

(Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of Clovis Avenue, approximately 1,293 feet south of its intersection with North Avenue, approximately 2.27 miles east of the nearest city limits of the City of Fresno (SUP. DIST. 4) (APN 331-030-58). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7558, and take action on Classified Conditional Use Permit Application No. 3628 with Findings and Conditions.

-Contact person, Thomas Kobayashi (559) 600-4224, email: tkobayashi@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

4. **INITIAL STUDY APPLICATION NO. 7439** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3607** filed by **FOREFRONT POWER**, proposing to allow a 5 megawatt solar photovoltaic power generation facility with related improvements on an approximately 47-acre portion of an 88.23-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts. The project site is located on the east side of Shell Road, 0.4 miles northeast of its intersection with Oil City Road, and 2.6 miles north of the nearest city limits of the City of Coalinga (SUP. DIST. 4) (APN 070-020-07). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7439, and take action on Unclassified Conditional Use Permit No. 3607 with Findings and Conditions.

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

5. **VARIANCE APPLICATION NO. 4063** filed by **RON and ALEXIS MASSON**, proposing to Allow a 3.5-foot front-yard setback (minimum 35 feet required) and a 14-foot side-yard setback (minimum 20 feet required) for a 14-foot by 32-foot detached storage building and an 8-foot by 12-foot shed on a 1.04-acre parcel in the AE-20(nb) (Exclusive Agricultural, 20-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. The subject parcel is located approximately 415 feet north of East Floradora Avenue and approximately 650 feet northwest of the intersection of East Floradora Avenue and North Temperance Avenue, approximately 800 feet southwest of the nearest city limits of the City of Fresno, and within the City of Fresno Sphere of Influence (6850 East Floradora Avenue) (SUP. DIST. 5) (APN 310-081-01).

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

6. **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@fresnocountyca.gov

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its

entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4497 or at knovak@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 July 18, 2019

SUBJECT: Initial Study Application No. 7604 and Unclassified Conditional Use Permit Application No. 3641

Allow the construction of a new unmanned wireless telecommunications facility consisting of a 224.8-foot-tall lattice tower with 9 antennas, one microwave dish, and related ground equipment, within a 2,500 square-foot fenced lease area, including new access and utility easements, on a 151.4-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northwest corner of Trinity and Mitchell Avenues approximately 2.2 miles northwest of the City of Huron (Sup. Dist. 4) (APN 068-100-21S).

OWNER: James Anderson
APPLICANT: AT&T Mobility c/o Complete Wireless Consulting

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. 7604; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3641 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevations
6. Applicant’s Submitted Operational Statement and Response to Fresno County Wireless Communication Guidelines/Supplemental Information
7. Coverage Maps (current and proposed) and Photographic Simulations
8. Summary of Initial Study Application No. 7604
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the Fresno County General Plan	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	151.4acres	No change
Project Site	Orchard	A 224.8-foot-tall telecommunications tower and related ground equipment, within a 2,500 square-foot fenced lease area
Structural Improvements	None	<ul style="list-style-type: none">• 224.8-foot-tall lattice tower• 8’ x 8’ walk-in equipment cabinet• Six-foot-tall slated chain-link fence
Nearest Residence	Approximately 1.4 miles northeast of the proposed tower site	No change
Surrounding Development	Orchard	No change
Operational Features	N/A	Unmanned wireless telecommunications facility

Criteria	Existing	Proposed
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Agricultural traffic	<ul style="list-style-type: none"> • Four one-way trips (two round trips) to 20 one-way trips (10 round trips) per day for 60 days generated by workers during project construction • Two one-way trips (one round trip) per month generated by a maintenance person during project operation
Lighting	N/A	None
Hours of Operation	N/A	24 hours a day, seven days per week, year-round

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: June 7, 2019

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:

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:

This proposal entails construction of a new wireless telecommunications facility consisting of a 224.8-foot-tall lattice tower with 9 antennas, one microwave dish, and related ground equipment, within a 2,500 square-foot fenced lease area on a 151.4-acre parcel. The proposal

also includes a 20-foot-wide non-exclusive access and utility easement connecting the tower site to Trinity Avenue.

According to the Applicant's Operational Statement, the project will bring improved wireless internet services and cellular coverage to the area near W. Mitchell and S. Trinity Avenues and residential units and businesses within the general and immediate area. The project will also provide broadband internet to customers that do not currently have access to high-speed broadband. Additionally, the project will provide co-location opportunities for other carriers.

***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 (Mitchell Avenue; south property line): 83.4 feet Side (Trinity Avenue; east property line): 29 feet Side (west property line): 2,570 feet; Rear (north property line): 2,506 feet	Yes
Parking	No requirement	No requirement	N/A
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	Six-foot-tall chain-link fence with barbed wire around 2,500 square-foot tower site (lease area)	N/A
Septic Replacement Area	100 percent	No septic system required	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No water well required	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The subject proposal satisfies the building setback requirements of the AE-20 Zone District.

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

Analysis:

Staff review of the Site Plan demonstrates that the proposed facility meets the minimum building setback requirements of the AE Zone District. The proposed tower and related ground equipment will be set back 29 feet from the east property line bordering Trinity Avenue (20-foot minimum required), 83.4 feet from the south property line bordering Mitchell Avenue (35-foot minimum required), 2,506 feet from the north property line (20-foot minimum required), and 2,570 feet from the west property line (20-foot minimum required). Access to the tower site (lease area) will be from Trinity Avenue via a proposed 20-foot-wide all-weather gravel access road. Staff believes that adequate area is available within the 2,500 square-foot lease area to accommodate the tower and ground equipment, including future equipment lease areas to be used by other carriers who may co-locate on the tower. Likewise, the 151.4-acre project site is adequate in size to accommodate the 2,500 square-foot tower site (lease area).

Based on the above, staff finds that the project site is adequate in shape and size to accommodate the proposed use.

Recommended Conditions of Approval:

None.

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	Yes	Trinity Avenue Mitchell Avenue	N/A
Public Road Frontage	No	N/A	N/A
Direct Access to Public Road	No	N/A	N/A
Road ADT (Average Daily Traffic)		Trinity Avenue (N/A) Mitchell Avenue (N/A)	No change No change
Road Classification		Private Road (Trinity Avenue) Private Road (Mitchell Avenue)	No change No change

		Existing Conditions	Proposed Operation
Road Width		N/A	N/A
Road Surface		Unpaved (Trinity Avenue)	No change
		Unpaved (Mitchell Avenue)	No change
Traffic Trips		N/A	<ul style="list-style-type: none"> • Four one-way trips (two round trips) to 20 one-way trips (10 round trips) per day for 60 days generated by workers during project construction • Two one-way trips (one round trip) per month generated by a maintenance person during project operation
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		Dirt road (Trinity Avenue)	N/A; private road
		Dirt road (Mitchell Avenue)	N/A; private road

Reviewing Agency/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.

No other reviewing Agencies or Departments expressed concerns related to the adequacy of streets for the project.

Analysis:

No County-maintained roads front the project site. Both Trinity Avenue, that runs along the eastern boundary of the project site, and Mitchell Avenue, that runs along the southern boundary of the project site, are private roads, unpaved and not maintained by the County. Trinity Avenue connects to State Route 198 (Dorris Avenue) one mile to the north and Mitchell Avenue connects to State Route 269 (Lassen Avenue) one mile to the east of the tower site.

The tower site will gain access from Trinity Avenue via a proposed 20-foot-wide all-weather gravel access road. The Road Maintenance and Operations Division expressed no concerns with the pavement type or condition of Trinity Avenue and the Design Division of the Fresno

County Department of Public Works and Planning expressed no concerns with the traffic generated by the proposal during construction or operation of the facility.

Based on the above information, staff believes Trinity and Mitchell Avenues will remain adequate to accommodate the proposal.

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	98.8 acres 59.3 acres	Orchard	AE-20	None
South	640 acres	Orchard	AE-20	None
East	296 acres	Orchard	AE-20	None
West	94.6 acres	Orchard	AE-20	None

Reviewing Agency/Department Comments:

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall contact the Air District's Small Business Assistance Office to identify District rules or regulations that may apply to the project, or obtain information about District permit requirements.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineering Grading Plan and a Grading Permit shall be required for the project. Also, an Elevation Certificate shall be required pre and post construction.

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.

Westlands Water District (WWD): WWD's underground facilities on or near the subject parcels shall not be disturbed, and prior to construction, Underground Service Alert shall be contacted. A hazardous material spill prevention and response plan shall be provided for the 190-gallon

diesel fuel tank stored on site for the stand-by generator.

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

Zoning Section of the Fresno County Department of Public Works and Planning: Fences/gate entrances exceeding six feet in height shall require a building permit.

Fresno County Fire Protection District: The project shall comply with the California Code of Regulations Title 24 – Fire Code, California Code of Regulations, Title 14 Natural Resources, and shall require approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The project will also require annexation to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

The aforementioned requirements have been included as Project Notes.

Fresno County Office of Government (COG); Naval Air Station (NAS) Lemoore; Fresno County Agricultural Commissioner's Office; California Department of Transportation; Site Plan Review Section and Water and Natural Resources Division of the Fresno County Department of Public Works and Planning; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; Picayune Rancheria of the Chukchansi Indians; and Dumna Wo Wah Government: No concerns with the proposal.

Analysis:

This proposal entails construction and operation of a new wireless communications facility consisting of a 224.8-foot-tall telecommunications tower, a walk-in equipment cabinet, a diesel generator, a fuel tank and related apparatus within a 2,500 square-foot portion (tower site) of a 151.4-acre parcel.

Aesthetic impacts are typically a concern associated with this type of use due to the height of towers, which are used to support communication antennas. The visibility of a tower is a function of its height, design, and its exposure to surrounding properties. The proposed telecommunications tower will be a 224.8-foot-tall lattice tower.

Regarding the tower height, the Applicant notes that the height of the proposed tower at 224.8 feet is at its minimum functioning height necessary to achieve the desired extent of coverage. The proposed tower is surrounded by large agricultural fields with the nearest residential development located approximately 1.4 miles northeast of the tower site. The nearest public roads (State Route 198 and State Route 269) are located approximately one mile to the north and one mile to the east of the site. Given the rural nature of the area, distance from public roads, and lack of residential development in the area, the aesthetic impact of the tower to the surrounding area would be minimal.

The Initial Study prepared for this project identified potential impacts related to aesthetics. Regarding aesthetics, a six-foot-tall slated chain-link fencing around the tower site/lease area will visually screen the ground equipment from neighboring properties, and all proposed outdoor lighting will be hooded and directed downward to limit glare on adjacent roads and properties. These requirements have been included as Mitigation Measures.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials, noise, and public services have been determined to be less than significant. The project will comply with the San Joaquin Valley Air Pollution Control District permitting requirements, where applicable, obtain engineered grading plans and grading permits for any grading proposed with this application, handle all hazardous material according to the state and local requirements, limit testing of the power generator during daytime hours, and comply with the current Fire and Building Codes. These requirements have been included as a Condition of Approval and Project Notes.

The project site is approximately 6.3 miles east of the Harris Ranch Airport-308 and outside of the traffic pattern zone. Although no tower painting for daytime visibility nor lighting for nighttime visibility would be required for this proposal, a Project Note will require the Applicant to file FAA (Federal Aviation Administration) Form 7460-1 with the Western Regional Office of the FAA. The Applicant has recently informed staff that Form 7460-1 has been filed and is currently in process by FAA.

The Federal Communications Commission, which regulates the wireless communications industry, has referenced prior studies concluding that radio frequency (RF) emission exposure levels associated with this type of facility have been determined to be safe. Therefore, staff does not anticipate concerns regarding radio frequency emissions as it relates to residential development in the area.

The project site is not located within any area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, or paleontological resources would result from this proposal. Pursuant to Assembly Bill (AB) 52, a letter was sent to the Dumna Wo Wah Tribal Government of Table Mountain Rancheria Tribal Government Office, Santa Rosa Rancheria Tachi Yokut Tribe, and Picayune Rancheria of the Chukchansi Indians offering the opportunity to consult under Public Resources Code (PRC) Section 21080.3(b), with a 30-day window to formally respond in writing to request a Cultural Resources Consultation. No tribe responded to the consultation offer, resulting in no further action on the part of the County.

Based on the above information and with the adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon the surrounding neighborhood.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval and Project Notes 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:
General Plan Policy PF-J.4: County shall require compliance with the Wireless Communication Guidelines for siting of communication towers in unincorporated areas of the County.	The Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus

Relevant Policies:	Consistency/Considerations:
	reducing the impacts towers can have on the surrounding community. The Applicant has provided a written response to the County Wireless Communication Guidelines which describes the basis for the site selection and need for a new tower site. Considering the information provided, the proposal is consistent with this Policy.
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.	The proposed facility requires no use 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 related to water. The proposal is consistent with this Policy.

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated Agriculture in the County General Plan. Policy PF-J.4 requires compliance with the Wireless Communication Guidelines for the siting of communication towers in unincorporated areas of the County. General Plan Policy PF-C.17 requires water sustainability for the project.

Analysis:

General Plan Policy PF-J.4 requires compliance with the Wireless Communication Guidelines which encourage the utilization of City-adopted standards for new tower facilities if such a proposal is within one half-mile of City boundaries. The Guidelines also indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community.

The subject proposal entails a new 224.8-foot-tall telecommunications tower and related ground equipment on a 2,500 square-foot portion of a 151.4-acre parcel. The subject parcel is located in the County outside of any city boundaries. The Applicant has provided a written response and related information to the County Wireless Communication Guidelines, which describes the basis of site selection and the Applicant’s inability to co-locate the proposed wireless facilities.

According to the Applicant’s response to the County Wireless Communication Guidelines, AT&T examined the search for co-location opportunities and did not locate any existing freestanding co-locatable wireless towers within the search area that would provide the required height. Per AT&T, the entirety of the targeted search area (two-mile diameter) is located within agriculturally-zoned parcels; therefore, more favorably zoned parcels, such as commercial or industrial, were infeasible. Additionally, no existing facilities were found within the target area and consequently no co-location opportunities were available. All of this resulted in the subject proposal for a new telecommunication facility. Furthermore, as none of the landowners within the target area were found to be interested in leasing land for the project, the subject property was determined to be better suited to meet coverage objectives.

The Wireless Communication Guidelines also state that applicants for new tower sites should include provisions in their land lease agreements that reserve co-location opportunities. According to the Applicant's response to the Fresno County Wireless Communication Guidelines, the proposed tower is designed to accommodate additional carriers with the option to install ground equipment. A Condition of Approval would require that prior to the issuance of building permits, the Applicant shall provide evidence showing provisions have been made to accommodate co-location opportunities for other carriers.

By being an unmanned facility, no water is required for the operation of the facility. As such, no water supply evaluation was necessary and the project will not impact water users in the area.

The project is enrolled in a Williamson Act Land Conservation Contract (AP 1931). The Policy Planning Unit reviewed the Statement of Intended Use (SIU) provided by the Applicant and identified no concerns with the proposed project on land enrolled in the Williamson Act Program.

Based on the above considerations, staff believes the proposal is consistent with the Fresno County Wireless Communication Guidelines and General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

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 the approval of Unclassified Conditional Use Permit No. 3641, 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. 7604; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3641, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3641; 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.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7604/Unclassified Conditional Use Permit Application No. 3641
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Ground equipment within the 50-foot by 50-foot lease area shall be screened behind slatted, chain-link fencing provided in an earth-tone (brown) color.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	As long as the project lasts
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations and Operational Statement approved by the Planning Commission.				
2.	The approval shall expire in the event the use of the tower ceases for a period in excess of two years. At such time, the tower and related facilities shall be removed and the lease area shall be restored as nearly as practical to its original condition. This stipulation shall be recorded as a Covenant running with the land. Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.				
3.	The maximum number of antennas allowed on the tower shall be determined according to wind load calculations as approved by the Fresno County Department of Public Works and Planning.				
4.	Prior to the issuance of permits, evidence shall be submitted showing provisions have been made to accommodate co-location, such as provision for co-location in a signed lease agreement and additional area within the lease area for co-location of equipment, or other information that demonstrates the facility shall make itself available for co-location.				
5.	Testing of the emergency back-up power generator for maintenance purposes shall occur during the daytime hours of 7:00 a.m. to 5:00 p.m.				

*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.	Plans, permits and inspections shall be required for all proposed improvements on the property, including fences/gate entrances exceeding six feet in height. Contact the Building and Safety Section of the Development Services and Capital Projects Division at (559) 600-4540 for permits and inspections.
3.	Wind load calculations and footing designed by a registered civil engineer shall be submitted to the Building and Safety Section of the Fresno County Department of Public Works and Planning before permits are issued.
4.	<p>To address potential 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.
5.	<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 Plan• A Grading Permit or Voucher once the grading plan is approved• An Elevation Certificate pre and post construction
6.	<p>To address site development impacts resulting from the project, Westlands Water District requires the following:</p> <ul style="list-style-type: none">• The District's underground facilities on or near the subject parcels shall not be disturbed, and prior to construction, Underground Service Alert shall be contacted.• A hazardous material spill prevention and response plan shall be provided for the 190 gallon diesel fuel stored on site for the stand-by generator.
7.	The Applicant shall contact the San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or to obtain information about District permit requirements.
8.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving FCFPD conditions of approval for the subject application, plans must be submitted to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.

Notes

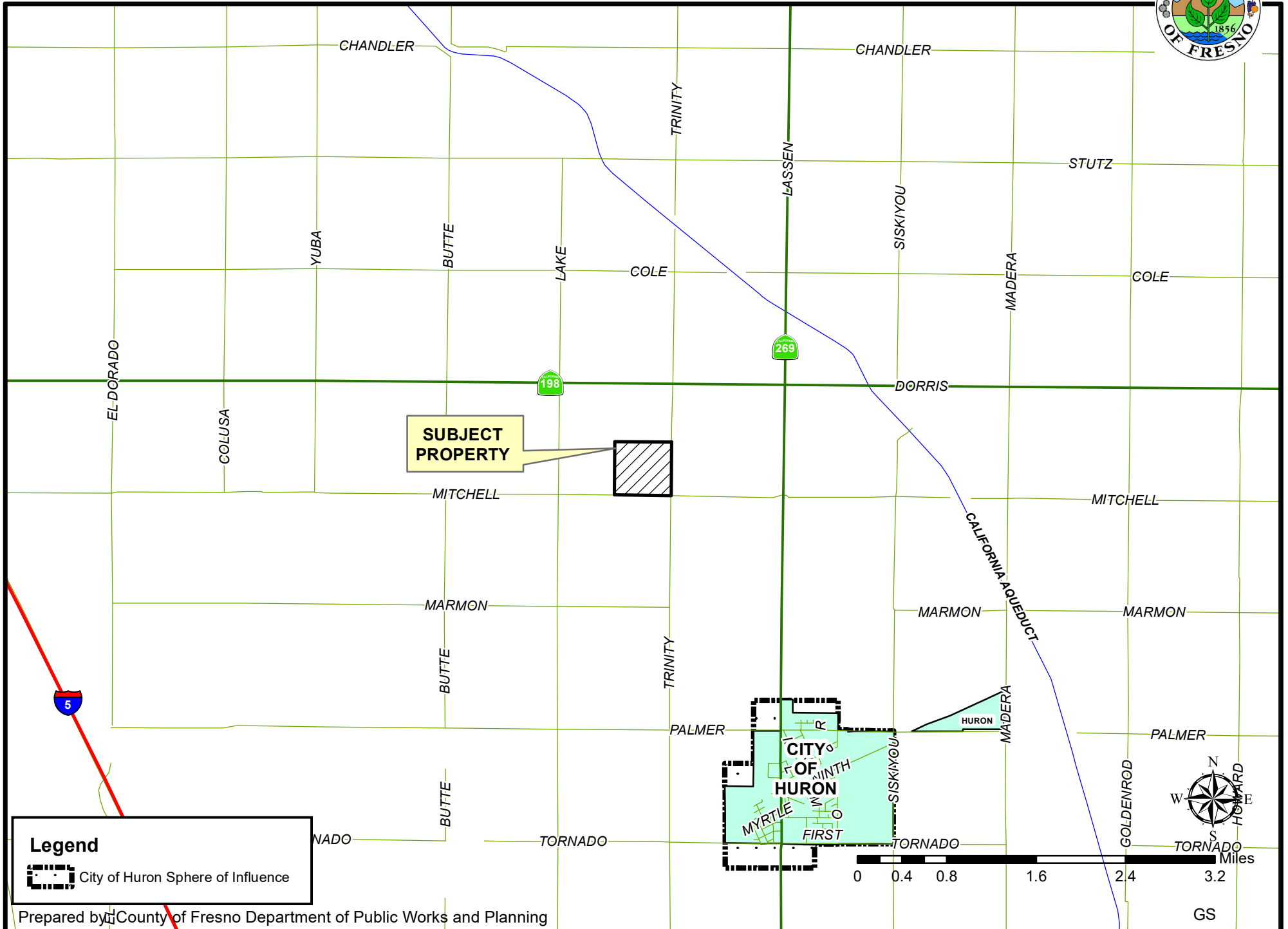
9.

The Applicant shall file FAA Form 7460-1 with the Western Regional Office of the FAA in conjunction with the proposal.

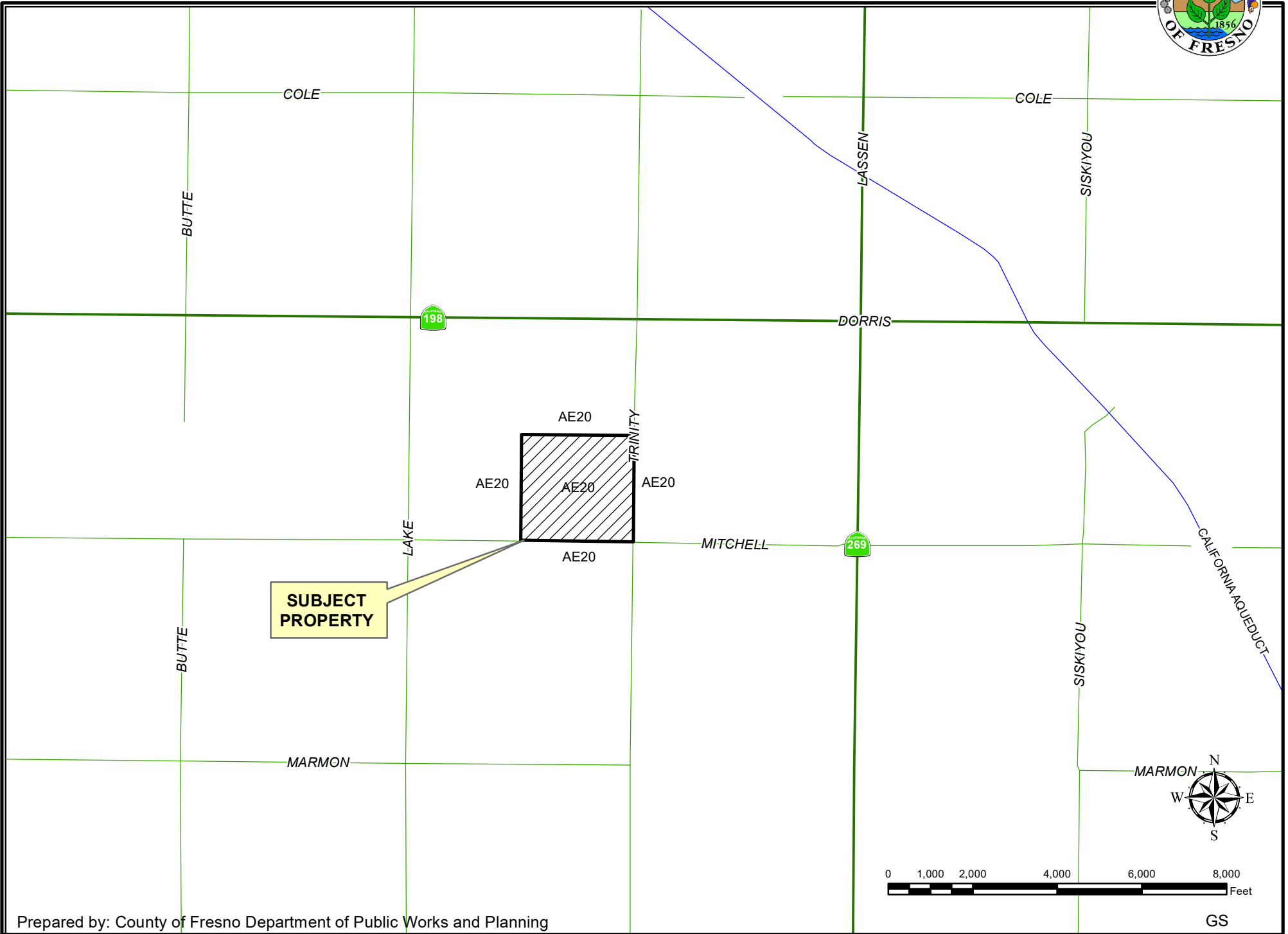
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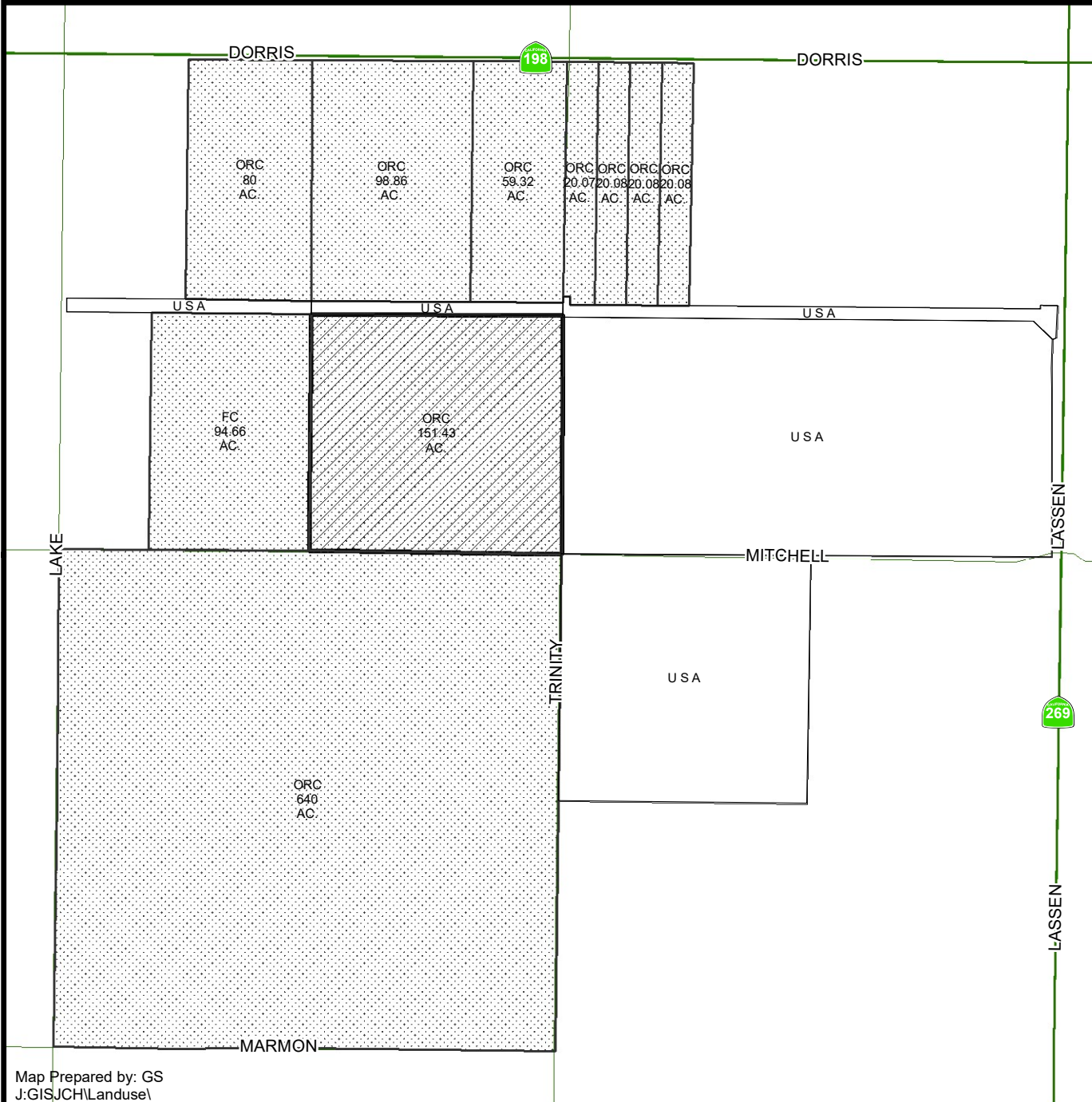
LOCATION MAP





EXISTING ZONING MAP

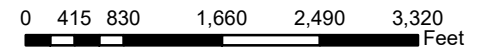


EXISTING LAND USE MAP



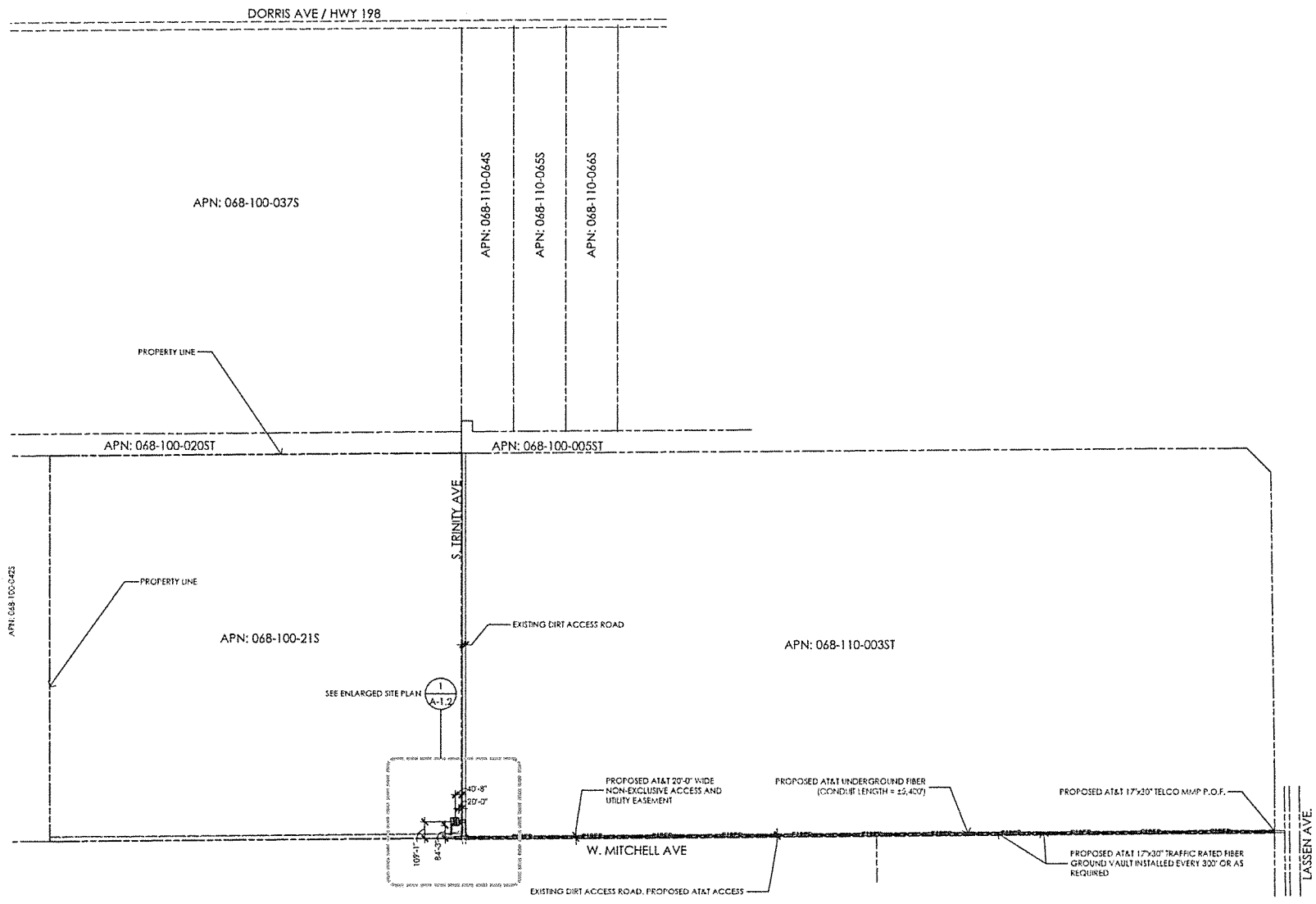
LEGEND	
V - VACANT	
FC - FIELD CROP	
ORC - ORCHARD	

