Quality Element of the Hanford General Plan.

Biological Resources – No significant change. While it is possible for migrating species to move through the area, there are no known populations of existing sensitive species on the project site. There are no riparian or wetland habitats on site.

Cultural Resources – No significant change. There is no evidence of any historic or archeological significance on the site. As a condition of approval of all development projects, the City of Hanford requires:

- ☒ That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The

find shall be properly investigated and appropriate measures are to be taken before construction may continue.

Energy – Less than significant impact. The chemical manufacturing facility relies on solar energy. The use of on-site solar will reduce the facility's dependence on fossil fuels. The solar facility is anticipated to reduce any wasteful, inefficient, or unnecessary consumption of energy resources. Energy conservation standards shall comply with Title 24 of the California Building Code as well as the Hanford General Plan.

Geology and Soils – No significant change. The site area consists of the Hydrologic Soil C which typically has slow infiltration rates when thoroughly wet and consists mainly of soils having a layer that impedes the downward movement of water or soils of moderately fine textures or fine texture. Hanford is far from any known faults, and consists of a stable geologic formation such that the effects of ground shaking should be minimal.

Greenhouse Gas Emissions – No significant increase. During project construction, any activities that may increase greenhouse gas emissions shall be limited by applying requirements established by the San Joaquin Valley Air Pollution Control District and the Air Quality Element of the Hanford General Plan.

Hazards and Hazardous Materials – No significant change. Molten Sulfur is already existing and handled on the site. The project site is not located within one-quarter mile of any existing or proposed school or within two miles of a public airport. The site complies with the Hanford General Plan regarding any emergency response plan or emergency evacuation plan. Compliance with the material data sheets for handling and emergency spills is required.

Hydrology and Water Quality – No significant change. The site is relatively flat and approximately 250 feet above mean sea level. According the United States Federal Emergency Management Agency (FEMA), the property is located in Flood Zone X, which is an area determined to be outside of the 0.2% annual chance floodplain.

Land Use and Planning – No significant change. The property is located in the Heavy Industrial zone district, which permits a chemical manufacturing facility as a conditionally permitted use in the zone district.

Mineral Resources – No significant change. According to the California Geological Survey, the site is not within an area containing known mineral resources of value.

Noise – No significant change. The site is not adjacent to any sensitive land uses, including residences, schools, and churches. Construction shall take place in accordance with Chapter 9.10 of the Hanford Municipal Code and the Noise Element of the Hanford General Plan.

Population and Housing - No significant change. No population or housing growth would result from the proposed installation of the molten sulfur tank. The project will not displace any existing people or housing.

Public Services - No significant change. The site is served by the Hanford Fire and Police Departments, impacts will continue to be mitigated through payment of impact fees for Fire and Police. No substantial change will occur to Parks or Schools in the City.

Recreation – No significant change. No impact will result to recreation due to the installation of the molten sulfur tank.

Transportation – Less than significant change. One new rail loading station and one new truck loading station will be added for the expansion to allow loading of Molten Sulfur. The new loading areas will be located in the same area as the existing above ground Molten Sulfur tank. The purpose of the additional tank is to assist in storage, not more loadout.

Tribal Cultural Resources – Less than significant impact. No known historical or tribal cultural resources are located on the project site. A condition of project approval is:

“That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.”

Utilities and Service Systems - No significant change. The Public Works Department has reviewed the project and found that the proposed addition would not significantly impact existing City utilities and service systems. The site is not anticipated to generate a significant amount of solid waste.

Wildfire - No impact. The site is served by the Hanford Fire Department. According to the California Department of Forestry and Fire Protection, the property is not located in a moderate, high, or very high Fire Hazard Severity Zone.

Mandatory Findings of Significance - No significant change anticipated from the installation of the solar facility.

Conformance with the Standards of the I-H Heavy Industrial Zone District

The project has been evaluated for conformance with the standards of the I-H Heavy Industrial zone district, below.

17.36.030 Site Area

In the I-H Heavy Industrial zone district, the minimum site area shall be 20,000 square feet. The entire parcel totals 46.83 acres, which meets and exceeds the minimum site area for the district.

17.36.040 Lot Dimensions

The minimum lot frontage in the I-H Heavy Industrial zone district shall be 60 feet, unless a reciprocal use agreement for shared common access and parking areas is recorded with the Kings County Recorder's Office. The lot has over 650 feet of frontage along Energy Street, which meets and exceeds the minimum site area for the district.

17.36.050 Coverage

The maximum coverage of the lot shall be determined by the combined building setback area requirements, open space requirements, and off-street parking and loading requirements. The project meets all building setback area requirements, open space requirements, and off-street parking and loading requirements; therefore, the maximum lot coverage is not exceeded.

17.36.060 Building Setback Area

No structure is permitted to be placed within a building setback area. In the I-H Heavy Industrial zone district, the front building setback area shall be a minimum of 10 feet. The rear, side, and street side setbacks may be zero, as the property does not abut a R-L, R-M, R-H, OR, O, PF, AP,

or CO zone district. All required setbacks have been met and ensured under Site Plan Review No. 2022-43 and all former site plans.

The proposed storage tank is located approximately 800 feet from the front property line along Energy Way, which exceeds the front building setback requirement.

17.36.070 Distances Between Structures

The minimum distance between a structure used solely for residential purposes and another structure shall be 10 feet, except as provided by the building code. There are no residential structures on site.

17.36.080 Height of Structures

The maximum height of structures in the I-H Heavy Industrial zone district shall be 75 feet, except that the height of portions of structures set back at least 200 feet from any lot line may be up to 100 feet. The storage tank will not exceed 75 feet.

17.36.090 Driveways

Whenever possible, developments in the I-H Heavy Industrial zone district shall share driveways to minimize the number of driveways on public streets. New driveways near street corners shall be located a minimum 100 feet from the radius of the curb, unless otherwise specifically approved by the City Engineer. Gated entrances shall be setback at least 100 feet from the public right-of-way, unless a shorter distance is approved by the City Engineer. The property has three existing driveways along Energy Street and one along Power Way, as shown in Figure 5. No new driveway is not proposed. The Engineering Division is not requiring abandonment of any driveway.



17.36.100 Off-Street Parking

In accordance with Section 17.54.040, parking shall be provided for commercial and industrial uses conducted primarily outside of buildings at a ratio of one space for each two employees of

the maximum working shift. Between Tessengerlo Kerely Inc.'s operations and MPR Services' operations, there are a total of 24 employees overall. The applicant provides 24 parking stalls on site, two of which are ADA- accessible, which exceeds the required parking ratio for the use.

The addition of the storage tanks does not require changes to the number of employees on site. Therefore, additional parking is not required.

17.36.110 Usable Open Space

There is no minimum requirement for usable open space.

The applicant complies with all requirements of the I-H Heavy Industrial zone district, except additional driveways have been allowed by the City Engineer.

17.36.120 Landscaping

Properties in the I-H Heavy Industrial zone district shall provide and permanently maintain landscaping in a setback area not less than 10 feet from a lot line adjoining a street. The property will have a minimum of 10 feet of landscaping along the lot lines adjoining a street. The project satisfies the landscaping requirements for the I-H Heavy Industrial zone district.

17.36.130 Screening, Fences, and Walls

Properties in the I-H Heavy Industrial zone district shall meet the screening, fences, and walls standards in Section 17.28.130 of the Hanford Municipal Code. A seven-foot-high fence with six feet of chain link and one foot of barbed wire will surround the solar facility. This fence is permitted and shall be located behind any landscaped area located next to a street. A block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts an R-L, R-M, R-H, OR, PF, AP, or CO zone district. The property is only adjacent to properties in the I-H Heavy Industrial zone district; no block wall is required. The project satisfies all screening, fence, and wall regulations for the I-H Heavy Industrial zone district.

17.36.140 Signs

All signage must follow the standards set in Chapter 17.56 of the Hanford Municipal Code for the I-H Heavy Industrial zone district. For permanent building signs, there is no limit to number of signs per business establishment; a maximum sign surface area of 500 sq. ft. per sign and 1,000 sq. ft. cumulative of all signs is permitted; 1 sq. ft. per lineal foot of property line adjoining a street, or 100 sq. ft. per acre of site area in use, whichever is greater, to a maximum of 600 sq. ft. of sign face is permitted for signage. Permanent freestanding signs may have one sign per frontage maximum; a 40 sq. ft. maximum sign face size; a maximum height of 10 feet; sites within 100 feet of State Route 198 may increase the maximum sign height to 50 feet.

Signage requires a separate application and will be evaluated at the time of submittal. **No additional signage is proposed for the site at this time.**

17.36.150 General Provisions and Standards

In the I-H Heavy Industrial zone district, no business, service, or process that is not a part of the main use of the site shall be conducted outside a completely enclosed permanently fixed structure, except where specifically permitted by this title. **The proposal applies to storage within enclosed storage tanks.**

All requirements of the I-H Heavy Industrial zone district, prescribed by Chapter 17.36 of the Hanford Municipal Code, are satisfied.

Environmental Analysis and Conclusions

The changes proposed to Conditional Use Permit No. 2013-02 do not affect any of the environmental factors evaluated under Mitigated Negative Declaration No. 2014-02.

Conclusion

There is no substantial evidence that approval of Conditional Use Permit No. 2022-07 would result in new significant environmental impact or impacts that would be more severe than described in the previous Negative Declaration No. 2014-02. Consequently, a subsequent or supplemental EIR or IS/MND is not required.

**HANFORD CITY PLANNING COMMISSION STAFF REPORT
PERTAINING TO ADOPTION OF MITIGATED NEGATIVE DECLARATION NO. 2014-02 FOR SITE
PLAN REVIEW 2013-13 A PROPOSAL TO CONSTRUCT A KTS MANUFACTURING FACILITY
FEBRUARY 25, 2014**

Applicant

Tessenderlo Kerley, Inc
2255 N 44th St, Suite 300
Phoenix, AZ 85008

Property Owner

Tessenderlo Kerley, Inc
2255 N 44th St, Suite 300
Phoenix, AZ 85008

PROPOSAL

The applicant is proposing to install a Potassium Thiosulfate Solution (KTS) manufacturing facility in the Kings Industrial Park on approximately 46 acres. On January 28, 2014, the Planning Commission voted to approve Conditional Use Permit No. 2013-02, thus allowing the use of manufacturing chemicals (fertilizer mixing) on site. This Mitigated Negative Declaration pertains to physical development to commence with the approval of Site Plan Review 2013-13.

LOCATION

The proposed project site is defined as 10724 Energy Street in the Kings Industrial Park (APN 018-242-078).

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study/ Mitigated Negative Declaration (IS/MND) that identifies potentially significant impacts for greenhouse gas emissions. However, through mitigation measures set forth by the San Joaquin Valley Air Pollution Control District, these potential impacts would be mitigated to a point where they would cause a *less than significant impact*. The Initial Study and Mitigated Negative Declaration were made available for public review from December 23, 2013 through January 13, 2014. No comments were received during that period.

PUBLIC COMMENT

Notice of the public hearing pertaining to the adoption of Mitigated Negative Declaration was noticed in the Hanford Sentinel on February 15, 2014. No comments have been received.

RELATED PROJECTS

- Lot Line Adjustment 2013-01 (File 513.0915)
- Site Plan Review 2012-09 (File 502.0896)
- Conditional Use Permit 2013-02 (File 508-0175)
- Site Plan Review 2013-13 (File 502-0913)* The approval letter cannot be completed until Mitigated Negative Declaration 2014-01 has been approved by the Planning Commission.

ENVIRONMENTAL DOCUMENTS INCLUDED

- Initial Study
- Notice of Determination
- Mitigation Monitoring and Reporting Plan
- Mitigations from the San Joaquin Valley Air Pollution Control District

RECOMMENDATION

Staff recommends that the Planning Commission make the appropriate findings and adopt Mitigated Negative Declaration No. 2013-14 and the associated Mitigation Monitoring and Reporting Program pertaining to Site Plan Review 2013-13, a proposal to construct a KTS Manufacturing Facility.

ENVIRONMENTAL DOCUMENTS INCLUDED**1. INITIAL STUDY**

Initial Study/ Negative Declaration

Project Title: Tessengerlo Kerley Inc. Fertilizer Manufacturing Plant

Lead Agency Name and Address: City of Hanford – Planning Division
317 North Douty Street
Hanford, CA 93230

Project Location: 10724 Energy Street
APN 018-242-078
See Figure 1.1

Project Sponsor and Address: Tessengerlo Kerley, Inc
2255 N. 44th Street, Suite 300
Phoenix, AZ 85008

General Plan Designation: Heavy Industrial

Zoning: Heavy Industrial (See Figure 1.2)

Contact Person: Gabrielle de Silva, Assistant Planner

Phone Number: (559)585-2578

Date Prepared: December 2013

Attachment: Original MND (Conditional Use Permit No. 2022-07)

Figure 1.1 – Aerial Map, Project Location

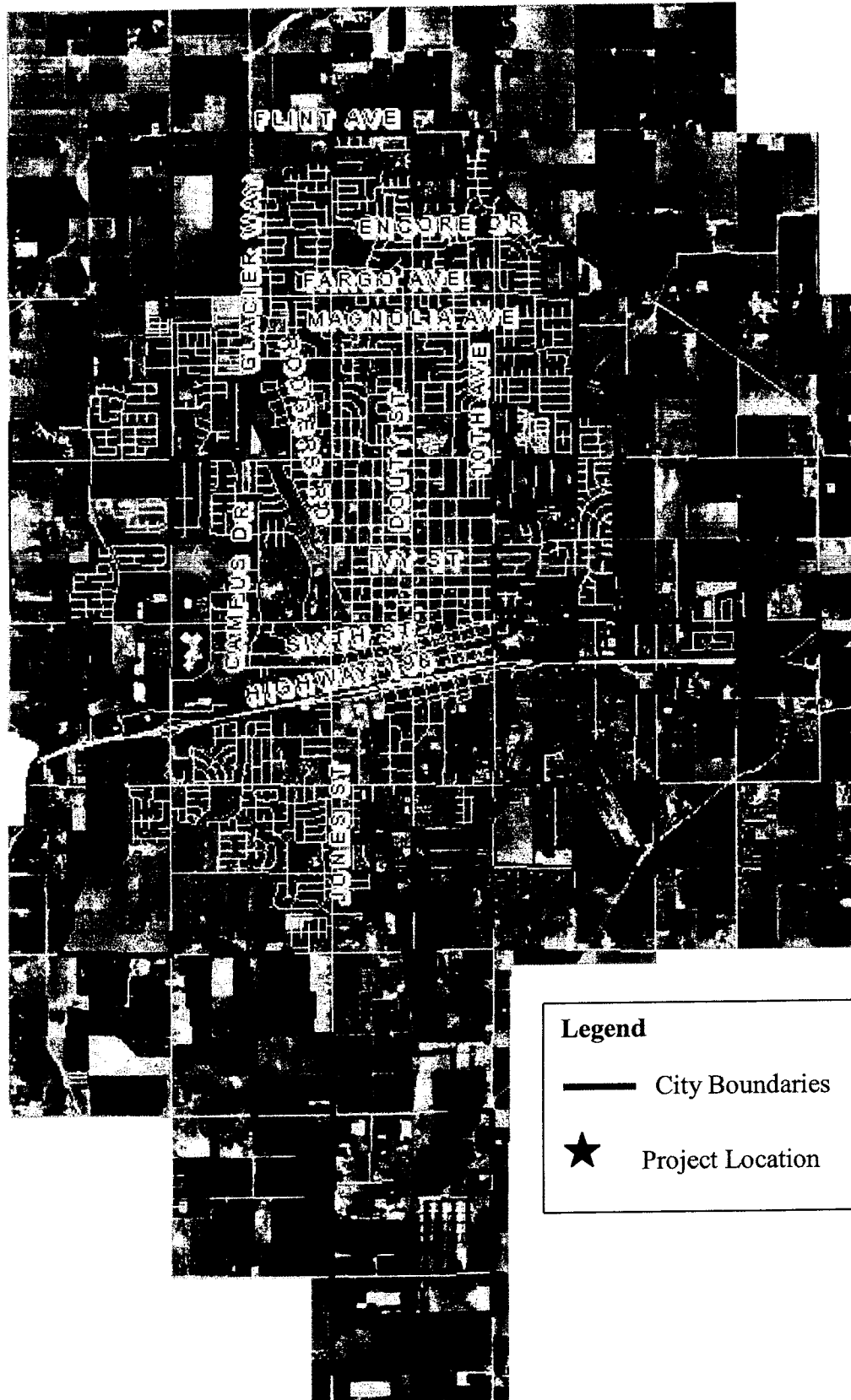
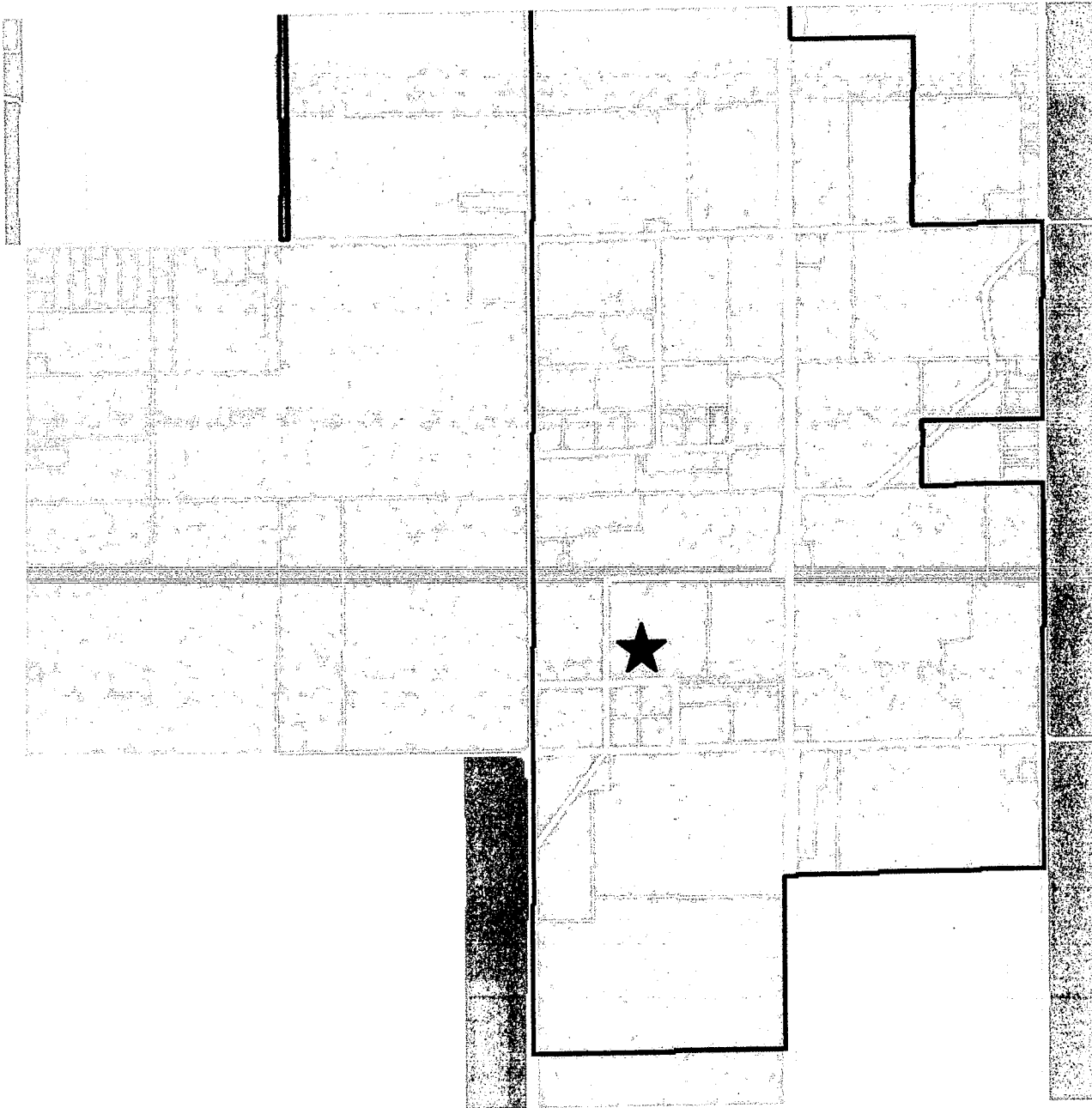


