



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

Contact: Planning Commission Clerk
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Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA June 28, 2018

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

There are no consent agenda items for this hearing.

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7410, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3597 and MINOR VARIANCE APPLICATION NO. 1287** filed by **KINGS RIVER PACKING**, proposing to amend Classified Conditional Use Permit (CUP) No. 3476 in order to allow expansion of an existing fruit packing and storage facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts, including authorization of a 39-foot building height (35-foot maximum building height allowed) for a proposed building addition to be partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts, and a 38-foot building height (35-foot maximum building height allowed) for a proposed building addition to be located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of Trimmer Springs Road, approximately three miles north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST. 5) (APNs 158-070-65, 158-070-69, 158-070-76, 158-070-77). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7410 and take action on Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287.

-Contact person, Derek Chambers (559) 600-4205, email: dchambers@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

3. **INITIAL STUDY APPLICATION NO. 7444** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3611** filed by **FOREFRONT POWER, LLC**, proposing to allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Avenue, Selma) (SUP. DIST. 4) (APN 358-021-74). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7444, and take action on Unclassified Conditional Use Permit Application No. 3611 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

4. **VARIANCE APPLICATION NO. 4046** filed by **JANE GAMBLE**, proposing to allow the creation of a 2.02-acre parcel from an existing 16.12-acre (remaining 14.10-acre parcel to be combined with a 35.18-acre parcel) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of N. Madsen Avenue on the northwest corner of its intersection with E. Belmont Avenue, approximately 2 miles northeast of the nearest city limits of the City of Sanger (1115, 1129 N. Madsen Avenue & 13728 E. Belmont Avenue) (SUP. DIST. 5) (APN 309-100-35, -37).

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@co.fresno.ca.us

-Staff Report Included

-Individual Noticing

5. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@co.fresno.ca.us

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email knovak@co.fresno.ca.us, no later than the Monday preceding the meeting by 9:00 a.m.



Planning Commission Staff Report Agenda Item No. 2 June 28, 2018

SUBJECT: Initial Study Application No. 7410, Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287

Amend Classified Conditional Use Permit (CUP) No. 3476 in order to allow expansion of an existing fruit packing and storage facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts, including authorization of a 39-foot building height (35-foot maximum building height allowed) for a proposed building addition to be partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts, and a 38-foot building height (35-foot maximum building height allowed) for a proposed building addition to be located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of Trimmer Springs Road, approximately three miles north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST. 5) (APNs 158-070-65, 158-070-69, 158-070-76, 158-070-77).

APPLICANT/OWNER: Kings River Packing

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7410; and
- Approve Classified Conditional Use Permit (CUP) No. 3597 with recommended Findings and Conditions; and
- Approve Minor Variance No. 1287; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Floor Plans
7. Elevation Drawings
8. Applicant’s Operational Statement
9. Applicants’ Statement of Variance Findings
10. Summary of Initial Study (IS) Application No. 7410
11. Draft Mitigated Negative Declaration
12. Planning Commission Resolution and Staff Report for CUP No. 3476

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the County-adopted Kings River Regional Plan	No change
Zoning	<p>APN 158-070-65: AL-40 (Limited Agricultural, 40-acre minimum parcel size)</p> <p>APN 158-070-69: AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)</p> <p>APN 158-070-76: AL-40 (Limited Agricultural, 40-acre minimum parcel size)</p> <p>APN 158-070-77: AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)</p>	No change
Parcel Size	28.83-acre parcel comprised of Assessor’s Parcel Numbers	No change

Criteria	Existing	Proposed
	(APNs) 158-070-65, 158-070-69, 158-070-76 and 158-070-77	
Project Site	Commercial fruit packing and storage operation authorized by Classified CUP No. 2786 and expanded by Classified CUP Nos. 3307 and 3476	Phased expansion of commercial fruit packing and storage operation by an additional 5.75 acres of processing, storage, and office space; including authorization of a 39-foot building height and a 38-foot building height (35-foot maximum building height allowed) for proposed building additions
Existing Improvements: <ul style="list-style-type: none"> • 45,280 square-foot packing and storage building • 23,000 square-foot packing building • 21,970 square-foot packing building • 1,440 square-foot break room and restroom building • 12,000 square-foot cooling building • 6,400 square-foot process packing building • 7,500 square-foot de-greening building • 7,080 square-foot preparation packing building • Two 3,965 square-foot cold storage buildings • 20,295 square-foot building containing 13,364 square feet of storage; 798 square-foot office; 1,073 square-foot mechanical area; 5,060 square-foot cold storage area • 6,400 square-foot staging building • 24,747 square-foot storage building • 5,000 square-foot storage building • 6,000 square-foot storage building • 1,490 square-foot office • 1,351 square-foot office • 5,000 square-foot sweat building • 2,000 square-foot sweat building • 11,700 square-foot storage building • 186 square-foot pump house • Truck loading dock • Three engineered septic systems 		Proposed Improvements: <p>Phase I:</p> <ul style="list-style-type: none"> • Additional truck loading dock • 77,500 square-foot addition with 39-foot building height to be utilized for fruit cold storage and office space <p>Phase II:</p> <ul style="list-style-type: none"> • 173,000 square-foot addition with 38-foot building height to be utilized for fruit packing and office space
Nearest Residence	Approximately 125 feet northwest of the subject parcel	No change
Surrounding Development	Agricultural area with orchards and few residential land uses; portions of the Kings River and the Fresno Irrigation District	No change

Criteria	Existing	Proposed
	(FID) Gould Canal are easterly adjacent to the subject parcel; the Friant-Kern Canal is located approximately one and a half miles south of the subject parcel	
Operational Features	Commercial fruit packing operation	See discussion under the Background Information section of this Staff Report
Employees	70 full-time employees	<p>January through April (Peak Season):</p> <ul style="list-style-type: none"> • Up to 300 full-time employees <p>May through December (Off-Peak Season):</p> <ul style="list-style-type: none"> • Up to 100 full-time employees
Customers/Visitors	Five per day, five days per week from November through June	Up to eight per day, six days per week, year-round
Traffic Trips	<p>Approximately 10 one-way customer trips (five round trips) per day, five days per week, November through June</p> <p>Approximately 140 one-way employee trips (70 round trips) per day, five days per week, November through June</p> <p>Approximately 80 one-way truck trips (40 round trips) per day, six days per week, November through June</p>	<p>Approximately 16 one-way customer trips (eight round trips) per day, six days per week, year-round</p> <p>Approximately 600 one-way employee trips (300 round trips) per day, six days per week, January through April</p> <p>Approximately 200 one-way employee trips (100 round trips) per day, six days per week, May through December</p> <p>Approximately 120 one-way truck trips (60 round trips) per day, six days per week, January through April</p> <p>Approximately 10 one-way truck trips (five round trips) per day, six days per week, May through December</p>

Criteria	Existing	Proposed
Lighting	Building exteriors and parking areas	No change
Hours of Operation	8:00 a.m. until 5:00 p.m., six days per week from November through June	24 hours per day, six days per week, year-round

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 10.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 8, 2018.

PUBLIC NOTICE:

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

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) may be approved only if the four Findings specified in Fresno County Zoning Ordinance Section 873-F are made by the Planning Commission.

A Minor Variance (MV) may be approved only if the four Findings specified in the Fresno County Zoning Ordinance Section 877 are made by the Planning Commission. Specifically related to a Variance, in order to make Findings 1 and 2, a determination must be made that the property is subject to an exceptional or extraordinary physical circumstance that does not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified.

Both applications (CUP and MV) are being brought before the Planning Commission for consideration, as they represent an interrelated request for a single project; however, the subject CUP application and the concurrent MV application shall be considered separately. Further, denial of the CUP will also deny the MV; however, denial of the MV will not deny the CUP but would require modifications to the project's submitted Plans, particularly the Elevation Drawings for the proposed building additions. The CUP may still be approved, subject to meeting the four Findings specified in Zoning Ordinance Section 873-F.

The decision of the Planning Commission on a CUP and MV application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

This proposal entails the phased expansion of an existing 10.89-acre commercial fruit packing and storage operation by an additional 5.75 acres of processing, storage, and office space in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts. Phase I of this expansion proposal includes construction of a loading dock and a 77,500 square-foot addition to an existing metal building to be utilized for fruit cold storage and office space. Phase II of this expansion proposal includes construction of a 173,000 square-foot addition to an existing metal building to be utilized for fruit packing and office space. The proposed 77,500 square-foot addition will have an overall building height of approximately 39 feet, and the proposed 173,000 square-foot addition will have an overall building height of approximately 38 feet, whereas the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts permit a 35-foot maximum building height. As such, Minor Variance Application No. 1287 is being concurrently processed with Classified Conditional Use Permit Application No. 3597 so as to allow the proposed 39-foot and 38-foot building heights.

The existing commercial fruit packing and storage operation was originally authorized by Classified Conditional Use Permit (CUP) No. 2786, and was subsequently expanded by CUP No. 3307 and CUP No. 3476. Currently, the existing commercial fruit packing operation is located on an approximately 28.83-acre parcel identified as Assessor's Parcel Numbers (APNs) 158-070-65, 158-070-69, 158-070-76 and 158-070-77, which is partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts.

The following analysis addresses each of the required Findings for Classified Conditional Use Permit (CUP) No. 3597, and Minor Variance (MV) No. 1287.

CLASSIFIED CONDITIONAL USE PERMIT (CUP) APPLICATION NO. 3597

ANALYSIS/DISCUSSION:

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood

	Current Standard:	Proposed Operation:	Is Standard Met (Y/N)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (northwest property line): 53 feet Side (southwest property line): 66 feet Side (northeast property line): 194 feet Rear (southeast property line): 74 feet	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (Y/N)
Parking	<u>Commercial Facility:</u> One standard parking space for each two permanent employees; one standard parking space for each truck operated by the facility <u>California Building Code:</u> At least one parking space for the physically handicapped per every 25 parking spaces at a facility	Paved parking areas with 374 standard parking spaces; eight parking spaces for the physically handicapped; 40 parking spaces for trucks	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	N/A (proposed improvements will be constructed as additions to existing buildings)	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The existing and proposed improvements satisfy the setback requirements of the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts. The AL-40 and AE-20 Zone Districts permit a maximum 35-foot building height. Therefore, a Minor Variance (MV) is required to waive the maximum building height restrictions of the AL-40 and AE-20 Zone Districts in order to authorize construction of the proposed 39-foot and 38-foot-tall building additions.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plans demonstrates that the proposed improvements satisfy the setback requirements of the AL-40 and AE-20 Zone Districts.

With regard to off-street parking, commercial fruit packing and storage operations are required to provide at least one standard parking space for each two permanent employees, and at least one standard parking space for each truck operated by the facility. Further, California Building Code requires the provision of at least one parking space for the physically handicapped per every 25 parking spaces required at a facility. Regarding the subject proposal, the expanded facility will have up to 300 full-time employees. As such, the expanded facility needs to have at least 150 standard parking spaces and at least six parking spaces for the physically handicapped. In this case, the expanded facility will have paved parking areas with 374 standard parking spaces, eight parking spaces for the physically handicapped and 40 parking spaces for trucks.

Based on the above information and with adherence to a Site Plan Review (SPR) required as a Condition of Approval, staff finds that the project site is adequate in size and shape to accommodate the proposed use. Conditions of the SPR may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Trimmer Springs Road: Good condition	No change
Direct Access to Public Road	Yes	Trimmer Springs Road: Two paved driveways	One additional paved driveway accessing Trimmer Springs Road
Road ADT		Trimmer Springs Road: 1,200	Less than significant traffic increase
Road Classification		Trimmer Springs Road: Arterial	No change
Road Width		Trimmer Springs Road along APN 158-070-77: 106-foot total existing right-of-way	No change

		Existing Conditions	Proposed Operation
		Trimmer Springs Road along APNs 158-070-65 and 158-070-76: 80-foot total existing right-of-way	
Road Surface		Trimmer Springs Road: Paved (pavement width: 40.4 feet)	No change
Traffic Trips		<p>Approximately 10 one-way customer trips (five round trips) per day, five days per week, November through June</p> <p>Approximately 140 one-way employee trips (70 round trips) per day, five days per week, November through June</p> <p>Approximately 80 one-way truck trips (40 round trips) per day, six days per week, November through June</p>	<p>Approximately 16 one-way customer trips (eight round trips) per day, six days per week, year-round</p> <p>Approximately 600 one-way employee trips (300 round trips) per day, six days per week, January through April</p> <p>Approximately 200 one-way employee trips (100 round trips) per day, six days per week, May through December</p> <p>Approximately 120 one-way truck trips (60 round trips) per day, six days per week, January through April</p> <p>Approximately 10 one-way truck trips (five round trips) per day, six days per week, May through December</p>
Traffic Impact Study (TIS) Prepared	Yes	N/A	Review of the TIS prepared for the proposal by Precision Civil Engineering, Inc. determined that Mitigation is necessary to reduce adverse transportation and traffic impacts to a less than significant level
Road Improvements Required		N/A	See Mitigation Measures attached as Exhibit 1

Reviewing Agency/Department Comments:

Design Division of the Fresno County Department of Public Works and Planning: A Traffic Impact Study (TIS) was prepared for the proposal by Precision Civil Engineering, Inc. The following Mitigation Measure has been included to reduce adverse transportation and traffic impacts to a less than significant level:

***Mitigation Measure:**

- 1. In order to mitigate potential traffic impacts to County roadways, prior to occupancy, the Applicant/owner shall enter into an agreement with Fresno County agreeing to participate on a pro-rata basis of 38% of the total cost for the maintenance and restoration of Trimmer Springs Road (approximate 2.3-mile segment from project site) and Oliver Street (approximate one-mile segment from Belmont Avenue to State Route 180) for a period not to exceed 10 years. This agreement shall establish the existing baseline condition for Trimmer Springs Road and Oliver Street, and address the monitoring and evaluation of roadway pavement conditions, and the undertaking of roadway repairs and/or maintenance overlay as necessary to ensure project-related traffic can be safely accommodated. The pro-rata share for the maintenance and restoration of said roadways shall not exceed \$485,000 over the term of this agreement.*

Development Engineering Section of the Fresno County Department of Public Works and Planning: Trimmer Springs Road is a County-maintained road classified as an Arterial road. The minimum total width for an Arterial road right-of-way is 106 feet. Trimmer Springs Road has a total existing right-of-way of 106 feet along the frontage of APN 158-070-77, with 53 feet east and 53 feet west of the centerline. Trimmer Springs Road has a total existing right-of-way of 80 feet along the frontage of APNs 158-070-65 and 158-070-76, with 40 feet east and 40 feet west of the centerline. A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Trimmer Springs Road. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way. These mandatory requirements have been included as Project Notes.

Analysis:

The existing commercial fruit packing and storage operation currently utilizes two 50-foot-wide paved driveways to access Trimmer Springs Road, and the proposed expanded facility will utilize one additional 50-foot-wide paved driveway to access Trimmer Springs Road.

Trimmer Springs Road has a total existing right-of-way of 80 feet along the frontage of APNs 158-070-65 and 158-070-76, with 40 feet east and 40 feet west of the centerline, whereas the minimum total width for an Arterial road right-of-way is 106 feet. Therefore, in order to satisfy the Arterial road standard, an additional 13 feet of right-of-way dedication would be needed from the western side of APNs 158-070-65 and 158-070-76, which abuts Trimmer Springs Road. However, considering the amount of property such a dedication would constitute, and that this project entails the expansion of a previously-approved use, no additional right-of-way dedication will be required for this proposal.

With regard to traffic, the proposed expanded facility will generate approximately 16 one-way customer trips (eight round trips) per day, six days per week, year-round; approximately 600 one-way employee trips (300 round trips) per day, six days per week, January through April; approximately 200 one-way employee trips (100 round trips) per day, six days per week, May through December; approximately 120 one-way truck trips (60 round trips) per day, six days per

week, January through April; and, approximately 10 one-way truck trips (five round trips) per day, six days per week, May through December.

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which determined that a Traffic Impact Study (TIS) was needed to effectively evaluate potential traffic-related impacts associated with the proposed expanded facility. In accordance with this determination, a TIS was prepared for the proposal by Precision Civil Engineering, Inc.

The TIS includes analysis of intersection operations at State Route 180 (Kings Canyon Road) and Rio Vista Avenue, State Route 180 (Kings Canyon Road) and Reed Avenue, State Route 180 (Kings Canyon Road) and Oliver Street, and Trimmer Springs Road and the project site access. This analysis of intersection operations was conducted under the following scenarios: 1) Existing, 2) Near-Term, 3) Near-Term plus Phase I, 4) Cumulative, and 5) Cumulative plus Full Build-Out. Additionally, the TIS prepared for the proposed expansion project also includes analysis of the roadway operations and structural conditions of Belmont Avenue west of Academy Avenue, and Trimmer Springs Road south of the project site.

According to the TIS prepared for the proposed expansion project, it was not practical to obtain traffic counts at the intersections of Belmont Avenue and Oliver Street, or State Route 180 (Kings Canyon Road) and Oliver Street due to closure and reconstruction of Belmont Avenue between Academy Avenue and Trimmer Springs Road. As such, traffic counts for the intersection of State Route 180 (Kings Canyon Road) and Oliver Street were derived from Fresno Council of Governments (COG) travel demand modeling data and the other State Route 180 (Kings Canyon Road) intersection traffic counts identified in this analysis.

Based on the above information, and with adherence to the transportation-related Mitigation Measure and Project Notes discussed in this Staff Report, staff believes that the streets in proximity to the project site will be adequate to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

Finding 3: That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	4.21 acres	Orchard	AE-40	None
Northwest:	10.22 acres	Two single-family residences Orchard	AE-40	125 feet
Northeast:	104.07 acres	Two single-family residences Orchard	AL-20	2,705 feet

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
West:	15.10 acres	Orchard	AL-40	None
East:	96.62 acres	Vacant	RE	None
South:	144.14 acres	Vacant	AL-20; O	None

Reviewing Agency/Department Comments:

California Regional Water Quality Control Board (Water Board): The Applicant submitted a Report of Waste Discharge (RWD) to the Water Board in 1997 for the discharge of 4,500 gallons of fruit-washing wastewater per day (monthly average) to approximately 65 acres of land. If the proposed expansion project will result in a material change in the volume, character, or location of the discharge that was described in the 1997 RWD, the Applicant shall be required to submit a new RWD to the Water Board at least 140 days prior to initiating discharge from the expanded facility.

As construction associated with this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.

These mandatory requirements will be included as Project Notes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1645H, portions of the subject parcel are located within FEMA Flood Zone AE, which is subject to flooding from the one-percent (1%)-chance storm. Any work performed within designated Flood Zones shall conform to provisions established in Chapter 15.48 of the Fresno County Ordinance Code (Flood Hazard Areas). Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards. A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal. These mandatory requirements have been included as Project Notes.

Fresno County Department of Agriculture (Agricultural Commissioner's Office): No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: The commercial fruit packing operation shall satisfy the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95. As such, within 30 days of the occurrence of any of the following events, the commercial fruit packing operation must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously disclosed material; or 2) The facility begins handling a previously undisclosed material at or above the HMBP

threshold amounts. The commercial fruit packing operation must also certify that a review of the HMBP has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health.

Within six months of the occurrence of any of the following events, the commercial fruit packing operation must update their Risk Management Plan (RMP) on file with the U.S. Environmental Protection Agency (EPA): 1) If a change alters the Program Level that applies to any covered process; or 2) If a change requires a revised Off-Site Consequence Analysis; or 3) If a change requires a revised Process Hazard Analysis or Hazard Review; or 4) If a new regulated substance is present above the threshold quantity in an already covered process; or 5) If a regulated substance is present above the threshold quantity in a new process; or 6) If the U.S. EPA begins regulating a new substance.

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.

Per California Plumbing Code Section 6.9, disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting evaporation of sewer effluent. California Plumbing Code Appendix H requires access to septic tanks to be maintained.

These mandatory requirements have been included as Project Notes.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County. The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These mandatory requirements have been included as Project Notes.

Fresno Irrigation District (FID): An FID canal identified as Gould Canal No. 97 traverses an eastern edge of the subject parcel, and FID access along said portion of the canal may be obstructed by existing encroachments such as trees and fencing. As such, FID requests that any obstructions located within 20 feet of the canal be removed, that FID review and approval be required for any aspect of the proposed expansion project that will impact FID facilities, and that the Applicant be required to submit a Grading and Drainage Plan to FID for review and approval in order to prove that the proposed expansion project will not adversely impact the structural integrity of the canal or result in drainage patterns that would adversely impact FID.

San Joaquin Valley Unified Air Pollution Control District (Air District): This proposal is subject to Air District Rule 9510 (Indirect Source Review) and may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt). These requirements have been included as Project Notes. An Air Impact Assessment was completed for the proposal resulting in mitigation.

State Water Resources Control Board, Division of Drinking Water: The commercial fruit packing operation has an existing public water system regulated by the Division of Drinking Water. The proposed expansion will not change the current water system classification for the facility.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject parcel is located in a designated water-short area; however, there will not be a significant increase in water usage resulting from the proposed expansion project, as water generated from the fruit washing process is recycled as a supplement for the irrigation water utilized by surrounding orchards, thereby replacing groundwater that would otherwise be pumped for irrigation purposes.

Analysis:

The subject parcel is located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. Additionally, portions of the Kings River and the Fresno Irrigation District Gould Canal are easterly adjacent to the subject parcel, and the Friant-Kern Canal is located approximately one and a half miles south of the subject parcel.

A portion of Trimmer Springs Road, which is identified as a Scenic Drive in the Fresno County General Plan, abuts a western property line of the subject parcel. Policy OS-L.3 of the General Plan typically requires intensive land use proposals such as commercial developments to be developed with a 200-foot natural open space area adjacent to the Scenic Drive. General Plan Policy OS-L.3 also allows this 200-foot natural space setback requirement to be modified for proposals which involve the expansion of an existing facility. In this case, the existing commercial fruit packing operation currently encroaches into the typically-required 200-foot natural open space area. The proposed improvements would be set back farther from Trimmer Springs Road than the existing commercial fruit packing operation; however, the proposed improvements would be located within the typically-required 200-foot natural open space area. As such, drought-tolerant landscaping shall be provided along the western property line of the subject parcel where said property line abuts Trimmer Springs Road. Further, said landscaping shall be maintained in healthful condition and shall consist of trees and shrubs of reasonable size and density to provide visual screening. This landscaping requirement will be included as a Mitigation Measure to reduce the proposal's aesthetic impacts on Trimmer Springs Road to a less than significant level. Additionally, the design of the required landscaping shall be reviewed for approval during Site Plan Review (SPR), which will be required as a Condition of Approval. Conditions of the SPR may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

With regard to the agency comments provided by the Fresno Irrigation District (FID), County staff acknowledges that the requirement for the Applicant to provide a Grading and Drainage Plan to FID for review and approval prior to the issuance of Building Permits will help ensure that the project will not adversely impact FID facilities. This requirement will be included as a Condition of Approval, as was the case with previously-approved Classified Conditional Use Permit (CUP) No. 3476. Additionally, the inclusion of a Condition of Approval requiring the Applicant to provide a Grading and Drainage Plan to FID for review and approval negates the need for FID to review other aspects of the project. Further, regarding removal of possible obstructions to FID access along Gould Canal No. 97, County staff does not believe there is a nexus for such a requirement considering the 180-foot separation between Gould Canal No. 97 and the nearest proposed structural improvement.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff finds that the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to the surrounding area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b) Use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within a one quarter-mile radius; d) a probable workforce should be located nearby or readily available; f) evaluation under Criteria LU-A.3.a for proposed value-added agricultural processing facilities shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; h) evaluation of discretionary permits for existing commercial uses shall not consider Criteria LU-A.3.b</p>	<p>With regard to Criteria “a” and Criteria “f”, this proposal entails the expansion of an existing 10.89-acre commercial fruit packing operation by an additional 5.75 acres of processing, storage, and office space. The subject parcel is located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. The existing commercial fruit packing operation is served by on-site engineered septic systems and an on-site water well, and no additional septic systems or water wells are being requested through the proposed expansion project. Further, as this proposal is an expansion of an existing commercial use, Criteria “b” does not apply per Criteria “h”.</p> <p>With regard to Criteria “c”, the subject parcel is located in a designated water-short area. However, according to the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, there will not be a significant increase in water usage resulting from the proposed expansion project, as water generated from the fruit washing process is recycled as a supplement for the irrigation water utilized by surrounding orchards, thereby replacing groundwater that would otherwise be pumped for irrigation purposes. Further, with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.</p> <p>With regard to Criteria “d”, this proposal is located approximately three miles southwest of the unincorporated community of Piedra,</p>

Relevant Policies:	Consistency/Considerations:
	and is also located approximately ten miles east of the City of Clovis, which have the ability to provide an adequate workforce.
<p>General Plan Policy LU-A.13: County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>General Plan Policy LU-A.14: County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>With regard to Policy LU-A.13 and Policy LU-A.14, this proposal entails the expansion of an existing commercial fruit packing operation located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. Portions of the subject parcel are classified as Semi-Agricultural and Rural Commercial, and Prime Farmland on the Fresno County Important Farmland Map (2014). With regard to the portions of the subject parcel classified as Prime Farmland, this proposal will preclude the agricultural cultivation of approximately 3.97 acres of Prime Farmland. However, this loss of farmland is less than significant in that the proposed improvements will serve an existing commercial enterprise which processes and stores agricultural products.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation prior to consideration of any discretionary project related to land use. The evaluation shall include the following:</p> <ol style="list-style-type: none"> a. Determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question; b. Determination of the impact that use of the proposed water supply will have on other water users in Fresno County; c. Determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. 	<p>With regard to Policy PF-C.17, the subject parcel is located in a designated water-short area. However, according to the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, there will not be a significant increase in water usage resulting from the proposed expansion project, as water generated from the fruit washing process is recycled as a supplement for the irrigation water utilized by surrounding orchards, thereby replacing groundwater that would otherwise be pumped for irrigation purposes.</p>

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agriculture in the County-adopted Kings River Regional Plan. Portions of the subject parcel are enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 225; however, partial Non-Renewals of Contract No. 225 have been filed for the contracted portions of the subject parcel and will be removed from the Williamson Act by the last day of December 2022.

Analysis:

Based on the analysis provided above, staff believes the proposal is consistent with the County General Plan and the County-adopted Kings River Regional Plan. Applicable Policies regarding siting and water supply evaluation were reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

MINOR VARIANCE (MV) APPLICATION NO. 1287

ANALYSIS/DISCUSSION:

Staff research indicates that no other building height-related Variance Applications have been filed within one mile of the subject parcel.

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

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

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts permit a maximum 35-foot building height. Therefore, a Minor Variance (MV) is required to waive the maximum building height restrictions of the AL-40 and AE-20 Zone Districts in order to authorize construction of the proposed 39-foot and 38-foot-tall building additions.

Analysis:

In support of Finding 1, the Variance Findings provided for this proposal state the following: *“Approval of this minor variance will allow for optimal use of the building by providing the adequate vertical clearance between the top of the fruit storage bins and the refrigeration equipment that hangs above. We require a certain amount of clearance above the fruit storage to allow the cold air to blow over the top of the storage.”*

In support of Finding 2, the Variance Findings provided for this proposal state the following: *“The property is restrictive because of its odd shape and the fact that it’s enclosed by the Kings River on the east side and Trimmer Springs Road on the west side; we are limited on how we are able to develop new buildings. Our operations require a linear process through the plant, with incoming fruit on one end, going through the sorting and packing process, then exiting on the opposite end to be shipped to customers. The odd shape of the property only permits us to*

layout buildings in a certain fashion and still be able to effectively perform our process through the facility. The buildings also must be situated so the site drainage is maintained.”

The AE-20 and AL-40 Zone Districts restrict permitted building height to 35 feet. However, considering that the proposed 39- and 38-foot-tall building additions are an expansion of a previously-approved use, and that the excessive height of the proposed building additions is made necessary by the Applicant’s operational requirements, staff believes that a substantial property right will be preserved by the approval of this Variance request.

Recommended Conditions of Approval:

None.

Conclusion:

Findings 1 and 2 can be made.

Finding 3: *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): No concerns with the proposal.

Analysis:

In support of Finding 3, the Variance Findings provided for this proposal state the following: *“The proposed use and minor variance will have no adverse effect on the abutting properties and surrounding neighborhood or the permitted use thereof. The property is surrounded by similarly-zoned parcels, AL-20 and AE-40, all with agricultural-related uses, in line with the proposed use.”*

With regard to Finding 3, if approved, the granting of this Variance request will authorize construction of 39- and 38-foot-tall building additions to be utilized by an existing commercial fruit packing and storage operation.

The primary purpose of Zoning height restrictions is to protect the aesthetic character of a neighborhood. Without building height standards, extreme height variations can occur between buildings on adjacent properties, which can negatively affect the viewshed along roads. In this case, the subject parcel is located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. Considering the lack of development in the area surrounding the subject property, and the existing nature of the commercial fruit packing and storage operation to be served by the proposed building additions, this proposal is not anticipated to have a negative aesthetic impact on the surrounding area.

Based on the above discussion, staff does not believe that the 39- and 38-foot building heights proposed by the Applicant will create a negative impact on the neighborhood or be detrimental to the public welfare.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agriculture in the County-adopted Kings River Regional Plan. Portions of the subject parcel are enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 225; however, partial Non-Renewals of Contract No. 225 have been filed for the contracted portions of the subject parcel and will be removed from the Williamson Act by the last day of December 2022.

Analysis:

In support of Finding 4, the Variance Findings provided for this proposal state the following: *“The proposed development is consistent with the General Plan.”*

With regard to Finding 4, the subject parcel is designated as Agriculture in the County-adopted Kings River Regional Plan. Staff acknowledges that commercial fruit packing and storage operations may be allowed on lands designated as Agriculture in the General Plan by means of a discretionary use permit (*i.e.*, Conditional Use Permit), per General Plan Policy LU-A.3. As previously discussed in this Staff Report, the existing commercial fruit packing and storage operation was originally authorized by Classified Conditional Use Permit (CUP) No. 2786, and was subsequently expanded by CUP No. 3307 and CUP No. 3476.

Portions of the subject parcel are enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 225; however, partial Non-Renewals of Contract No. 225 have been filed for the contracted portions of the subject parcel and will be removed from the Williamson Act by the last day of December 2022.

The County-adopted Kings River Regional Plan does not have Policies addressing building height. As such, approval of this Variance request would not be in conflict with the Policies of the General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required findings for granting the Classified Conditional Use Permit can be made based on the factors cited in the analysis. Staff also believes the required findings for granting the Minor Variance can be made based on the factors cited in the analysis. Therefore, staff recommends adoption of the Mitigated Negative Declaration prepared for this project, and approval of Classified Conditional Use Permit No. 3597 and Minor Variance No. 1287, subject to the recommended conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative declaration prepared for Initial Study (IS) Application No. 7410; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3597 subject to Conditions and Project Notes attached as Exhibit 1; and
- Move to determine that the required Findings can be made and move to approve Minor Variance No. 1287 subject to Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3597; and
- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Minor Variance No. 1287; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Monitoring, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Mitigation Monitoring and Reporting Program
Initial Study No. 7410 / Classified Conditional Use Permit No. 3597 / Minor Variance No. 1287
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	In order to mitigate potential impacts to the scenic corridor along Trimmer Springs Road as a result of the proposed project, the Applicant shall screen the facility utilizing drought-tolerant landscaping, consisting of trees and shrubs of adequate size and density, along the western property line of the subject parcel where said property line abuts Trimmer Springs Road. Said landscaping shall be maintained in a healthy condition for the life of project operations. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). Proposed landscaping and irrigation plans shall be submitted in conjunction with the required Site Plan Review Application and all landscaping shall be installed prior to occupancy.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Aesthetics	Prior to occupancy, all outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/PW&P	Ongoing
3.	Air Quality	The Applicant shall comply with all the measures identified in the Project Air Impact Assessment (AIA)/Indirect Source Review (Project Number C-2018007) dated February 15, 2018 as approved for this project by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Applicant shall submit evidence annually to SJVAPCD and Department of Public Works and Planning demonstrating compliance with the mitigation measures.	Applicant	Applicant/San Joaquin Valley Air Pollution Control District (Air District)	Ongoing
4.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to	Applicant	Applicant	Ongoing

EXHIBIT 1

		occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.			
5.	Transportation and Traffic	In order to mitigate potential traffic impacts to County roadways, prior to occupancy, the Applicant/owner shall enter into an agreement with Fresno County agreeing to participate on a pro-rata basis of 38% of the total cost for the maintenance and restoration of Trimmer Springs Road (approximate 2.3-mile segment from project site) and Oliver Street (approximate one-mile segment from Belmont Avenue to State Route 180) for a period not to exceed 10 years. This agreement shall establish the existing baseline condition for Trimmer Springs Road and Oliver Street, and address the monitoring and evaluation of roadway pavement conditions, and the undertaking of roadway repairs and/or maintenance overlay as necessary to ensure project related traffic can be safely accommodated. The pro-rata share for the maintenance and restoration of said roadways shall not exceed \$485,000 over the term of this agreement.	Applicant	Applicant/PW&P	As noted

Conditions of Approval

1.	All Conditions of Classified Conditional Use Permit No. 3476 shall remain in full force and effect, except as modified with the approval of Classified Conditional Use Permit No. 3597 and Site Plan Review (SPR).
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Floor Plans, Elevation Drawings and Operational Statement, except as modified by the Conditions of Approval and Site Plan Review (SPR).
3.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.
4.	The developer shall submit a Grading and Drainage Plan to the Fresno Irrigation District (FID) for review and approval prior to the issuance of Building Permits which demonstrates that the proposed development will not endanger the structural integrity of FID's Gould Canal No. 97 or result in drainage patterns that could adversely affect FID.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

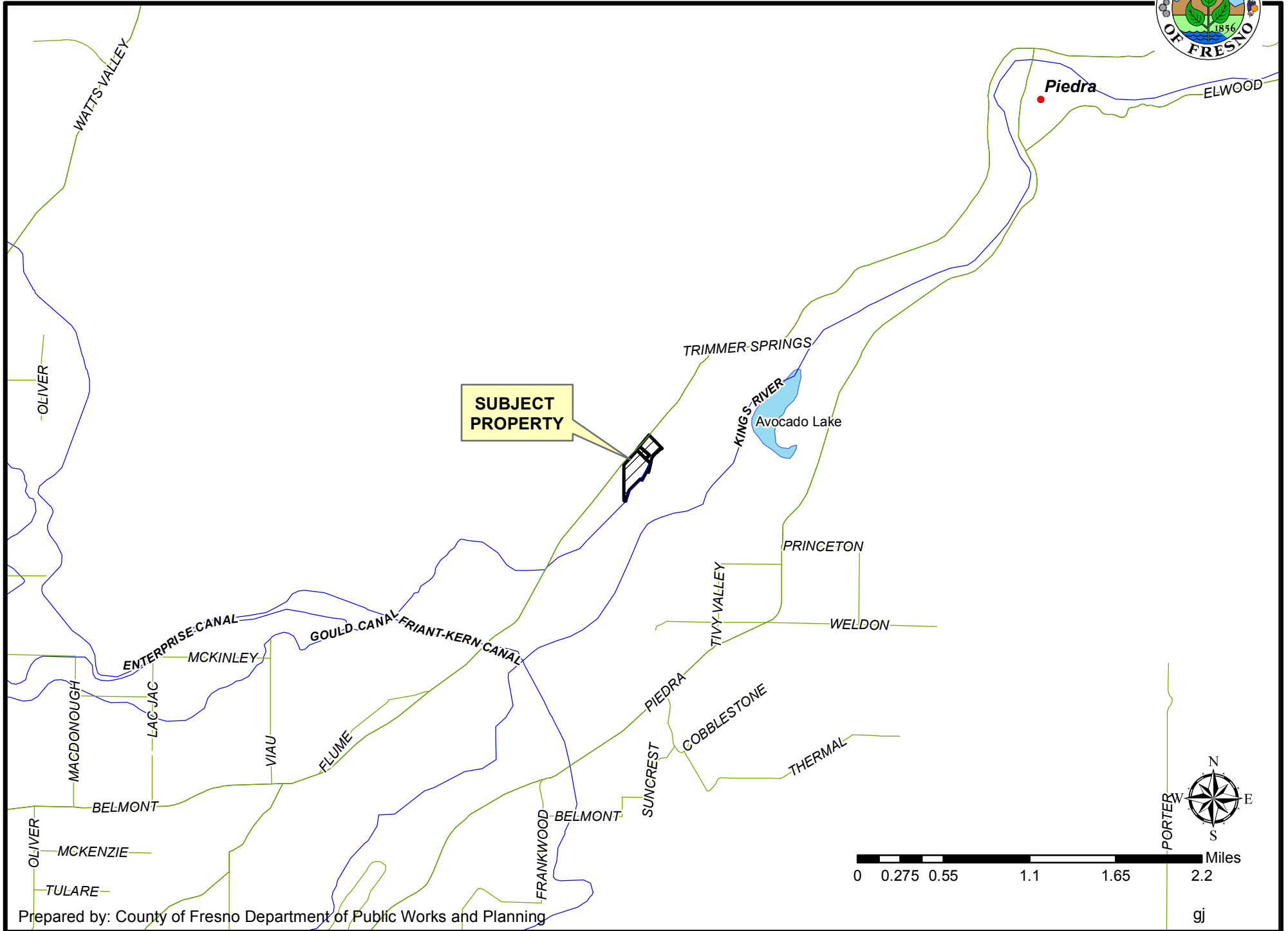
1.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Trimmer Springs Road.
2.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
3.	The Applicant submitted a Report of Waste Discharge (RWD) to the Water Board in 1997 for the discharge of 4,500 gallons of fruit-washing wastewater per day (monthly average) to approximately 65 acres of land. If the proposed expansion project will result in a material change in the volume, character, or location of the discharge that was described in the 1997 RWD, the Applicant shall be required to submit a new RWD to the Water Board at least 140 days prior to initiating discharge from the expanded facility.
4.	As construction associated with this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
5.	According to FEMA FIRM Panel 1645H, portions of the subject parcel are located within FEMA Flood Zone AE, which is subject to flooding from the one-percent (1%)-chance storm. Any work performed within designated Flood Zones shall conform to provisions established in Chapter 15.48 of the Fresno County Ordinance Code (Flood Hazard Areas).
6.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.
7.	A Grading Permit or Grading Voucher shall be required for any grading activity associated with this proposal.
8.	The commercial fruit packing operation shall satisfy the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95. As such, within 30 days of the occurrence of any of the following events, the commercial fruit packing operation must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously disclosed material; or 2) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The commercial fruit packing operation must also certify that a review of the HMBP has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health.
9.	Within six months of the occurrence of any of the following events, the commercial fruit packing operation must update their Risk Management Plan (RMP) on file with the U.S. Environmental Protection Agency (EPA): 1) If a change alters the Program Level that applies to any covered process; or 2) If a change requires a revised Off-Site Consequence Analysis; or 3) If a change requires a revised Process Hazard Analysis or Hazard Review; or 4) If a new regulated substance is present above the threshold quantity in an already covered process; or 5) If a regulated substance is present above the threshold quantity in a new process; or 6) If the U.S. EPA begins regulating a new substance.