- LEGEND:**
-  Subject Property
 -  Ag Contract Land

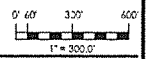


Department of Public Works and Planning
Development Services Division

EXHIBIT 5



1 OVERALL SITE PLAN
1"x30"



Issued For:
CVL06202
W. MITCHELL &
S. TRINITY -
MOUREN 2
S. TRINITY AVE.
HURON, CA 95234



AT&T SITE NO: CVL06202
PROJECT NO: 162,243
DRAWN BY: JLM
CHECKED BY: TST

REV	DATE	DESCRIPTION
02/14/19	100% 2D	
01/09/19	95% 2D	

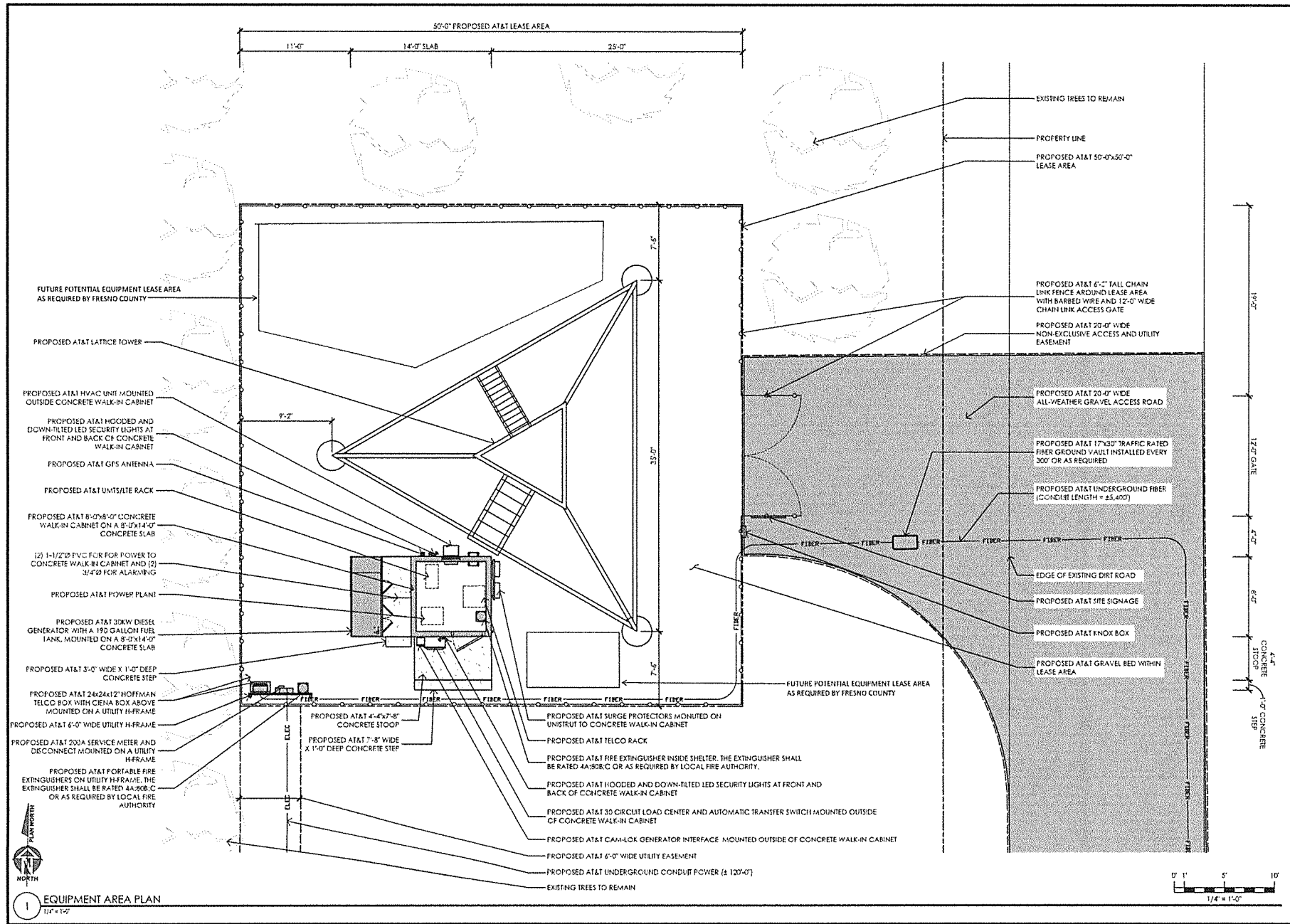
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SCALE: _____
DRAWN BY: _____
CHECKED BY: _____
DATE: _____



SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
A-1.1

EXHIBIT 5



Issued For:
CVL06202
W. MITCHELL &
S. TRINITY -
MOUREN 2
 S. TRINITY AVE.
 HURON, CA 95234



AT&T SITE NO: CVL06202
 PROJECT NO: 162.2431
 DRAWN BY: JLM
 CHECKED BY: TST

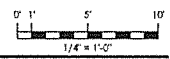
REV.	DATE	DESCRIPTION
02/14/19	100% 2D	
01/08/19	90% 2D	

License:
 P.E.A. REGULATION OF LAW FOR ANY
 PERSON UNDER THE REGULATION
 UNDER THE REGULATION OF A LICENSE
 PROFESSIONAL ENGINEER TO PRACTICE THE
 OCCUPATION



SHEET TITLE:
EQUIPMENT
AREA PLAN

SHEET NUMBER:
A-2.1



EQUIPMENT AREA PLAN
 1/4" = 1'-0"

MICROWAVE DISH	
DISH MODEL	HPD4-11
DISH SIZE	4FT
# OF DISHES	1
AZIMUTH	90.00°
RAD CENTER	200 FT.
FREQUENCY	11 GHZ
RADIO TYPE	VLEN112X-131115X
# OF RADIOS	14x5
CABLE TYPE	CMT-400
CABLE LENGTH (FT.)	242FT/CDU
TRANSPORT DROP (DS1, EN1, DS3, DS3C)	ENET

EQUIPMENT IS PRELIMINARY AND SUBJECT TO CHANGE.

RF SCHEDULE									
SECTOR	ANTENNA MODEL NO.	AZIMUTH	CENTERLINE	RRH	T/MA	FIBER LENGTH	COAX LENGTH	JUMPER TYPE	RRH NO.
A L P H A	A1	KATHREIN - 800-10992	30° ± 220'-0"	(1) 4449 B5/B12 / (1) 8843 B2/B66A	-	± 260'-0"	-	-	(2)
	A2	KATHREIN - 800-10992	30° ± 220'-0"	(1) 4426 B66 / (1) 4415 B32	-	± 260'-0"	-	-	(2)
	A3	KATHREIN - 800-10992	30° ± 22'-0"	(1) 4478 B14 / (1) 4415 B25	-	± 260'-0"	-	-	(2)
B E T A	B1	KATHREIN - 800-10992	285° ± 220'-0"	(1) 4449 B5/B12 / (1) 8843 B2/B66A	-	± 260'-0"	-	-	(2)
	B2	KATHREIN - 800-10992	285° ± 220'-0"	(1) 4426 B66 / (1) 4415 B32	-	± 260'-0"	-	-	(2)
	B3	KATHREIN - 800-10992	285° ± 220'-0"	(1) 4478 B14 / (1) 4415 B25	-	± 260'-0"	-	-	(2)
G A M M A	C1	KATHREIN - 800-10992	150° ± 220'-0"	(1) 4449 B5/B12 / (1) 8843 B2/B66A	-	± 260'-0"	-	-	(2)
	C2	KATHREIN - 800-10992	150° ± 220'-0"	(1) 4426 B66 / (1) 4415 B32	-	± 260'-0"	-	-	(2)
	C3	KATHREIN - 800-10992	150° ± 220'-0"	(1) 4478 B14 / (1) 4415 B25	-	± 260'-0"	-	-	(2)

RF DATA SHEET V1.CO.D DATED 01/02/19

NOTE: ANTENNA POSITIONS ARE LEFT TO RIGHT FROM FRONT OF ANTENNA

EQUIPMENT IS PRELIMINARY AND SUBJECT TO CHANGE.

Issued For:
CVL06202
W. MITCHELL &
S. TRINITY -
MOUREN 2
 S. TRINITY AVE.
 HURON, CA 92334



AT&T SITE NO: CVL06202
 PROJECT NO: 162.2431
 DRAWN BY: JLM
 CHECKED BY: TST

REV	DATE	DESCRIPTION
02/14/19	100% 2D	
01/08/19	90% 2D	
06/29/18		

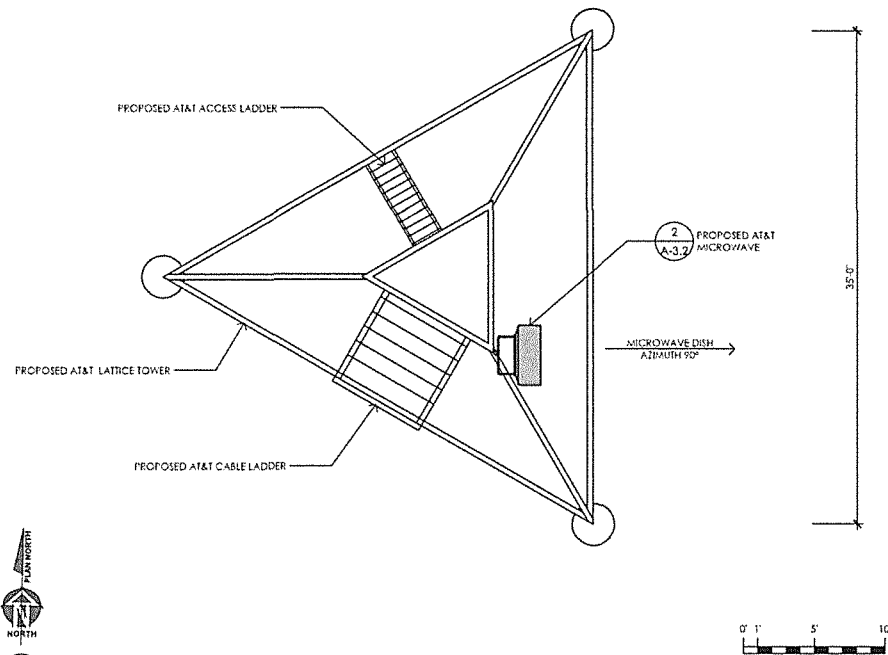
License:
 IF A PLAN OR SPECIFICATION IS PREPARED BY AN ENGINEER OR ARCHITECT UNDER THE REGULATION OF A LICENSED PROFESSIONAL ENGINEER OR ARCHITECT, THE PROFESSIONAL SEAL AND SIGNATURE OF SUCH ENGINEER OR ARCHITECT SHALL BE AFFIXED TO SUCH PLAN OR SPECIFICATION.



SHEET TITLE:
ANTENNA LAYOUT PLANS

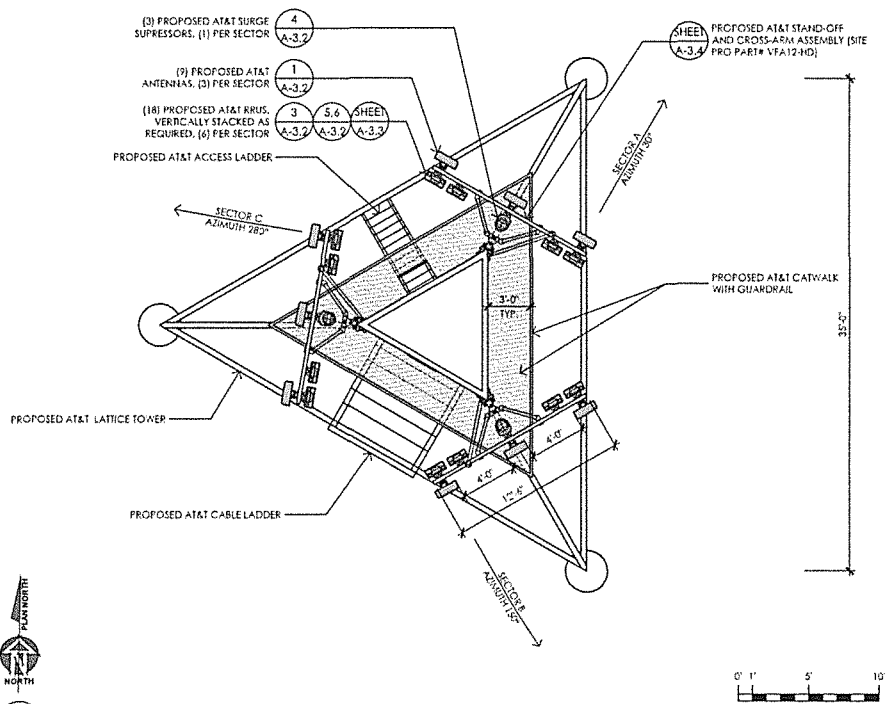
SHEET NUMBER:
A-3.1

4 RF SCHEDULE
 NO SCALE



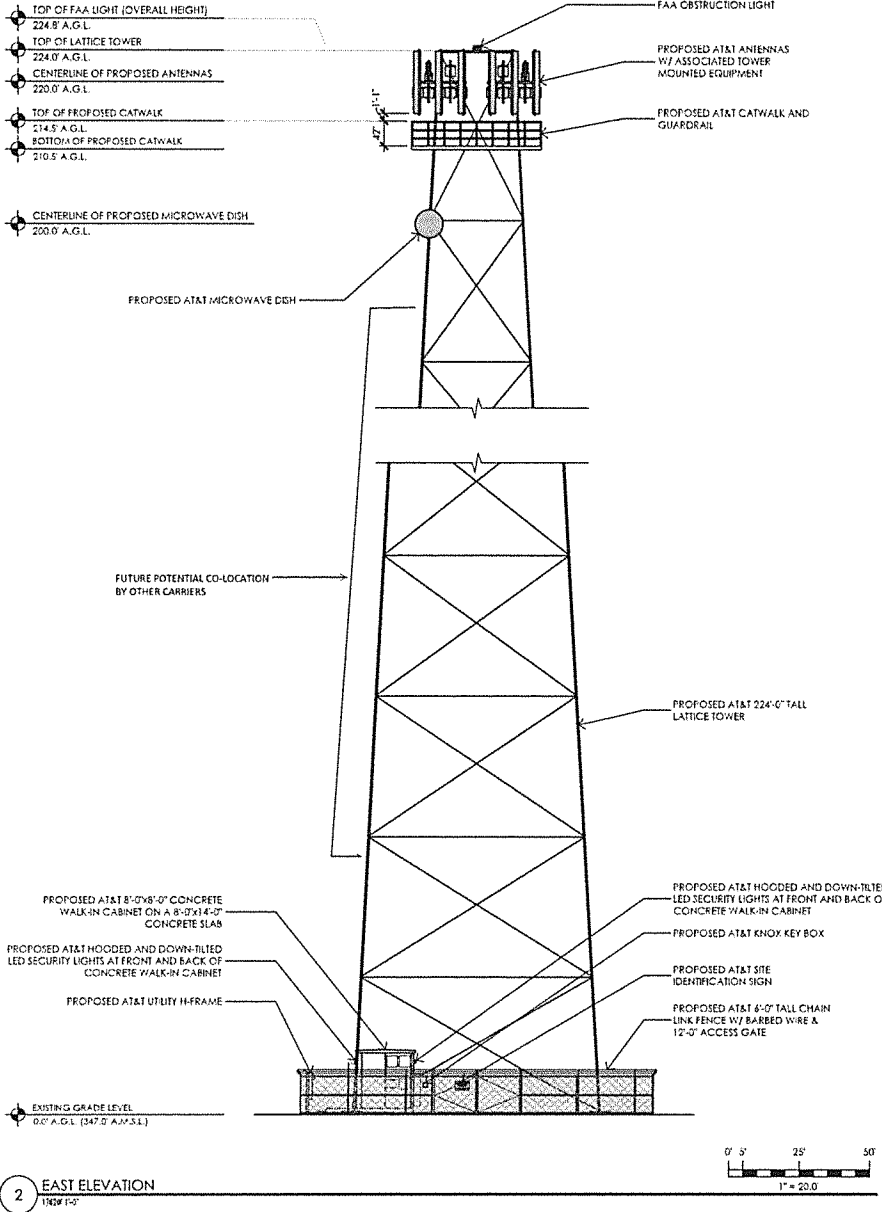
3 MICROWAVE LAYOUT PLAN AT 200.0' A.G.L.
 1/4" = 1'-0"

2 RF SCHEDULE
 NO SCALE

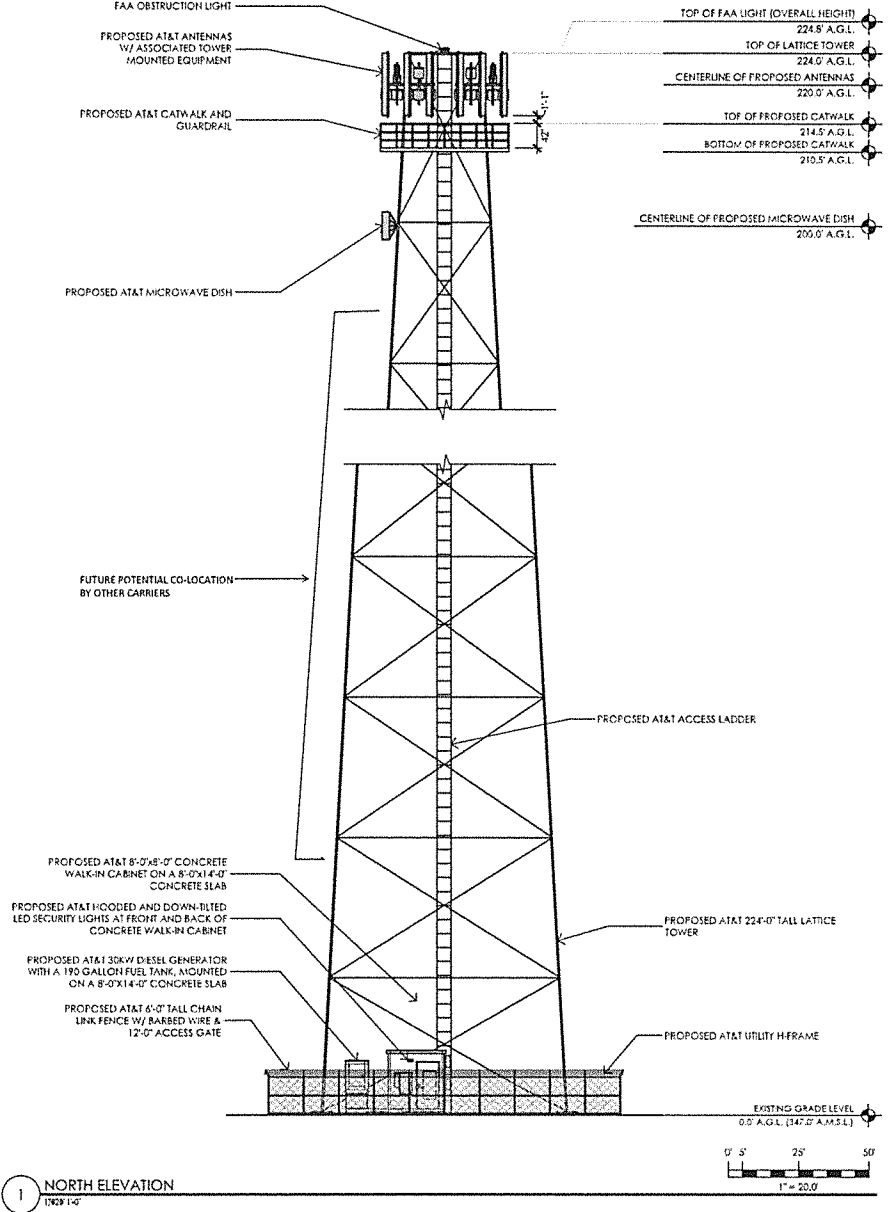


1 ANTENNA LAYOUT PLAN AT 220.0' A.G.L.
 1/4" = 1'-0"

NOTE: TOWER WILL BE STRUCTURALLY ENGINEERED TO ACCOMMODATE AT LEAST 2 ADDITIONAL CARRIERS



2 EAST ELEVATION



1 NORTH ELEVATION

Issued For:
CVL06202
W. MITCHELL & S. TRINITY - MOUREN 2
 S. TRINITY AVE.
 HURON, CA 95234

PREPARED FOR

 2400 Concession Way
 San Ramon, California 94583

Vendor:

COMPLETE
 Wireless Consulting, Inc.

AT&T SITE NO: CVL06202
 PROJECT NO: 162.2431
 DRAWN BY: JLM
 CHECKED BY: TST

REV.	DATE	DESCRIPTION

LIC. NO.:
 I.P.S. & A.S.I.A. OF CALIF. AND
 FEELING UNDER THE PROVISIONS
 UNDER THE REGULATION OF A LICENSE
 PROFESSIONAL ENGINEER TO ALL THE
 REGULATIONS

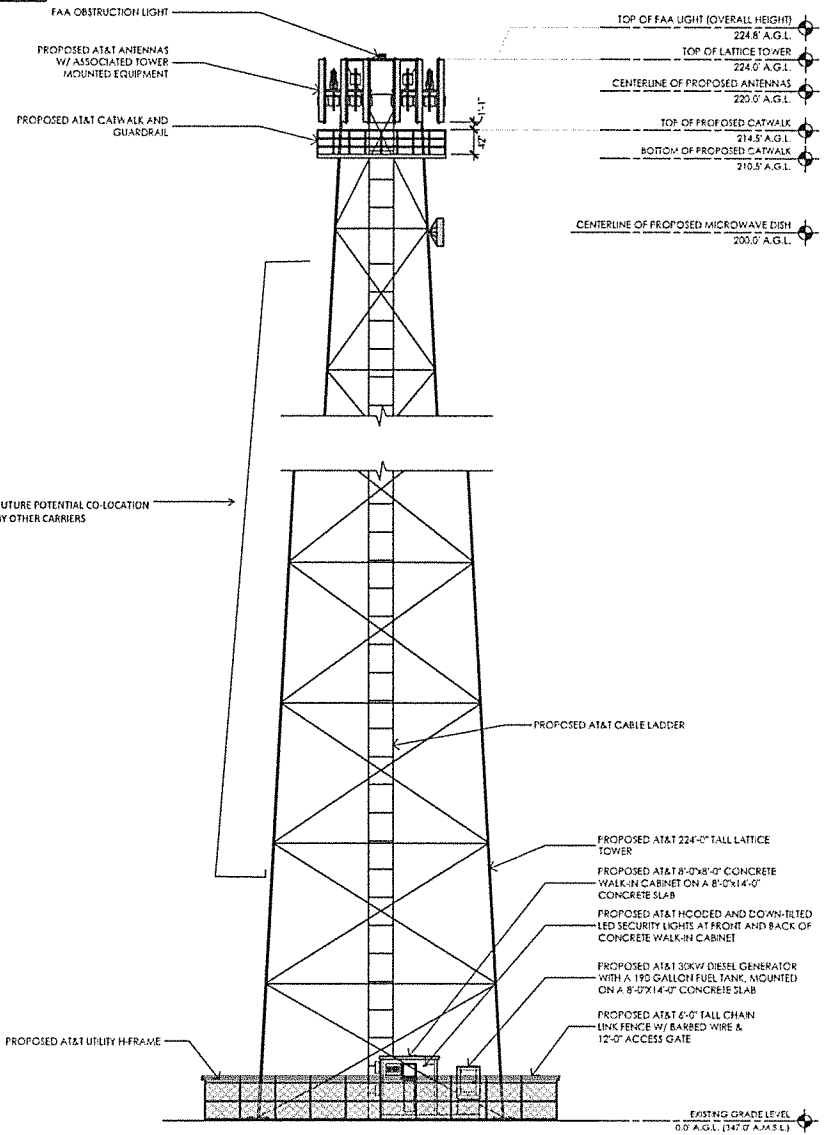
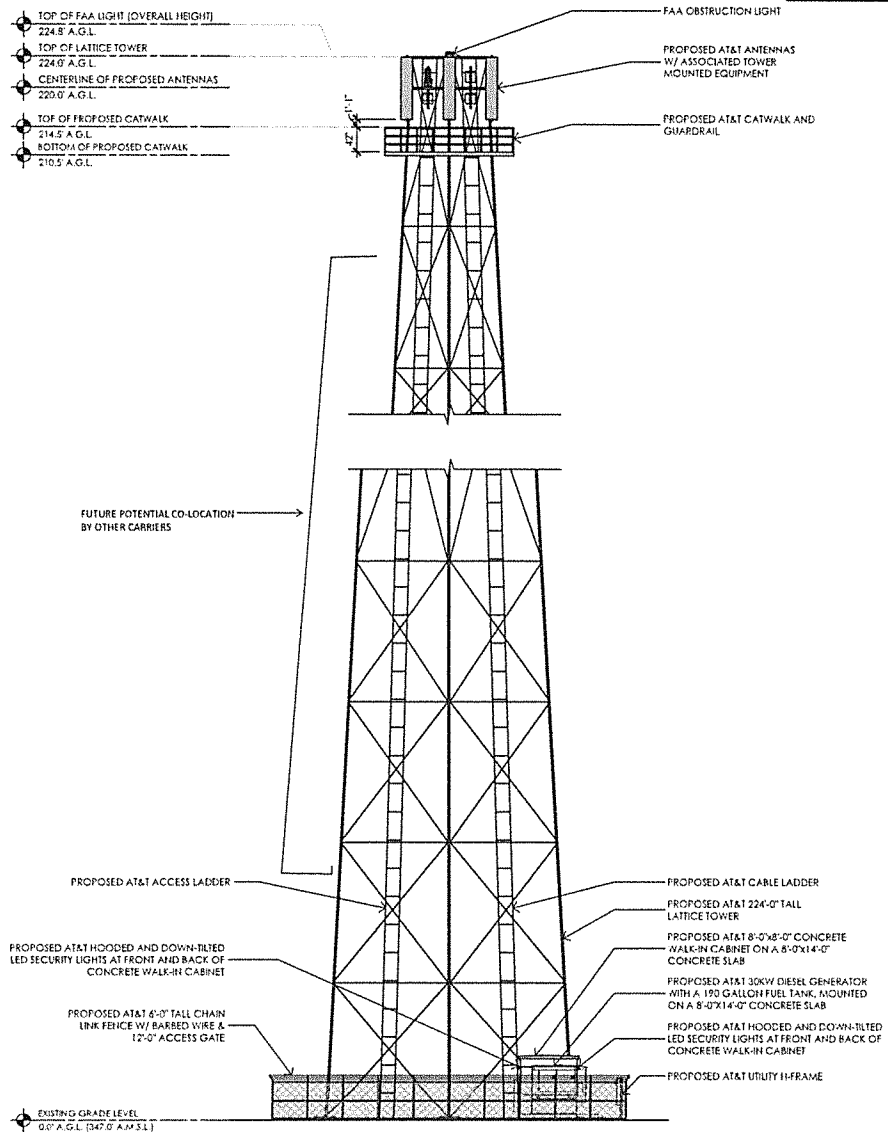
PROJECT:

MST ARCHITECTS
 1520 River Park Drive
 Sacramento, California 95815

SHEET TITLE:
PROPOSED ELEVATIONS

SHEET NUMBER:
A-4.1

NOTE: TOWER WILL BE STRUCTURALLY ENGINEERED TO ACCOMMODATE AT LEAST 2 ADDITIONAL CARRIERS



2 WEST ELEVATION
1/8" = 1'-0"

1 SOUTH ELEVATION
1/8" = 1'-0"

Prepared For:
CVL06202
W. MITCHELL & S. TRINITY - MOUREN 2
S. TRINITY AVE.
HURON, CA 92324



AT&T SITE NO: CVL06202
PROJECT NO: 1622431
DRAWN BY: JLM
CHECKED BY: TST

02/14/19	100% TD	
01/08/19	95% TD	
REV	DATE	DESCRIPTION

DATE: 02/14/19
TIME: 10:00 AM
BY: JLM



SHEET TITLE:
PROPOSED ELEVATIONS

SHEET NUMBER:
A-4.2

OPERATIONAL STATEMENT
AT&T MOBILITY

SITE NAME: "CVL06202 W. Mitchell & S. Trinity Avenue
LOCATION: S. Trinity Avenue, Huron, Fresno County, California

APN: 068-100-21S

1. Nature of the operation:

AT&T proposes a new wireless communications facility on a new 224.8' lattice tower at W. Trinity Avenue in unincorporated Huron, Fresno County. The property is located on the West side of Trinity Avenue. The proposed facility will provide high-speed internet to the surrounding area. Please see *Project Support Statement* for additional information.

2. Operational time limits:

The facility is unmanned. The facility will operate 24 hours per day, 7 days per week. The operations will take place within the proposed 50' x 50' lease area.

3. Number of customers or visitors:

None, facility is unmanned.

4. Number of employees:

A service technician will typically visit the site every twice a month for maintenance and to ensure all equipment is in working order. The technician will usually be driving a commercial pick-up truck.

5. Service and delivery vehicles:

Following construction, the only visitor to the site will be a service/ maintenance technician. No service or delivery vehicles will be present unless the facility needs repair.

CUP 3641

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COUNTY OF FRESNO

MAR 11 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Operational Statement

SITE NAME: AT&T Mobility "CVL06202 - W. Mitchell & S. Trinity
LOCATION: S. Trinity Avenue, Huron, Fresno County, California
APN: 068-100-21S

Page 2

6. Access to the site:

Access to the site will be via W. Mitchell to S. Trinity Avenue. AT&T's proposed access road/driveway is 20' wide and will be improved for all weather access. A 20' access, and utility easement, will serve the site via Trinity Avenue. Utilities will be routed underground.

7. Number of parking spaces for employees, customers, and service/delivery vehicles:

n/a

8. Are any goods to be sold on-site?

No, no goods will be sold on site.

9. What equipment is used?

The proposed facility consists of nine (9) AT&T panel antennas and associated equipment, to be mounted on a 224.8' lattice tower (a FAA obstruction light has been added). A microwave dish will be installed below the antennas, at a 200' centerline. The 50' by 50' equipment area will be surrounded by a 6' tall chain link fence. The lease area will contain a walk-in equipment cabinet, a 30kw diesel standby generator, and a 190-gallon diesel storage tank, installed on new concrete pads. Power and telecommunications cables will be installed underground within the lease area.

10. What supplies or materials are used and how are they stored?

Fuel will be stored on site to operate the 30kw diesel standby generator. The diesel fuel will be stored within a 190-gallon storage tank, mounted on a concrete pad.

Operational Statement

SITE NAME: AT&T Mobility "CVL06206 W. Mitchell & S. Trinity Avenue
LOCATION: S. Trinity Avenue, Huron, Fresno County, California
APN: 068-100-21S

Page 3

11. Does the use cause an unsightly appearance?

No, the proposed site is a large rural agricultural parcel. AT&T has carefully chosen a location that will minimize any visual impact to the surrounding area, far from existing homes and public right of way.