Figure 1.2 – Zoning of Site

**Legend**

— City Boundaries

★ Project Location

□ Heavy Industrial

Project Description

Overview

The applicant proposes installation of a Potassium Thiosulfate Solution (KTS) liquid fertilizer production facility. The facility will include bulk raw material and product storage.

The project is divided into two phases:

- Phase I: The first phase required approval of Site Plan Review No. 2012-09. The application for Site Plan Review No. 2012-09, is a proposal to construct a storage and loading facility for fertilizer products located on Energy Street and Power Way in the Kings Industrial Park in the southerly part of the City of Hanford. Phase I of this project has been completed. Currently, the facility is operating under a temporary Certificate of Occupancy.
- Phase II: The second phase of this project requires a Conditional Use Permit (CUP) because within the Kings Industrial Park, any chemical manufacturing (North American Industry Classification System 325) requires approval by the Hanford Planning Commission. In addition to approval of a CUP, the project has a second site plan for the second phase of the project
- The current terminal at the facility includes a rail-line as well as truck loading/unloading capabilities (up to 6 truck bays). The product to be manufactured, KTS, will already be stored at the terminal, however, raw materials for the production will be brought to the site by rail or truck and stored in bulk.

Project Location and Setting

Setting

- The production facility will be installed in the City of Hanford Industrial Park. The surrounding area is industrial in nature with various industrial facilities neighboring the site.
- (See figure 1.3, 1.4, 1.5)

Location

- APN: 018-242-078
- Address: 10724 Energy Street
- (See previous figure 1.1)

Environmental factors potentially affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☒ Greenhouse Gas Emissions	☐ Population/Housing
☐ Agricultural resources	☐ Hazards/Hazardous Materials	☐ Public Services
☐ Air quality	☐ Hydrology/Water Quality	☐ Recreation
☐ Biological resources	☐ Land Use/Planning	☐ Transportation/Traffic
☐ Cultural resources	☐ Mineral Resources	☐ Utilities/Service Systems
☐ Geology/Soils	☐ Noise	☐ Mandatory Findings of Significance

DETERMINATION

- ☐ I find the project is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the C.E.Q.A. Guidelines.
- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect
- 1) Has been adequately analyzed in an earlier document pursuant to applicable legal standards, and
 - 2) Has been addressed by mitigation measures based on the earlier analysis as described on attached sheets.
- ☐ An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects

- 1) Have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and
- 2) Have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects

- 1) Have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and
- 2) The City adopted a "Statement of Overriding Consideration" for that earlier EIR and a NEGATIVE DECLARATION will be prepared.

Gabrielle de Silva

December 21, 2013

Signature

Date

Attachment: Original MND (Conditional Use Permit No. 2022-07)

Aesthetics

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Have a substantial adverse effect on a scenic vista?			X	
b.) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c.) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d.) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

COMMENTS: *The Hanford General Plan designates the project site for future industrial development, it is not designated as conservation or open space, which are intended to exhibit quality scenic qualities.*

Existing images of the site:





Agricultural Resources

AGRICULTURE RESOURCES: In determining whether impacts to agriculture resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant VA/with Mitigation Incorporation	Less Than Significant Impact	No Impact
a.) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c.) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
COMMENTS: The General Plan designates the project area for industrial development and the area is appropriately zoned for manufacturing uses. According to the California Division of Land Resource Protection, this land is designated as "vacant or disturbed land." This designation, "Includes open field areas that do not qualify for an agricultural category, mineral and oil extraction areas, off road vehicle areas, electrical substations, channelized canals, and rural freeway interchanges" (<i>California Division of Land Resource Protection, Kings County Important Farm Land</i> , 2010). Construction of the project will not result in the removal of agricultural land from production. No significant impacts are anticipated.				

Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact												
Would the project:																
a.) Conflict with or obstruct implementation of the applicable air quality plan?			X													
b.) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X													
c.) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X													
d.) Expose sensitive receptors to substantial pollutant concentrations?			X													
e.) Create objectionable odors affecting a substantial number of people?			X													
COMMENTS: "The California Air Resource Board (ARB) has divided California into regional air basins according to topographic air drainage features. The San Joaquin Valley Air Basin (SJVAB), which is approximately 250 miles long and averages 35 miles wide, is the second largest air basin in the state. Air pollution is directly related to a region's topographic features...The valley is basically flat with a slight downward gradient to the northwest. The valley opens to the sea at the Carquinez Straights where the San Joaquin – Sacramento Delta empties into San Francisco Bay. The San Joaquin Valley (SJV), thus, could be considered a "bowl" open only to the north" (City of Hanford General Plan Update 2002, Final EIR, 2002). "Local climatological effects, including wind speed and direction, temperature, inversion layers, and precipitation and fog, can exacerbate the air quality problem in the SJVAB" (City of Hanford General Plan Update 2002, Final EIR, 2002). The City of Hanford is in the San Joaquin Valley Air Basin, which has been designated as non-attainment for PM-2.5 and extreme non-attainment for ozone. Over the long-term, emissions from planned growth has the potential to degrade local carbon monoxide concentrations along roads that would serve the City and could result in air emissions or deterioration of ambient air quality. The significance thresholds for criteria pollutants are as follows: (information obtained from the San Joaquin Unified Air Pollution Control District's <i>Environmental Review Guidelines</i>, 2000). <table border="1"> <thead> <tr> <th>SB 288 Major Modification Thresholds POLLUTANT</th> <th>THRESHOLD (POUNDS PER YEAR)</th> </tr> </thead> <tbody> <tr> <td>VOC</td> <td>50,000</td> </tr> <tr> <td>NOx</td> <td>50,000</td> </tr> <tr> <td>PM10</td> <td>30,000</td> </tr> <tr> <td>SOx</td> <td>80,000</td> </tr> <tr> <td>VOC</td> <td>50,000</td> </tr> </tbody> </table>					SB 288 Major Modification Thresholds POLLUTANT	THRESHOLD (POUNDS PER YEAR)	VOC	50,000	NOx	50,000	PM10	30,000	SOx	80,000	VOC	50,000
SB 288 Major Modification Thresholds POLLUTANT	THRESHOLD (POUNDS PER YEAR)															
VOC	50,000															
NOx	50,000															
PM10	30,000															
SOx	80,000															
VOC	50,000															

According to a projection calculation, the proposed industrial development is below all of the significance thresholds for criteria pollutants.

"Local Air Pollution Regulation: The San Joaquin Valley Air Pollution Control District adopts rules and regulations to implement the attainment plans and to comply with state and federal regulations. The San Joaquin Valley Air Pollution Control District has adopted rules for nearly every possible source of emissions. Some specific rules that affect development in the City of Hanford include:

- **Regulation VIII- Fugitive PM10 Prohibitions:** Dust Control for construction, open areas, roads, and storage
- **Rule 9510- Indirect Source Review:** Requires mitigation of construction and operational emissions from development projects through onsite measures and off-site mitigation fees" (City of Hanford General Plan, Air Quality Element, 2010).

Per Regulation VIII, the following mitigations will be conditions of approval for this project so as to reduce air quality impacts:

Pre-construction:

- a) That material excavated or graded be sufficiently watered to prevent excessive amounts of dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work is completed for the day.
- b) That clearing, grading, earth moving, or excavation activities cease during periods of high winds greater than 20 mph.
- c) That earth material transported off-site be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- d) That areas disturbed by clearing, earth moving, or excavation activities be minimized at all times.
- e) That where acceptable to the Fire Department, weed control should be accomplished by mowing instead of discing, thereby leaving the ground undistributed and with a mulch covering.

During Construction:

- a) After clearing, grading, earth moving, or excavation operations, during the construction phase, fugitive emissions should be controlled by the following methods:
- b) That nonactive portions of the construction site be restricted from vehicular movement.
- c) That active portions of the site should be sufficiently watered to prevent excessive amounts of dust.

General Fugitive Dust:

- a) At all times, fugitive dust emissions should be controlled using the following procedures:
- b) That on site vehicle speed should be limited to 15 mph
- c) That areas with vehicle traffic be watered periodically or have petroleum-based palliatives applied for stabilization of dust emissions.
- d) That during rough grading and construction, streets next to the project site be swept at least once per day, or as required to remove silt which may have accumulated from construction activities.
- e) That during rough grading and construction, access to the site should require the building of an apron into the project site from adjoining paved roadways. The apron should be paved or have a petroleum-based palliative applied.

Ozone Precursors:

- a) At all times, ozone precursor emissions should be controlled by the following methods:
- b) That all internal combustion engine drive equipment be properly maintained and well tuned according to the manufacturer's specifications.

Per Rule 9510, the following mitigations will be conditions of approval for this project so as to reduce air quality impacts (if it is determined that the project is subject to discretionary approval)

Construction Equipment Emissions

- a) The exhaust emissions for construction equipment greater than fifty (50) horsepower used or associated with the development project shall be reduced by the following amounts from the statewide average as estimated by the Air Resource Board:

- i. 20% of the total NOx emissions, and
- ii. 45% of the total PM10 exhaust emissions
- b) An applicant may reduce construction emissions on-site by using less-polluting construction equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment

Operational Emissions

a) NOx Emissions

- i. Applicants shall reduce 33.3% of the projects operational baseline NOx emissions over a period of ten years
- ii. Applicants shall reduce 50% of the project's operational baseline PM10 emissions over a period of ten years
- iii. Note: the above requirements in this subsection can be met through any combination of on-site emission reduction measures or off-site fees.
- iv.

Odor from elemental sulfur will be mitigated through use of an H2S scrubber.

Source Category	NO _x	CO	PM	PM ₁₀	PM _{2.5}	VOC	SO ₂	GHG ¹	HAP	H ₂ S
Sulfur Storage Tanks	-	-	-	-	-	-	-	-	-	-
KTS Vent Stack	10.56	42.86	60.88	60.88	60.88	0.65	111.43	70,342	0.22	17.60
Combustion ²	1.57	8.89	0.80	0.80	0.80	0.58	0.06	12,636	0.20	-
Cooling Towers	-	-	6.01	4.24	0.01	-	-	-	-	-
Fugitives	-	-	-	-	-	-	-	1,302	-	-
Total PTE	12.13	51.76	67.70	65.9	61.70	1.23	111.5	84,280	0.42	17.60

1. Daily Emissions are expressed in pounds per highest day.

2. GHG emissions are expressed in pounds of carbon dioxide equivalent (CO₂e).

3. Combustion summary emissions include only emissions from the Package Boiler (B604). Contributions from the sulfur igniter are captured in the KTS Vent Stack category.

Table C-2. Hanford Facility Annual Potential Emissions Summary (lb/year)

Source Category	NO _x	CO	PM	PM ₁₀	PM _{2.5}	VOC	SO ₂	GHG ¹	HAP	H ₂ S
Sulfur Storage Tanks	-	-	-	-	-	-	-	-	-	-
KTS Vent Stack	2,712	11,113	15,800	15,800	15,800	9	28,938	18,254,668	3.0	6,424
Combustion ²	574	3,246	294	294	294	213	23	4,612,240	73	-
Cooling Towers	-	-	2,194	1,547	5	-	-	475,176	-	-
Fugitives	-	-	-	-	-	-	-	-	-	-
Total PTE of Hanford KTS Plant	3,286	14,359	18,288	17,641	16,099	221	28,961	23,342,084	76	6,424
Total PTE of Hanford Terminal	-	-	-	-	-	143	-	-	143	-
Total PTE of Hanford Facility (SSPE2)	3,286	14,359	18,288	17,641	16,099	364	28,961	23,342,084	219	6,424
Emissions Offset Threshold Levels³	20,000	200,000	-	29,200	-	20,000	54,750	-	-	-

1. GHG emissions are expressed in pounds of carbon dioxide equivalent (CO₂e).

2. Combustion summary emissions include only emissions from the Package Boiler (B604). Contributions from the sulfur igniter are captured in the KTS Vent Stack category.

3. SVA/CD Rule 2201, Section 4.5, Table 4-1.

Table C-3. Hanford Facility Annual Potential Emissions Summary (tpy)

Source Category	NO _x	CO	PM	PM ₁₀	PM _{2.5}	VOC	SO ₂	GHG ¹	HAP	H ₂ S
Sulfur Storage Tanks	-	-	-	-	-	-	-	-	-	-
KTS Vent Stack	1.36	5.56	7.90	7.90	7.90	4.37E-03	14.47	9,127	0.00	3.21
Combustion ²	0.29	1.62	0.15	0.15	0.15	0.11	0.01	2,306	0.04	-
Cooling Towers	-	-	1.10	0.77	2.48E-03	-	-	-	-	-
Fugitives	-	-	-	-	-	-	-	238	-	-
Total PTE	1.64	7.18	9.14	8.82	8.05	0.11	14.48	11,671	0	3.21

1. GHG emissions are expressed in pounds of carbon dioxide equivalent (CO₂e).

2. Combustion summary emissions include only emissions from the Package Boiler (B604). Contributions from the sulfur igniter are captured in the KTS Vent Stack category.

TKI - Hanford KTS Plant

KTS Plant - Emissions Summary

Emissions calculated for
Tessenderlo Kerley Inc. KTS
Manufacturing Facility

Biological Resources

Would the project:		Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b.)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c.)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.				X
d.)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e.)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
COMMENTS: Several biological resource studies were undertaken at the project level in 2001 for the City of Hanford General Plan EIR. That study identified a change in identified habitats for endangered species since 1994. The California Natural Diversity Data Base added a substantial amount of San Joaquin Valley Kit Fox habitat in and surrounding the City limit between 1994 and 2001. San Joaquin Valley Kit Fox sightings have been documented within 10 miles of the City Limits of Hanford. "While it is not completely unknown for San Joaquin Kit Fox to inhabit urban areas, most active habitat is associated with annual grasslands or grassy open areas with shrub land vegetation. The species requires loose sandy soils for burrowing and a very suitable prey base of mice, insects, ground squirrels, kangaroo rats, and rabbits. Very little natural grassland remains within the Planning Area [Hanford City Limits] ...With a combination of heavier sedimentary soils and intensive agriculture, it is unlikely that the Planning Area [Hanford City Limits] would support more than itinerate or migrating Kit Foxes. None of the more recent biological analysis documented suitable habitat. However, the GWF environmental analysis did note that the area is thought to provide marginal habitat and both the San Joaquin Valley Kit Fox and burrowing owl have been known to move through marginal areas when optimal habitat is unavailable" (City of Hanford General Plan EIR, 2002). It is unlikely that the project site will have a significant impact on species identified as a special status by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project site has not been identified as wetland area nor does it have any natural waterways. The project site is not a riparian habitat. The Hanford General Plan designates the project areas for industrial uses. The areas were reviewed in the context of the General Plan EIR. No significant impacts are anticipated					

Cultural Resources

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b.) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?			X	
c.) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d.) Disturb any human remains, including those interred outside of formal cemeteries?				X

COMMENTS: "Records on file at the Southern San Joaquin Valley Information Center indicate only two archaeological sites have been recorded within or adjacent to the Hanford area, each consisting of a sparse scatter of prehistoric or historical artifacts. Outside the Hanford area, one other site, representing an old irrigation ditch, has been recorded within a half-mile radius. Taken together, the results of the records search appear to suggest that Hanford and its surrounding area are fairly low in sensitivity for cultural resources" (City of Hanford, General Plan EIR, 2002).