Notes	
10.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.
11.	Per California Plumbing Code Section 6.9, disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting evaporation of sewer effluent. California Plumbing Code Appendix H requires access to septic tanks to be maintained.
12.	The proposal shall comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project shall be approved by the Fire District prior to issuance of Building Permits by the County.
13.	The subject parcel shall annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
14.	This proposal is subject to Air District Rule 9510 (Indirect Source Review) and may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions) Rule 4102 (Nuisance) Rule 4601 (Architectural Coatings) Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt)

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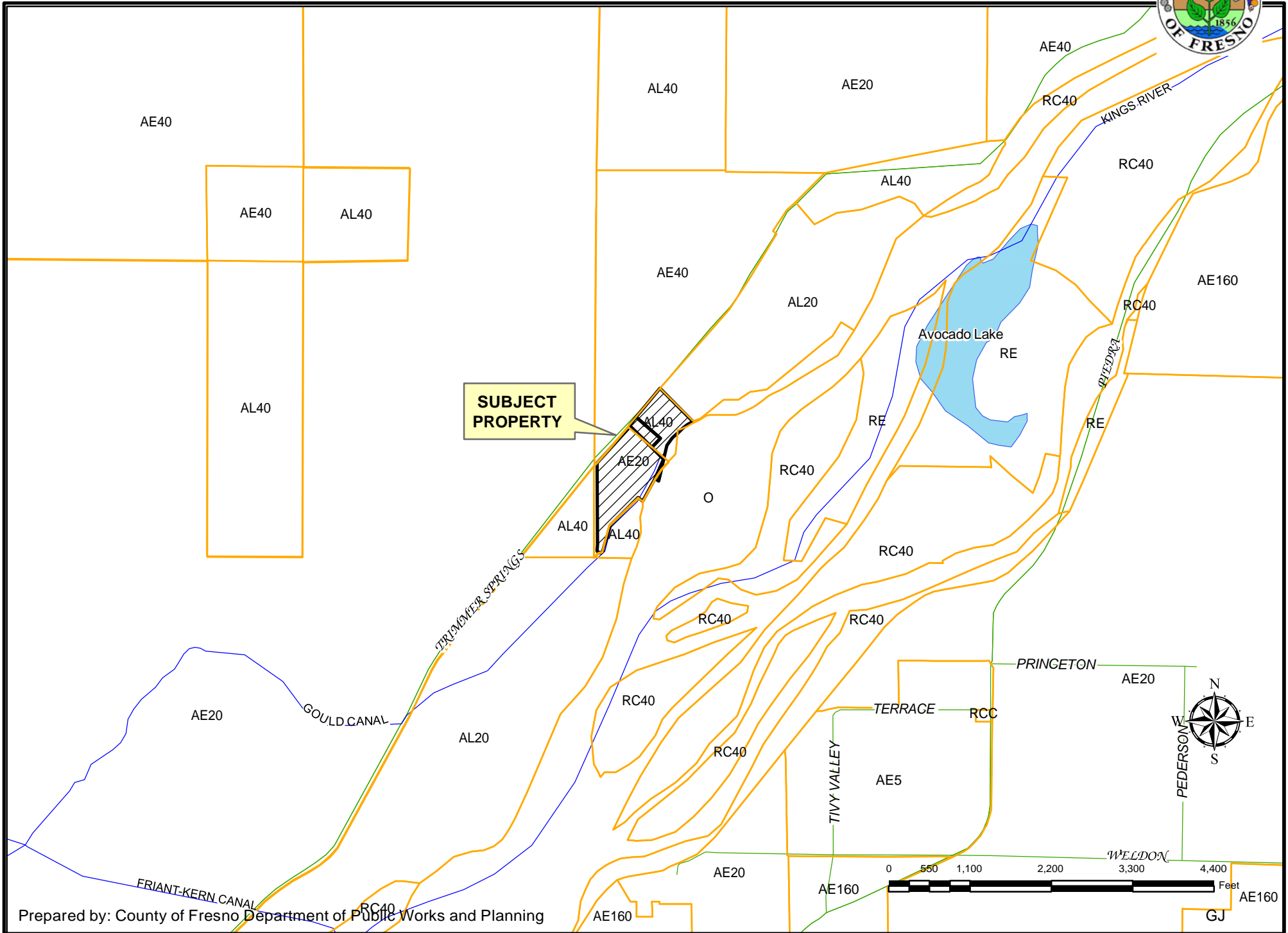
LOCATION MAP



Prepared by: County of Fresno Department of Public Works and Planning

gj

EXISTING ZONING MAP




**SUBJECT
PROPERTY**

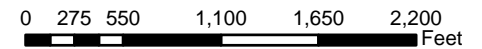
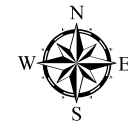
EXISTING LAND USE MAP



LEGEND	
FC	FIELD CROP
GRZ	GRAZING
ORC	ORCHARD
PAH	PACKING HOUSE
SF#	SINGLE FAMILY RESIDENCE
V	VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXPANSION OF EXISTING PACKING AND STORAGE FACILITY

FOR

KINGS RIVER PACKING
21083 AND 21095 EAST TRIMMER SPRINGS ROAD
SANGER, CA 93657

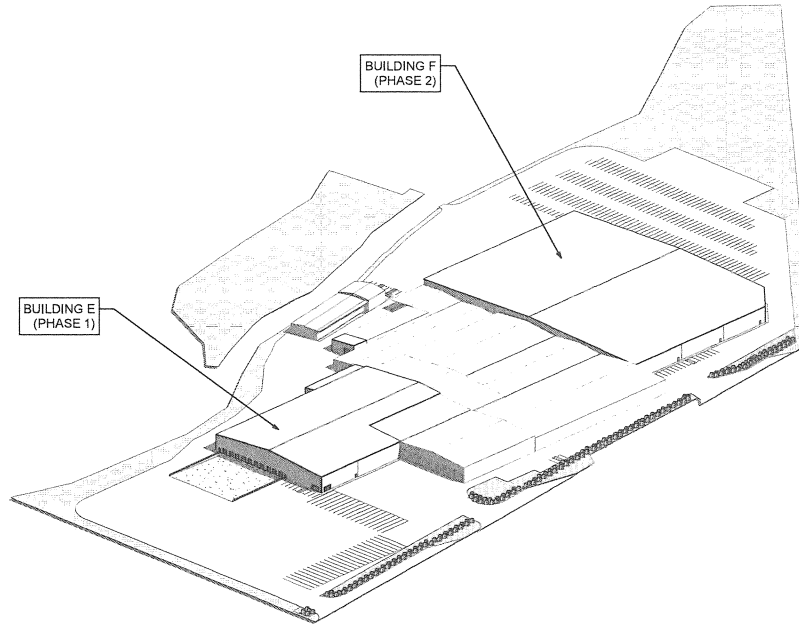


EXHIBIT 5



STATE OF CALIFORNIA
COUNTY OF FRESNO
PUBLIC NOTICE

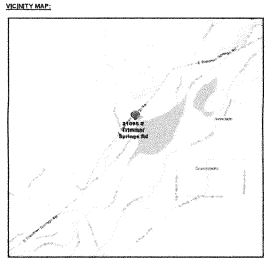
EVR
CONSULTING ENGINEERS
3480 BROADWAY #2019
SAN DIEGO, CA 92131
TEL: 619-443-8000
FAX: 619-443-8050

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COVER SHEET
PLANT EXPANSION AND SITE IMPROVEMENTS
FOR
KINGS RIVER PACKING
21083 E. TRIMMER SPRINGS ROAD
SANGER, CA 93657

DATE: 11/17/2017
PROJECT: CS1.0

PROJECT DATA:
PROJECT NAME: NEW WAREHOUSE FACILITY
SCOPE OF WORK: TWO-PHASE EXPANSION OF AN EXISTING COMMERCIAL FACILITY
JURISDICTION: COUNTY OF FRESNO, CA
ZONING: AE-20 (EXCLUSIVE AGRICULTURAL DISTRICT)
ACCESSORS PARCEL NO.'S: 156-070-05, 156-070-06, 156-070-16, 156-070-17
GOVERNING CODES:
2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA ENERGY CODE
APPLICABLE ORDINANCES AND AMENDMENTS BY THE COUNTY OF FRESNO:
NEW FRESH-COOLER METAL BUILDING ADDITIONS - BUILDINGS E AND F
OCCUPANCY CLASS: S-20
CONSTRUCTION TYPE: I-B, FULLY SPARKLETERED
ALLOWABLE AREA: UNLIMITED AREA BUILDING PER CBC 507 (90 YARDS ALL SIDES)
EXIST'G FLOOR AREA: BLDG. E (77,500 SF), BLDG. F (173,800 SF)
FLOOR AREA PROPOSED:



LEGAL DESCRIPTION:

RECORDING REQUESTED BY:
Fresno County
DOCUMENTARY TRUSTEE TAX & S.I. # _____ C/PY TAX \$ _____
OTHERWISE SHOWN BELOW MAIL FAX STATEMENTS TO: **FRESNO County Recorder**
File No.: **114**
DOC # **2015-0135237**
Hazardton Farm, Inc.
2112E Trimmer Springs Road
Sanger, CA 93657
RECORDING REQUESTED BY:
Hazardton Farm, Inc.
2112E Trimmer Springs Road
Sanger, CA 93657
Date: 11/16/17 11:00:46
Fee: \$5.00 Reg: \$ 60233266
JULY 22, 2013 11:00:46
JULY 22, 2013 11:00:46
GRANT DEED
A.P.N.: 156-070-05 & portion of 04 & 06
SPACE ABOVE THIS LINE IS FOR RECORDERS USE
THE UNDERSIGNED GRANTOR(S) DECLARE(S):
I am the sole owner and grantor of the above described property, and I am of legal age and sound mind, and I am the person who executed this deed, or I am the person who executed this deed in my capacity as a partner, officer, director, or trustee of a corporation, partnership, or other unincorporated entity, and I am duly qualified to execute this deed, or I am the person who executed this deed on behalf of the grantor, or I am the person who executed this deed in my capacity as a partner, officer, director, or trustee of a corporation, partnership, or other unincorporated entity, and I am duly qualified to execute this deed, or I am the person who executed this deed in my capacity as a partner, officer, director, or trustee of a corporation, partnership, or other unincorporated entity, and I am duly qualified to execute this deed.
I hereby certify that I am duly qualified to execute this deed, and I am the person who executed this deed, or I am the person who executed this deed in my capacity as a partner, officer, director, or trustee of a corporation, partnership, or other unincorporated entity, and I am duly qualified to execute this deed.
WITNESS my hand and official seal.

Notary Public
State of California
My Comm. Expires: 11/17/18

EXHIBIT 'A'

The portion of the Southwest quarter of Section 24, Township 13 South, Range 23 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, more particularly described as follows:
Beginning at the Southwest corner of said Section 24;
Thence along the west line of said Section 24, North 00°09'00" West a distance of 1322.95 feet to the most northerly southeasterly right of way line of Trimmer Springs Road, said right of way described in the Deed granted to the County of Fresno recorded July 24, 1963 in Book 4886, Page 730, as Document No. 93734, Official Records Fresno County.
Thence along said southeasterly right of way, North 36°24'00" East a distance of 41.90 feet to a point on the easterly line of that parcel of land granted to Fresno Irrigation District by Deed recorded June 28, 1945 in Book 2295, Page 229, as Document No. 25504, Official Records Fresno County.
Thence along said southeasterly right of way, North 36°24'00" East a distance of 41.90 feet to a point on the easterly line of that parcel of land granted to Fresno County by Deed recorded February 20, 1963 in Book 4825, Page 25, as Document No. 15206, Official Records Fresno County, and point also being on the southwest boundary line of the land described in the Deed recorded December 30, 1971 in Book 5972, Page 928, as Document No. 104653, Official Records Fresno County.
Thence along said southeasterly right of way, North 39°16'35" East a distance of 1322.10 feet to the most easterly northeast corner of that parcel of land granted to Fresno County by Deed recorded February 20, 1963 in Book 4825, Page 25, as Document No. 15206, Official Records Fresno County, and point also being on the southwest boundary line of the land described in the Deed recorded December 30, 1971 in Book 5972, Page 928, as Document No. 104653, Official Records Fresno County.
Thence along said southeasterly boundary and its prolongation southeasterly, South 44°07'00" East a distance of 678.64 feet.
Thence South 63°52'50" West a distance of 167.73 feet;
Thence South 47°57'04" West a distance of 268.96 feet;
Thence South 35°11'07" West a distance of 128.27 feet;
Thence South 1°17'18" West a distance of 1817.03 feet to the most easterly corner of the land described in the Certificate of Compliance recorded July 26, 1997 as Document No. 97094761, Official Records Fresno County;
Thence South 16°23'50" West a distance of 344.57 feet to the most easterly northeast corner of said parcel of land granted to Fresno Irrigation District;
Thence along the northerly line of said parcel of land granted to Fresno Irrigation District, North 62°45'00" West a distance of 23.73 feet to a point on the southeasterly boundary line of the land described in the Certificate of Compliance recorded July 26, 1997 as Document No. 97094761, Official Records Fresno County;
Thence along said southeasterly boundary line, South 29°09'00" West a distance of 375.90 feet;
Thence continuing along said southeasterly boundary line, North 50°32'00" West a distance of 79.90 feet;

Thence continuing along said southeasterly boundary line, South 39°30'00" West a distance of 101.47 feet;
Thence continuing along said southeasterly boundary line, South 43°45'00" West a distance of 419.10 feet;
Thence continuing along said southeasterly boundary line, South 12°42'00" West a distance of 145.00 feet;
Thence continuing along said southeasterly boundary line, South 18°33'00" West a distance of 216.11 feet;
Thence continuing along said southeasterly boundary line, South 54°18'00" West a distance of 32.43 feet;
Thence along the southerly boundary line of said Document No. 97094761, South 89°46'00" West a distance of 20.10 feet;
Thence continuing along said southerly boundary line, North 63°10'00" West a distance of 31.84 feet;
Thence South 00°05'00" East a distance of 60.82 feet to a point on the south line of said Section 24,
Thence along said south line, South 89°46'00" West a distance of 24.91 feet to the Point of Beginning.



OWNER:
HAZELTON FARM, INC./KINGS RIVER PACKING
21083 EAST TRIMMER SPRINGS ROAD
SANGER, CA 93657
CONTACT: KEITH GARDNER
KINGSMAN ENGINEERS, INC.
(519) 787-2266

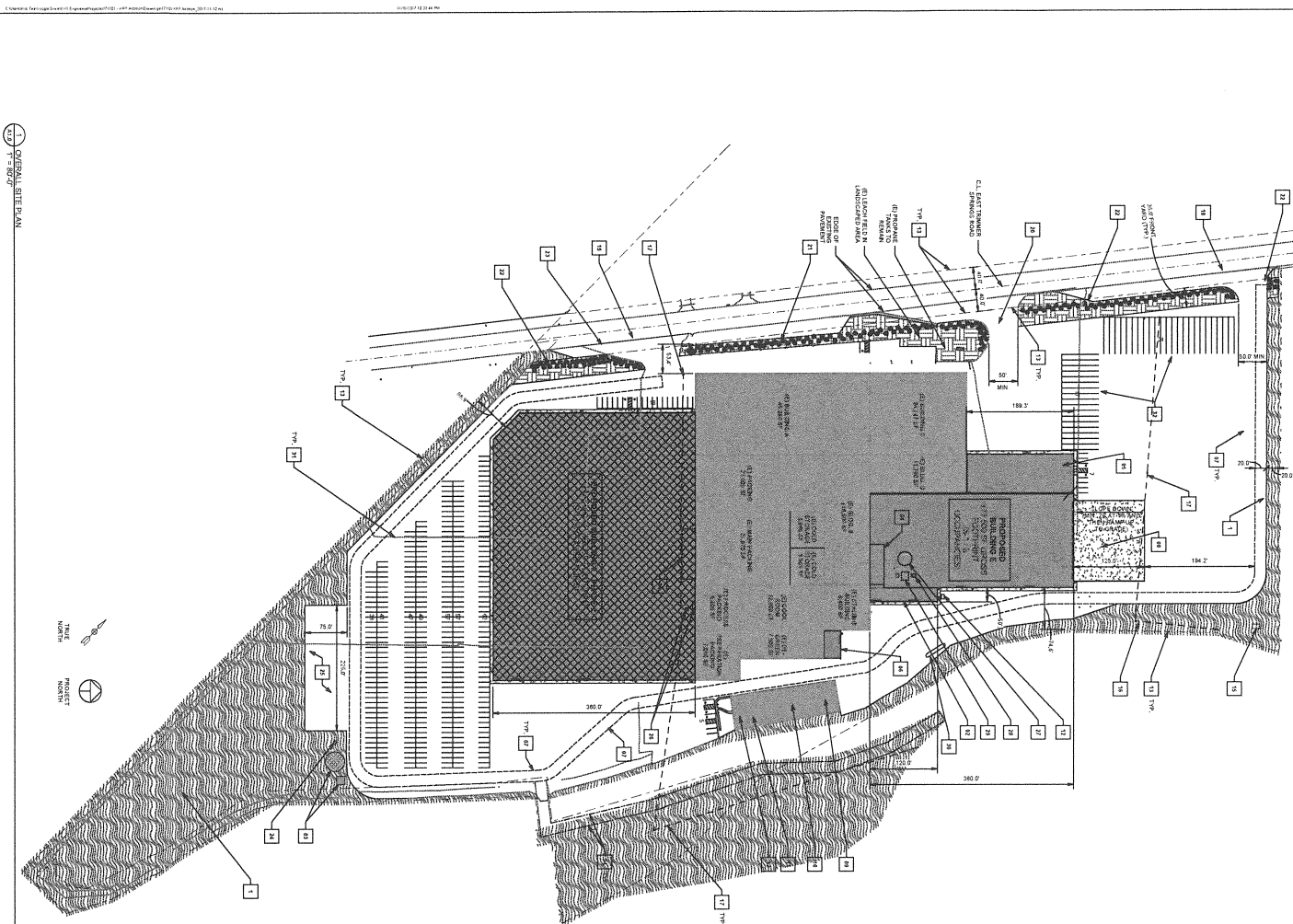
PROJECT TEAM:
STRUCTURAL ENGINEER:
EVR CONSULTING ENGINEERS
3480 BROADWAY #2019
SAN DIEGO, CA 92131
CONTACT: ROB TAMACCIO, S.E., P.E., LEED AP
(619) 443-8000
(619) 307-5778

SHEET LIST BY DISCIPLINE:

SHEET	TITLE
001	COVER SHEET
ARCHITECTURAL	
A1.0	CONCEPT SITE AND DEVELOPMENT PLAN
A2.0	DOOR PLAN - BUILDING E
A3.0	ELEVATIONS - BUILDING E
A4.0	FLOOR PLAN - BUILDING F
A5.0	ELEVATIONS - BUILDING F
A6.0	PHOTO KEY MAP
A7.0	EXISTING SITE PHOTOS

SPR, CUP AND INITIAL STUDY PLAN SUBMITTAL

EXHIBIT 5



SITE PLAN NOTES

- 11 NEW PAVING SHALL BE SET BACK BY ONE FOOT.
- 12 REPOSITION EQUIPMENT AND ELECTRICAL ROOMS PER BUILDING FLOOR PLAN.
- 13 NEW FIRE TANK AND PUMP HOUSE.
- 14 EXISTING STAIR, AND ACCESSIBLE RAMPWAYS TO REAR.
- 15 PROPOSED TWO-STORY SHIPPING OFFICE.
- 16 NEW STORAGE BUILDING PER FLOOR PLAN.
- 17 20' FIRE LANE.
- 18 NEW CONCRETE PAVED LOADING DOCK AREA.
- 19 EXISTING SANDY BUILDING (300 SQ FT).
- 20 EXISTING SWAYT BUILDING (1,000 SQ FT).
- 21 EXISTING OFFICE (2,500 SQ FT) - OWNER TO VERIFY FINE SHIMULET INSTALLATION.
- 22 NEW 600 AMP PANEL TRANSFORMER.
- 23 20' FIRE LANE.
- 24 PROPOSED FIRE.
- 25 EXISTING ALSO ACCESS AGREEMENT TO BE MAINTAINED AND RECORDED THEN SET BACKING PANEL 2.
- 26 NEW 600 AMP PANEL TRANSFORMER.
- 27 EXISTING AS "NEW" ELECTRICAL SERVICE.
- 28 EXISTING FUEL OIL/PROPANE STORAGE TANKS TO BE RE-MOVED.
- 29 NEW FIRE EXTINGUISHER AND DETECTION LAMP AS REQUIRED.
- 30 IMPROVED SITE FURNITURE AND SELECTION LAMP AS REQUIRED.
- 31 EXISTING SITE ENTRANCE TO BE MAINTAINED.
- 32 EXISTING LANDSCAPING ALONG FRONTAGE.
- 33 EXISTING LANDSCAPING ALONG FRONTAGE.
- 34 NEW WATER WELL.
- 35 TRUCK PARKING AND LOADING CONTAINERS STAGING AREA.
- 36 EXISTING ASPHALT AND ACETAL CONTAINERS AND IMPROVED TO REAR.
- 37 EXISTING SAND STORAGE PILE TANK TO BE REMOVED.
- 38 EXISTING WATER WELL TO BE REMOVED.
- 39 EXISTING 1200 GPM PUMP HOUSE TO BE RELOCATED.
- 40 EXISTING STORAGE TANK TO BE REMAIN.
- 41 LIMITS OF EXISTING STAGING AREAS SHALL BE DETERMINED BY CIVIL ENGINEER.
- 42 TRUCK PARKING STALLS.

PARKING SUMMARY

MAXIMUM OF 200 EMPLOYEE STAGING SHALL BE SET ON
 MAXIMUM 1000 SQ. FT. OF STAGING SHALL BE SET ON
 STAGING SHALL BE SET ON 1000 SQ. FT. OF STAGING SHALL BE SET ON
 STAGING SHALL BE SET ON 1000 SQ. FT. OF STAGING SHALL BE SET ON
 TRUCK PARKING SHALL BE 1000 SQ. FT. OF STAGING SHALL BE SET ON

ZONING SUMMARY (AERB, SECTION 18.2.5)

WHAT IS REQUIRED AND PROVIDED:
 FRONT YARD - 20' MIN.
 REAR YARD - 20' MIN.
 BUILDING HEIGHT -
 MAX. 20' HEIGHT PERMITTED DETENTION BASIN.
 A VARIANCE IS REQUESTED FOR THE ABOVE HEIGHTS SHOWN ON SHEETS A1.0 AND A1.9

OVERALL SITE PLAN

SPR, CUP AND INITIAL STUDY
 PLAN SUBMITTAL

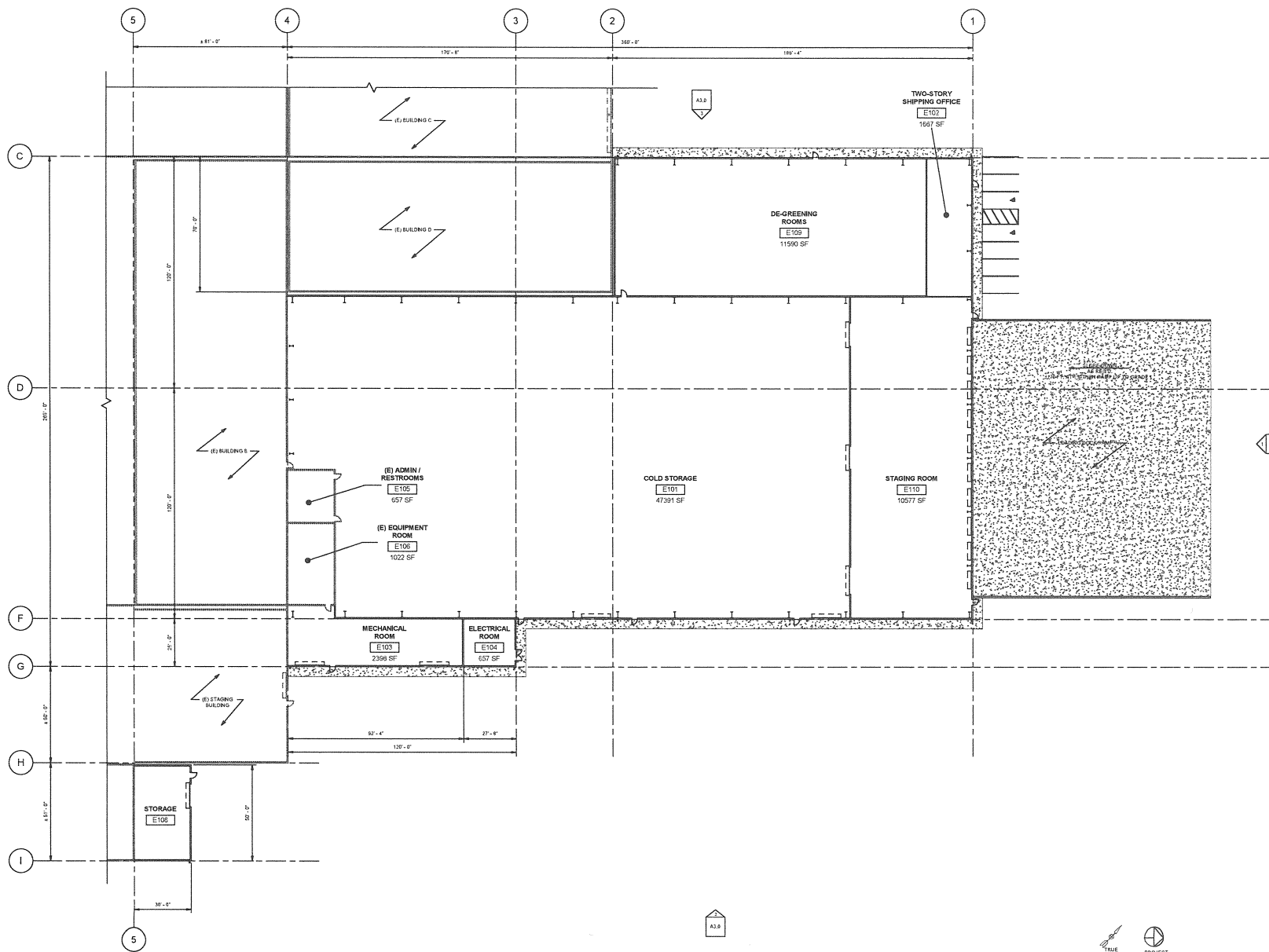


EVR
 CONSULTING
 ENGINEERS
 21905 E. TRIMMER SPRINGS ROAD
 SANGER, CA 95367


**CONCEPT SITE AND DEVELOPMENT PLAN
 PLANT EXPANSION AND SITE IMPROVEMENTS**
 FOR
KINGS RIVER PACKING
 21905 E. TRIMMER SPRINGS ROAD
 SANGER, CA 95367

DATE	11/17/2017
PROJECT	SPR, CUP AND INITIAL STUDY
CLIENT	KINGS RIVER PACKING
SCALE	AS SHOWN
PROJECT NUMBER	A1.0

EXHIBIT 6



1 CONCEPT FLOOR PLAN - BUILDING E
 A2.0 1" = 20'-0"



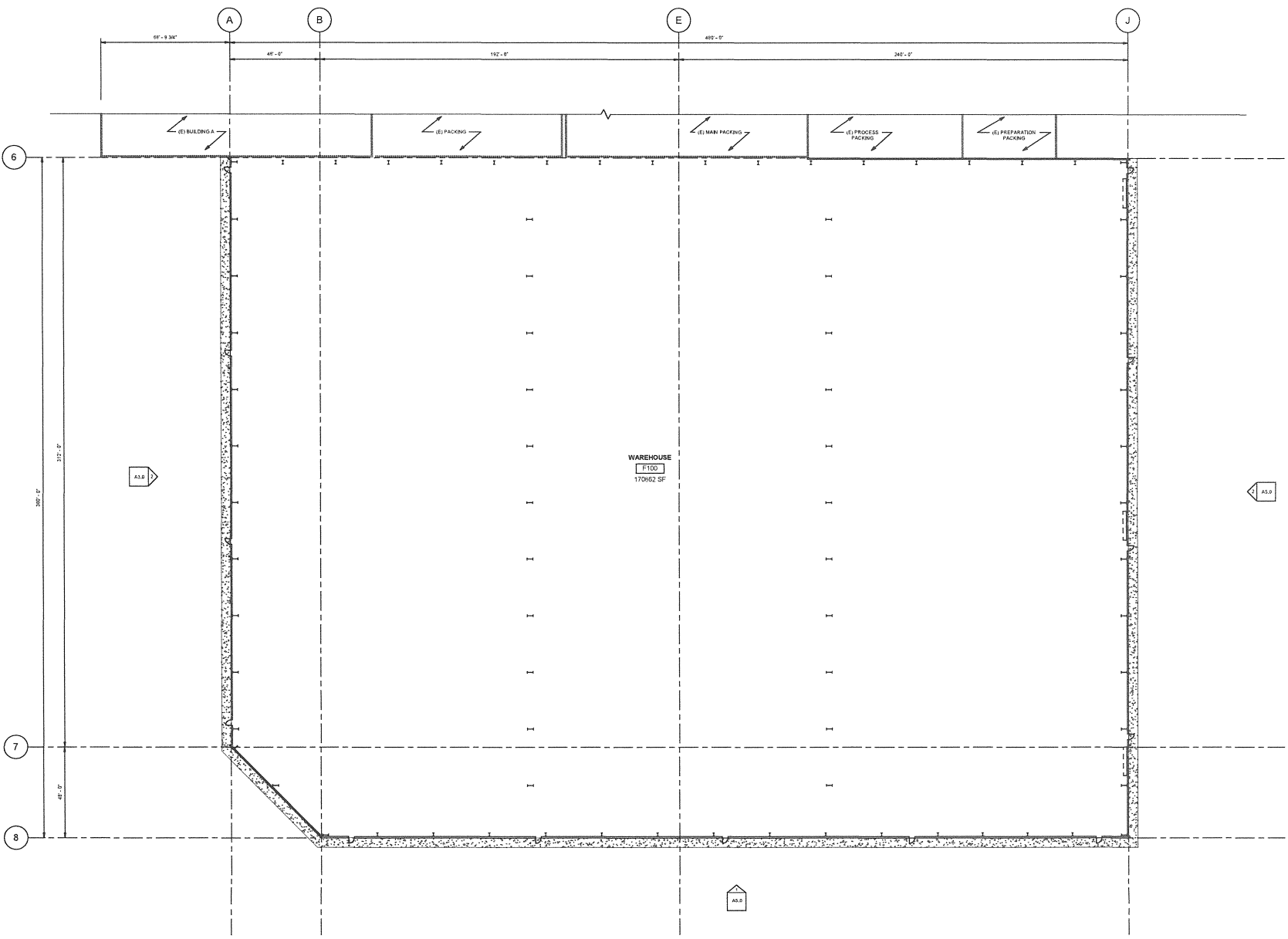
EVR
 CONSULTING
 ENGINEERS

10000 W. 10th Ave
 Golden, CO 80401
 (303) 440-1111

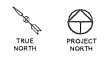
FLOOR PLAN - BUILDING E
 FOR
PLANT EXPANSION AND SITE IMPROVEMENTS
 FOR
KINGS RIVER PACKING
 21805 E TRIMBLE SPRINGS ROAD
 SPANISH CANYON, CALIFORNIA

PROJECT NO.	171101
CLIENT	RT
DATE	11/17/2017
PROJECT	A2.0


EXHIBIT 6



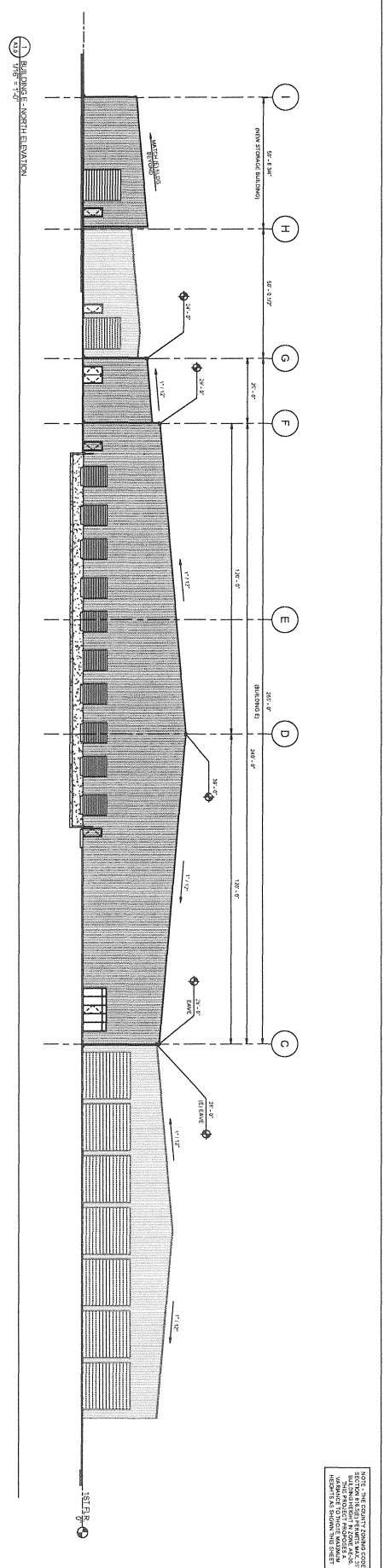
1
A4.0 CONCEPT FLOOR PLAN - BUILDING F
1" = 20'-0"



SPR, CUP AND INITIAL STUDY
PLAN SUBMITTAL



DATE		DRAWN BY		CHECKED BY	
PROJECT	FOR THE PROJECT OF THE KINGS RIVER PACKING 21805 E. TRIMBLE SPRINGS ROAD SPRINGFIELD, CONNECTICUT				
SCALE	EVR CONSULTING ENGINEERS 100 MILL ST. 4TH FL. SPRINGFIELD, CT 06111 (860) 426-7477				
PROJECT	FLOOR PLAN - BUILDING F PLANT EXPANSION AND SITE IMPROVEMENTS FOR KINGS RIVER PACKING 21805 E. TRIMBLE SPRINGS ROAD SPRINGFIELD, CT 06111				
DATE	11/17/2017				
SCALE	A4.0				



NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

EXHIBIT 7

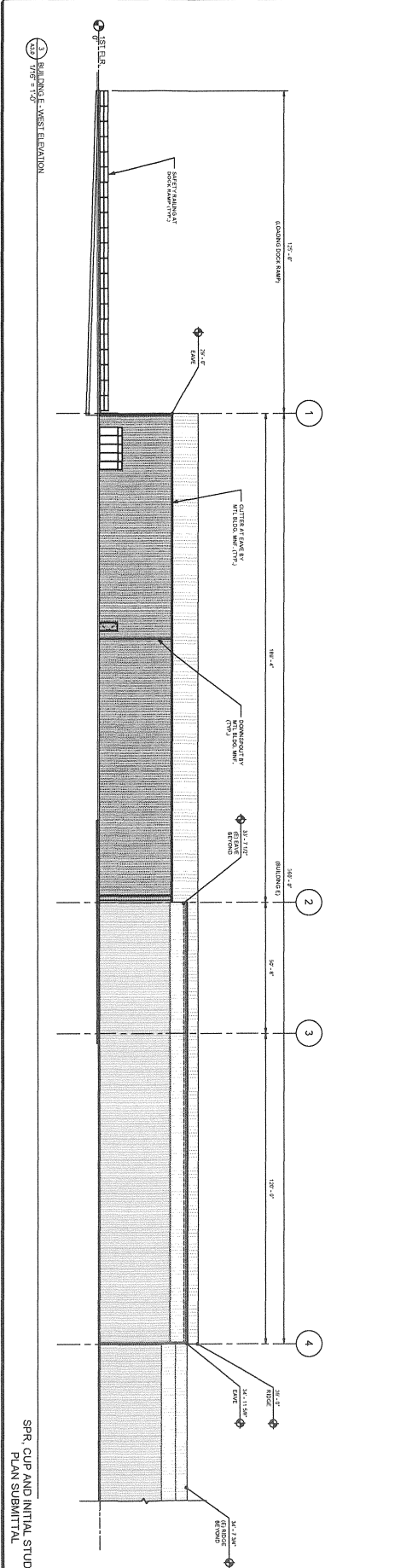
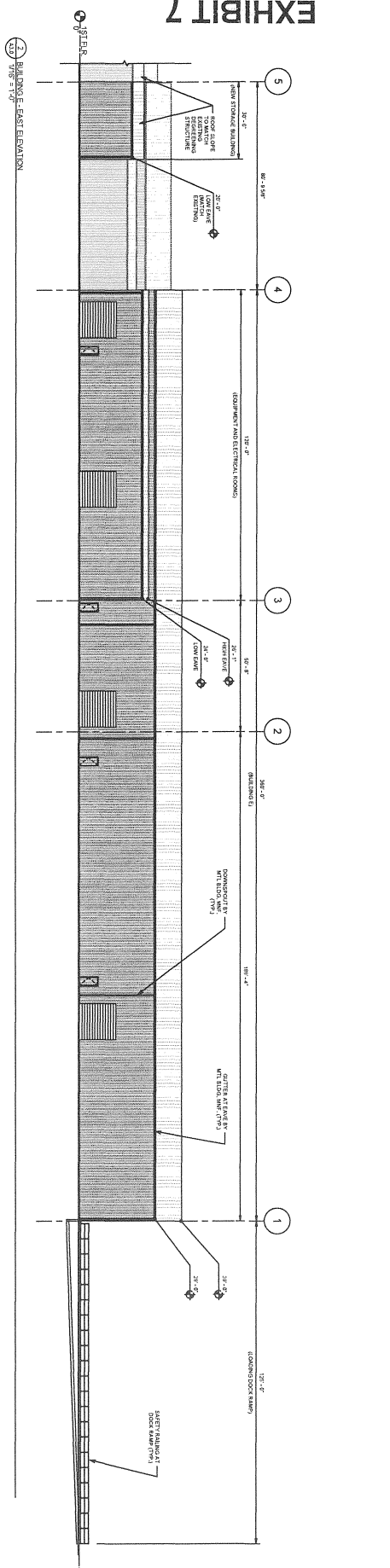


EXHIBIT 7

SPR_CUP AND INITIAL STUDY
 PLAN SUBMITTAL

<p>ELEVATIONS - BUILDING E PLANT EXPANSION AND SITE IMPROVEMENTS FOR KINGS RIVER PACKING 21905 E. TRIMMER SPRINGS ROAD GANER, CA 95627</p>		<p>EVR CONSULTING ENGINEERS 1111 S. MAIN ST. SUITE 200 GANER, CA 95627</p>	<p>DATE: 11/17/2017 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>KINGS RIVER PACKING</p>
<p>PROJECT: 171101 DRAWING: RT DATE: 11/17/2017</p>	<p>A3.0</p>			

NOTE - THE COUNTY ZONING CODE SECTION 81.4.52 PERMITS MAX. 37' BUILDING HEIGHT IN ZONE AS SHOWN. THIS PROJECT PROPOSES A VARIANCE TO THESE MAXIMUM HEIGHTS AS SHOWN THIS SHEET.

KINGS RIVER PACK, INC.

EVR CONSULTING ENGINEERS
 14000 - 100th Street, Suite 200
 Irvine, CA 92618
 (949) 261-7477

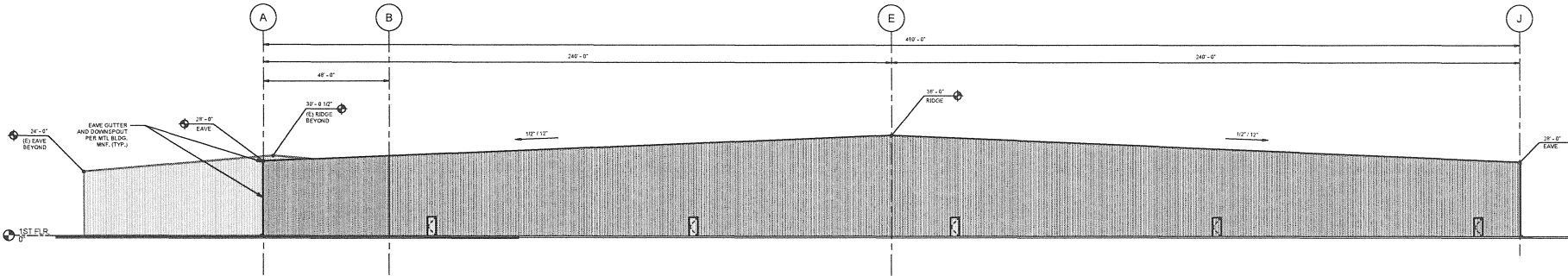
ELEVATIONS - BUILDING F
 PLANT EXPANSION AND SITE IMPROVEMENTS
 FOR
 KINGS RIVER PACKING
 21805 E TRIMMER SPRINGS ROAD
 SPRINGFIELD, CA 95622

JOB NUMBER: 171101
 CLIENT: RT
 DATE: 11/17/2017

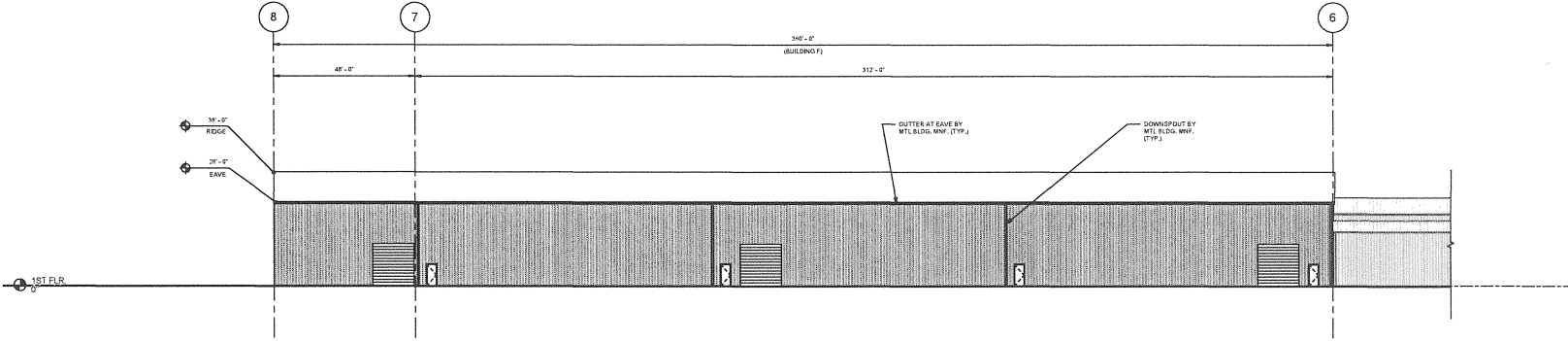
SCALE: AS SHOWN
 DATE: 11/17/2017

DATE: 11/17/2017

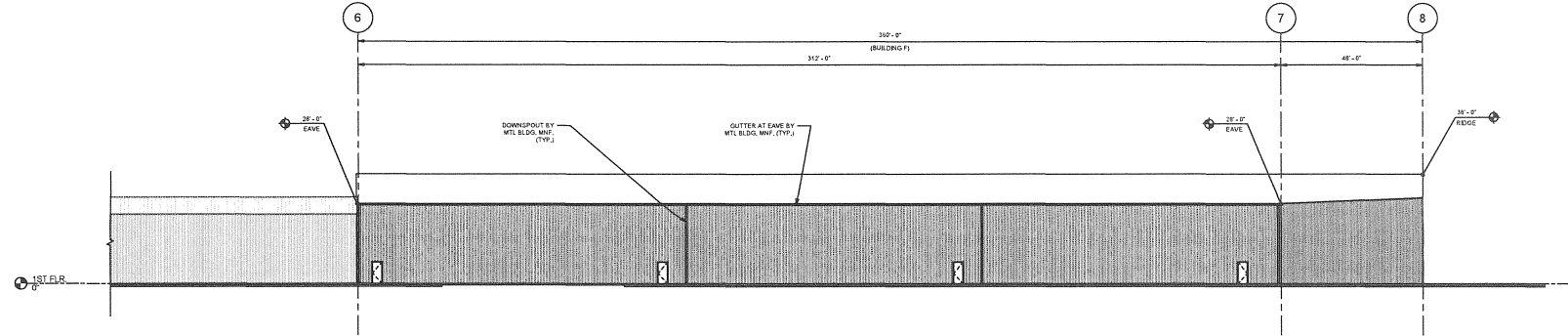
SCALE: AS SHOWN



1. BUILDING F - SOUTH ELEVATION
 1/16" = 1'-0"



2. BUILDING F - EAST ELEVATION
 1/16" = 1'-0"



3. BUILDING F - WEST ELEVATION
 1/16" = 1'-0"



May 9, 2018

County of Fresno
Planning Department
2220 Tulare St.
Fresno, CA 93721

RE: Kings River Packing (KRP) Operational Statement
Owner: Hazelton Farms, Inc.
Project: Expansion of Existing Fruit Packing and Storage Facility
Address: 21083 and 21095 E. Trimmer Springs Road
Sanger, CA 93657
APN: 158-070-65, ...69, ...76 and ...77

To Whom It May Concern:

The proposed project will be located at 21083 & 21095 East Trimmer Springs Road, Sanger, Ca. 93657 on an existing 28.83 acre parcel. The proposed project involves a facility expansion that will be completed in two phases; Phase 1 consisting of the construction of a 77,500sf (approx.) metal building addition (Building 'E') on the north end, to be used as fruit cold storage and shipping office. There will also be a significant amount of site work, including a new loading dock, completed during the first phase. Phase 2 will consist of the construction a 173,000sf (approx.) metal building addition (Building 'F') on the south end, to be used for packing operations and a new main office. The use of the new buildings will be in line with the current operations of the existing commercial fruit packing facility. The land to be used for the proposed building is currently vacant, graded, asphalt-paved land.