12. List any solid or liquid wastes to be produced.

None.

13. Estimate volume of water to be used (gallons per day).

None.

14. Describe any proposed advertising including size, appearance, and placement.

None, no advertising is proposed.

15. Will existing buildings be used or will new buildings be constructed?

A new lattice tower and equipment lease area will be constructed. Please see *Site Plans* for additional information.

16. Explain which buildings or what portion of buildings will be used in the operation.

AT&T's new facility will provide high speed internet access and broadband to the surrounding area. The antennas and ground equipment will operate 24 hours per day, 7 days per week.

Operational Statement

SITE NAME: AT&T Mobility "CVL06202 - W. Mitchell & S. Trinity
LOCATION: S. Trinity Avenue, Huron, Fresno County, California
APN: 068-100-21S

Page 4

17. Will any outdoor lighting or an outdoor sound amplification system be used?

The only lighting will be two downward tilted work lights, and front and back of walk-in cabinet, which will only be used by the service technician during routine maintenance visits. No other lighting or sound amplification system is proposed.

18. Landscaping or fencing proposed?

The proposed landscaping will include a 6' chain link fence, to surround lease are for security. No landscaping is proposed.

19. Any other information that will provide a clear understanding of the project or operation.

Please see Project Support Statement for additional information.

20. Identify all Owners, Officers and/or Board Members for each application submitted.

The Property Owners are:

Megan Alason Pearl Mouren, a single woman, as to an undivided 1/2 interest; Christine S. Fisher, as to an undivided 1/3 interest; James S. Anderson, as to an undivided 1/3 interest; and Rita Kay Mouren, as custodian for Megan Mouren, under the California Uniform Transfers to Minors Act, as to an undivided 1/3 interest

AT&T is leasing ground space and is submitting this application via a consultant, Complete Wireless Consulting, Inc.

**PROJECT SUPPORT STATEMENT
DEVELOPMENT APPLICATION FOR AT&T MOBILITY
BROADBAND AND WIRELESS COMMUNICATIONS SITE**

AT&T MOBILITY

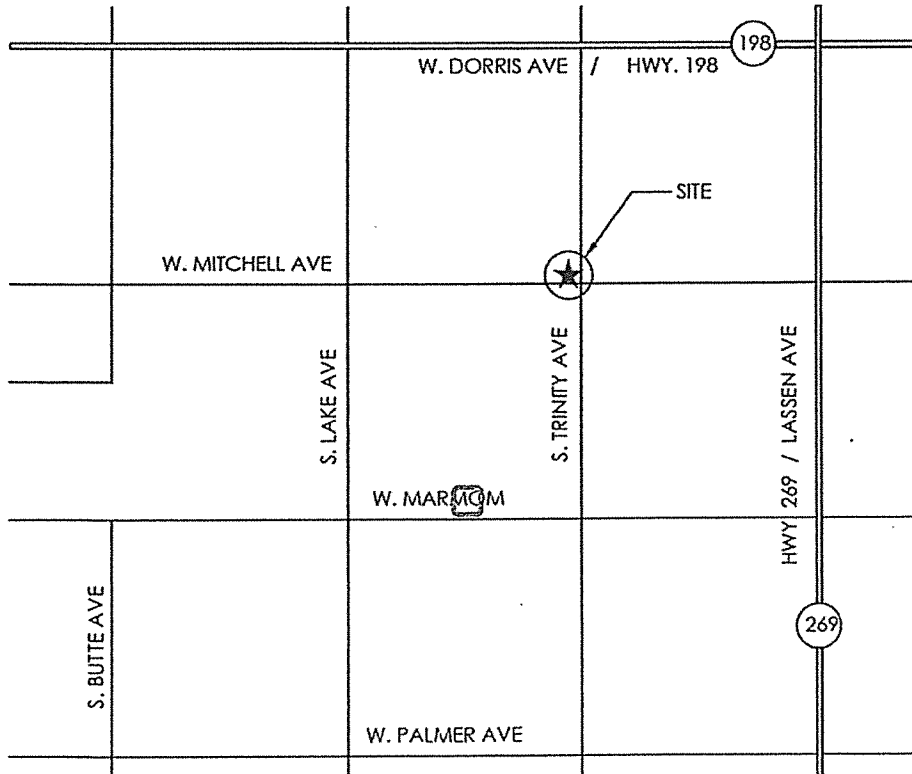
SITE NAME: CVL06202 W Mitchell Ave. & S Trinity Ave.
LOCATION: No Situs Address (S Trinity Avenue)
APN: 068-100-21S

Introduction:

AT&T Mobility (AT&T) is seeking to improve communication services in Fresno County. More specifically, AT&T would like to bring improved fixed wireless internet and cellular coverage to the area near W. Mitchell and S. Trinity Avenues and living units and businesses within the general and immediate area. The service objective is to provide broadband internet to Americans that do not currently have access to high speed broadband and to improve cellular coverage in the area. AT&T maintains a strong customer base in Fresno County and strives to improve coverage for both existing and potential customers. The increase in wireless services will benefit residents, local businesses, travelers, and, public safety communications systems in the County of Fresno, including police, fire, and medical services.

Location/Design

AT&T proposes a new wireless communications facility on a new 224.8' tall lattice tower at APN 068-100-21S/ S. Trinity Avenue in unincorporated Huron, Fresno County. The property is located on the West side of S. Trinity Avenue. The parcel is zoned AE-20 (Exclusive Agricultural, 20-Acres), and surrounding parcels are similarly zoned.



CUP 3641

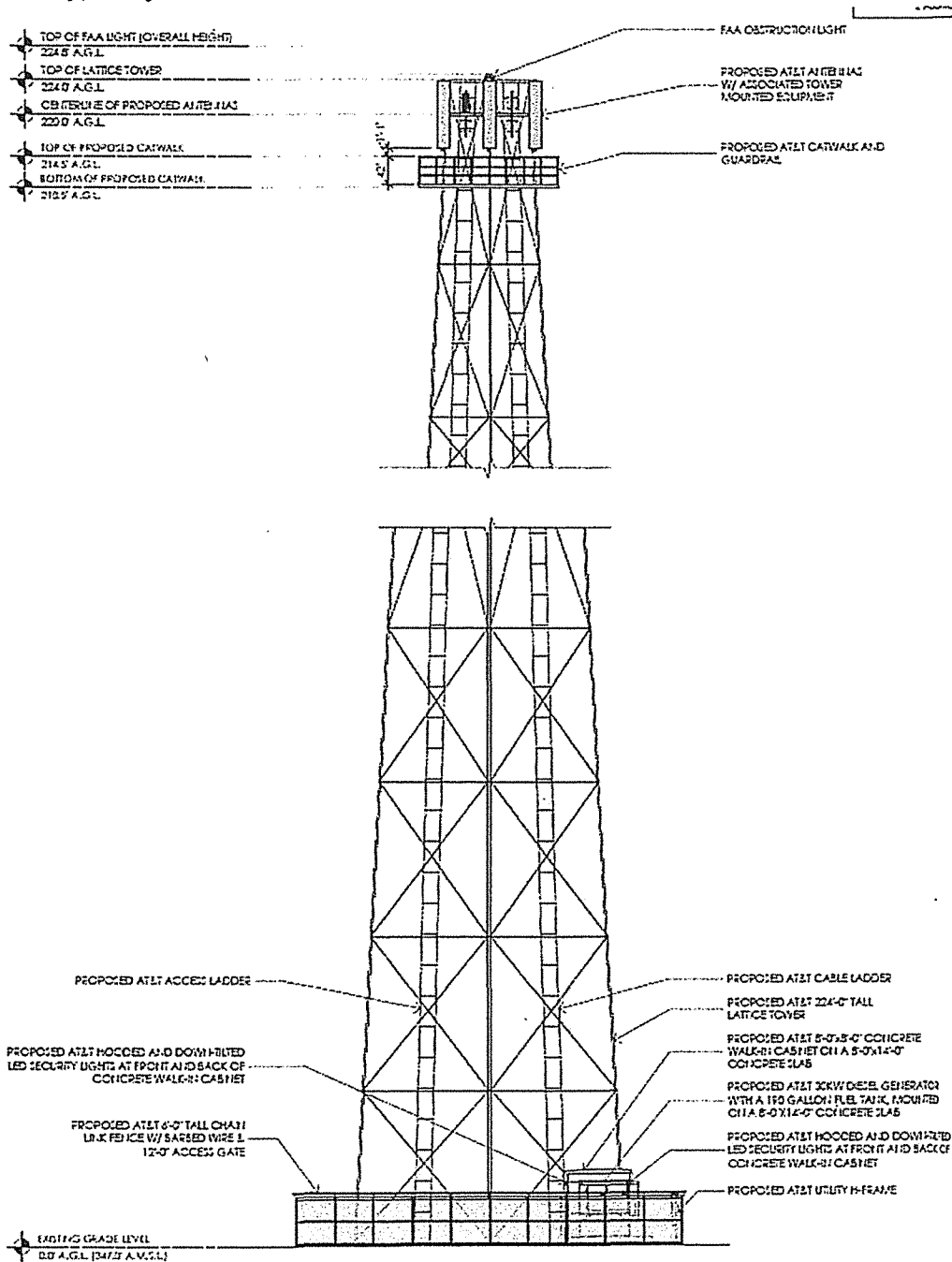
RECEIVED
COUNTY OF FRESNO

MAR 11 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Project Description

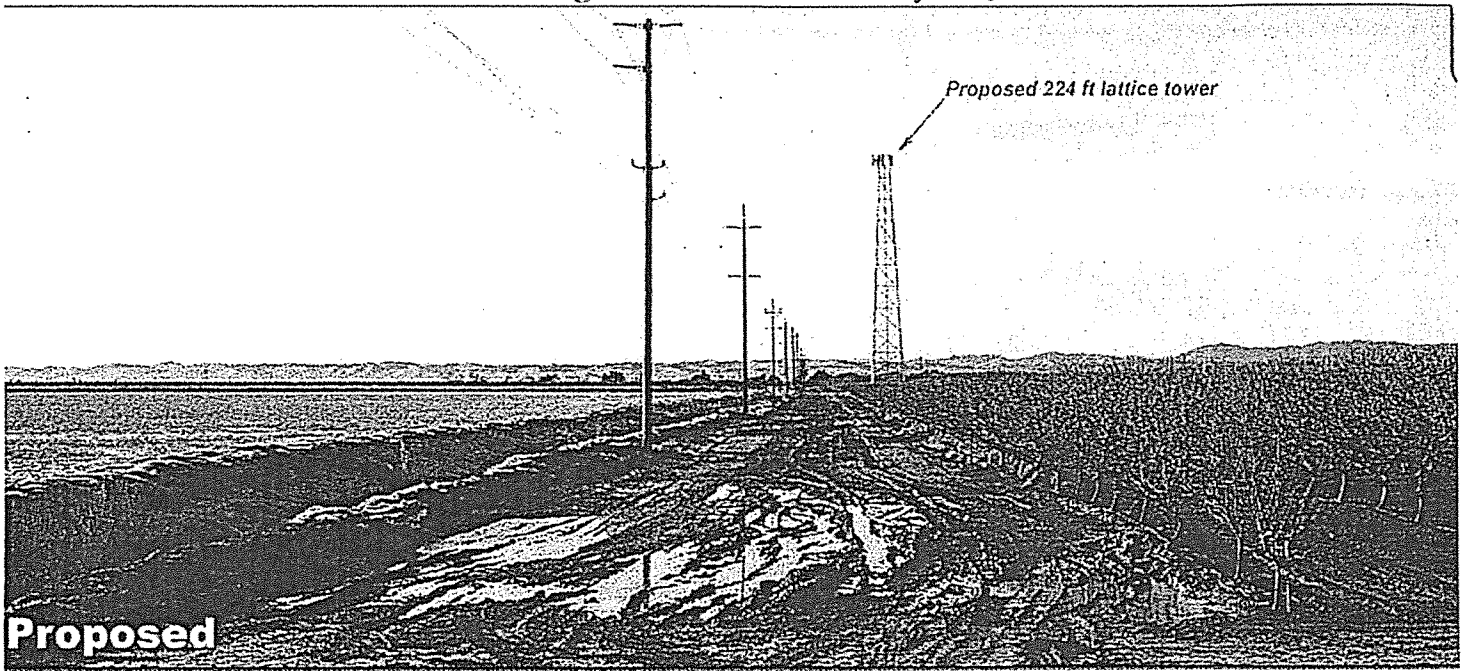
The proposed facility consists of nine (9) AT&T panel antennas and associated equipment, to be mounted on a 224.8' tall lattice tower that includes a FAA obstruction light. A microwave dish will be installed beneath the antennas, at a 200' centerline. The 50' by 50' equipment area will be surrounded by a 6' tall chain link fence with barbed wire. The lease area will contain a walk-in equipment cabinet, a standby 30kw diesel generator, and a 190-gallon diesel fuel storage tank, installed on new concrete pads. Power and telecommunications cables will be installed underground within the lease area. The unmanned facility will provide high-speed internet access 24 hours a day, 7 days a week.



Aesthetic Impacts

AT&T is proposing a lattice tower. The height of pole and size of lease area will provide other carriers with opportunities for future colocation. AT&T has carefully chosen a location that will minimize any visual impact to the surrounding area. The facility will be located far from existing homes but in sufficient proximity to serve them. The nearest offsite dwelling several miles from the facility.

Photosimulation of the view looking south from the S Trinity Ave, a half mile north of the site.

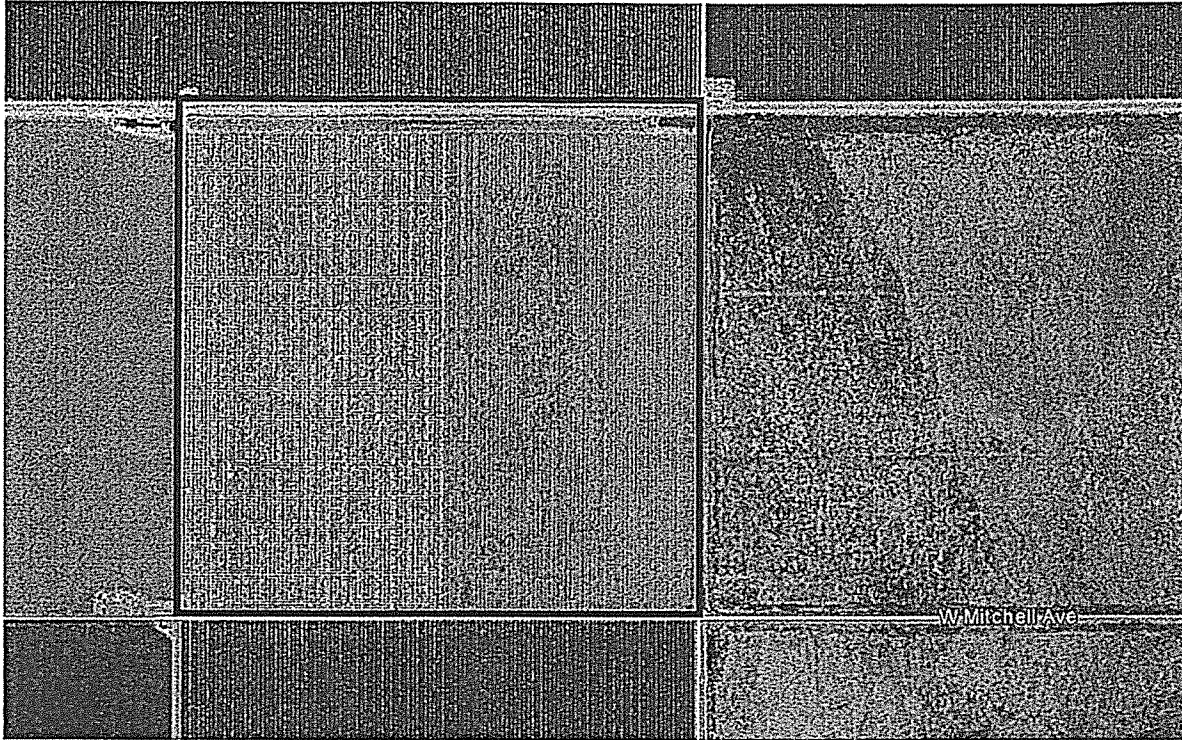


The proposed facility height complies with the County’s development standards for wireless facilities in the Exclusive Agricultural zoning designation. Because of the surrounding topography and breadth of the coverage area, the proposed facility needs to be a total of 224.8’ for the signal to reach the intended service area. The proposed facility has been designed at its minimum functional height.

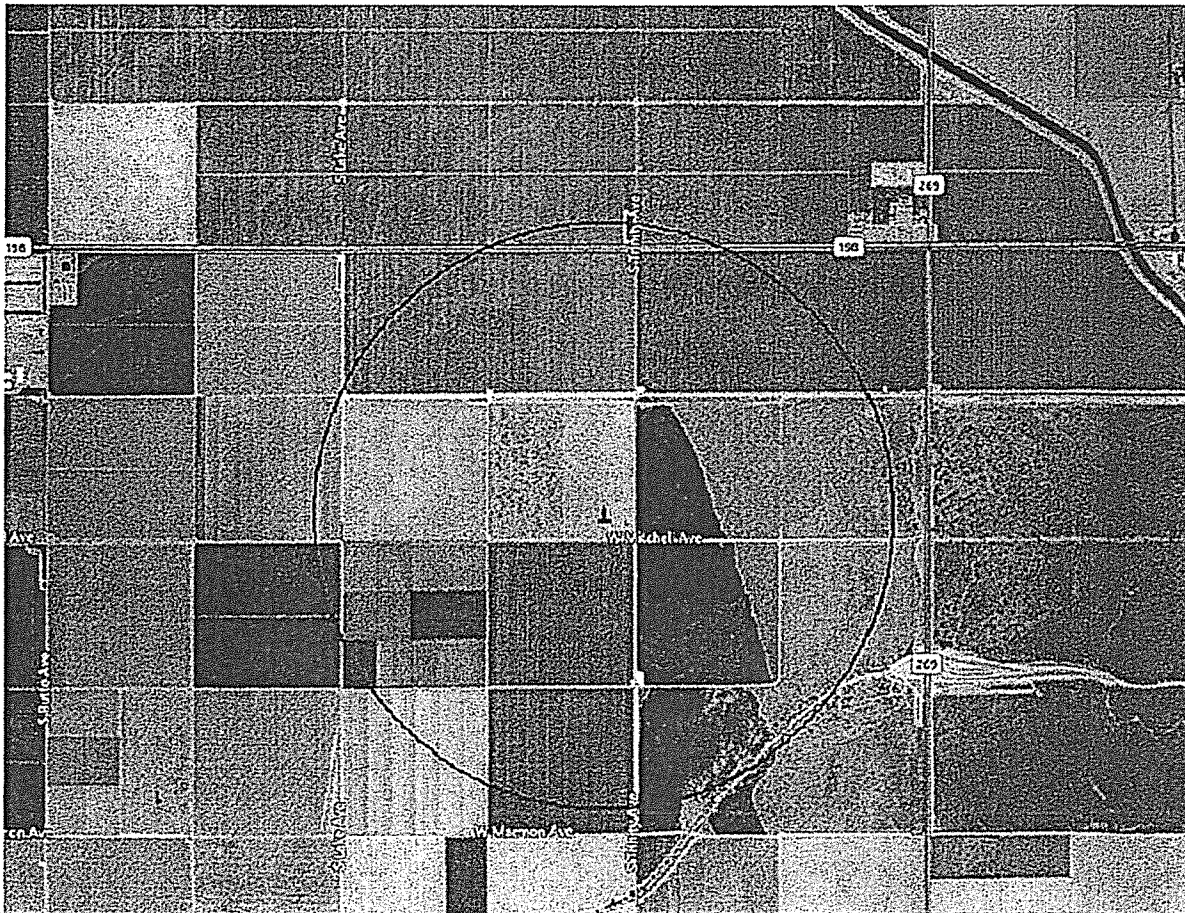
Ground equipment will be enclosed within a walk-in equipment cabinet and screened from view, and the lease area will be surrounded by a security fence to minimize visual impacts. The fence will serve as a security barrier and will include a sign indicating the facility owner and a 24-hour emergency telephone number.

Project Support Statement – AT&T CVL06202 W. Mitchell Ave. & S. Trinity Ave.

Google Earth Aerial of Parcel



Client Search Ring



As can be seen in the **Coverage Maps** (below), the proposed facility is needed to minimize an existing coverage gap in this area. The Propagation Maps (Coverage Maps) depict the existing coverage situation around the project site, with maps depicting 1) existing coverage without the proposed facility, and 2) network coverage with the proposed facility. These Coverage Maps display a stark contrast in coverage.

The proposed site will help to close the significant gap in coverage and help address rapidly increasing data usage driven by smart phone and tablet usage. Besides typical personal mobility use, customer also use the network for emergency and public safety services.

Service Objective

Statements Related to Need

Reliable and robust wireless networks are an increasing importance with the growth and use of cellular phones and data driven devices. Modern life has become increasingly dependent on instant communication. No longer just a personal and social convenience, wireless telecommunication devices such as mobile phones, smartphones and tablets have become an important tool for education, business, commerce, recreation, and public safety. The proposed facility will provide service 24 hours a day, 7 days a week. This site will serve as a backup to the existing landline service in the area and will provide improved mobile communications, which are essential to emergency response, community safety, commerce, and recreation

Coverage – Significant Gap

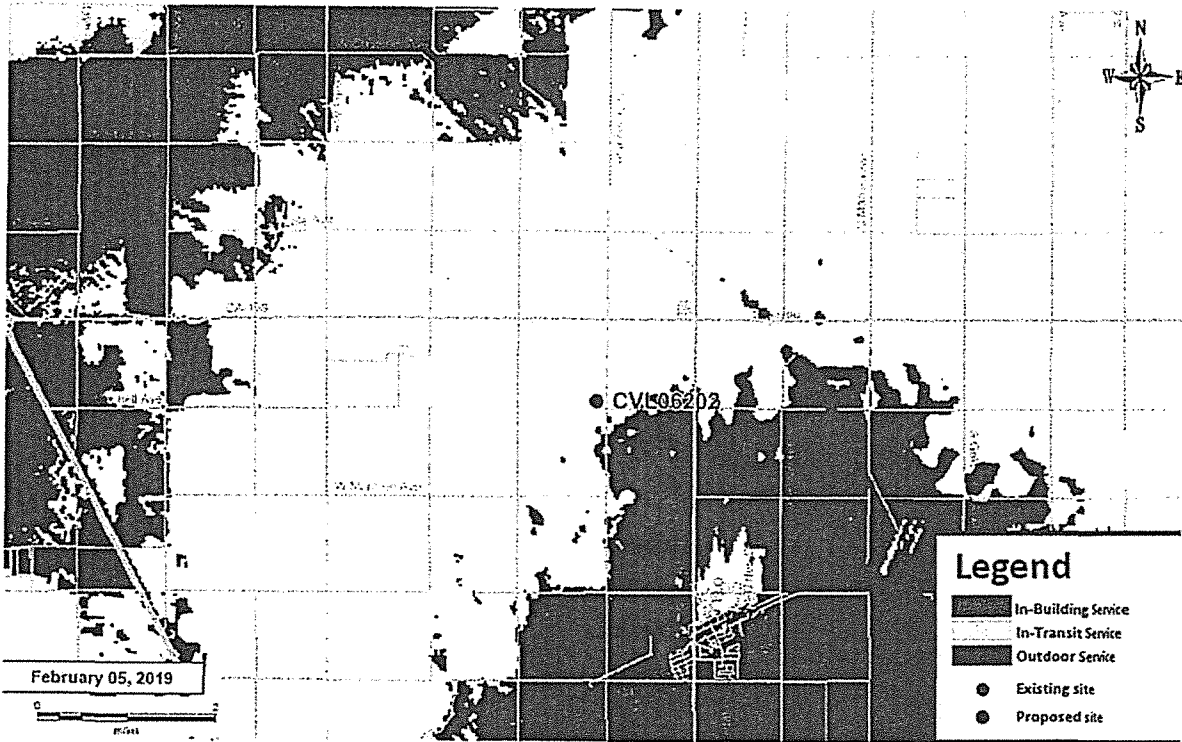
Coverage is the need for expanded wireless service in an area that has either no service or poor service. While this once meant providing coverage in vehicles, as usage patterns have shifted this now means improving coverage inside of buildings and in residential areas as well.

The choice of a wireless telecommunications facility at this location was made due to a number of factors, taking into account the needs of AT&T's network and the community values as expressed in the County's Code. The proposed facility will fill a gap in coverage.

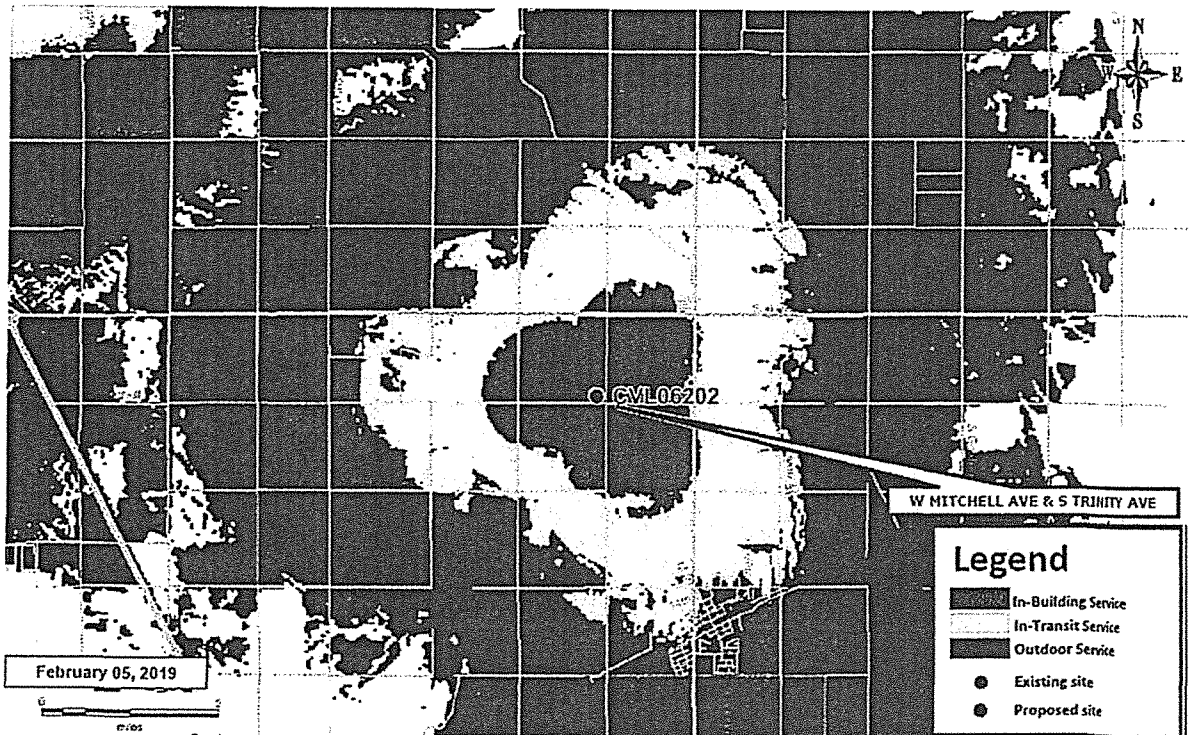
Coverage Maps

Below is a visual depiction of the improved coverage to be provided by the proposed facility. The **green** areas represent "Excellent" in-building coverage, **yellow** areas represent "In-Transit" coverage, and the **dark blue** represents "Outdoor" coverage.

Existing Coverage



Proposed Coverage



Alternative Sites Analysis

In identifying the location of a wireless telecommunication facility to fulfill the above referenced service objectives a variety of factors are evaluated. These factors include: 1) zoning regulations, 2) topography, 3) existing structures, 4) collocation opportunities, 5) available utilities, 6) site access, and a 7) willing landlord. Each site is evaluated on its own merits. During the site alternatives analysis, AT&T first looks for collocation opportunities within the Search Ring and once collocation opportunities are exhausted, opportunities for new build facilities are considered.

The entirety of the targeted search area is located within agriculturally-zoned parcels; therefore, more favorably zoned parcels, such as commercial or industrial, were infeasible.

The ring consists entirely of large-scale orchards and vacant Bureau of Land Management (BLM) land and the terrain is quite flat. The only paved road within the ring is CA-198, which cuts across the ring's northern edge.

The ring is two-miles in diameter but contains very few landlords, and therefore fairly limited options. Additionally, no existing facilities are located within the target area, and there are no collocation opportunities available.

The following candidates were ruled out due to landlord issues:

- BLM – The BLM controls one-third of the ring. However, when CWC reached out to the Fresno BLM office, we were informed that in fact the US Bureau of Reclamation is the agency responsible for the property and would need to secure their approval as well. And per the Bureau of Reclamation, the California Department of Water Resources has an interest in the property as well. Given the availability of private landlords on immediately adjacent parcels, we ruled out this candidate.
- Bengard, Pezzini and Bettencourt – Though owned by different parties, they are all leased long-term by the same company, which was not interesting in subleasing to AT&T.
- Bath – candidate not selected due to lease negotiations.

There were two remaining interested landlords, the owners of the Saab and other Mouren parcels. The Saab parcel lies at the northern edge of the target area, just off of CA-198, and the Radio Frequency Engineer determined the selected candidate parcel was better suited to meet coverage objectives.

Fresno County “Wireless Guidelines for Proposed Communication Towers”

- *Submit detailed information to justify the need for the tower site (e.g. network design, search ring, specific site selection criteria).*

Please see “Service Objective” included on page 3 of this document, and “Coverage Maps” included on pages 5 and 6 of this document.

- *Submit 18 color copies of service coverage maps and other necessary graphics that demonstrate the need for the proposed tower site.*

18 color copies of AT&T’s coverage maps for this facility are included with this submittal.

- *Identify the location of any existing or approved future tower within a five-mile radius of the proposed site. Include information regarding the operator/owner of the tower, and the tower height.*

There are no existing wireless facilities within a 5.00-mile radius of the proposed site.

- *Submit information including correspondence which documents efforts to negotiate "co-location" on existing towers and other existing structures in the area.*

Please see “Alternative Site Analysis” included on page 7 of this document.

- *Submit detailed information documenting consideration of any alternative sites (other than existing towers).*

Please see “Alternative Site Analysis” included on page 7 of this document.

- *Provide documentation that provisions are included in your lease agreement that reserves "co-location" opportunities for other service providers.*

The proposed facility has been designed in a manner that will structurally accommodate additional antennas and future colocation. AT&T welcomes other carriers to colocate on their facilities whenever possible. Additional ground space is available within AT&T’s lease area for at least one future carrier.

- *Depict on the site plan the area available within the tower site to accommodate other future equipment buildings/towers.*

Please see sheets A4.1 and A4.2 of the site plans included with this application. There is also ample spaces within the lease area for future carriers within AT&T’s proposed lease area.

Project Support Statement – AT&T CVL06202 W. Mitchell Ave. & S. Trinity Ave.

- *Identify the distance and location of the nearest residence(s) within one-quarter mile from the proposed tower site.*

There are no residences within one-quarter mile of proposed tower site.

- *Identify the location of any airstrip or airport within a five-mile radius of the proposed tower site.*

No airports within a five-mile radius of the proposed tower site.

- *Tower sites proposed in rural agricultural areas must include information relevant to the siting criteria and requirements found in item No. 7 of the "Guidelines" handout.*

This facility is proposed to be located in the edge of the parcel, to minimize impacts to farming operations. The site is proposed to be sited adjacent to existing farm access road.

- *Tower sites proposed within one-half mile of the boundary of the Cities of Fresno and Clovis must give consideration to City-adopted Guidelines (see attached Guidelines presently utilized by the City of Fresno).*

This facility is not proposed within one-half mile of the boundary of either Fresno or Clovis.