The proposed industrial location is proximal to the Lakeside Ditch, according to the City of Hanford's General Plan EIR (2002), "Constructed in 1875, Lakeside Ditch played an important role in the development of Kings County. Pending further documentation, the entire Lakeside Ditch system is likely to prove eligible for listing in the National Register under Criterion A if the system retains good historic integrity. Lakeside Ditch, therefore, is a contributing element of a potentially significant historic linear feature and qualifies as a historic property" (City of Hanford, General Plan EIR, 2002).

There is no record evidence of any historic or archaeological site significance for the site. The given location is not located within the local historic district's boundaries.

Note: Conditions of approval will include, "That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue."

Geology and Soil

Would the project:		Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii	Strong seismic ground shaking?				X
iii	Seismic-related ground failure, including liquefaction?				X
iv	Landslides?				X
b.)	Result in substantial soil erosion or the loss of topsoil?			X	
c.)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
d.)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water?				X
COMMENTS: The Hanford General Plan designates the project areas for industrial development. The areas were reviewed in the context of the General Plan EIR. Hanford is located in a seismic zone that is sufficiently far from known faults, and consists of a stable geologic formation such that the effects of ground shaking should be minimal. [1974 Five County Seismic Safety Element] "The nearest known earthquake faults are located approximately 60 miles to the east of Hanford in the Sierra Nevada, and in the eastern Coast Ranges area approximately 50 miles to the west" (City of Hanford General Plan EIR, 2002).					

Attachment: Original MND (Conditional Use Permit No. 2022-07)

Greenhouse Gas Emissions

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b.) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		
COMMENTS: "GHG emission from development projects primarily occur indirectly through energy consumption and vehicle miles traveled (VMT). Developers can reduce GHG emissions from energy consumption through building designs that increase energy efficiency, water conservation, and the use of energy efficient appliances" (San Joaquin Valley Air Pollution Control District, <i>Final Staff Report- Climate Change Action Plan: Addressing GHG Emissions Impacts under CEQA</i>, 2009). Effective October 1, 2005 the State adopted new energy standards for all new buildings (Title 24, Part 6) that require additional energy efficiency in buildings. These new standards require additional attention to orientation of buildings, windows, insulation, heating and air conditioning systems, lighting systems (incorporating natural lighting where possible), and efficient operational equipment. Each new building design is analyzed and a report must be submitted with building plans that identifies the energy efficiency of the proposed building and that it meets the new higher standard set by the State. The City of Hanford is responsible for ensuring that new buildings meet the standards in the building permit process. "District staff concludes that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both man made and natural that occurred in the past; that is occurring now; and will occur in the future. The effects of project specific GHG emissions are cumulative, and unless reduced or mitigated their incremental contribution to global climatic change could be considered cumulatively considerable. District staff concludes that this cumulative impact is best addressed by requiring all projects subject to CEQA to reduce their GHG emissions through project design elements. Projects implementing Best Performance Standards would be determined to have a less than significant individual and cumulative impact on global climate change and would not require project specific quantification of GHG emissions" (San Joaquin Valley Unified Air Pollution Control District, 2009). In reviewing the emissions calculate for greenhouse gasses (emissions below), it is determined that the project will need to be reviewed by the San Joaquin Valley Air Pollution Control District in order to determine and implement the Best Performance Standards for the following equipment utilized: - POTASSIUM THIOSULFATE PRODUCTION OPERATION INCLUDING A SULFUR FURNACE (F400), 5 MMBTU/HR NATURAL GAS-FIRED SULFUR IGNITER (IG400), SULFUR THERMAL REACTOR (D400), WASTE HEAT RECOVERY BOILER (B400), TWO SO₂ ABSORBERS (T401 AND T402), A POTASSIUM THIOSULFATE REACTION UNIT (R410), AN EVAPORATOR (D411), HIGH EFFICIENCY PARTICULATE FILTERS (D403), AND A POTASSIUM THIOSULFATE PROCESS VENT (S401) - 3,000 GALLON PER MINUTE COOLING TOWER (CT602) - 22,000 GALLON SULFUR UNLOADING TANK (D202) AND 167,000 GALLON SULFUR STORAGE TANK (V203) SERVED BY AN H₂S SCRUBBER				

Hazards and Hazardous Materials

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b.) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c.) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
COMMENTS: The project site will not create a significant hazard to the public and/or environment through their standard operations. The project site is not listed as a potentially contaminated site. The project site is not located within two miles of a private or public airport/airstrip. The project site will not expose people or structures to a significant risk or loss, injury, or death involving wildland fires. The Safety Element addresses wildland fire considerations. "Generally, Hanford is free from major wildland fire hazards. Among the important issues with regard to fire safety and suppression is the placement of fire stations within a reasonable response to urban uses in the City. Accompanying the adequate equipment and strategic location of fire stations, is the need to provide for adequate fire flow in water systems (including fire hydrants) and adequate standards for roadway access to serve fire equipment" (City of Hanford General Plan, 2002). <i>No significant adverse impacts would result from the approval of this industrial development. The Hanford General Plan designates the project area for industrial development.</i>				

Hydrology and Water Quality

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Violate any water quality standards or waste discharge requirements?			X	
b.) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e.) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f.) Otherwise substantially degrade water quality?				X
g.) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i.) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.) Inundation by seiche, tsunami, or mudflow?				X
COMMENTS: Water supply impacts have been analyzed in the General Plan EIR (2002), according to the EIR, the conversion of agricultural and vacant fallow lands within the Planning Area [Hanford City Limits] to proposed residential, commercial, and industrial land uses will result in an increase in the demand for groundwater" (City of Hanford General Plan EIR, 2002). The City Council for the City of Hanford adopted an Arsenic Reduction Study which identified actions to be taken by the City of Hanford in order to meet the new Federal Arsenic MCL requirements. Hanford was given until December 31, 2009, to be in compliance. All the actions in the Arsenic Reduction Study were completed. Therefore, the City's water system and water quality are currently in substantial compliance with the new Federal				

Arsenic MCL.

The project area generally lies outside any major flood prone areas according to the United States Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (Community Panel Number 06031C0185C). The project site is within Zone X, an area determined to be outside the 500 year flood plain. No significant impact is anticipated.

The Hanford General Plan designates the project areas for industrial development. The areas were reviewed in the context of the General Plan EIR and there should be no significant environmental impact from the industrial development of the site.

Land Use and Planning

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Physically divide an established community?				X
b.) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
COMMENTS: The General Plan designates the properties as Heavy Industrial (HI), allowing for this type of industrial development within this zone.				

Mineral Resources

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
COMMENTS: There are no known mineral resources on the project site based on the EIR for Hanford's General Plan, 2002.				

Noise

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b.) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c.) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d.) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e.) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f.) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
COMMENTS: The Hanford General Plan designates the project areas for industrial development. The Municipal Code states, "The industrial districts are included in this title to reserve appropriately located areas for various types of industrial facilities and related activities: to protect areas appropriate for industrial use from intrusion by residences and other inharmonious uses; to protect residential and commercial properties from the effects of industrial development and to protect nuisance-free nonhazardous industrial uses from noise, odor, dust, 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 facilities to engage in mutually beneficial relationships with 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 opportunities for residents of the city" (Hanford Municipal Code, 17.30, 2002).				

Population and Housing

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Induce substantial population growth in the area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b.) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
COMMENTS: The Hanford General Plan designates the project areas for industrial development. The areas were reviewed in the context of the General Plan EIR and there should be no significant environmental impact from the industrial development.				

Public Services

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
COMMENTS: A. Fire Protection: The project sites will receive fire protection service from the City of Hanford Fire Department. The project site is within City limits, therefore, City Services will be provided for the project. No significant impact is anticipated. B. Police: The project sites will receive police protection service from the City of Hanford Police Department. The project site is within City limits, therefore, City Services will be provided for the project. No significant impact is anticipated. C. Parks or other recreational facilities: The impact of the industrial development on existing recreational opportunity is not anticipated to be significant. D. Maintenance of Public facilities including roads: Public Works Department has reviewed the proposal and addressed all issues in the Site Plan Review's conditions of approval. E. Other Governmental Services: The various public service departments and agencies have reviewed this proposal and stated that the development will not significantly affect their services. The Hanford General Plan designates the project areas for industrial development. The areas were reviewed in the context of the General Plan EIR and there should be no significant environmental impact from the industrial development which has not already been addressed.				

Recreation

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b.) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				X
COMMENTS: The impact of the industrial development on existing recreation opportunity is not anticipated to be significant. The Hanford General Plan designates the project areas for industrial development. The areas were reviewed in the context of the General Plan EIR and there should be no significant environmental impact from the industrial development which has not already been addressed.				

Transportation / Traffic

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b.) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c.) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d.) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e.) Result in inadequate emergency access?				X
f.) Result in inadequate parking capacity?				X
g.) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
COMMENTS: This project is located in the Kings Industrial Park and was addressed in the 2002 General Plan EIR. There is not an anticipated traffic impact for the				

Utilities and Service Systems

Would the project:		Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b.)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c.)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e.)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.)	Comply with federal, state, and local statutes and regulations related to solid waste?				X
COMMENTS: The Hanford General Plan designates the project areas for industrial development. The areas were reviewed in the context of the General Plan EIR and the 2005 Urban Water Management Plan (UWMP). The City wastewater treatment facility has a capacity of 8 million gallons per day, which is projected to be sufficient for the City's entire growth needs to the year 2020. The Kings County Waste Management Authority was formed in September, 1989, by agreement between the cities of Hanford, Lemoore, Corcoran and the County of Kings in order to provide a reasonable approach to all waste management activities in Kings County. A materials recovery facility (MRF) was constructed at the southeast corner of Hanford-Armona Road and 8th Avenue, which serves the Hanford area. Hanford's General Plan EIR states that the Kings County Waste Management Authority is anticipating future growth and is responding for disposal at land fills during the planning period of the General Plan.					

Mandatory Findings of Significance

Would the project:	Potentially significant impact	Less than significant impact with mitigation incorporation	Less than significant impact	No impact
a.) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b.) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c.) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
COMMENTS: The proposed industrial development will not degrade the quality of the environment if mitigation measures are in place, specifically mitigation measures that target the projected pounds of greenhouse gas emitted annually by the industrial development. No additional cumulative impacts are anticipated to cause any substantial impact to human beings, directly or indirectly. The project sites and the surrounding areas have been designated, and planned for urban uses by the Hanford General Plan.				

ENVIRONMENTAL DOCUMENTS INCLUDED

2. NOTICE OF DETERMINATION

Attachment: Original MND (Conditional Use Permit No. 2022-07)

Site Plan Review 2013-13

Project Title

502.0913

File No.

N/A

State Clearinghouse Number

(If Applicable)

ENVIRONMENTAL IMPACT STATEMENT – MITIGATED NEGATIVE DECLARATION NO. 2014-02

APPLICANT

Tessenderlo Kerley, INC.
2255 N 44th St, Suite 300
Phoenix, AZ 85008

DESCRIPTION OF PROJECT

Site Plan Review 2013-13, filed by **Tessenderlo Kerley, Inc.** proposes to install a KTS (Potassium Thiosulfate Solution) manufacturing facility in the Kings Industrial Park on approximately 46 acres; 10724 Energy Street, Hanford, California, County of Kings

MITIGATED NEGATIVE DECLARATION

It is the determination of the City of Hanford that the proposed project will not have a significant effect on the environment and the project will not:

- a) Conflict with adopted environmental plans and goals of the community where it is located;
- b) Have a demonstrable negative aesthetic effect;
- c) Affect a rare or endangered species of animal or plant or the habitat of the species;
- d) Interfere with the movement of any resident or migratory fish or wildlife species;
- e) Breach published national, state, or local standards relating to solid waste or litter control;
- f) Degrade water quality;
- g) Contaminate a public water supply;
- h) Degrade or deplete ground water resources;
- i) Interfere with ground water recharge;
- j) Disrupt or alter an archaeological site over 200 years old, an historic site or a paleontological site except as part of a scientific study of the site;
- k) Induce growth of concentration of population;
- l) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system
- m) Displace a large number of people;
- n) Encourage activities which result in the use of large amounts of fuel or energy;
- o) Use fuel or energy in a wasteful manner;
- p) Increase substantially the ambient noise levels for adjoining areas;
- q) Cause flooding, erosion or salutation;
- r) Expose people or structures to major geologic hazards;
- s) Extend a sewer trunk line without existing capacity to serve new development;
- t) Diminish habitat for fish, wildlife or plants;
- u) Disrupt or divide the physical arrangement of an established community;
- v) Create a public health hazard or a potential public health hazard;
- w) Conflict with established recreational, educational, religious or scientific uses of the area;
- x) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violations, or expose sensitive receptors to substantial pollutant concentrations;
- y) Convert prime agriculture land to non-agriculture use or impair the agriculture productivity of prime agricultural land that has not been designated for urban expansion by the general plan.
- z) Interfere with emergency response plans or emergency evacuation plans.

Site Plan Review has been approved by the Community Development Department, 317 N. Douty Street on February 25, 2014.

Prepared by: Gabrielle de Silva, Assistant Planner, Community Development Department

Attachment: Original MND (Conditional Use Permit No. 2022-07)

Additional copies are available at: Community Development Department, 317 N. Douty Street; Hanford, CA 93230

NOTICE OF DETERMINATION

FROM: _____ City of Hanford
317 N. Douty Street
Hanford, CA 93230

TO: _____ Office of Planning Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

XX _____ County Clerk
County of Kings
Kings County Government Center
Hanford, CA 93230

Subject: Filing Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Site Plan Review 2013-13 (502-0913).

Project Location (include county): The property is located in the Kings Industrial Park. The address for the location is 10724 Energy Street (APN 018-242-078), City of Hanford, Kings County.

Project Description: Site Plan Review 2013-13, filed by Tessenderlo Kerley, Inc. proposes to install a KTS (Potassium Thiosulfate Solution) manufacturing facility in the Kings Industrial Park on approximately 46 acres.

<u>N/A</u>	<u>City of Hanford- Gabrielle de Silva</u>	<u>(559) 585-2578</u>
State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	(Area Code/Telephone Extension)

This is to advise that **City of Hanford Community Development Department (Lead Agency)** has approved the above described project on January 28, 2014 and has made the following determinations regarding the above.

This is to advise that the Community Development Department has approved the above described project on February 25, 2014, and has made the following determinations regarding the above-described project:

1. The project [() will (**X**) will not] have a significant effect on the environment.
2. () An Environmental Impact Report was prepared for this project pursuant to the provision of CEQA.
(**X**) A Negative Declaration was prepared for this project pursuant to the provision of CEQA.
3. Mitigation Measures [(**X**) were () were not] made a condition of approval of this project.
4. A mitigation reporting and monitoring plan [(**X**) was () was not] adopted for this project.
5. A statement of Overriding Considerations [() was (**X**) was not] adopted for this project.
6. Findings [(**X**) were () were not] made pursuant to the provision of CEQA.

This is to certify that the Mitigated Negative Declaration with comments and responses and record of project approval are available to the General Public at: **Community Development Department, 317 N. Douty Street; Hanford, CA 93230.**

_____	February 25, 2014	_____
Signature (Public Agency)	Date	Assistant Planner Title

Date received for filing at OPR: N/A

Attachment: Original MND (Conditional Use Permit No. 2022-07)

ENVIRONMENTAL DOCUMENTS INCLUDED**3. MITIGATION MONITORING AND REPORTING PLAN**

MITIGATION MONITORING AND REPORTING PLAN PERTAINING TO SITE PLAN REVIEW 2013-13

The following is quoted directly from the California Environmental Quality Act (CEQA) Guidelines 2012.

15064.4 DETERMINING THE SIGNIFICANCE OF IMPACTS FROM GREENHOUSE GAS EMISSIONS

- A) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
1. Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/ or
 2. Rely on a qualitative analysis or performance based standards.
- B) The lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:
1. The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
 2. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
 3. The extent to which the project complies with regulations or requirements adopted implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

DETERMINING SIGNIFICANCE

The anticipated greenhouse gas emissions were quantified concurrent with the submission of Site Plan Review 2013-13 (emissions appear in the Initial Study – under Greenhouse Gas Emissions). Based on the projected annual emissions, it was determined that the Potassium Thiosulfate Solution manufacturing plant could have a potential impact on the environment. Due to the absence of an adopted level of significance for greenhouse gas emissions, it has been accepted by the San Joaquin Valley Air Pollution Control District that any project implementing Best

Performance Standards would be considered to have a less than significant environmental impact. Thus, the City of Hanford is requesting that Tessenderlo Kerley, Inc. integrate the San Joaquin Valley Air Pollution Control District's Best Performance Standards into their facility's design.

Mitigation MONITORING AND REPORTING PLAN

Listed below is the mitigation monitoring and reporting plan for Site Plan Review 2013-13. The mitigations listed were developed by the San Joaquin Valley Air Pollution Control District (District). The District is responsible for reviewing and permitting various developments' stationary sources. In issuing development permits for Tessenderlo Kerley Inc's Postassium Thiosulfate Solution (KTS) manufacturing facility, the mitigations listed below and in the attached are requirements of the District. These mitigations will be incorporated into the development's design; these mitigations are mandatory and without their incorporation, development may not proceed.