The existing commercial fruit packing facility has been in operation since 1977 and was last approved under CUP 3476 in January 2015. The company's operation has consisted of the sorting and packing of oranges, lemons and other citrus fruits. Over the years, we have seen an increase in product demand, as well as an increase in the number of growers we service. This has prompted us to prepare this master site plan, in order to accommodate our future projected growth. As we grow, we will also add new automated equipment to increase the facility's efficiency.

The facility will operate year-around, with a peak season between January to April. The hours of operation will be six days per week, 24 hours per day, during the peak season. At peak season, we will operate two shifts: 1st shift, 6am to 3pm and the 2nd shift, 3pm to 12am. With the growth we've experienced in the past few years, we anticipate a yearly average of about 200 full-time employees, with up to 300 during the peak season and only 100 during the off season. These figures are based on the completion of Phase 2.

During the peak season we will have about 120 one-way truck trips per day, spread out throughout the day. During the off season we will only have about 5 truck trips per day, which consist of service deliveries and trash pickup. Access to the site is currently provided off of a paved road, East Trimmer Springs Road, from the north and the south. We anticipate 6 to 8 visitors per day. There will not be any caretakers living onsite.

The site will have the 374 auto parking stalls for visitors and employees, 8 ADA stalls and approximately 40 truck parking stalls on the north end. No goods are sold on-site. The product is shipped by truck on demand or is stored in cold storage until it is needed.

The facility currently produces approximately 4,500 gallons of liquid waste per day. The liquid waste consists of water used to wash the fruit. The wash water is recirculated and reused as wash water. It is then reclaimed and discharged into the surrounding fields. All other liquid waste is disposed of through the existing septic tanks and leach fields that are located on the site. The proposed building will not increase the amount of liquid waste being produced by the facility. Solid waste will be picked up by a commercial carrier on a weekly basis.

The facility's water will be provided by a new water well, which will be located on the property. The existing water well will be decommissioned. The facility uses approximately 4,500 gallons of water per day, during the peak season.

Onsite advertising consists of a 4'-0" x 7'-0" pole sign, which is located at the main entrance to the site. The proposed buildings will not cause an unsightly appearance or produce dust, noise, glare or any odors. Lighting for the site is provided through a combination of wall-packs and pole-mounted lighting. There are no outdoor intercom systems. Facility communications are accomplished through the use of two-way radios.

The site is currently surrounded on three sides by orange orchards and the Kings River and an irrigation canal lie on the east side of the property. There is an existing landscape area in front of the existing main office and redwood trees along most of the Trimmer Springs street frontage.

Respectfully submitted,



Keith Gardner
Kings River Packing



January 4, 2018

County of Fresno
Planning Department
2220 Tulare Street
Fresno, CA 93720

**RE: Request for Minor Variance
21083 E. Trimmer Springs Road, Sanger, CA
Initial Study Application #7410 and Conditional Use Permit Application #3597**

To Whom It May Concern:

We are formally requesting consideration of a Minor Variance of Zoning Ordinance Sections 816.5-D and 817.5-D of Zone District AE-20, to allow a 10% deviation of the 35-foot maximum building height. We would only exceed the height limit by 10% with a maximum building height of 38ft-6in.

Our request is based on the following Findings:

1. Approval of this minor variance will allow for optimal use of the building by providing the adequate vertical clearance between the top of the fruit storage bins and the refrigeration equipment that hangs above. We require a certain amount of clearance above the fruit storage to allow the cold air to blow over the top of the storage.
2. The property is restrictive because of its odd shape and the fact that its enclosed by the Kings River on the east side and Trimmer Springs Road on the west side, we are limited on how we are able develop new buildings. Our operations require a linear process through the plant, with incoming fruit on one end, going through the sorting and packing process, then exiting on the opposite end to be shipped to customers. The odd shape of the property only permits us to layout buildings in a certain fashion and still be able to effectively perform our processes through the facility. The buildings also must be situated so the site drainage is maintained.
3. The proposed use and minor variance will have no adverse effect on the abutting properties and surrounding neighborhood or the permitted use thereof. The property is surrounded by similarly zoned parcels, AL-20 and AE-40, all with agricultural related uses, inline with the proposed use.
4. The proposed development is consistent with the General Plan

Sincerely,

Frank Flores
Project Manager
Cell. 559-907-6176
frankf@kingorange.com

KINGS RIVER PACKING ● 21083 E TRIMMER SPRINGS ROAD ● SANGER, CA 93657

559.787.2056 ● WWW.KINGORANGE.COM

EXHIBIT 9



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Kings River Packing
- APPLICATION NOS.:** Initial Study Application No. 7410, Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287
- DESCRIPTION:** Amend Classified Conditional Use Permit (CUP) No. 3476 in order to allow expansion of an existing fruit packing and storage facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts, including authorization of a 39-foot building height (35-foot maximum building height allowed) for a proposed building addition to be partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts, and a 38-foot building height (35-foot maximum building height allowed) for a proposed building addition to be located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The project site is located on the east side of Trimmer Springs Road, approximately three miles north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST. 5) (APNs 158-070-65, 158-070-69, 158-070-76, 158-070-77).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal entails the phased expansion of an existing 10.89-acre commercial fruit packing operation by an additional 5.75 acres of processing, storage, and office space in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts. Phase I of this expansion proposal includes construction of a loading dock and a 77,500 square-foot addition to an existing metal building to be utilized for fruit cold storage and office space. Phase II of this expansion proposal includes construction of a 173,000 square-foot addition to an existing metal building to be utilized for fruit packing and office space. The proposed 77,500 square-foot addition will have an overall building height of approximately 39 feet, and the proposed 173,000 square-foot addition will have an overall building height of approximately 38 feet, whereas the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts permit a 35-foot maximum building height. As such, Minor Variance Application No. 1287 is being concurrently processed with Classified Conditional Use Permit Application No. 3597 so as to allow the proposed 39-foot and 38-foot building heights.

The existing commercial fruit packing operation was originally authorized by Classified Conditional Use Permit (CUP) No. 2786, and was subsequently expanded by CUP No. 3307 and CUP No. 3476. Currently, the existing commercial fruit packing operation is located on an approximately 28.83-acre parcel identified as Assessor's Parcel Numbers (APNs) 158-070-65, 158-070-69, 158-070-76 and 158-070-77, which is partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts.

The subject parcel is located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. Additionally, portions of the Kings River and the Fresno Irrigation District Gould Canal are easterly adjacent to the subject parcel, and the Friant-Kern Canal is located approximately one and a half-mile south of the subject parcel.

A portion of Trimmer Springs Road, which is identified as a Scenic Drive in the Fresno County General Plan, abuts a western property line of the subject parcel. Policy OS-L.3 of the General Plan typically requires intensive land use proposals such as commercial developments to be developed with a 200-foot natural open space area adjacent to the Scenic Drive. General Plan Policy OS-L.3 also allows this 200-foot natural space setback requirement to be modified for proposals which involve the expansion of an existing facility. In this case, the existing commercial fruit packing operation currently encroaches into the typically required 200-foot natural open space area. The proposed improvements would be setback farther from Trimmer Springs Road than the existing commercial fruit packing operation; however, the proposed improvements would be located within the typically required 200-foot natural open space area. As such, drought-tolerant landscaping shall be provided along the western property line of the subject parcel where said property line abuts Trimmer Springs Road. Further, said landscaping shall be maintained in healthful condition and shall consist of trees and shrubs of reasonable size and density to provide visual screening. This landscaping requirement will be included as a Mitigation Measure to reduce the proposal's aesthetic impacts on Trimmer Springs Road to a less than significant level. Additionally, the design of the required landscaping shall be reviewed for approval during Site Plan

Review (SPR), which will be required as a Condition of Approval. Conditions of the SPR may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

* **Mitigation Measure**

1. *In order to mitigate potential impacts to the scenic corridor along Trimmer Springs Road as a result of the proposed project, the Applicant shall screen the facility utilizing drought-tolerant landscaping, consisting of trees and shrubs of adequate size and density, along the western property line of the subject parcel where said property line abuts Trimmer Springs Road. Said landscaping shall be maintained in a healthy condition for the life of project operations. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). Proposed landscaping and irrigation plans shall be submitted in conjunction with the required Site Plan Review Application and all landscaping shall be installed prior to occupancy.*

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal will utilize outdoor lighting which has the potential of generating new sources of light and glare in the area. As such, all outdoor lighting fixtures shall be required to be hooded and directed so as to not shine towards adjacent properties and roads. This requirement will be included as a Mitigation Measure.

* **Mitigation Measure**

1. *Prior to occupancy, all outdoor lighting shall be hooded, directed and permanently maintained as to not shine towards adjacent properties and roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not located on forest land, and portions of the subject parcel are classified as Semi-Agricultural and Rural Commercial, and Prime Farmland on the Fresno County Important Farmland Map (2014).

Portions of the subject parcel are enrolled under Agricultural Land Conservation Contract (Williamson Act Contract) No. 225; however, partial Non-Renewals of Contract No. 225 have been filed for the contracted portions of the subject parcel and will be removed from the Williamson Act by the last day of December 2022.

With regard to the portions of the subject parcel classified as Prime Farmland, this proposal will preclude the agricultural cultivation of approximately 3.97 acres of Prime Farmland. However, this loss of farmland is less than significant in that the proposed improvements will serve an existing commercial enterprise which processes and stores agricultural products.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the San Joaquin Valley Unified Air Pollution Control District (Air District), this proposal is subject to Air District Rule 9510 (Indirect Source Review) as it meets the applicability threshold within Air District Rule 9510 (Indirect Source Review) of 25,000 square feet of light industrial space. Additionally, for proposals subject to Air District Rule 9510 (Indirect Source Review), the Air District requires submittal of an Air Impact Assessment (AIA) Application no later than applying for final discretionary approval. Further, this proposal may also be subject to the following Air District Rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt).

An Air Impact Assessment (AIA) Application (ISR Project No. C-20180007) was prepared for this proposal and submitted to the Air District on January 8, 2018. The AIA Application was approved by the Air District on February 15, 2018. According to the Air District, emissions of criteria pollutants specific to the proposal are expected to be mitigated below the Air District significance thresholds of 10 tons/year NOX and 15 tons/year PM10. As such, the emissions of criteria pollutants specific to the proposal would have no significant adverse impact on air quality. In order to ensure that emissions of criteria pollutants specific to the proposal are maintained below Air District significance thresholds, the commercial fruit packing operation shall adhere to the Mitigation Measures identified in the AIA Application approval.

* **Mitigation Measure**

1. *The Applicant shall comply with all the measures identified in the Project Air Impact Assessment (AIA)/Indirect Source Review (Project Number C-2018007) dated February 15, 2018 as approved for this project by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Applicant shall submit evidence annually to the SJVAPCD and Department of Public Works and Planning demonstrating compliance with the mitigation measures.*

Compliance with Air District Rules and Regulations will reduce air quality impacts from the subject proposal to a less than significant level.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in an agricultural area and has been previously disturbed as said property has been historically utilized for a commercial fruit packing facility and agricultural cultivation. Further, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed.

This proposal was referred to the California Department of Fish and Wildlife (CDFW), which did not identify any concerns related to the project. This proposal was also referred to the U.S. Fish and Wildlife Service (USFWS), which also did not identify any concerns related to the project. Therefore, no impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; or 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is located in an area designated to be highly sensitive for archeological resources; however, said property has been historically utilized for a commercial fruit packing facility and agricultural cultivation and, therefore, has been previously disturbed. Further, Peak & Associates, Inc. prepared a Cultural Resource Assessment for the project site, which identified no archaeological or cultural resources. However, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be

contacted to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports and video. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. This requirement will be included as a Mitigation Measure to reduce the proposal's cultural resource impacts to a less than significant level.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports and video. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
 1. Rupture of a known earthquake; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction; or
 4. Landslides?

FINDING: NO IMPACT:

The area where the subject parcel is located is designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Development of the project will be subject to the Seismic Design Category C Standards.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from grading activities associated with this proposal. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the Applicant must obtain a Grading Permit

or Grading Voucher for any grading associated with this proposal. This mandatory requirement will be included as a Project Note.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing commercial fruit packing operation is served by three engineered on-site septic systems, and no additional septic systems are being requested through the proposed expansion project.

According to the Environmental Health Division of the Fresno County Department of Public Health, California Plumbing Code Appendix H requires access to septic tanks to be maintained. Additionally, per California Plumbing Code Section 6.9, disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting evaporation of sewer effluent. These mandatory requirements will be included as Project Notes.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Further, compliance with Air District Rules and Regulations discussed in Section III (Air Quality) of this analysis will reduce air quality impacts from the subject proposal to a less than significant level.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Environmental Health Division of the Fresno County Department of Public Health, the commercial fruit packing operation shall satisfy the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95. As such, within 30 days of the occurrence of any of the following events, the commercial fruit packing operation must update their Hazardous Materials Business Plan (HMBP) and Site Map on file with the Fresno County Department of Public Health: 1) There is a 100% or more increase in the quantities of a previously disclosed material; or 2) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The commercial fruit packing operation must also certify that a review of the HMBP has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the Fresno County Department of Public Health. These mandatory requirements will be included as Project Notes.

Additionally, all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes. This mandatory requirement will be included as a Project Note.

Further, within six months of the occurrence of any of the following events, the commercial fruit packing operation must update their Risk Management Plan (RMP) on file with the U.S. Environmental Protection Agency (EPA): 1) If a change alters the Program Level that applies to any covered process; or 2) If a change requires a revised Off-Site Consequence Analysis; or 3) If a change requires a revised Process Hazard Analysis or Hazard Review; or 4) If a new regulated substance is present above the threshold quantity in an already covered process; or 5) If a regulated substance is present above the threshold quantity in a new process; or 6) If the U.S. EPA begins regulating a new substance. This mandatory requirement will be included as a Project Note.

- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: NO IMPACT:

There are no schools located within one quarter-mile of the subject parcel.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites are located within the boundaries of the project site.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately one mile northeast of a private airstrip identified as "Harris River Ranch Airport"; however, the project site is not located within any Safety Zone of the private airstrip. Further, the private airstrip is oriented in an east to west direction.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the project analysis.

- H. Would the project 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?

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As construction associated with this proposal will disturb more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a

Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These mandatory requirements will be included as Project Notes.

According to the California Regional Water Quality Control Board (Water Board), the Applicant submitted a Report of Waste Discharge (RWD) to the Water Board in 1997 for the discharge of 4,500 gallons of fruit-washing wastewater per day (monthly average) to approximately 65 acres of land. If the proposed expansion project will result in a material change in the volume, character, or location of the discharge that was described in the 1997 RWD, the Applicant shall be required to submit a new RWD to the Water Board at least 140 days prior to initiating discharge from the expanded facility. This mandatory requirement will be included as a Project Note.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located in a designated water-short area. However, according to the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, there will not be a significant increase in water usage resulting from the proposed expansion project as water generated from the fruit washing process is recycled as a supplement for the irrigation water utilized by surrounding orchards, thereby replacing ground water that would otherwise be pumped for irrigation purposes.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: NO IMPACT:

Portions of the Kings River are easterly adjacent to the subject parcel; however, no streams or rivers are located within the boundaries of the subject parcel.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Permanent improvements associated with this proposal will not cause significant changes in absorption rates, drainage patterns or the rate and amount of surface runoff, with adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code. Further, any additional runoff generated by development of the proposal cannot be drained across property lines and must be retained on site per County Standards. This mandatory requirement will be included as a Project Note.

F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno Irrigation District (FID), an FID canal identified as Gould Canal No. 97 traverses an eastern edge of the subject parcel, and FID access along said portion of the canal may be obstructed by existing encroachments such as trees and fencing. As such, with regard to that portion of the canal traversing an eastern edge of the subject parcel, FID requests that any obstructions located within 20 feet of the canal be removed. Additionally, FID also requests that FID review and approval be required for any aspect of the proposed expansion project that will impact FID facilities. Further, FID also requests that the Applicant be required to submit a Grading and Drainage Plan to FID for review and approval in order to prove that the proposed expansion project will not adversely impact the structural integrity of Gould Canal No. 97, or result in drainage patterns that would adversely impact FID.

With regard to the agency comments provided by FID, County staff acknowledges that the requirement for the Applicant to provide a Grading and Drainage Plan to FID for review and approval prior to the issuance of Building Permits will help ensure that the project will not adversely impact FID facilities. This requirement will be included as a Condition of Approval, as was the case with previously-approved Classified Conditional Use Permit (CUP) No. 3476. Additionally, the inclusion of a Condition of Approval requiring the Applicant to provide a Grading and Drainage Plan to FID for review and approval negates the need for FID to review other aspects of the project. Further, regarding removal of possible obstructions to FID access along Gould Canal No. 97, County staff does not believe there is a nexus for such a requirement considering the 180-foot separation between Gould Canal No. 97 and the nearest proposed structural improvement.

G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this project.

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1645H, portions of the subject parcel are located in Flood Zone AE, which is subject to flooding from the 1% chance storm (100-year storm). Any work performed within Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This mandatory requirement will be included as a Project Note.

- I. Would the project expose persons or structures to levee or dam failure?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Pineflat Reservoir is located approximately six and a half-mile northeast of the subject parcel; however, no impacts related to levee or dam failure were identified in the project analysis.

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject parcel is not prone to seiche, tsunami or mudflow. No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located approximately three miles southwest of the unincorporated community of Piedra.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agriculture in the County-adopted Kings River Regional Plan. Provisions for value-added agricultural uses, such as the proposed commercial fruit packing operation expansion, have been provided for in areas designated Agriculture by the Fresno County Zoning Ordinance and General Plan.

Policy LU-A.3 of the General Plan provides that value-added agricultural uses may be allowed by discretionary permit on lands designated Agriculture, subject to a number of specific criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use should not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on

water resources or the use or management of surrounding properties within a one quarter-mile radius. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available. Criteria LU-A.3.f states that the evaluation under Criteria LU-A.3.a for proposed value-added agricultural processing facilities shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services. Criteria LU-A.3.h states that the evaluation of discretionary permits for existing commercial uses shall not consider Criteria LU-A.3.b.

With regard to Criteria “a” and Criteria “f”, this proposal entails the expansion of an existing 10.89-acre commercial fruit packing operation by an additional 5.75 acres of processing, storage, and office space. The subject parcel is located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. The existing commercial fruit packing operation is served by on-site engineered septic systems and an on-site water well, and no additional septic systems or water wells are being requested through the proposed expansion project. Further, as this proposal is an expansion of an existing commercial use, Criteria “b” does not apply per Criteria “h”.

With regard to Criteria “c”, the subject parcel is located in a designated water-short area. However, according to the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, there will not be a significant increase in water usage resulting from the proposed expansion project as water generated from the fruit washing process is recycled as a supplement for the irrigation water utilized by surrounding orchards, thereby replacing ground water that would otherwise be pumped for irrigation purposes. Further, with adherence to the Conditions of Approval, Mitigation Measures and Project Notes identified in this Initial Study (IS), staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties.

With regard to Criteria “d”, this proposal is located approximately three miles southwest of the unincorporated community of Piedra, and is also located approximately ten miles east of the City of Clovis, which have the ability to provide an adequate workforce.

According to Policy LU-A.13 of the General Plan, the County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

According to Policy LU-A.14 of the General Plan, the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

With regard to Policy LU-A.13 and Policy LU-A.14, this proposal entails the expansion of an existing commercial fruit packing operation located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. Portions of the subject parcel are classified as Semi-Agricultural and Rural Commercial, and Prime Farmland on the Fresno County Important Farmland Map (2014). With regard to the portions of the subject parcel classified as Prime Farmland, this proposal

will preclude the agricultural cultivation of approximately 3.97 acres of Prime Farmland. However, this loss of farmland is less than significant in that the proposed improvements will serve an existing commercial enterprise which processes and stores agricultural products.

According to Policy PF-C.17 of the General Plan, the County shall undertake a water supply evaluation prior to consideration of any discretionary project related to land use. The evaluation shall include the following:

- a. Determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question;*
- b. Determination of the impact that use of the proposed water supply will have on other water users in Fresno County;*
- c. Determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.*

With regard to Policy PF-C.17, the subject parcel is located in a designated water-short area. However, according to the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, there will not be a significant increase in water usage resulting from the proposed expansion project as water generated from the fruit washing process is recycled as a supplement for the irrigation water utilized by surrounding orchards, thereby replacing ground water that would otherwise be pumped for irrigation purposes.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This proposal will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in Mineral Resource Zone 2 (MRZ-2) per General Plan Policy OS-C.2. Typically, the County shall not permit land uses incompatible with mineral resource recovery within areas designated as MRZ-2; however, this proposal entails expansion of an existing facility, and no mineral resource impacts were identified in the project analysis.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Environmental Health Division of the Fresno County Department of Public Health reviewed this proposal and did not identify any potential noise-related impacts. However, development of the proposal must comply with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday, thereby minimizing noise impacts to less than significant. This mandatory requirement will be included as a Project Note.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located approximately one mile northeast of a private airstrip identified as "Harris River Ranch Airport"; however, no adverse noise impacts were identified in the project analysis.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This proposal will not construct or displace housing and will not otherwise induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District (Fire District) which did not identify any concerns with the project. The proposal must comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project must be approved by the Fire District prior to issuance of Building Permits by the County. These mandatory requirements will be included as Project Notes to be addressed during Site Plan Review (SPR), which will be required as a Condition of Approval. Conditions of the SPR may include design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

According to the Fire District, the subject parcel must annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. This requirement will be included as a Project Note.

2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project analysis.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which determined that a Traffic Impact Study (TIS) was needed to effectively evaluate potential traffic-related impacts associated with the proposed expansion project. In accordance with this determination, a TIS was prepared for the proposal by Precision Civil Engineering, Inc.

The TIS prepared for the proposed expansion project by Precision Civil Engineering, Inc. includes analysis of intersection operations at State Route 180 (Kings Canyon Road) and Rio Vista Avenue, State Route 180 (Kings Canyon Road) and Reed Avenue, State Route 180 (Kings Canyon Road) and Oliver Street, and Trimmer Springs Road and the project site access. This analysis of intersection operations was conducted under the following scenarios: 1) Existing, 2) Near-Term, 3) Near-Term plus Phase I, 4) Cumulative, and 5) Cumulative plus Full Build-Out. Additionally, the TIS prepared for the proposed expansion project also includes analysis of the roadway operations and structural conditions of Belmont Avenue west of Academy Avenue, and Trimmer Springs Road south of the project site.

According to the TIS prepared for the proposed expansion project, it was not practical to obtain traffic counts at the intersections of Belmont Avenue and Oliver Street or State Route 180 (Kings Canyon Road) and Oliver Street due to closure and reconstruction of Belmont Avenue between Academy Avenue and Trimmer Springs Road. As such, traffic counts for the intersection of State Route 180 (Kings Canyon Road) and Oliver Street were derived from Fresno Council of Governments (COG) travel demand modeling data and the other State Route 180 (Kings Canyon Road) intersection traffic counts identified in this analysis.

Based upon the TIS prepared for the proposed expansion project by Precision Civil Engineering, Inc., prior to occupancy, the applicant/owner shall enter into an agreement with Fresno County agreeing to participate, on a pro-rata basis of 38% of the total cost for the maintenance and restoration of Trimmer Springs Road (approximately 2.3 mile segment from project site) and Oliver Street (approximately one mile segment from Belmont Avenue to State Route 180) for a period not to exceed 10 years. This agreement shall establish the existing baseline condition for Trimmer Springs Road and Oliver Street, and address the monitoring and evaluation of roadway pavement conditions, and the undertaking of roadway repairs and/or maintenance overlay as necessary to ensure project related traffic can be safely accommodated. The pro-rata share for the maintenance and restoration of said roadways shall not exceed \$485,000

over the term of this agreement. This requirement will be included as a Mitigation Measure to reduce adverse transportation and traffic impacts to a less than significant level.

* **Mitigation Measure**

1. *In order to mitigate potential traffic impacts to County roadways, prior to occupancy, the applicant/owner shall enter into an agreement with Fresno County agreeing to participate, on a pro-rata basis of 38% of the total cost for the maintenance and restoration of Trimmer Springs Road (approximately 2.3 mile segment from project site) and Oliver Street (approximately one mile segment from Belmont Avenue to State Route 180) for a period not to exceed 10 years. This agreement shall establish the existing baseline condition for Trimmer Springs Road and Oliver Street, and address the monitoring and evaluation of roadway pavement conditions, and the undertaking of roadway repairs and/or maintenance overlay as necessary to ensure project related traffic can be safely accommodated. The pro-rata share for the maintenance and restoration of said roadways shall not exceed \$485,000 over the term of this agreement.*

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project site is located approximately one mile northeast of a private airstrip identified as "Harris River Ranch Airport"; however, no adverse impacts to air traffic patterns were identified in the project analysis.

D. Would the project substantially increase traffic hazards due to design features; or

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Trimmer Springs Road is identified as a Class II Bikeway in the Transportation and Circulation Element of the General Plan; however, this proposal entails expansion of an existing facility, and no adverse alternative transportation impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.E Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Pursuant to discussion in Section IV (Biological Resources), no such impacts on biological resources were identified in the project analysis. Pursuant to discussion in Section V (Cultural Resources), this proposal may have impacts on cultural resources; however, the Mitigation Measure included in Section V (Cultural Resources) will reduce such impacts to a less than significant level.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to population and housing, or recreation.

Potential impacts related to agricultural and forestry resources, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts relating to aesthetics, air quality, cultural resources, and transportation and traffic have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7410	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Derek Chambers, Planner	Area Code: 559	Telephone Number: 600-4205	Extension: N/A
Applicant (Name): Kings River Packing	Project Title: Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287		
Project Description: Amend Classified Conditional Use Permit (CUP) No. 3476 in order to allow expansion of an existing fruit packing and storage facility in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts, including authorization of a 39-foot building height (35-foot maximum building height allowed) for a proposed building addition to be partially located in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone Districts, and a 38-foot building height (35-foot maximum building height allowed) for a proposed building addition to be located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of Trimmer Springs Road, approximately three quarters of a mile north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST. 5) (APNs 158-070-65, 158-070-69, 158-070-76, 158-070-77).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3597 and Minor Variance Application No. 1287, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to population and housing, or recreation. Potential impacts related to agricultural and forestry resources, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, public services, and utilities and service systems have been determined to be less than significant. Potential impacts relating to aesthetics, air quality, cultural resources, and transportation and traffic have been determined to be less than significant with the identified Mitigation Measures. The Initial Study and MND are available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 8, 2018		Review Date Deadline: June 27, 2018	
Date: June 8, 2018	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Derek Chambers Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

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EXHIBIT 11

Project



Inter Office Memo

DATE: January 15, 2015

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12482 - CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3476

APPLICANT: Span Construction

OWNER: Hazelton Farms, Inc.

REQUEST: Amend Classified Conditional Use Permit (CUP) No. 3307 in order to allow the on-site relocation and expansion of a storage building authorized by Classified CUP No. 3307 on 27.01 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts.

LOCATION: The project site is located on the east side of Trimmer Springs Road, approximately three quarters of a mile north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST.: 5) (APNs: 158-070-65, 158-070-76, and 158-070-77).

PLANNING COMMISSION ACTION:

At its hearing of January 15, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Rocca and seconded by Commissioner Zadourian to accept the Mitigated Negative Declaration previously approved for Initial Study Application No. 6312, adopt the recommended Findings of Fact in the Staff Report, and approve Classified Conditional Use Permit Application No. 3476, subject to the Conditions listed in Exhibit "B" with the inclusion of an additional Condition to require the property owner to provide four additional truck parking spaces on site prior to granting occupancy for the subject use.

EXHIBIT "A"

Classified Conditional Use Permit Application No. 3476

Staff: The Fresno County Planning Commission considered the Staff Report dated January 15, 2015, and heard a summary presentation by staff.

Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:

- The facility currently has six truck parking spaces at the loading dock, and room to park approximately ten trucks in the existing parking lot.
- The inclusion of a condition requiring the provision of four additional truck parking spaces is acceptable.
- There have been instances in the past where trucks were queuing on Trimmer Springs Road awaiting access to the facility; however, no such incidences have occurred since the facility was expanded and re-designed under CUP No. 3307.
- It takes approximately one hour to unload a truck at the facility.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Classified Conditional Use Permit (CUP) No. 3476
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	All Conditions of Classified Conditional Use Permit (CUP) No. 3307 shall remain in full force and effect, except as modified with the approval of Classified CUP No. 3476 and Site Plan Review (SPR).
2.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
3.	The developer shall submit a Grading and Drainage Plan to the Fresno Irrigation District (FID) for review and approval prior to the issuance of Building Permits which demonstrates that the proposed development will not endanger the structural integrity of FID's Gould Canal No. 97 or result in drainage patterns that could adversely affect FID.
4.	The property owner shall provide four additional truck parking spaces on site prior to the County granting occupancy for the subject use. Confirmation of the provision of these additional spaces shall be provided through a revised site plan submitted at the time of Site Plan Review and shall be confirmed in the field at the time final inspection for occupancy occurs for the relocated storage building.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Prior to occupancy, the facility operator shall update the online Hazardous Materials Business Plan on file with the Fresno County Department of Public Health, Environmental Health Division.
2.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
3.	It is recommended that the facility operator consider having the existing septic tanks pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspections may indicate possible repairs, additions, or require the proper destruction of the systems.
4.	Plans related to construction and development of the proposal prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
5.	The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning, to the Fresno County Fire Protection District (Fire District) for their

EXHIBIT B

Notes

	review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire District, and all fire protection improvements shall be installed prior to granting occupancy for the use.
6.	According to FEMA FIRM Panel 1645H, the subject property is partially within shaded Flood Zone X and Flood Zone AE. The shaded flood zone refers to areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees from one percent annual chance of flood. Flood Zone AE is subject to flooding from the 100-year storm. No net import of fill shall be allowed within the Flood Zones. Any work within designated Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.
7.	Any additional run-off generated by development shall not be drained across property lines or into County right-of-way, and shall be retained on site per County Standards.
8.	If the proposed development increases the net impervious surface on site, and/or the existing drainage patterns are changed, an Engineered Grading and Drainage Plan shall be submitted to Development Engineering staff for review and approval prior to the issuance of Building Permits.
9.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.
10.	It is recommended that the property owner contact Fresno Irrigation District (FID) staff regarding the request made by FID for the property owner to grant an easement to FID for the land underlying Gould Canal No. 97 and associated area along the canal required for FID maintenance.

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

February 9, 2015

Span Construction
1841 Howard Road
Madera CA 93637

Dear Applicant:

Subject: Resolution No. 12482 – Classified Conditional Use Permit Application No.
3476

On January 15, 2015, the Fresno County Planning Commission approved your application with modified Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

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

If you have any questions regarding the information in this letter please contact me at dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 January 15, 2015

SUBJECT: Classified Conditional Use Permit Application No. 3476

Amend Classified Conditional Use Permit (CUP) No. 3307 in order to allow the on-site relocation and expansion of a storage building authorized by Classified CUP No. 3307 on 27.01 acres of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts.

LOCATION: The project site is located on the east side of Trimmer Springs Road, approximately three quarters of a mile north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (SUP. DIST.: 5) (APNs: 158-070-65, 158-070-76, and 158-070-77).

Applicant: Span Construction
Owner: Hazelton Farms, Inc.

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Accept, per Section 15162 of the California Environmental Quality Act, the Mitigated Negative Declaration previously approved by the Planning Commission for Initial Study Application No. 6312;
- Approve Classified Conditional Use Permit Application No. 3476 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

Construction and improvement activities associated with the proposal may provide for some short-term job opportunities.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Map
6. Site Plans
7. Previously Approved Site Plans for Classified CUP No. 3307
8. Floor Plan
9. Elevation Drawings
10. Applicant's Operational Statement
11. Summary of Initial Study Application No. 6312

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the County-adopted Kings River Regional Plan	No change
Zoning	APN 158-070-65: AL-40 (Limited Agricultural, 40-acre minimum parcel size) APN 158-070-76: AL-40 (Limited Agricultural, 40-acre minimum parcel size) APN 158-070-77: AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	APN 158-070-65: 1.47 acres APN 158-070-76: 7.04 acres	No change

Criteria	Existing	Proposed
	APN 158-070-77: 18.50 acres	
Project Site	Commercial fruit packing operation and orchards partially located on a 1.47-acre parcel (APN 158-070-65), a 7.04-acre parcel (APN 158-070-76) and an 18.50-acre parcel (APN 158-070-77)	Allow the on-site relocation and expansion of a 7,150 square-foot storage building authorized by Classified CUP No. 3307, resulting in an 11,700 square-foot storage building .
Structural Improvements	<p>45,280 square-foot packing and storage building</p> <p>23,000 square-foot packing building</p> <p>21,970 square-foot packing building</p> <p>1,440 square-foot break room and restroom building</p> <p>12,000 square-foot cooling building</p> <p>6,400 square-foot process packing building</p> <p>7,500 square-foot de-greening building</p> <p>7,080 square-foot preparation packing building</p> <p>Two 3,965 square-foot cold storage buildings</p> <p>20,295 square-foot building containing 13,364 square feet of storage; 798 square-foot office; 1,073 square-foot mechanical area; 5,060 square-foot cold storage area</p>	11,700 square-foot storage building

Criteria	Existing	Proposed
	<p>6,400 square-foot staging building</p> <p>24,747 square-foot storage building</p> <p>5,000 square-foot storage building</p> <p>6,000 square-foot storage building</p> <p>1,490 square-foot office</p> <p>1,351 square-foot office</p> <p>5,000 square-foot sweat building</p> <p>2,000 square-foot sweat building</p> <p>186 square-foot pump house</p> <p>Truck dock</p> <p>Three engineered septic systems</p>	
Nearest Residence	Approximately 125 feet to the northwest	No change
Surrounding Development	Single-family residences; Fresno Irrigation District (FID) Gould Canal and Kings River southeasterly adjacent to project site	No change
Operational Features	Commercial fruit packing operation with storage and orchards	No change other than additional storage area
Employees	70 full-time employees	No change
Customers	Five per day, five days per week from November through June	No change

Criteria	Existing	Proposed
Traffic Trips	<p>Approximately 10 one-way customer trips (five round trips) per day, five days per week, November through June</p> <p>Approximately 140 one-way employee trips (70 round trips) per day, five days per week, November through June</p> <p>Approximately 80 one-way truck trips (40 round trips) per day, six days per week, November through June</p>	No change
Lighting	Building exteriors and parking areas	No change
Hours of Operation	8:00 a.m. until 5:00 p.m., six days per week from November through June	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration prepared for Initial Study No. 6312 was adopted by the Planning Commission in conjunction with the approval of Classified Conditional Use Permit (CUP) No. 3307 on July 21, 2011, in accordance with the California Environmental Quality Act (CEQA).

Section 15162 of the CEQA Guidelines states that once a Mitigated Negative Declaration has been adopted for a project, no subsequent Environmental Impact Report (EIR) or Mitigated Negative Declaration shall be prepared for said project unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

The subject proposal to amend Classified CUP No. 3307 was routed to the same agencies that reviewed the Initial Study prepared for Classified CUP No. 3307, and no concerns regarding the subject proposal were identified by the reviewing agencies. The project site with the subject proposal and surrounding area are substantially the same as when Classified CUP No. 3307 was approved, and there have not been any changes in circumstances or new information identified by the reviewing agencies. As such, it has been determined that no subsequent Mitigated Negative Declaration shall be required for the subject proposal per Section 15162 of the CEQA Guidelines. A summary of Initial Study No. 6312 is included as Exhibit 11.

PUBLIC NOTICE:

Notices were sent to four property owners within one quarter mile of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) Application may be approved only if four Findings specified in the Zoning Ordinance Section 873-F are made by the Planning Commission. The decision of the Planning Commission regarding a Classified CUP Application is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

On July 21, 2011, Classified Conditional Use Permit (CUP) No. 3307 was approved by the Planning Commission allowing the expansion of an existing 6.96-acre commercial fruit packing operation authorized by Classified CUP No. 2786. Classified CUP No. 3307 allowed an additional 3.83 acres of processing, storage, parking and circulation area. At that time, the existing facility was located on a 23.95-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and the expansion authorized by Classified CUP No. 3307 was to be located on portions of the 23.95-acre parcel and a 180.16-acre parcel that was zoned both AL-40 (Limited Agricultural, 40-acre minimum parcel size) and O (Open Conservation).

On August 27, 2013, Property Line Adjustment (PLA) No. 12-20 was approved resulting in the existing facility authorized by Classified CUP No. 2786 being located on an 18.50-acre parcel (APN 158-070-77) in the AE-20 Zone District, and the expansion authorized by Classified CUP No. 3307 being located on portions of the 18.50-acre parcel, a 1.47-acre parcel (APN 158-070-65) in the AL-40 Zone District, and a 7.04-acre parcel (APN 158-070-76) in the AL-40 Zone District.

The 3.83-acre expansion authorized by Classified CUP No. 3307 included a 7,150 square-foot storage building to be located on the southern side of the existing facility. The subject proposal to amend Classified CUP No. 3307 entails relocating the approved location of the 7,150 square-foot storage building to the northern side of the existing facility, and expanding said storage building to 11,700 square feet.

ANALYSIS/DISCUSSION:

Finding 1: The site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front 35 feet; Sides 20 feet; Rear 20 feet	Front (western property line): 240 feet; Side (northern property line): 550 feet; Side (southern property line): 620 feet;	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		Rear (eastern property line): 300 feet	
Parking	One parking space for each two permanent employees; one parking space for the physically handicapped for every 25 parking spaces required	66 standard parking spaces; four truck parking spaces; three parking spaces for the physically handicapped	Yes
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	Six feet minimum	N/A (proposed storage building will be constructed as an addition to an existing structure)	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agencies/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Existing and proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone Districts. Revision to Site Plan Review (SPR) No. 7766 is recommended to ensure compliance with development standards.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plans demonstrates that the existing and proposed improvements satisfy the minimum building setback requirements of the AE-20 and AL-40 Zone Districts, which have identical setback requirements. In regard to off-street parking, the Zoning Ordinance requires at least one parking space for each two permanent employees, and the

California Building Code requires at least one parking space for the physically handicapped per every 25 parking spaces required at a facility. As the subject facility retains 70 employees, at least 35 standard parking spaces and two parking spaces for the physically handicapped are required for the operation. However, the facility has 66 standard parking spaces, four truck parking spaces, and three parking spaces for the physically handicapped. Based on the above information and with adherence to a Site Plan Review (SPR) required as a Condition of Approval, staff believes the project site is adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Condition of Approval:

Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.

Conclusion:

Finding 1 can be made.

Finding 2: *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Trimmer Springs Road: Fair condition	No change
Direct Access to Public Road	Yes	Trimmer Springs Road	No change
Road ADT		Trimmer Springs Road: 1,200	No change
Road Classification		Trimmer Springs Road: Arterial	No change
Road Width		Trimmer Springs Road along APN 158-070-77: 106 feet Trimmer Springs Road along APNs 158-070-65 and 158-070-76: 80 feet	No change
Road Surface		Trimmer Springs Road: Paved (pavement width: 40.4 feet)	No change
Traffic Trips		Approximately 10 one-way	No change

		Existing Conditions	Proposed Operation
		<p>customer trips (five round trips) per day, five days per week, November through June</p> <p>Approximately 140 one-way employee trips (70 round trips) per day, five days per week, November through June</p> <p>Approximately 80 one-way truck trips (40 round trips) per day, six days per week, November through June</p>	
Traffic Impact Study (TIS) Prepared	No	N/A	None required as proposed expansion will not generate additional traffic beyond existing operational conditions
Road Improvements		N/A	None required

Reviewing Agencies/Department Comments:

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Trimmer Springs Road is a County-maintained road which is classified as an Arterial. The minimum total width for an Arterial right-of-way is 106 feet. Trimmer Springs Road has an existing total right-of-way of 106 feet along the property identified as APN 158-070-77, with 53 feet east and 53 feet west of the centerline. Trimmer Springs Road has an existing total right-of-way of 80 feet along the properties identified as APNs 158-070-65 and 158-070-76, with 40 feet east and 40 feet west of the centerline. A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Trimmer Springs Road. This requirement has been included as a Project Note.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

The portion of Trimmer Springs Road fronting the properties identified as APNs 158-070-65 and 158-070-76 has an existing total right-of-way of 80 feet, whereas the minimum total width for an Arterial right-of-way is 106 feet. Therefore, an additional 13 feet of right-of-way dedication is needed from the western side of APNs 158-070-65 and 158-070-76 that abuts Trimmer Springs Road in order to satisfy the standards for an Arterial. However, considering the limited scope of the proposed expansion in conjunction with the fact that no new access is being proposed from Trimmer Springs Road, no additional right-of-way dedication will be required for this project. Based on the above information, and with adherence to the Project Note described above, staff believes that the section of Trimmer Springs Road at the project site will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None

Conclusion:

Finding 2 can be made.

***Finding 3:** The proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	4.21 acres	Orchard	AE-40	None
Northwest:	10.22 acres	Two single-family residences; orchard	AE-40	125 feet
Northeast:	104.07 acres	Two single-family residences; orchard	AL-20	2,705 feet
West:	15.10 acres	Orchard	AL-40	None
East:	96.62 acres	Vacant	RE	None
South:	144.14 acres	Vacant	AL-20; O	None

Reviewing Agencies/Department Comments:

Fresno County Department of Agriculture (Agricultural Commissioner’s Office): No concerns with the proposal.

San Joaquin Valley Unified Air Pollution Control District (Air District): No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: Prior to occupancy, the facility operator shall update the online Hazardous Materials Business Plan on file with the Fresno County Department of Public Health, Environmental Health Division. All

hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements have been included as Project Notes. It is recommended that the facility operator consider having the existing septic tanks pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspections may indicate possible repairs, additions, or require the proper destruction of the systems. This recommendation has been included as a Project Note.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans related to construction and development of the proposal prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections. This requirement has been included as a Project Note.