- *Tower sites proposed adjacent to roads classified as major roads on the Circulation Element of the General Plan and other aesthetically sensitive areas (e.g. river bottom, existing/planned residential areas) must include information regarding measures taken to minimize aesthetic impacts (e.g. substantial setback from major road, trees, stealth tower design, slim-line monopole).*

This facility is not adjacent to a major road.

- *Identify total number of existing towers in Fresno County.*

AT&T does not have access to this data, but based on work conducted for the proposed facility, has determined that there are no existing towers within a 5.00-mile radius.

- *Identify total number of existing tower sites on which co-location has occurred with other communication carriers.*

AT&T frequently colocates on existing towers, and invites other carriers to colocate on AT&T owned facilities. The exact number of AT&T's colocation sites is not available for disclosure.

- *Indicate total number of tower sites planned for location in Fresno County.*

The exact number of AT&T sites planned for Fresno County is not available for disclosure. The proposed facility is the only new build planned for this area of the county, and will cover a wide radius, as shown in the Coverage Maps included in this application.

Project Support Statement – AT&T CVL06202 W. Mitchell Ave. & S. Trinity Ave.

Compliance with FCC Standards

This project will not interfere with any TV, radio, telephone, satellite, or any other signals. Any interference would be against federal law and a violation of AT&T's FCC License.

Maintenance and Standby Generator Testing

AT&T installs a standby generator at all of its cell sites. The generator plays a vital role in AT&T's emergency and disaster preparedness plan. In the event of a power outage, the back-up generator will automatically start and continue to run the site for up to 24 hours. The standby generator will operate for approximately 15 minutes per week for maintenance purposes, during the daytime. Back-up generators allow AT&T's communications sites to continue providing valuable communications services in the event of a power outage, natural disaster or other emergency. Following construction, the security fence will include a small sign indicating the facility owner and a 24-hour emergency telephone number. The lease area will be surrounded by a 6' chain link fence with barbed wire for additional security.

Construction Schedule

The construction of the facility will be in compliance with all local rules and regulations. The crew size will range from two to ten individuals. The construction phase of the project will last approximately two months and will not exceed acceptable noise levels.

Notice of Actions Affecting Development Permit

AT&T requests notice of any proposal to adopt or amend the: general plan, specific plan, zoning ordinance, ordinance(s) affecting building or grading permits that would in any manner affect this development permit. Any such notice may be sent to:

Gerie Johnson
Land Use Planning Specialist
Complete Wireless Consulting, Inc.
2009 V Street, Sacramento, CA 95818



COMPLETE
Wireless Consulting, Inc.

March 27, 2019

Via First Class Mail and email: EAhmad@fresnocountyca.gov

Ejaz Ahmad, Planner III
County of Fresno, Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Attn: County Planner

**Re: Response to Notice of Incomplete
Application for Conditional Use Permit 3641
CVL06202 W Mitchell Ave & S Trinity Ave
APN: 068-100-21S**

Dear Ejaz,

In connection with Conditional Use Permit Application 3641 (the "Application"), the Planning Division requested certain additional information in the County's March 20, 2019, letter (the "Notice of Incomplete"). In response to the Notice, please see the following:

- 1. Additional information on the Site Plan and Elevation drawings (potential and/or anticipated location of future antennas and ground equipment for future colocation by other carriers).**

Please see the attached Site Plan and Elevation drawings which illustrate the anticipated location of future antennas and ground equipment for future colocation by other carriers.

- 2. PDF of project drawings after the revision to the Site Plan and Elevation drawings.**
- 3. Additional information related to "Wireless Guidelines for Proposed Communication Towers" (7(a. – e.).**

Siting of towers in rural agricultural areas should be subject to the following criteria and requirements:

- a. Tower sites should be selected to minimize disruption to agricultural aircraft operations, farm irrigation systems, and movement of farm equipment. Applicants should describe factors specific to the property that have been addressed in the site selection. If site selection negotiation is conducted with an absentee owner, a supporting statement from the farm manager should be provided.*

The Search Ring is an approximate two-mile diameter and contains very few Property Owners. Mouren Farming is a family business which owns a good number of orchards and feed lots in Fresno County. The proposed lease area is close to the southeastern corner of the parcel and the location was approved by the Property Owner. The proposed location was selected to minimize disruption to agricultural operations and farm irrigation systems. By placing the proposed lease area in the corner of the parcel, near existing farm access roads, the need to disrupt crops with respect to access and during construction has been minimized.

- b. Towers should be placed adjacent to the farm homesite or other existing farm buildings. If there are no improvements on the property, the preferred location is at the edge of the field or adjacent to existing farm access roads. Locations at the center of fields or sections of land should be avoided.*

There are no existing homesites or farm buildings on the subject parcel. The proposed lease is at the edge of the field and adjacent to existing farm access roads. Placement in the center of the field (parcel) has been avoided.

- c. Generally, guyed towers should not be allowed, except for Broadcast T.V., Broadcast Radio, and Amateur Radio.*

The proposed tower is a three-leg lattice tower. No guyed tower proposed.

- d. Towers should be sited to minimize aesthetic impacts to adjacent homesites on surrounding properties.*

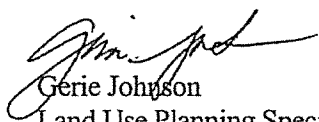
The selected parcel is proposed to be sited on a large agricultural parcel used for orchards. There are no adjacent homesites on the subject parcel or adjacent surrounding parcels. Due to the rural nature of the area the visual impacts to surrounding properties will be minimal.

- e. Towers should be sited to minimize impacts to adjacent farming operations on surrounding properties.*

The proposed facility is entirely on the subject parcel and will have no impact to farming operations on surrounding properties. The project is an unmanned facility with little to no impact to traffic load. Noise, dust, smoke, or other harmful elements are usually not associated with telecommunications facilities. An FAA obstruction light will be installed at the top of the tower to improve safety for agricultural aircraft.

With the submission of this Response to requested information found in the Notice, Applicant respectfully requests that the Application be deemed complete. Should you have any questions or comments, please feel free to contact me. I can be reached directly at (916) 709-2057, or via email (gjohnson@completewireless.net). Thank you.

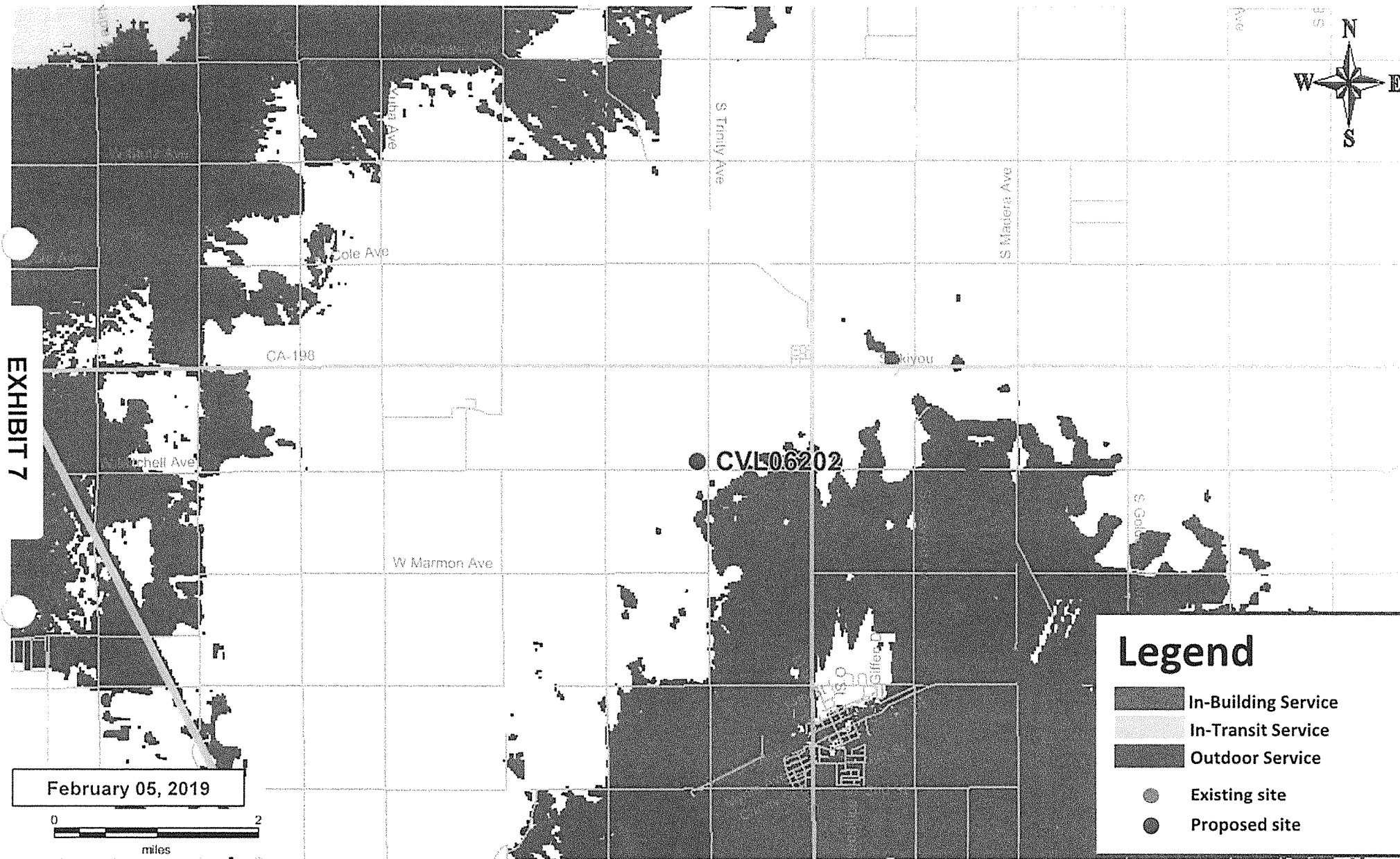
Respectfully,



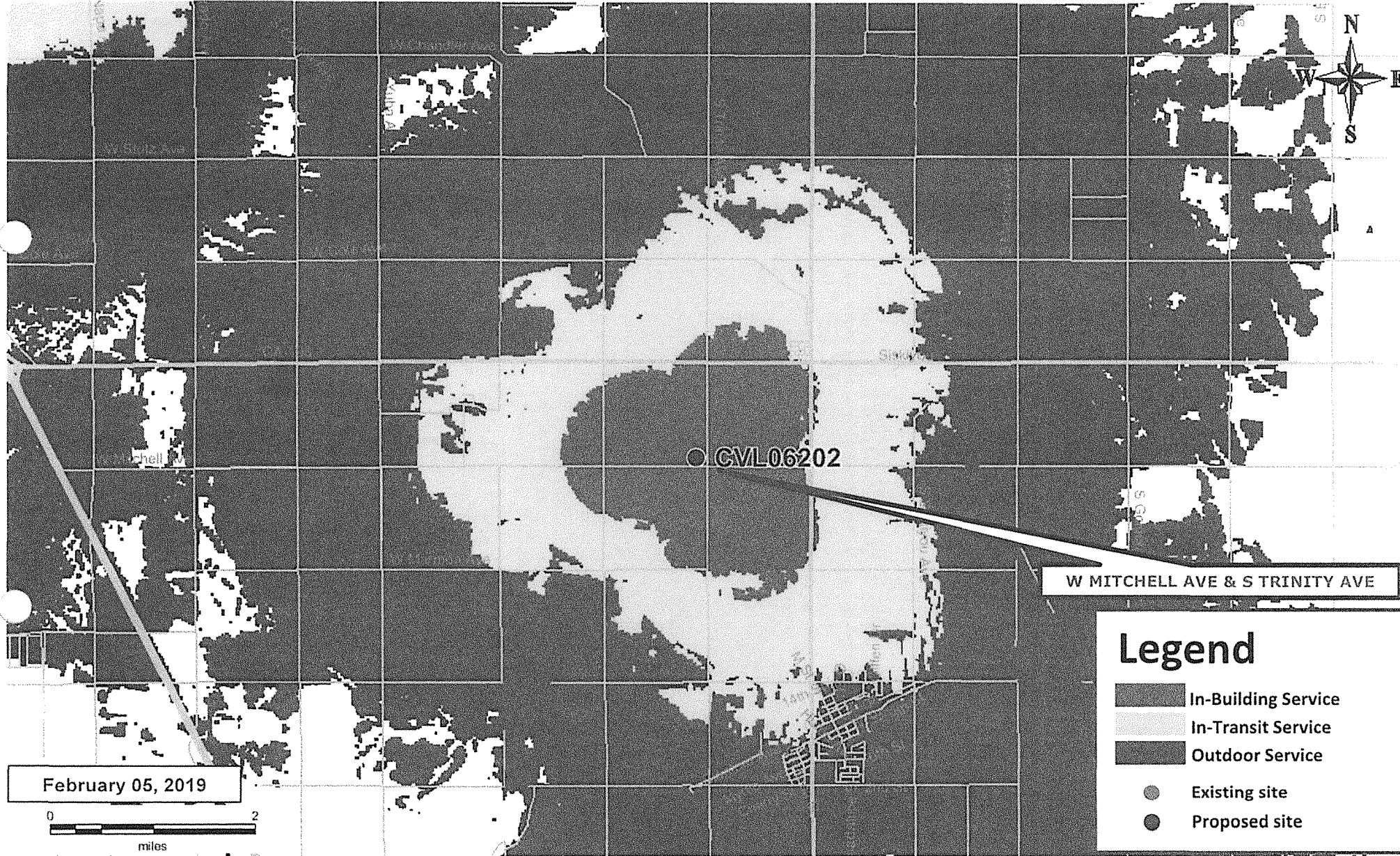
Gerie Johnson
Land Use Planning Specialist
gjohnson@completewireless.net

Enclosures

Existing LTE 700 Coverage



Proposed LTE 700 Coverage (RC = 220 ft)



CUP3641

RECEIVED
COUNTY OF FRESNO

Version Date: February 7, 2019

MAR 11 2019

Aerial photograph showing the viewpoints for the photosimulations.

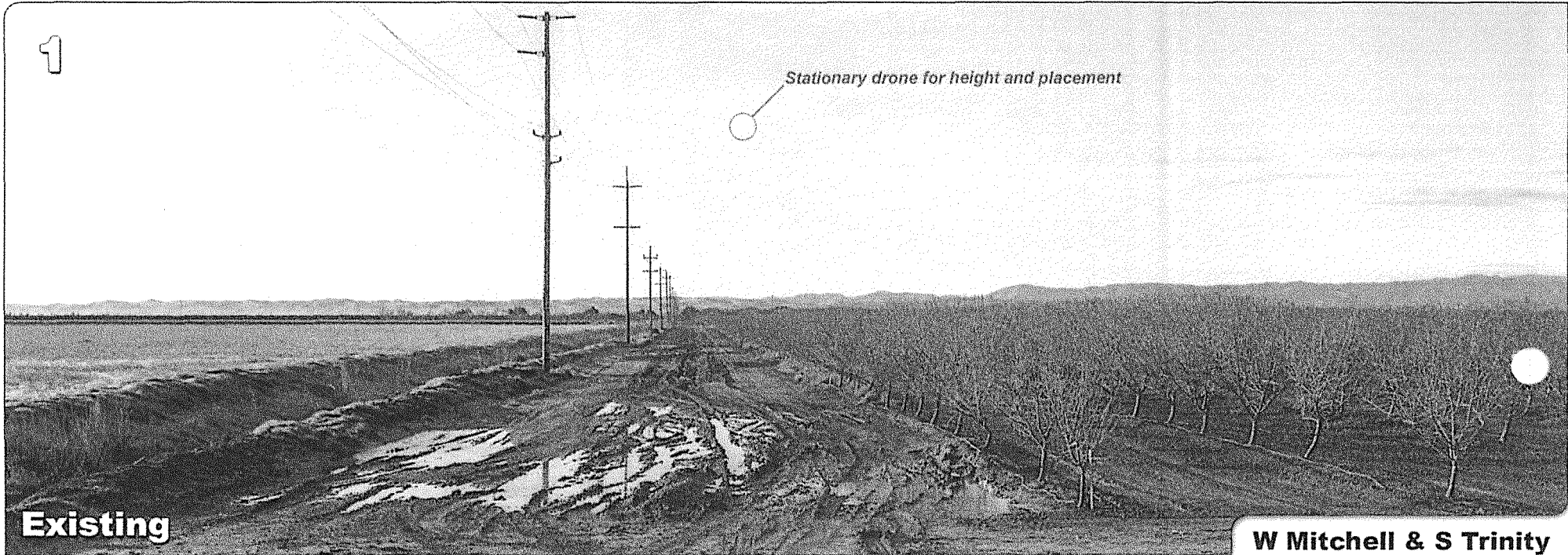
DEPARTMENT OF PUBLIC WORKS
AND PLANNING

W Mitchell & S Trinity

South Trinity Ave
Huron, CA 93234
CVL06202



1



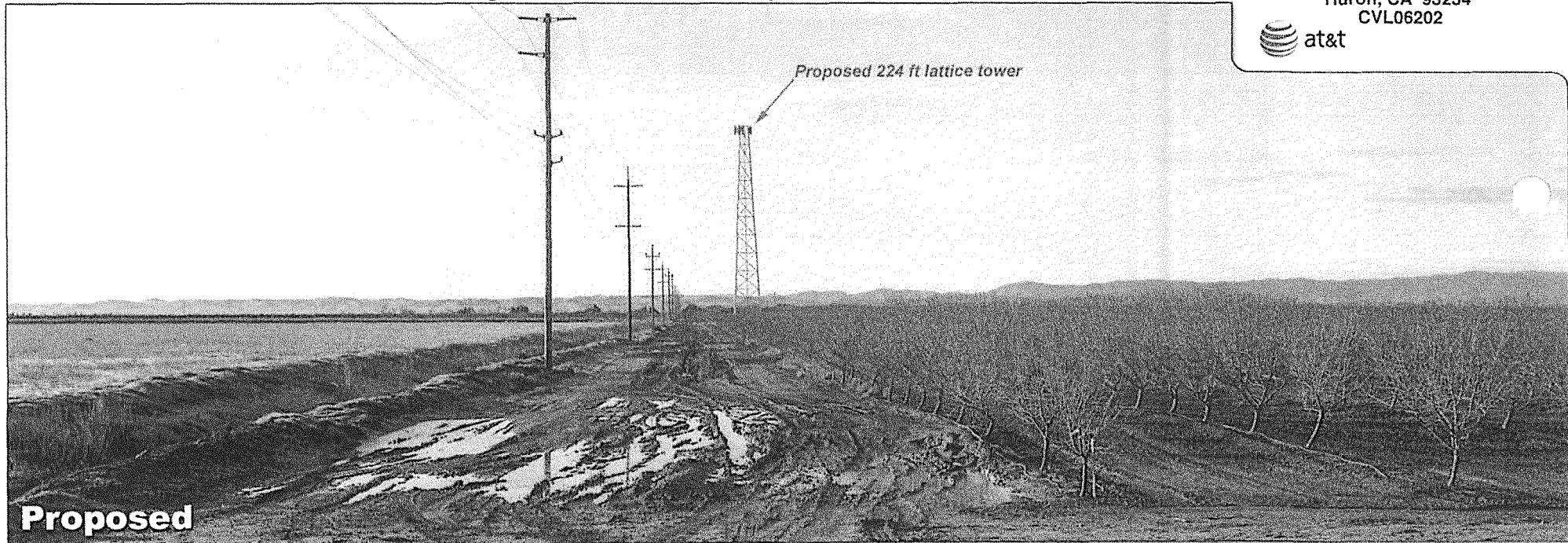
Existing

W Mitchell & S Trinity

South Trinity Ave
Huron, CA 93234
CVL06202



Photomontage of the view looking south from the S Trinity Ave, a half mile north of the site.



Proposed

2

Stationary drone for height and placement



Existing

W Mitchell & S Trinity

South Trinity Ave
Huron, CA 93234
CVL06202



Photosimulation of the view looking north along S Trinity Ave, a dirt agricultural access road.

Proposed 224 ft lattice tower



Proposed

3

Stationary drone for height and placement

Existing

Photosimulation of the view looking west-southwest from the turn-off at S Lassen Ave.

W Mitchell & S Trinity

South Trinity Ave
Huron, CA 93234
CVL06202



Proposed 224 ft lattice tower

Proposed



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Complete Wireless Consulting on behalf of AT&T Mobility
- APPLICATION NOS.: Initial Study Application No. 7604 and Unclassified
Conditional Use Permit Application No. 3641
- DESCRIPTION: Allow the construction of a new unmanned wireless telecommunication facility consisting of a 224.8-foot-tall lattice tower with 9 antennas, one microwave dish, and related ground equipment, within a 2,500 square-foot fenced lease area, including new access and utility easements, on a 151.4-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the northwest corner of Trinity and Mitchell Avenues approximately 2.2 miles northwest of the City of Huron (APN: 068-100-21S) (Sup. Dist. 4).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. 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 a predominantly agricultural area approximately 2.2 miles northwest of the City of Huron. The site is not located along a designated Scenic Highway. No scenic vistas or scenic resources, including trees, rock outcroppings, and historic buildings were identified on or near the site that may be impacted by this proposal. The project will have no impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Currently planted in orchard, the project site is surrounded by agricultural fields. The orchard will be removed to accommodate the tower site (includes 2,500 square-foot lease area with a 20-foot-wide gravel access road) within the southeast corner of the property.

Aesthetics is typically the concern associated with this type of use because of the height of towers, which support communication antennas. The proposed 224-foot-tall lattice tower is surrounded by large agricultural fields with no residential improvements nearby. The nearest residential development is approximately 1.4 miles northeast of the tower site. The nearest public roads (State Route 198 and State Route 269) are located approximately one mile to the north and one mile to the east of the site.

According to the Applicant's Operational Statement, the height of the proposed tower is a function of its intended use, which is to provide broadband internet as well as improve cellular coverage in the area. The Applicant's Operational Statement also indicates that the height of the proposed tower at 224 feet, is at its minimum functioning height necessary to achieve the desired extent of coverage.

As discussed above, the proposed 224.8-foot-tall tower will be located on agricultural land in a remote agricultural area, away from public roads and with no residential development in the immediate vicinity. Given the rural nature of the area, distance from public roads, and lack of residential development, the visual impact of the tower to the surrounding area would be less than significant. The visual impact will be reduced with a Mitigation Measure requiring that slatted fencing be provided around the lease area.

* **Mitigation Measures**

1. *Ground equipment within the 50-foot by 50-foot lease area shall be screened behind slatted, chain-link fencing provided in an earth-tone (brown) color.*

- D. 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:

Per the Applicant's Operational Statement, work lights will be installed in front and in back of a walk-in cabinet for service technicians.

To reduce any lighting and glare impact resulting from outdoor lighting, a Mitigation Measure would require that all lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.

* **Mitigation Measure**

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

The project proposes to install a Federal Aviation Administration (FAA) obstruction light at the top of the tower to improve safety for agricultural aircraft.

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with Agriculture zoning on the property and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The subject property is classified as Prime Farmland on the 2014 Fresno County Important Farmland Map and currently enrolled in a Williamson Act Land Conservation Contract (AP 1931).

Loss of Prime Farmland due to the project (tower site) occupying a 2,500 square-foot area of prime farmland for a non-agricultural use in comparison to the remainder of the 151.4 acres of the site to remain in farming operation is insignificant. As such, impact on Prime Farmland would be less than significant.

According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, telecommunication towers could be allowed on contracted land provided a Statement of Intended Use (SIU) is submitted. The applicant has submitted an SIU which has been reviewed and approved by Policy Planning.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject proposal is not in conflict with the current zoning of AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) on the property. Likewise, the project site is an active farmland and not a forest land.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed unmanned wireless communication facility will occupy a 2,500 square-foot portion of farmland. Once operational, the facility will not hinder onsite farming operations (orchard) or farming operations on adjacent land. The project will result in less than significant changes to the area's existing environment.

The Fresno County Agricultural Commissioner's Office reviewed the proposal and expressed no concerns with the project. The tower will comply with Federal Aviation Administration (FAA) requirements.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the proposal and expressed no concerns with the project. A Project Note will require that the applicant shall contact the Air District's Small Business Assistance Office to identify District rules or regulations that may apply to this project or obtain information about District permit requirements.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

The project will not create any objectionable odors. The San Joaquin Valley Air Pollution Control District expressed no concerns related to odor.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) reviewed this proposal and expressed no concerns with the project. As such, no impacts were identified concerning any candidate, sensitive or special-status species, or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

No federally-protected or other wetlands were identified near the project site during the analysis.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

No concerns related to the project interfering with the movement of native resident or migratory fish or wildlife species, or interference with migratory wildlife corridors or the use of native wildlife nursery sites, were identified by any reviewing agency.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project 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

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

The project site is not located in an area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, or paleontological resources would result from this proposal.

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: NO IMPACT:

The construction or operation of the proposed telecommunications facility would result in no negative impact on energy resources.

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not obstruct a state or local plan for renewable energy.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 2. Strong seismic ground shaking?
 3. Seismic-related ground failure, including liquefaction?
 4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-2 of the Fresno County General Plan Background Report (FCGPBR), the project site is located in an area which has 10 percent probability of seismic hazard in 50 years. With the project development complying with applicable Seismic Design Standards, the impact would be less than significant. The project site is not located in an area of landslide hazards.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-2 of the Fresno County General Plan Background Report, the project site is located in an area of erosion hazards. Although grading activities resulting from this proposal may result in loss of some topsoil, the impact would be less than significant in that the area of disturbance is limited to 2,500 square feet and a 20-foot-wide access and utility easement that serves it.

Per the comments provided by the Development Engineering Section of the Development Services and Capital Projects Division, a Project Note would require that engineered grading plans shall be provided and a Grading Permit or Voucher shall be obtained for any grading proposed with this application.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

The project site is flat with stable soil. The project will not result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The project site is not located in an area of expansive soils as identified by Figure 7-1 of the 2000 Fresno County General Plan Background Report.

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

FINDING: NO IMPACT:

The proposed communications facility is unmanned and requires no onsite restroom facility.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

See discussion in Section V. Cultural Resources above.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Temporary impacts related to greenhouse gas emission may occur during the construction of the project when workers and construction vehicles will be mobilized to and from the project site. However, negligible or no greenhouse gas emission would occur during operation of the facility. Due to being an unmanned facility, there will be no traffic trips to the site during its operation except for one truck per month visiting the site for maintenance purposes. It is expected that any greenhouse gas emission generated during construction will be offset during facility operation.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

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. With adherence to these requirements, the proposed use will have a less than significant impact related to hazardous materials.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: NO IMPACT:

There is no school within one quarter-mile of the project site.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The project site is active farmland and not a hazardous material site.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The proposed telecommunication facility is an unmanned facility and is not located within an Airport Land Use Plan area, two miles of a public use airport, or near a private airstrip.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is not located in an area of wildfire hazards. Approval of the project will not impair implementation of an adopted Emergency Response or Evacuation Plan.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: NO IMPACT:

See discussion in VI. E. Geology and Soils above.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project requires no use of water. As such, no impact on groundwater would occur.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning expressed no concerns related to water availability/sustainability for the project.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

1. Result in substantial erosion or siltation on or off site?
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No existing natural drainage channels run through the property that may be impacted by the project.

The primary area of ground disturbance with this proposal involves the grading of approximately 2,500 square feet of lease area and the access and utility easement to serve it. Both the lease area and access easement will utilize gravel as ground cover and therefore not substantially increase the impervious surface area or result in substantial erosion on or off site. As noted above, a grading permit or voucher will be required for any grading proposed with this application.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The project site does not contain nor is close to water features that could create seiche, tsunami, or mudflow conditions.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest community of Huron is approximately 2.2 miles southeast of the subject parcel.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated Agriculture in the County General Plan and is not located within the Sphere of Influence of any city.

According to General Plan Policy PF-J.4, compliance with the Wireless Communication Guidelines is required for the siting of communication towers in unincorporated areas of the County.

The Wireless Communication Guidelines indicate that the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impacts towers can have on the surrounding community.

According to the applicant's response to the County Wireless Communication Guidelines, the entirety of the targeted search area (two-mile diameter) is located within agriculturally-zoned parcels; therefore, more favorably zoned parcels, such as commercial or industrial, were infeasible. Additionally, no existing facilities were found within the target area and consequently no colocation opportunities were available. Furthermore, none of the landowners within the target area were found to be interested in leasing land for the project except the owner of the subject property. The subject property was also determined to be better suited to meet coverage objectives.

The Wireless Communication Guidelines also state that applicants for new tower sites should include provisions in their land lease agreements that reserve colocation opportunities. According to the applicant's response to the Fresno County Wireless Communication Guidelines, the proposed tower is designed to accommodate additional carriers with the option to install ground equipment. A Condition of Approval would require that prior to the issuance of building permits, evidence shall be submitted by the applicant showing provisions have been made to accommodate colocation.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area as identified in Policy OS-C.2 of the General Plan.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or

- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will install an onsite emergency back-up generator to allow the facility to continue running in case of power outage. Although the Fresno County Department of Public Health, Environmental Health Division (Health Department) expressed no concerns related to noise, a Condition of Approval would require that the testing of the generator for maintenance purposes be limited to daytime hours.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

No housing is proposed with this application.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District (CalFire) reviewed the subject proposal and expressed no concerns with the project. The project will comply with the California Code of Regulations Title 24 – Fire Code, California Code of Regulations, Title 14 Natural Resources, and will require approval of County-approved site plans by the Fire

District prior to issuance of building permits by the County. The project will also require annexation to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

The project will not result in the need for police protection, schools, parks or other any public facilities.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

No impact on recreational resources were identified in the analysis.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: NO IMPACT:

The project will have no impacts on the performance of the traffic circulation system, congestion management programs, or traffic hazards.

According to the Applicant's Operational Statement, construction of the proposed telecommunications facility will take approximately 60 days while utilizing an average of

two to ten workers per day. Once operational, one service vehicle per month will visit the site to conduct routine maintenance.

The Design and Road Maintenance and Operations Divisions of the Department of Public Works and Planning expressed no concerns related to traffic and required no Traffic Impact Study.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

The project entails an unmanned wireless telecommunication facility, which requires no regular daily traffic trips during operation. With no concerns expressed by the Design Division of the Fresno County Department of Public Works and Planning, the project will not be in conflict with or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: NO IMPACT:

Located within the southeast corner of the subject property, the proposed telecommunication facility will take access via Trinity Avenue, which is a private access road. The location of the facility or its design will not contribute to traffic hazards.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the project and did not identify any concerns related to emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: NO IMPACT:

See discussion in Section V. Cultural Resources above.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The project is an unmanned wireless telecommunication facility, which does not require use of water, or produce wastewater. The project will not require the relocation or construction of new or expanded electric power or natural gas facilities.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The project does not require use of water, or produce wastewater.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

Operation of the proposed wireless communication facility will not generate any solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section XV. A. 1. Public Services above.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: NO IMPACT:

The project will have no impact on biological or cultural resources.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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 Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the project analysis other than aesthetics, which will be addressed with the Mitigation Measure discussed in Section I. Aesthetics above.

- C. Have environmental effects, 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 prepared for Conditional Use Permit Application No. 3641, 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 Biological Resources, Cultural Resources, Energy, Mineral Resources, Population and Housing, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems.

Potential impacts related to Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emission, Hazards and Hazardous Materials, Hydrology and Water Quality Land Use and Planning, Noise, and Public Services have been determined to be less than significant.