Significant Impact	Mitigation Measure	Monitoring Responsibility / Action Notes	Mitigation Timing	Method for Compliance
Greenhouse Gas Emissions	- Compliance with the mitigations set forth by the San Joaquin Valley Air Pollution Control District for the following: - POTASSIUM THIOSULFATE PRODUCTION OPERATION INCLUDING A SULFUR FURNACE (F400), 5 MMBTU/HR NATURAL GAS-FIRED SULFUR IGNITER (IG400), SULFUR THERMAL REACTOR (D400), WASTE HEAT RECOVERY BOILER (B400), TWO SO2 ABSORBERS (T401 AND T402), A POTASSIUM THIOSULFATE REACTION UNIT (R410), AN EVAPORATOR (D411), HIGH EFFICIENCY PARTICULATE FILTERS (D403), AND A POTASSIUM THIOSULFATE PROCESS VENT (S401) (Mitigations Attached)	The applicant (Tessenderlo Kerley Inc.) must incorporate these mitigations into their development's design. The San Joaquin Valley Air Pollution Control District will ensure compliance with these mitigations.	Prior to construction and continuing during operations.	Comply with the conditions of the San Joaquin Valley Air Pollution Control District's "Authority to Construct."
Greenhouse Gas	Compliance with the mitigations set	The applicant	Prior to	Comply with the

Emissions	forth by the San Joaquin Valley Air Pollution Control District for the following:) - 3,000 GALLON PER MINUTE COOLING TOWER (CT602) - (Mitigations Attached)	(Tessenderlo Kerley Inc.) must incorporate these mitigations into their development's design. The San Joaquin Valley Air Pollution Control District will ensure compliance with these mitigations.	construction and continuing during operations.	conditions of the San Joaquin Valley Air Pollution Control District's "Authority to Construct."
Greenhouse Gas Emissions	Compliance with the mitigations set forth by the San Joaquin Valley Air Pollution Control District for the following: - 22,000 GALLON SULFUR UNLOADING TANK (D202) AND 167,000 GALLON SULFUR STORAGE TANK (V203) SERVED BY AN H2S SCRUBBER - (Mitigations Attached)	The applicant (Tessenderlo Kerley Inc.) must incorporate these mitigations into their development's design. The San Joaquin Valley Air Pollution Control District will ensure compliance with these mitigations.	Prior to construction and continuing during operations.	Comply with the conditions of the San Joaquin Valley Air Pollution Control District's "Authority to Construct."

ENVIRONMENTAL DOCUMENTS INCLUDED**4. "AUTHORITY TO CONSTRUCT"
MITIGATION MEASURES FROM THE SJVAPCD**

Attachment: Original MND (Conditional Use Permit No. 2022-07)

San Joaquin Valley Air Pollution Control District

AUTHORITY TO CONSTRUCT

PERMIT NO: C-8573-10-0

LEGAL OWNER OR OPERATOR: TESSENDERLO KERLEY, INC.
MAILING ADDRESS: 2255 N. 44TH STREET, SUITE 300
PHOENIX, AZ 85008-3279

LOCATION: 10724 ENERGY STREET
HANFORD, CA

ISSUANCE DATE: DRAFT

DRAFT

EQUIPMENT DESCRIPTION:

POTASSIUM THIOSULFATE PRODUCTION OPERATION INCLUDING A SULFUR FURNACE (F400), 5 MMBTU/HR NATURAL GAS-FIRED SULFUR IGNITER (IG400), SULFUR THERMAL REACTOR (D400), WASTE HEAT RECOVERY BOILER (B400), TWO SO₂ ABSORBERS (T401 AND T402), A POTASSIUM THIOSULFATE REACTION UNIT (R410), AN EVAPORATOR (D411), HIGH EFFICIENCY PARTICULATE FILTERS (D403), AND A POTASSIUM THIOSULFATE PROCESS VENT (S401)

CONDITIONS

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
3. {14} Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration. [District Rule 4201]
4. The exhaust stack shall vent vertically upward. The vertical exhaust flow shall not be impeded by a rain cap (flapper ok), roof overhang, or any other obstruction. [District Rule 4102]
5. Stack height shall be at least 150 feet. [District Rule 4102]
6. Except during startup and shutdown, emission rates from the process vent shall not exceed any of the following: NO_x (as NO₂): 15 ppmvd, SO_x (as SO₂): 115 ppmvd, PM₁₀: 0.00001 lb/dscf, CO: 101 ppmvd, or VOC: 0.0055 lb/MMBtu. [District Rule 2201]
7. During startup and shutdown, emission rates from the process vent shall not exceed any of the following: NO_x (as NO₂): 45 ppmvd, SO_x (as SO₂): 341 ppmvd, PM₁₀: 0.000031 lb/dscf, CO: 300 ppmvd, or VOC: 0.0055 lb/MMBtu. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

YOU **MUST** NOTIFY THE DISTRICT COMPLIANCE DIVISION AT (559) 230-5950 WHEN CONSTRUCTION IS COMPLETED AND PRIOR TO OPERATING THE EQUIPMENT OR MODIFICATIONS AUTHORIZED BY THIS AUTHORITY TO CONSTRUCT. This is NOT a PERMIT TO OPERATE. Approval or denial of a PERMIT TO OPERATE will be made after an inspection to verify that the equipment has been constructed in accordance with the approved plans, specifications and conditions of this Authority to Construct, and to determine if the equipment can be operated in compliance with all Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. Unless construction has commenced pursuant to Rule 2050, this Authority to Construct shall expire and application shall be cancelled two years from the date of issuance. The applicant is responsible for complying with all laws, ordinances and regulations of all other governmental agencies which may pertain to the above equipment.

Seyed Sadredin, Executive Director APCO

DAVID WARNER, Director of Permit Services

C-8573-10-0: Feb 14 2014 3:55PM - TOMS : Joint Inspection NOT Required

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8. Emission rates from the sulfur igniter shall not exceed any of the following: NO_x (as NO₂): 0.06 lb/MMBtu, SO_x (as SO₂): 0.00285 lb/MMBtu, PM₁₀: 0.0076 lb/MMBtu, CO: 0.084 lb/MMBtu, or VOC: 0.0055 lb/MMBtu. [District Rule 2201]
9. The sulfur igniter shall not operate more than 324 hours per year. [District Rule 2201]
10. During steady state operation, the process vent exhaust flow rate shall not exceed 2,729 dscfm. [District Rule 2201]
11. During startup and shutdown, the process vent exhaust flow rate shall not exceed 1,357 dscfm. [District Rule 2201]
12. Source testing to determine initial compliance with the NO_x, SO_x, PM₁₀, CO, and VOC emission rates from the process vent for normal operation shall be conducted within 60 days of startup. [District Rule 2201]
13. Source testing to determine the SO_x and PM₁₀ emission rates from the process vent during normal operation shall be conducted at least once every twelve (12) months. [District Rule 2201]
14. The following source test methods shall be used: NO_x (ppmv) - EPA Method 7E or ARB Method 100, CO (ppmv) - EPA Method 10 or ARB Method 100, VOC (lb/MMBtu) - EPA Method 18. Alternative methods may be utilized provided they are previously approved by the District, in writing. [District Rule 2201]
15. SO_x and PM₁₀ source testing shall be performed using ARB Methods 1-6 or EPA Methods 5 or 201A, 6, 6B, 8, or ARB 100 or EPA Method 19. Alternative methods may be utilized provided they are previously approved by the District, in writing. [District Rule 2201]
16. All emissions measurements shall be made with the unit operating either at conditions representative of normal operations or conditions specified in the Permit to Operate. [District Rule 1081]
17. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
18. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
19. For emissions source testing, the arithmetic average of three test runs shall apply each with a duration of at least 30 consecutive minutes. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rule 1081]
20. The permittee shall maintain annual records of the hours of operation of the sulfur igniter. [District Rules 1070 and 2201]
21. All records shall be maintained and retained on-site for a period of at least five (5) years and shall be made available for District inspection upon request. [District Rule 1070]
22. Disturbances of soil related to any construction, demolition, excavation, extraction, or other earthmoving activities shall comply with the requirements for fugitive dust control in District Rule 8021 unless specifically exempted under Section 4.0 of Rule 8021 or Rule 8011. [District Rules 8011 and 8021]
23. An owner/operator shall submit a Dust Control Plan to the APCO prior to the start of any construction activity on any site that will include 10 acres or more of disturbed surface area for residential developments, or 5 acres or more of disturbed surface area for non-residential development, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days. [District Rules 8011 and 8021]
24. When handling bulk materials outside an enclosed structure or building, water or chemical/organic stabilizers/suppressants shall be applied as required to limit Visible Dust Emissions to a maximum of 20% opacity. When necessary to achieve this opacity limitation, wind barriers with less than 50% porosity shall also be used. [District Rules 8011 and 8031]
25. When storing bulk materials outside an enclosed structure or building, water or chemical/organic stabilizers/suppressants shall be applied as required to limit Visible Dust Emissions to a maximum of 20% opacity. When necessary to achieve this opacity limitation, all bulk material piles shall also be either maintained with a stabilized surface as defined in Section 3.58 of District Rule 8011, or shall be protected with suitable covers or barriers as prescribed in Table 8031-1, Section B, of District Rule 8031. [District Rules 8011 and 8031]

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CONDITIONS CONTINUE ON NEXT PAGE

Conditions for C-8573-10-0 (continued)

Page 3 of 3

26. When transporting bulk materials outside an enclosed structure or building, all bulk material transport vehicles shall limit Visible Dust Emissions to 20% opacity by either limiting vehicular speed, maintaining sufficient freeboard on the load, applying water to the top of the load, or covering the load with a tarp or other suitable cover. [District Rules 8011 and 8031]
27. An owner/operator shall prevent or cleanup any carryout or trackout in accordance with the requirements of District Rule 8041 Section 5.0, unless specifically exempted under Section 4.0 of Rule 8041 or Rule 8011. [District Rules 8011 and 8041]
28. Whenever open areas are disturbed, or vehicles are used in open areas, the facility shall comply with the requirements of Section 5.0 of District Rule 8051, unless specifically exempted under Section 4.0 of Rule 8051 or Rule 8011. [District Rules 8011 and 8051]
29. Any paved road or unpaved road shall comply with the requirements of District Rule 8061 unless specifically exempted under Section 4.0 of Rule 8061 or Rule 8011. [District Rules 8011 and 8061]
30. Water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure shall be applied to unpaved vehicle travel areas as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rules 8011 and 8071]
31. Where dusting materials are allowed to accumulate on paved surfaces, the accumulation shall be removed daily or water and/or chemical/organic dust stabilizers/suppressants shall be applied to the paved surface as required to maintain continuous compliance with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011 and limit Visible Dust Emissions (VDE) to 20% opacity. [District Rules 8011 and 8071]
32. On each day that 50 or more Vehicle Daily Trips or 25 or more Vehicle Daily Trips with 3 axles or more will occur on an unpaved vehicle/equipment traffic area, permittee shall apply water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rules 8011 and 8071]
33. Whenever any portion of the site becomes inactive, Permittee shall restrict access and periodically stabilize any disturbed surface to comply with the conditions for a stabilized surface as defined in Section 3.58 of District Rule 8011. [District Rules 8011 and 8071]
34. Records and other supporting documentation shall be maintained as required to demonstrate compliance with the requirements of the rules under Regulation VIII only for those days that a control measure was implemented. Such records shall include the type of control measure(s) used, the location and extent of coverage, and the date, amount, and frequency of application of dust suppressant, manufacturer's dust suppressant product information sheet that identifies the name of the dust suppressant and application instructions. Records shall be kept for one year following project completion that results in the termination of all dust generating activities. [District Rules 8011, 8031, and 8071]

Attachment: Original MND (Conditional Use Permit No. 2022-07)

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San Joaquin Valley
Air Pollution Control District

AUTHORITY TO CONSTRUCT

ISSUANCE DATE: DRAFT

DRAFT

PERMIT NO: C-8573-9-0

LEGAL OWNER OR OPERATOR: TESSENDERLO KERLEY, INC.

MAILING ADDRESS: 2255 N. 44TH STREET, SUITE 300
PHOENIX, AZ 85008-3279

LOCATION: 10724 ENERGY STREET
HANFORD, CA

EQUIPMENT DESCRIPTION:

22,000 GALLON SULFUR UNLOADING TANK (D202) AND 167,000 GALLON SULFUR STORAGE TANK (V203)
SERVED BY AN H₂S SCRUBBER

CONDITIONS

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
3. Combined controlled H₂S emission rate from the sulfur unloading tank and sulfur storage tank shall not exceed 0.044 lb/ton solution. [District Rule 2201]
4. Throughput for each tank shall not exceed either of the following limits: 400 tons/day or 146,000 tons/year.. [District Rule 2201]
5. Source testing to determine the emission rate of the scrubber shall be conducted at least once every twelve (12) months. [District Rule 2201]
6. The pH of the scrubbing liquid shall be maintained at a level recommended by the scrubber manufacturer. A continuous monitoring device shall be installed and maintained to measure the pH of the scrubbing liquid. [District Rule 2201]
7. The pH range of the scrubbing liquid shall be established during the initial source test of the scrubber. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

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Sayed Sadredin, Executive Director APCO

DAVID WARNER, Director of Permit Services

C-8573-9-0: Feb 14 2014 3:55PM - TOMS : Joint Inspection NOT Required

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8. The scrubber liquid operating flow rate shall not be less than the scrubber manufacturer's minimum recommended rate. A flow meter shall be installed and maintained to measure the scrubbing liquid flow rate at the inlet of the scrubber. [District Rule 2201]
9. The flow rate range of the scrubbing liquid shall be established during the initial source test of the scrubber. [District Rule 2201]
10. Scrubber spray and/or nozzles shall be maintained in optimum working condition. [District Rule 2201]
11. Source testing to measure the H₂S content of the influent and effluent streams shall be conducted using ARB Method 15 or 16A, or EPA Method 11, ASTM Method D1072, D3246, D4084, D5504, with the use of the Testo 350 XL portable analyzer, or using an alternative method approved by the APCO. [District Rules 1081 and 2201]
12. Source testing shall be conducted using the methods and procedures approved by the District. The District must be notified at least 30 days prior to any compliance source test, and a source test plan must be submitted for approval at least 15 days prior to testing. [District Rule 1081]
13. The results of each source test shall be submitted to the District within 60 days thereafter. [District Rule 1081]
14. For emissions source testing, the arithmetic average of three test runs shall apply each with a duration of at least 30 consecutive minutes. If two of three runs are above an applicable limit the test cannot be used to demonstrate compliance with an applicable limit. [District Rule 1081]
15. The permittee shall maintain daily and annual records, in tons, of the quantity of liquid processed through each storage tank. [District Rules 1070 and 2201]
16. During each day of operation, the permittee shall record the scrubber liquid pH and flow rate (in gallons per minute), and compare the reading with the established ranges listed in this permit. [District Rule 2201]
17. All records shall be maintained and retained on-site for a period of at least five (5) years and shall be made available for District inspection upon request. [District Rule 1070]
18. Disturbances of soil related to any construction, demolition, excavation, extraction, or other earthmoving activities shall comply with the requirements for fugitive dust control in District Rule 8021 unless specifically exempted under Section 4.0 of Rule 8021 or Rule 8011. [District Rules 8011 and 8021]
19. An owner/operator shall submit a Dust Control Plan to the APCO prior to the start of any construction activity on any site that will include 10 acres or more of disturbed surface area for residential developments, or 5 acres or more of disturbed surface area for non-residential development, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days. [District Rules 8011 and 8021]
20. When handling bulk materials outside an enclosed structure or building, water or chemical/organic stabilizers/suppressants shall be applied as required to limit Visible Dust Emissions to a maximum of 20% opacity. When necessary to achieve this opacity limitation, wind barriers with less than 50% porosity shall also be used. [District Rules 8011 and 8031]
21. When storing bulk materials outside an enclosed structure or building, water or chemical/organic stabilizers/suppressants shall be applied as required to limit Visible Dust Emissions to a maximum of 20% opacity. When necessary to achieve this opacity limitation, all bulk material piles shall also be either maintained with a stabilized surface as defined in Section 3.58 of District Rule 8011, or shall be protected with suitable covers or barriers as prescribed in Table 8031-1, Section B, of District Rule 8031. [District Rules 8011 and 8031]
22. When transporting bulk materials outside an enclosed structure or building, all bulk material transport vehicles shall limit Visible Dust Emissions to 20% opacity by either limiting vehicular speed, maintaining sufficient freeboard on the load, applying water to the top of the load, or covering the load with a tarp or other suitable cover. [District Rules 8011 and 8031]
23. An owner/operator shall prevent or cleanup any carryout or trackout in accordance with the requirements of District Rule 8041 Section 5.0, unless specifically exempted under Section 4.0 of Rule 8041 or Rule 8011. [District Rules 8011 and 8041]

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CONDITIONS CONTINUE ON NEXT PAGE

Conditions for C-8573-9-0 (continued)

Page 3 of 3

24. Whenever open areas are disturbed, or vehicles are used in open areas, the facility shall comply with the requirements of Section 5.0 of District Rule 8051, unless specifically exempted under Section 4.0 of Rule 8051 or Rule 8011. [District Rules 8011 and 8051]
25. Any paved road or unpaved road shall comply with the requirements of District Rule 8061 unless specifically exempted under Section 4.0 of Rule 8061 or Rule 8011. [District Rules 8011 and 8061]
26. Water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure shall be applied to unpaved vehicle travel areas as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rules 8011 and 8071]
27. Where dusting materials are allowed to accumulate on paved surfaces, the accumulation shall be removed daily or water and/or chemical/organic dust stabilizers/suppressants shall be applied to the paved surface as required to maintain continuous compliance with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011 and limit Visible Dust Emissions (VDE) to 20% opacity. [District Rules 8011 and 8071]
28. On each day that 50 or more Vehicle Daily Trips or 25 or more Vehicle Daily Trips with 3 axles or more will occur on an unpaved vehicle/equipment traffic area, permittee shall apply water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rules 8011 and 8071]
29. Whenever any portion of the site becomes inactive, Permittee shall restrict access and periodically stabilize any disturbed surface to comply with the conditions for a stabilized surface as defined in Section 3.58 of District Rule 8011. [District Rules 8011 and 8071]
30. Records and other supporting documentation shall be maintained as required to demonstrate compliance with the requirements of the rules under Regulation VIII only for those days that a control measure was implemented. Such records shall include the type of control measure(s) used, the location and extent of coverage, and the date, amount, and frequency of application of dust suppressant, manufacturer's dust suppressant product information sheet that identifies the name of the dust suppressant and application instructions. Records shall be kept for one year following project completion that results in the termination of all dust generating activities. [District Rules 8011, 8031, and 8071]