Fresno County Fire Protection District (Fire District): The proposal shall comply with the 2007 California Code of Regulations Title 24 – Fire Code, and County-approved Site Plans shall be submitted to the Fire District for review and approval prior to issuance of Building Permits. This requirement has been included as a Project Note.

Fresno Irrigation District (FID): FID's Gould Canal No. 97 traverses the southeastern portion of the subject property, and will be impacted by the development. FID requires the developer to submit, for FID's approval, a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the canal, or result in drainage patterns that could adversely affect FID. This requirement has been included as a Condition of Approval. FID also requires that the owner of the subject property grant an easement to FID for the land underlying Gould Canal No. 97 and associated area along the canal required for maintenance pursuant to Water Code Section 22425(a-f) and FID policy.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1645H, the subject property is partially within shaded Flood Zone X and Flood Zone AE. The shaded flood zone refers to areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees from one percent annual chance of flood. Flood Zone AE is subject to flooding from the 100-year storm. No net import of fill shall be allowed within the Flood Zones. Any work within designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on site per County Standards. If the proposed development does not increase the net impervious surface on site, and the existing drainage patterns are not changed, there will be no requirement to submit an Engineered Grading and Drainage Plan to Development Engineering staff for review and approval prior to the issuance of Building Permits. A Grading Permit or Voucher shall be required for any grading activity associated with this proposal. These requirements have been included as Project Notes.

Analysis:

This proposal entails the relocation of a 7,150 square-foot storage building authorized by Classified Conditional Use Permit (CUP) No. 3307 from the southern side of an existing commercial fruit packing facility to the northern side of the existing facility, and expanding said storage building by 4,550 square feet to total 11,700 square feet.

The project site is located in an agricultural area comprised primarily of orchards with a few residences nearby. The Kings River is located adjacent to and east of the project site, as is the Fresno Irrigation District (FID) Gould Canal No. 97. Additionally, the Friant-Kern Canal is located approximately 1.5 miles south of the project site and a trailer park is located approximately 3.5 miles northeast of the project site.

With regard to the agency comments provided by FID, staff acknowledges that the requirement for the developer to provide a Grading and Drainage Plan to FID for review and approval prior to the issuance of Building Permits will help ensure that the project will not endanger the structural integrity of Gould Canal No. 97. However, with regard to FID's request for the owner of the subject property to grant an easement to FID for the land underlying Gould Canal No. 97 and associated area along the canal required for FID maintenance, staff does not believe there is a nexus for such a requirement, considering the limited scope of the proposed expansion, the 300-foot separation between the proposed location of the storage building and Gould Canal No. 97, and the existing structures and existing paved driveway located between the proposed location of the storage building and Gould Canal No. 97. However, staff recommends that the property owner contact FID staff regarding the requested easement so as to ensure that operations conducted at the subject facility do not affect Gould Canal No. 97. This recommendation has been included as a Project Note.

Based on the above information and with adherence to the recommended Conditions of Approval and mandatory Project Notes discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Condition of Approval:

The developer shall submit a Grading and Drainage Plan to the Fresno Irrigation District (FID) for review and approval prior to the issuance of Building Permits, demonstrating that the proposed development will not endanger the structural integrity of FID's Gould Canal No. 97 or result in drainage patterns that could adversely affect FID.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to surrounding agricultural area, which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands are available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within</p>	<p>With regard to Criteria "a", this proposal entails the expansion of an existing agricultural processing operation located in an agricultural area. As this is an expansion to an existing commercial use, Criteria "b" does not apply per Criteria "h". With regard to Criteria "c", this proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project, as the proposed expansion will not require additional water usage beyond what is currently being utilized.</p>

Relevant Policies:	Consistency/Considerations:
<p>one quarter-mile radius; d) Probable workforce located nearby or readily available; h) Discretionary permits for existing commercial uses shall preclude Criteria LU-A.3(b).</p>	<p>Further, with adherence to the recommended Conditions of Approval and mandatory Project Notes discussed in this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity. With regard to Criteria "d", this proposal is located approximately three miles southwest of the unincorporated community of Piedra, which has the ability to provide an adequate workforce. The proposal is consistent with these Criteria.</p>
<p>General Plan Policy OS-L.3: County shall manage the use of land adjacent to scenic drives and scenic highways based on the following principles: Intensive land development proposals including commercial developments shall be designed to blend into the natural landscape. The design of said proposals shall provide a natural open space area 200 feet in depth parallel to the right-of-way. Modification of this setback requirement may be appropriate when any of the following conditions exist: 1) topographic or vegetative characteristics preclude such a setback; 2) topographic or vegetative characteristics provide screening from the right-of-way; 3) property dimensions preclude such a setback; 4) development involves expansion of an existing facility or use.</p>	<p>Trimmer Springs Road abuts the western property line of the project site and is identified as a Scenic Drive in the Fresno County General Plan. Improvements including graded and paved parking areas and portions of existing structures already encroach within the 200-foot setback area required from a Scenic Drive. Additionally, an existing landscaping screen consisting of fruit trees adjacent to Trimmer Springs Road provides some visual screening of the facility from the roadway. Further, the proposed storage building will be set back approximately 240 feet from Trimmer Springs Road. The proposal is consistent with this Policy.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>This proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the proposal, as the proposed expansion will not require additional water usage beyond what is currently being utilized. The proposal is consistent with this Policy.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Analysis:

Based on the analysis provided above, staff believes the proposal is consistent with the Fresno County General Plan. Applicable Policies regarding siting and water supply evaluation were

reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the required Findings for granting Classified Conditional Use Permit Application No. 3476 can be made, based on the factors cited in the analysis, the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends approval of Classified Conditional Use Permit Application No. 3476, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to accept the Mitigated Negative Declaration previously approved by the Planning Commission for Initial Study Application No. 6312; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3476, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit Application No. 3476; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

DC:ksn
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**Classified CUP No. 3476
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	All Conditions of Classified Conditional Use Permit (CUP) No. 3307 shall remain in full force and effect, except as modified with the approval of Classified CUP No. 3476 and Site Plan Review (SPR).
2.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
3.	The developer shall submit a Grading and Drainage Plan to the Fresno Irrigation District (FID) for review and approval prior to the issuance of Building Permits which demonstrates that the proposed development will not endanger the structural integrity of FID's Gould Canal No. 97 or result in drainage patterns that could adversely affect FID.

Notes	
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The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	Prior to occupancy, the facility operator shall update the online Hazardous Materials Business Plan on file with the Fresno County Department of Public Health, Environmental Health Division.
2.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.
3.	It is recommended that the facility operator consider having the existing septic tanks pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspections may indicate possible repairs, additions, or require the proper destruction of the systems.
4.	Plans related to construction and development of the proposal prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
5.	The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning, to the Fresno County Fire Protection District (Fire District) for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire District, and all fire protection improvements shall be installed prior to granting occupancy for the use.

Notes

6.	According to FEMA FIRM Panel 1645H, the subject property is partially within shaded Flood Zone X and Flood Zone AE. The shaded flood zone refers to areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees from one percent annual chance of flood. Flood Zone AE is subject to flooding from the 100-year storm. No net import of fill shall be allowed within the Flood Zones. Any work within designated Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.
7.	Any additional run-off generated by development shall not be drained across property lines or into County right-of-way, and shall be retained on site per County Standards.
8.	If the proposed development increases the net impervious surface on site, and/or the existing drainage patterns are changed, an Engineered Grading and Drainage Plan shall be submitted to Development Engineering staff for review and approval prior to the issuance of Building Permits.
9.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.
10.	It is recommended that the property owner contact Fresno Irrigation District (FID) staff regarding the request made by FID for the property owner to grant an easement to FID for the land underlying Gould Canal No. 97 and associated area along the canal required for FID maintenance.

DC:ksn

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LOCATION MAP

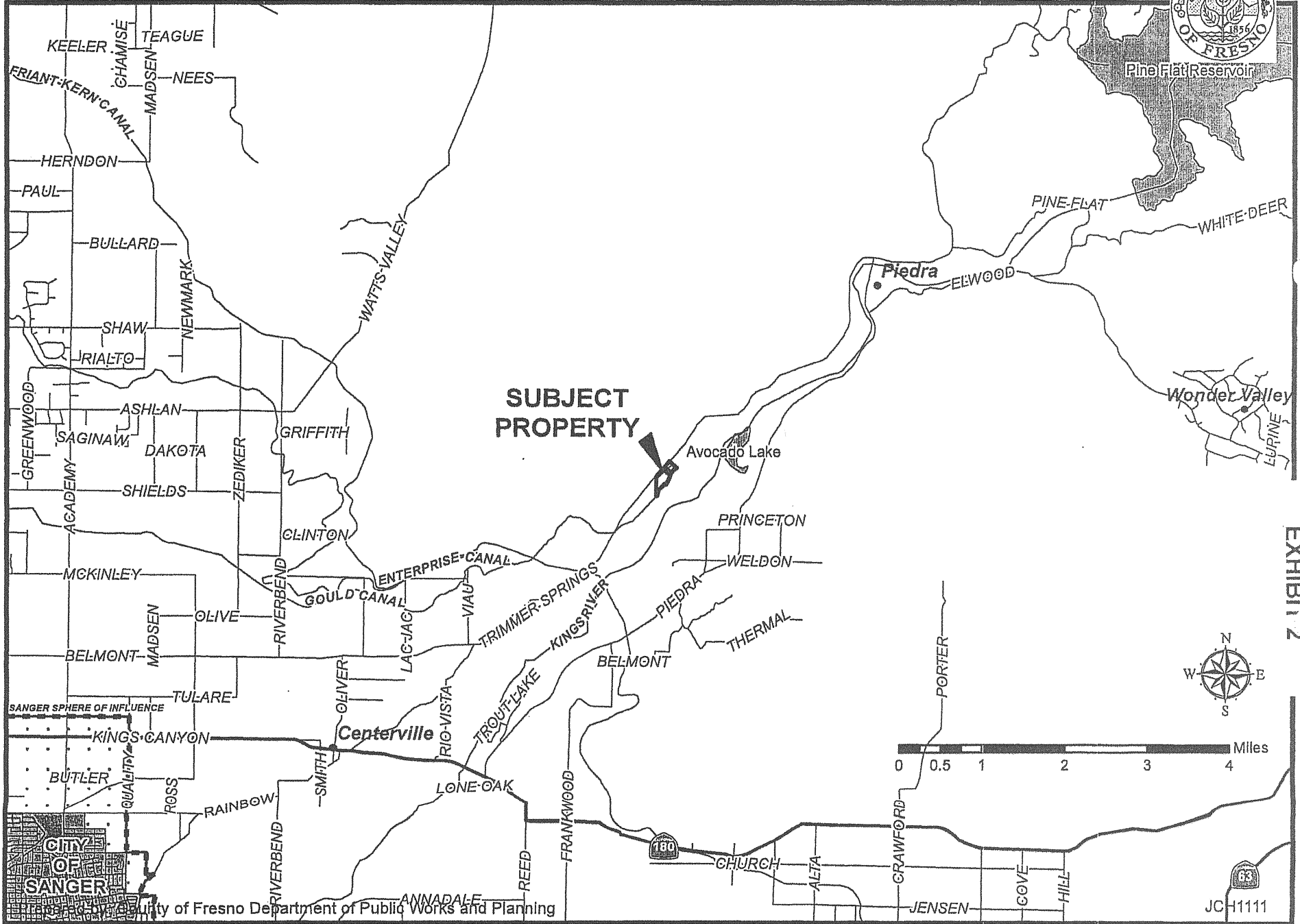


EXHIBIT 2

EXISTING ZONING MAP

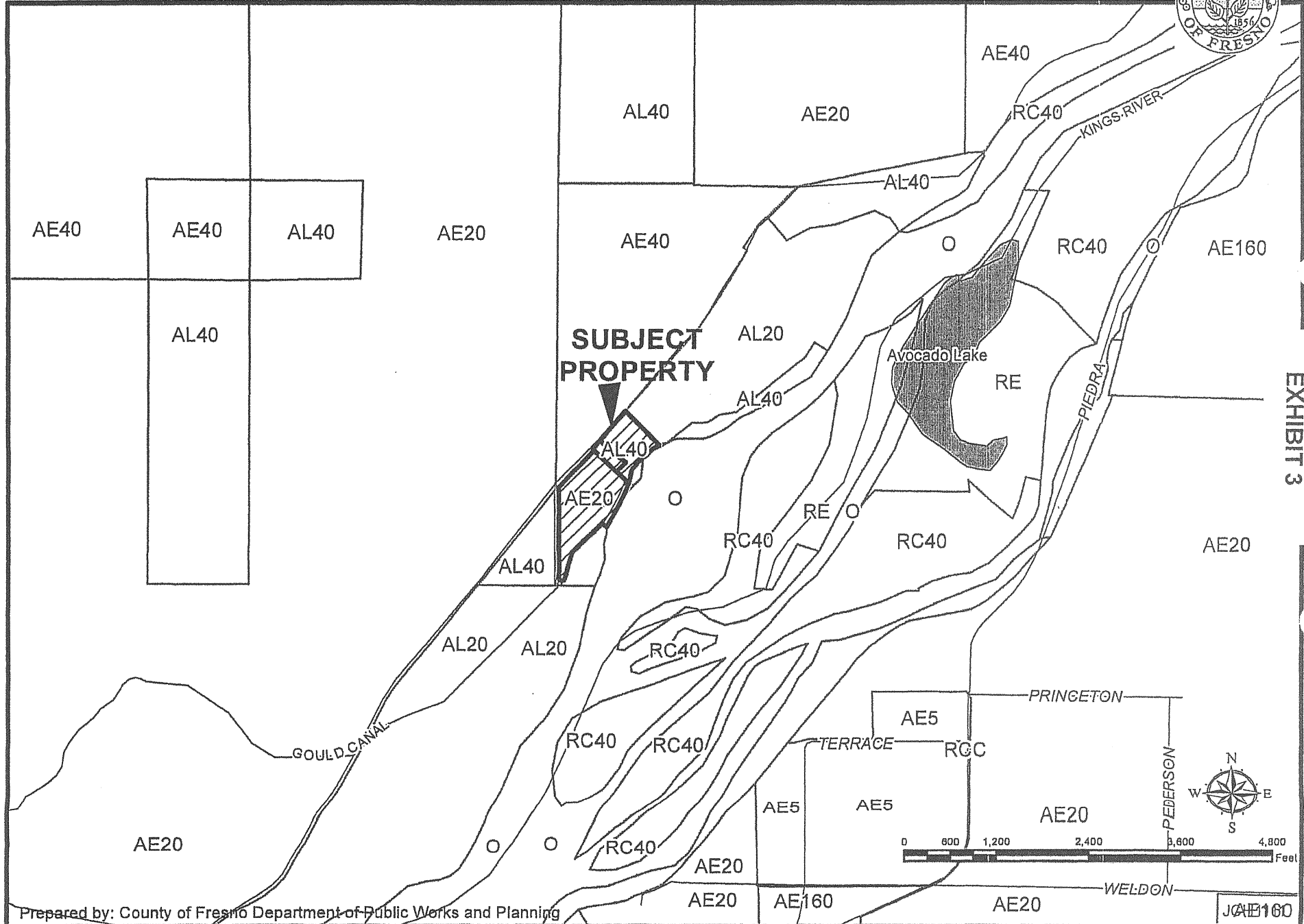
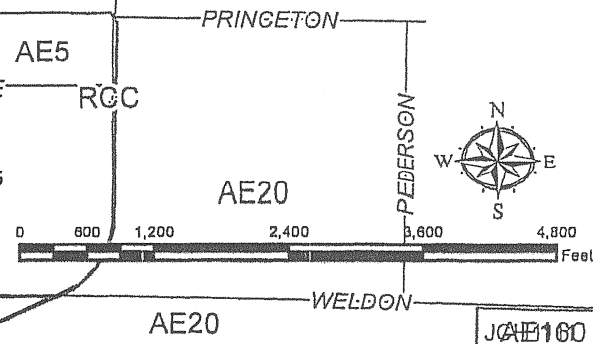
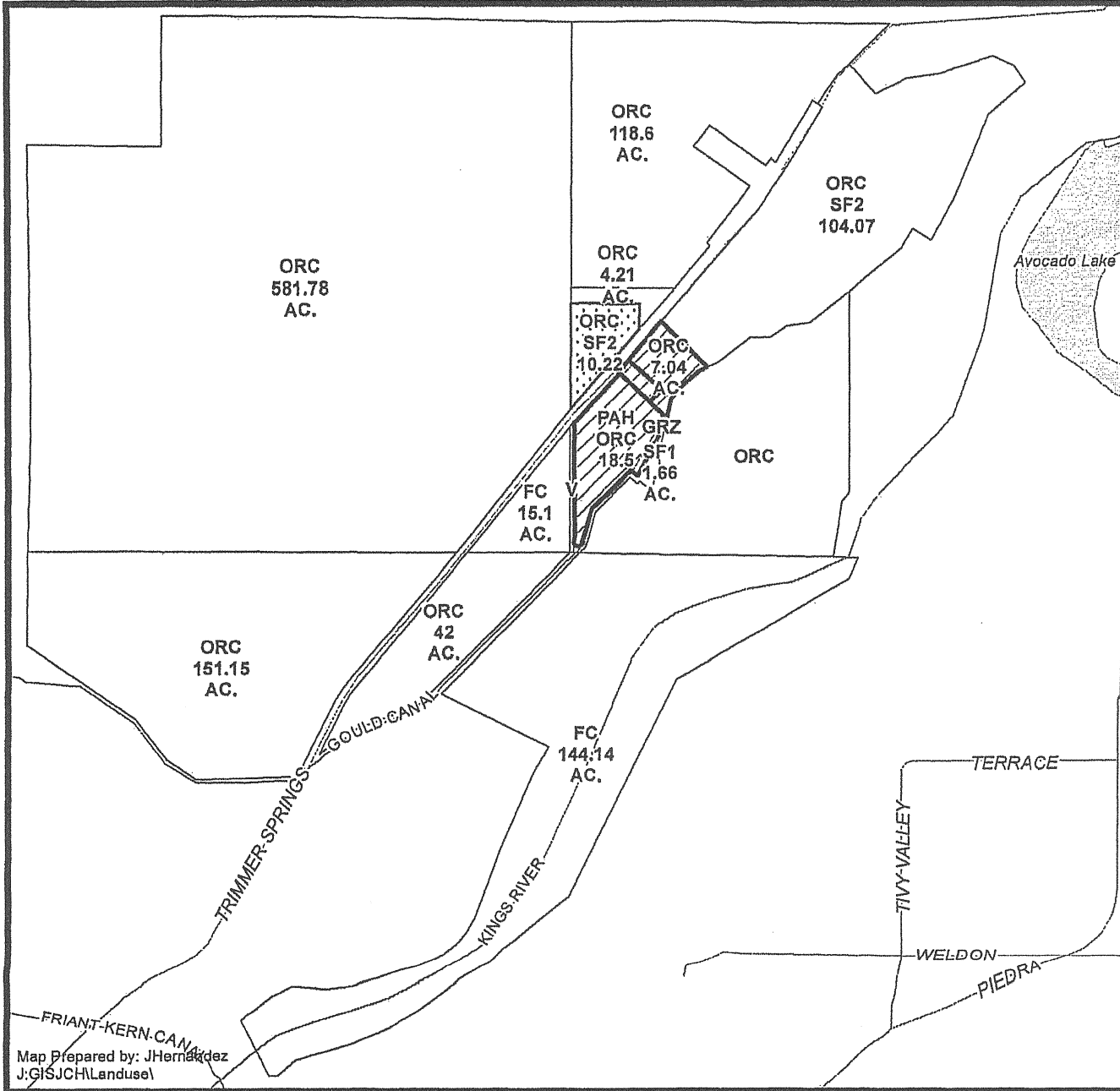


EXHIBIT 3



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EXISTING LAND USE MAP

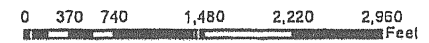


LEGEND

FC - FIELD CROP
 GRZ - GRAZING
 ORC - ORCHARD
 PAH - PACKING HOUSE
 SF# - SINGLE FAMILY RESIDENCE
 V - VACANT

LEGEND:

Subject Property
 Ag Contract Land



Department of Public Works and Planning
 Development Services Division

EXHIBIT 4

--- NOTE ---

This map is for Assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

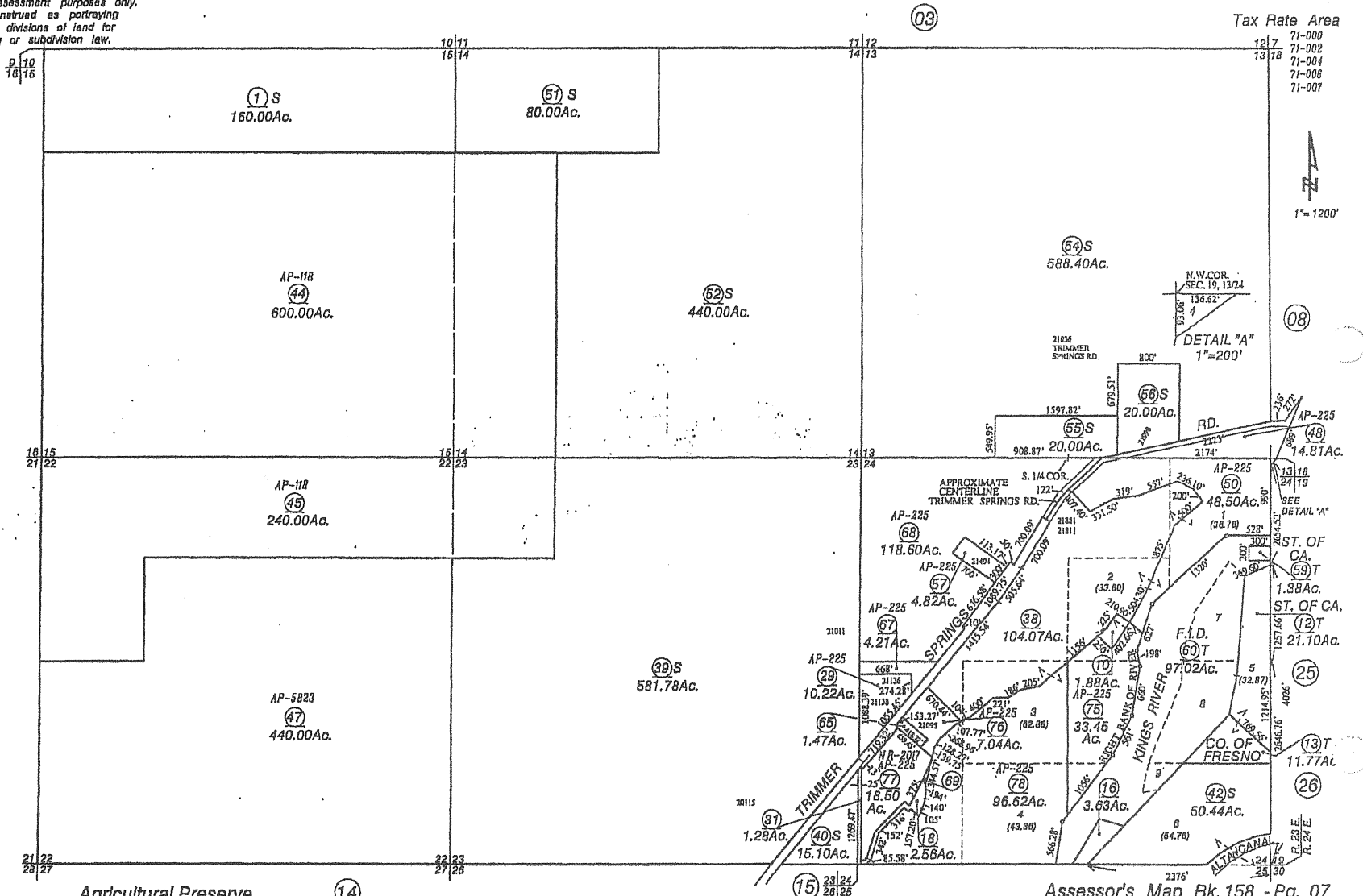


Exhibit 5 - Page 1

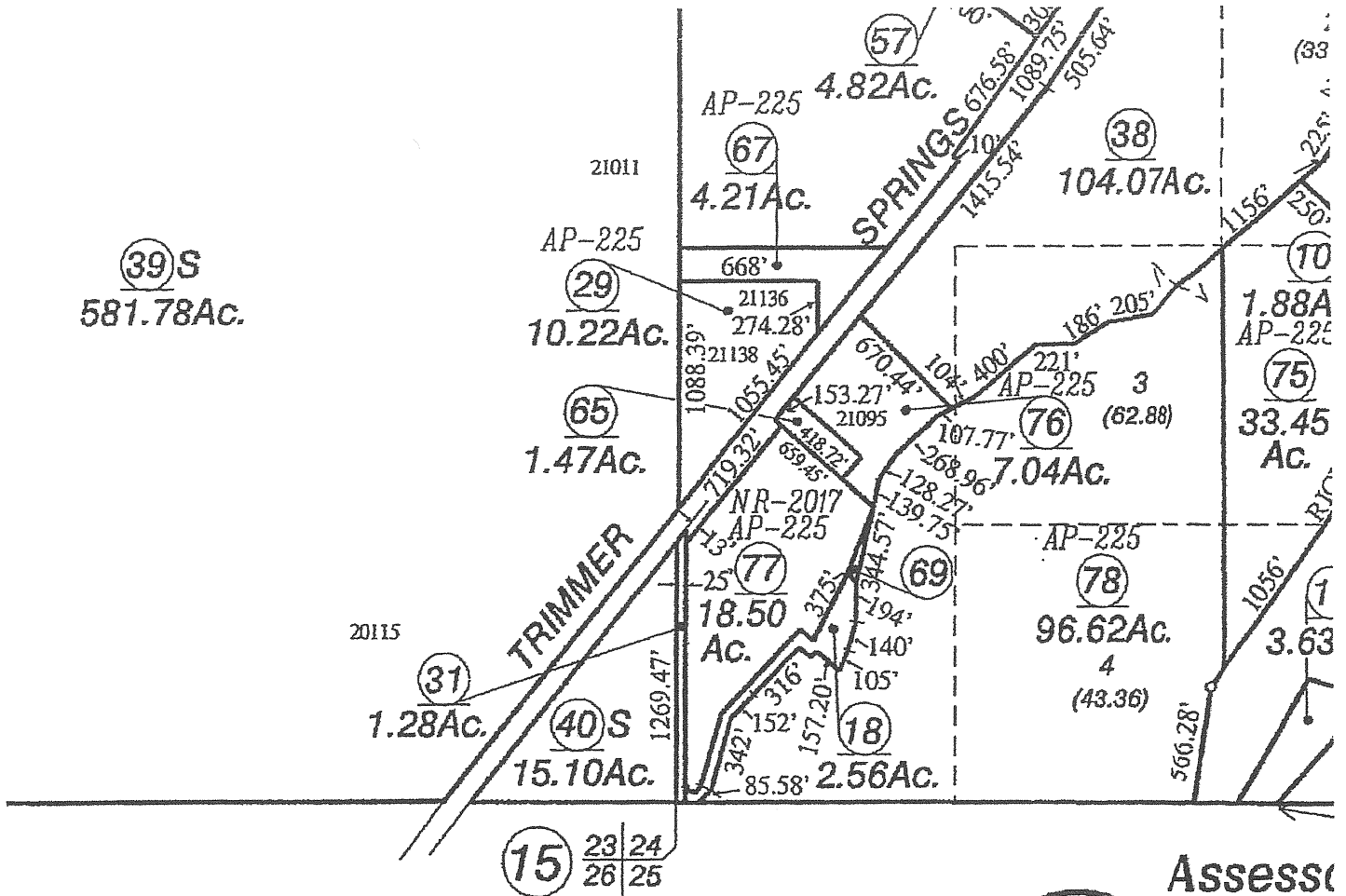
NOTE - Assessor's Block Numbers Shown in Ellipses. Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 158 - Pg. 07
County of Fresno, Calif.

10/17/13

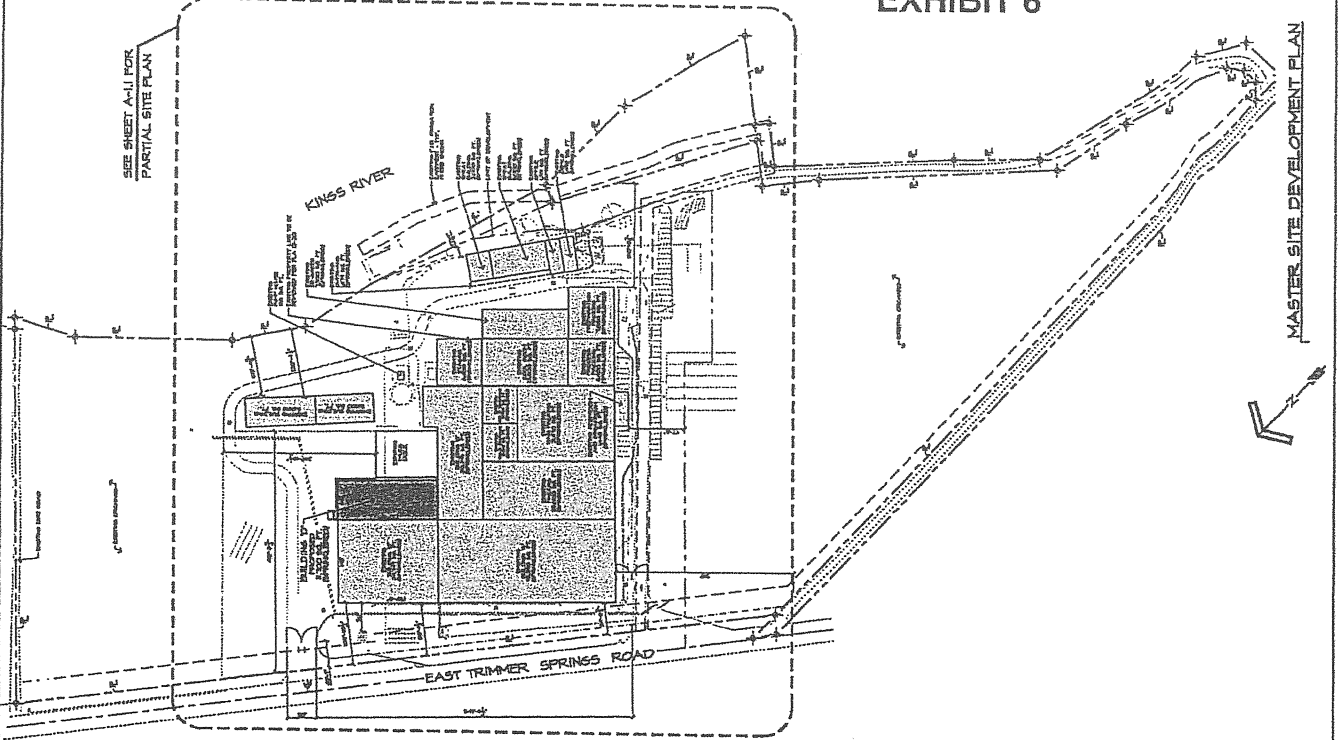
EXHIBIT 5

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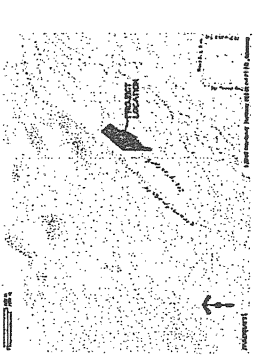
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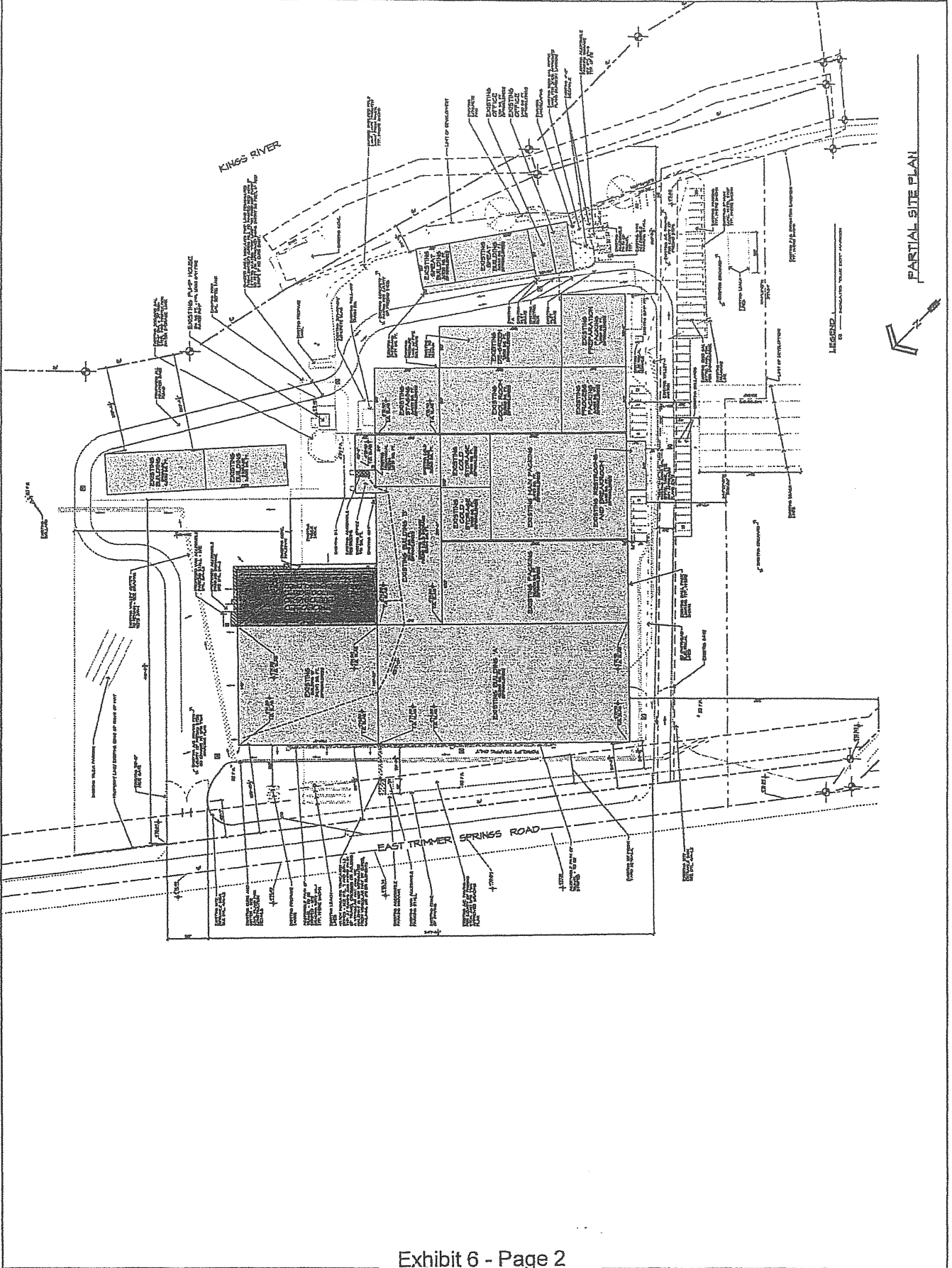
Assessor
Coun

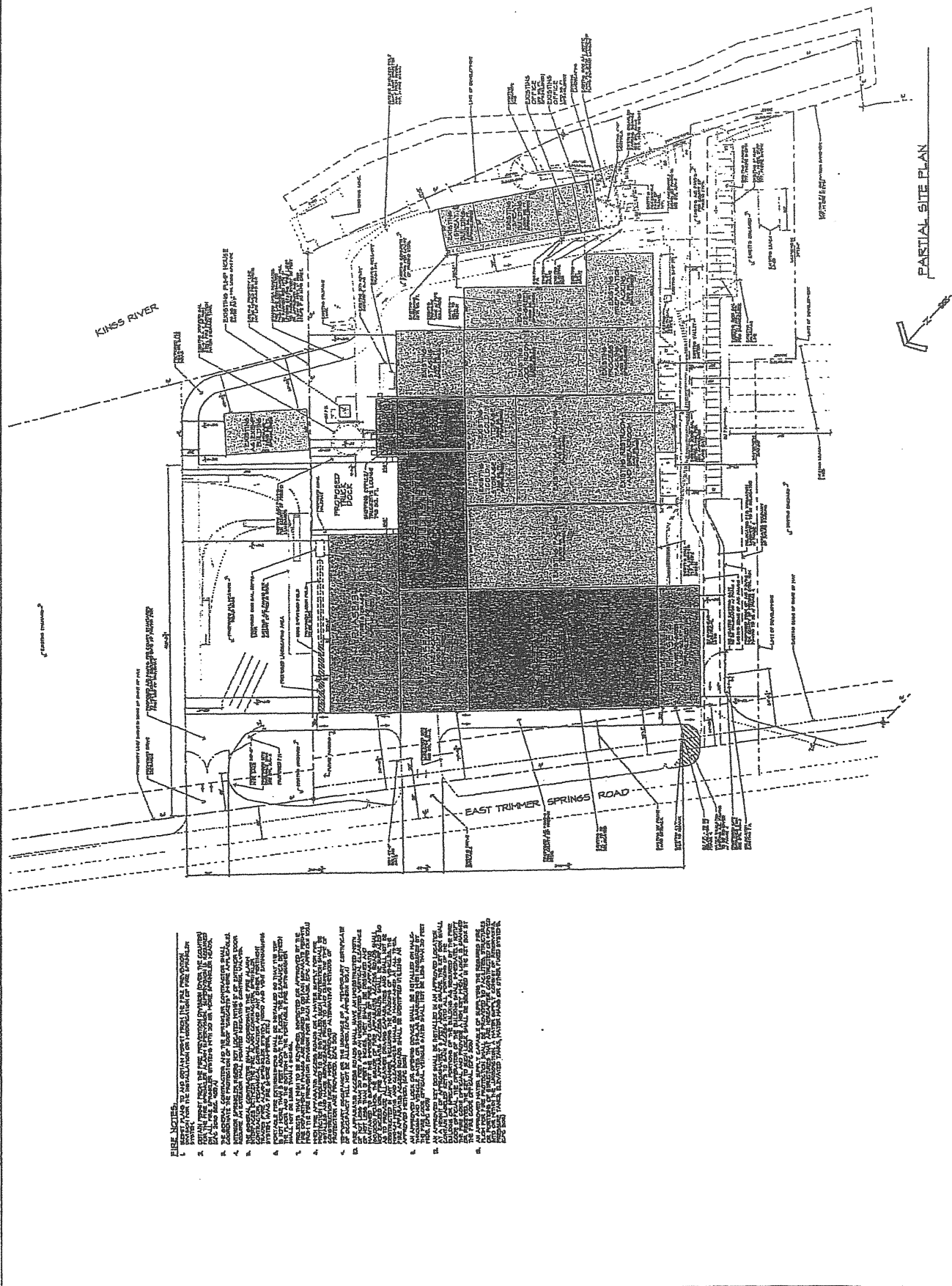


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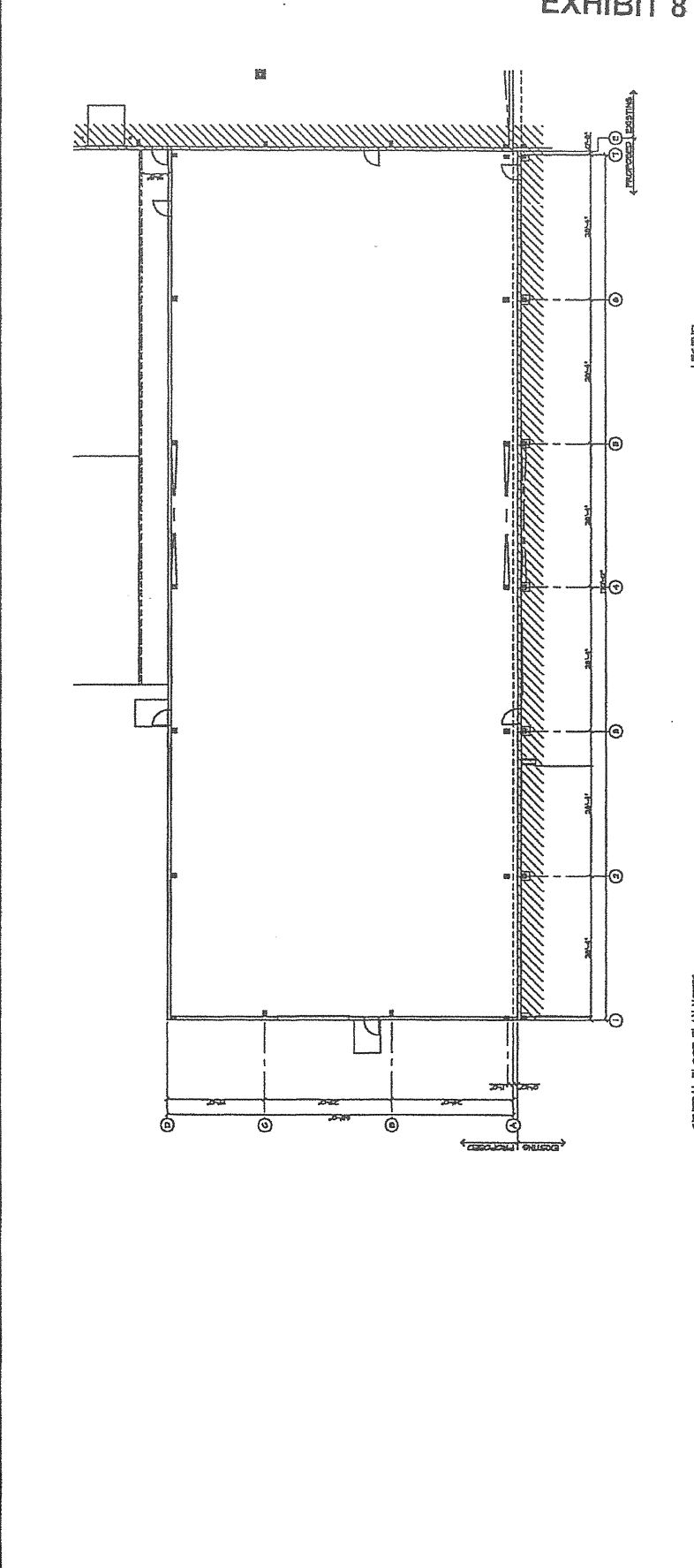






PARTIAL SITE PLAN

- NOTE:**
1. REFER TO ALL NOTES ON THE PREVIOUS DRAWING FOR THE PERMITTING PROCESS.
 2. THE PERMITTING PROCESS IS THE RESPONSIBILITY OF THE CLIENT. THE CLIENT SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.
 3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.
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GENERAL FLOOR PLAN NOTES

1. ALL INTERIOR WALLS ARE TO BE CONCRETE ON A 4" SAND FILL. EXTERIOR WALLS TO BE CONCRETE ON A 4" SAND FILL.
2. ALL FLOOR FINISHES ARE TO BE 1" POLISHED PORTLAND CEMENT CONCRETE.
3. ALL ROOF FINISHES ARE TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
4. ALL ROOF STRUCTURE IS TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
5. ALL ROOF FINISHES ARE TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
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8. ALL ROOF STRUCTURE IS TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
9. ALL ROOF FINISHES ARE TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
10. ALL ROOF STRUCTURE IS TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
11. ALL ROOF FINISHES ARE TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.
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22. ALL ROOF STRUCTURE IS TO BE 2" POLISHED PORTLAND CEMENT CONCRETE ON A 4" SAND FILL.