Potential impacts relating to Aesthetics have determined to be less than significant with the included 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" Street, 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 7604	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): Complete Wireless on behalf of AT&T Mobility	Project Title: Unclassified Conditional Use Permit Application No. 3641		
Project Description: Allow the construction of a new unmanned wireless telecommunication facility consisting of a 224.8-foot-tall lattice tower with 9 antennas, one microwave dish, and related ground equipment, within a 2,500 square-foot fenced lease area, including new access and utility easements, on a 151.4-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located on the northwest corner of Trinity and Mitchell Avenues approximately 2.2 miles northwest of the City of Huron (Sup. Dist. 4) (APN 068-100-21S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7604) prepared for Unclassified Conditional Use Permit Application No. 3641, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to Biological Resources, Cultural Resources, Energy, Mineral Resources, Population and Housing, Recreation, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. Potential impacts related to Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emission, Hazards and Hazardous Materials, Hydrology and Water Quality Land Use and Planning, Noise, and Public Services have been determined to be less than significant. Potential impacts related to Aesthetics have been determined to be less than significant with the included Mitigation Measures. The Initial Study and Mitigated Negative Declaration (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 – June 7, 2019		Review Date Deadline: Planning Commission – July 18, 2019	
Date: June 5, 2019	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 July 18, 2019

SUBJECT: Initial Study Application No. 7558 and Classified Conditional Use Permit Application No. 3628

Allow the assembly and storage of equipment for the post-harvest processing of agricultural products, provided such equipment is sold directly to the farmer or processor, on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of Clovis Avenue, approximately 1,293 feet south of its nearest intersection with North Avenue, approximately 2.27 miles east of the nearest city limits of the City of Fresno (Sup. Dist. 4) (APN 331-030-58).

OWNER: Ian Burnett

APPLICANT: Don Pickett and Associates, Inc.

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7558; and
- Approve Classified Conditional Use Permit Application No. 3628 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 and Floor Plan
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7558
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	38.19 acres	No change
Project Site	N/A	An approximately 10.43-acre portion of the 38.19-acre parcel
Structural Improvements	Single-Family Residence and Pole Barn	50,040 square-foot office/warehouse building, 4,999 square-foot canopy structure, 300,000-gallon water tank, and storm water basin
Nearest Residence	Approximately 1,722 feet south of the existing residence	Approximately 1,001 feet south of the proposed structure
Surrounding Development	Agricultural and residential development	No change
Operational Features	N/A	Storage and assembly of agricultural harvest equipment

Criteria	Existing	Proposed
Employees	N/A	Eight (8) full-time staff and an additional 15 seasonal and temporary employees
Customers	N/A	None on site
Traffic Trips	N/A	96 daily traffic trips
Lighting	Residential	Wall-pack lights spaced around the proposed building
Hours of Operation	N/A	Monday through Friday 8:00 AM to 5:00 PM during the off-season Monday through Friday 6:00 AM to 6:00 PM during peak harvest season Peak harvest season is approximately July 15 th through October 15 th .

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7558 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent of Mitigated Negative Declaration publication date: June 14, 2019

PUBLIC NOTICE:

Notices were sent to 13 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 may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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

BACKGROUND INFORMATION:

The proposal entails the construction of a 50,040 square-foot office/warehouse building and 4,999 square-foot canopy structure to be operated for the assembly and storage of equipment for the post-harvest processing of agricultural products, provided such equipment is sold directly to the farmer or processor. The Applicant’s Operational Statement indicates that the use relates to the use of cardboard, plastics, and expanded polystyrene (EPS) for assembly of the equipment. Additional improvements include a water storage tank for fire suppression and a storm water basin. The project site is located on an approximately 10.43-acre portion of the 38.19 acres and is located on the east side of Clovis Avenue approximately 1,293 feet south of its nearest intersection with North Avenue.

Research regarding the subject parcel shows that the parcel is in the same configuration as shown on 1971-72 Assessor Map Rolls. On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance. Prior to August 31, 1976, the project site was zoned R-A (Single-Family Residential – Agricultural District) which has a 36,000 square-foot minimum lot size. Based on the size of the parcel as shown on the 1971-72 Assessor Map Rolls, and its past zoning, the lot has been determined to be legal. The Zone District of the subject parcel changed after approval of County-initiated Amendment Application No. 2870 on August 31, 1976 that rezoned the property from the R-A (Single-Family Residential – Agricultural District) to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, with the subject parcel also conforming to its current zoning.

Building permit records indicate that a mobile home permit was issued on October 4, 1985. The mobile home permit indicated that an existing single-family residence was present. Aerials of the project site from August 23, 2018 show that both the single-family residence and mobile home are still present on the project site.

The proposed Conditional Use Permit will be associated with an approximately 10.43-acre portion of the existing 38.19-acre property, with the single-family residence to remain north of the project site.

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	AE-20 Front: 35 feet Side: 20 feet Rear: 20 feet	Front: Approximately 70 feet Side: Approximately 332.58 feet Rear: Approximately 255 feet	Y
Parking	1 parking space per 2 employees	No retail floor space proposed. 49 parking	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		spaces and 2 ADA Accessible spaces	
Lot Coverage	No requirements	No requirements	Y
Space Between Buildings	No requirements	No requirements	Y
Wall Requirements	No requirements	No requirements	Y
Septic Replacement Area	100 percent replacement	100 percent replacement	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	Septic tank and disposal field approximately 550 feet from existing well	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for all onsite construction improvements. **This shall be included as a Project Note.**

Fresno Irrigation District: Fresno Irrigation District’s (FID) Goodrich No. 9 runs westerly and traverses the southern portion of the subject property, then crosses Clovis Avenue approximately 30 feet west of the subject property. Records do not show a recorded easement; however, FID does own an easement and the width is 30 feet.

- FID requires that the Applicant grant a 30-foot-wide exclusive easement to meet current FID standards. **This shall be included as a Project Note.**
- No trees will be allowed within FID’s exclusive easement; any trees to be planted around the pipeline shall maintain a distance of 15 feet from edge of pipe. **This shall be included as a Project Note.**
- All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or inactive FID and private structures must be removed within FID’s property/easement and the development project limits. **This shall be included as a Project Note.**
- No large earth-moving equipment (paddle wheel scrapers, grading, excavators, etc.) will be allowed within FID’s easement, and the grading contractor will be responsible for the repair of all damage to the pipeline caused by the contractor’s grading activities. **This shall be included as a Project Note.**
- FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited to, Sewer,

Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities. **This shall be included as a Project Note.**

- FID requires the Applicant/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 shall be included as a Project Note.**
- Footings of retaining walls shall not encroach onto FID property/easement areas. **This shall be included as a Project Note.**
- FID is concerned about the potential vibrations caused by construction efforts near existing District facilities, as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor must keep all large equipment, construction material, and soil stockpiles outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or the contractor will be responsible for all damage caused by construction activities. **This shall be included as a Project Note.**

Site Plan Review Section of the Fresno County Department of Public Works and Planning: The Site Plan Review Section will require that the Applicant apply for and receive approval of a Site Plan Review.

- Parking spaces shall be constructed in compliance with County and State standards. **This shall be included as a Project Note.**
- A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with State standards. **This shall be included as a Project Note.**
- The number of ADA stalls appears to be sufficient. There shall be a minimum of two (2) ADA stalls and one (1) of said stalls shall be van accessible. **This shall be included as a Project Note.**
- Back-up clearance and parking stall dimensions are not shown on the provided site plan. Back-up clearance shall be a minimum of 29 feet. Parking stall dimensions shall be a minimum of 18 feet by 9 feet. **This shall be included as a Project Note.**
- Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation Plans that shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to issuance of building permits. **This shall be included as a Project Note.**
- 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. **This shall be included as a Project Note.**
- An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way. **This shall be included as a Project Note.**

- Internal access roads shall comply with required widths of the Fire District for emergency apparatus. **This shall be included as a Project Note.**
- The lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot per Section 816.5.E.2 of the Fresno County Zoning Ordinance. **This shall be included as a Project Note.**
- No building or structure erected in this District shall exceed thirty-five (35) feet in height per Section 816.5.D of the Fresno County Zoning Ordinance. **This shall be included as a Project Note.**
- A dust palliative is required on all parking and circulation areas. **This shall be included as a Project Note.**
- Outdoor lighting should be hooded and directed away from adjoining streets and properties. **This shall be included as a Project Note.**
- All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Offsite signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District. **This shall be included as a Project Note.**

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

Analysis:

Staff review of the submitted site plan shows that the project area will be located on an approximately 10.43-acre portion of the 38.19-acre parcel. The site plan indicates that chain-link fencing with privacy slats and barbed wire will provide security and screening of the use from adjacent parcels. The proposed buildings are located in excess of setback requirements and the proposed office/warehouse building is located approximately 500 feet from the existing residence. There are no concerns regarding the project's proximity to existing Fresno Irrigation District (FID) facilities located along the southern property line, as the proposed development will be located approximately 332 feet north of the FID facility. Based on the above analysis, staff believes that the project site is adequate in shape and size to accommodate the proposed use.

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. 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.

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	Clovis Avenue	No change
Direct Access to Public Road	Yes	Approximately 15-foot dirt driveway access for the existing residence	Approximately 40-foot driveway access for the proposed use
Road ADT		3,500	No change
Road Classification		Clovis Avenue: Arterial	No change
Road Width		Northbound Clovis Avenue has 76 feet of right-of-way	No change
Road Surface		Paved asphalt	No change
Traffic Trips		Residential Traffic related to one single-family residence	Trip Generation Analysis produced by JLB Traffic Engineering, Inc. shows 96 daily trips
Traffic Impact Study (TIS) Prepared	No	N/A	Less than significant increase in traffic expected
Road Improvements		N/A	Deceleration/Acceleration lane along Northbound Clovis Avenue

Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:

Design Division of the Fresno County Department of Public Works and Planning: The updated site plan and analysis by JLB Traffic Engineering, Inc. shows that a Traffic Impact Study is not required.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The revised site plan reflecting one drive approach is acceptable to the Road Maintenance and Operations Division.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Clovis Avenue is classified as an Arterial road with an existing 76-foot right-of-way east of the section line along the parcel frontage, per Plat Book. According to Precise Plan Line

Serial No. 36, Sheet 8 of 19, the ultimate right-of-way width east of the section line along the parcel frontage is 76 feet.

Clovis Avenue is a County-maintained road. Records indicate this section of Clovis Avenue (northbound), from Central Avenue to North Avenue, has an ADT of 3,500, pavement width of 32.6 feet, structural section of 0.45 feet AC, 0.35 feet AB, and is in very good condition.

- Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This shall be included as a Project Note.**
- Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveways shall be utilized. **This shall be included as a Project Note.**
- Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. **This shall be included as a Project Note.**

According to FEMA FIRM Panels 2130H and 2140H, the parcel is not subject to flooding from the 100-year storm.

- According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly line of the subject parcel. Easements may be required by the appropriate agency. **This shall be included as a Project Note.**
- Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. **This shall be included as a Project Note.**
- An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Project Note.**
- A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application. **This shall be included as a Project Note.**

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

Analysis:

A Trip Generation Analysis (TGA) completed by JLB Traffic Engineering, Inc. on March 11, 2019 was conducted to evaluate the potential traffic generation of the proposed project. The TGA estimated that the proposed project will generate a total of 96 daily trips, a total of 9 AM peak-hour trips, and a total of 10 PM peak-hour trips. Based on the estimated trip generation, the project will not exceed a level of significance requiring a Traffic Impact Study (TIS). The TGA was routed to the Design Division and Road Maintenance and Operations Division for

comment. Neither Division expressed concerns with the analysis and agreed that a TIS is not required.

The project proposes acceleration/deceleration lanes along the project frontage on Clovis Avenue, which will be built to County Standards. Improvements including the acceleration/deceleration lanes and proposed driveway will require Encroachment Permits, review, and inspections to verify that they are built to County Standards. Based on the Trip Generation Analysis completed for the project, review by responsible Departments and Agencies, and proposed improvements, staff believes that the section of Clovis Avenue at the project site is 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	17.63 acres	Orchard	AE-20	N/A
	20 acres	Orchard	AE-20	
South	18.35 acres	Vineyard	AE-20	Approximately 1,440 feet
East	80 acres	Orchard and Single-Family Residence	AE-20	Approximately 1,701 feet
West	32.66 acres	Orchard and Single-Family Residence	AE-20	Approximately 1,370 feet

Reviewing Agency/Department Comments:

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 6.96. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. **This shall be included as a Project Note.**

- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes. **This shall be included as a Project Note.**
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance. **This shall be included as a Project Note.**
- In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with Federal, State, and Local government requirements. **This shall be included as a Project Note.**
- In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system. **This shall be included as a Project Note.**

Fresno County Department of Agriculture: The parcel is surrounded by agricultural operations. The Applicant should acknowledge the Fresno County Right-to-Farm Notice. The Fresno County Right-to-Farm Notice is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years. **This shall be included as a Condition of Approval.**

State Water Resources Control Board: The proposed development will have less than 25 employees and no visitors. The development does not meet the definition of a public water system and will not be regulated by the Division of Drinking Water.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD. **This shall be included as a Project Note.**

Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. **This shall be included as a Project Note.**

Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. **This shall be included as a Project Note.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

The project site is located on an agricultural parcel that is currently being farmed with field crops. There is a single-family residence located on the subject parcel, which will remain on the parcel during project construction and operation. Surrounding land uses are mainly agricultural with single-family residences located throughout the area supporting the agricultural operations. If the proposal is approved, a 50,040 square-foot office/warehouse, a 300,000-gallon water storage tank, 4,999 square-foot canopy structure, and storm water drainage basin will be built and used for the assembly and storage of equipment for the post-harvest processing of agricultural products to be sold directly to the farmer or processor. Chain-link fencing with privacy slats is proposed around the vicinity of the project site. Landscaping along Clovis Avenue that fronts the subject parcel along with the chain-link fencing will screen most of the use from public right-of-way. The proposed elevations submitted by the Applicant indicate that architectural features along the proposed office/warehouse will be aesthetically pleasing.

Mitigation Measures related to site lighting have been addressed in the Initial Study prepared for the project and will reduce light and glare issues from the public right-of-way and properties in the vicinity of the project.

The Fresno County Department of Public Health, Fresno County Fire Protection District, and the Department of Agriculture have reviewed the project proposal and have provided requirements that further reduce the potential of adverse effects that the project could have on abutting properties and surrounding neighborhood.

Based on the analysis and consideration given to comments and requirements by various Departments and Agencies with regard to reducing the potential impact of the project on properties in the vicinity of the project area, staff believes 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: The County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:</p> <p>LU-A.3.a: 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.</p> <p>LU-A.3.b: The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</p> <p>LU-A.3.c: The operational or physical characteristics of the use shall not have a detrimental impact on water resources of the use or management of surrounding properties within at least one quarter (1/4)-mile radius.</p> <p>LU-A.3.d: A probable workforce should be located nearby or be readily available.</p>	<p>With regard to Criteria “a”, the project will provide an agricultural-related service to the surrounding agricultural operations and throughout the County. As the products of the proposed project are sold directly to the farmer or processor, the proposal will reduce the amount of truck travel compared to if the project were located in a more urban area. No other type of operation similar to the project proposal was identified in a one-mile radius.</p> <p>With regard to Criteria “b”, according to the 2019 Fresno County Important Farmlands Map, the project site is located on land designated Prime Farmland. Properties in the immediate vicinity of the project site are designated Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. As only a portion of the prime farmland will be utilized towards the project, and considering that less productive farmlands are not located within the vicinity of the subject parcel, conflicts with Criteria “b” are less than significant.</p> <p>With regard to Criteria “c”, the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate that the project would have a detrimental impact on water resources.</p> <p>With regard to Criteria “d”, the project site is located approximately 2.27 miles east of the nearest city limits of the City of Fresno. Fresno is a large urban center with a workforce located nearby and readily available.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment from incompatible land uses.</p>	<p>With regard to Policy LU-A.12, the Fresno County Zoning Ordinance allows this type of use subject to a Classified Conditional Use Permit. Additionally, the project proposal is considered a use supportive of agricultural activities.</p>

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.13: The 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>Regarding Policy LU-A.13, the setback standards of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District will apply to the proposed buildings of the project. Based on submitted site plans, the proposed buildings will be located in excess of the zone district's setback standards. Additionally, the project proposes to include chain-link fencing with privacy slats along the perimeter of the project area that will act as a screened buffer and security measure. Considering the projects setbacks in excess of what is required and additional measures to buffer the project from agricultural operations, the project is consistent with Policy LU-A.13.</p>
<p>General Plan Policy LU-A.14: 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.</p>	<p>With regard to Policy LU-A.14, the project site is not under Williamson Act Contract and reviewing agencies did not express concerns with regard to the conversion of actively-farmed agricultural land.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>PF-C.17.a: A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeological investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeological investigation shall be required.</p> <p>PF-C.17.b: A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within</p>	<p>In regard to Policy PF-C.17, the project has been reviewed by the Water and Natural Resources Division and the State Water Resources Control Board. The project is proposing to utilize a domestic well to service the proposal. Based on County records, the project site is not located in or near identified water-short areas. Neither the Water and Natural Resources Division nor the State Water Resources Control Board expressed concerns about the project that would indicate the need for a hydrogeological study.</p>

Relevant Policies:	Consistency/Considerations:
<p>Fresno County. If use of groundwater is proposed, a hydrogeological investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeological investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigation.</p>	

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agricultural in the Fresno County General Plan and is not enrolled in the Williamson Act Program.

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

Analysis:

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

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3628, subject to the recommended Mitigation Measures, Conditions of Approval, and Project Notes.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7558; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3628, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3628; 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.

TK:ksn

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7558/Classified Conditional Use Permit Application No. 3628
(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 installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural and Tribal 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 occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
3.	Energy	Idling of onsite equipment and vehicles will be avoided to the most possible extent to avoid wasteful and/or inefficient consumption of energy resources.	Applicant	Applicant	Ongoing
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
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. 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 parcel is surrounded by agricultural operations. The owner shall sign a covenant acknowledging Fresno County's "Right to Farm" ordinances to ensure that any potential discomfort or risk to employees and customers associated with the existing agricultural nature of the surrounding area can be adequately considered prior to construction. The Fresno County Right-to-Farm Notice is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5				

EXHIBIT 1

(right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.

*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.	Plans, permits, and inspections will be required for all onsite construction improvements.
2.	<p>Fresno Irrigation District's (FID) Goodrich No. 9 runs westerly and traverses the southern portion of the subject property, then crosses Clovis Avenue approximately 30 feet west of the subject property. Records do not show a recorded easement, however, FID does own an easement and the width is 30 feet.</p> <ul style="list-style-type: none"> • FID requires that the Applicant grant a 30-foot-wide exclusive easement to meet current FID standards. • No trees will be allowed within FID's exclusive easement; any trees to be planted around the pipeline shall maintain a distance of 15 feet from edge of pipe. • All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or inactive FID and private structures must be removed within FID's property/easement and the development project limits. • No large earth-moving equipment (paddle wheel scrapers, grading, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by the contractor's grading activity. • FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited to, Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities. • FID requires the Applicant/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 the drainage patterns that could adversely affect FID. • Footings of retaining walls shall not encroach onto FID property/easement areas. • FID is concerned about the potential vibrations caused by construction efforts near existing District facilities, as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor must keep all large equipment, construction materials, and soil stockpiles outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or the contractor will be responsible for all damage caused by construction activities.
3.	<p>Site Plan Review Section requirements:</p> <ul style="list-style-type: none"> • Parking spaces shall be constructed in compliance with County and State standards. • A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with State standards. • The number of ADA stalls appears to be sufficient. There shall be a minimum of two (2) ADA stalls and one (1) of said stalls shall be van accessible. • Back-up clearance and parking stall dimensions are not shown on the provided site plan. Back-up clearance shall be a minimum of 29 feet. Parking stall dimensions shall be a minimum of 18 feet by 9 feet. • Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of

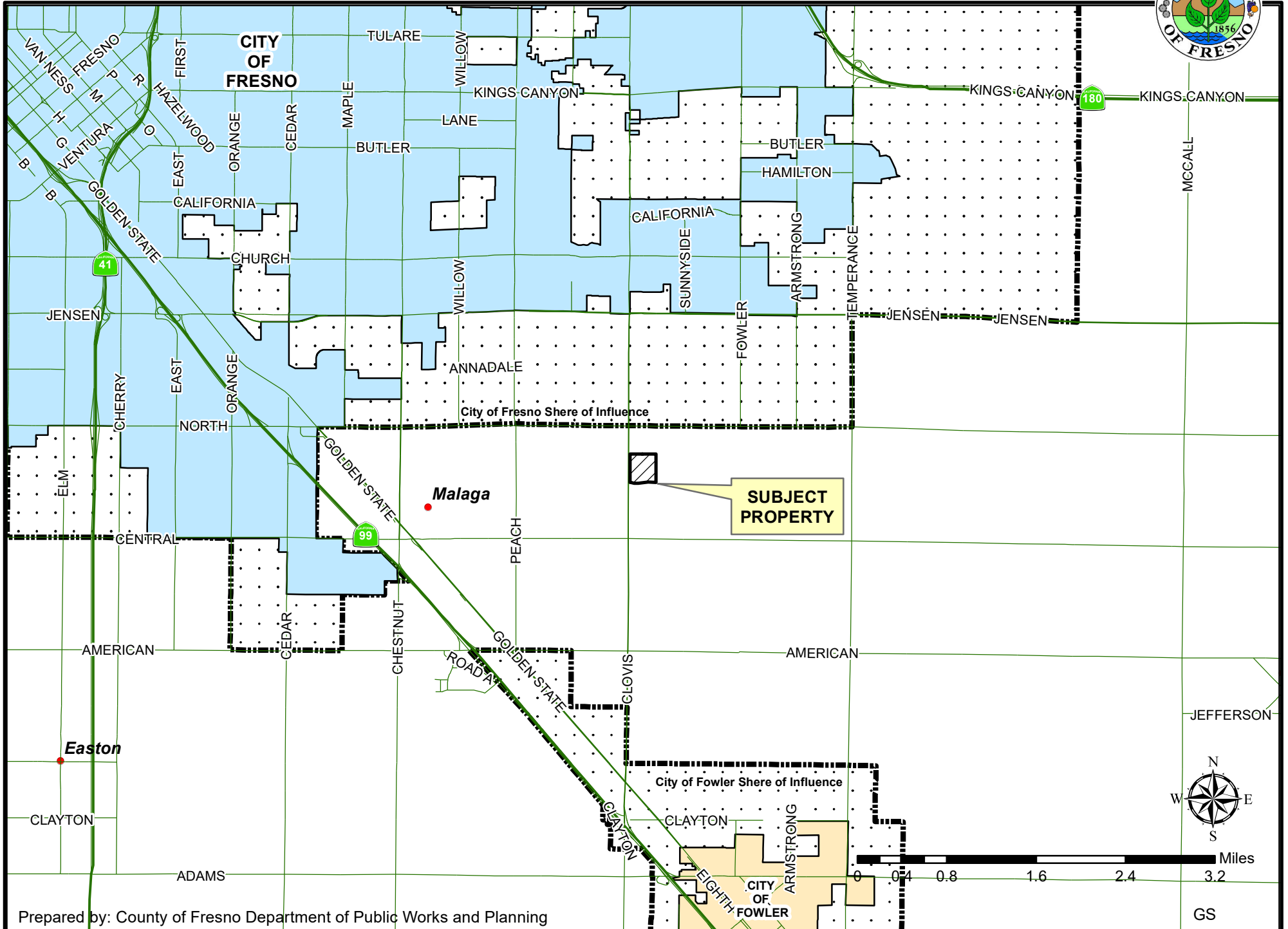
Notes

	<p>Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) and require submittal of Landscape and Irrigation Plans that shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to issuance of building permits.</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. • An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way. • Internal access roads shall comply with required widths of the Fire District for emergency apparatus. • The lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot, per Section 816.5.E.2 of the Fresno County Zoning Ordinance. • No building or structure erected in this District shall exceed thirty-five (35) feet in height, per Section 816.5.D of the Fresno County Zoning Ordinance. • A dust palliative should be required on all parking and circulation areas. • Outdoor lighting should be hooded and directed away from adjoining streets and properties. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Offsite signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District.
4.	<p>Road Maintenance and Operations Division requirements:</p> <ul style="list-style-type: none"> • Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. • Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveways shall be utilized. • Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
5.	<p>According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly line of the subject parcel. Easements may be required by the appropriate Agency.</p>
6.	<p>Development Engineering Section requirements:</p> <ul style="list-style-type: none"> • Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. • An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. • A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.

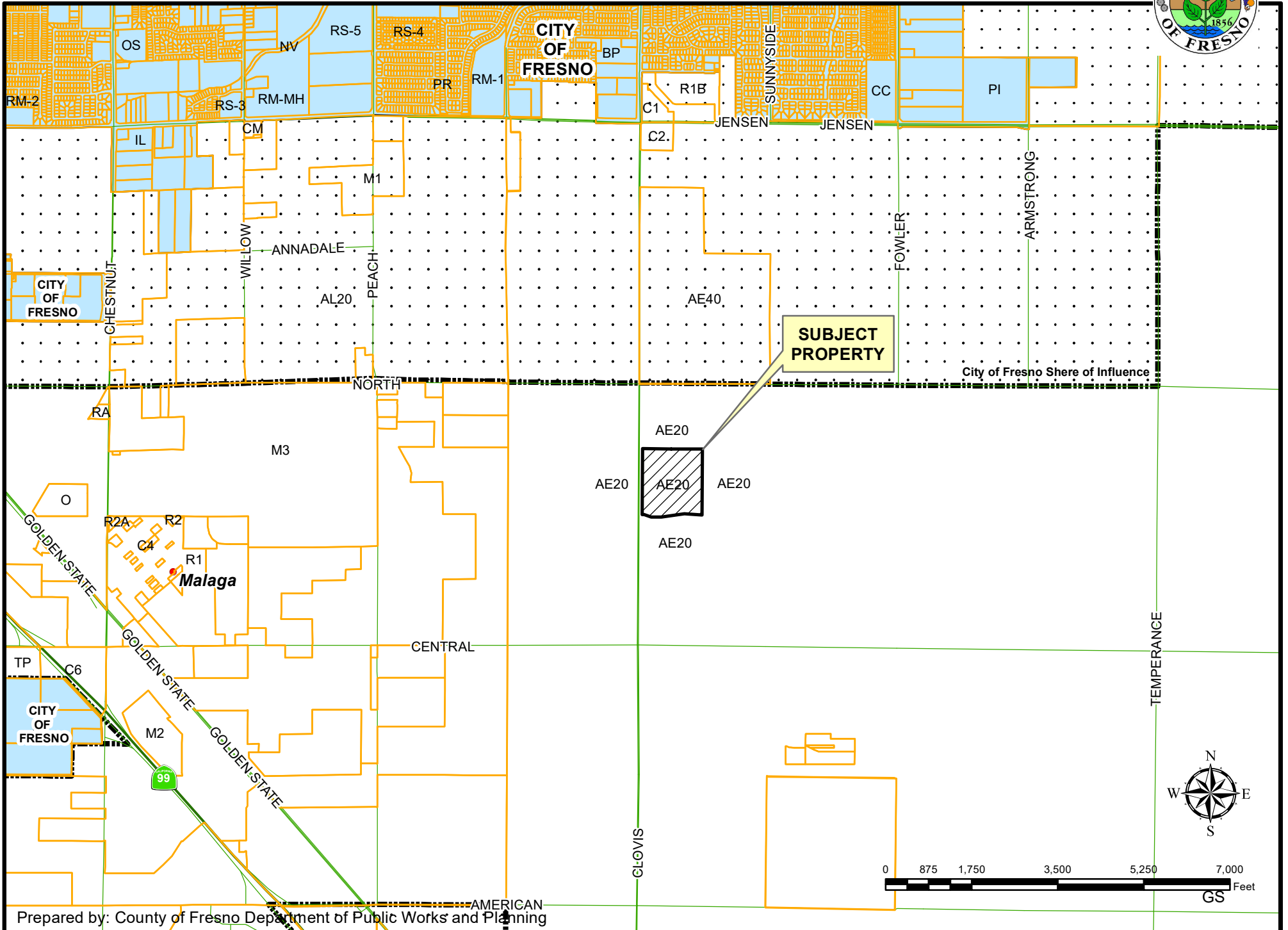
Notes

7.	<p>Fresno County Department of Public Health, Environmental Health Division requirements:</p> <ul style="list-style-type: none">• Facilities proposing to use and/or store hazardous materials and/or hazardous waste 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 6.96. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.• The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.• In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with Federal, State, and Local Government requirements.• In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system.
8.	<p>Fresno County Fire Protection District requirements:</p> <ul style="list-style-type: none">• The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD.• Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.• Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
9.	<p>The San Joaquin Valley Unified Air Pollution Control District (District) staff is available to meet with the Applicant to further discuss the regulatory requirements that are associated with this project. To identify District rules or regulations that apply to this project or to obtain information about District permit requirements, the Applicant is strongly encouraged to contact the District’s Small Business Assistance Office (559) 230-5888. Current District rules can be found at www.valleyair.org/rules/1ruleslist.htm .</p>

LOCATION MAP



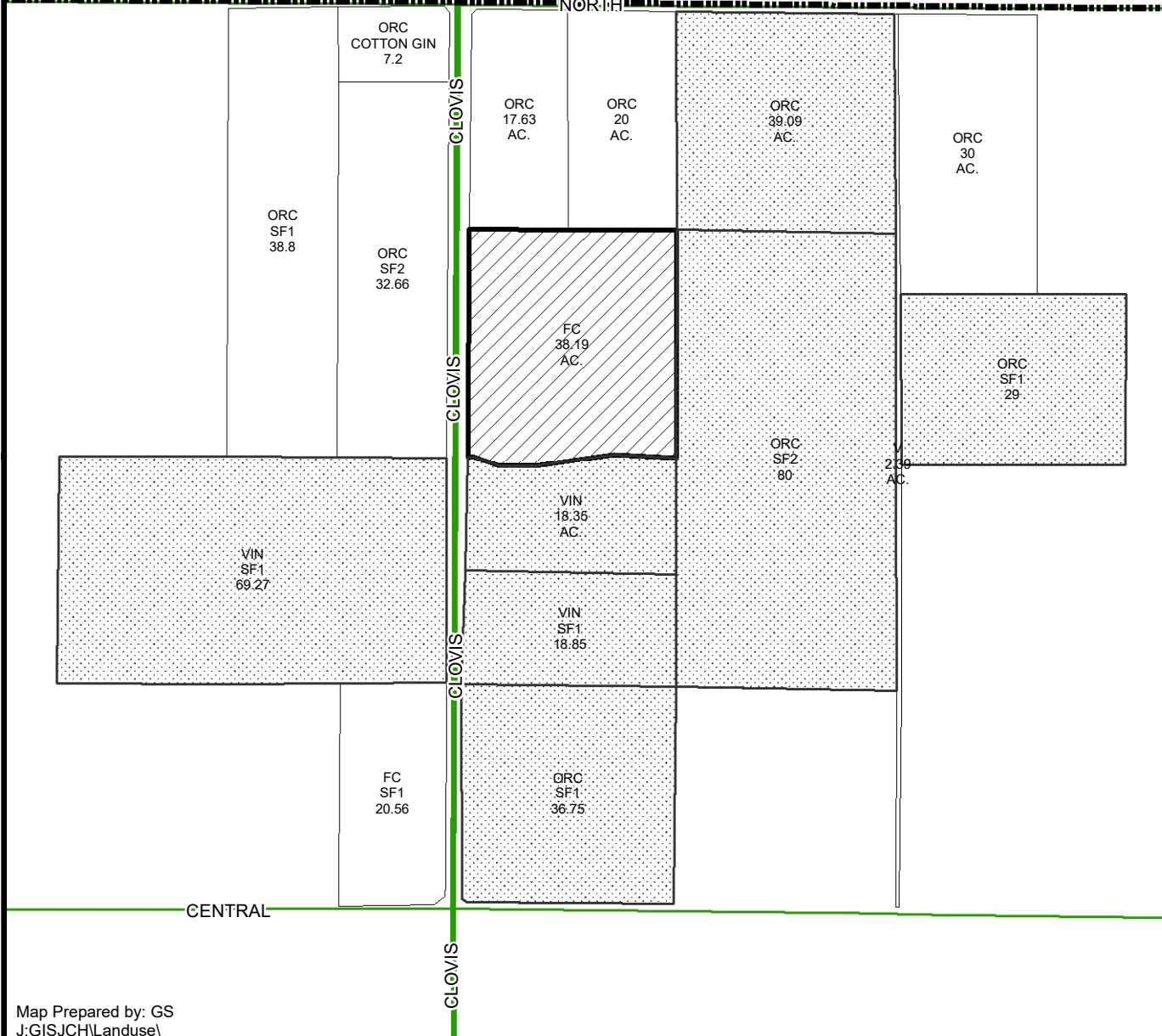
EXISTING ZONING MAP



EXISTING LAND USE MAP



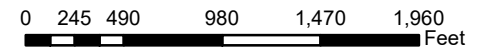
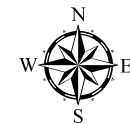
City of Fresno Sphere of Influence



LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
V - VACANT	
VIN - VINEYARD	
SF#- SINGLE FAMILY RESIDENCE	

LEGEND:

- Subject Property
- Ag Contract Land



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Project Location:
3316 S. Clovis Ave.
Fresno, CA 93725

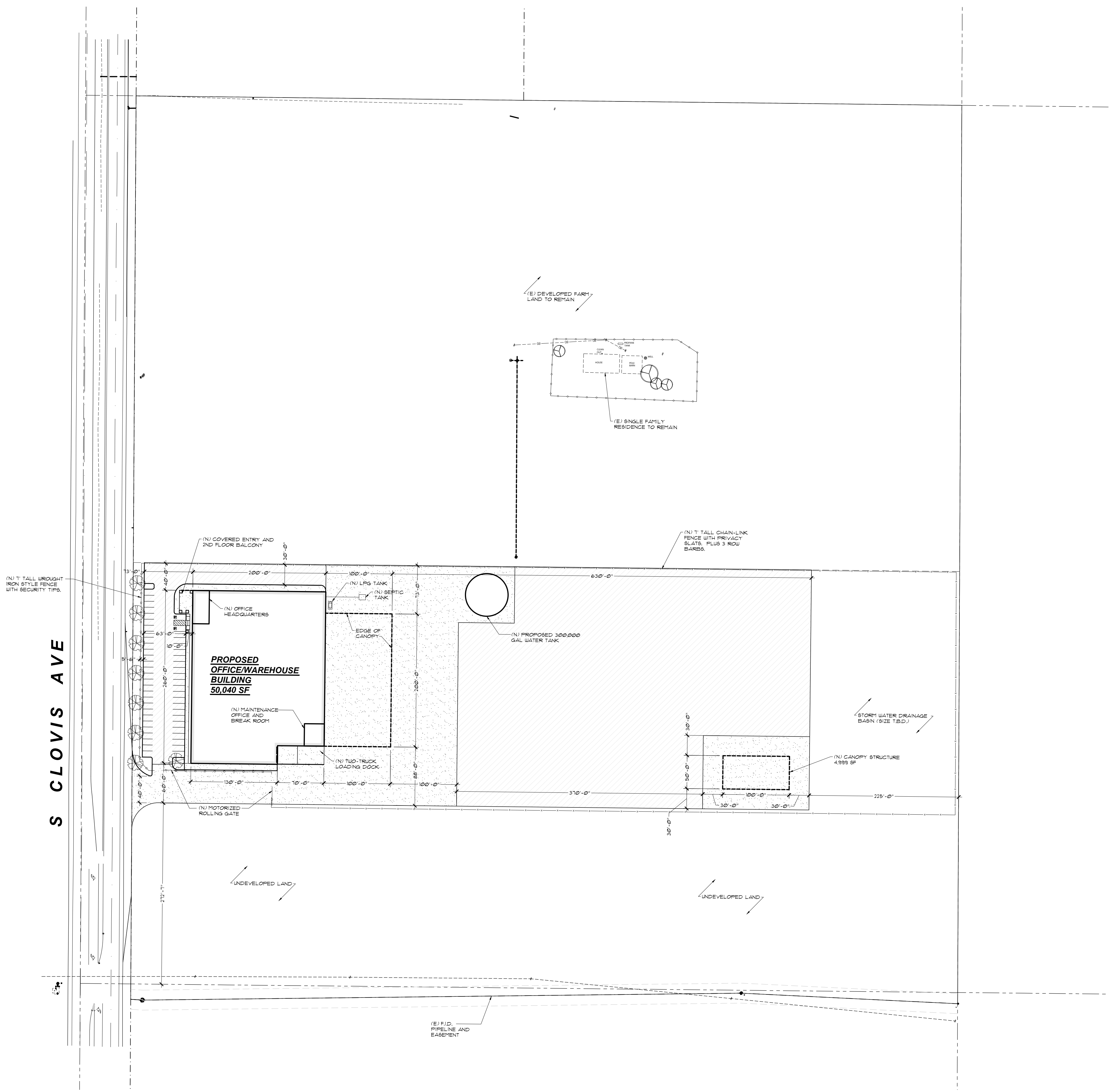
Project Title:
Proposed Building for
IBS Supplies, Inc.

Project Status
 SPR --
Plan Check Date
 Revisions

Revisions	Date	By

Job No.:
 BBB 17-68
 Sheet No.:

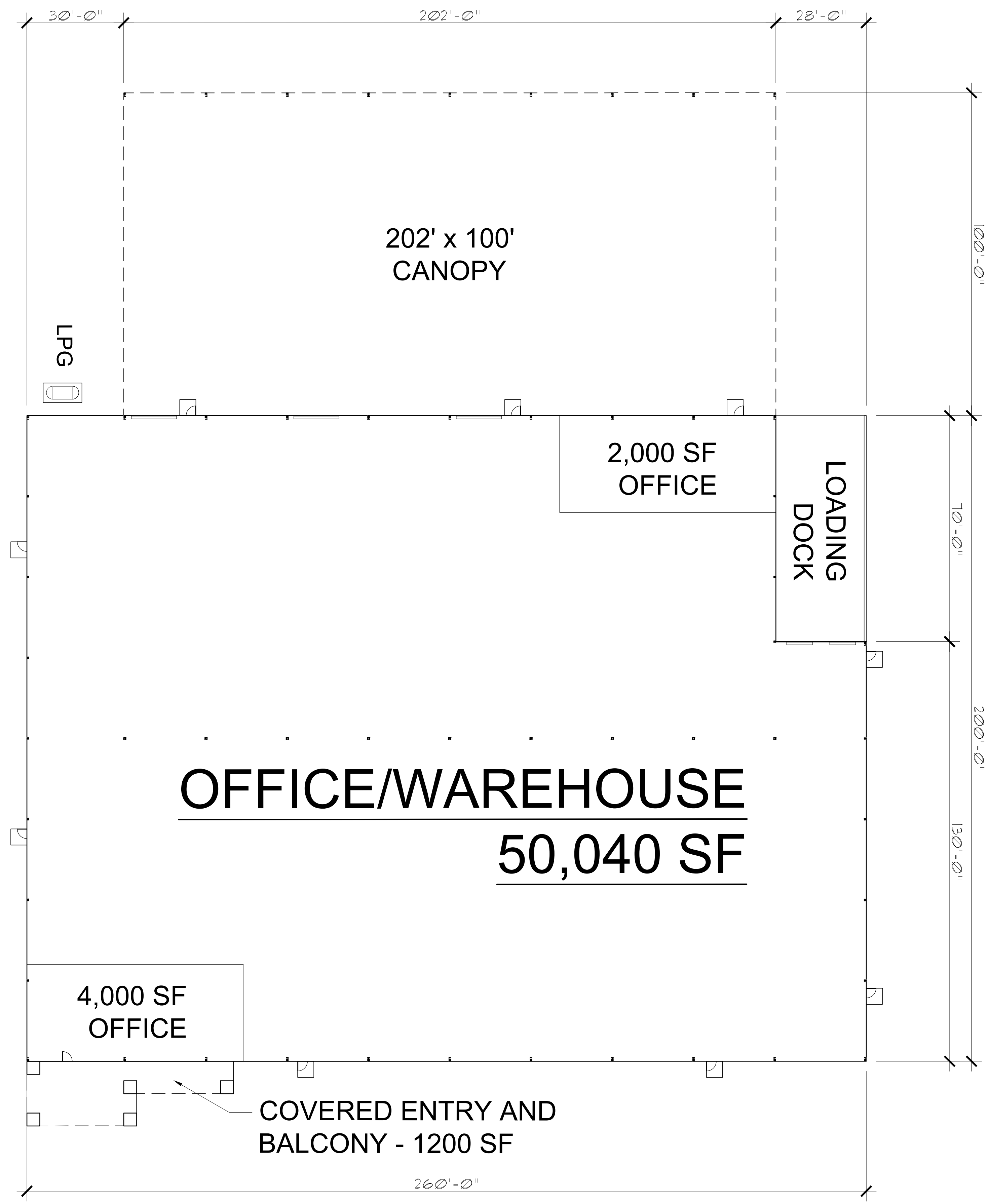
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Approvals:
 Owner Initials: _____ Contractor Initials: _____

CONCEPTUAL SITE PLAN 07/10/19 
 SCALE: 1" = 20'

EXHIBIT 5



CONCEPTUAL FLOOR PLAN 07/10/19 

SCALE: 1" = 20'-0"

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Project Location:
 3316 S. Clovis Ave.
 Fresno, CA 93725

Project Title:
 Proposed Building for
 IBS Supplies, Inc.

Project Status	
SPR	--
Plan Check Date	
Revisions	
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Job No.:	BBB 17-68
Sheet No.:	

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Project Location:
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Fresno, CA 93725

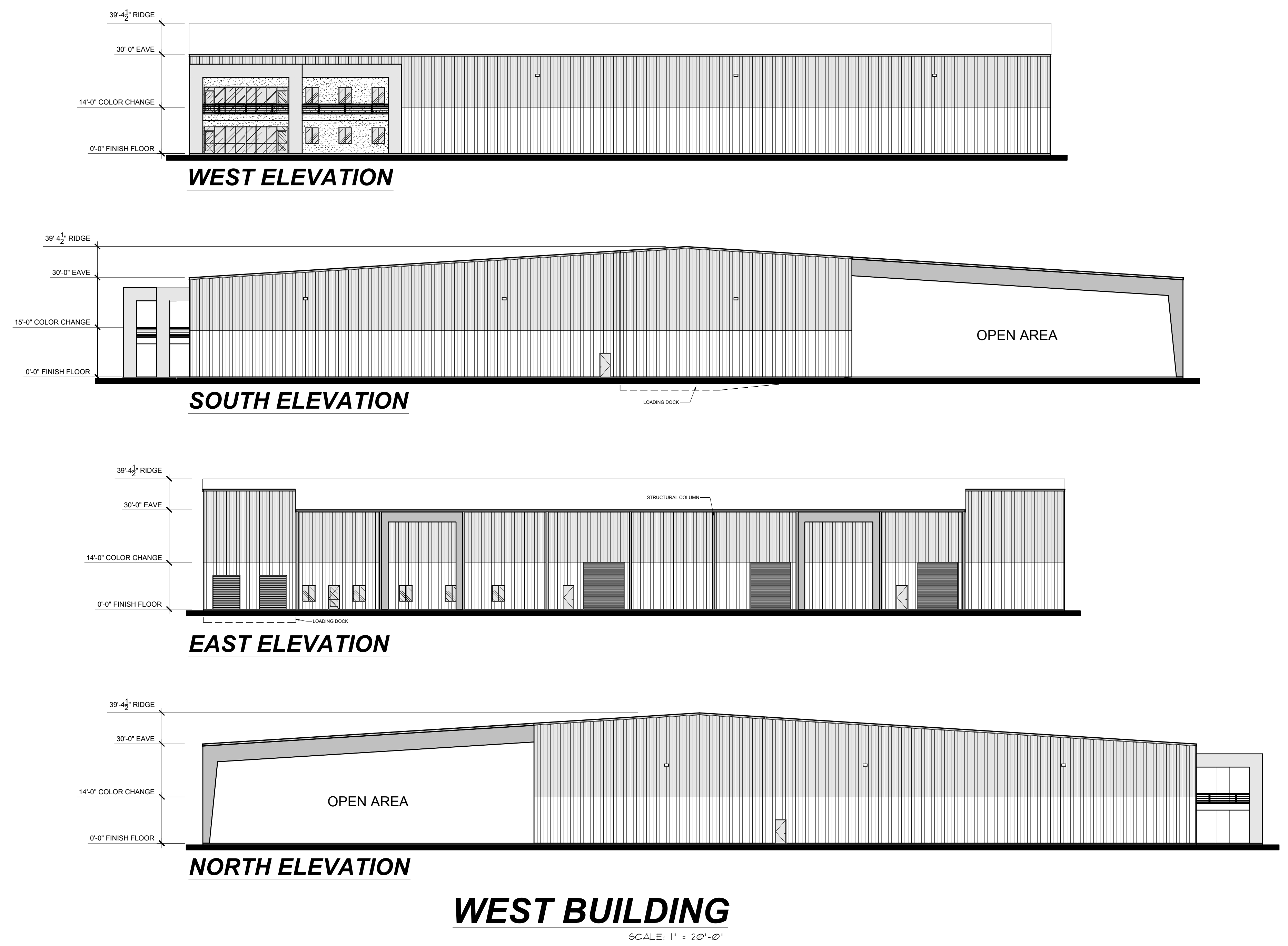
Project Title:
Proposed Building for
IBS Supplies, Inc.

Project Status

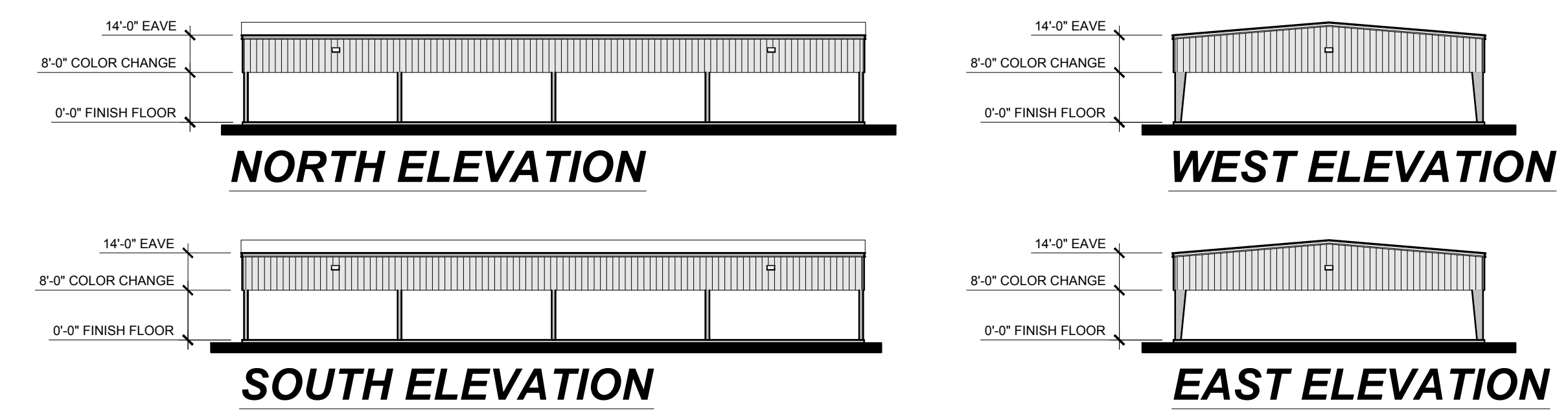
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 BBB 17-68
Sheet No.:

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WEST BUILDING
 SCALE: 1" = 20'-0"



EAST BUILDING
 SCALE: 1" = 20'-0"

EXHIBIT 6

CONCEPTUAL ELEVATION 07/10/19



DON PICKETT & ASSOCIATES, INC.

DEVELOP • DESIGN • BUILD

January 16, 2019

Thomas Kobayashi
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Ste. A
Fresno, CA 93721

RE: Revised Operational Statement

Dear Mr. Kobayashi,

A proposed development in the County of Fresno is being submitted by Don Pickett & Associates, Inc. on behalf of IBS Supplies, Inc. The proposal pertains the following 38.19 acres of property:

Owner: Ian Burnett
Site Address: 3316 S Clovis Ave, Fresno, CA 93725
APN: 331-030-58
Zoning: AE20

The nature of the proposed use will be for the storage and assembly of agricultural harvest equipment such as cardboard, EPS, and plastics, sold directly to farmers or processors to be used for the post-harvest processing of agricultural products, as allowed by Conditional Use Permit, under the Zoning Ordinance of the County of Fresno - Land Use and Planning, Section 816.3-W. The proposed development project will consist of a 50,000 s.f. warehouse facility with a 2,000 s.f. accessory administration office and approximately 2,000 s.f. managers office with employee break room. The warehouse and administration offices will be a single building of steel frame and metal panel construction. Operations will include truck delivery of aforementioned products that are manufactured off-site, storage and assembly of said products, and loading for delivery to local farmers or processors.

The proposed development does not anticipate customers or visitors to the facility. Additionally, the facility is not open to the general public and therefore not proposed as a commercial project. The majority of the site, approximately 22 acres of the 38.19 acres of land, will remain as a contract farmed agricultural operation and in production of lemon grass crops with an existing caretaker house, not part of this application. The proposed facility will occupy only a portion of the overall site, thereby reducing any cumulative effects and impacts to surrounding ag properties. The proposed facility will be located within the ag community, which will reduce the number of outside truck deliveries and improve transportation efficiency for the ag community.

EXHIBIT 7

The business employs 8 full-time staff and an additional 15 seasonal and temporary employees. The hours of operation are Monday through Friday, 8:00 am to 5:00 pm during the off season and Monday through Friday, 6:00 am to 6:00 pm during the peak season. The peak harvest season is typically three months out of the year, approximately July 15th through October 15th of each year. The proposed development will be designed in such a manner to have paved drive approaches from the public road direct to the site, with adequate paving for truck delivery traffic and circulation around the warehouse. Delivery vehicles range from 5-10 trucks per day during off-season and 30-40 trucks per day during the harvest seasons. Truck delivery staging will be performed completely on-site. The nature of the site will have adequate paved parking for all employees during busy seasons.

All product is prefabricated with labels pre-printed and pre-affixed off-site and palletized for storage and handling by fork-lift. The forklift will be of the propane powered type and maintained by an outsourced third-party maintenance company. The assembly of harvest equipment to be performed indoors and primarily by hand. During the peak season a hand operated folding device may be employed to facilitate efficiency.

Other than typical vehicle delivery traffic, no noise, glare, dust nor odors are anticipated for the proposed development and facility operations. No outside sound amplification system is proposed.

The site will be well secured with a chain-link fence and rolling gates, with drought-tolerant landscaping at the building frontage. Wall pack lights will be spaced around the proposed building for site lighting, and site security measures will be in place such as alarm systems and video recording devices.

If you have further questions, please give me a call at (559) 431-3535 or email chris@donpickett.com

Sincerely,

Christopher Preciado
Don Pickett & Associates, Inc.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Don Pickett and Associates
- APPLICATION NOS.: Initial Study Application No. 7558 and Classified Conditional Use Permit Application No. 3628
- DESCRIPTION: Allow the assembly and storage of equipment for the post-harvest processing of agricultural products to be sold directly to the farmer or processor on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the east side of Clovis Avenue approximately 1,293 feet south of its nearest intersection with North Avenue. The project site is located approximately 2.27 miles east of the nearest city limits of the City of Fresno. (APN: 331-030-58) (SUP. DIST. 4) (3316 S. Clovis Avenue, Fresno, CA)

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. 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 proposal would not have a substantial adverse effect on scenic vistas or scenic resources. The project site is located in a generally flat area that is utilized for agricultural and residential uses. The project site is not located near any identified historic building, State scenic highway, or scenic roadways.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application is proposing two new buildings. The proposal will not substantially degrade the existing visual character or quality of public views of the site and its surroundings, as the project is being designed to be aesthetically appealing with landscaping and front entrance design features.

- D. 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:

The applicant has stated that wall pack lights will be installed around the proposed building for site lighting and typical vehicle delivery traffic will be the only anticipated source of light glare. As a mitigation measure, all installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.

* **Mitigation Measure(s)**

1. *All installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County 2014 Important Farmland Map, the project site is located on Prime Farmland and has been actively farmed by the owners. The subject parcel is 38.19 acres and the proposal would designate approximately 10.43 acres for the project. The parcel does not have a Williamson Act Contract and does not conflict

with the existing zoning for agricultural use due to the Fresno County Zoning Ordinance allowing the proposed use subject to a Classified Conditional Use Permit. Although the proposal would be converting a portion of prime farmland to a non-crop use, the proposed use would support the surrounding agricultural community by providing an agricultural centered service. Therefore, although the land is designated Prime Farmland and is currently farmed, the site will serve as an agricultural supportive use and the loss of farmland is considered a less than significant impact.

C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or

D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not forest land, timberland or timberland zoned Timberland production and will not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed use of the parcel is supportive of agriculture and will not contribute to the conversion of land from agricultural or forest uses.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. 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?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and did not express any concerns with regard to conflicting or obstructing implementation of the applicable Air Quality Plan, or result in cumulatively considerable net increase of any criteria pollutant or result in a cumulatively considerable net increase of any criteria pollutant under Federal or State ambient air quality standards.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the project is not anticipated to generate dust or odors that would adversely impact a substantial number of people. The closest sensitive receptor is a single-family residence approximately 463 feet northeast of the proposed office and warehouse. The San Joaquin Valley Air Pollution Control District has reviewed the subject application and did not express any concerns with regard to pollutant concentrations or emissions that would adversely affect a substantial number of people. An increase of pollutant concentrations and emissions could occur during the construction of the project. Therefore, there will be a less than significant impact from the temporary increase of pollutant concentrations during construction, and a little to no impact from the operation of the project.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: NO IMPACT:

The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) were notified of the project proposal. Both the USFWS and CDFW did not express any concerns with regard to any special listed species. Additionally, according to the California Natural Diversity Database (CNDDDB), the project site is not located on or near any reported occurrence of a special status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

The project site is located near an identified riverine on the National Wetlands Inventory. Although the identified riverine is present, Fresno Irrigation District has identified the

riverine as an underground pipeline. The underground facility is located on the southern property line. As the riverine has been identified as an underground facility maintained by the Fresno Irrigation District, the project has established a setback from the pipeline to ensure that no impact is expected to the underground facility. There will be no impact to the identified riverine as it is a manmade underground pipeline and there are no other visible indicators that a wetland exists on the property.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The project will not interfere substantially with the movement of any native resident, migratory fish or wildlife species. Additionally, the project will not interfere with an established native resident or migratory wildlife corridor or impede the use of a native wildlife nursery site.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

No Habitat Conservation Plan, Community Conservation Plan, or other approved local, regional or state Habitat Conservation Plan has been identified as being affected by the project proposal.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No historical resource or archeological resource was identified on the project site. The Southern San Joaquin Valley Information Center recommended that an Archeological Survey Report be conducted for the project site. According to the Fresno County

General Plan, the project site is not located in an Archeological Sensitive Area. Additionally, the project site has been experiencing ground-disturbance on a regular basis by being actively farmed up until recent times. Due to these factors, staff does not believe that an archeological survey report is required, but a mitigation measure will be incorporated with the project to address any cultural resource that may be identified during construction of the project. 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 should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

* **Mitigation Measure(s)**

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 should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Mitigation Measure reducing the amount of idling of onsite vehicles and equipment to the most possible extent will be incorporated with the project to avoid wasteful and/or inefficient consumption of energy resources during construction and operation.

* **Mitigation Measure(s)**

1. *Idling of onsite equipment and vehicles will be avoided to the most possible extent to avoid wasteful and/or inefficient consumption of energy resources.*

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project will be constructed to California Building Code standards that address energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to the Earthquake Zone Application administered by the California Department of Conservation and Figure 9-2 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near a rupture of a known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located in a probabilistic seismic hazard area and will be subject to a peak horizontal ground acceleration of 0% to 20%.

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in a landslide hazard. The project is situated in mostly flat land. Additionally, the project site is located away from identified fault zones and will not be affected by seismic-related ground failure including liquefaction.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: NO IMPACT:

According to Figure 7-3 and 7-4 of the FCGPBR, the project site is not located in identified erosion hazard areas. The Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application and did not express any concerns with regard to soil erosion and loss of topsoil.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No identified geologic unit or soil has been identified on the project site that would become unstable as a result of the project. The Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application and did not express any concerns with regard to a geologic unit or unstable soil.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the FCGPBR, the project site is not located on identified areas of expansive soils.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

FINDING: LESS THAN SIGNIFICANT:

The Department of Public Health, Environmental Health Division (EHD), has reviewed the subject application and commented that the parcel appears to be able to accommodate the sewage disposal system and expansion area meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment systems (OWTS) policy and California Plumbing code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No unique paleontological resource or unique geologic resource has been identified on the subject parcel or in the surrounding area. The project should not indirectly or directly destroy a unique paleontological resource or unique geologic feature.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Greenhouse Gas Analysis prepared for the project by LSA on April 26, 2019, provides a description of existing regulatory framework, an assessment of project construction and operation-period greenhouse gas (GHG) emissions, and an evaluation of the project's compliance with adopted plans related to the reduction of GHG emissions. As no threshold of significance for GHG emissions has been adopted by the County of Fresno, thresholds established by the San Joaquin Valley Air Pollution Control District (SJVAPCD) in their adopted "Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA" was utilized in the analysis to determine if the project results in a significant impact. The adopted document analyzes project significance in a tiered approach. Those tiers are: the project is exempt from CEQA requirements; the project complies with an approved GHG emission reduction plan or GHG mitigation program; the project implements Best Performance Standards (BPS); or the project demonstrates that specific GHG emissions would be reduced or mitigated by at least 29 percent compared to Business-As-Usual (BAU), including GHG emission reductions achieved since the 2002-2004 baseline period. Analysis of GHG emissions related to construction determined that project construction would generate approximately 197 metric tons of CO₂e.

Analysis of GHG emissions produced from the operation of the proposal concluded that the project will emit approximately 341.2 metric tons per year of CO₂e. Based on the thresholds adopted by the SJVAPCD, an analysis was conducted to determine if the project would result in a 29 percent or more reduction in GHG emissions compared to BAU. The project's estimated annual GHG emissions are approximately 487.0 metric tons of CO₂e under BAU conditions and 241.2 metric tons of CO₂e in 2020 for project operations. This represents a 30 percent decrease in emissions, which exceeds the SJVAPCD reduction criteria of 29 percent reduction from BAU. Therefore, based on the analysis and conclusions discussed in the Greenhouse Gas Analysis prepared by LSA, the project will have a less than significant impact on greenhouse gas emissions and does not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and has included comments regarding hazardous materials and hazardous waste. 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 6.95m 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 handling in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project site is not located within one-quarter mile of an existing or proposed school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to the NEPAssist Report generated for the project site, the project site is not located on a listed hazardous materials site and will not create a significant hazard to the public or the environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or private airstrip.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The Fresno County Fire Protection District and the Department of Public Health, Environmental Health Division did not express any concerns with regard to an adopted emergency response plan or emergency evacuation plan.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

According to the California Department of Forestry and Fire Protection 2007 Fire Hazard Severity Zones Map, the project site is not located in a fire hazard severity zone. The project is not expected to expose people or structure, either directly or indirectly to wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board, The Water and Natural Resources Division, the Department of Public Health, Environmental Health Division, and the Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application. The State Water Resources Control Board and the Water and Natural Resources Division did not express any concerns regarding water quality standards or the availability of groundwater supplies, or the impediment of sustainable groundwater management.

The Department of Public Health, Environmental Health Division requires that in an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be

found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements.

With regard to discharge requirements, the Development Engineering Section of the Development Services and Capital Projects Division will require that any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County standards.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site;
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA, FIRM Panels 2130H and 2140H, the project location is not subject to flooding from the 100-year storm. An Engineered Grading and Drainage Plan may be required by the Development Engineering Section to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The Road Maintenance and Operations Division (RMO) of the Department of Public Works and Planning will require that additional drainage water generated by the covering of the site shall be stored on-site in a drainage pond. Capacity shall be based on 0.5 CA. Ponds deeper than 18 inches shall be fenced per County Standards. Based on requirements set forth by the Development Engineering Section and the Road Maintenance and Operations Division, the project will have a less than significant impact on drainage patterns and minimize potential of erosion and on or offsite flooding. The project will not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA, FIRM Panels 2130H and 2140H, the project site is not located in a flood hazard zone from the 100-year storm. According to Figure 9-8 of the Fresno County General Plan Background Report, the project site is located in or near a Dam Failure Flood Inundation Zone. Based on requirements set forth by the Department of

Public Health, Environmental Health Division, the project will be subject to specific regulations with regard to hazardous materials and waste. Those requirements reference the California Code of Regulations (CCR) and the California Health and Safety Code (HSC). Based on those requirements, the risk of pollutants being released due to project inundation will be reduced.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project proposal and requires that in the event that a water well or septic system be abandoned, permits will be required and then the water well and/or septic system be destroyed by an appropriately licensed contractor. Additionally, prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements. No other concerns were expressed with reviewing agencies regarding conflicts or obstruction of implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Agricultural in the Fresno County General Plan. General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:

- a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban area or which requires

- location in a non-urban area because of unusual site requirements or operational characteristics.
- b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.
 - c. The operation or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4) mile radius.
 - d. A probably workforce should be located nearby or be readily available.

With regards to Criteria “a”, the project will provide an agricultural related service to the surrounding agricultural operations and throughout the County. As the products of the proposed project are sold directly to the farm or processor, the proposal will reduce the amount of traveling compared to if the project were to be located in a more urban area. No other type of operation similar to the project proposal is located within a one mile radius of the subject parcel. With regards to Criteria “b”, according to the 2016 Fresno County Important Farmlands Map, the project site is located on designated Prime Farmland. Properties in the immediate vicinity of the project site are designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. As only a portion of the prime farmland will be utilized towards the proposal and considering the proximity of less productive lands, the conflict with Criteria “b” is seen as less than significant. With regards to Criteria “c”, the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate that project could have a detrimental impact on water resource. With regards to Criteria “d”, the project site is located approximately 2.27 miles east of the nearest city limits of the City of Fresno. Fresno is a large urban center and has a probable workforce located nearby or readily available.

General Play Policy LU-A.12 states that in adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses. With regards to Policy LU-A.12, the Fresno County Zoning Ordinance allows this type of use subject to a Classified Conditional Use Permit. Additionally, the project proposal is considered a use supportive of agricultural activities.

General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. With regards to Policy LU-A.13, the setback standards provided by the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District will apply towards the project proposal. Additionally, the Applicant has provided chain-link fence along the perimeter of the project area to act as a security measure and buffer. Taking into consideration that the proposed buildings will be setback in excess of the required setbacks and that a chain-link fence is being proposed to provide a buffer, the project will not conflict with agricultural operations.

General Plan Policy LU-A.14 states that 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.14, the project site is not under a Williamson Act Contract and reviewing

agencies did not express any concerns with regard to the conversion of agricultural land.

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

- a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.
- b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in questions lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the project in question, those impacts shall be mitigated.