Attachment: Original MND (Conditional Use Permit No. 2022-07)

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San Joaquin Valley Air Pollution Control District

AUTHORITY TO CONSTRUCT

PERMIT NO: C-8573-11-0

LEGAL OWNER OR OPERATOR: TESSENDERLO KERLEY, INC.
MAILING ADDRESS: 2255 N. 44TH STREET, SUITE 300
PHOENIX, AZ 85008-3279

ISSUANCE DATE: DRAFT

DRAFT

LOCATION: 10724 ENERGY STREET
HANFORD, CA

EQUIPMENT DESCRIPTION:
3,000 GALLON PER MINUTE COOLING TOWER (CT602)

CONDITIONS

1. {98} No air contaminant shall be released into the atmosphere which causes a public nuisance. [District Rule 4102]
2. {15} No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark as, or darker than, Ringelmann 1 or 20% opacity. [District Rule 4101]
3. Particulate matter emissions shall not exceed 0.1 grains/dscf in concentration excluding condensed water vapor. [District Rule 4201]
4. No biocide containing hexavalent chromium shall be used in the cooling tower. [District Rules 4102 and 7012]
5. Drift eliminator drift rate shall not exceed 0.01%. [District Rule 2201]
6. Total dissolved solids (TDS) in circulating water shall not exceed 2,000 ppm by weight. [District Rule 2201]
7. Compliance with TDS limit shall be determined by cooling water sample analysis by independent laboratory within 60 days of initial operation and quarterly thereafter. [District Rule 1081]
8. Cooling tower circulation water flow rate shall not exceed 3,000 gallons per minute. [District Rule 2201]
9. Operator shall monitor and record the design circulation water flow rate on a daily basis. [District Rule 2201]
10. PM10 emission rate from the cooling tower shall not exceed 7.2 lb/day. [District Rule 2201]

CONDITIONS CONTINUE ON NEXT PAGE

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Seyed Sadredin, Executive Director APCO

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DAVID WARNER, Director of Permit Services
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Attachment: Original MND (Conditional Use Permit No. 2022-07)

Conditions for C-8573-11-0 (continued)

Page 2 of 3

11. Compliance with the PM10 daily emission limit shall be demonstrated as follows: $\text{PM10 lb/day} = \text{circulating water recirculation rate (gal/day)} \times \text{total dissolved solids concentration in the circulating water (ppm by weight)} \times \text{manufacturer's design drift rate (\%)}.$ [District Rule 2201]
12. Permittee shall submit cooling tower design details including the cooling tower type, drift eliminator design details, and materials of construction to the District at least 90 days before the tower is operated. [District Rule 7012]
13. Daily records of the cooling tower circulating water flow rate and quarterly records of the cooling tower water TDS shall be kept at the facility and made readily available for District inspection upon request for five (5) years. [District Rule 1070]
14. Disturbances of soil related to any construction, demolition, excavation, extraction, or other earthmoving activities shall comply with the requirements for fugitive dust control in District Rule 8021 unless specifically exempted under Section 4.0 of Rule 8021 or Rule 8011. [District Rules 8011 and 8021]
15. An owner/operator shall submit a Dust Control Plan to the APCO prior to the start of any construction activity on any site that will include 10 acres or more of disturbed surface area for residential developments, or 5 acres or more of disturbed surface area for non-residential development, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days. [District Rules 8011 and 8021]
16. When handling bulk materials outside an enclosed structure or building, water or chemical/organic stabilizers/suppressants shall be applied as required to limit Visible Dust Emissions to a maximum of 20% opacity. When necessary to achieve this opacity limitation, wind barriers with less than 50% porosity shall also be used. [District Rules 8011 and 8031]
17. When storing bulk materials outside an enclosed structure or building, water or chemical/organic stabilizers/suppressants shall be applied as required to limit Visible Dust Emissions to a maximum of 20% opacity. When necessary to achieve this opacity limitation, all bulk material piles shall also be either maintained with a stabilized surface as defined in Section 3.58 of District Rule 8011, or shall be protected with suitable covers or barriers as prescribed in Table 8031-1, Section B, of District Rule 8031. [District Rules 8011 and 8031]
18. When transporting bulk materials outside an enclosed structure or building, all bulk material transport vehicles shall limit Visible Dust Emissions to 20% opacity by either limiting vehicular speed, maintaining sufficient freeboard on the load, applying water to the top of the load, or covering the load with a tarp or other suitable cover. [District Rules 8011 and 8031]
19. An owner/operator shall prevent or cleanup any carryout or trackout in accordance with the requirements of District Rule 8041 Section 5.0, unless specifically exempted under Section 4.0 of Rule 8041 or Rule 8011. [District Rules 8011 and 8041]
20. Whenever open areas are disturbed, or vehicles are used in open areas, the facility shall comply with the requirements of Section 5.0 of District Rule 8051, unless specifically exempted under Section 4.0 of Rule 8051 or Rule 8011. [District Rules 8011 and 8051]
21. Any paved road or unpaved road shall comply with the requirements of District Rule 8061 unless specifically exempted under Section 4.0 of Rule 8061 or Rule 8011. [District Rules 8011 and 8061]
22. Water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure shall be applied to unpaved vehicle travel areas as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rules 8011 and 8071]
23. Where dusting materials are allowed to accumulate on paved surfaces, the accumulation shall be removed daily or water and/or chemical/organic dust stabilizers/suppressants shall be applied to the paved surface as required to maintain continuous compliance with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011 and limit Visible Dust Emissions (VDE) to 20% opacity. [District Rules 8011 and 8071]
24. On each day that 50 or more Vehicle Daily Trips or 25 or more Vehicle Daily Trips with 3 axles or more will occur on an unpaved vehicle/equipment traffic area, permittee shall apply water, gravel, roadmix, or chemical/organic dust stabilizers/suppressants, vegetative materials, or other District-approved control measure as required to limit Visible Dust Emissions to 20% opacity and comply with the requirements for a stabilized unpaved road as defined in Section 3.59 of District Rule 8011. [District Rules 8011 and 8071]

CONDITIONS CONTINUE ON NEXT PAGE

Conditions for C-8573-11-0 (continued)

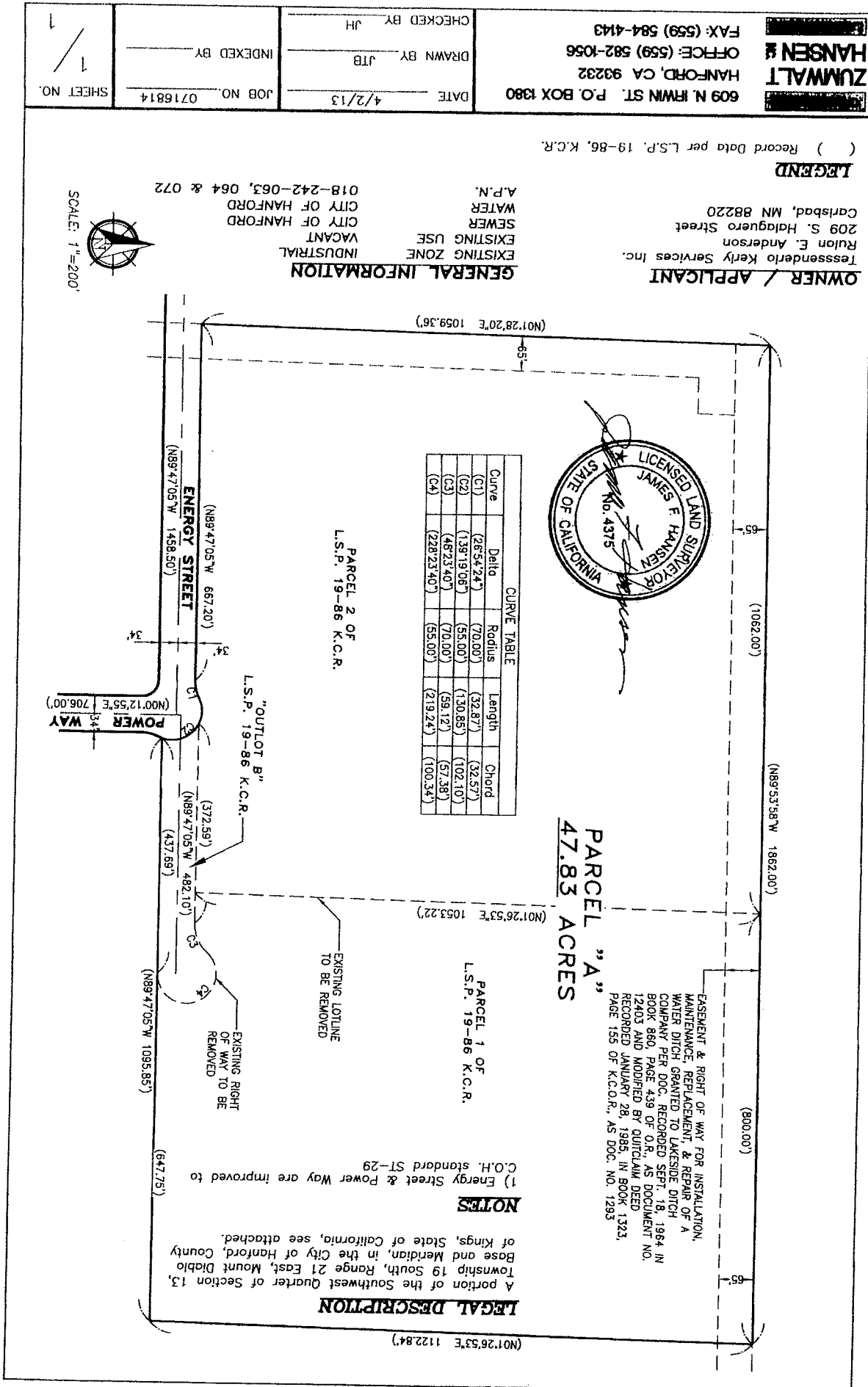
Page 3 of 3

25. Whenever any portion of the site becomes inactive, Permittee shall restrict access and periodically stabilize any disturbed surface to comply with the conditions for a stabilized surface as defined in Section 3.58 of District Rule 8011. [District Rules 8011 and 8071]
26. Records and other supporting documentation shall be maintained as required to demonstrate compliance with the requirements of the rules under Regulation VIII only for those days that a control measure was implemented. Such records shall include the type of control measure(s) used, the location and extent of coverage, and the date, amount, and frequency of application of dust suppressant, manufacturer's dust suppressant product information sheet that identifies the name of the dust suppressant and application instructions. Records shall be kept for one year following project completion that results in the termination of all dust generating activities. [District Rules 8011, 8031, and 8071]

Attachment: Original MND (Conditional Use Permit No. 2022-07)

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RELATED DOCUMENTS INCLUDED**1. LOT LINE ADJUSTMENT 2013-01 (MAP)**



RELATED DOCUMENTS INCLUDED**2. SITE PLAN REVIEW 2012-09 (APPROVAL LETTER AND MAP)**

City of HANFORD

CALIFORNIA 93230
CITY OFFICES 317 NORTH DOUTY STREET



MAYOR
LOU MARTINEZ
VICEMAYOR
GARY PANNETT
COUNCIL MEMBERS
RUSSELL CURRY
JIM IRWIN
JOLEEN J. JAMESON
CITY MANAGER
DARRELL L. PYLE
CITY ATTORNEY
ROBERT M. DOWD

April 19, 2013

Tessengerlo Kerly, Inc.
2255 N. 44th Street Ste 300
Phoenix, AZ 85008

RE: Site Plan Review No. 2012-009 (File No. 502-0896)

The application for Site Plan Review No. 2012-009, a proposal to construct a storage and loading facility for fertilizer products located on Energy Street and Power Way in the Kings Industrial Park in the southerly part of the City of Hanford has been completed. Eventually, the site will include a mixing and processing facility (which is listed as a permitted use in Chapter 17.30.030 Heavy Industrial Use). The Community Development Department has determined that the project is categorically exempt from further environmental review, per Section 15332(a) of the California Environmental Quality Act (CEQA) guidelines. The City of Hanford has made all the necessary findings required by the Zoning Ordinance in order to approve the Site Plan, subject to the following conditions required by the various City departments:

PRIVATE UTILITY COMPANIES

Contact the following persons concerning questions that you may have on the conditions listed below:

Southern California Edison Co., Daniel Filla: (559) 685-3295 or Daniel.Filla@sce.com

AT&T, John Lewis: (559) 739-6455: jl2695@att.com

Southern California Gas Co., Scott Stults: (559) 739-2327 or sstults@semprautilities.com

Comcast, Brian Copeland: (559) 455-4580 or brian_copeland@cable.comcast.com

USA: 1 (800) 642-2444

1. That the local gas, electric, cable and telephone companies be contacted for exact location of their services.
2. That any alterations or relocations of utilities be the responsibility of the developer.
3. That all new utilities be underground within the site.

ADMINISTRATION DEPARTMENT

Contact City Attorney through the Planning Division (559) 585-2580
Concerning questions that you may have on the conditions listed below:

Defense and Indemnification Provisions:

1. That the applicant shall defend, indemnify, and hold harmless the City of Hanford ("City"), its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating to the Project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or

adequacy of any environmental document approved by the City or any approval related to the Project.

2. That the applicant's obligations to defend, indemnify and hold the City, its officials, officers and employees, representatives, agents and attorneys harmless under the provisions of this paragraph shall include, but not be limited to, the cost of preparation of any administrative record by City, staff time, copying costs, court costs, the costs of any judgments or awards against the City for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any approval of the environmental document, or any approval related to the Project, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of the approval of the environmental document or any other approval related to the Project, if the settlement so provides.
3. That the City may, at any time, require the applicant to reimburse City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any action. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Project.
4. That the applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to the Project. Unless otherwise advised in writing by the City of Hanford, Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Project, including, without limitation, any form of reimbursement by the City of Hanford to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments or any other actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
5. That the applicant shall defend, indemnify, and hold harmless the City of Hanford, its officials, officers, employees, representatives, agents and attorneys, from and against any and all claims, damages, losses, judgments, liabilities, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Project. Applicant's obligation to defend, indemnify and hold the City of Hanford harmless specifically includes, but is not limited to, any suit or administrative action against the City of Hanford which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Project.
6. That the applicant obligations to defend, indemnify and hold the City of Hanford, its officials, officers, employees, representatives, agents and attorneys harmless as set forth herein, shall include, but shall not be limited to, staff time, copying costs, court costs, the costs of any judgments or awards against the City of Hanford for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Project and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

PLANNING DIVISION

Contact Project Manager: Ed Haworth (559) 585-2582
Concerning questions that you may have on the conditions listed below

General:

1. That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
2. That all approved proposals of the applicant be conditions of development, if not mentioned herein.
3. That all development conform to the site plan titled Site Plan Review Application No. 2012-09, and stamped approved by the Community Development Department. The structures are to be addressed as shown on the approved Site Plan.
4. That the site be developed according to the approved site plan, with minor modifications to be approved by the Community Development Department.
5. That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Site Plan Review Application shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements thereof.
6. That the building address be posted at the site prior to the first building inspection and that a permanent address sign be placed on the site before occupancy.
7. That all proposed truck routes shown on the revised plan dated January 7, 2013 be constructed with asphalt paving materials with a minimum width of 20 feet with additional paving added at the curves to accommodate tracking of the rear axles of truck trailers.
8. It is understood that a separated site plan review submittal will be required for the fertilizer processing site (including the electrical substation).

Architectural Conditions:

1. Elevations, colors and materials of all proposed buildings will be subject to approval by the Planning Division prior to building/grading permit issuance for all elevations.
2. That all pipes, gutters, and chases attached to the building wall shall be painted a similar or complementary color to the existing wall that the item is attached to.
3. That all vents, gutters, downspouts, flashing, etc. are to match the color of adjacent surface.
4. That no surface shall be mirrored so as to cause glare and annoyance to other adjacent properties.
5. That glossy metal surfaces are to be painted to prevent glare.
6. That all painted surfaces shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
7. That all mechanical equipment, including electrical and gas meters are to be screened from view, and that all new electrical transformers are either underground or screened.

8. That all new and existing electrical boxes, control boxes, and other equipment boxes (*excluding traffic control*) along the street frontage shall be painted hunter green. Prior to painting, the boxes are to be treated with an etching primer (*zinc chromate*) or equivalent.
9. That all exterior architectural elements not detailed on the plans be finished in a style and in materials in harmony with the exterior of the proposed building.

Environmental Requirements:

1. That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.

Off Street Parking:

1. That the proposed parking of 24 spaces, one of which shall be ADA accessible, is sufficient.
2. Vehicular circulation areas shall be signed as a fire lane and posted for no parking, except within designated parking stalls and pick-up areas.
3. That the parking lot be signed in accordance with City standards. Signing shall also include the following:
 - Marked ADA-accessible spaces.
 - Installation of stop signs at the drive approaches to the public street and main private thoroughfares.
 - Marked driveways.
4. That the parking area (including drives) be constructed to a plan prepared by a registered civil engineer and approved by the City. The construction of the parking area is to be certified by a registered civil engineer as being constructed to the approved plan.
5. That a regular parking-lot maintenance program be created to prevent the buildup of dust, debris, and automobile-related pollution.
6. That no repair work or servicing of vehicles be conducted in an off-street loading area or parking area.

Fencing and Walls:

1. That any proposed fencing on the site be maintained in good repair.

Screening:

1. That all electrical transformers and/or air-conditioning units be screened with landscaping.

Landscaping:

1. That a 20-foot landscaping area along the frontage of Energy Street be provided.
2. That landscape and irrigation plans be submitted for approval by the Community Development Department prior to building permits being issued. Said plans shall conform

with Ordinance No. 92-22 "Standards and Procedures for Landscaping Design and Installation".