DATE	1/1/2014
SCALE	1/8" = 1'-0"
PROJECT	KINGS RIVER PACKING
CLIENT	DEWALT M&A ASSOCIATES, INC. 2014

DEWALT M&A ASSOCIATES, INC. 2014
 2014 M&A ASSOCIATES, INC. 2014
 2014 M&A ASSOCIATES, INC. 2014
 2014 M&A ASSOCIATES, INC. 2014

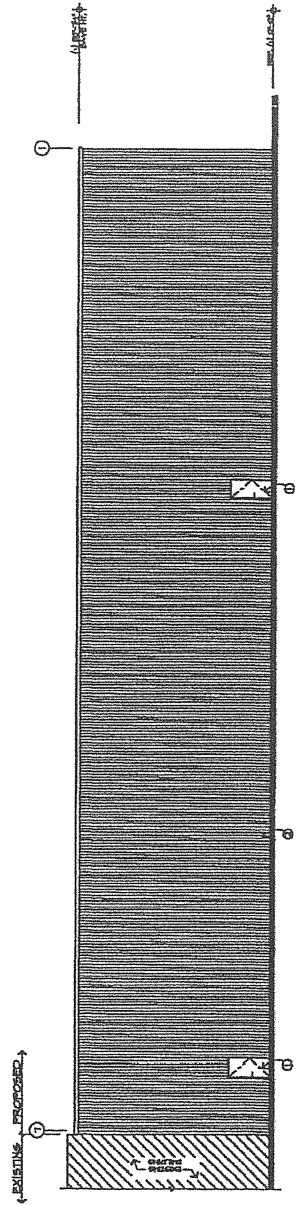


EXHIBIT 9

PROPOSED PROJECT FOR
KINGS RIVER PACKING
 2014 M&A ASSOCIATES, INC. 2014

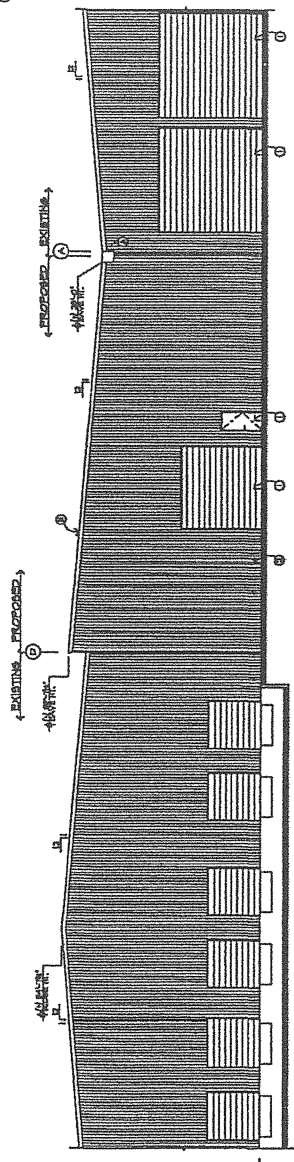
NO.	REVISION

A-3
 2014 M&A ASSOCIATES, INC. 2014
 2014 M&A ASSOCIATES, INC. 2014



SOUTH ELEVATION

- EXTERIOR MATERIAL LIST**
- 1. DOOR - SEE FLOOR PLAN
 - 2. WALL PANELS - SEE FLOOR PLAN
 - 3. WALL PANELS - SEE FLOOR PLAN
 - 4. WALL PANELS - SEE FLOOR PLAN
 - 5. WALL PANELS - SEE FLOOR PLAN
 - 6. WALL PANELS - SEE FLOOR PLAN
 - 7. WALL PANELS - SEE FLOOR PLAN
 - 8. WALL PANELS - SEE FLOOR PLAN
 - 9. WALL PANELS - SEE FLOOR PLAN
 - 10. WALL PANELS - SEE FLOOR PLAN



EAST ELEVATION

EXTERIOR ELEVATIONS

EXHIBIT 10

GMA Gerald Mele & Associates, Inc.

Consulting Engineers
Gerald A. Mele, PE, SE
Martin R. Iness, PE, SE

7337 N. First St., Suite 110 Fresno, CA 93720 (559) 435-1411 Fax (559) 435-1169

County of Fresno
Planning Department
2220 Tulare St.
Fresno, CA 93721

Kings River Packing Building Additions
Operational Statement

To whom it may concern,

The project will be located at 21083 East Trimmer Springs Road, Sanger, Ca. 93657 on the lots with the Assessor's Parcel Numbers of 158-070-65, 158-070-76 and 158-070-77. The proposed project constitutes Phase 3 of the company's needed expansion, which consists of the construction of a 11,700 sq. ft. metal building addition (Building 'D') to be used as storage. Approximately 3,448 sq. ft. of the proposed building was included in CUP 3307, hence the amended CUP application, which has already been submitted to the County. The anticipated use of the buildings will be an expansion of the operations of the existing commercial fruit packing facility located on the site. The land to be used for the proposed building is currently vacant, graded, asphalt paved land.

The existing commercial fruit packing facility has been in operation since 1977 and was last approved under CUP 3307. The company's operation has consisted of the processing and packing of oranges as well as lemons, which were added to their product line in 2005. The company historically has operated seasonally from November to June. Over the years they have seen an increase in product demand as well as an increase in the number of clients that has prompted them to construct several buildings (see site plan) as the company has grown. They have also added new machinery throughout the years to increase the company's efficiency.

The nature of the company's operations is the same as it was at the time of approval of current CUP. Past expansion under the current CUP was as follows:

Phase 1 of the company's expansion included the construction of a 45,280 sq. ft. metal building (Building 'A') and a 20,295 sq. ft. metal building (Building 'B'). It also included the construction of a new truck dock and a truck parking lot.

Phase 2 involved the construction of a 24,747 sq. ft. metal building addition (Building 'C').

The proposed building will be approximately 28'-0" tall at the low eave, 33'-7 1/2" at the high eave and will be cream colored, which will match the other buildings on the site.

The business tends to have 3 to 5 visitors a day. They currently have 70 full time employees who work 8 hours a day, 5 days a week from November to June. The number of employees will not increase as a result of the proposed project as its planned use is storage. There are no caretakers living on-site.

GMA Gerald Mele & Associates, Inc.

Consulting Engineers
Gerald A. Mele, PE, SE
Martin R. Iness, PE, SE

7337 N. First St., Suite 110 Fresno, CA 93720 (559) 435-1411 Fax (559) 435-1169

The company receives approximately 40 trucks a day during the season, 6 days a week. At no time will they exceed 8 trucks per hour. The construction of the proposed building will not cause an increase in truck traffic as no additional shipments will be added.

Access to the site is currently provided off of East Trimmer Springs Road, which is a paved road.

There are currently 66 automobile parking stalls on the site and 4 truck-parking stalls provided in the truck parking lot.

No goods are sold on-site. The product is shipped by truck on demand or is stored in cold storage until it is needed.

The proposed building will not cause an unsightly appearance or produce dust, noise, glare or any odors.

The company currently produces approximately 4,500 gallons of liquid waste per day. The liquid waste consists of wash water and is collected and used to irrigate the surrounding orange orchards. All other liquid waste is disposed of through the approved septic system and leech pits that are located on the site. The proposed building will not increase the amount of liquid waste being produced by the company.

As for solid waste, a commercial carrier on a weekly basis picks up the trash. Oranges that are rejected are disposed of commercially.

The company's water is provided by a private well and it uses approximately 4,500 gallons a day, during the previously mentioned season.

On-site advertising consist of a 4'-0"x7'-0" sign which is located at the main entrance to the site.

Lighting for the site is provided through a combination of wall-pack and pole mounted lighting. There is no outdoor sound amplification system. Communication is provided through the use of two-way radios.

The site is currently surrounded on three sides by orange orchards. The Kings River lies on the remaining side of the parcel. There is an existing landscape area in front of the existing offices.

Respectfully submitted,

Sean Odom
Gerald Mele & Associates, Inc.



EXHIBIT 11

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Gerald Mele & Associates, Inc. on behalf of Kings River Packing
- APPLICATION NOS.:** Initial Study Application No. 6312 and Classified Conditional Use Permit Application No. 3307
- DESCRIPTION:** Allow the expansion of an existing 6.96-acre commercial fruit packing operation by an additional 3.83 acres of processing, storage, parking and circulation area on portions of a 23.95-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and on portions of a 180.16-acre parcel within the AL-40 (Limited Agricultural, 40-acre minimum parcel size) and O (Open Conservation) Zone Districts.
- LOCATION:** The project site is located on the east side of Trimmer Springs Road, approximately three quarters of a mile north of its intersection with Belmont Avenue, approximately three miles southwest of the unincorporated community of Piedra (21095 E. Trimmer Springs Road) (Sup. Dist.: 5) (APNos.: 158-070-61, 158-070-63 and 158-070-64).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the expansion of an existing 6.96-acre commercial fruit packing operation allowed under Conditional Use Permit (CUP) No. 2786 by an additional 3.83 acres of processing, storage, and parking and circulation area. The existing operation is located on a 23.95-acre parcel zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) which is identified as Assessor's Parcel Number (APN) 158-070-61. Proposed improvements associated with this project will be located on the aforementioned 23.95-acre parcel and on a 1.68-acre portion of an adjacently located 180.16-acre parcel which is zoned both AL-40

DEVELOPMENT SERVICES DIVISION

(Limited Agricultural, 40-acre minimum parcel size) and O (Open Conservation). The AL-40 (Limited Agricultural, 40-acre minimum parcel size) zoned portion of the aforementioned 180.16-acre parcel is identified as APN 158-070-63 and the proposed improvements will be located on this portion of said parcel. No improvements are proposed on the O (Open Conservation) zoned portion of the 180.16-acre parcel which is identified as APN 158-070-64.

The project site is located in an agricultural area comprised primarily of orchards with few residential land uses dispersed throughout. Additionally, a portion of the Kings River is adjacently located east of the project site and the Fresno Irrigation District Gould Canal is also adjacently located east of the project site. The Friant-Kern Canal is located approximately one and a half miles south of the project site, and a trailer park is located approximately three and one half miles northeast of the project site.

Trimmer Springs Road abuts the western property line of the project site and is identified as a Scenic Drive in the Fresno County General Plan. Policy OS-L.3 of the Plan typically requires intensive land use proposals such as commercial developments to be developed with a 200-foot natural open space area adjacent to the Scenic Highway. However, Policy OS-L.3 also allows this 200-foot natural space setback requirement to be modified for proposals which involve the expansion of an existing facility. As of today, improvements including graded and paved parking areas and portions of existing structures already appear to encroach within this setback area. Further, an existing landscape screen adjacent to Trimmer Springs assists in screening the facility from the roadway. As the subject project entails the expansion of the existing fruit packing operation, the 35-foot setback proposed for improvements adjacent to Trimmer Springs Road is acceptable.

Visibility of this proposal from neighboring properties to the north and south will be screened from view by existing orchards located on the subject property and neighboring properties to the north and south. No visibility concerns are anticipated east of the proposal as there are existing mature trees located throughout the easterly neighboring properties that will provide visual screening of the project site. This proposal may be visible from Trimmer Springs Road and westerly neighboring properties. However, landscaping was not required for CUP No. 2786 or its associated Site Plan Review (SPR) No. 6769. As previously discussed, an existing landscaping screen exists along Trimmer Springs. To address potential aesthetic concerns that could be associated with the proposed phased expansion, staff will recommend a Condition of Approval requiring additional landscaping as an extension of the existing landscaping screen abutting Trimmer Springs to be phased as development occurs, and a Condition requiring that new construction be painted a color compatible with the existing structures.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal will utilize outdoor lighting that has the potential of generating new sources of light and glare in the area. All outdoor lighting shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:

* Mitigation Measure(s)

1. All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located on forest land and is classified as Unique Farmland on the Fresno County Important Farmland Map (2008). This proposal entails the expansion of an existing 6.96-acre commercial fruit packing operation allowed under CUP No. 2786 by an additional 3.83 acres of processing, storage, and parking and circulation area. The proposed expansion will result in the loss of approximately 2.61 acres of orchard on the subject property. This loss of farmland is less than significant in that the proposed use will serve an existing commercial enterprise which processes and stores agricultural products (fruit).

The southern 1.68 acres of the property identified as APN 158-070-63 is currently enrolled under Agricultural Land Conservation Contract (ALCC) No.225. According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, the proposed expansion of the existing commercial fruit packing operation is not a compatible use on property subject to a Williamson Act Contract, unless a cancellation of the Contract has occurred. An application for partial cancellation of Contract No. 225 for the 1.68-acre portion of the property under Contract was filed by the Applicant in April 2011 and is in process. Approval of the subject proposal is contingent upon approval of the cancellation of Contract No. 225 by the Board of Supervisors which would occur after final action on the subject land use application.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or

- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the San Joaquin Valley Air Pollution Control District (Air District) which commented that the project is subject to District Rule 9510 (Indirect Source Review). Additionally, the project may also be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). Compliance with Air District Rules will reduce air quality impacts of the subject project to a less than significant level. Staff notes that the Applicant is in the process of filing an Indirect Source Review (ISR) with the Air District. Filing will occur prior to the item being considered by the Planning Commission.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 (CDFG) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a Tree Preservation Policy or Ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state Habitat Conservation Plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an agricultural area and has been previously disturbed as said property has been historically utilized for commercial fruit packing and agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the USFWS, which did not express any concerns related to the project. This proposal was also referred to the CDFG, who also did not express any concerns. Therefore, no impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is located within an area designated to be highly sensitive for archeological resources. Staff acknowledges that the project site has been highly disturbed, but also acknowledges the possibility of resource discovery with additional ground disturbance. As such, in the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a level of insignificance.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake?
 - (a.) Strong seismic ground shaking?
 - (b.) Seismic-related ground failure, including liquefaction?
 - (c.) Landslides?

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from grading activities associated with this proposal. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. This requirement will be included as a project Note and shall be reviewed for approval during the Site Plan Review (SPR) process which will be included as a Condition of Approval. Conditions of the SPR may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting. With adherence to these requirements, potential erosion impacts will be reduced to a level of insignificance.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

- D. Would the project be located on expansive soils creating substantial risks to life or property?

FINDING: NO IMPACT:

The project site is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing fruit packing operation is currently served by two engineered on-site sewage disposal systems and a third on-site sewage disposal system is proposed to accommodate the proposed expansion. According to the Fresno County Department of Public Health, Environmental Health Division, a test hole and inspection shall be required prior to the issuance of Construction Permits for the proposed on-site sewage disposal system. Further, the proposed on-site sewage disposal system shall be designed and installation certified by a California Registered Geologist or a Registered Civil Engineer who is knowledgeable and experienced in the field of septic tank-leaching system design and installation. This requirement will be included as a project Note.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Additionally, compliance with Air District Rules discussed in Section III.E of this analysis will reduce air quality impacts of the subject proposal to a less than significant level. Staff notes that the project involves a fruit packing facility in proximity to existing agricultural land and the operation is not a high-emission generating use. There will be no appreciable gain in truck traffic with development of the expansion and the Applicant is in the process of submitting an ISR application to the Air District.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or

- C. Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall be required to submit an updated Hazardous Materials Business Plan to said agency prior to the issuance of Construction and/or Grading Permits. Additionally, the Applicant shall also be required to submit an updated Hazardous Materials Business Plan to said agency prior to each phase of the proposed expansion. Further, all hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5, which discusses proper labeling, storage and handling of hazardous wastes. With adherence to these requirements, which will be included as project Notes, this proposal will have a less than significant impact in regard to the handling and accidental release of hazardous materials. Additionally, there are no schools within one-quarter mile of the project site.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites were identified in the project analysis.

- E. Would a project be located within an Airport Land Use Plan or, absent such a Plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area; or

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan.

- 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?

FINDING: NO IMPACT:

The project site is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within an area of low groundwater availability. However, upon review of this proposal by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, no water-related concerns were expressed as the proposed expansion will not result in increased water usage.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No additional water quality impacts were identified in the project analysis.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No additional housing is proposed with this project.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, FEMA FIRM Panel 1645H indicates that portions of the project site are in Flood Zone X and Flood Zone AE which are subject to the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This requirement will be included as a project Note.

- I. Would the project expose persons or structures to levee or dam failure; or
J. Would the project inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located within a predominately agricultural area.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Agriculture in the County-adopted Kings River Regional Plan. Provisions for value-added agricultural uses such as the proposed use have been provided for in the Fresno County Zoning Ordinance and General Plan. Policy LU-A.3 of the General Plan provides that the commercial packing and processing of crops may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available. Criteria LU-A.3.f states that

the evaluation under Criteria LU-A.3.a shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services. The operation has been providing fruit packing services to the surrounding agricultural area which, due to its size and nature, is not as easily operated or established in urbanized areas; the site has already been developed with the use; reviewing agencies have not cited water deficiencies or impacts to surrounding properties associated with the proposed expansion or improvements. Therefore, the proposed use is conditionally compatible with the Agriculture General Plan designation.

Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses. In this instance, neighboring properties are being utilized for agricultural cultivation; however, this proposal does entail the expansion of an existing commercial fruit packing operation which is associated with and complimentary to surrounding agricultural uses.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or Habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise level; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal has the potential to generate additional noise from construction activity associated with the development of the project site. As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers. This requirement will be included as a project Note. Additionally, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns in regard to noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip; or
- 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?

FINDING: NO IMPACT:

The project site is not located in the vicinity of an airport and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities in the following areas:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District, which did not express any concerns with the project. Additionally, any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a project Note.

2. Police protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Sheriff's Department, it has been recommended that the subject company name and address be visible from Trimmer Springs Road for response by law enforcement and other emergency personnel, the facility be adequately illuminated during nighttime hours so that structural improvements are visible from Trimmer Springs Road, and that the facility be equipped with a monitored alarm system to reduce theft and improve response time by law enforcement and fire protection personnel. These recommendations will be included as project Notes.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project analysis.

XV. RECREATION

A. Would the project increase the use of existing neighborhood and regional parks; or

B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation; or

B. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the expansion of an existing 6.96-acre commercial fruit packing operation allowed under CUP No. 2786 by an additional 3.83 acres of processing, storage, and parking and circulation area. The existing operation generates 140 daily one-way employee trips five days per week from November to June. There will be no increase in employees as a result of the proposed expansion as new automated equipment will be utilized in the operation. The

existing operation generates 80 daily one-way truck trips six days per week from November to June. There will be no increase in truck trips as a result of the proposed expansion as the proposed facilities will be utilized to more efficiently facilitate the staging and loading of the trucks currently received. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no traffic related concerns in regard to the number of vehicular trips generated by the operation.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: NO IMPACT:

This proposal was reviewed by the Design Division and the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, both of which expressed no concerns with the project. Staff notes that the County's Road Maintenance and Operations Division will require an Encroachment Permit for all improvements within the County right-of-way, and will request cross-sections, dimensions, and other detailed information as part of the project's Site Plan Review revision. This information will be provided to the Applicant in the form of project Notes.

- E. Would the project result in inadequate emergency access; or

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or

- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- C. Would the project require or result in the construction or expansion of new stormwater drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No such impacts on biological resources were identified in the project analysis. The subject parcel is located in an agricultural area and has been previously disturbed as said property has been historically utilized for commercial fruit packing and agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3307, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to greenhouse gas emissions, mineral resources, population and housing, and recreation.

Potential impacts related to agricultural and forestry resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant. Potential impacts relating to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration/Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 June 28, 2018

SUBJECT: Initial Study Application No. 7444 and Unclassified Conditional Use Permit Application No. 3611

Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Avenue, Selma CA) (SUP. DIST. 4) (APN 358-021-74).

OWNER: Connie and Alvaro Singh
APPLICANT: ForeFront Power

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7444; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3611 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Elevations
6. Applicant’s Submitted Operational Statement
7. Applicant’s Submitted “Supplemental Information for Solar Facility Guidelines”
8. Summary of Initial Study Application No. 7444
9. Draft Mitigated Negative Declaration
10. Public Correspondence

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the County-adopted Selma Community Plan	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	20.17 acres	No change
Project Site	<ul style="list-style-type: none"> • Vineyard • Single-family residence with related improvements 	A 1.65 megawatt photovoltaic solar power generation facility with supportive appurtenance structures on an approximately 9-acre portion of a 20.17- acre parcel
Structural Improvements	<ul style="list-style-type: none"> • Single-family residence with related improvements 	<ul style="list-style-type: none"> • Either fixed- or single-axis photovoltaic ground-mounted tracking panels • Inverter and transformers • Utility poles • Seven-foot-tall chain-link perimeter fencing
Nearest Residence	26 feet north of the project site	No change
Surrounding Development	Farmlands with sparse single-family residences to the north,	No change

Criteria	Existing	Proposed
	south, east and west of the project site	
Operational Features	N/A	See above "Project Site" Additionally, the proposed facility will: <ul style="list-style-type: none"> • Operate 25 years per the solar lease in accordance with the project Reclamation Plan • Be dismantled at the end of its operational life and the land restored to pre-development conditions
Employees	N/A	<ul style="list-style-type: none"> • One (to provide for security and maintenance of the facility during its operation).
Customers	N/A	N/A
Traffic Trips	Residential traffic	<ul style="list-style-type: none"> • 102 round trips and 14 peak-hour round trips per day during the four-month construction period • Two round trips per day for security and maintenance during operational period
Lighting	Residential lighting	Hooded motion-activated outdoor security lighting around the project site
Hours of Operation	N/A	24 hours per day, 365 days a year

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 23, 2018

PUBLIC NOTICE:

Notices were sent to 40 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an unclassified CUP application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The proposed solar power generation facility will be located on a 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Photovoltaic (PV) modules with a capacity of generating 1.65 megawatts alternating current (MW-AC) will convert sunlight into electrical energy. This energy will be delivered to the Pacific Gas and Electric Company’s (PG&E) existing regional transmission network using voltage transmission equipment and system safety equipment constructed on the project site. As part of the proposed gen-tie connection, an elevated 540-foot-long gen-tie line would connect on-site electrical equipment to an existing PG&E power line along the site’s McCall Avenue frontage. Approximately five new utility poles will be added along the length of the gen-tie line.

The project will entail installation of a series of PV module arrays mounted on either fixed-tilt or single-axis tracker racking systems supported by metal frames. These metal frames will either be attached to steel posts driven into the ground, or mounted on skids that will be anchored to the ground utilizing metal screws. The racking systems and PV module arrays will have an overall height of up to nine (9) feet.

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (McCall Avenue; east property line): 76.6 to 77.85 feet Side (north property line): 25.15 to 28 feet Side (south property line): 190 feet Rear (west property line): 25.15 to 27.55 feet	Yes
Parking	No requirement	None	N/A
Lot Coverage	No requirement	No requirement	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	Seven-foot-tall chain-link perimeter fencing around project site	N/A
Septic Replacement Area	100 percent for existing system	No change	Yes
Water Well Separation	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the setback requirements of the AE-20 Zone District. Completion of a Site Plan Review is recommended as a Condition of Approval for the project.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plans demonstrates that the proposed solar panels would be set back from the surrounding property lines in excess of the minimum required setbacks from two of the four outer property lines. A 76.6-foot setback is proposed on the eastern boundary, a 190-foot setback is proposed on the southern boundary, and a 25.15-foot setback (minimum) is proposed on the northern and western boundaries of the project site. The “Solar Facility Guidelines” approved by the Fresno County Board of Supervisors on May 3, 2011 and amended on March 13, 2012, May 21, 2013 and December 12, 2017 requires measures to create a buffer between proposed solar facilities and adjacent agricultural operations, including a 50-foot setback between proposed solar facility improvements from the edges of the property boundaries to the closest structural improvements or equipment. Typically, County policy for photovoltaic solar facilities require a minimum of 50 feet of setback from surrounding agricultural operations, although exceptions can be considered.

The proposed 1.65-acre solar facility is small in scale and may not affect adjacent farming operations due to a less than 50-foot setback along its northern and western boundaries. The proposed solar field borders with the existing vineyard to the north with no improvements. This vineyard is located on the project site and owned by the property owner who signed a solar lease with the Applicant. As such, the proposed 25.12-foot setback would be acceptable and the impacts would be less than significant. The impacts would also be less than significant on farming operations on the abutting westerly property. From an aerial photo, it appears there is a sufficient distance between the solar field and the orchard to maintain a 50-foot setback. Adherence to a Site Plan Review (SPR), which has been required as a Condition of Approval, will ensure compliance with the setback requirements.

Conditions of the SPR may include, but are not limited to, design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

Based on the above information, and with adherence to the Conditions of Approval described above, staff believes the site will be adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

***Finding 2:** That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	McCall Avenue; Poor condition	No change
Direct Access to Public Road	Yes	McCall Avenue; Poor condition	No change
Road ADT (Average Daily Traffic)		3,600	No change
Road Classification		Arterial	No change
Road Width		30-foot right-of-way west of section line along property frontage	No change
Road Surface		Asphalt concrete paved	No change
Traffic Trips		Residential traffic	<ul style="list-style-type: none"> • 102 round trips and 14 peak-hour round trips per day during the four-month construction period • Two round trips per day for security and maintenance during operational period
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by Design Division of the Fresno County Department of Public Works and Planning

	Existing Conditions	Proposed Operation
Road Improvements Required	McCall Avenue; Poor condition	Not required

Reviewing Agency/Department Comments:

Road Maintenance and Operations (RMO) Division and Development Engineering Section of the Fresno County Department of Public Works and Planning: The recorded Parcel Map No. 7718, which allowed the subject parcel, relinquished direct vehicular access to McCall Avenue where proposed by this application except for a single 60-foot-wide access strip being the most southerly 60 feet of the parcel. To allow the access point shown on the Site Plan as a temporary access for construction, the Applicant shall file an Encroachment/Improvement Permit application with the RMO Division. This requirement has been included as a Condition of Approval.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal, as post-construction vehicular traffic associated with the project is below the threshold of 100 daily trips or 10 peak-hour trips, which would require preparation of a Traffic Impact Study (TIS).

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis:

The project site fronts on McCall Avenue which is a County-maintained road with a pavement width of 32.9 feet. The proposed solar facility will gain access from McCall Avenue via a 20-foot-wide all-weather access road (Exhibit 5). This proposed road, to be permitted by the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, will provide temporary access to the facility during an approximate four-month construction period and be abandoned within one year upon completion of the construction. During operations, the proposed facility will utilize the existing access to the site the existing residential development on the property currently uses.

Staff acknowledges that vehicular traffic in the area will be increased during the time of construction; however, this increase will be temporary. According to the *Project Construction Trip Generation* document prepared for the project, the project will generate 102 daily round trips and 14 peak-hour round trips during the construction period, which includes mobilization (Phase 1), site improvement and grading (Phase 2), and panel installation and construction (Phase 3). Although the facility will be unmanned and remotely monitored, following construction, one employee will perform regular security and maintenance operation generating two daily round trips.

Based on the above information, and with adherence to the Condition of Approval described above, staff believes that McCall Road will remain adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	7.08 acres	Single-Family Residence	AE-20	26 feet
South	9.76 acres	Agricultural and personal storage buildings	AE-20	None
East	2.3 acres	Vineyard with a Single-Family Residence	AE-20	253 feet
	30 acres	Vineyard with a Single-Family Residence		640 feet
West	64.12 acres		AE-20	

Reviewing Agency/Department Comments:

Consolidated Irrigation District (CID): The subject parcel contains a CID canal and farmer lateral pipeline with associated easement. The CID pipeline shall be examined prior to construction and, if determined necessary by CID to support construction vehicle weights, the Applicant shall be required to upgrade the pipeline to CID’s standards at the location of the crossing.

Fresno County Ag Commissioner’s Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.

City of Selma: Landscape and Irrigation plans shall be submitted to the City of Selma for review and approval prior to the issuance of Building Permits.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: Proposed improvement area of 500 square feet or more shall require submittal of Landscape and Irrigation plans per the Governors Drought Executive Order of 2015 and be submitted to the SPR unit for review and approval prior to the issuance of Building Permits.

The aforementioned requirements have been included as Conditions of Approval.

Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. All proposed signs shall be submitted to the Department of Public

Works and Planning permits counter to verify compliance with the Zoning Ordinance. These requirements have been included as Project Notes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher shall be required for any grading proposed with this application. Direct access to McCall Avenue (Arterial) shall be limited to one common point, no new access points shall be allowed without prior approval, and any existing driveway shall be utilized. Any additional run-off generated by the proposed development of the site cannot be drained across property lines and must be retained or disposed of per County standards. If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the driveway onto McCall Avenue. An on-site turnaround area shall be provided so that the vehicles do not back out onto the roadway (McCall Avenue).

The Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Fresno County Fire Protection District: The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County. The project shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall file an Air Impact Assessment (AIA) Application prior to applying for the final discretionary approval, and pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. (Note: An Air Impact Assessment (AIA) Application (ISR Project Number C-20180136) was submitted by the Applicant and deemed complete by the Air District on April 2018.)

Other Air District rules that may apply to this proposal include: District Regulation VIII - Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required for all proposed improvements on the property.

The aforementioned requirements have been included as Project Notes.

Dumna Wo Wah Tribal Government; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians: The Tribes were offered an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. However, no Tribe responded to the offer of consultation (see the following Analysis).

Central Valley Regional Water Quality Control Board; Design, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians: No concerns with the proposal.

Analysis:

The proposed 1.65 megawatt solar power generation facility will be located on a 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Located approximately one quarter-mile north of the City of Selma, the project site has historically been used for agricultural production and is currently planted in vineyards. The surrounding land uses include vineyards and orchard with sparse single-family residences. The nearest single-family residence is approximately 26 feet north of the site.

The improvements included in the project proposal consist of ground-mounted PV solar module arrays and supportive appurtenance structures, perimeter fencing, and interconnection to the PG&E electrical grid. As part of the proposed gen-tie connection, an elevated 540-foot-long gen-tie line would connect on-site electrical equipment to an existing PG&E power line along the site's McCall Avenue frontage. Approximately five new utility poles will be added along the length of the gen-tie line.

The Initial Study prepared for this project identified potential impacts related to aesthetics, agricultural and forestry resources, and biological resources. Regarding aesthetics, all outdoor lighting would be required to be hooded and directed downward so as not to shine upon adjacent roads and properties. Regarding agricultural and forestry resources, the project will comply with a Reclamation Plan and bonding requirements, sign a covenant to restore the land at the cessation of the solar facility operations, and comply with a pest management plan. Regarding biological resources, the project will require a pre-construction site survey for burrowing owls and no ground-disturbances during nesting season without clearance from a biologist.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials and public services have been determined to be less than significant. The project will comply with the Air District Rule 9510 and permitting requirements; require an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; handle hazardous materials/wastes according to the requirements of the California Health and Safety Code (HSC), and submit a Hazardous Materials Business Plan; comply with the current Fire Code and Building Code; and, annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Additionally, as noted in the project analysis for Finding 1, a less than 50-foot setback along northern and western boundaries of the project site would not affect the adjacent farming operations.

The project site is not within any area designated as moderately- or highly-sensitive to archeological finds. Pursuant to AB (Assembly Bill) 52, County staff routed the project to the Dumna Wo Wah Tribal Government; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; and Picayune Rancheria of the Chukchansi Indians offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. Given no Tribe responded to the offer of consultation within 30-days, no additional action was necessary on the County's part. The project will have no impacts on historical, archeological, or paleontological resources.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See Mitigation Measures and recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.3 states that electrical power generation facilities may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding area which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.</p>	<p>With regard to Criteria “a”, the proposed solar facility will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area. With regard to Criteria “b”, the facility will occupy portions of the land classified as Unique Farmland and Farmland of Statewide Importance and will be conditionally limited to 25 years. Further, upon cessation of the proposed use, the site will be restored to a pre-development condition for farming operations. With regard to Criteria “c”, the project is not located in a low-water area and will utilize surface water from Consolidated Irrigation District. With regard to Criteria “d”, the project site is approximately one quarter-mile from City of Selma, which has the ability to provide an adequate workforce. The proposal is consistent with this policy.</p>
<p>Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses.</p> <p>Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The proposed facility is temporary in nature. A Reclamation Plan will be implemented to restore the site to agricultural use once the facility operation ceases. Also, as noted in the Solar Facility Guidelines (Exhibit 7), during the life of the project, Weed and Rodent Control Plans will be implemented to reduce weed and rodent impacts to adjacent farmland.</p> <p>The 9-acre project site will have perimeter fencing for security purposes and to separate the use from farming operations on and adjacent to the project site. Further, the proposed solar power generation facility will have 20-foot-wide perimeter roads, and the proposed solar panels will have 50-foot</p>

Relevant Policies:	Consistency/Considerations:
	minimum setbacks from the southern and western project boundaries. Further, adherence to a Site Plan Review (SPR) shall be required as a Condition of Approval to ensure compliance with setback requirements.
General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	Water needed during the project construction will be provided by Consolidated Irrigation District. The Water and Natural Resources Division expressed no concerns regarding sustainable water supply to the project. The proposal is consistent with this policy.

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3, states that non-agricultural uses such as electrical power generation facilities may be allowed by means of a discretionary use permit. Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy PF-C.17 requires sustainable water supply for the project.

Analysis:

The project meets the intent of Policy LU-A.3 as discussed above in General Plan Consistency/Consideration. Concerning consistency with Policy LU-A.12 and Policy LU-A.13, the proposed solar facility is allowed on land designated for Agriculture, is temporary in nature and will be restored to agricultural use upon cessations of the use; will implement weed and rodent control plan to reduce impact on adjacent farmlands; and, will be secured by seven-foot-tall perimeter fencing to safeguard and separate the use from farming operation on and adjacent to the project site. Concerning consistency with Policy PF-C.17, the project will have no impact on groundwater resources due to the use of surface water from Consolidated Irrigation District for construction.

Portions of the project site are designated as Unique Farmland, and/or Farmland of Statewide Importance. On May 3, 2011 the Fresno County Board of Supervisors took action to require supplemental application information based on the Nine-Point Solar Facilities Guidelines be provided by solar utility applicants as part of their project submittal packages. The Guidelines were amended by the Board on March 13, 2012, May 21, 2013 and December 12, 2017 to include historical information on the agricultural use of the property, crop yield information, the source of water, the soil type, information on improvements and site buffering, the submittal of a Reclamation Plan, pest management information and acknowledgement of the County’s Right-to-Farm Ordinance. The Applicant has provided the required supplemental information (Exhibit 7) and has received review by the County Agricultural Commissioner’s Office as well as other agencies and departments. The County Agricultural Commissioner’s Office expressed no concerns with the proposal. The project will be subject to the Right-to-Farm notice which has been included as a Condition of Approval.

Based on the above information, staff believes the proposal is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

Staff received an email from a concerned neighbor and a letter from a group called Better Neighborhoods. These correspondences indicate that the project is not in line with the best use of the property and will have adverse effects on the environment and the current and future neighborhood. Further, the project will influence aesthetics of the area and the quality of soils for future farming, affect public health due to pesticides in the ground, cause Valley Fever due to fugitive dust, need monitoring of a pest management plan, and be subject to noise issues.

CONCLUSION:

Staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made, based on the factors cited in the analysis and the recommended Conditions of Approval and Project Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3611, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7444; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3611, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3611; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3611\SR\CUP 3611 SR.docx

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7444/Unclassified Conditional Use Permit Application No. 3611
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Agricultural and Forestry Resources	The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).	Applicant	Applicant/PW&P	As long as the project lasts
3.	Agricultural and Forestry Resources	A covenant shall be signed between the property owner and the County of Fresno and shall run with the land, requiring the site to be restored as nearly as practical to its original condition at the cessation of the operation of the solar power generation facility.	Applicant	Applicant/PW&P	As long as the project lasts
4.	Agricultural and Forestry Resources	The project shall comply with the Pest Management Plan, prepared by ForeFront Power, LLC and dated January 31, 2018, in order to control weeds and rodents on the property that may impact adjacent properties.	Applicant	Applicant/PW&P/ Ag Commissioner's office	As long as the project lasts
5.	Biological Resources	A 14-day preconstruction site survey shall be conducted to prevent inadvertent take of burrowing owls. If burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.	Applicant	Applicant/California Department of Fish & Wildlife (CDFW)	As noted
6.	Biological Resources	No ground disturbances shall occur during nesting season (between February and August) without a clearance survey by a qualified biologist to ensure that no nesting birds are impacted.		Applicant/CDFW	As noted

EXHIBIT 1

Conditions of Approval

1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission, except as modified by the Commission or Site Plan Review.
2.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits. The SPR shall be applicable to those portions of the project site(s) to be improved with substations, inverters, perimeter access roads, parking, and driveway access, excluding the solar panel fields. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.
3.	The life of this land use permit will expire upon expiration of the 25-year initial life of the project. If the solar lease is to be extended or the initial life of the project extends beyond this approval, approval of a new land use permit will need to be obtained.
4.	The project shall comply with the information in response to the Solar Facility Guidelines attached as Exhibit 7 to the Staff Report and as approved and/or modified by the Commission.
5.	The Reclamation Plan shall be revised to provide for an annual increase in costs at 3%, or tied to the Consumer Price Index (CPI), or other mechanism acceptable to the Fresno County Department of Public Works and Planning.
6.	The subject parcel contains a Consolidated Irrigation District (CID) canal and farmer lateral pipeline and associated easement. The CID pipeline shall be examined prior to construction and, if determined necessary by CID to support construction vehicle weights, the Applicant shall be required to upgrade the pipeline to CID's standards at the location of the crossing.
7.	Proposed improvement area of 500 square feet or more requires submittal of Landscape and Irrigation Plans per the Governors Drought Executive Order of 2015 which shall be submitted to the Site Plan Review (SPR) Unit and City of Selma for review and approval prior to the issuance of Building Permits.
8.	As part of the SPR submittal process, an agreement incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) shall be entered into with Fresno County, acknowledging the presence of surrounding agricultural operations and their related activities.
9.	A dust palliative shall be required for all unpaved parking and circulation areas to prevent the creation of dust by vehicles.
10.	The Applicant shall obtain an encroachment/improvement permit from the Road Maintenance and Operations Division for temporary access for construction off McCall Avenue at the location shown on the Site Plan (Exhibit 5). This access point will be active for a period of less than one year, until construction is completed.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

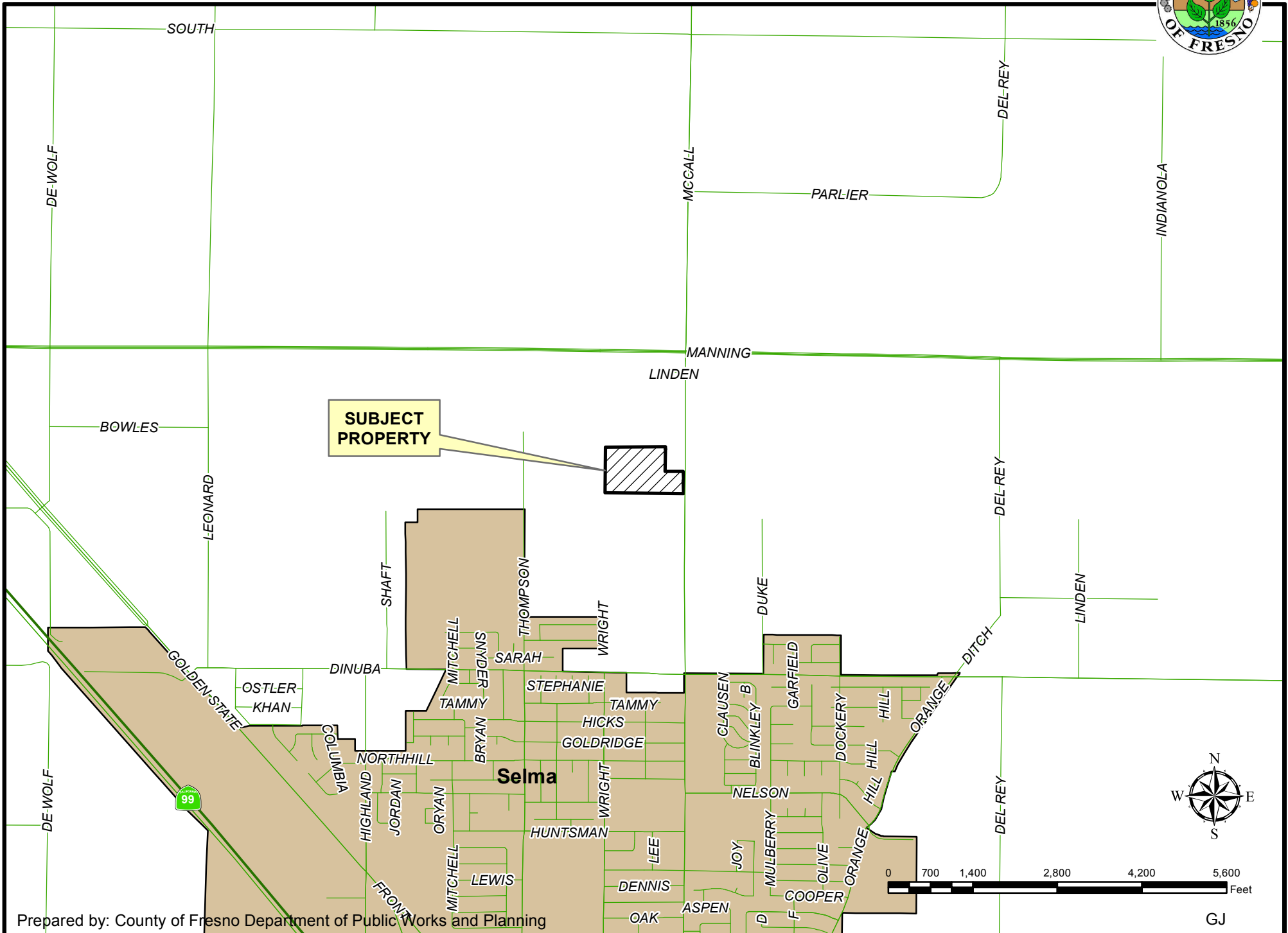
- | | |
|----|--|
| 1. | This Use Permit will become void unless there has been substantial development within two years of the effective date of approval. |
| 2. | Construction Plans shall be submitted and Building Permits and inspections shall be required for all improvements, including solar array installation and fences over six feet in height. Construction Plans shall be prepared by a licensed Design professional. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 regarding permits for construction. |
| 3. | <p>To address health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none">• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. |
| 4. | <p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties.• A grading permit or voucher for any grading proposed with this application.• Any additional runoff generated by the proposal shall be retained or disposed of per County Standards.• Direct access to McCall Avenue (Arterial) shall be limited to one common point and no new access points shall be allowed without prior approval and any existing driveway shall be utilized.• If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the driveway onto McCall Avenue.• An on-site turnaround area shall be provided so that the vehicles do not back out onto the roadway (McCall Avenue). |
| 5. | <p>To address air quality impacts resulting from the project, the San Joaquin Valley Air Pollution Control District (Air District) requires the project to pay applicable off-site Mitigation Fees to the Air District prior to issuance of the first Grading/Building Permit and be subject to the following:</p> <ul style="list-style-type: none">• District Regulation VIII (Fugitive PM10 Prohibitions)• Rule 4601 (Architectural Coatings)• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed• Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials |

Notes	
6.	<p>To address site development impacts resulting from the project, the Site Plan Review Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> • Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. • Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater. • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements will be addressed through Site Plan Review.</p>
7.	Any future development on the property shall comply with the requirements of the current Fire Code and Building Code and be subject to annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
8.	The project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fresno County Fire Protection District prior to issuance of building permits by the County. Further, the property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
9.	If the Generation Tie Line is located within County right(s)-of-way, the Applicant shall enter into a franchise agreement with the County of Fresno for the connection path.
10.	Any work performed within the County right-of-way shall require an encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.
11.	Any weed or rodent infestation that is of a nature and magnitude as to constitute a “public nuisance” (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the Property Owner/Operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.