In regard to General Plan Policy PF-C.17, the project has been reviewed by the Water and Natural Resources Division and the State Water Resources Control Board. The project is proposing to utilize a domestic well to service the proposal. Based on County records, the project site is not located in or near identified water short areas. Both the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate the need for a hydrogeologic study.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in an identified Mineral Resource location.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and determined that the construction of the project has the potential to expose residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance. Per the Applicant’s Operational Statement, the project operation is not proposing an outside sound amplification system and assembly of harvest equipment will be performed indoors and primarily by hand. During peak season, a hand operated folding device may be employed to facilitate efficiency. Forklifts will be utilized for the handling of the products. Considering the aspects of the operation, a minor increase in noise may occur due to the operation of the project, but is lessened due to the limited use of forklifts and assembly of the products being conducted by hand.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project is not located within two miles of a private airstrip or public airport.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not directly or indirectly induce substantial unplanned population growth. The project is proposed to be built on agricultural land and is not expected to displace people or housing.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

- 1. Fire protection;

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District (FCFPD) has reviewed the subject application and will require that the project comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the FCFPD conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. Additionally, project/developments including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR), Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as project notes.

- 2. Police protection;

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

No reviewing agency expressed any concerns with regard to the provision or construction of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objective for the listed public services.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project is not expected to increase the use of existing neighborhood and regional parks or other recreational facilities and will not include or require the construction or expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Trip Generation Analysis (TGA) conducted by JLB Traffic Engineering, Inc. on March 11, 2019 was produced to evaluate potential traffic generation from the proposed project. The TGA states that out buildout, the proposed Project is estimated to generate a maximum of 96 daily trips, 9 AM peak hour trips and 10 PM peak hour trips. The TGA concludes that based on estimations the proposed project will not produce a significant change in traffic volumes to warrant the completion of a detailed traffic study. The Design Division reviewed the TGA and agreed with the conclusions made from the analysis. The Road Maintenance and Operations Division and the Development Engineering Section of the Development Services and Capital Projects Division also reviewed the project for potential impacts to roadways. No concern was brought forth from the reviewing departments.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The project site is located in an agricultural area and will supply agricultural operations with post-harvest supplies and equipment. By providing the service closer to agricultural operations, vehicle miles traveled are reduced compared to services that are located in urban areas.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The Road Maintenance and Operations Division and Design Division has reviewed the subject application and site plan for road access and design features and did not express concerns. The Fresno County Fire Protection District did not raise any concerns with regard to emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

Participating California Native American Tribes were notified of the subject application and given the opportunity to enter consultation with the County per Assembly Bill 52. Participating California Native American tribes expressed no concerns with regard to the project proposal and declined the opportunity to enter consultation with the County. As discussed in Section V. Cultural Resources A., B., and C., in the unlikely event that a cultural or tribal cultural resource is identified during the construction of the project, a mitigation measure will be incorporated to address the identification of the resource.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C., Mitigation Measures.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is proposing to construct a new wastewater treatment system, well, and require electrical power to service the proposed office and warehouse. No reviewing agency or department expressed concerns to indicate that the proposal would cause a significant impact. Building permits and inspections will occur to verify that new facilities are built to current building and health codes.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate that water supplies would not be sufficient to serve the project. The Applicant has indicated that the project will be served by an onsite domestic well for water use.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

The project will be served by a proposed onsite wastewater treatment system. The Department of Public Health, Environmental Health Division has reviewed the subject application and has determined that the parcel appears to be able to accommodate the sewage disposal system and expansion area meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP) onsite wastewater treatment system (OWTS) policy and California Plumbing Code. As the project will be on a proposed private septic system, there will be no impact to wastewater treatment providers.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant, the project will produce solid waste in the amount typical of an office. The project is anticipated to be served by the solid waste hauler contracted for the area. No reviewing agency expressed any concerns with regard to the generation of solid waste or with compliance with federal, state and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

According to the 2007 Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection (Cal Fire), the project site is not located within a fire hazard severity zone and is not located in or near a state responsibility area.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Impacts to Cultural Resources and Tribal Cultural Resources will be less than significant with mitigation incorporated. There are no impacts to Biological Resources and reviewing agencies expressed no concern to the presence of wildlife species or plants. The project is not expected to substantially degrade the quality of the environment or substantially reduce the habitat of fish or wildlife species.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section I.D., Section V.A., B., and C., Section VI.A and B, and Section XVIII.A.1., and 2.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No substantial impacts on humans beings, either directly or indirectly, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3628, 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 Biological Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Transportation, Utilities and Services Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have determined to be less than significant with compliance with the incorporated 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” Street, Fresno, California.

TK

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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 7558	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): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Don Pickett and Associates	Project Title: Classified Conditional Use Permit Application No. 3628		
Project Description: Allow the assembly and storage of equipment for the post-harvest processing of agricultural products provided such equipment is sold directly to the farmer or processor on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3628, 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 Biological Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Transportation, Utilities and Service Systems, have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have been determined to be less than significant with compliance with the incorporated 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" Street, Fresno, California.			
DRAFT			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 14, 2019		Review Date Deadline: Planning Commission – July 18, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

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EXHIBIT 9



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 July 18, 2019

SUBJECT: Initial Study Application No. 7439 and Unclassified Conditional Use Permit Application No. 3607

Allow a 5 megawatt solar photovoltaic power generation facility with related improvements on an approximately 47-acre portion of an 88.23-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts.

LOCATION: This project is located approximately 0.2 miles east of Shell Road, 0.4 miles northeast of its intersection with Oil City Road, and 2.6 miles north of the nearest city limits of the City of Coalinga (SUP. DIST. 4) (APN 070-020-07).

OWNER: Coalinga Feed Yard, Inc.
APPLICANT: ForeFront Power

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7439; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3607 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Site Plan/Elevations
6. Operational Statement
7. Supplemental Information for Solar Facility Guidelines
8. Summary of Initial Study Application No. 7439
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Westside Rangeland	No change
Zoning	AE-20 and AE-40 (Exclusive Agricultural, 20-acre and 40-acre minimum parcel size) Zone Districts	No change
Parcel Size	88.23 acres	No change
Project Site	Recently uncultivated with past non-irrigated, organic wheat cultivation	A 5 MWac solar photovoltaic power generation facility on 47 acres of the subject parcel
Structural Improvements	None	<ul style="list-style-type: none">• Photovoltaic ground-mounted tracking panels• Inverter and transformers• Seven-foot-tall chain-link perimeter fencing (six-foot-tall fence with one foot of barbed wire)
Nearest Residence	Approximately 1,000 feet west of the proposed facility	No change
Surrounding Development	Field Crops, Feed Lots, Oil Wells, and Single-Family Residences	No change

Criteria	Existing	Proposed
Operational Features	N/A	The proposed facility will operate for 25 years, and when the use ceases, it will be dismantled and the land will be restored to pre-development conditions in accordance with the Reclamation Plan.
Employees	N/A	No on-site employees. There will be infrequent trips for maintenance and security purposes; these will occur less than once per day.
Customers	N/A	N/A
Traffic Trips	Agricultural traffic	Less than one round trip per day for security and maintenance purposes during operational period
Lighting	None	Hooded and downturned outdoor security lighting around electrical equipment
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 IS is included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 27, 2019

PUBLIC NOTICE:

Notices were sent to four 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 47-acre portion of an 88.23-acre parcel in the AE-20 and AE-40 (Exclusive Agricultural, 20-acre and 40-acre minimum parcel size) Zone Districts. Photovoltaic (PV) modules with a capacity of generating 5 megawatts alternating current (MW-AC) will convert sunlight into electrical energy. This energy will be transferred to Pacific Gas and Electric Company's (PG&E) existing facilities via an off-site connection.

The project will result in the installation of photovoltaic module arrays 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 with metal screws. The maximum height is approximately 7 feet, the same as the proposed fence.

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 The County-adopted Solar Facility Guidelines require a buffer between the solar arrays and any surrounding uses; this buffer is typically 50 feet or greater.	Front (west): 95 feet Side (north): 83 feet Side (south): 58 feet Rear (east): 325 feet	Yes
Parking	No requirement	None	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	Seven-foot-tall chain-link fencing (including one foot of barbed wire) around project site	N/A
Septic Replacement Area	100 percent for existing system	N/A	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections are required for all on-site improvements. **This comment shall be included as a Project Note.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 3205H, the parcel is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are existing natural drainage channels traversing the subject parcel.

Note: A Jurisdictional Delineation Report was prepared for this project site, and it was determined that the drainage channels traversing the subject parcel would not coincide with the project impact area.

A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application. **This comment shall be included as a Project Note.**

Site Plan Review Section of the Fresno County Department of Public Works and Planning: The operational statement indicates that the solar facility will be unmanned, with occasional site visits for security and maintenance; therefore, no on-site parking shall be required.

Outdoor lighting shall be hooded and directed away from adjoining streets and properties.

Note: This is already required by Mitigation Measure No. 1, listed in Exhibit 1.

Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR): There is one known abandoned oil and gas well located on site. There may also have been a mud pit/drilling sump associated with the well's drilling operations. The Division recommends soil testing and remediation of any contamination found.

The owner should maintain physical access to all oil and gas wells.

Ensure that the abandonment of all oil and gas wells is to current standards

Note: The known well is not on a portion of the site that will be developed or disturbed by development activities. Additionally, there will be no employees on site during operation which would provide a nexus for re-abandonment of the well or for soil testing. There is 50 feet of space between the northern parcel boundary and the proposed fence, so access will be maintained.

The following shall be included as Project Notes:

- If the owner plans to uncover a known, abandoned well, they must first consult with the Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR).
- If during development activities, any wells, pipelines, or oil-related improvements are encountered, the property owner/developer shall immediately notify DOGGR's

construction site well engineer in the Bakersfield district office. Remedial plugging and abandonment operations may be required.

- To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially-significant issues associated with any improvements near oil or gas wells, DOGGR recommends that information regarding the above-identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the Fresno County Recorder for inclusion in the title information of the subject real property.
- DOGGR recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

Fresno County Fire Protection District: Prior to permitting, the Applicant shall have their plans reviewed by the Fresno County Fire Protection District. Annexation into Community Facilities District No. 2010-01 may be required. **This comment shall be included as a Project Note.**

Analysis:

Staff review of the site plan demonstrates that the proposed solar panels would be set back from the surrounding property lines by 50 feet or more, which satisfies the minimum required setbacks in the Zone Districts and provides a sufficient buffer in accordance with 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.

Additionally, the known abandoned oil well should not present any problems during project development. The owner/developer’s compliance with the above project notes should prevent any unnecessary oil and gas-related risks on site.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and Project Notes 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	Yes	N/A	Private Road will be constructed to provide access to the project from Shell Road (poor condition)
Public Road Frontage	No	N/A	No change

		Existing Conditions	Proposed Operation
Direct Access to Public Road	No	N/A	No change
Road ADT (Average Daily Traffic)		Shell Road – 300 trips	Will increase by less than one round trip per day during operation.
Road Classification		Shell Road – Local road	No change
Road Width		Shell Road – 18.8 feet	No change
Road Surface		Paved	No change
Traffic Trips		Agricultural	Construction will result in elevated traffic levels, but less than one trip per day will result from this project during operation.
Traffic Impact Study (TIS) Prepared	No	N/A	Not required by Design Division or Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		N/A	Road maintenance mitigation is required, which will ensure that any damage to Shell Road that results from construction activities is repaired at the Applicant's expense.

Reviewing Agency/Department Comments:

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: **The following shall be included as Project Notes:**

- 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.
- An encroachment permit from the County Road Maintenance and Operations Division will be required for any work in the public right-of-way.

Design Division of the Fresno County Department of Public Works and Planning: No comment.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: **The following shall be included as Project Notes:**

- 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.
- A dust palliative is required on all parking and circulation areas.

Development Engineering Section of the Fresno County Department of Public Works and Planning: There are no County-maintained roads directly adjacent to the subject parcel.

To ensure continued access to the site, prior to the acquisition of permits, an access easement for the solar facility must be recorded in the grant deed pertaining to APN 070-020-23. **This comment shall be included as a Condition of Approval.**

The first 100 feet of the project’s access road coming off of Shell Road must be paved. The rest of the access road must be gravel or native soil graded to drain, treated with a dust palliative and maintained for the duration of construction activities. **This comment shall be included as a Condition of Approval.**

Analysis:

Based on the above information, and with adherence to the required Mitigation Measures and suggested Conditions of Approval described above, staff believes that the proposed access road will be sufficient to accommodate the proposed use, and that Shell Road will not be negatively impacted by the project.

Recommended Conditions of Approval:

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

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	640 acres	Oil Wells	AE-40	N/A
West	22.71 acres	Field Crop	AE-20	Approximately 1,000 feet (not located on adjacent property)
South	60 acres	Field Crop	AE-20	N/A
	160 acres	Field Crop		
East	662.32 acres	Oil Wells	AE-40	N/A

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: **The following shall be included as Project Notes:**

- Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
- An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

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. **This comment shall be included as a Project Note.**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed project is located within a water-short area of the County, however the operation is not significantly reliant upon water resources for its operational requirements.

Surveys Section of the Fresno Department of Public Works and Planning: Prior to site development, all survey monumentation – Property Corners, Centerline, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act. **This comment shall be included as a Project Note.**

Central Valley Regional Water Quality Control Board: State Water Resources Control Board Order No. 2009-0009-DWQ (as amended by Order No. 2010-0014-DWQ) National Pollutant Discharge Elimination System General Permit No. CAS000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities will apply. **This comment shall be included as a Project Note.**

Analysis:

The proposed 5 megawatt solar power generation facility will be located on an uncultivated field, in an area of open space, agriculture, and feedlots. The previously-discussed 50-foot buffer used to satisfy the Solar Facility Guidelines is exceeded by the proposed project. This buffer will ensure that adjacent agricultural operations or any future adjacent uses are not negatively impacted by the solar facility. Additionally, the Applicant submitted a pest management plan, which describes the ways they would address pests on site; this will ensure that the facility does not host pests which could negatively impact surrounding agricultural operations.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Typically, a 50-foot-minimum buffer area is required between proposed solar facilities and agricultural uses. There is no adjacent cultivation currently, but the solar panels will still be set back at least 50 feet from every property line, so any future agricultural operations will not be impacted.
Policy LU-A.14: 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.	Impacts to Agricultural and Forestry Resources were evaluated in the Initial Study (Exhibit 8) and determined to be less than significant. According to the Department of Conservation (DOC, 2014) the agricultural land to be developed upon project approval is of local importance. However, information submitted by the Applicant indicates that in the past 11 years the land has only been cultivated 4 times (wheat and barley cultivation, non-irrigated), and one year there was no yield. The proposed use is expected to operate for 25 years, and afterwards the land will be returned to its current state according to the reclamation plan.
General Plan Policy PF-C.17: The County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.	There are no wells on site, and none are proposed. The panels will be cleaned with a biodegradable panel cleaning solution which will be trucked to the property. The project will not impact water resources in the area, as it is not water-reliant.

Analysis:

The project is consistent with these General Plan policies for the reasons discussed above. With adherence to the recommended Conditions of Approval, staff finds that the proposal is consistent with the General Plan.

Recommended Conditions of Approval:

See *Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings for granting Unclassified Conditional Use Permit No. 3607 can be made, based on the factors cited in the analysis and adherence to the recommended Conditions of Approval, Project Notes, and Mitigation Measures. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7439 and approval of Unclassified Conditional Use Permit No. 3607, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7439; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3607, 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. 3607; 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.

DTC:ksn
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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7439/Unclassified Conditional Use Permit Application No. 3607
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Exterior lighting from dusk until dawn shall be minimized through the installation of the lowest-wattage bulb necessary for safety purposes. All outdoor lighting shall also be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Biological Resources	Species-specific preconstruction surveys shall be conducted by a qualified biologist and/or botanist prior to the onset of any construction-related activities (including initial construction and decommissioning) for the San Joaquin Kit Fox (SJKF), Blunt-nosed Leopard Lizard (BNLL), Tricolored Blackbird, Nelson’s Antelope Squirrel (NAS), Swainson’s Hawk (SWHA), Burrowing Owl (BUOW), California Glossy Snake, Northern California Legless Lizard, Blainville’s Horned Lizard, Western Pond Turtle, and Short-nosed Kangaroo Rat (SNKR). These surveys shall include the gen-tie route, all areas of proposed ground disturbance and construction activities, any construction staging areas, any area in which equipment will be operated and any additional land used for ingress and egress during construction activities. Additionally, a 500-foot buffer around the defined area will be surveyed for the BUOW, SJKF, NAS, and BNLL; a 50-foot buffer area will be surveyed for the SNKR, California Glossy Snake, Western Pond Turtle, Blainville’s Horned Lizard, Northern California Legless Lizard, and sensitive plants; and a 0.5-mile buffer around the defined area will be surveyed for SWHA nests and tricolored blackbirds. If these buffer areas cannot be maintained, consultation with the California Department of Fish and Wildlife (CDFW) is required to determine how to avoid take.	Applicant	Applicant/PW&P	Prior to and during construction and decommissioning
3.	Biological Resources	If any species are identified in pre-construction surveys or during construction, operation, or decommissioning activities, the Applicant shall notify CDFW immediately, cease all operation in the area, and consult with CDFW on how to minimize any potential impact to protected species.	Applicant	Applicant/PW&P	Prior to construction through the completion of decommissioning activities

EXHIBIT 1

4.	Biological Resources	If BNLL burrows are identified during the pre-construction survey(s), all burrow openings shall be flagged and mapped, and 50-foot no-disturbance buffer zones around all burrow openings shall be maintained for foraging habitat throughout the project.	Applicant	Applicant/PW&P	Prior to and during construction and decommissioning
5.	Biological Resources	If small mammal burrows suitable for BUOW are identified on the project site or within 250 feet of the project, additional BUOW surveys shall be conducted by a qualified biologist, and BUOW burrows shall be managed in accordance with the "Staff Report on Burrowing Owl Mitigation" (CDFG, 2012).	Applicant	Applicant/PW&P	Prior to and during construction and decommissioning
6.	Biological Resources	If any construction activities will occur between March 1 and September 15, the project area and a 0.5-mile buffer around the project area must be surveyed by a qualified biologist within 10 days of the onset of construction of activities to identify the presence of any Swainson's Hawk nests. If any nests are identified, no construction may take place within 0.5 miles of that nest until the end of breeding season (September 15) or until a qualified biologist determines that the young have fledged and are no longer dependent on the nest or parents for survival, and CDFW has provided written approval of the biologist's determination.	Applicant	Applicant/PW&P	Prior to construction and decommissioning
7.	Biological Resources	Implement the January 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" for pre-construction survey protocol and avoidance measures, and maintain habitat permeability for SJKF on all perimeter and interior fencing.	Applicant	Applicant/PW&P	Prior to and during construction and decommissioning
8.	Biological Resources	If construction commences between January 1 and September 15 (bird nesting season) or lapses during this time for 10 or more days, a qualified biologist must survey for active bird nests within 10 days of the onset or resuming of construction activities to ensure that no active bird nests are in the project area that could be impacted by the construction. If nests are present, they must be monitored for the first 24 hours of any project-related activities, and continuously monitored after that so as to detect any behavioral changes that result from project impacts. If behavioral changes are observed, stop work that is causing this change and consult with CDFW for additional avoidance and minimization measures. In lieu of	Applicant	Applicant/PW&P	Prior to and during construction and decommissioning

		continuous monitoring, the Applicant may choose to implement 250-foot no-disturbance buffers around active nests of non-listed, non-raptor bird species until the breeding season is over or a qualified biologist has determined that the birds have fledged and are no longer dependent upon the nest or parental care for survival. Variance from these buffer zones may be granted on a case by case basis, but this decision must be supported by a qualified biologist, and CDFW must be notified of this determination prior to construction activities that would otherwise require a no-disturbance buffer.			
9.	Biological Resources	All vertical pipes associated with solar mounts and fencing must be capped immediately upon installation to avoid bird death or injury.	Applicant	Applicant/PW&P	During construction and decommissioning
10.	Biological Resources	If special-status plant species are found, a no-disturbance buffer of at least 50 feet shall be implemented and delineated using flags, stakes, or other highly-visible materials, and it shall be maintained for the duration of the project. If this is not possible, alternative mitigation would have to be agreed upon by the Applicant and CDFW.	Applicant	Applicant/PW&P	Prior to and during construction and decommissioning
11.	Biological Resources	No rodenticides, pesticides, or herbicides shall be used during construction, maintenance, or decommissioning of the proposed project.	Applicant	Applicant/PW&P	Lifetime of the Project
12.	Cultural Resources/ Geology and Soils/Tribal 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 occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
13.	Transportation	All construction traffic must access the solar facility via the section of Shell Road southwest of the facility, connecting to Oil City Road.	Applicant	Applicant/PW&P	During construction and decommissioning
14.	Transportation	Any oversize hauls on Shell Road shall be accompanied by pilot cars due to the narrowness of the road.	Applicant	Applicant/PW&P	During construction and decommissioning

15.	Transportation	The Applicant shall maintain Shell Road from Oil City Road to the project site turn-off throughout the construction period. Such maintenance includes periodic filling of potholes and shoulder edge restoration, and may include surface patches (overlays/dig-outs) for badly worn areas. Upon completion of the construction work, the Applicant shall perform final maintenance on the road in order to bring the road back to its pre-existing condition prior to construction. Such maintenance shall be documented in the form of pavement condition index (PCI) analyses for the before and after final maintenance conditions.	Applicant	Applicant/PW&P	During construction
Conditions of Approval					
1.	Prior to the acquisition of permits, the Applicant shall enter into and record a limited access easement, for the County's benefit, for the solar facility pertaining to APN 070-020-23.				
2.	The first 100 feet of the project's access road, coming off of Shell Road, must be paved. The rest of the access road must be gravel or native soil graded to drain, treated with a dust palliative and maintained for the duration of construction activities.				
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 Solar Facility Guidelines (Exhibit 7), as approved.				
5.	The Applicant shall enter into a Reclamation Agreement with the County of Fresno Reclamation Plan. The security shall be subject to an annual 3% increase, or tied to the Consumer Price Index (CPI), or another mechanism acceptable to the Fresno County Department of Public Works and Planning.				
6.	The project shall comply with the submitted Pest Management Plan.				
7.	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.				
8.	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.				

*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.

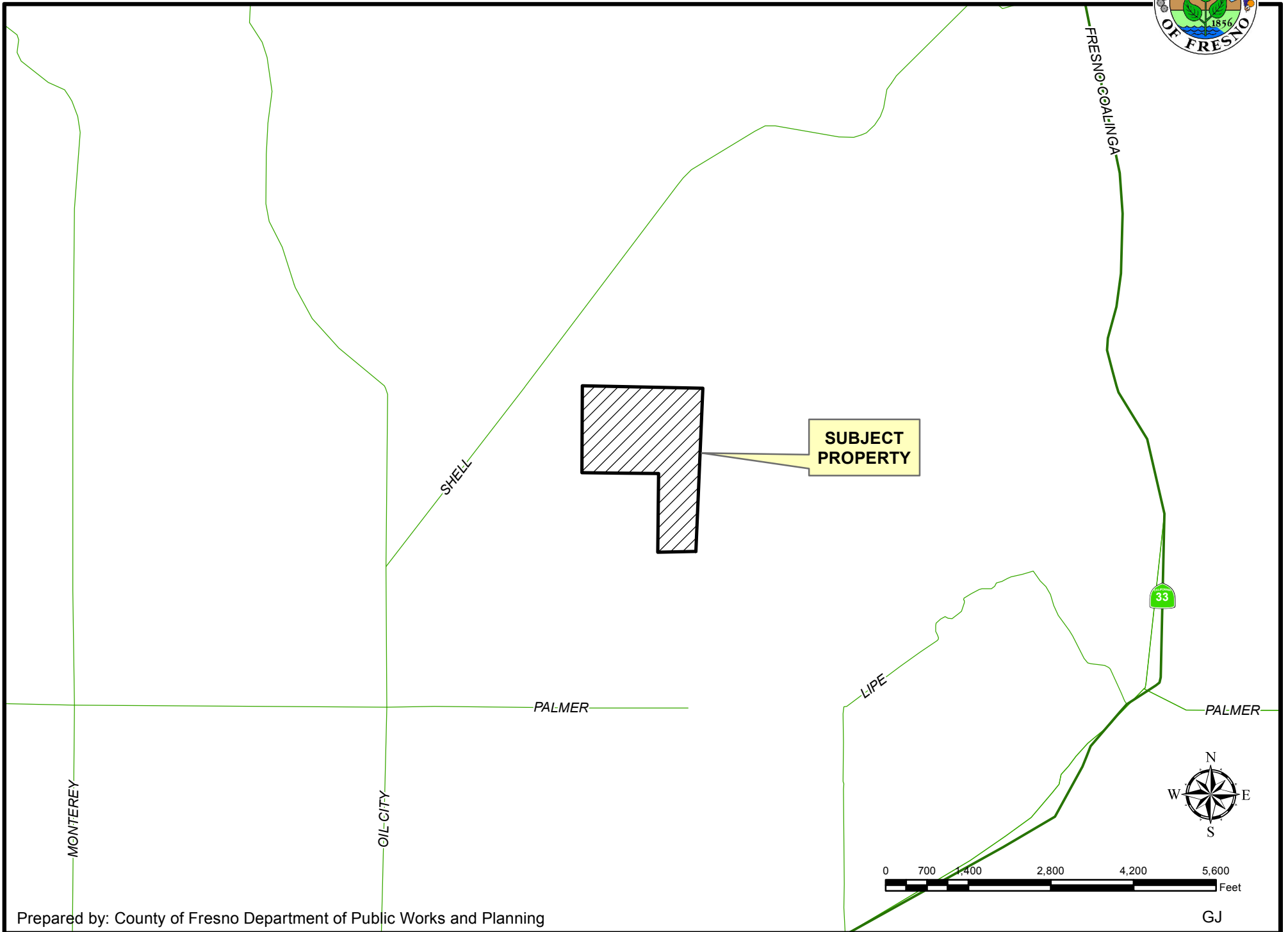
1.	Plans, permits and inspections are required for all on-site improvements.
2.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
3.	<p>If the owner plans to uncover a known, abandoned well, they must first consult with the Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR).</p> <ul style="list-style-type: none">• If, during development activities, any wells, pipelines, or oil-related improvements are encountered, the property owner/developer shall immediately notify DOGGR's construction site well engineer in the Bakersfield district office. Remedial plugging and abandonment operations may be required.• To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially-significant issues associated with any improvements near oil or gas wells, DOGGR recommends that information regarding the above-identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the Fresno County Recorder for inclusion in the title information of the subject real property.• DOGGR recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.• DOGGR recommends that the abandoned oil well be re-abandoned to current standards to minimize the probability of it leaking oil, gas, and/or water in the future. DOGGR has the authority to order the re-abandonment of any well that is hazardous or that poses a danger to life, health, or natural resources. If this occurs, the property owner is responsible for these re-abandonment costs. Additionally, if any unknown wells or soil containing significant amounts of hydrocarbons are discovered during development, DOGGR and all other appropriate authorities shall be notified immediately.
4.	Prior to permitting, the Applicant shall have their plans reviewed by the Fresno County Fire Protection District. Annexation into Community Facilities District No. 2010-01 may be required.
5.	<p>Site Plan Review Section requirements:</p> <ul style="list-style-type: none">• An encroachment permit will be required for any work in the public right-of-way.• 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.• 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.• A dust palliative is required on all parking and circulation areas.
6.	<p>Development Engineering Section requirements:</p> <ul style="list-style-type: none">• Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.• An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.

7.	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.
8.	Prior to site development, all survey monumentation – Property Corners, Centerline, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
9.	State Water Resources Control Board Order No. 2009-0009-DWQ (as amended by Order No. 2010-0014-DWQ) National Pollutant Discharge Elimination System General Permit No. CAS000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities will apply.
10.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.