3. That the landscaping-and-irrigation system be installed according to the approved landscape plans before the final occupancy.
4. That all proposed landscaping is to be allowed to grow to maturity and continually maintained after planting. Such maintenance is to include pruning, weeding, cleaning, fertilizing and regular watering. Dead and dying plants are to be replaced with live plant materials to ensure compliance with landscaping requirements.
5. That the parking lot design shall include 6 ft-by-6 ft. inside clear tree planters with a 15-gallon size tree of a large shade tree species selected from the City's approved tree list and ground cover/shrubs being placed at every fourth lineal parking spaces.
6. That the irrigation system be maintained in an operational order, including replacement of missing or damaged sprinkler heads and timing equipment to be set in accordance with City watering policies. For more information contact Parks and Recreation Director J. Dean Johns at (559) 585-2527.
7. That one (1) tree placed at every four (4) lineal parking spaces be provided.
8. That all open and non-landscaped portions of the site be maintained in good condition, free from weeds, dust, trash and debris. This is particularly critical for the front yard landscaped areas. It is recommended that the area next to the entryway not currently landscaped be covered with either bark or some type of ground-cover material to reduce weeds and provide a better visual enhancement other than bare ground.

Lighting:

1. That all lighting be hooded and directed on site.
2. That all exterior lighting shall be focused downward to avoid point sources of light interfering with the vision of motorists. Lighting elements shall be recessed into their fixtures to prevent glare. Exterior lighting shall be treated so as not to illuminate adjacent properties.

Signage:

1. That any/all signs proposed for this development be designed and approved in conformance with the City's Sign Ordinance. A separate application is required.
2. That no banners, streamers, or similar temporary signs shall be located at the site.

Noise:

1. That construction equipment be muffled and construction activities be limited to the hours between dawn to dusk.

Dust Control:

1. That the following dust-control practices shall be implemented:

Pre-construction:

1. That material excavated or graded be sufficiently watered to prevent excessive amounts of dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work is completed for the day.
2. That clearing, grading, earth moving, or excavation activities cease during periods of high winds greater than 20 mph.
3. That areas disturbed by clearing, earth moving, or excavation activities be minimized at all times.

During Construction:

1. After clearing, grading, earth moving, or excavation operations, during the construction phase, fugitive emissions should be controlled by the following methods:
2. That non-active portions of the construction site be restricted from vehicular movement.
3. That active portions of the site should be sufficiently watered to prevent excessive amounts of dust.

General Fugitive Dust:

1. At all times, fugitive dust emissions should be controlled using the following procedures:
2. That on site vehicle speed should be limited to 15 mph.
3. That areas with vehicle traffic be watered periodically or have petroleum-based palliatives applied for stabilization of dust emissions.
4. That during rough grading and construction, streets next to the project site be swept at least once per day, or as required to remove silt which may have accumulated from construction activities.
5. That during rough grading and construction, access to the site should require the building of an apron into the project site from adjoining paved roadways. The apron should be paved or have a petroleum-based palliative applied.

Ozone Precursors:

1. At all times, ozone precursor emissions should be controlled by the following methods:
2. That all internal combustion-engine drive equipment be properly maintained and well tuned according to the manufacturer's specifications.

BUILDING DIVISION

Contact Building Official: Tom Webb (559) 585-2584

Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for any structural, plumbing, electrical, or mechanical work being done.
2. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
3. That detailed dimensioned plans be provided to the Building Division prior to obtaining construction permits.
4. That the buildings will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Submittal shall consist of:
 - 4.1 1 copy of the City of Hanford Permit Application form
 - 4.2 6 complete sets of Drawings, unless noted, including:
 - 4.2.1 Grading Plan (Civil Drawings)
 - 4.2.2 Site Plan
 - 4.2.3 Landscaping Plan
 - 4.2.4 Architectural Drawings
 - 4.2.5 Structural Drawings
 - 4.2.6 Electrical Drawings
 - 4.2.7 Mechanical Drawings
 - 4.2.8 Plumbing Drawings
 - 4.2.9 Planning Dept. "Conditions of Approval" or "Resolution"
printed on the drawings and part of the drawing submittal
 - 4.2.10 A minimum of 2 sets shall be stamped and wet signed by an Architect or Engineer licensed in the State of California.
 - 4.3 2 complete sets of documentation, unless noted, including:
 - 4.3.1 Architectural Specifications
 - 4.3.2 Structural Calculations
 - 4.3.3 Electrical Calculations, if not included on the drawings
 - 4.3.4 Mechanical Calculations, if not included on the drawings
 - 4.3.5 Plumbing Calculations, if not included on the drawings
 - 4.3.6 Energy Calculations, if not included on the drawings
 - 4.3.7 CalGreen Compliance, if not included on plans
 - 4.3.8 A minimum of 2 sets shall be stamped and wet signed by an Architect or Engineer licensed in the State of California.
5. That the site, as well as the buildings, shall be made accessible and usable by the disabled according to the California Building Code, Chapter 11B.
6. That a preliminary soils report, prepared by a qualified soils engineer, be provided to the Engineering and Building Divisions prior to approval of site improvement plans. The soils report shall comply with the 2010 California Building Code, Section 1803.
7. That a final soils report, prepared by a qualified soils engineer, be provided to the Engineering and Building Divisions before issuance of building permits.
8. That a school impact fee of \$0.51(or revision thereof) for each square foot of new building area be paid when building permits are issued.

9. That all special inspection reports be submitted to the Building Division prior to final inspection.
10. That all construction shall conform to the 2010 Edition, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code, CalGreen and with the City of Hanford, Water Efficient Landscape Design and Installation Ordinance, Chapter 12.08; if applicable.
11. That the tenant, lessee, and/or owner are responsible for compliance with the Americans with Disabilities Act. By federal law your facility must be made accessible to the highest degree possible.
12. That the applicant provide a complete set of AS-BUILT drawings on CD, in "tif" format, to the Building Division prior to Final Inspection.
13. That a Zoning Health and Safety inspection be conducted and approved prior to occupying each building.

FIRE DEPARTMENT

Contact Fire Chief: Tim Ieronimo (559) 585-2545

Concerning questions that you may have on the conditions listed below:

General:

1. **Approval of this project does not exempt compliance with all applicable sections of the City-adopted Fire Codes and local fire ordinances. All Fire-Code requirements will be adhered to at all times.**
2. Building plans must be reviewed by the Fire Department to make an adequate fire protection determination.
3. All alternative fire-protection systems must be approved by the Fire Department.
4. All fire-protection systems must be installed and operational prior to issuance of a Certificate of Occupancy.
5. **Deferred submittals will not be accepted.** All sprinkler, fire alarm, and project plans must be submitted as a complete package.

Fire Extinguisher(s):

1. Fire extinguishers shall be mounted and/or recessed in cabinets where required by the Fire Department. Cabinets shall be signed with the words "Fire Extinguisher" on the outside, visible to the public. The size, type, and location shall be determined by the City Fire Department.

Fire Sprinklers:

1. Sprinkler plans submitted for all proposed buildings shall be in accordance with NFPA 13 and shall be approved by the Fire Department before issuance of building permits, if required. A sprinkler-installation permit and plan-check review fee are required for review of the plans. **Deferred submittals will not be allowed.**
2. Fire-sprinkler risers shall be located in a minimum 4' x 4' room, accessible only from the exterior of the building, per City Standard WA-27. Access door shall be a man door with a

minimum 24" width, and the door shall be signed "Fire Riser Room." Actual size shall be approved by the Fire Department.

3. Fire Department Connection (FDC) shall be installed within twenty-five (25) feet of a fire hydrant on the system of the riser, per City Standard WA-28. The exact location shall be determined by the Fire Department. FDC shall be painted all weather glossy red with white numbers on stem, indicating address of the building(s) it serves.
4. All required hydrants shall be installed to meet City Standard WA-20.
5. Fire-sprinkler system(s) containing more than 21 heads shall be monitored through a central alarm station, as per Hanford Municipal Code. A copy of UL Listing shall be submitted with fire alarm submittal.
6. Water-flow exterior and interior alarms are required, per California Fire Code.

Fire Alarm:

1. For fire-alarm systems employing automatic fire detectors or water-flow detection devices, at least one fire-alarm box shall be provided to initiate a fire-alarm signal. This fire-alarm box shall be installed within five (5) feet of the main exit door(s), as per NFPA 72.
2. As per California Fire Code, an approved audible sprinkler-flow alarm shall be provided on the exterior and interior of the building in a normally occupied location.

Storage Tanks:

1. A permit from the Hanford Fire Department shall be obtained for all storage tanks that contain any hazardous or flammable materials. Installation inspection fee of \$85.00 per tank is required, as well as a separate site-plan submittal and review, prior to installation. **A plan-check review fee is required for review of the plans. Deferred submittals will not be allowed.**
2. A Hazardous Materials Business Plan shall be completed through the Kings County Environmental Health Department and a copy submitted to the Fire Department.
3. That the storage methods including tanks or any other type of vessel and procedures used in handling and using all chemicals on site be according to the 2010 California Fire Code and all local, state, and federal standards and all personnel protection and OSHA-required safety equipment be present on site.

Fire Hydrants:

1. All fire lines and fire hydrants shall be installed and operable prior to construction and be of sufficient capacity for fire protection as well as domestic supply. Fire hydrants are to be located as approved by the Fire Department. All fire hydrants and mains are to meet City Standard WA-20. Fire flow will be determined after submittal of construction drawings.
2. Fire-hydrant protection posts shall be installed at all fire hydrants that are subject to vehicle damage.
3. Curbs shall be painted all weather red and marked "No Parking Fire Lane" in white lettering.
4. That a blue-dot location marker(s) be installed six inches from the street center line on the side closest to each fire hydrant.

5. That the developer shall provide the necessary fire flow for the proposed development, as required by the Uniform Fire Code.
6. Double-detector check valve(s) shall conform to City Standard WA-29 and shall be installed in all private fire means. Valve type shall be approved by the City Water Department.

Special Requirements:

1. That a Knox-box (a heavy steel box containing keys to the building) be installed at a location on site, designated by the Fire Department. The Knox-box shall be maintained, with the current set of keys for the premises inside the box at all times.
2. That a fire-alarm system be installed, as per building and fire codes.
3. Site address shall be posted in an illuminated area on the building facing the street. Numbers shall contrast with their background. Size is as follows: Downtown area (existing buildings)—4-inch numbers; all others: buildings 20 feet or less from street—6-inch numbers; buildings 21 to 40 feet from street—8-inch numbers; buildings more than 40 feet from street—12-inch numbers.
4. If any structures are erected, they shall conform to all applicable fire and building codes.
5. Vehicle parking inside building requires a permit from the Fire Department prior to any vehicles being brought inside any building and only if occupancy classification allows. Occupancy classification to be determined by the Building Official.
6. An Emergency Contingency Plan is required to be filed and updated annually with the Kings Environmental Health Department and a copy sent to the Fire Department. This shall be revised as needs change.

CITY UTILITIES DIVISION

Contact: Mike Cosenza, Utilities Superintendent (559) 585-2560

General:

1. That all utility work within the public street right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.
2. That locations of existing water, sanitary sewer and storm drain mains in the vicinity of the project site will be marked by Public Works Department staff based upon available record information. Contractor shall provide minimum 48 hours prior notice when requesting location of existing City of Hanford utilities. The city is not a member of Underground Service Alert (U.S.A.).
3. That all utility work and materials shall conform to City of Hanford Standards and Specifications, latest edition.

Water:

1. That the developer shall provide an accurate fixture unit count and size new water services in accordance with the requirements of the Uniform Plumbing Code, latest edition.

2. That the developer shall furnish and install appropriate cross connection/ backflow prevention assemblies for all services provided, including fire service lines.
3. That all backflow prevention assemblies shall be tested and approved by a certified backflow technician prior to being placed in service. A copy of all backflow test results shall be provided to the City Utility Division.

Sewer:

1. That a minimum 6" sewer lateral for disposal of office and shop domestic wastewater shall be installed to serve the proposed truck terminal project. (Note: Manufacturing process waste water must be separately disposed. Developer must apply for and obtain an Industrial Waste Water Discharge permit from the City of Hanford prior to any discharge of manufacturing process waste water.)
2. That the developer shall furnish, install, and maintain a grease trap assembly on any sanitary sewer lateral receiving wash-down water from shop area floor drains. Grease trap assemblies must be permitted and approved by the City Building Division prior to installation.

PUBLIC WORKS DEPARTMENT

Contact Senior Engineer Ric Froberg (559) 585-2556
The Public Works Department had no comments.

General Requirements:

1. That the developer shall comply with all applicable City of Hanford Public Works Construction Standards and Specifications requirements. Any deviation from the Standards and Specifications must be approved by the City Engineer prior to construction.
2. That an encroachment permit shall be obtained for any work proposed within the public street right-of-way. For additional information regarding encroachment permit requirements, contact the City Engineering Division at (559) 585-2558.
3. That the following conditions of approval are based upon development of the project site as a single parcel. If the site is developed with existing parcel boundaries intact, however, each parcel must be provided with complete public street frontage improvements and sewer and water utility service facilities to be constructed within the existing unimproved Energy Avenue right of way.

Map and Plan Requirements:

1. That if the applicant shall record a parcel map, or alternatively, a parcel map waiver for lot line adjustment purposes, to delete the boundary between the east and west parcels comprising the project site, construction of public street improvements to provide access to the east parcel will not be required. In such case, the applicant shall apply for abandonment of the unimproved cul-de-sac right of way (Outlot "B" of L.S.P. 19-86), located along the south boundary of each parcel. The applicant shall be responsible for preparation and recordation of any title deeds required to complete the parcel consolidation. If the existing parcels are to remain separate properties, standard street improvements, sewer and water mains, and separate sewer and water utility connections must be constructed to serve each parcel, in the event of future separate sale of the parcels.

2. That site improvement plans for construction of drainage improvements, paving, utility connections, and other improvements proposed on the project site shall be prepared by a licensed civil engineer for review and approval by the City Public Works Department. All elevations shown on the plans shall be referenced to a current City of Hanford benchmark.
3. That the development is subject to an engineering plan review and inspection fee in accordance with City Resolution No. 92-58-R, or any revisions thereof. Subject fee shall be payable prior to approval of the site improvement plans.
4. That the project site shall be developed in conformance with the approved site improvement plans, with minor modifications subject to approval by the Public Works Department.
5. That the developer shall comply with all State of California requirements applicable to the National Pollutant Discharge Elimination System (NPDES). A Notice of Intent for the development shall be electronically filed by the developer and accepted by the State Water Resources Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development shall be provided to the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.
6. That no track-out of soil, gravel, or other construction-related materials on to public streets is permitted.

Frontage Improvement Requirements:

1. That any damaged, off-grade, or otherwise substandard concrete curbs, gutters, or asphalt pavement located along the project frontage shall be removed and reconstructed in accordance with City Standards.

Driveway Approach Requirements:

- a. That concrete driveway approaches in conformance with City Std. CO-41, modified for installation without sidewalks, may be installed at five (5) locations along the project frontage, as per the site plan, i.e., one approach at the project main entrance (Energy Ave./Power Way cul-de-sac), one approach for the office parking lot, two approaches for access to the unfenced truck parking area located on Energy Ave., and one approach on Energy Ave., at the west boundary of the project. Per Std. CO-41, drive approach widths shall be limited to a maximum curb cut of 41' (35' width driveway with 3' wings each side.)

Parking Lot Requirements:

- b. That parking lot design and construction shall conform to City Standards GE-29 and GE-32.

DEVELOPMENT IMPACT FEES:

1. That the development is subject to the following impact fees estimated in accordance with City Ordinance Nos. 90-09, 90-10 and 98-14, or any revisions thereof. Impact fee calculations are based upon square footage of structures as shown on site plan. If changes are made to structures, thereby increasing or decreasing floor areas, then impact fees will likewise change to reflect actual conditions. Fees listed below reflect rates effective June 21, 2011, through Dec. 31, 2013, and may be subject to change thereafter. All fees are payable prior to issuance of building permits. **Basis of Impact Fee calculations for TKI Truck Terminal: 12,500 S.F.**

Shop & Warehouse, 5,000 S.F. Office, 1,000 S.F. Truck Scale Bldg. (18,500 S.F. Total industrial building area) Truck traffic: 44 truck trips per day.

- A. That the development is subject to an **\$34,280.00 Transportation Impact Mitigation Fee** in accordance with City Resolution No. 98-56-R, or any revisions thereof.
- B. That the development is subject to a **\$14,544.70 Water System Impact Fee** in accordance with City Resolution No. 98-54-R or any revisions thereof.
- C. That the development is subject to an **\$8,347.20 Wastewater System Impact Fee** in accordance with City Resolution No. 98-55-R or any revisions thereof.
- D. That the development is not subject to a Storm Water System Impact Fee. (All drainage disposed to private onsite basin.)
- E. That the development is subject to a **\$345.95 Fire Protection Impact Fee** in accordance with City Resolution No. 98-52-R or any revisions thereof.
- F. That the development is subject to a **\$658.60 Police Protection Impact Fee** in accordance with City Resolution No. 98-53-R or any revisions thereof.
- I. That the development is not subject to a Refuse & Recycling Impact Fee. (Refuse service to be contracted with a private waste hauler.)

REFUSE DIVISION

Contact Refuse Superintendent: Randy Gragg (559) 585-3504
Concerning questions that you may have on the conditions listed below:

General Requirements:

- 1. That the City of Hanford does not provide roll-off type industrial refuse container services. The applicant is permitted to contract with a private refuse hauler for refuse removal & recycling services not provided by the City.

EXPIRATION

A site plan approval shall lapse and shall become void one (1) year following the date on which approval by the Planning Official, Planning Commission or City Council became effective unless, prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for an additional period or periods of one (1) year upon written application before expiration of the first approval (Chapter 17.60.090 of the Hanford Municipal Code).

REVOCATION

Noncompliance with any provision of the City of Hanford Municipal Code not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of this site plan review approval (Chapter 17.60.100 of the Hanford Municipal Code).