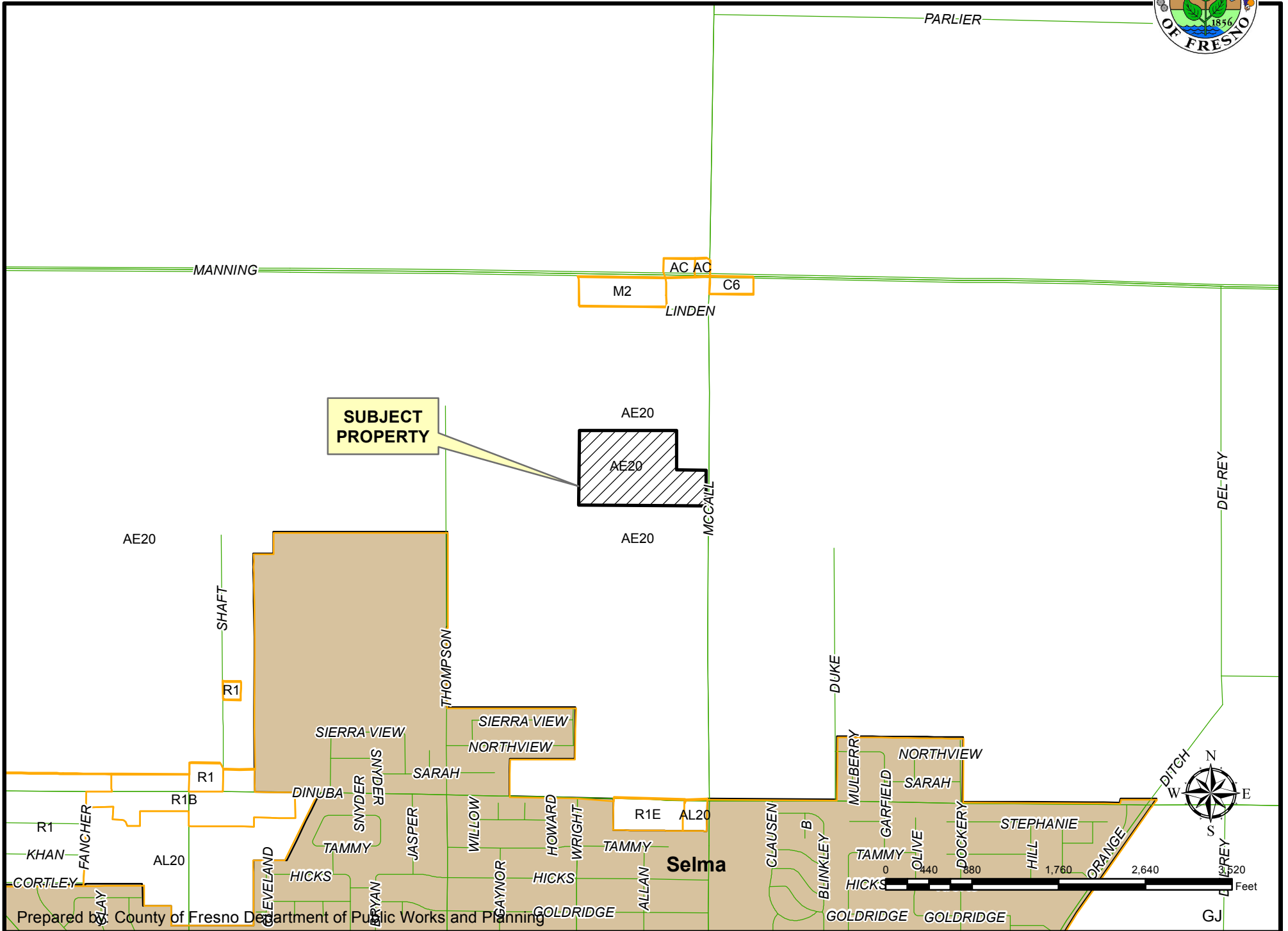
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3611\SR\CUP 3611 MMRP (Ex 1).docx

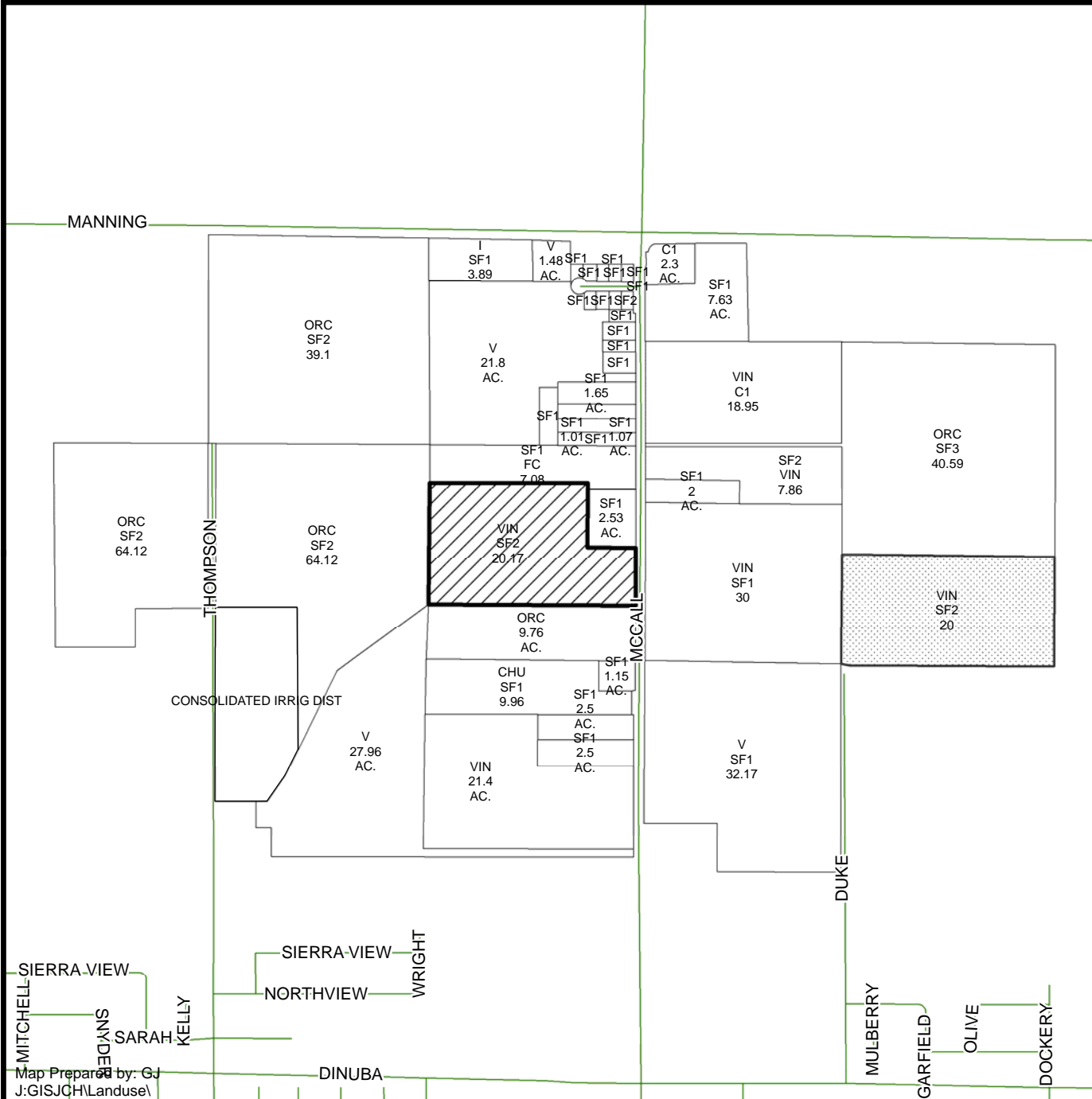
LOCATION MAP



EXISTING ZONING MAP



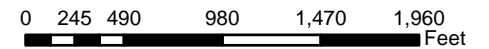
EXISTING LAND USE MAP



LEGEND	
FC	- FIELD CROP
C#	- COMMERCIAL
CHU	- CHURCH
I	- INDUSTRIAL
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT
VIN	- VINEYARD

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: GJ
J:GISJCH\Landuse\



**FOREFRONT
POWER**

CA-SB43 MAHAL PV POWER PLANT

9375 MCCALL AVE.
SELMA, CA 93662

PROGRESS SUBMITTAL

**FOREFRONT
POWER**
100 MONTGOMERY ST., #1400
SAN FRANCISCO, CA 94104
(415) 776-8246
www.ForefrontPowerLLC.com

SAGE
Consulting Engineers, Inc.
12 Geary Street, Suite 407
San Francisco, CA 94108
(415) 876-5259
www.sagece.com

STAMP:

CA-SB43 MAHAL PV
POWER PLANT
FOREFRONT POWER LLC
9375 MCCALL AVE.
SELMA, CA 93662

PROJECT NUMBER:
CA-17-0018 / J0059

SHEET TITLE:
CIVIL TITLE SHEET

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
1" = 30'

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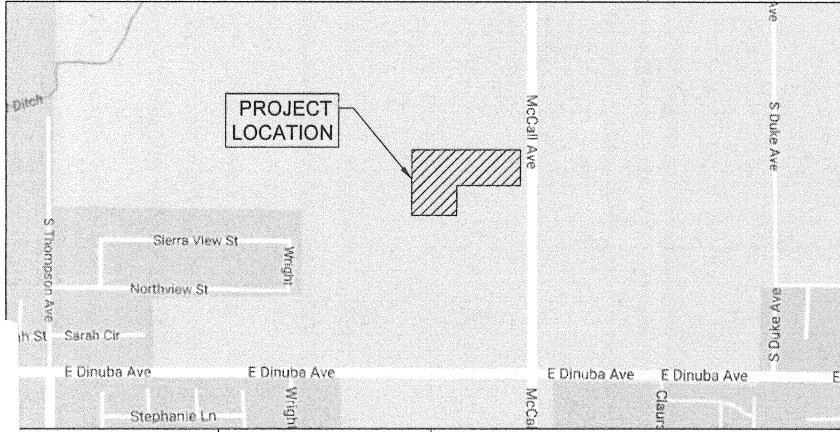
NO.	REVISION	DATE	INIT.

DATE: 12/15/17
DRAWN BY: RCS
ENGINEER: KMH
APPROVED BY: (S-APPR)

PROJECT PHASE:
PROGRESS SUBMITTAL

SCALE:
NO SCALE

SHEET NO.:
C-001



CIVIL SHEET INDEX	
SHEET NUMBER	SHEET TITLE
C-001	CIVIL TITLE SHEET
C-002	EXISTING CONDITIONS
C-003	CIVIL NOTES
C-004	GRADING EROSION & SEDIMENT CONTROL NOTES
C-101	SITE PLAN
C-201	SECTIONS & DETAILS
C-202	FENCE & GATE DETAILS
C-301	GRADING PLAN
C-302	EROSION & SEDIMENT CONTROL PLAN

PROJECT DEVELOPER FOREFRONT POWER LLC 30 MONTGOMERY ST., SUITE 1400 SAN FRANCISCO, CA 94104 (20) 416-6275 PROJECT DEVELOPER: ETE RODRIGUEZ FOREFRONT POWER, INC. RODRIGUEZ@FOREFRONTPOWER.COM
--

SITE CONTACT TO BE DETERMINED

SCOPE OF WORK THIS DESIGN PACKAGE PROVIDES DRAWINGS FOR THE INSTALLATION OF A 2,144.72 KW DC RATED PHOTOVOLTAIC SYSTEM AT 9375 MCCALL AVE. IN SELMA, CA. ENVIRONMENTAL PLANS ARE NOT PART OF THE SCOPE OF THIS PLAN SET.
--

CIVIL ENGINEER AGE CONSULTING ENGINEERS, INC. 1 GEARY STREET SAN FRANCISCO, CA 94108 (415) 890-5250 LICENSED ENGINEER: KIRSTEN HANSON CA PE REG# C 60687 EXPIRATION: 12/31/2018

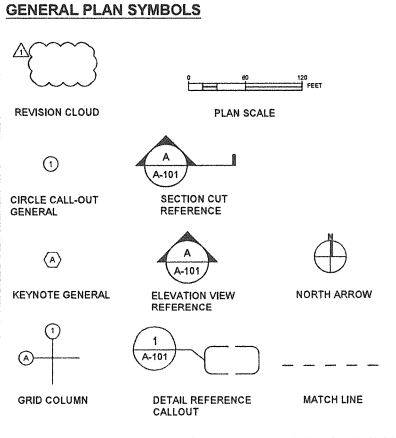
GEOTECHNICAL ENGINEER GEOTEK, INC. 1548 NORTH MAPLE STREET CORONA, CA 92880 (751) 710-1160 LICENSED ENGINEER: ROBERT RUSSELL CA GE REG# 2042 EXPIRATION: 12/31/2018

PROJECT DESCRIPTION	
SYSTEM SIZE (DC)	2,144.72kW
SYSTEM SIZE (AC)	1,856.00kW, 1,942.92kW (CEC)
MODULE TYPE	(6308) TRINA TSM 340-DD14A 340-DD14A(I) MODULES
INVERTER	(27) SUNGROW SG60KU-M (480V) (1) SUNGROW SG36KU(480V)
TRANSFORMER	(2) STEP-UP TRANSFORMERS
LATITUDE/LONGITUDE	36.65°/-119.65°
PROJECT AREA	20.01 ACRES

CONTRACTOR TO BE DETERMINED CONTRACTOR'S LICENSE:
--

--

APPLICABLE CODES AND STANDARDS
<ul style="list-style-type: none"> CALIFORNIA FIRE CODE 2016 EDITION CALIFORNIA ENERGY CODE 2016 EDITION CALIFORNIA MECHANICAL CODE 2016 EDITION CALIFORNIA PLUMBING CODE 2016 EDITION CALIFORNIA ELECTRICAL CODE 2016 EDITION CALIFORNIA FIRE CODE, PART 9, TITLE 24 C.C.R. (2015 INTERNATIONAL FIRE CODE AND 2016 CALIFORNIA AMENDMENTS) 2016 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24, C.C.R. TITLE 19 C.C.R. PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS



ADDITIONAL DOCUMENTATION

- GEOTECHNICAL EVALUATION FOR PROPOSED GROUND-MOUNT PV ARRAYS MAHAL PROJECT, GEOTEK INC., 11/16/17
- PHASE 1 ENVIRONMENTAL SITE ASSESSMENT MAHAL PROJECT, GEOTEK INC., 9/15/17
-

24X36-FPP.dwg

EXHIBIT 5

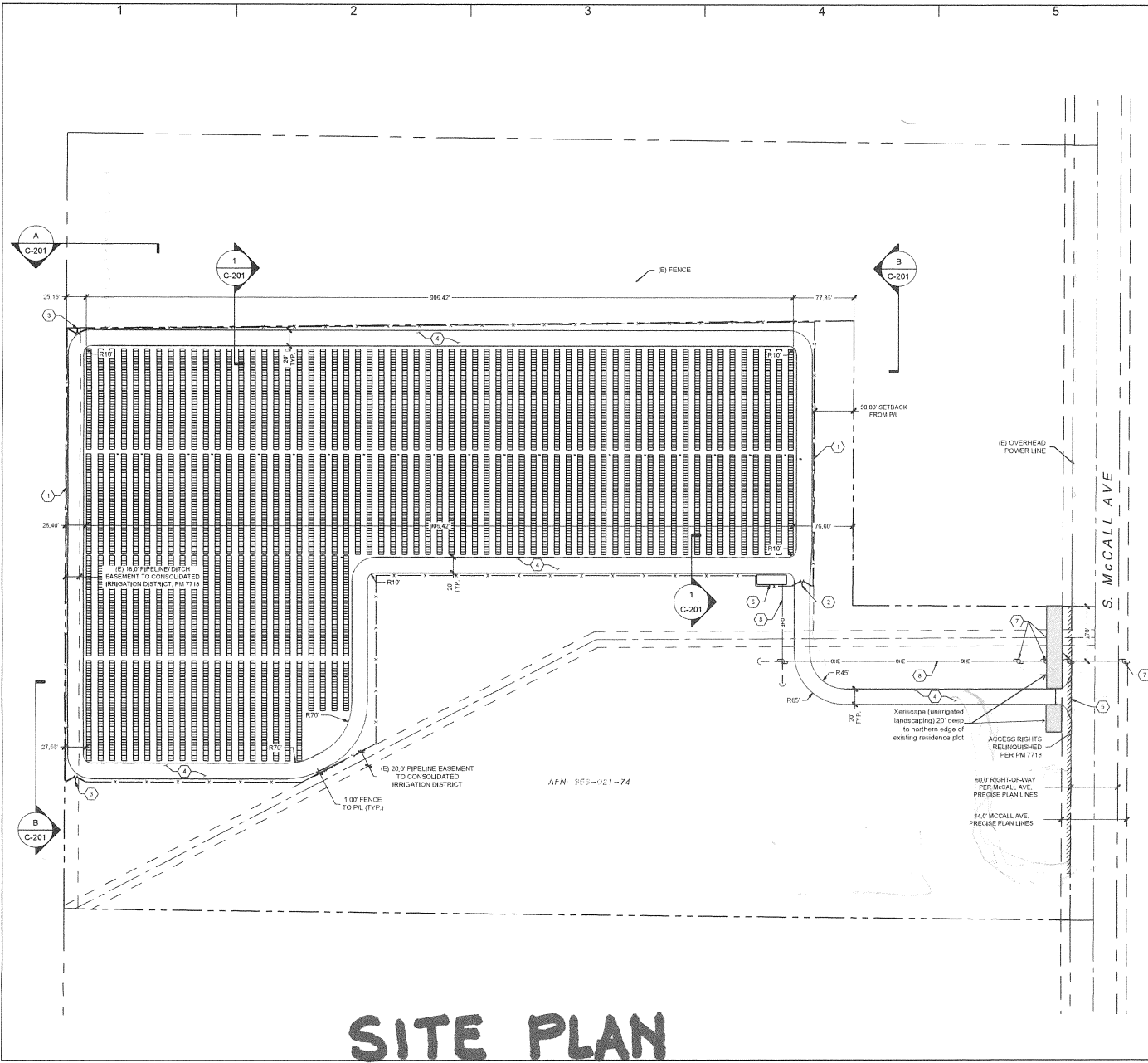
S:\3-Projects\00

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EXHIBIT 5

S:\3-Projects\J0059_FFP_Mahal_PV (Fresno)\3_Production\1_Drawing\2_Sheets\C-101_Site_Plan.dwg

Printed: 12/12/2017 8:30 AM



SITE PLAN

LEGEND

---	PROJECT PROPERTY LINE
---	RIGHT-OF-WAY LINE
---	SETBACK LINE
---	EX. EASEMENT
---	PRECISE PLAN LINE
---	NEW INTERIOR ACCESS ROAD
x---x	NEW PERIMETER FENCE

SHEET NOTES

- SHOWS EXTENTS OF ALL CIVIL WORKS

ABBREVIATIONS

(E) EXISTING
 MIN. MINIMUM
 PM PARCEL MAP
 PP POWER POLE
 P/L PROPERTY LINE
 R RADIUS
 TYP. TYPICAL

- KEY NOTES**
- CONSTRUCT 7'-HIGH CHAIN LINK SECURITY FENCING (6' FENCE W/ 1' BARBED WIRE)
 - ACCESS GATE WITH CLEAR OPENING WIDTH OF 24'
 - ACCESS GATE WITH CLEAR OPENING OF 16' FOR EASEMENT ACCESS
 - 20' WIDE ACCESS ROAD WITH COMPACTED NATIVE SOIL
 - DRIVEWAY ENTRANCE TO McCALL AVE.
 - CONCRETE PAD FOR ELECTRICAL EQUIPMENT. SEE SHEET E0.1
 - NEW UTILITY POLE. SEE ELECTRICAL SITE PLAN SHEET E0.1
 - NEW OVERHEAD POWER LINES. SEE ELECTRICAL SITE PLAN SHEET E0.1

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STAMP:

CA-SB43 MAHAL PV
 POWER PLANT

FOREFRONT POWER LLC
 9375 MCCALL AVE.
 SELMA, CA 93662

PROJECT NUMBER:
 CA-17-0018 / J0059

SHEET TITLE:
 SITE PLAN

SHEET SIZE:
 ARCH "D"
 24" X 36" (610 X 914)
 0 3/4 1"

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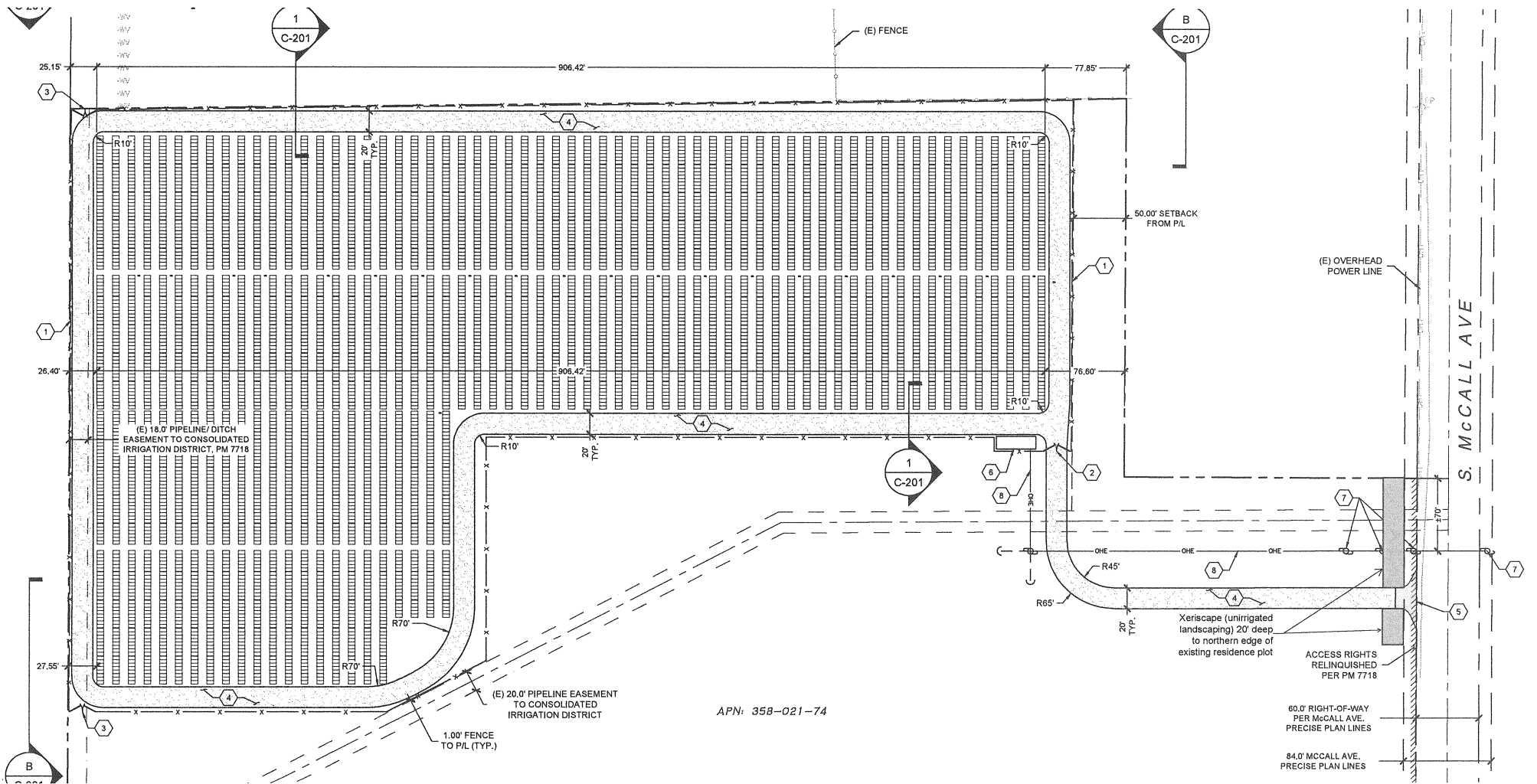
NO.	REVISION	DATE	INIT.

DATE: 12/12/17
 DRAWN BY: RCS
 ENGINEER: KMH
 APPROVED BY: [Signature]

PROJECT PHASE:
 PROGRESS SUBMITTAL

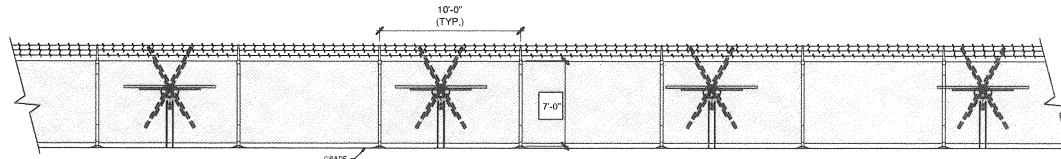
SCALE:
 1" = 60'

SHEET NO.:
 C-101

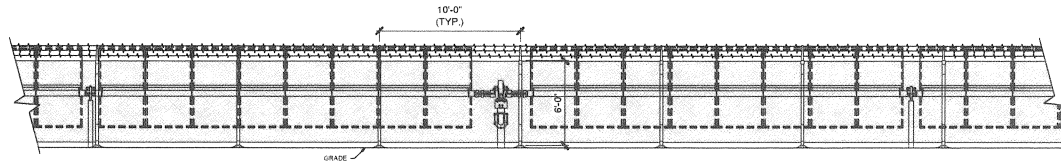


SITE PLAN (ENLARGED)

S:\3-Projects\0099_FFP Mahal PV (Fresno)\3-Production\Drawings\2-Sheets\C-201 SECTIONS & DETAILS.dwg
Printed: 12/12/2017 8:31 AM



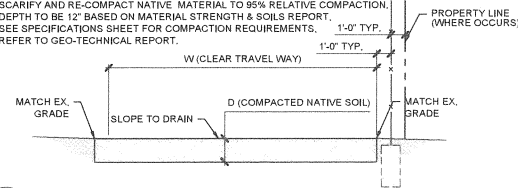
A NORTH-SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



B EAST-WEST ELEVATION
SCALE: 1/4" = 1'-0"

DETAIL NOTE:

1. SCARIFY AND RE-COMPACT NATIVE MATERIAL TO 95% RELATIVE COMPACTION.
2. DEPTH TO BE 12" BASED ON MATERIAL STRENGTH & SOILS REPORT.
3. SEE SPECIFICATIONS SHEET FOR COMPACTION REQUIREMENTS.
4. REFER TO GEO-TECHNICAL REPORT.



1 INTERNAL ACCESS ROAD
SCALE: 1/4" = 1'-0"

SHEET NOTES

1. [notes]



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www.ForefrontPowerLLC.com



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Consulting Engineers, Inc.
12 Geary Street, Suite 407
San Francisco, CA 94108
(415) 890-5250
www.sagece.com

STAMP:

CA-SB43 MAHAL PV
POWER PLANT
FOREFRONT POWER LLC
9375 MCCALL AVE.
SELMA, CA 93662

PROJECT NUMBER:
CA-17-0018 / J0059

SHEET TITLE:
SECTIONS & DETAILS

SHEET SIZE:
ARCH 'D'
24" X 36" (310 x 914)

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NO.	REVISION	DATE	INIT.

DATE: 12/12/17
DRAWN BY: RCS
ENGINEER: KSH
APPROVED BY: [SIGNATURE]

PROJECT PHASE:
PROGRESS SUBMITTAL
SCALE:
AS SHOWN

SHEET NO.:
C-201

Pre-Application Submittal

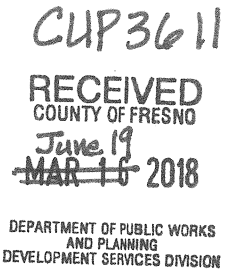
Project: Mahal Solar

Scope: 1.656 MWac solar photovoltaic energy generation facility on a +/-9-acre portion of a 20-acre parcel.

Location: 9375 McCall Avenue (APN 358-021-74)

Applicant's Representative:

EPD Solutions, Inc.
c/o Rafik Albert
2030 Main Street, Suite 1200
Irvine, Calif. 92614
(949) 794-1182
rafik@epdsolutions.com



Operational Statement

1. *Nature of the operation—what do you propose to do? Describe in detail.*
The project is a solar photovoltaic power plant. The facility will generate electricity from the sun during daylight hours, and will be unmanned. The project would interconnect with the electrical grid at an existing power line along McCall Avenue. An collector line approximately 540 feet in length would connect to the power line along McCall Avenue.
2. *Operational time limits:*
The facility will operate during daylight hours year-round. Operations would be automated and not require a staff presence.
3. *Number of customer or visitors:*
The site would not receive customers or visitors.
4. *Number of employees:*
The facility will be unmanned. Occasional site visits (generally less than one per day) would occur for security and maintenance.
5. *Service and delivery vehicles (number, type, frequency):*
The facility would not receive any regular deliveries during operations. Service visits would occur periodically on an as-needed basis, and would generally require only a pick-up truck
6. *Access to the site (public road, private road, surface, unpaved/paved):*
The site is adjacent to McCall Avenue, a public, paved road.
7. *Number of parking spaces for employees, customers, and service/delivery vehicles:*
As the facility will be unmanned and not receive customers or visitors, no parking is required or proposed.
8. *Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?*
No goods would be grown, produced, or sold on-site.

9. *What equipment is used (if appropriate, provide pictures or a brochure):*
Equipment used on the site would include:
- Solar modules mounted on trackers
 - Electrical equipment pad with switchgear
10. *What supplies or materials are used and how are they stored?*
No supplies or materials would routinely be used at the site, and no storage would occur at the site. Any items required for periodic maintenance would be carried on maintenance vehicles.
11. *Does the use cause an unsightly appearance (noise, glare, dust, odor, if so explain how this will be reduced or eliminated):*
The use is minimally impactful on the surrounding area. The proposed equipment will generate minimal noise. Solar panels do not generate substantial glare. The project will not generate any dust or odor during operations.
12. *List any solid or liquid wastes to be produced:*
The facility will not generate solid or liquid wastes. No process wastewater is generated during energy generation from a photovoltaic facility. The site will be unmanned so no restrooms would be required and no sewer connection or septic system would be installed. Any solid wastes generated during maintenance activities would be removed by maintenance crews when they depart the site.
13. *Estimated volume of water to be used (gallons per day, source of water):*
The site will be unmanned and no water use would be required. In lieu of water, a commercially available biodegradable solution will be used for panel cleaning. Xeriscape landscaping with no irrigation would be utilized along the McCall Avenue frontage. The site is within the service area of the Consolidated Irrigation District, which would provide any water needed during construction through an on-site water connection to the Walnut Ditch. Construction water, which would almost entirely be used for dust control, is expected to require up to 5,000 gallons per day during the four-week site preparation phase, or a total of 0.2 acre-feet of water.
14. *Describe any proposed advertising including size, appearance, and placement:*
No advertising is proposed.
15. *Will existing buildings be used or will new buildings be constructed (describe type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate):*
The site contains no existing buildings, and no new habitable structures are proposed. New construction on the site would be limited to solar trackers and related electrical equipment and a perimeter fence. See enclosed plans.
16. *Explain which buildings or what portion of buildings will be used in the operation:*
There are no existing buildings on the site and no new habitable structures are proposed.
17. *Will any outdoor lighting or an outdoor sound amplification system be used (describe and indicate when used):*
Outdoor lighting would be limited to small-scale security lighting at the entry and any domestic fixtures required by Building Code or other Code requirements at electrical equipment, such as

transformers.

18. Landscape or fencing proposed (describe type and location):

Fencing is proposed to consist of a 7-foot perimeter chain link fence. Landscaping would consist of xeriscape (no irrigation required) along the McCall Avenue frontage, to a depth of 20 feet, to enhance aesthetics along the roadway.

Mahal Solar
 9375 McCall Avenue
 APN 358-021-74

CUP3611
 RECEIVED
 COUNTY OF FRESNO
 MAY 15 2018
 (REVISED)
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

Project Compliance with Solar Facility Guidelines (eff. 12/12/17)

- Information shall be submitted regarding the historical agricultural operational/usage of the parcel, including specific crop type and crop yield, for the last ten years (if no agricultural operation in the last ten years, specify when land was last in agricultural use).

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Crop Type	Grapes									
Yield (tons)	139	198	152	190	191	157	175	179	180	122

- Information shall be submitted that identifies the source of water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (i.e. utilized on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well, water quality data and data regarding the existing water table depth.

The site is within the Consolidated Irrigation District service area, and has water rights from that agency. No information is available regarding past allocations from CID, but water obtained from the District was utilized on-site for irrigation of grape vines over the past decade. Approximate water use per year is 42 acre-feet.

The facility will be unmanned and no permanent water source will be required. A commercially available biodegradable solution will be utilized for panel cleaning in lieu of water.

- Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, retired land, etc.), the purpose of any easement and limitations of the parcel. The applicant shall submit a Title Report or Lot Book Guarantee for verification.

The site is not covered by a Williamson Act contract or Conservation Easement. A title report is provided as part of the application package.

- Identify (with supporting data) the current soil type and mapping units of the parcel pursuant to the standards of the California State Department of Conservation and the Natural Resources Conservation Service.

Soils within the solar field area are listed in the table below. This information is obtained from the U.S. Dept. of Agriculture's Natural Resources Conservation Service:

Soil Symbol	Soil Description	Coverage Area
DeA	Delhi sand 0 to 3 percent slopes	53%
TzbA TzbB	Tujunga loamy sand 0 to 3 percent slopes 3 to 9 percent slopes	47%

5. List all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures.

The solar field is buffered from adjacent parcels by about 75 feet on the east side, almost 190 feet on the south side, about 26 feet on the west side, and about 28 feet on the north side. The smaller buffers on the west and north sides are adjacent to agricultural fields with no nearby residences that could be impacted by the project.

6. Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements.

A Reclamation Plan is provided.

7. Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected.

The following factors were important in site selection for the project:

- The parcel does not have any active Williamson Act Contract or Conservation Easement.
- The site is in an urbanizing area of the County and a major housing development was previously considered for the site.
- Interconnection with the electrical grid would occur at an existing power pole on McCall Avenue, across the street from the site. This existing power line has capacity to serve the project; no major transmission infrastructure is required.
- The site is disturbed private land with no identified biological or cultural resources sensitivity.
- The site is at least 10 acres to accommodate the project's sizing criteria and County-required setbacks and other design features.
- The site is flat, with no significant topographical features or waterways.
- The site is easily accessible from existing roadways.
- The site's soils are not well suited for agriculture, based on the following information provided by the Natural Resources Conservation Service:
 - Delhi sand, 0 to 3 percent slopes (DeA), 53% of the solar field area, is considered "not prime farmland" and is "somewhat excessively drained." This soil type is classified as Irrigation Capability Class 3, indicating "soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both," and has the lowest possible rating of "low inherent productivity" under the National Commodity Crop Productivity Index.
 - Tujunga loamy sand, 0 to 3 percent slopes (TzbA) and 3 to 9 percent slopes (TzbB), 47% of the solar field area, is considered "somewhat excessively drained." This soil type is classified as Irrigation Capability Class 4, indicating "soils have very severe limitations that reduce the choice of plants or that require very careful management, or both," and has the lowest possible rating of "low inherent productivity" under the National Commodity Crop Productivity Index.

8. Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.

A Pest Management Plan is provided.

9. The applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.

The Right to Farm Ordinance is acknowledged. The applicant will comply with any condition of approval imposed on the project requirement recording of such a notice on the parcel.

10. Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.

The duration of the land use permit is noted.

11. If the project is approved, the applicant shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.

The requirement for reasonable efforts to be undertaken to establish a point of sale in Fresno County is noted.

12. If the project is approved, the applicant shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce.

The requirement for reasonable efforts to hire from the local workforce is noted.

13. In addition to disclosing the number of trips in the required project Operational Statement, the applicant shall disclose the weight of the shipments anticipated to the site. If the project is approved, pursuant to the CEQA analysis and based upon the existing road conditions and the weight/frequency of shipments to the site, the applicant shall mitigate impacts to County roads.

No shipments will be required to or from the site during operations. Only passenger cars and light trucks would routinely access the site for maintenance and security purposes.

14. If the project is approved, the applicant shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.

The requirement for reasonable efforts to purchase products and equipment from local manufacturing facilities and/or vendors is noted.

Reclamation Plan

Mahal Solar Project
APN 358-021-74
County of Fresno

CUP3611

RECEIVED
COUNTY OF FRESNO

MAR 16 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

ForeFront Power, LLC
100 Montgomery St., Suite 1400
San Francisco, CA 94104

January 31, 2018

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1. Present use of the site

The Mahal Solar (project) site is located on an 20-acre parcel (APN 358-021-74) in unincorporated Fresno County, near the city of Selma. The project site is located on the east side of McCall Avenue, about 2,000 feet south of Manning Avenue (Figures 1 and 2). The present General Plan land use designation is Agriculture and the zoning is AE-20.

The project site is located at an elevation of about 310 feet and is generally flat. The site consists of agricultural land, with active production of Thompson seedless grape vines. A single-family residence is present at the southeast corner of the parcel; this residence would not be impacted by the project. Surrounding land uses are predominantly agricultural.

2. Proposed alternate use of the land

ForeFront Power, LLC is proposing to develop and operate a 1.656-MWac solar photovoltaic energy generation facility on a 9-acre portion of the 20-acre parcel. Components of the facility will include a ground-mounted field of solar trackers and associated electrical equipment, including inverters and transformers; perimeter fencing; and interconnection to the electrical grid at an existing power line on the opposite side of the site's McCall Avenue frontage. A collector power line of approximately 540 feet will be constructed to reach this power line. The majority of the construction activities will occur above ground; however, there will be minimal subsurface construction for tracker piles, electrical conduit systems, and racking systems.

3. Duration

The project is being designed to have a functional operating life cycle of a minimum 25 years to a maximum of 35 years, contingent on the power off-take agreement and the operational date, currently targeted as June 2019. Under the current site control agreement, the project could remain in operation until June 2044.

4. Ownership of property

The subject property is subject to a 25-year lease between ForeFront Power, LLC (lessee) and James S. Anderson (property owner/lessor).

5. Reclamation plan

5-a) As the project is taken offline and permanently out of service, the reclamation process will commence to restore the project site to its previous agricultural condition. The entire reclamation of the site will be complete approximately 12 months after plant is taken off-line. As a result of the relatively basic design and minimal footprint of the project, the reclamation process will be simple to execute and will be completed in one phase. Demolition and reclamation will include removal of all above ground and subsurface equipment, structures, and

fences. All foundations will be demolished and removed from the site, and all necessary grading will be performed to return the site to its original grade. All removed and demolished infrastructure and components will be salvaged and recycled as available.

5-b) No hazardous chemicals or materials will be present at any time during normal site operations of the project. No additional precaution or handling methodologies will be necessary during the reclamation process. All transformers and high voltage electrical equipment will be recycled as per manufacturer requirements and coolant will be disposed of pursuant to California and Fresno County law.

5-c) All electrical equipment will be uninstalled and removed. Electrical equipment includes: inverters, PV modules, combiner boxes, transformers, switchgear, monitoring equipment, and any other on-site equipment and all affiliated cabling. The equipment will either be reused or recycled depending on its equipment, warranties, technical improvements, and market valuation. All mounting structures will be removed and recycled as possible. Any and all building improvements on the site will be demolished and removed.

5-d,e) All below-grade foundations will be demolished and removed, including concrete, rebar, and associated debris. All subsurface conduit and cabling that is not deemed necessary by the utility will be uninstalled and recycled. Any below grade facilities deemed necessary by the utility will remain buried and marked for identification.

5-f) All requisite grading required to restore the site to its original condition. Due to the low impact of the disk-and-roll approach used during site preparation and the flat condition of the project parcel, it is anticipated that minimal re-grading will be required during reclamation.

5-g) During the reclamation process the site will be return to its previous agricultural state through de-compaction of the site, as needed. Due to the disc-and-roll site preparation technique, it is expected that requisite de-compaction will be limited. The reclamation process will involve the input of the landowner to consult on site restoration for agricultural use, as they were the original users of the site in its agricultural state.

5-h) There is no irrigation system currently present on the project site. No irrigation will be required during operations.

6. Site Plan

See Figure 3.

7. Engineering cost estimate

Civil Demolition	Quantity	Unit	Labor	TOTAL
Panel Removal	6,308	EA	\$ 1.75	\$ 11,039.00
Steel Structure Disassembly	1	LS	\$ 6,500.00	\$ 6,500.00
Driven Pile Foundation Removal	1,000	EA	\$ 5.50	\$ 5,500.00
Fencing Demolition	3,000	LF	\$ 2.50	\$ 7,500.00
Access Road Demolition	67,800	SF	\$ 0.25	\$ 16,950.00
			Total	\$ 47,489.00

Electrical Demolition	Quantity	Unit	Labor	TOTAL
Removal of Wire & Grounding Rods (including dismantle & load)	1	LS	\$ 5,000.00	\$ 5,000.00
Inverters / Parallel Gear / Combinor Boxes (including dismantle, load & disposal)	1	LS	\$ 5,000.00	\$ 5,000.00
			Total	\$ 10,000.00

Hauling	Quantity	Unit	Unit Weight (lbs)	Total Weight (tons)	\$/Load	TOTAL
Panel	6,308	EA	57.3	180.72	\$ 300.00	\$ 54,217.26
Driven Pile Foundations	1,000	EA	100	50.00	\$ 250.00	\$ 25,000.00
Tracker Structure Supports	1,000	EA	200	100.00	\$ 250.00	\$ 50,000.00
Copper (wire, inverter & parallel gear)	1	LS			\$ 500.00	\$ 500.00
					Total	\$ 129,717.26

Disposal Fees	Quantity	Unit	Unit Price	TOTAL
Dump Fees (Panels)	180.7	ton	\$ 35.00	\$ 6,325.35
Dump Fees (Building waste)	-	ton	\$ 25.00	\$ -
Dump Fees (Concrete)	2.0	ton	\$ 25.00	\$ 50.00
			Total	\$ 6,375.35

PRICES ARE SUBJECT TO CHANGE

PRICES WILL FLUCTUATE W/ MARKET CONDITIONS

Civil Demolition	\$ 47,489.00
Electrical Demolition	\$ 10,000.00
Hauling	\$ 129,717.26
Disposal Fees	\$ 6,375.35
Total Decommission Cost	\$ 193,581.61
Salvage Value (%)	50.0%
Net Decommission Cost	\$ 96,790.80

8. Financial assurances

ForeFront Power, LLC will provide the County of Fresno with a Letter of Credit in the amount of \$193,581. The Letter of Credit will increase annually by 3%, or be tied to the Consumer Price Index (CPI) or other mechanism acceptable to the Fresno County Department of Public Works and Planning.

9. Evidence that all owners have been notified

A lease agreement with the property owner, James S. Anderson, is in place. The lease agreement authorizes ForeFront Power, LLC to construct, operate, maintain, and decommission the solar project on the project site.

Figure 1. Project Location

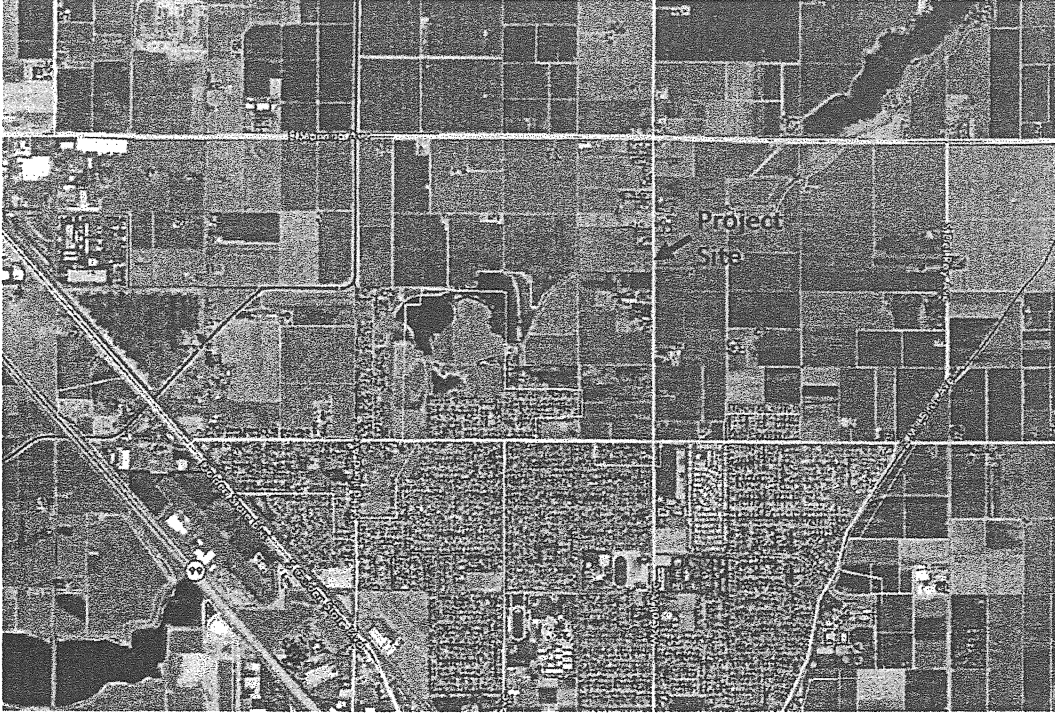
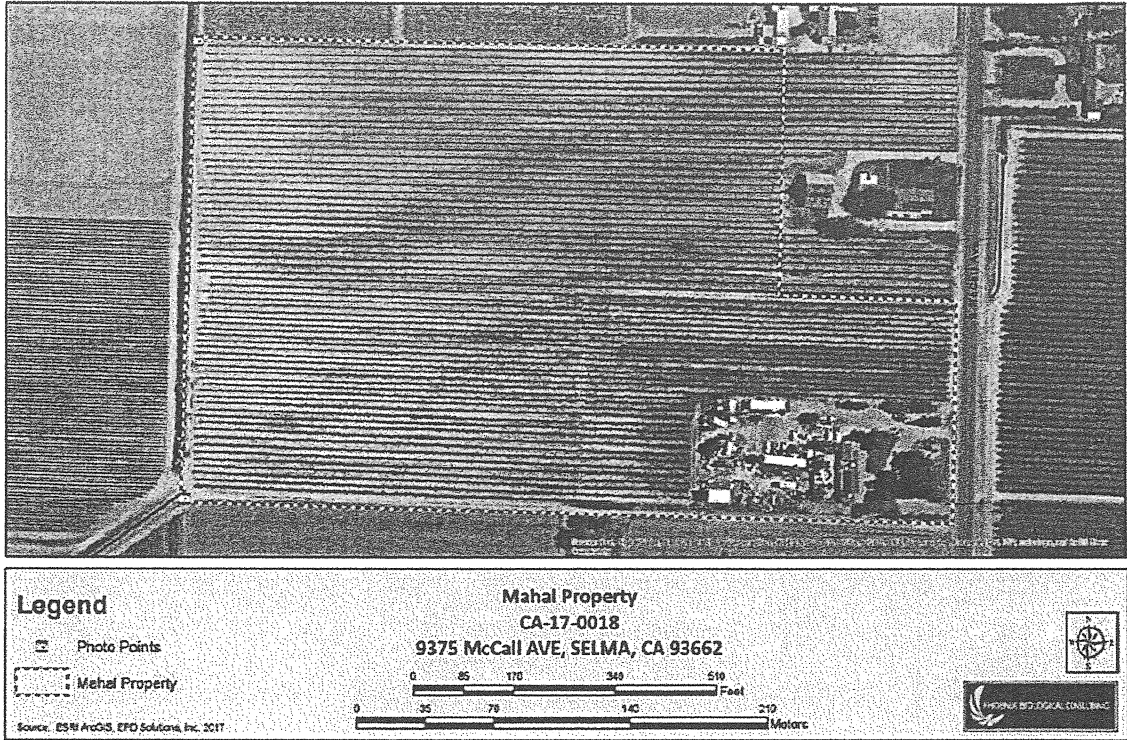


Figure 2. Site Aerial



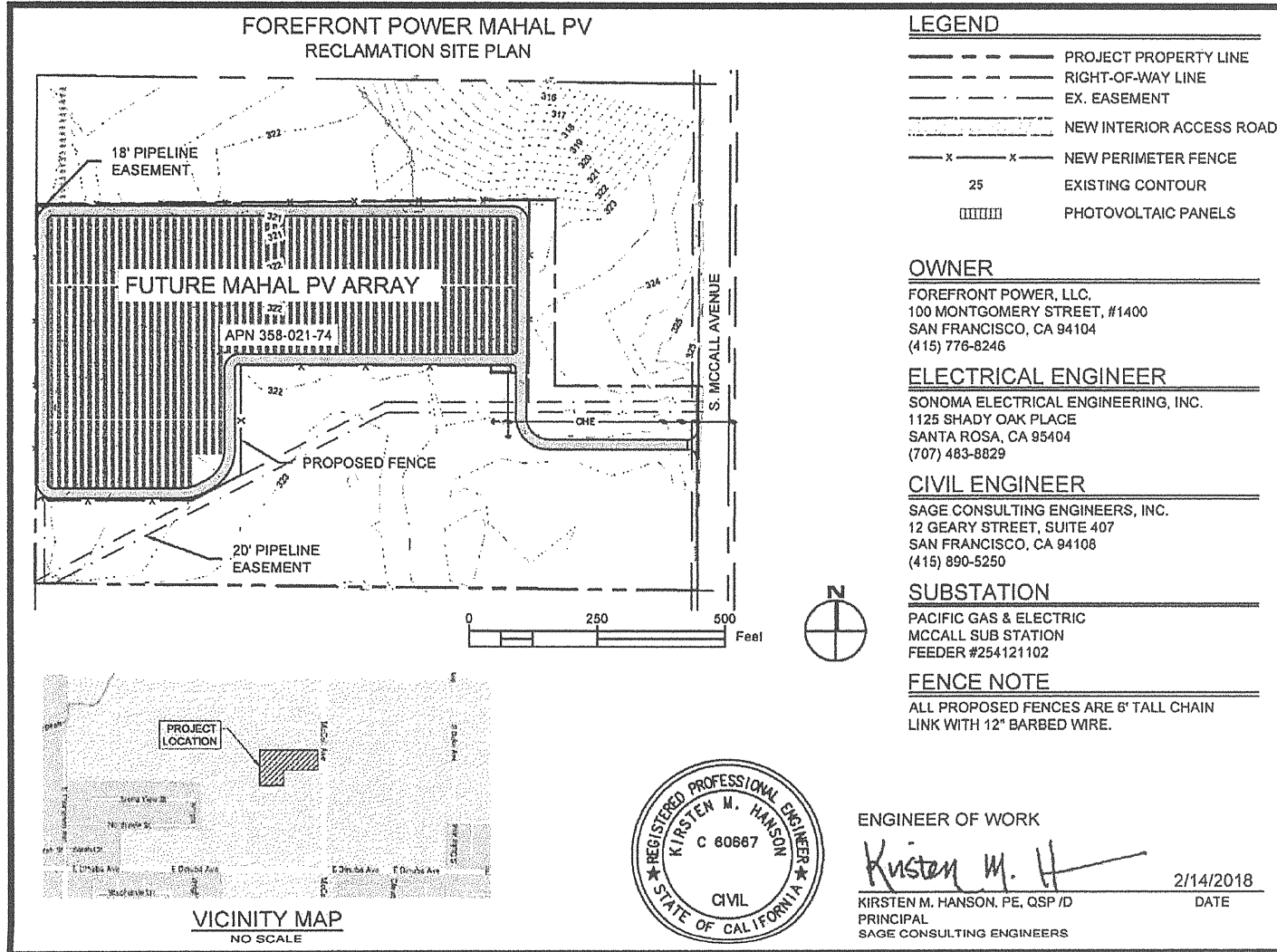


Figure 3. Reclamation Site Plan



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: ForeFront Power, LLC
- APPLICATION NOS.: Initial Study Application No. 7444 and Unclassified Conditional Use Permit Application No. 3611
- DESCRIPTION: Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Ave., Selma CA) (SUP. DIST. 4) (APN 358-021-74).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The project site is located in an agricultural area with sparse single-family residences. No scenic vista, scenic resources, or historic buildings were identified on or near the site that could be impacted by the project. McCall Avenue, which provides access to the site, is not a scenic drive in the County General Plan. The project will have no impact on scenic resources.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project entails the construction and operation of a photovoltaic (PV) solar power generation facility and related improvements on a 20.17-acre parcel with an output of 1.65 megawatts. The project would interconnect with the electrical grid at an existing

power line along McCall Avenue. A collector line approximately 540 feet in length would connect to the power line along McCall Avenue.

Located approximately one quarter-mile north of the City of Selma, the project site has historically been used for agricultural production and is currently planted in vineyards. The surrounding land uses include farmlands planted in vineyards and orchard with sparse single-family residences. The nearest single-family residence is approximately 26 feet north of the site.

The buildings and structures included in the project proposal consist of ground-mounted PV solar module arrays and associated electrical equipment, including inverters and transformers; perimeter fencing, and interconnection to the electrical grid at an existing power line on the opposite side of the site's McCall Avenue frontage. As part of the proposed gen-tie connection, this proposal includes an elevated 540-foot-long gen-tie line connecting on-site electrical equipment to an existing power line along McCall Avenue. Approximately five new utility poles would be added along the length of the gen-tie line.

The proposed solar power generation facility will have low visibility from the surrounding area. The majority of the project site (9 acres of a 20.17-acre parcel) will occupy racking systems and PV module arrays that will have an overall height of 9 feet and will be secured by a perimeter fencing topped with barbed wire. The fencing will create physical buffers between the proposed development and farming activities on the remainder of the subject property and on the adjacent parcels.

Considering the location of the subject parcel in a farming area (large parcel sizes with low population density), the proposed facility location being approximately 345 feet from the nearest roadway (McCall Avenue), and the fact that it will be secured by perimeter fencing, impact on the visual character or quality of the site and its surroundings would be less than significant.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:**

According to the Applicant's Operational Statement, outdoor lighting will be limited to small-scale security lighting at the entry gate and at electrical equipment such as transformers. In order to reduce any lighting and glare impact resulting from this proposal, a Mitigation Measure would require that all outdoor lighting shall be hooded and directed to not shine toward adjacent properties and public streets. With implementation of this measure, impact associated with new sources of light would be less than significant.

* **Mitigation Measure:**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

Regarding potential glare impacts, solar panels are notable for creating reflections or glare observed by drivers. This would be a potential impact for motorists along McCall Avenue. However, the affected portion of McCall Avenue is rural and does not carry significant daily traffic volumes through the area. Therefore, potential glare impacts would not affect a highly-travelled road, and therefore, would be less than significant.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is classified as Unique Farmland, Farmland of Statewide Importance and Prime Farmland on 2014 Fresno County Important Farmland Map. The proposed solar facility will temporarily occupy portions of the land classified as Unique Farmland and Farmland of Statewide Importance and at the end of the useful life of the facility the land will be reverted to the farming operation.

- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

This proposal is not in conflict with the current agricultural zoning on the property. The proposed facility is an allowed use on land designated for agriculture with discretionary approval and adherence to applicable General Plan Policies. The property is not restricted by a Williamson Act Land Conservation Contract.

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Supplemental project information prepared for the proposed solar power generation facility in compliance with the “Solar Facility Guidelines” (Supplemental Information), approved by the Fresno County Board of Supervisors on May 3, 2011 (revised May 21, 2013 & December 12, 2017) has been submitted by the Applicant and reviewed by various agencies and departments.

As noted in Item No. 1, Item No. 2 of the Supplemental Information related to Agricultural History and Water Source, the subject parcel has grapevines for the last ten years, which utilizes roughly 42-acre-feet of water per year supplied by Consolidated Irrigation District (CID). Water needed for the construction, maintenance and operation of the proposed solar power generation facility will be purchased from the CID.

As noted in response to Item No. 4 and 7 of the Supplemental Information related to Soils and Site Selection, the project site is comprised of various soil types with various grades. The soils on the project site are Delhi sand, Tujunga Loamy sand and Hartford fine sandy loam. The proposed solar facility will be located on the portions of the property comprised of Delhi sand and Tujunga Loamy sand. Delhi sand, with 0 to 3 percent slopes (DeA) and covering 53 percent of the solar field area, is considered “not prime farmland” and is “somewhat excessively drained.” This soil type is classified by U.S. Dept. of Agriculture’s Natural Resources Conservation Service (NRCS) as Irrigation Capability Class 3 (poor), indicating, “soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both,” and has the lowest possible rating of “low inherent productivity” under the National Commodity Crop Productivity Index. Tujunga loamy sand (Tzba & TzbB), with 0 to 9 percent slopes and covering 47% of the solar field area, is considered “somewhat excessively drained.” This soil type is classified by U.S. Dept. of Agriculture’s Natural Resources Conservation Service (NRCS) as Irrigation Capability Class 4 (very poor), indicating, “soils have very severe limitations that reduce the choice of plants or that require very careful management, or both,” and has the lowest possible rating of “low inherent productivity” under the National Commodity Crop Productivity Index.

The proposed solar power generation facility will have less than significant impact on farmlands for two reasons.

According to the State’s Farmland Mapping and Monitoring Program, the project site is designated as Unique Farmland, Farmland of Statewide Importance and Prime Farmland. The subject proposal will occupy an approximately 9-acre portion of a 20.17-acre parcel which is designated, as Unique Farmland, Farmland of Statewide Importance and is comprised of Delhi sand and Tujunga Loamy sand. These soil types, as discussed above, have deficiencies and are not well suited for crops.

Secondly, the loss of farmland resulting from this proposal would be temporary. As noted in response to Item No. 6 of the Supplemental Information related to Reclamation Plan, and defined in the Applicant-submitted Reclamation Plan, the project, at the end of its 25 plus years of useful life, will be taken offline and permanently out of service. At that point, reclamation process will commence to restore the project site to its previous agricultural condition. This process involves demolition and removal of all aboveground

and subsurface equipment, foundations, structures, and fences from the site and performing necessary grading to return the site to its original grade.

The site restoration requirements will be included as a Mitigation Measure and stipulated in a Covenant between the Applicant/Property Owner and the County of Fresno. Another Mitigation Measure would require that prior to issuance of Building Permits, financial assurances equal to the cost of reclaiming the land to its previous agricultural condition based on an engineering cost estimate prepared for the project by a registered engineer shall be submitted to ensure that the reclamation is performed according to the approved Plan.

Although, the Fresno County Department of Agriculture (Agricultural Commissioner's Office) expressed no specific concerns with this proposal, the agency, however, has consistently commented that solar power generation facilities may create habitat for weeds and rodents. Rodents could cause damage to above and underground equipment and an uncontrolled population growth could cause damage to neighboring farmland. Likewise, unchecked weeds can become a fire hazard and can provide for food and cover for rodents. Therefore, in compliance with a mandatory requirement from the Agricultural Commissioner's Office, a Project Note would require that any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code) and is not addressed by the Property Owner/Operator is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372. In compliance with Item No. 8 of the Supplemental Information, the Applicant has submitted a Pest Management Plan, and a Mitigation Measure would require implementation of the Plan in order to keep the site free from weeds and rodents during the life of the solar power generation facility. Likewise, in compliance with Item No. 9 of the Supplemental Information, a Condition of Approval would require the Applicant to acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.

Considering the above discussion and with adherence to the Mitigation Measures listed below, the project will have a less than significant impact on Agricultural and Forestry Resources.

* **Mitigation Measures:**

- 1. The project shall adhere to the procedures listed in the Reclamation Plan prepared for the operation, including requirements for financial estimates, bonding and facility removal when operation ceases. Prior to the issuance of any Construction Permits (Building, Electrical, Mechanical, Plumbing), the required bond amount, based on the engineer's estimate, shall be deposited (or evidence of a Bank Guarantee or Irrevocable Letter of Credit shall be provided).*
- 2. A covenant shall be signed between the property owner and the County of Fresno and shall run with the land, requiring the site to be restored as nearly as*

practical to its original condition at the cessation of the operation of the solar power generation facility.

3. *The project shall comply with the Pest Management Plan, prepared by ForeFront Power, LLC and dated January 31, 2018, in order to control weeds and rodents on the property that may impact adjacent properties.*

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the subject proposal along with a *Focused Air Quality and Greenhouse Gas Memorandum* prepared for the project by Urban Crossroads and dated March 22, 2018. According to the Air District comments on the project, the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG or 15 tons/year PM10. As such, the project will have a less than significant impact on air quality.

The project is subject to Air District Rule 9510 (Indirect Source Review). This rule requires submittal of an Air Impact Assessment (AIA) Application prior to applying for the final discretionary approval, and payment of applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. An Air Impact Assessment (AIA) Application (ISR Project Number C-20180136) was submitted by the Applicant and deemed complete by the Air District on April 2018.

Other Air District rules that may apply to this proposal include: District Regulation VIII - Fugitive Dust Rules, to address impacts related to PM-10; Rule 4102 (Nuisance); Rule 4601 (Architectural Coatings); Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations); and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. These requirements will be included as Project Notes.

Adherence to the Air District Rules will reduce air quality impacts to less than significant.

- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not create any objectionable odor that may affect people in the area. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction, and is thus considered less than significant. Project operational activities would be primarily associated with intermittent maintenance activities which would not generate any substantive odors. The proposed project would also be required to comply with Rule 4102 to prevent occurrences of public nuisances. Therefore, odors associated with the project construction and operations would be less than significant.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is located in an agricultural area consisting of cultivated land with sparse single-family residences. An approximately 18.17-acre portion of a 20.17-acre project site is planted in vineyards, while the remainder two acres is developed with a single-family residence and related improvements, including an access to the site off McCall Avenue.

The Applicant's environmental consultant, Phoenix Biological Consulting, provided a Biological Habitat Assessment for the project, dated May 31, 2017, which was included with the project information packet provided to reviewing agencies in April 2, 2018. This information was also provided to the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) for review and comments. However, no concerns were expressed by either agency.

According to the findings of the Biological Habitat Assessment (BHA), the habitat assessment conducted during May 2017 reveals that the site is situated within highly-disturbed agricultural land uses. The site predominantly consists of active agricultural production of Thompson seedless grape vines. The BHA made several findings: There is no suitable nesting habitat for raptors, and given the survey was conducted during spring season, no further rare plant surveys are required. The site does not contain suitable habitat for San Joaquin kit fox due to surrounding land uses and lack of

foraging habitat. Therefore, no focused surveys nor mitigation are required for the species. Additionally, the site does not contain nesting habitat for Swainson's hawk and surveys are not needed based on the protocol stipulations. Furthermore, lacking surface water and riparian areas, the valley elderberry longhorn beetle habitat is not present on site and the habitat on site is not conducive to burrowing owl nesting and shelters. Although, no suitable burrows were observed during the survey and the active farming prevents the development of suitable owl burrows for shelter or nesting, the BHA recommends a 14-day preconstruction survey to prevent inadvertent take of burrowing owls, and if burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the lead agencies. Also, no ground-disturbances shall occur during nesting season without a survey clearance from a biologist. These requirements will be included as Mitigation Measures.

* **Mitigation Measures:**

1. *A 14-day preconstruction site survey shall be conducted to prevent inadvertent take of burrowing owls. If burrowing owls are observed during the preconstruction survey, the project proponent shall discuss mitigation and avoidance requirements with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.*
2. *No ground-disturbances shall occur during nesting season (between February and August) without a clearance survey by a qualified biologist to ensure that no nesting birds are impacted.*

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?

FINDING: NO IMPACT:

According to the Biological Habitat Assessment, the project site contains no surface water, wetlands, or Waters of the United States. The current and the historical use of the site has been farming.

Given the current state of the property and non-existence of wetlands or water channels on it, no impact on federally-protected wetlands as defined by Section 404 of the Clean Water Act would occur.

- D. Would the project 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is an active farmland and is surrounded by developed or highly-disturbed farmlands, and therefore would not constitute a “movement corridor” for native wildlife. According to the Biological Habitat Assessment, the site is relatively isolated due to surrounding agricultural land use, paved roads, Golden State highway to the west and urban land use practices to the north and southwest. The project will have a less than significant impact on regional wildlife movements.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

According to the Biological Habitat Assessment, no sensitive plant communities were identified on the project site. The project will not be in conflict with any local policies or ordinances protecting biological resources.

- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The project site is not within nor does it border a conservation area. The Big Table Mountain Ecological Reserve is approximately 22 miles north of the project site.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

The project site is not within any area designated as moderately- or highly-sensitive to archeological finds. As such, the project will have no impacts on historical, archeological, or paleontological resources.

A *Cultural and Paleontological Assessment* of the site was conducted by Material Culture Consulting, Inc., and dated October 2017. The study concluded that based on the lack of cultural materials observed within the project area and the limited known

previously-recorded cultural resources within a one-mile radius of the project area, the project area is considered to have a low probability for the presence of prehistoric or historic archaeological deposits. The agricultural disturbance from the present vineyard and private residence on the property has eradicated any near-surface record of prehistoric, ethno historic, or historic-era behavioral activities that may have otherwise been preserved as archaeological sites, deposits or features.

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The project will have no impact on Tribal Cultural Resources. The project was routed to the Dumna Wo Wah Tribal Government, Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Table Mountain Rancheria for review in accordance with Public Resources Code Section 21080.3.1(b). No concerns were expressed by tribes.

VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no known or identified active or potentially-active faults on or adjacent to the proposed Project site. The nearest known active or potentially-active fault, Nunez fault, is located approximately 20 miles southwest of the site. Neither the construction nor the operation of the proposed project would expose people or structures to the risk of loss, injury, or death involving rupture of a known earthquake fault. The impacts would be less than significant.

4. Landslides?

FINDING: NO IMPACT:

The project site contains naturally flat relief, which precludes the possibility of landslides on site.

- B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed photovoltaic solar power generation facility would not involve significant grading activities. The racking systems and photovoltaic (PV) module arrays require a moderately-flat surface for installation, which is characteristic of the subject parcel topography. However, some earthwork such as grading, fill, and compaction may be required to accommodate the placement of the racking systems and PV module arrays, subterranean conduits, footings, foundations, and access roads.

The Development Engineering Section of the Fresno County Department of Public Works and Planning reviewed the proposal and requires: 1) an Engineered Grading and Drainage Plan to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; 2) a grading permit or voucher for any grading proposed with this application; and 3) any additional runoff generated by the proposal be retained or disposed of per County Standards. These requirements will be included as Project Notes.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: NO IMPACT:

See Section VI. A. 4. above.

- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The proposed project is not located in an area with identified expansive soil as shown in the 2000 Fresno County General Plan Background Report (Figure 7-1).

According to the information obtained from the U.S. Dept. of Agriculture's Natural Resources Conservation Service, the project site is comprised of Delhi sand, Hanford fine sandy loam and Tujunga loamy sand. No impact relating to expansive soils would occur.

- E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

The project would not include the use of septic tanks or alternative wastewater disposal systems. No wastewater facilities would be constructed as part of the project. If sanitation facilities are required during the construction period, temporary portable toilets will be provided for the workers. No impact would occur.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to wastewater disposal.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The majority of the Green House Gas (CHG) emissions associated with the proposed project will be from short-term construction activities. Operational emissions will be from maintenance activities, which would occur occasionally.

The project was routed to the San Joaquin Valley Air Pollution Control District (Air District) along with the *Focused Air Quality and Greenhouse Gas Memorandum* prepared for the project by Urban Crossroads, and dated March 22, 2018. According to the document, the annual Greenhouse Gas Emission with the construction and operation of the project are estimated to be 16.98 Metric Tons/CO₂ estimated (MTCO_{2e}) per year. The proposed project would not exceed the 7,000 MTCO_{2e} threshold considered by the California Air Resources Board (ARB). As such, the proposed project would result in a less than significant impact with respect to CHG emissions.

The Air District reviewed the proposal and expressed no concerns regarding greenhouse gas emissions. The project will comply with District Rule 9510 and others as discussed in Section III. A. B. C. D. Air Quality.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Solar facility construction, operation, and decommissioning would require the limited use of hazardous materials that could result in potential adverse health and environmental impacts if these materials were used, stored, or disposed of improperly, causing accidents, spills, or leaks.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Additionally, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95, and all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as Project Notes. The use of hazardous materials entailed in the project would not generate impacts that amount to a level of significance requiring mitigation beyond what is required by existing regulations.

No schools are located within one quarter-mile of the project site. The nearest school, Theodore Roosevelt Elementary School, is approximately 1.4 south the project site.

- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project does not sit on a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

The site has historically been used for agricultural purposes that have utilized pesticides that are currently considered a health risk and no longer used. Geo Tek, Inc., conducted *Phase I Environmental Site Assessment (ESA)* dated September 15, 2017 to determine the effects of pesticide on humans that was used on site during farming activities. Given the available information and the fact the proposed use of the site is for a solar power generation facility and not for habitable development, the ESA revealed no evidence of a recognized environmental condition or concern in connection with the subject site.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or within two miles of a public or private use airport. The nearest airport, Selma Airport, is approximately 2.5 miles southwest of the site.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project site is located in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

- H. Would the project 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?

FINDING: NO IMPACT:

The project site is not located within or adjacent to a wildland area. The project will not expose persons or structures to wildland fire hazards.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils. The Fresno County Department of Public Health, Environmental Health Division, reviewed this proposal and expressed no concerns related to soils or wastewater disposal.

The Central Valley Regional Water Quality Control Board (RWQCB) also reviewed the proposal and expressed no concerns regarding the project impact on groundwater quality.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

The project site is not located in a water short area. Water demand during construction or the operation of the facility will have no impact on groundwater supplies.

Per the information provided by the Applicant, the water needed during construction of the project will be purchased from Consolidated Irrigation District through onsite water connections. However, no water will be needed during operations of the facility as the project will use commercially available biodegradable solution for panel cleaning in lieu of water.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns regarding the availability of water for the use.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would not affect any existing natural drainage channels, as none exist on the property. Consolidated Irrigation District (CID) Pipeline that traverse the property will not be affected by this proposal as the proposed development will remain outside of the 20-foot wide pipeline easement. The CID expressed no concerns related to this proposal.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above in Section VI. B., a grading permit or voucher will be required for any grading proposed with this application, and the project will adhere to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

See discussion in IX. A.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this project.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to the Federal Emergency Management Authority (FEMA) FIRM Panel 2675H, the project site is not subject to flooding from the 100-year storm.

- I. Would the project expose persons or structures to levee or dam failure; or
- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The proposal will not expose persons or structures to potential levee or dam failures nor is prone to hazards such as seiche, tsunami or mudflow.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The project site is located approximately 1,363 feet northeast of the nearest city limits of the City of Selma.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed solar power generation facility will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The subject property is designated Agriculture in the County-adopted Selma community Plan and is located within the City of Selma Sphere of Influence (SOI). The project was referred to the City for consideration of possible annexation. The City reviewed the proposal and elected to release it for processing by the County.

The County General Plan allows the proposed facility in an agriculturally-zoned area by discretionary land use approval provided it meets applicable General Plan policies.

Regarding General Plan Policy LU-A.3, Criteria a. b. c. d., the proposed solar generation facility will operate more efficiently in a non-urban area due to the property size required to produce electricity with solar panels and the availability of large undeveloped land in the subject area; will be located on a non-Prime Farmland land; is not located in a low-water area; will not use groundwater; and will have work force available nearby in the City of Selma.

Regarding General Plan Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14, the subject proposal is consistent with General Plan Policy LU-A.3 as discussed above. The proposed facility will occupy a 9-acre portion of a 20.17-acre parcel and will be chain-link-fenced to provide buffer between the proposed facility and surrounding farming activities with all onsite improvements to maintain a 50-foot setback from the

property lines. Additionally, the project site will be restored to an agricultural use after the proposed 25 plus years of solar power generation in accordance with the Applicant's Reclamation Plan.

Regarding General Plan Policy PF-C.17 and Policy PF-D.6, the project is not reliant upon water resources and does not require installation of on-site sewage disposal systems.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in an identified mineral resource area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is an unmanned facility and will not expose people to severe noise levels or create substantial increases in ambient noise levels.

The Fresno County Department of Public Health, Environmental Health Division expressed no concerns related to noise. However, development of the proposed solar

power generation facility will be subject to conformance with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. This requirement will be included as a Project Note.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- 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?

FINDING: NO IMPACT:

See discussion in Section VIII. E. F. above.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not construct or displace housing nor will it otherwise induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District, the project shall comply with the latest California Code of Regulations Title 24 – Fire Code and County-approved site plans shall be approved by the Fire District prior to issuance of building permits by the County. Further, the project shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes and addressed through Site Plan Review recommended as a Condition of Approval.

- 2. Police protection; or

- 3. Schools; or
- 4. Parks; or
- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact police services, schools, parks or any other public facilities.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No impact on recreational resources were identified in the analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, construction of the facility will take approximately four months based on a five-day workweek with workers on-site eight hours each day. During construction, a maximum of 40 construction personnel per day will be on site. During operation of the facility, one person per day will visit the site for security and maintenance.

A *Project Construction Trip Generation* was prepared for the project by Environment/Planning/Development Solutions, Inc., and dated January 30, 2018. The County Design Division of the Department of Public Works and Planning reviewed the traffic document and, based on an estimated 102 daily trips and 14 peak hour trips generated during the construction phase (includes mobilization, site improvement and grading; panel installation and construction), expressed no concerns with the project and required no Traffic Impact Study. The traffic impact would be less than significant.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

Due to the limited height (9 feet) of solar panels and other improvements, the project will not impact air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The County Design Division and Road Maintenance and Operations Division (RMO) of the Department of Public Works and Planning did not identify any concerns with respect to increased traffic hazards or emergency access to the site. The proposed solar facility will gain access to the site off McCall Avenue for routine maintenance and emergencies. A Project Note would require that the Applicant shall obtain an encroachment permit from the RMO prior to any work being performed in the County road right-of-way.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted alternative transportation plans.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils. The proposed development will not require on-site sewage disposal systems or utilize groundwater.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. E. Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction and decommissioning of the project would generate waste that may include cardboard, wood pallets, copper wire, scrap steel, common trash, and wood wire spools. The American Avenue Landfill serves the project area and would have sufficient capacity to accommodate the project's non-hazardous waste disposal needs.

Once operational, the proposed solar power generation facility will not utilize employees for daily activities. Personnel would only be on site for periodic maintenance. Considering the number of employees to be present at the facility on a regular basis, this proposal will not have a significant impact on area landfills. Further, as discussed in Section VIII. B., all hazardous waste shall be handled in accordance with the requirements set forth in the California Health and Safety Code, Chapter 6.5.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the project may impact sensitive biological resources. Included Mitigation Measures in Section V. A. B. will minimize such impacts to less than significant. No impacts on cultural resources were identified in the analysis.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than aesthetics, agriculture and forestry resources, and biological resources, which will be addressed with the Mitigation Measures discussed in Section I. D., Section II. A. B. C. D. E., and Section V. A. B.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study (No. 7444) prepared for Unclassified Conditional Use Permit Application No. 3611, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to cultural resources, mineral resources, population and housing or recreation.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, agricultural and forestry resources, and biological resources have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

EA:
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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7444	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): ForeFront Power, LLC	Project Title: Unclassified Conditional Use Permit Application No. 3611		
Project Description: Allow a 1.65 megawatt photovoltaic solar power generation facility with related improvements on an approximately 9-acre portion of a 20.17- acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of S. McCall Avenue approximately 1,915 feet south of its intersection with Manning Avenue and 1,363 feet northeast of the nearest city limits of the City of Selma (9375 S. McCall Ave., Selma CA) (SUP. DIST. 4) (APN 358-021-74).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7444) prepared for Unclassified Conditional Use Permit Application No. 3611, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to cultural resources, mineral resources, population and housing or recreation. Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation/traffic and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics, agricultural and forestry resources, and biological resources have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 23 , 2018		Review Date Deadline: June 21, 2018	
Date: May 18, 2018	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



17901 Von Karman Ave, Suite 600
Irvine, CA 92614
(949) 556-8714
www.better-neighborhoods.com/

June 20, 2018

Mr. Ejaz Ahmad
Planner
Fresno County Department of Public Works
Development Services & Capital Projects Division
County of Fresno
2220 Tulare St., 6th Floor
Fresno, CA 93721
Via email: eahmad@fresnocountyca.gov

CUP3611

RECEIVED
COUNTY OF FRESNO

JUN 20 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Re: Proposed Mitigated Negative Declaration for Initial Study Application No. 7444
ForeFront Power Solar (the "Project")

Dear Mr. Ahmad,

Thank you for the opportunity to provide questions and comments with regard to the above-referenced Project.

Better Neighborhoods Inc. is an organization established to help people have a voice in local development decisions that will be heard equally to that of the planners and developers, to encourage smart growth that is consistent with the needs of the community, to protect the natural environment and our places of historical and esthetic significance, to support affordable housing, and to balance the needs for growth and livable cities.

Forefront Power proposes the construction of a temporary (25-year), nine-acre solar power facility on land classified as Unique Farmland, Farmland of Statewide Importance and Prime Farmland on 2014 Fresno County Important Farmland Map, near Selma – the raisin capital of the world -- and a mere 50 feet from a single-family residence.

Were any other more appropriate sites considered? The solar power facility is a permitted use only subject to discretion with consideration to General Plan policies. Because prime and unique farmland is so rare today, the County should be loath to sacrifice it to any use other than farming.

EXHIBIT 10

Mr. Ejaz Ahmad
Re: ForeFront Power Solar Project
June 20, 2018
Page 2

Aesthetics

The area is described as farmlands planted in vineyards and orchard with sparse single-family residences. Clearly, a solar energy project will radically alter land use as well as the look and feel of the area. The project would impose a hostile chain-link fence along the perimeter as well as bright lights and five new utility poles installed along a 540-foot long gen-tie line. Such an imposition smack in the midst of productive Thompson seedless vineyards should require at least some natural landscaping to act as a buffer.

Agricultural and Forestry Resources

The loss of such highly-prized farmland for a quarter century – for any period of time – should raise a series of red flags at the County. When did the land cease to be farmed and why? Is there some reason beyond shorter raisin crops, lower pricing and rising labor costs reported in the news – something wrong the land? While property owners are free to use their land as they wish within the applicable legal restrictions, there may be a problem with the project site that merits fuller disclosure.

The report describes various soil deficiencies as well as the presence of a pesticide no longer used because of the human health hazard it poses. According to the report, “Given the available information and the fact the proposed use of the site is for a solar power generation facility and not for habitable development, the ESA revealed no evidence of a recognized environmental condition or concern in connection with the subject site.” What would be the potential impact of that pesticide in the soil if the site is disturbed via the construction of the solar power generation facility?

Fugitive Dust

Fugitive dust is a major issue in southern California, yet it is mentioned in the report only with regard to paving and grading. Has the soil at the project site been tested for San Joaquin Valley Fever spores? Valley Fever has been identified as a public health risk in locations such as Antelope Valley, which has a number of solar projects. Spores are carried on the wind. Experts indicate further that the risk increases when land containing the fungus is disturbed. Mitigation in some cases may require the most minimal grading and the application of landscaping to maintain soil integrity, sometimes with the addition of mulch. The devastating effect of Valley Fever on human health as well as the pesticide hazard should prompt further investigation of the project site soil.

Reclamation

According to the report, after 25 years of service life, the solar power equipment will be dismantled using a simple procedure that will return the land to its former use as farmland in only a year. How do we know the land will still be fit for farming? Are there any studies of farmland restored after use as a solar power facility?

Mr. Ejaz Ahmad
Re: ForeFront Power Solar Project
June 20, 2018
Page 3

Construction of the facility admittedly involves the use of hazardous materials. Although the report doesn't cite it as a risk, what is the likelihood and potential environmental impact of such materials leaching into the soil? The report hardly touches on storm runoff. Might storm runoff contain some of the hazardous materials used in the project? If so, what would be the effect on both the project site and on the surrounding farms?

The report states, "Solar facility construction, operation, and decommissioning would require the limited use of hazardous materials that could result in potential adverse health and environmental impacts if these materials were used, stored, or disposed of improperly, causing accidents, spills, or leaks." What would be the full extent of damage such accidents would pose not only to the project site but to the surrounding farmland? More and more detailed information is required to properly assess such a potentially catastrophic risk.

Pest Management

As the report notes, weed and rodent infestations common at solar project sites could have a devastating impact on surrounding farms. Because the project is an unmanned facility, will there be independent monitoring of the proposed weed and rodent mitigation plan?

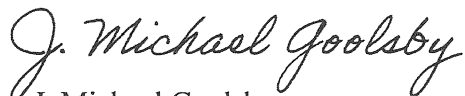
Noise

While the Fresno County Department of Public Health, Environmental Health Division expressed no concerns about the project related to noise, what noise exactly would the solar project generate? Bear in mind, the project would be 50 feet from a residence.

Conclusion

This is but a preliminary report, but it raises a number of questions that require further explanation and analysis particularly regarding the potentially catastrophic effect of introducing hazardous materials in an area of some of the most valuable farmland in California and probably the world.

Sincerely,



J. Michael Goolsby
President and CEO
Better Neighborhoods, Inc.

Ahmad, Ejaz

JUN 19 2018

From: tnahal10@gmail.com
Sent: Tuesday, June 19, 2018 12:02 PM
To: Ahmad, Ejaz
Cc: Tarlochan S. Nahal; harpaul@nahallaw.com
Subject: Re: Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Mr. Ejaz,

Thanks for your quick response. I strongly urge the Planning Commission to disapprove this solar panel project.

Central Valley is already fighting the menace of pollution and all sorts of health issues. Approving this kind of dangerous project in the middle of existing and proposed residential neighbourhood would put all the neighbors including small children at great risk.