CHANGE IN USE

If the use as proposed is discontinued or a change in use is proposed the subsequent use is subject to the provisions of Chapter 17.60.110 of the Hanford Municipal Code.

SITE PLAN APPEAL

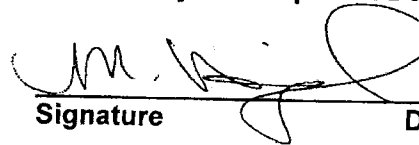
If the applicant is dissatisfied with the action of or conditions required by the Site Plan Review approval, the determination may be appealed to the Planning Commission by filing an appeal form and processing fee with the Community Development Department within ten (10) days of the date of approval (Chapter 17.60.040 of the Hanford Municipal Code).

The Planning Commission can review and make determinations only on those items within their authority. Deviations and exceptions to the Uniform Building Code, Public Works Construction Standards, County Environmental Health regulations and City Ordinances are not within the Planning Commission's authority for exceptions.

SITE PLAN REVIEW

In accordance with the provisions of Chapter 17.60 of the Hanford Municipal Code, the Site Plan Review Application is hereby approved subject to conditions and improvements noted in this letter and any referenced attachment.

Community Development Department

 4-19-13
Signature Date

APPLICANT'S STATEMENT (Must be signed prior to issuance of a building permit)

I have reviewed a copy of the Site Plan Review Approval No. 2012-009, and I understand that the proposed construction and/or land use is dependent upon the fulfillment of the conditions of approval and construction of all required public improvements prior to use, inauguration or occupancy unless other arrangements are approved.

Applicant or Authorized Representative

Signature Date

CC: File
Fire Department
Public Works Department
Building Department

Attachment: Original MND (Conditional Use Permit No. 2022-07)



RELATED DOCUMENTS INCLUDED**3. CONDITIONAL USE PERMIT 2013-02 (APPROVAL LETTER AND MAP)**

Attachment: Original MND (Conditional Use Permit No. 2022-07)

**CITY OF HANFORD PLANNING COMMISSION RESOLUTION NO. 2014-02
PERTAINING TO CONDITIONAL USE PERMIT NO. 2013-02
FILED BY: TESSENDERLO KERLEY, INC.
JANUARY 28, 2014**

At a regular meeting of the City of Hanford Planning Commission duly called and held on January 28, 2014 on motion of Commissioner **ESCOBAR** seconded by Commissioner **FERNANDES**, and duly carried, the following resolution was adopted:

WHEREAS, Conditional Use Permit No. 2013-02 filed by Tessengerlo Kerley, Inc., has been reviewed by the Planning Commission of the City of Hanford as an advisory agency in accordance with Title 17 of the Hanford Municipal Code; and

WHEREAS, the project is located within the Kings Industrial Park at 10724 Energy Street (APN 018-242-063) as shown on attached Exhibit "A"; and

WHEREAS, all affected public utility companies, various governmental department agencies, and the Planning Commission staff have given careful consideration to this conditional use permit and have made recommendations thereon; and

WHEREAS, the project has undergone an initial study in accordance to the California Environmental Quality Act. On the basis of the initial study, it has been determined that the proposed project will not create a significant impact on the environment with the implementation of mitigation measures. A Mitigated Negative Declaration and Notice of Determination have been prepared for the project, as shown in attached Exhibit "B" and

WHEREAS, on the basis of the facts and evidence provided in the staff report and the written and oral evidence presented at the public hearing, the Planning Commission hereby makes the following findings pursuant to Pursuant to Section 17.58.060 (A) of the Hanford Municipal Code:

- a. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;
- b. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;
- c. The proposed use is consistent with the general plan;
- d. There will not be significant effects upon the quality of the environment and natural resources;
- e. The proposed location, size, design and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

THEREFORE, BE IT RESOLVED that Conditional Use Permit No. 2013-02 be approved subject to the following conditions:

ADMINISTRATION DEPARTMENT

Contact the Planning Division: (559) 585-2580

Concerning questions that you may have on the conditions listed below:

Defense and Indemnification Provisions:

1. That the applicant shall defend, indemnify, and hold harmless the City of Hanford ("City"), its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating

to the Project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document approved by the City or any approval related to the Project.

2. That the applicant's obligations to defend, indemnify and hold the City, its officials, officers and employees, representatives, agents and attorneys harmless under the provisions of this paragraph shall include, but not be limited to, the cost of preparation of any administrative record by City, staff time, copying costs, court costs, the costs of any judgments or awards against the City for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any approval of the environmental document, or any approval related to the Project, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of the approval of the environmental document or any other approval related to the Project, if the settlement so provides.
3. That the City may, at any time, require the applicant to reimburse City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any action. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Project.
4. That the applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to the Project. Unless otherwise advised in writing by the City of Hanford, Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Project, including, without limitation, any form of reimbursement by the City of Hanford to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments or any other actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
5. That the applicant shall defend, indemnify, and hold harmless the City of Hanford, its officials, officers, employees, representatives, agents and attorneys, from and against any and all claims, damages, losses, judgments, liabilities, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Project. Applicant's obligation to defend, indemnify and hold the City of Hanford harmless specifically includes, but is not limited to, any suit or administrative action against the City of Hanford which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Project.
6. That the applicant obligations to defend, indemnify and hold the City of Hanford, its officials, officers, employees, representatives, agents and attorneys harmless as set forth herein, shall include, but shall not be limited to, staff time, copying costs, court costs, the costs of any judgments or awards against the City of Hanford for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Project and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.
7. That the City of Hanford may, at any time, require the Applicant to reimburse the City of Hanford for costs that have been, or which the City of Hanford reasonably anticipates will be, incurred by the City of Hanford during the course of any action. Applicant shall reimburse the City of Hanford within thirty (30) days of receipt of an itemized written invoice from the City of Hanford. Failure of the Applicant to timely reimburse the City of Hanford shall be considered a material violation of the conditions of approval of the Project.

PLANNING DEPARTMENT

Contact Assistant Planner Gabrielle de Silva (559) 585-2578
Concerning questions that you may have on the conditions listed below:

General:

1. That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
2. That all approved proposals of the applicant be conditions of development if not mentioned herein.
3. That all development conform to the site plan titled Site Plan Review Application No. 2013-13, as amended in red, and marked approved by the Community Development Department.
4. That all conditions of approval by the City of Hanford be contained in the drawing submitted for building permits.
5. That the site be developed according to the approved site plan with minor modifications to be approved by the Community Development Department.
6. That once the building and site improvements are completed a Zoning and Safety Certificate of Occupancy is required to be obtained through the Community Development Department. The building permits will not be signed off until all conditions of approval within this review are completed to the satisfaction of the City.
7. That at least five (5) working days before finalization of the building permit, a Zoning and Safety certificate of occupancy application is to be submitted to determine that all conditions of approval contained herein are completed to the satisfaction of the City.
8. That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Conditional Use Permit Application, shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements therefore.
9. That all open and un-landscaped portions of the site be maintained in good condition, free from weeds, dust, trash and debris.

Building Setbacks

1. That building setbacks shown on the site plan are required as conditions of approval with modifications being reviewed and approved by the Community Development Department.

Architectural Conditions:

1. That the proposed buildings shall be architecturally designed with a color and material scheme approved by the Planning Department for the Heavy Industrial zone district. The design review must be completed prior to issuance of building permits and/or grading permits.
2. That all pipes, vents, gutters, downspouts, flashing and chases attached to the building wall shall be painted a similar or complementary color to the existing wall that the item is attached to.
3. That no surface shall be mirrored so as to cause glare and annoyance to other adjacent properties.
4. That any glossy metal surfaces are to be painted or be a brush metal finish to prevent glare.
5. That all painted surfaces be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

6. That all mechanical equipment, including electrical and gas meters are to be screened from view, and that all new electrical transformers are either underground or screened.
7. That all new and existing electrical boxes, control boxes, and other equipment boxes (*excluding traffic control*) along the street frontage shall be painted hunter green. Prior to painting, the boxes are to be treated with an etching primer (*zinc chromate*) or equivalent.
8. That all exterior architectural elements not detailed on the plans be finished in a style and in materials in harmony with the exterior of the building.

Environmental Requirements & Greenhouse Gas Emission Mitigation Measures

1. That if cultural resources are discovered during construction or related activities, all work shall be halted and a qualified archeologist and the City of Hanford shall be notified. The find shall be properly investigated and appropriate measures are to be taken before construction may continue.
2. Adhere to all Best Performance Standards set forth by the San Joaquin Unified Air Pollution Control District.

Signage:

1. That all signs proposed for this development be designed and approved in conformance with the City's Sign Ordinance and the *Kings Industrial Park Development and Performance Standards*. A separate application is required for administrative review and approval (if a variance is not required), including:
 - Compliance with the City of Hanford Sign Regulations;
 - The applicant/business operators shall not display any illegal banner signs, portable signs or other illegal signs on the property.

Screening:

1. That all outside equipment, including all mechanical roof equipment and any satellite dish be screened from public view.
2. That all backflow devices and/or transformers be screened with landscaping.
3. That all equipment and storage shall be screened by the constructed with a solid block wall and metal access gate. The enclosure walls shall be finished to be compatible with the exterior elevations.

Landscaping:

1. That landscape and irrigation plans be submitted for approval by the Community Development Department prior to building permits being issued. Said plans shall conform to Ordinance No. 10-02 "Standards and Procedures for Landscaping Design and Installation".
2. That the landscaping and irrigation system be installed according to the approved landscape plans before occupancy.
3. That landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owners' representative shall inspect the landscaping on a monthly basis and any dead or dying plants and trees shall be replaced within ten (10) days of the inspection. Trees shall not be severely pruned, topped or butchered. Any trees that are pruned in this manner shall be replaced with a tree of the same species and of equal size to the one damaged.

4. That a 6-inch high concrete curb be placed between the paved area and the landscape areas.

Property Maintenance

1. No building or structure shall violate the City's Building Code by creating a fire hazard, danger to human life or hazards to public health, safety and general welfare including dilapidation, broken windows, unsafe structural supports, boarded windows or doorways, dry rot, termites and other structural defects which create hazardous conditions and invite trespassing and malicious mischief.
2. Storage of equipment, machinery, parts or vehicles which are broken, neglected, inoperable or incapable of moving under their own power shall not be permitted unless properly screened.
3. Refuse shall be properly screened by a 6 ft. high solid wall, solid wood fence or chain link fence with wood slats. The enclosure shall meet the specifications of the City's Refuse Department. Refuse shall not be stored higher than the screen enclosure.
4. All solid wood fences or walls and chain link fences shall be properly maintained so as not to constitute a hazard to the public or to cause the depreciation of the value of the adjacent property.
5. All landscaping areas shall be maintained; such maintenance shall include any necessary pruning, weeding, fertilizing, regular watering, mowing, trimming, edging and clearing away of plant debris. Dead and dying plants shall be replaced with other plants materials to insure compliance with landscaping requirements.
6. All open and non-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris. All industries which use manufacturing processes that create dust shall provide watering or dust control measures.
7. All raw materials that are stock piled on the property shall be enclosed by an appropriate fence, wall or dense plant material so that it is hidden from view.
8. All buildings, towers, pipes, equipment, machinery and other structures shall be painted in non-garish color-coordinated colors as frequently as determined necessary.

Lighting:

1. That all lighting be hooded and directed on site.
2. Any perimeter lighting shall include illumination of parking areas, loading docks, and driveways. All exterior lighting shall be focused downward to avoid point sources of light interfering with the vision of motorists. Lighting elements shall be recessed into their fixtures to prevent glare and shall be treated so as not to illuminate adjacent properties.

Noise:

1. Comply with the standards set for in the Kings Industrial Park Development and Performance Standards, 2011.
2. That noise from fixed mechanical equipment when measured at the property line shall meet the standard of the Hanford Noise Element.
3. That all on-site construction/mechanical equipment shall meet noise emission performance standards of the manufacturers.

Dust Control:

1. That the following dust control practices shall be implemented:

Pre-construction:

- a) That material excavated or graded be sufficiently watered to prevent excessive amounts of dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work is completed for the day.
- b) That clearing, grading, earth moving, or excavation activities cease during periods of high winds greater than 20 mph.
- c) That earth material transported off-site be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- d) That areas disturbed by clearing, earth moving, or excavation activities be minimized at all times.
- e) That where acceptable to the Fire Department, weed control should be accomplished by mowing instead of discing, thereby leaving the ground undistributed and with a mulch covering.

During Construction:

- a) After clearing, grading, earth moving, or excavation operations, during the construction phase, fugitive emissions should be controlled by the following methods:
- b) That nonactive portions of the construction site be restricted from vehicular movement.
- c) That active portions of the site should be sufficiently watered to prevent excessive amounts of dust.

General Fugitive Dust:

- a) At all times, fugitive dust emissions should be controlled using the following procedures:
- b) That on site vehicle speed should be limited to 15 mph
- c) That areas with vehicle traffic be watered periodically or have petroleum-based palliatives applied for stabilization of dust emissions.
- d) That during rough grading and construction, streets next to the project site be swept at least once per day, or as required to remove silt which may have accumulated from construction activities.
- e) That during rough grading and construction, access to the site should require the building of an apron into the project site from adjoining paved roadways. The apron should be paved or have a petroleum-based palliative applied.

Ozone Precursors:

- a) At all times, ozone precursor emissions should be controlled by the following methods:
- b) That all internal combustion engine drive equipment be properly maintained and well tuned according to the manufacturer's specifications.

- c) On-site idling of construction equipment shall be minimized as much as feasible (no more than 5 minutes maximum)

Off-Street Parking:

1. That the applicant comply with the standards set forth in the Hanford Municipal Code, Chapter 17.38 for Off-Street Parking Requirements which states, "Manufacturing plants, warehouses, mini-storage facilities, and other industrial uses, one space for each two employees of the maximum working shift, and customer parking for mini-storage facilities as determined by the community development department."
2. The applicant provides 24 parking spaces, 2 of which are disabled-accessible parking. This meets and exceeds the standards for off-street parking in the industrial park using the following calculation:

Total employees of the maximum working shift: 18 employees. 1 parking space for each 2 employees of the maximum working shift = 9 parking space.

3. That the parking lot be signed in accordance with city standards. Signing shall also include the following:
 - Marked disabled-accessible spaces.
 - Installation of stop signs at the drive approaches to the public street and main private thoroughfares.
 - Marked driveways.
 - Marked employee parking.
4. That the parking area (including drives) be constructed to a plan prepared by a registered civil engineer and approved by the City. The construction of the parking area is to be certified by a registered civil engineer as being constructed to the approved plan.
5. That a regular parking lot maintenance program be created to prevent the buildup of dust, debris, and automobile related pollution.
6. That the parking areas be properly signed, paved, paint striped, and lighted as required by the City Engineer.

BUILDING DIVISION

Contact Building Official: Tom Webb (559)585-2584

Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for any structural, plumbing, electrical or mechanical work being done.
2. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
3. That detailed dimensioned plans be provided to the Building Division prior to obtaining construction permits.
4. That the buildings will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Submittal shall consist of:
 - 4.1 1 copy of the City of Hanford Permit Application form
 - 4.2 6 complete sets of Drawings, unless noted, including:
 - 4.2.1 Grading Plan (Civil Drawings)

- 4.2.2 Site Plan
- 4.2.3
- 4.2.4 Architectural Drawings
- 4.2.5 Structural Drawings
- 4.2.6 Electrical Drawings
- 4.2.7 Mechanical Drawings
- 4.2.8 Plumbing Drawings
- 4.2.9 Planning Dept. "Conditions of Approval" or "Resolution"
printed on the drawings and part of the drawing submittal
- 4.2.10 A minimum of 2 sets shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California.
- 4.3 2 complete sets of documentation, unless noted, including:
 - 4.3.1 Architectural Specifications
 - 4.3.2 Structural Calculations
 - 4.3.3 Electrical Calculations, if not included on the drawings
 - 4.3.4 Mechanical Calculations, if not included on the drawings
 - 4.3.5 Plumbing Calculations, if not included on the drawings
 - 4.3.6 Energy Calculations, if not included on the drawings
 - 4.3.7 CalGreen Compliance, if not included on plans
 - 4.3.8 A minimum of 2 sets shall be stamped and wet signed by an Architect or
Engineer licensed in the State of California.
- 5. That the site, as well as the buildings, shall be made accessible and usable by the disabled,
according to the California Building Code, Chapter 11B.
- 6. That a preliminary soils report, prepared by a qualified soils engineer, be provided to the Engineering
and Building Divisions prior to approval of site improvement plans. The soils report shall comply with
the 2010 California Building Code, Section 1803.
- 7. That a final soils report, prepared by a qualified soils engineer, be provided to the Engineering and
Building Divisions before issuance of building permits.
- 8. That a school impact fee of \$0.51(or revision thereof) for each square foot of new building area be
paid when building permits are issued.
- 9. That all special inspection reports be submitted to the Building Division prior to final inspection.
- 10. That all construction shall conform to the 2010 (2013 if building permit is applied for after 1-1-14)
Edition, California Building Code, California Electrical Code, California Mechanical Code, California
Plumbing Code, California Fire Code, California Energy Code and CalGreen.
- 11. That the tenant, lessee, and/or owner are responsible for compliance with the Americans with
Disabilities Act. By federal law your facility must be made accessible to the highest degree possible.
- 12. That the applicant provide a complete set of AS-BUILT drawings on CD, in "tif" format, to the
Building Division prior to Final Inspection.
- 13. That the Building Division conducts and approves a Zoning Health & Safety inspection prior to the
occupancy of the building.

FIRE DEPARTMENT

Contact Fire Inspector Susan Martinez @ OFC: (559) 585-4793; CELL: (559) 940-2943 or smartinez@ci.hanford.ca.us
concerning questions that you may have on the conditions listed below:

General:

1. **Approval of this project does not exempt compliance with all applicable sections of the City adopted fire codes and local fire ordinances**
2. **Deferred submittals must be received prior to issuance of building permit.**
3. Please include one set of building plans for Fire Department review. A final set of corrected building plans shall be submitted to the fire department once final corrections are made.
4. All fire protection systems must be installed and operational prior to occupying the building and/or issuance of a Certificate of Occupancy.
5. All permit fees are due prior to scheduling any inspections with the Fire Department. To schedule appointments for inspections, please call (559) 585-2545.
6. Scope of work shall be clearly stated on plans.