Regards,

Tarlochan S Nahal

On Jun 19, 2018, at 11:30 AM, Ahmad, Ejaz <EAhmad@fresnocountyca.gov> wrote:

Thanks Mr. Nahal for your comments on the project and will be provided to the Planning Commission. Thanks

Ejaz

From: Tarlochan S. Nahal <tnahal10@gmail.com>
Sent: Tuesday, June 19, 2018 10:23 AM
To: Ahmad, Ejaz <EAhmad@fresnocountyca.gov>
Cc: Tarlochan S. Nahal <tnahal10@gmail.com>; Harpaul Nahal <harpaul@nahallaw.com>
Subject: Conditional Use Permit Application No. 3611 Filed by Forefront Power LLC, APN: 358-021-74

County of Fresno

Internal Services Department (ISD) - IT Services

Service Desk 600-5900 (Help Desk)

CAUTION!!!

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Forward the email to SPAM "SPAM@co.fresno.ca.us" and delete it.

Dear Mr. Ahmad,

I am writing this regarding the aforementioned application that seeks to install power generation facility (solar panels) on a property that is adjacent to my property (APN: 358-021-010) in Selma, California.

I strongly oppose this project on the following grounds.

1. This project is not in line with the best use of this property which is a prime agriculture land and well within the sphere of influence of the City of Selma.
2. Since the city is eventually going to grow in that direction and all the neighboring land is already marked as future residential as per the latest City Plan, it will make all the neighboring properties less desirable including mine. I am the next door neighbor.
3. This project will adversely affect the environment and will be disastrous for the current and future neighborhood.
4. Solar components radiate high levels of radio frequency electromagnetic radiation, which poses health risks to those with electromagnetic hypersensitivity (EHS). The primary health hazard involved with solar energy generation is that people with EHS get sick from electromagnetic radiation in even very small amounts.
5. Installing solar panel on this property would be one of the worst possible uses for this land and it can have an adverse effect on the health of neighbors due to this dangerous equipment that will emit electromagnetic power continuously. In addition, it will result in environmental degradation and habitat loss.

Attached is the APN map and the City of Selma Sphere of Influence and Planning Area map.

Please do not approve this project.

If you have any questions, please feel free to contact me.

Regards,

Dr. Tarlochan S. Nahal

Ph (408) 972-2400

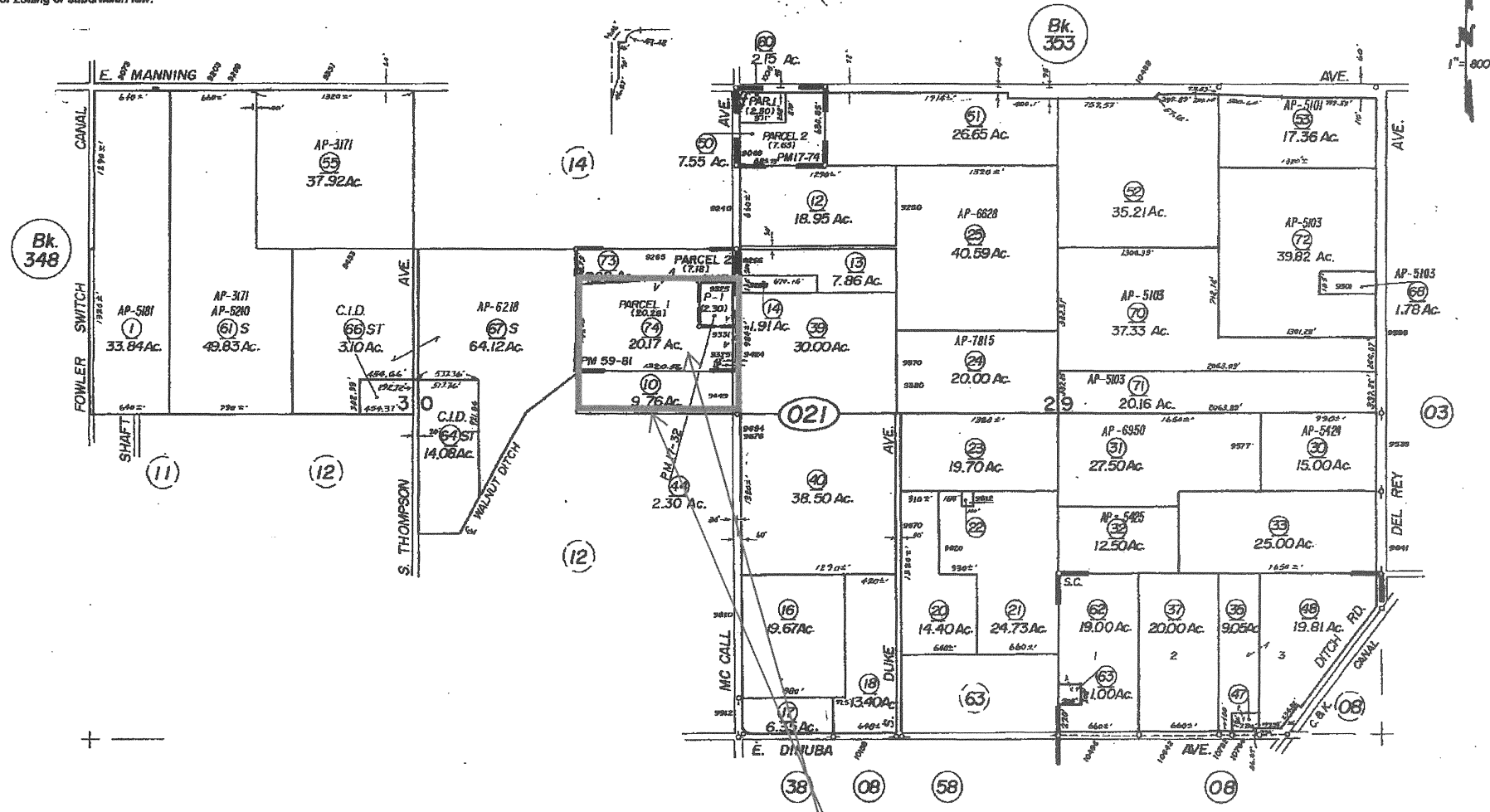
<Final EIR Selma General Plan Update 2035_July 2010.pdf>

<APN_map_Selma Property.pdf>

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY SHALL BE ASSUMED BY THE COUNTY OF FRESNO FOR THE ACCURACY OF THE DATA SHOWN. PARCELS NOT SUBDIVIDED SHALL BE SHOWN AS ONE PARCEL.
 TAX RATE AREA 100-000
 B.M. & M.

358-02

NOTE
 This map is for Assessment purposes only.
 It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.



Agricultural Preserve
 Shaw's Colony - Plat Bk. 2, Pg. 12
 Parcel Map No. 2703 - Bk. 17, Pg. 74
 Parcel Map No. 2630 - Bk. 17, Pg. 32

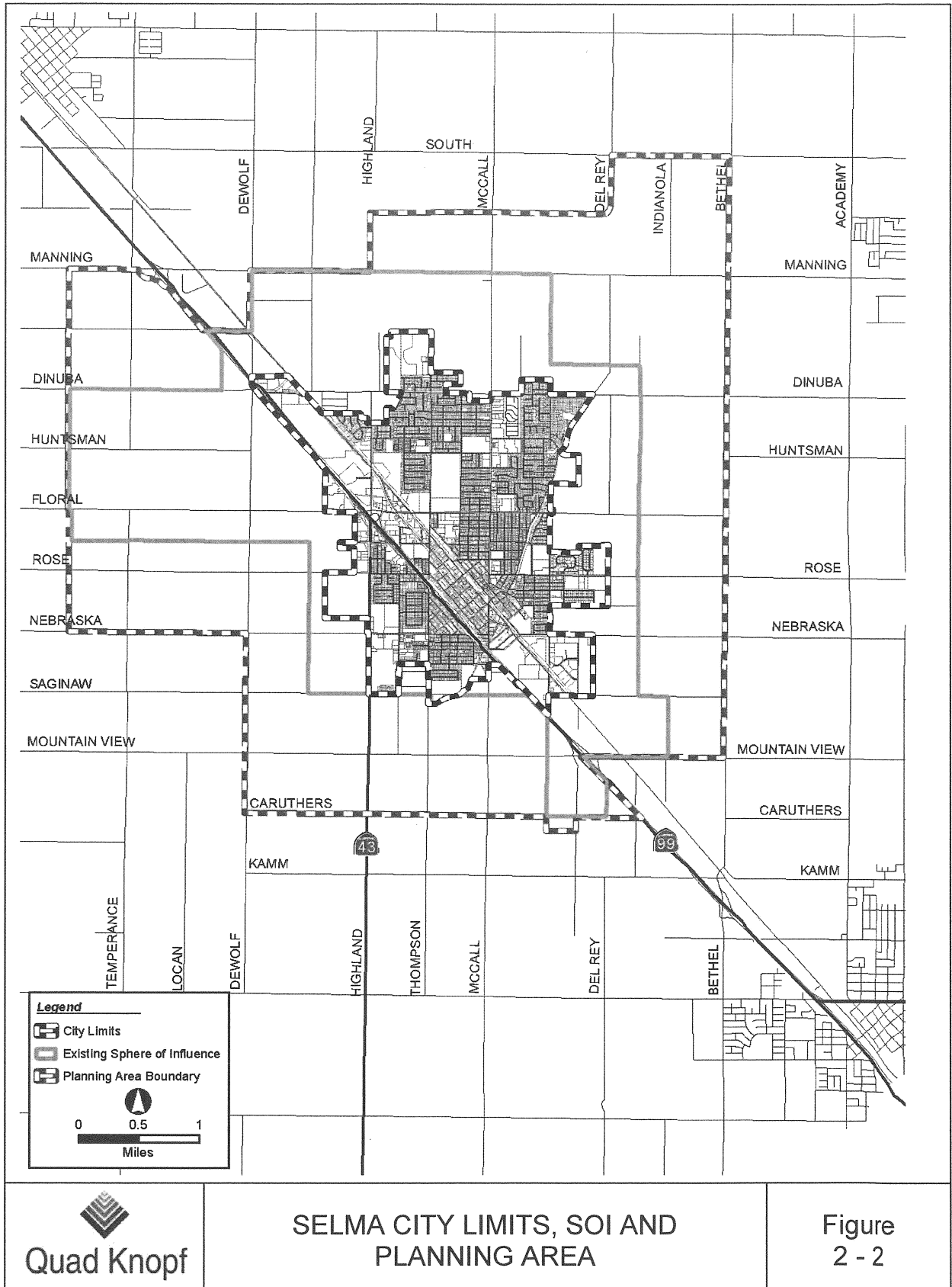
Parcel Map No. 7718 - Bk. 59, Pg. 81

Assessor's Map Bk. 358 - Pg. 02
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

JUN 1 2 2003

Yr-1978





County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 June 28, 2018

SUBJECT: Variance Application No. 4046

Allow the creation of a 2.02-acre parcel and a 49.28-acre parcel from existing 16.12-acre and 35.18-acre parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the west side of N. Madsen Avenue on the northwest corner of its intersection with E. Belmont Avenue, approximately 2 miles northeast of the nearest city limits of the City of Sanger (1115, 1129 N. Madsen Avenue & 13728 E. Belmont Avenue) (SUP. DIST. 5) (APN: 309-100-35, -37).

OWNER: Academy Ranch LLC
APPLICANT: Jane Gamble

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4046; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Proposed Parcel Configuration (Site Plan)
6. Variance Map
7. Applicant's Statement of Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	16.12 acres (APN: 309-100-35) 35.18 acres (APN: 309-100-37)	2.02 acres 49.28 acres A 2.02-acre parcel will be created from the 16.12-acre parcel, and the 14.10-acre balance will be combined with the westerly adjacent 35.18-acre parcel, resulting in the creation of a 49.28-acre parcel.
Project Site	16.12-acre parcel (309-100-35): Two single-family residences with on-site septic systems and residential water well, accessible from N. Madsen Avenue 35.18-acre parcel (309-100-37): Single-family residence with on-site septic system, garage, barn, residential water well, agricultural water well, and orchard accessible from E. Belmont Avenue	2.02-acre parcel: Single-family residence with on-site septic system and residential water well 49.28-acre parcel: Single-family residence with on-site septic system, garage, barn, two residential water wells, one agricultural water well, and orchard The 14.10-acre balance of the existing 16.12-acre parcel will be combined with the 35.18-acre westerly adjacent parcel resulting in the creation of a 49.28-acre parcel. Staff notes that the 14.10-acre remainder parcel is currently uncultivated and contains a mobile home, on-site septic system, and residential water well. The removal of this mobile home and abandonment of the septic system has already been permitted. This acreage will be used for agricultural cultivation. Additionally, the residential water well on the 2.02-acre parcel has not yet been drilled, but will exist prior to final mapping approval per a Condition of Approval of this Variance.

Criteria	Existing	Proposed
Nearest Residence	240 feet to the east	No change
Surrounding Development	Agricultural uses	No change
Traffic Trips	Residential/Agricultural	No change
Lighting	Residential/Agricultural	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 9 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

Academy Ranch runs a productive agricultural operation on the 35.18-acre western parcel, and wishes to expand this operation to the majority of the 16.12-acre eastern parcel, which they acquired on February 8, 2011. There is an existing custom home on the 16.12-acre parcel, and Academy Ranch would like to sell this residence with a 2.02-acre parcel while retaining the farmable land. They would accomplish this by merging the remaining 14.10 acres with the entire 35.18-acre western parcel, which would create a 49.28-acre parcel.

Both parcels are located in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The eastern parcel (16.12 acres) is considered legal non-conforming because at the time of its creation, it conformed to the minimum parcel size requirements. It was not until October 29, 1968 that the area was rezoned from A-1 (Agricultural District, 100,000 square-foot minimum parcel size) to AE-20 (Ord. No. 490-A-946). The western parcel (35.18 acres) currently conforms to the AE-20 Zone District minimum parcel size. If this Variance is approved and a 2.02-acre and 49.28-acre parcel are created, there will continue to be one legal non-conforming parcel and one parcel that conforms to the zone district’s minimum parcel size standard.

In addition to the subject application, there have been five other variance applications to allow the creation of parcels with substandard sizes in agricultural zone districts within one mile of the subject property. The following table provides a brief summary of the other variance applications and final actions.

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 3539: Allow the creation of two 0.715-acre parcels from a 1.430-acre parcel in the AE-20 Zone District.	September 19, 1996	Approval	Approved by the Planning Commission
VA No. 3415: Allow the creation of a 17.95-acre parcel and a 1.30-acre parcel in the AE-20 Zone District.	May 20, 1993	Denial	Denied by the Planning Commission
VA No. 3277: Allow the creation of a 2-acre parcel and a 16.72-acre parcel in the AE-20 Zone District.	July 26, 1990	Denial	Approved by the Planning Commission
VA No. 3156: Recognize a 12.83-acre parcel previously created from an approximately 33-acre parcel in the AE-20 Zone District.	June 28, 1990	Approval	Approved by the Planning Commission
VA No. 3130: Allow the creation of two 2.43-acre parcels from a 4.86-acre parcel in the AE-20 Zone District.	January 21, 1988	Denial	Approved by the Planning Commission

Although there is a history of variance requests within proximity of the subject parcel, each variance request is considered on its own merit, based on unique site conditions and circumstances.

ANALYSIS/DISCUSSION:

Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

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

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 Rear: 20 feet	<u>2.02-acre parcel:</u> Front (east property line): 93 feet Side (south property line): 167 feet Side (north property line): 88 feet Rear (west property line): 66 feet	Yes

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
		49.28-acre parcel: Front (south property line): 75 feet Side (west property line): 300 feet Street Side (east property line): 1,250 feet Rear (north property line): 970 feet	
Parking	No Requirement	No Requirement	N/A
Lot Coverage	No Requirement	No Requirement	N/A
Separation Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within 40 feet of any dwelling or other building used for human habitation.	No change	Yes
Wall Requirements	No Requirement	No Requirement	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	One proposed well on the 2.02-acre parcel. To build this well, a permit must be acquired and minimum setbacks must be met.	Yes

Reviewing Agencies/Department Comments:

Fresno County Department of Agriculture: No comments.

Design Division of the Fresno County Department of Public Works and Planning: No comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: No Comments.

Zoning Section of the Fresno County Department of Public Works and Planning: No Comments.

Analysis:

In support of Finding 1, the Applicant states that the 16.12-acre eastern parcel has not been farmed in many years, and it is their intent to engage as much of the parcel as possible in agricultural production.

In support of Finding 2, the Applicant states that the 16.12-acre parcel is already non-conforming to the minimum parcel size, contains two single-family residences, and no agricultural production. The Applicant plans to remove one homesite and reduce this parcel to an approximately 2-acre size, which is comparable to other single-family homesites in the area.

With regard to Finding 1 and Finding 2, staff could not identify any unique physical circumstances that apply to the subject property that do not apply to other properties in the area. Staff research did confirm that the 16.12-acre parcel has not been used for agricultural purposes since before 2004.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could lease the residence on the 16.12-acre parcel while expanding their agricultural operation to the rest of the parcel. The Applicant's ability to sell the single-family residence is not a substantial property right, and it has no bearing on the Applicant's ability to farm the additional land.

Recommended Condition of Approval:

None.

Conclusion:

Findings 1 and 2 cannot be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	226.19 acres	Orchard/Single-Family Residence	AE-20	1,350 feet
West:	26.59 acres	Orchard/Single-Family Residence	AE-20	1,650 feet
	2.5 acres	Single-Family Residence	AE-20	2,290 feet
South:	57.95 acres	Orchard	AE-20	N/A
	19.96 acres	Orchard/Single-Family Residence	AE-20	2,110 feet
	35.94 acres	Orchard/Single-Family Residence	AE-20	1,925 feet
	40.66 acres	Orchard/Single-Family Residence	AE-20	1,350 feet
	58.03 acres	Orchard	AE-20	N/A
East:	37.61 acres	Orchard/Single-Family Residence	AE-20	370 feet
	19.2 acres	Orchard	AE-20	N/A

Reviewing Agencies/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Belmont Avenue is classified as a Collector road in the County's General Plan, requiring an ultimate right-of-way of 80 to 100 feet. Currently, there is 80 feet of right-of-way on Belmont Avenue; no additional right-of-way is required.

Madsen Avenue is classified as a Local road requiring an ultimate right-of-way of 60 feet. Currently, there is 40 feet of road right-of-way on Madsen Avenue. The Applicant should irrevocably offer an additional 10 feet of road right of way along the Madsen Avenue frontage, including a 20-foot by 20-foot corner cutoff at the intersection of Belmont Avenue and Madsen Avenue.

Existing residential properties are currently served by dirt approaches in the road right-of-way. If any improvements for these driveway approaches are proposed in the road right-of-way, an encroachment permit will be required. This mandatory requirement has been included as a Project Note.

Environmental Health Division of the Fresno County Department of Public Health: In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. This recommendation has been included as a Project Note.

At such time as the Applicant or future property owner(s) decide to construct a water well, the water well contractor will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. This mandatory requirement has been included as a Project Note.

Zoning Section of the Fresno County Department of Public Works and Planning: Permit records for the garage on the western parcel (13728 E. Belmont) were not located in our permit records. Structures over 120 square-feet and within 6 feet of an existing residence, if built after March 1, 1958, require review, approval, permits, and inspections from the Zoning Section of the Fresno County Department of Public Works and Planning. Appropriate permits must be acquired for this structure within 90 days of the effective date of approval. Additionally, these permits must be acquired prior to the final approval of the subsequent mapping action or Lot Line Adjustment to authorize the proposed parcelization.

Building Section of the Fresno County Department of Public Works and Planning: Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling on less than four acres will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Central Valley Regional Water Quality Control Board (RWQCB) for their concurrence and input. Supplemental treatment systems for nitrogen reduction will be referred to RWQCB for permitting. This development standard has been included as a Project Note.

Analysis:

In support of Finding 3, the Applicant states that, with the exception of the custom single-family residence, the property has been a “weed-riddled eyesore for decades” and that by removing the existing mobile home and cultivating the land, they will positively affect the aesthetics of the property.

In regard to Finding 3, staff notes that by decreasing the size of one parcel from 16.12 acres to 2.02 acres, the number of residences allowed by right does not change. However, increasing the size of the 35.18-acre parcel to 49.28 acres will result in the allowance of two residences on that property by right, instead of the one that is allowed by right currently. Therefore, three total permitted residences would be allowed by right on the two parcels. Staff notes that there are currently three total permitted residences on these parcels, but that the existing mobile home has already been permitted for removal. There is no new development proposed at this time, but an additional residence could be built without a discretionary use permit on the 49.28-acre parcel in the future. This could result in a minor traffic impact to the area, but it should not surpass the level of existing traffic resulting from the three existing residences. Due to the limited potential impact, staff has concluded that no traffic mitigation, including the dedication of road right-of-way, is warranted for this project.

The adjacent properties support orchards and single-family residences, as do the subject properties. The uses of the properties will not change as a result of the proposed project, so it can be concluded that the character and use of the area will not be affected. Additionally, the aesthetic impact should be positive for the reasons provided by the Applicant.

Finally, it can be detrimental to a property owner and their surrounding community if they find themselves unable to access potable water. The proposed Variance will separate an existing single-family residence from the well it currently accesses water from. The Applicant has proposed a new well to serve the single-family residence on the 2.02-acre parcel, but to mitigate the risk of this residence being without water, it will be a Condition of Approval that a well must be drilled on the 2.02-acre parcel to serve the existing single-family residence prior to final mapping approval.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

***Finding 4:** The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Relevant Policies:	Consistency/Considerations:
Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agricultural, except as provided in Policies LU-A.9, LU-A.10 and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions,	This Variance would allow the creation of a 2.02-acre parcel with the 14.10-acre balance of the existing 16.12-acre parcel being combined with an adjacent 35.18-acre parcel resulting in a 49.28-acre parcel. The subject property is zoned AE-20, with a 20-acre minimum parcel size. As such, the

Relevant Policies:	Consistency/Considerations:
and to help ensure the viability of agricultural operations.	<p>creation of a 2.02-acre parcel in the AE-20 Zone District is inconsistent with Policy LU-A.6. Further, the proposed project does not qualify for an exception under Policies LU-A.9, LU-A.10, or LU-A.11:</p> <ul style="list-style-type: none"> - LU-A.9: The lot is not for a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented. - LU-A.10: The request is not to allow for the development of an agricultural commercial center. - LU-A.11: The request is not to allow the recovery of mineral resources, oil, or gas.
<p>Policy LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcels may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The Variance request proposes to create a 2.02-acre parcel smaller than 20 acres in an area designated as Agricultural and zoned AE-20. As such, this proposal is not consistent with General Plan Policy LU-A.7.</p>
<p>Policy PF-C. 17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The project is not in a water-short area, and no change in land use is proposed as a part of this application.</p>
<p>Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>A minimum standard of two acres has been set forth by the Local Area Management Program (LAMP), approved by the Central Valley Regional Water Quality Control Board (RWQCB). The proposed parcels meet the minimum parcel size required to support the existing septic systems.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcels are not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments.

Analysis:

In support of Finding 4, the Applicant states that their goal is to farm 14.1 acres of land that has not been farmed for at least 14 years, and that they are removing one residence from the property which will create additional farmable space. The promotion of agricultural uses is a primary goal of the General Plan, therefore this proposal should be in conformity with the policy document.

In regard to Finding 4, staff notes that the subject property is designated as Agricultural in the Fresno County General Plan. Additionally, General Plan Policies LU-A.6 and LU-A.7 require a minimum parcel size of 20 acres as a means of encouraging continued agricultural production and minimizing the amount of land converted to non-agricultural uses. The subject proposal would create a 2.02-acre parcel that is less than the minimum 20-acre parcel size required in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. As such, the proposal is inconsistent with Policies LU-A.6 and LU-A.7. However, the 14.10-acre remainder of the existing 16.12-acre parcel would be merged with the 35.18-acre parcel, resulting in a 49.28-acre parcel. This parcel would conform to the minimum parcel size requirement in the AE-20 Zone District. The proposal is consistent with General Plan Policy PF-C.17 because the property is not located in an area designated as water-short, and because the use of the property is not changing.

Additionally, staff does note that the creation of a 2.02-acre parcel will not adversely affect the current agricultural use of the property; it will simply adjust the lot line. Although the proposal is consistent with some of the General Plan policies, the proposed 2.02-acre parcel is not eligible to be a homesite retention parcel as defined in the County General Plan, and therefore cannot conform to all of the relevant General Plan policies due to its size. Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings 1, 2, and 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4046.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4046; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4046, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

DTC:ksn

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**Variance Application No. 4046
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, as approved by the Planning Commission.
2.	A separate permitted water well shall be established and connected to the residence on the proposed 2.02-acre parcel prior to the final approval of the subsequent mapping action or Lot Line Adjustment to authorize the proposed parcelization.
3.	Permit records for the garage on the western parcel (13728 E. Belmont) were not located in our permit records. Structures over 120 square-feet and within 6 feet of an existing residence, if built after March 1, 1958, require review, approval, permits, and inspections from the Zoning Section of the Fresno County Department of Public Works and Planning. Appropriate permits must be acquired for this structure within 90 days of the effective date of approval. Additionally, these permits must be acquired prior to the final approval of the subsequent mapping action or Lot Line Adjustment to authorize the proposed parcelization.

Conditions of Approval reference recommended Conditions for the project.

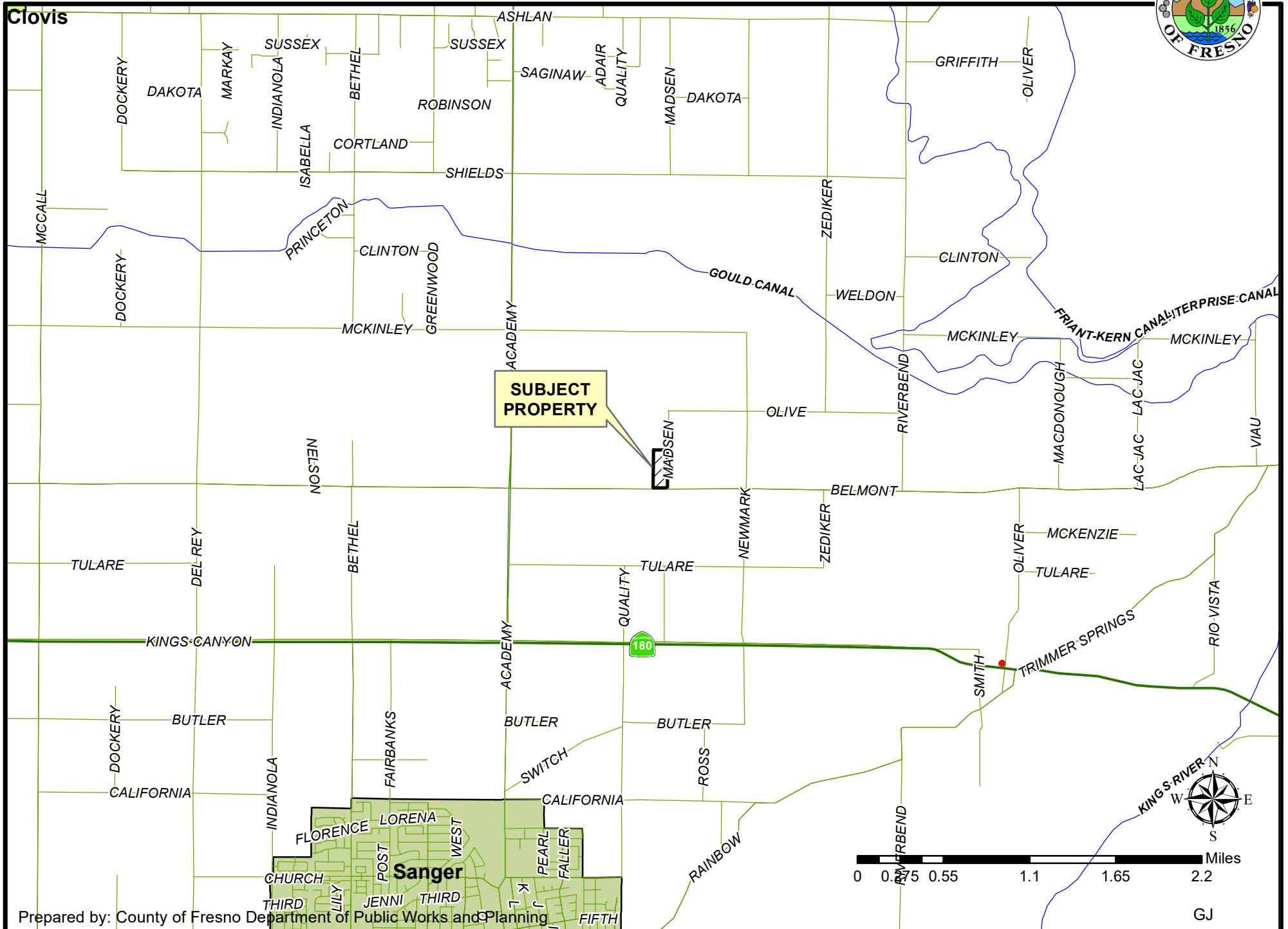
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
2.	At such time as the Applicant or future property owner(s) decide to construct a water well, the water well contractor will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division.
3.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling on less than four acres will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to RWQCB for their concurrence and input. Supplemental treatment systems for nitrogen reduction will be referred to RWQCB for permitting.
4.	Existing residential properties are currently served by dirt approaches in the road right-of-way. If any improvements for these driveway approaches are proposed in the road right-of-way, an encroachment permit will be required.

DTC:ksn

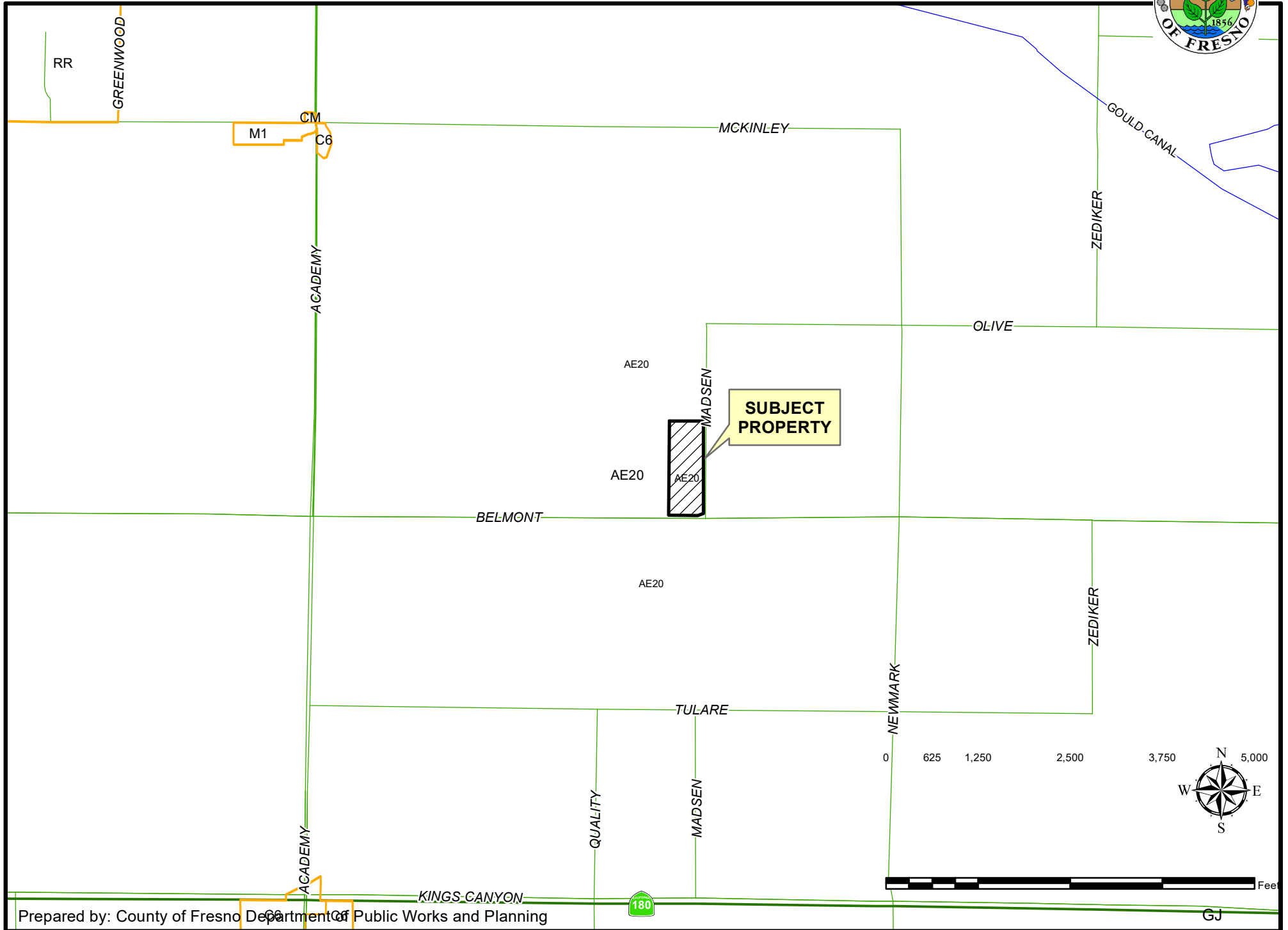
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EXHIBIT 1

LOCATION MAP



EXISTING ZONING MAP



EXISTING LAND USE MAP



LEGEND	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

-  Subject Property
-  Ag Contract Land



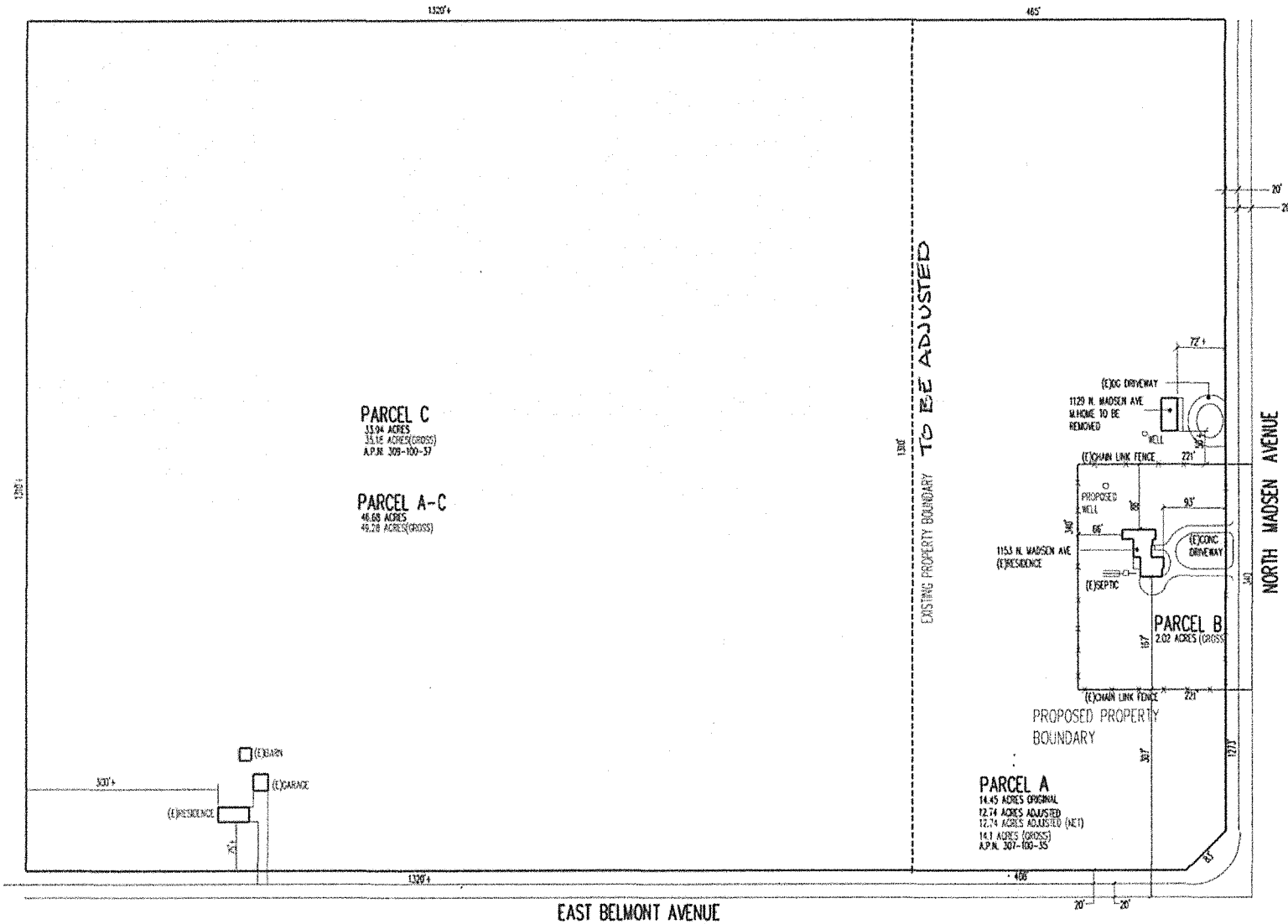
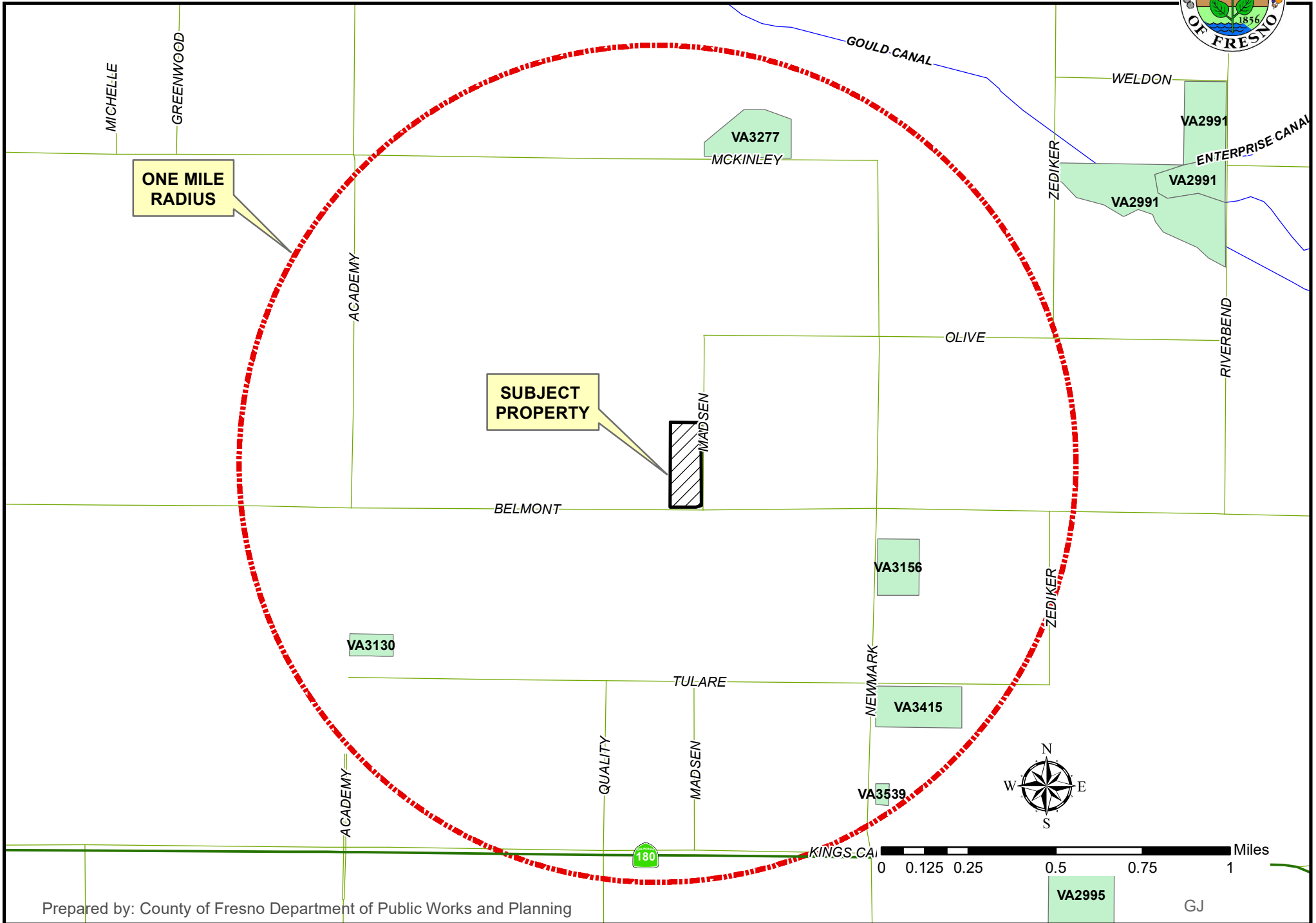


EXHIBIT 5

APPROVED VARIANCES WITHIN A ONE MILE RADIUS



Academy Ranch, LLC

1115 North Madsen Avenue, Sanger

APN: 309-100-35

13728 East Belmont, Sanger

APN: 30910037

Variance Application Findings

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

1115 North Madsen (APN 309-100-3514.45) is a 14.45 acre parcel in an AE20 zone district. For many years, there has been no production agriculture on this parcel. When we (Academy Ranch, LLC) purchased the parcel (August 2017), there were two structures on the parcel. One was a custom-built 2,300 ft² home. The second was a mobile home in major disrepair. It is our objective to return the majority of the property to production agriculture.

It is our desire to combine the 14.45 acre parcel with the 33.94 acre parcel we own at 13728 East Belmont (APN 30910037), which is adjacent to the west. (There is a home site on the Belmont property.) This would create one 48.39 acre parcel. We plan on removing the mobile home and it is our hope that the County will permit the creation of a 2.02 acre home site for the custom built home, returning the remaining acreage to production agriculture.

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

At present, this is a non-conforming property. There were two homes on a 14.45 acre parcel. In the area, there exist other properties with approximately 2 acre home sites.

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

Other than the approximately 2.02 acre home site, this property has primarily been a weed-riddled eyesore for decades. To return the majority of the acreage to production agriculture will improve the vicinity in which the property is located. This property is surrounded by production agriculture.

4. *The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.*

If we are permitted to combine the parcels, receive a variance for an approximately 2.02 acre home site, and return more land to production agriculture, we are meeting a goal of the Fresno County General Plan which is to 'promote the long-term conservation of productive and potentially-productive agricultural lands.' Also, with the removal of the mobile home, one non-conforming home site will be removed.