Fire Extinguisher(s):

1. Fire extinguishers shall be installed per 2010 California Fire Code, Section 906, Hanford Municipal Code Title 15 and the California Code of Regulations, Title 19, Division 1, §3.29(a) through (d) for portable fire extinguishing equipment and fire extinguishers.

Fire Sprinklers:

1. Fire protection systems required by Chapter 9 of the 2010 California Building and Fire Codes and the Hanford Municipal Code Title 15, shall be installed, repaired, operated, tested and maintained in accordance with these codes.
2. The following City of Hanford Public Works Standards shall apply to the following installations: Fire Service Backflow Preventer Assembly WA-29; Fire Pumper Connection WA-28; Fire Sprinkler Riser Installation WA-27; Fire Hydrant Installation WA-20; Concrete Thrust Blocks WA-32; Protection Post WA-35.
3. Standpipe systems shall be installed per Chapter 9 of the 2010 California Fire Code.
4. Fire pumps shall be installed in accordance with Chapter 9 of the 2010 California Fire Code and the 2007 Edition of NFPA 20.

Fire Alarm:

1. Fire alarm and detection systems required by Chapter 9 of the 2010 California Building and Fire Codes shall be installed per the 2010 Edition of NFPA 72.
2. Emergency alarm systems and smoke control systems shall comply with Chapter 9 of the 2010 Edition of the California Fire Code.

Emergency Access:

1. A Knox-box (a heavy steel box containing keys to the building) shall be installed; usually at the main entrance to the building. More than one Knox-Box may be required at the discretion of the fire official. The top of the Knox-Box shall not exceed 6'-0" AFF.
2. All entrance gates that are locked that lead to fire department emergency access roads, appurtenances or to the building, shall have a Knox-box or Knox Padlock installed to provide fire department access in case of emergency.
3. The Hanford Fire Department allows the ordering of Knox Box products directly online at www.knoxbox.com or you can obtain an Authorized Order Form from the fire department.
4. Temporary and permanent fire department emergency access roads shall comply with City of Hanford Public Works Standard ST-36 for Fire Department Access Roads. Fire Department emergency access roads shall be approved and constructed prior to the beginning of on-site construction.

Storage Tanks:

1. All containers, tanks, cylinders and vessels, whether temporary or permanent, containing any type of hazardous material or waste, including flammable and/or combustible liquids, gases or solids shall require a separate plan review and permit.

Fire Hydrants and Required Fire Flow:

1. Required fire flow and numbers of hydrants will be determined after review of building plans.
2. All fire mains and fire hydrants shall be installed and operable prior to construction. Fire flow shall be of sufficient capacity for fire protection as required by Appendices B and BB in the 2010 California Fire Code. Fire hydrants are to be located as approved by the Fire Department. All fire hydrants and mains are to meet city standard WA-20.
3. Fire hydrant protection posts shall be installed at all fire hydrants that are subject to vehicle damage.
4. Blue dot location marker(s) shall be installed six-inches from the street center line on the side closest to each fire hydrant.

Special Requirements:

1. Fire lane curbs shall be painted all weather red and marked "No Parking" in white lettering.
2. A hazardous materials permit and plan shall be submitted for all flammable/combustible and hazardous materials liquids, gases, solids, etc.

CITY UTILITY DIVISION

Contact Utility Superintendent: Mike Cosenza (559) 585-2564
Concerning questions that you may have on the conditions listed below:

General:

1. That all work within the City right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.
2. That the locations of existing water, sanitary sewer and storm drain mains in the vicinity of project site will be marked by Public Works Department staff based upon the city's best available records.

Contractor shall provide the City Utility Division with a minimum of 48 hours prior notice when requesting location of existing utilities. The City of Hanford is not a member of Underground Service Alert (U.S.A.).

3. That all utility work and materials shall conform to City of Hanford Construction Standards and Specifications, latest edition. All utility connection work located within N. 11th Avenue, an Arterial Street, shall be bored.
4. That all financial and other arrangements for planning, engineering, scheduling, installation of and/or relocation of electric, gas, telecommunications, or other privately owned utilities are the sole responsibility of the developer. The developer is advised that significant project delays may result if utility issues are not resolved prior to start of construction.

Water:

1. That the developer shall provide an accurate fixture count and size water services in accordance with requirements of the Uniform Plumbing Code, latest edition.
2. That the developer shall furnish and install new water service assemblies including water meters as needed for domestic and landscape irrigation uses.
3. That the developer shall furnish and install appropriate cross connection/backflow prevention assemblies for all services provided including fire service lines, if applicable.
4. That all backflow prevention assemblies shall be tested and approved prior to being placed in service by a certified technician. Copies of all back flow test results shall be provided to the City Utility Division.

Sewer:

1. That a minimum 6" diameter sanitary sewer lateral shall be installed to serve the proposed development. Lateral to be installed off the Energy Avenue sewer main and shall be equipped with a composite sampler / flow meter in conformance with City Standards and Specifications. Applicant is encouraged to contact the City Wastewater Treatment Plant Superintendant, Bob Sisneroz, at (559) 585-2577 to discuss.
2. That the developer shall be required to enter into a wastewater discharge agreement with the City of Hanford Public Works Department prior to the issuance of a building permit. For more information, contact City Wastewater Treatment Plant Superintendant, Bob Sisneroz, at (559) 585-2577.
3. That the developer shall furnish, install, and maintain a grease trap assembly on any sanitary sewer lateral receiving wash-down water from shop area floor drains, which shall be sized in accordance with the Uniform Plumbing Code, latest edition, and approved by the City of Hanford Building Official prior to permitting and installation.

PUBLIC WORKS DEPARTMENT

Contact John Doyel, Deputy Public Works Director/City Engineer (559) 585-2571
Concerning questions that you may have on the conditions listed below:

General Requirements:

1. That the development shall comply with all applicable City of Hanford Standards and Specifications requirements. Any deviation from said Standards and Specifications must be approved by the City Engineer prior to construction.

2. That an Encroachment Permit for work within the public street right-of-way shall be obtained from the Public Works Department prior to starting the work. For more information contact the City Engineering Division at (559) 585-2558. Encroachment Permit Fee shall be determined based on cost of improvements required to be installed within the public street right of way in accordance with City Resolution No. 92-58-R, or any revisions thereof. Subject fee shall be payable prior to approval of the project plans.
3. That the development is subject to a Grading Plan Review fee of \$5,700.00 in accordance with City Resolution No. 10-31 R, or any revisions thereof. Subject fee shall be paid prior to building permit issuance.
4. That all financial and other arrangements for planning, engineering, scheduling, installation of and/or relocation of electric, gas, telecommunications, or other privately owned public utilities are the sole responsibility of the developer. The developer is advised that significant project delays may result if utility issues are not resolved prior to start of construction.

Map and Plan Requirements:

1. That the developer shall submit to the City Engineer a set of construction plans on 24" X 36" size sheets for all required improvements. The plans shall be prepared by a licensed civil engineer, and shall include a site plan showing all on-site and off-site improvements, including but not limited to, sanitary sewer, storm drainage, and water system infrastructure, refuse enclosure locations, street & parking lot improvements, landscape & irrigation systems and all other improvements as required by the project conditions of approval and the City of Hanford Standards and Specifications. Plans must be approved by the City of Hanford and any other affected agencies before issuance of building permits.
2. That site improvement plans for construction of drainage improvements, paving, utility connections, and other improvements proposed on the project site shall be prepared by a licensed civil engineer for review and approval by the City Public Works Department. All elevations shown on the plans shall be referenced to a current City of Hanford benchmark.
3. That the development is subject to an engineering plan review and inspection fee in accordance with City Resolution No. 92-58-R, or any revisions thereof. Subject fee shall be payable prior to approval of the site improvement plans.
4. That the project site shall be developed in conformance with the approved site improvement plans, with minor modifications subject to approval by the Public Works Department.
5. That the developer shall comply with all State of California requirements applicable to the National Pollutant Discharge Elimination System (NPDES). A Notice of Intent for the development shall be electronically filed by the developer and accepted by the State Water Resources Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development shall be provided to the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.

Grading and Drainage Requirements:

1. That site grading and drainage shall comply with the approved grading and improvement plans for the development. Upon completion of construction, the developer's engineer shall provide a written statement that site grading and drainage has been completed in accordance with the approved plans.
2. That the developer shall comply with all applicable State of California requirements pursuant to the National Pollutant Discharge Elimination System (NPDES). If applicable to the project, a Notice of

Intent for the development shall be electronically filed by the developer and accepted by the State Water Resource Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development may be required by the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.

3. That track-out of soil, gravel, or other construction-related materials on to public streets is prohibited.

Frontage Improvement Requirements:

1. That any damaged, off-grade, or otherwise substandard concrete curbs, gutters, or asphalt pavement located along the project frontage shall be removed and reconstructed in accordance with City Standards.

Driveway Approach Requirements:

2. That concrete driveway approaches in conformance with City Std. CO-41, modified for installation without sidewalks, may be installed at five (5) locations along the project frontage, as per the site plan, i.e., one approach at the project main entrance (Energy Ave./ Power Way cul-de-sac), one approach for the office parking lot, two approaches for access to the unfenced truck parking area located on Energy Ave., and one approach on Energy Ave., at the west boundary of the project. Per Std. CO-41, drive approach widths shall be limited to a maximum curb cut of 41' (35' width driveway with 3' wings each side.)

Parking Lot Requirements:

1. That parking lot design and construction shall conform to City Standards GE-29 and GE-32.
2. Disabled parking and ADA access within the parking lot shall be provided as per City Building Department requirements in accordance with applicable State and Federal Codes.

Development Impact Fees

1. That development is subject to the following impact fees in accordance with City Ordinance Nos. 90-09, 90-10 and 98-14, or any revisions thereof. Impact fee estimates shown are based on square footage of structures as shown on the site plan. If changes are made to structure(s) thereby increasing or decreasing building floor areas, then impact fees will likewise change to reflect actual conditions. Fees listed below reflect rates effective July 1, 2013 through June 21, 2014 and may be subject to change by City Council action. All fees are payable prior to issuance of building permits. Basis of fee calculations: **5,200** S.F. building located on **46.00** acre project site.
 - A. That the development is subject to a **\$6,591.34 Transportation Mitigation Impact Fee** in accordance with City Resolution No. 05-10-R, and any revisions thereof.
 - B. That the development is subject to a **\$4,241.12 Water System Impact Fee** in accordance with City Resolution No. 05-14-R or any revisions thereof.
 - C. That the development is subject to a **\$2,434.12 Wastewater System Impact Fee** in accordance with City Resolution No. 05-15-R or any revisions thereof.
 - D. That the development is **not** subject to a **Storm Drainage Development Impact Fee**. (Proposed project is located on a previously developed commercial site- No significant increase in impervious area or drainage runoff will result from development of the project.)
 - E. That the development is subject to a **\$99.84 Fire Protection Impact Fee** in accordance with City Resolution No. 05-11-R or any revisions thereof.

- F. That the development is subject to a **\$189.80 Police Protection Impact Fee** in accordance with City Resolution No. 05-12-R or any revisions thereof.
- G. That as a non-residential development, the project is **not** subject to a **Park System Impact Fee**.
- H. That the development is **not** subject to a **Refuse and Recycling Impact Fee** (Existing on-site refuse service should be adequate to service additional facilities under this approval)

CITY REFUSE DIVISION

Contact Will Smith, Refuse Superintendent at (559) 585-2569
Concerning questions that you may have on the conditions listed below:

General Requirements:

5. Existing on-site refuse service should be adequate to service the additional facilities under this approval.

EXPIRATION

That the Conditional Use Permit shall lapse and shall become void one year following the date on which the use permit became effective unless, by conditions of the use permit, a lesser or greater time is prescribed in accordance with Section 17.58.110, or unless prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion on the property which was the subject of the use permit application. A use permit may be renewed for an additional period of one year or for a lesser or greater period as prescribed in Section 17.58.110 provided that, prior to the expiration of the time period granted, an application for the renewal of the use permit is filed with the community development department. The planning commission shall consider the application for renewal and may grant or deny any application. The council shall review the decision of the commission in accordance with the procedures prescribed in Section 17.58.080.

Subject to the other provisions of this chapter, a use permit granted pursuant to the provisions of this chapter and not abandoned for more than one year shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit.

REVOCATION

Should the holder of a conditional use permit violate any provision of this title or any condition or condition of approval of the conditional use permit, the community development department shall provide the holder of the conditional use permit with written notice of the violation. The written notice shall identify the violation and shall advise the holder of the conditional use permit that the violation must be cured within thirty (30) days of the date of the written notice. The written notice shall also state that if the violation is not cured within the thirty (30) day period, the city council shall hold a public hearing and receive evidence whether the conditional use permit should be revoked or whether additional conditions or restrictions should be placed upon the conditional use permit or other actions should be taken by the holder of the conditional use permit in order to ensure compliance with the provisions of the conditional use permit and this title.

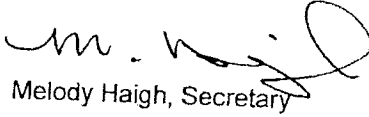
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Hanford by the following vote:

VOTING

AYES:	Commissioners	ESCOBAR, FERNANDES, DOUGLAS, FROBERG, HAM, BEARD
NOES:	Commissioners	NONE
ABSTAIN:	Commissioners	NONE
ABSENT:	Commissioners	NAHAL

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, MELODY HAIGH, Secretary of the Planning Commission of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted by the Planning Commission of the City of Hanford at a regular meeting thereof held on the 28th day of January, 2014.

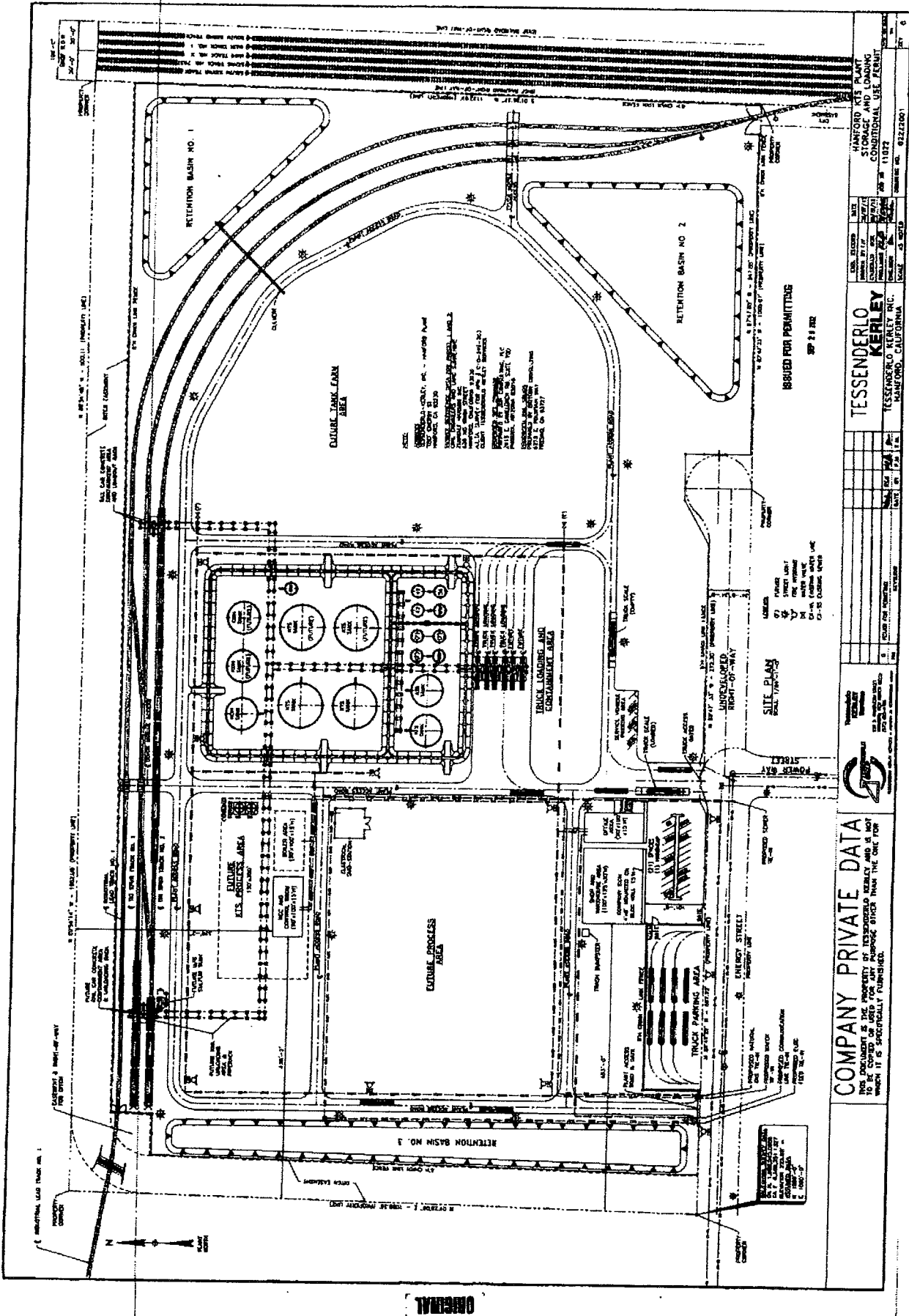

Melody Haigh, Secretary



RELATED DOCUMENTS INCLUDED

4. SITE PLAN REVIEW 2013-13 (MAP)

Attachment: Original MND (Conditional Use Permit No. 2022-07)



18-24