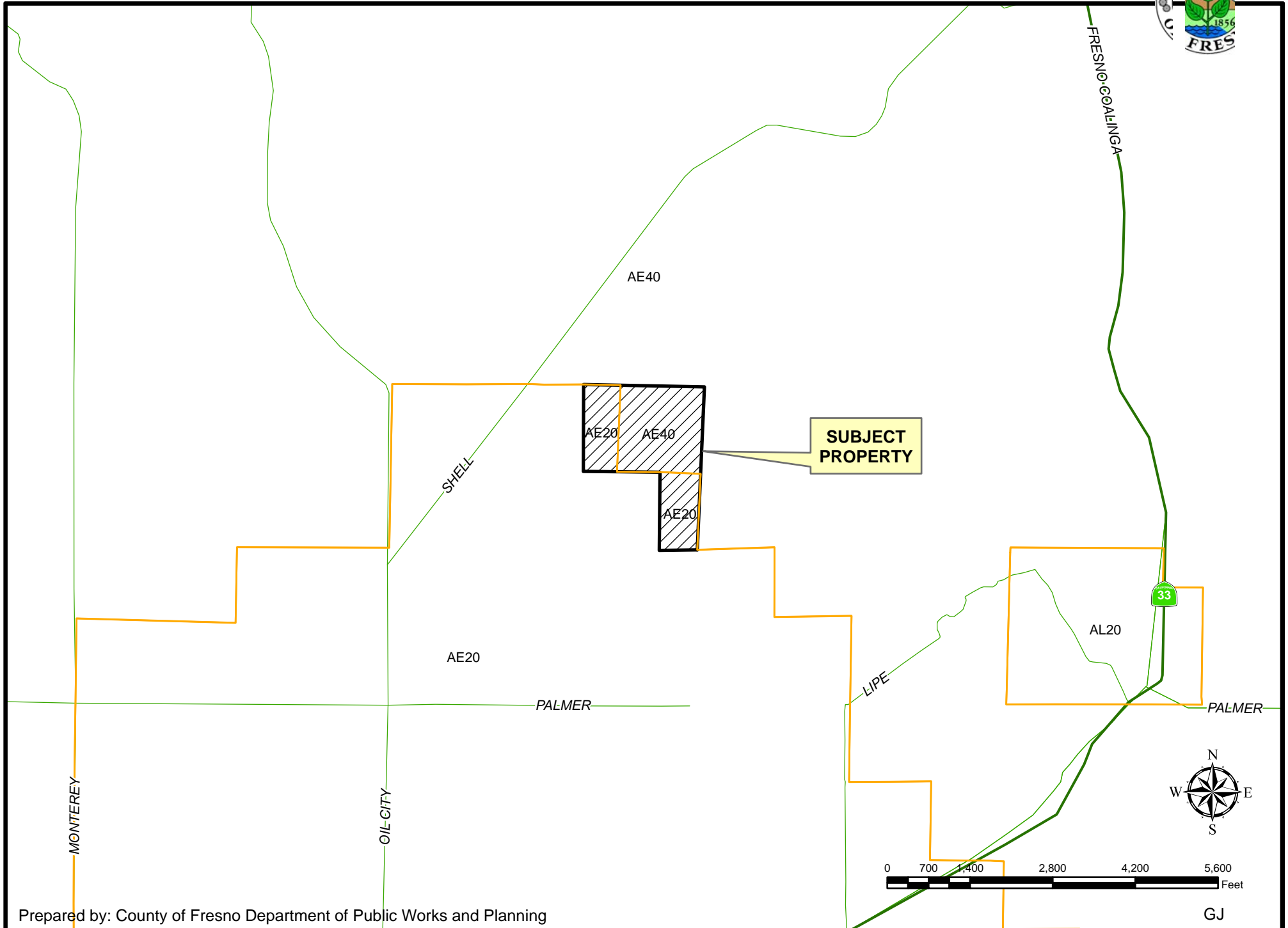
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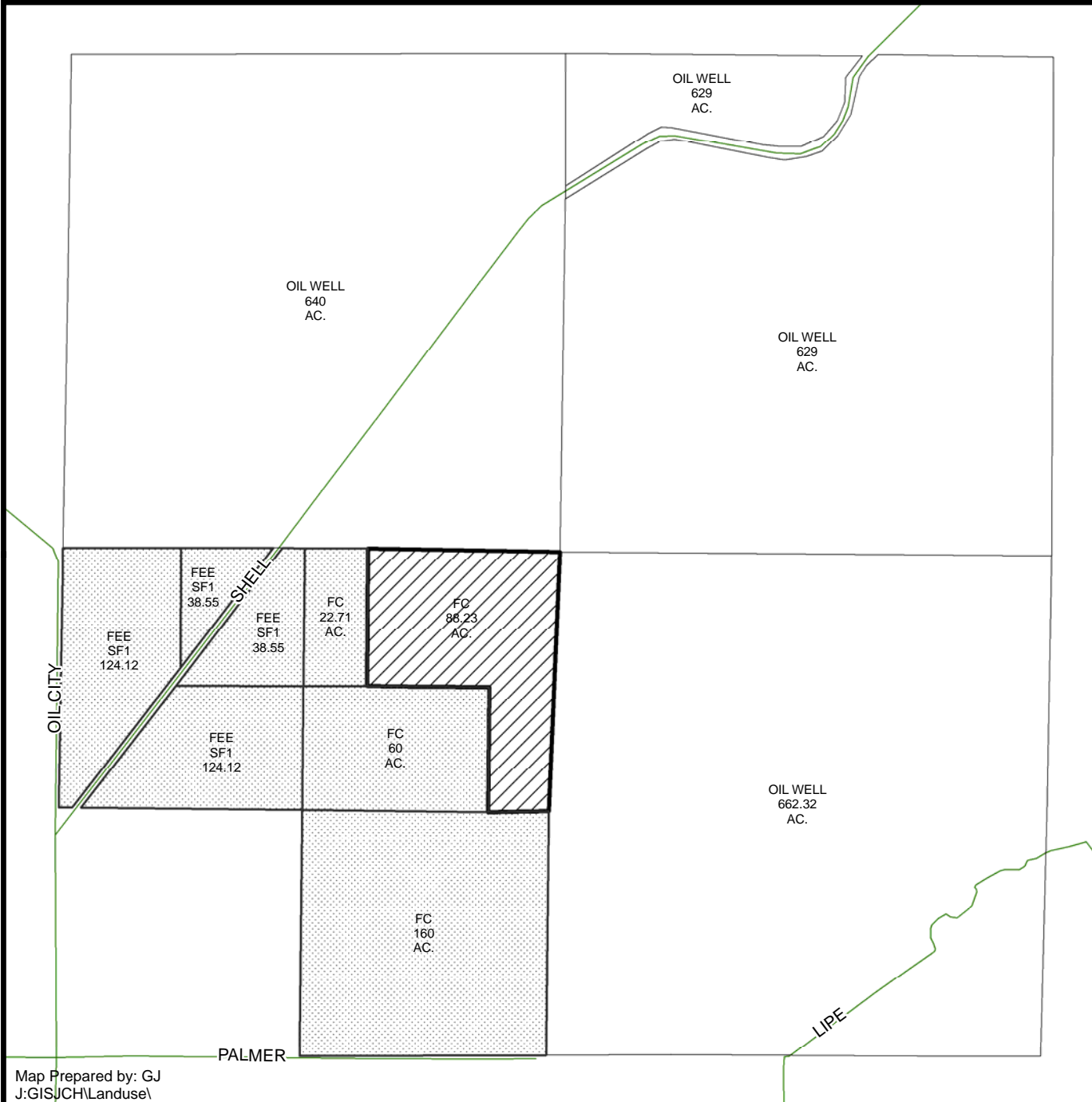
LOCATION MAP



EXISTING ZONING MAP



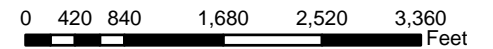
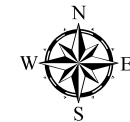
EXISTING LAND USE MAP



LEGEND	
SF#-	SINGLE FAMILY RESIDENCE
FC -	FIELD CROP
FEE -	FEED LOT
V -	VACANT

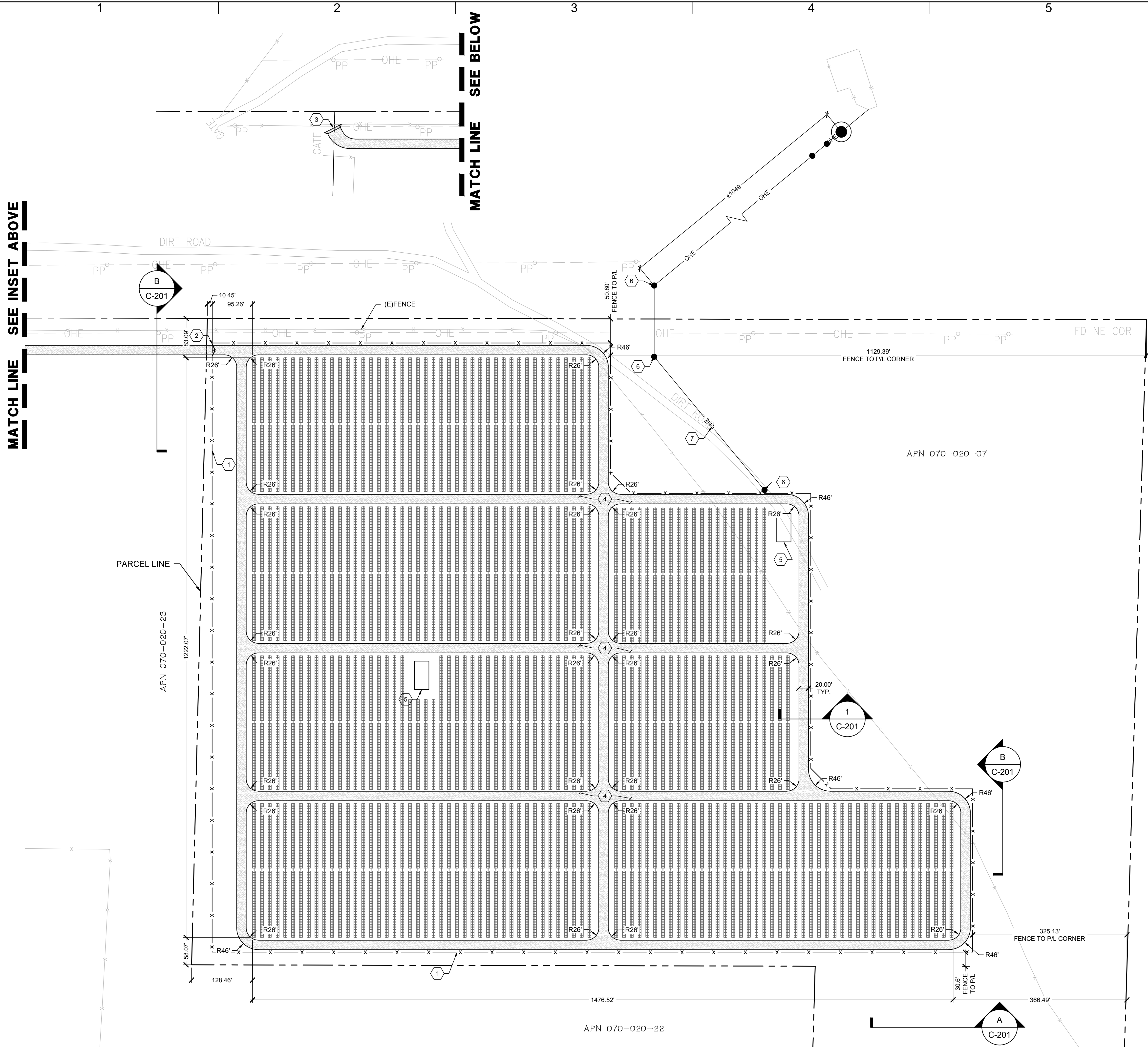
LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

S:\3-Projects\0061_LFPF_Derrick PV (Fresno)\5_Production\1_Drawings\2_Sheets\C-101 SITE PLAN.dwg Printed: 7/1/2019 9:33 AM



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

1	CONSTRUCT 7'-HIGH CHAIN LINK SECURITY FENCING (6' FENCE W/ 1' BARBED WIRE)	4	C-202
2	ACCESS GATE WITH CLEAR OPENING WIDTH OF 24'	1	C-202
3	ENTRANCE FROM DIRT ROAD AT EXISTING GATE	1	C-201
4	20' WIDE ACCESS ROAD WITH COMPACTED NATIVE SOIL	1	C-201
5	CONCRETE PAD FOR ELECTRICAL EQUIPMENT, SEE ELECTRICAL SITE PLAN		
6	NEW UTILITY POLE, SEE ELECTRICAL SITE PLAN		
7	NEW OVERHEAD POWER LINES, SEE ELECTRICAL SITE PLAN		

FOREFRONT POWER
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 www.ForeFrontPowerLLC.com

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

STAMP:

CA-SB43 DERRICK PV POWER PLANT

FOREFRONT POWER LLC
 36.21767, -120.3418
 FRESNO COUNTY, CA, 93662

PROJECT NUMBER:
 CA-17-0100 / J0061

SHEET TITLE:
 SITE PLAN

SHEET SIZE:
 ARCH "D"
 24" X 36" (610 x 914)

THIS DRAWING IS THE PROPERTY OF FOREFRONT POWER, LLC. THIS INFORMATION IS CONFIDENTIAL AND IS TO BE USED ONLY IN CONNECTION WITH WORK DESCRIBED BY FOREFRONT POWER, LLC. NO PART IS TO BE DISCLOSED TO OTHERS WITHOUT WRITTEN PERMISSION FROM FOREFRONT POWER, LLC.

NO.	REVISION	DATE	INIT.

DATE: 7/01/2019
 DRAWN BY: RCS
 ENGINEER: KMH
 APPROVED BY: KMH

PROJECT PHASE:
 CUP SUBMITTAL

SCALE:
 1" = 100'

SHEET NO.:
C-101

Pre-Application Submittal

Project: Derrick Solar

Scope: 5 MWac solar photovoltaic energy generation facility on a +/-47-acre portion of an 88.23-acre parcel.

Location: APN 070-020-07

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 will interconnect with the electrical grid at an existing substation about 950 feet north of the project site, via a collector power line about 1,300 feet in length.
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 accessible from Shell Road, a public, paved road, located 300 feet to the west.
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 will be required. A commercially available biodegradable solution will be used for panel cleaning in lieu 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 perimeter chain link fence with barbed wire. No landscaping is proposed.

Derrick Solar
 APN 070-020-07
 CUP No. 3607

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

1. 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).

The required agricultural information follows:

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Crop	Fallow	Organic Wheat	Fallow	Organic Barley	Fallow	Organic Barley	Fallow	Fallow	Fallow	Organic Wheat	Fallow
Yield		31.20 tons		32.40 tons		No production				14.00 tons	
Water Source		Non-irrigated		Non-irrigated		Non-irrigated				Non-irrigated	
Tilling	Nov 2007	July 2008	Nov 2009	July 2010	Nov 2011	July 2012	August 2013	August 2014	Nov 2015	July 2016	Nov 2017

2. 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 facility will be unmanned and no water source will be required. In lieu of water, a commercially available biodegradable solution will be used for panel cleaning.

3. 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.

4. 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.

Per the project's Biological Habitat Assessment, soils on the site consist of Milham sandy loam and Cerini sandy loam.

EXHIBIT 7

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 not located immediately adjacent to any agricultural activities; however, the project is designed with substantial buffers on all sides. The Solar Facility Guidelines target a 50-foot buffer from property lines to facility structures, excluding fencing. The project site plan shows the following approximate buffers: 80 feet along the north edge, 570 feet along the east edge, 58 feet along the south edge, and 560 feet along the west edge.

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 has been 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 subject site was selected due to the lack of any active Williamson Act Contract or Conservation Easement on the parcel. The site is in a water-constrained area.

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 has been 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.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Forefront Power
- APPLICATION NOS.: Initial Study Application No. 7439 and Unclassified Conditional Use Permit Application No. 3607
- DESCRIPTION: Allow a 5 megawatt solar photovoltaic power generation facility with related improvements on an approximately 47-acre portion of an 88.23-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts.
- LOCATION: This project is located approximately 0.2 miles east of Shell Road, 0.4 miles northeast of its intersection with Oil City Road, and 2.6 miles north of the nearest city limits of the City of Coalinga (SUP. DIST. 4) (APN: 070-020-07).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is surrounded by flat land, small hills and limited vegetation. There are existing utility poles, feedlots and a single-family residence nearby. California Highway 198 (CA 198) runs 1.5 miles southeast of the project site, and is eligible to be designated as state scenic highway. However, the topography and distance between this highway and the project site ensures that the proposed use will not impact any

scenic views from CA 198. Additionally, there are no historic structures or scenic resources in the project's vicinity.

The nearest public view is from Shell Road. However, the project will be set back approximately 0.2 miles from Shell Road behind an existing feedlot. The elevation of the feedlot and the solar facility are approximately the same, so the public view from this road will not be significantly impacted.

- D. 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:

The reflection of sunlight off of solar panel surfaces would be the primary source of potential glare from the Project. Solar panels are constituted of many solar cells which are designed to capture solar energy in order to convert it into usable energy. Therefore, solar panels are designed to be as absorptive as possible in order to maximize the efficiency of energy production. Additionally, PV panels typically are covered with a tempered glass layer that is treated with an anti-reflective coating that further reduces the reflectivity of the panels. When compared to common reflective surfaces, solar panels without an anti-reflective coating are found to produce around the same amount of reflectivity as water, which is about half the amount of reflectivity as standard glass, commonly used in residential or commercial applications (Shields 2010). If an anti-reflective coating is applied to the solar panels, the reflectivity of the panels would be further reduced to significantly less than the reflectivity of water.

Lighting will be limited to small-scale lighting at the access point of the solar facility. To ensure that these lights do not affect the surrounding area, the following mitigation shall be incorporated.

* **Mitigation Measure**

1. *Exterior lighting from dusk until dawn shall be minimized through the installation of the lowest-wattage bulb necessary for safety purposes. All outdoor lighting shall also be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and

forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located on farmland of local importance, but not on prime farmland, unique farmland, or farmland of state-wide importance (Department of Conservation, 2014).

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Neither the subject parcel nor the northerly adjacent parcel, where the proposed solar panels will be connected to an existing substation, are subject to a Williamson Act Contract. The parcel is located in the AE-20 and AE-40 (Exclusive Agricultural, 20- and 40-acre minimum parcel size) Zone Districts. This proposal is not in conflict with the current agricultural zoning on the property because the proposed facility is an allowed use on land designated for agriculture, so long as it receives discretionary approval and adheres to applicable General Plan Policies. The approval of Conditional Use Permit No. 3607 would provide the necessary discretionary approval for the project. Additionally, this use is temporary (approximately 25-35 years), and at the end of the life of this solar facility, the land will be returned to its current condition or a new discretionary use permit will be acquired.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or

FINDING: NO IMPACT:

The project is not located in an area of forest land, so no forest land will be affected.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project only includes a solar generation facility; it will not create additional housing supply or otherwise affect population growth. A 50-foot or greater buffer around the project site will ensure that the project does not interfere with surrounding agricultural uses (this is required by the County-adopted Solar Facility Guidelines).

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The County of Fresno is a non-attainment area for PM-2.5, PM-10, and Ozone. The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviewed an Air Impact Assessment (AIA) submitted by the applicant for this project, and determined that it would produce less than two tons NOx per year and less than two tons PM10 per year. As a result, SJVAPCD determined that the project will have a less than significant impact on air quality and relevant air quality plans. To ensure that this is the case, the applicant will be required to adhere to the mandatory reporting guidelines set forth by the air district as a condition of project approval.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The only nearby sensitive receptor is a single-family residence over 650 feet from the proposed operation. The operation of the solar facility will only result in car emissions from one daily maintenance trip, but there will be additional traffic generated during the construction and decommissioning periods. These impacts were evaluated by Urban Crossroads, Inc. (April 2018) and determined to be below the established thresholds.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

No other emissions, including those causing odors, will be released by the proposed solar facility. The area is also sparsely populated, and there are predominately agricultural operations in the vicinity.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Review by the California Department of Fish and Wildlife (CDFW), US. Fish and Wildlife (USFW), and the County indicates that protected species could be present in the project area, and that these species could potentially be impacted by the proposed project. The potentially-present protected species include the San Joaquin Kit Fox (SJKF), Blunt-nosed Leopard Lizard (BNLL), Tricolored Blackbird, Nelson's Antelope Squirrel (NAS), Swainson's Hawk (SWHA), Burrowing Owl (BUOW), California Glossy Snake, Northern California Legless Lizard, Blainville's Horned Lizard, Western Pond Turtle, Short-nosed Kangaroo Rat (SNKR), San Joaquin Woollythreads, California Jewelflower, Showy Golden Madia, Pale-yellow Layia, and Recurved Larkspur.

The project disturbance area includes approximately 47 acres of land, which could create substantial habitat disturbance to creatures already living or foraging there. However, once construction has ceased, the solar panel arrays and exposed soil should be relatively habitable for creatures that live in the area, and would still provide foraging opportunities for species such as the Swainson's Hawk. There will be infrequent visits for maintenance purposes, but the proposed maintenance and operation should be substantially less threatening to the protected species of concern than previous agricultural activities, such as those allowed by right on this parcel according to the Fresno County General Plan. The following mitigation shall be adhered to in order to ensure that any potentially present, special-status species are identified and avoided during construction, operation, and decommissioning activities.

* **Mitigation Measure(s)**

1. *Species-specific preconstruction surveys shall be conducted by a qualified biologist and/or botanist prior to the onset of any construction-related activities (including initial construction and decommissioning) for the San Joaquin Kit Fox (SJKF), Blunt-nosed Leopard Lizard (BNLL), Tricolored Blackbird, Nelson's Antelope Squirrel (NAS), Swainson's Hawk (SWHA), Burrowing Owl (BUOW), California Glossy Snake, Northern California Legless Lizard, Blainville's Horned Lizard, Western Pond Turtle, and Short-nosed Kangaroo Rat (SNKR). These surveys shall include the gentle route, all areas of proposed ground disturbance and construction activities, any construction staging areas, any area in which equipment will be operated and any additional land used for ingress and egress during construction activities. Additionally, a 500-foot buffer around the defined area will be surveyed for the BUOW, SJKF, NAS, and BNLL; a 50-foot buffer area will be surveyed for the SNKR, California Glossy Snake, Western Pond Turtle, Blainville's Horned Lizard, Northern California Legless Lizard, and sensitive plants; and a 0.5-mile buffer around the defined area will be surveyed for SWHA nests and tricolored blackbirds. If these buffer areas cannot be maintained, consultation with California Department of Fish and Wildlife (CDFW) is required to determine how to avoid take.*

2. *If any species are identified in pre-construction surveys or during construction, operation, or decommissioning activities, the applicant shall notify CDFW immediately, cease all operation in the area, and consult with CDFW on how to minimize any potential impact to protected species.*
3. *If BNLL burrows are identified during the pre-construction survey(s), all burrow openings shall be flagged and mapped, and 50-foot no-disturbance buffer zones around all burrow openings shall be maintained for foraging habitat throughout the project.*
4. *If small mammal burrows suitable for BUOW are identified on the project site or within 250 feet of the project, additional BUOW surveys shall be conducted by a qualified biologist, and BUOW burrows shall be managed in accordance with the "Staff Report on Burrowing Owl Mitigation" (CDFG, 2012).*
5. *If any construction activities will occur between March 1 and September 15, the project area and a 0.5-mile buffer around the project area must be surveyed by a qualified biologist within 10 days of the onset of construction of activities to identify the presence of any Swainson's Hawk nests. If any nests are identified, no construction may take place within 0.5-miles of that nest until the end of breeding season (September 15) or until a qualified biologist determines that the young have fledged and are no longer dependent on the nest or parents for survival, and CDFW has provided written approval of the biologist's determination.*
6. *Implement the January 2011 "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance" for pre-construction survey protocol and avoidance measures, and maintain habitat permeability for SJKF on all perimeter and interior fencing.*
7. *If construction commences between January 1 and September 15 (bird nesting season) or lapses during this time for 10 or more days, a qualified biologist must survey for active bird nests within 10 days of the onset or resuming of construction activities to ensure that no active bird nests are in the project area that could be impacted by the construction. If nests are present, they must be monitored for the first 24 hours of any project-related activities, and continuously monitored after that so as to detect any behavioral changes that result from project impacts. If behavioral changes are observed, stop work that is causing this change and consult with CDFW for additional avoidance and minimization measures. In lieu of continuous monitoring, the applicant may choose to implement 250-foot no disturbance buffers around active nests of non-listed, non-raptor bird species until the breeding season is over or a qualified biologist has determined that the birds have fledged and are no longer dependent upon the nest or parental care for survival. Variance from these buffer zones may be granted on a case by case basis, but this decision must be supported by a qualified biologist and CDFW must be notified of this determination prior to construction activities that would otherwise require a no-disturbance buffer.*

8. *All vertical pipes associated with solar mounts and fencing must be capped immediately upon installation to avoid bird death or injury.*
9. *If special-status plant species are found, a no-disturbance buffer of at least 50-feet shall be implemented and delineated using flags, stakes, or other highly-visible materials, and it shall be maintained for the duration of the project. If this is not possible, alternative mitigation would have to be agreed upon by the applicant and CDFW.*
10. *No rodenticides, pesticides, or herbicides shall be used during construction, maintenance, or decommissioning of the proposed project.*

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site has historically been used for agricultural purposes, and has been tilled recently. There are no trees or vegetation indicative of a riparian habitat on site, and no permanent nearby water source to sustain a unique ecosystem. Additionally, no sensitive natural communities have been identified by local or regional plans in the area.

A Jurisdictional Delineation Report, prepared by Phoenix Biological Consulting, confirms that there are no wetlands or water courses running through, or within 500 feet of, the area of the parcel that will be improved or impacted by construction activities. The U.S. Fish and Wildlife Service (USFWS) Wetland Mapper does identify seasonal streams that run through the project impact area, but after a site visit was performed, subject matter experts concluded that there were no seasonal or permanent waterways under State or Federal jurisdiction that would run within 500 feet of the proposed development area. When this is considered with the nature of the proposed solar panels, it can be concluded that no wetland areas or their inhabitants will be impacted.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any local ordinances or conservation plans aimed at protecting biological resources.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel has experienced regular agricultural ground disturbance in the past, and the proposed construction of solar arrays on the site should not require ground-disturbance activities substantially greater than an agricultural operation would.

All interested tribes were notified of the proposed project per California Assembly Bill No. 52, and no tribes expressed any concerns. Additionally, it has been determined through a cultural resources assessment and consultation with the Southern San Joaquin Valley Information Center that there are no known historic or cultural resources within one mile of the project site. The archaeological sensitivity of the site is unknown, and it has not been previously surveyed, so the following mitigation measure will ensure that no cultural resources are lost should they be encountered through the course of the proposed project.

* **Mitigation Measure(s)**

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 should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project will generate solar energy to be sold to power companies and used by consumers in lieu of non-renewable energy sources. It is compatible with the state's policies and goals for renewable energy, and will not result in wasteful, inefficient, or unnecessary energy consumption.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
 - 2. Strong seismic ground shaking; or
 - 3. Seismic-related ground failure, including liquefaction; or
 - 4. Landslides?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located on or near an Alquist-Priolo Earthquake fault zone. The probabilistic seismic hazard (10% probability in 50 years) for the project area is 40-60%, and there are steep slopes in the general vicinity. Seismic activity and landslides are a possibility in this region, however the facility will be unmanned and no residential structures are proposed as a part of the project. Additionally, the solar panels are located at the base of the nearby hills, so construction-related ground disturbance will not further increase the risk of landslides. Risk of loss, injury, and death will not be significantly impacted as a result of the proposed project.

- B. Result in substantial soil erosion or loss of topsoil; or
- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some grading will be completed as a part of the project to provide a level surface to mount the solar panels on, and this grading will be reviewed and permitted, as necessary, by the County of Fresno's Department of Public Works and Planning. This area is already relatively flat and at the base of the hills adjacent to the project site. As a result, any grading is unlikely to contribute to erosion, landslides, spreading, subsidence, liquefaction, or collapse.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

The project is not proposed in an area of expansive soils (Fresno County General Plan Background Report [FCGPBR]).

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

FINDING: NO IMPACT:

No septic systems are proposed as a part of this project.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As discussed in the Cultural Resources section, it is not anticipated that paleontological resources will be encountered or damaged during the development of this parcel. A Mitigation Measure will ensure that if resources are discovered, construction ceases and the proper entities are notified. See Mitigation Measure 1, Section V. C.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions will primarily be produced during construction activities, and will therefore be temporary. During operation, maintenance trips will be made less than once per day. As a result, there will be no long-term impacts related to greenhouse gas emissions. The applicant also provided analysis relating to greenhouse gas emissions, performed by Urban Crossroads, which quantified and corroborated this determination.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The construction, operation, and decommissioning of the proposed facility would require the limited usage of hazardous materials. The Fresno County Department of Public Health, Environmental Health Division requires that facilities proposing to use and/or store hazardous materials and/or hazardous wastes 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 materials 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 a Project Note. With adherence to these guidelines, the impact will be less than significant.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school; or
- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The proposed project is not located within one quarter-mile of a school, and it is not located on a known hazardous waste facility (NEPAssist).

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project is not located within an airport land use plan or in the vicinity of a private airstrip. The nearest airport is Coalinga Municipal, approximately four miles to the southwest.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Neither the Fresno County Fire Department nor the Fresno County Sheriff's Department expressed concerns regarding this project's potential to impact emergency plans.

The project is in an area of moderate fire hazard, and is approximately 660 feet away from a designated wildland area. The proposed project is unmanned and will only result in minimal maintenance visits once operational. The only structures proposed are the solar arrays, and the project is not adjacent to any urbanized area. The proposed project will not have a significant impact on fire risk or loss.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The solar panels will be washed intermittently with a biodegradable panel cleaning solution that will be trucked in from off site. This solution will not be used within 500 feet of the seasonal stream delineated in the jurisdictional waters report, which runs to the southwest of the proposed parcel. Additionally, all water quality standards and waste discharge requirements will be adhered to.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no existing wells on site, and none will be drilled for this project. No water will be consumed because biodegradable panel cleaner will be trucked in for panel washing instead of using onsite water, and there will be no onsite bathrooms.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 1. Result in substantial erosion or siltation on or off site; or
 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 4. Impede or redirect flood flows; or
- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some grading activity will occur, but it will not be within 500 feet of the seasonal stream identified in the Jurisdictional Delineation Report. This grading will level the area where the solar panels will be installed. The panels will be mounted on poles located approximately 10 feet apart, and the rest of the land will remain permeable. Therefore the permeability of the site will not be substantially altered.

Additionally, grading review and permits will be required prior to construction and drainage plans will be required at this time if more than one acre of soil is to be moved. Once the panels are installed, natural ground cover may return to the area, which would further assist in preventing erosion.

The project is not located in a flood zone (FEMA Panel 06019C3205H), and will not increase the volume or velocity of surface runoff, due to the nature of the proposed grading.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

No water will be used as a part of the proposed operation, so the project will not conflict with any water management plans.

XI. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

The project is located north of the community of Coalinga and will not divide any existing communities as it is not located in an existing community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed use is allowed in the AE (Exclusive Agricultural) Zone District with approval of a Conditional Use Permit by the Fresno County Planning Commission, which is currently being evaluated.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on a known oil field and near known sand, gravel, and coal resources. Additionally, this site has been drilled for oil in the past. The proposed project will not impact the availability of oil because none will be extracted as a part of the project. It will not impact the accessibility of the oil, if present, because the solar facility is a temporary use, and because any potentially present oil beneath the panels could likely be accessed from somewhere else on the property. Additionally, if sand, gravel, or coal resources are extracted from the area in the future, this should not conflict with the proposed operation due to the minimal traffic generation and the nature of the solar operation.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project must comply with the Fresno County Noise Ordinance, but it is unlikely that a project of this nature would violate these standards during operation. Noise will be produced during construction, but the operation of solar panels produces little to no noise. The only development in the vicinity of the project is a single-family residence, over 800 feet away, and cattle operations.

- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Minor vibration will be produced by equipment during construction, to include rubber tired dozers, tractors, loaders, backhoes, graders, cranes, forklifts, generator sets, welders, mortar mixers, pavers, and rollers. However, there will not be ground borne noise or vibration after construction is complete.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

There are no airports or airstrips within a 2 mile radius of the project area. The nearest airport, Coalinga Municipal, is approximately 4 miles southwest of the site.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

No housing will be created or destroyed, and no employees will work on site. Population and housing will not be impacted.

XV. PUBLIC SERVICES

Would the project:

A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

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

FINDING: NO IMPACT:

The generation of solar energy on the subject parcel will not increase the number of residents or visitors in the area. Therefore, public facilities such as those listed will not be impacted. Additionally, the Fresno County Fire District and Sheriff’s Office expressed no concerns regarding this project’s impact upon their services.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The proposed project will not affect the population or demographics of the area. Recreational facilities will not be impacted.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Fresno County General Plan Policy TR-A.7 states that, “The County shall assess fees on new development sufficient to cover the fair share portion of that development’s impacts on the local and regional transportation system.” Shell Road, the closest County road to the project site, which must be used for access to the property, is in poor condition and is also utilized by neighboring agricultural operations. Heavy truck traffic and the increased volume of lighter vehicle traffic during the construction period will further worsen the condition of this road. Therefore, it is necessary for the safety of workers, nearby landowners, and for compliance with the General Plan, that the applicant maintain the portion of Shell Road used to access the project site. The portion of Shell Road that will reasonably be used during construction activities runs from Oil City road to the project site (approximately 0.7 miles) or from State Route 33 to the project site (approximately 2.7 miles), and both stretches are currently unable to support the proposed traffic. Oil City Road is wider, striped, and in a much better condition than Shell Road, so no maintenance of this road would be required by the applicant. To minimize the use of roads that could be hazardous in large vehicles, and to minimize the amount of road improvement required by the applicant, the County will require all construction traffic use Oil City Road and the section of Shell Road southwest of the proposed facility. Additionally, the following mitigation measures will ensure traffic safety and compliance with TR-A.7.

* **Mitigation Measure**

1. *All construction traffic must access the solar facility via the section of Shell road southwest of the facility, from Oil City Road.*
2. *Any oversize hauls on Shell Road shall be accompanied by pilot cars due to the narrowness of the road.*
3. *The applicant shall maintain Shell Road from Oil City Road to the project site turn-off throughout the construction period. Such maintenance includes periodic filling of potholes and shoulder edge restoration, and may include surface patches (overlays/dig-outs) for badly worn areas. Upon completion of the construction work, the applicant shall perform final maintenance on the road in order to bring the road back to its pre-existing condition prior to construction. Such maintenance shall be documented in the form of pavement condition index (PCI) analyses for the before and after final maintenance conditions.*

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is relatively remote, with the closest city being Coalinga, approximately 4.5 miles south of the project. The County-adopted Solar Facility Guidelines require that labor and materials be sourced locally whenever possible. Once construction is complete, less than one maintenance trip will be made per day, so the proposed development will not generate a substantial number of vehicle miles travelled during

operation. Locating a use that generates so few trips in a remote location also allows for more heavily trafficked uses to be located closer to population centers.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will not impact the geometry of any existing roads and will not create any new roads. The increased volume of construction traffic will be temporary, and with the road improvements required in Section A, no dangerous traffic situations will result from this project.

- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction traffic will be intermittent and temporary, this increase in traffic volume will not be significant enough to result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel has experienced regular agricultural ground disturbance in the past, and the proposed construction of solar arrays on the site should not require ground disturbance activities substantially greater than an agricultural operation would. All interested tribes were notified of the proposed project per California Assembly Bill No. 52, and no tribes expressed any concerns. Additionally, it has

been determined through a cultural resources assessment and consultation with the Southern San Joaquin Valley Information Center, that there are no known historic or cultural resources within one mile of the project site. The archaeological sensitivity of the site is unknown, and it has not been previously surveyed, so the mitigation measure included in Section V (Cultural Resources) will ensure that no cultural resources are lost should they be encountered through the course of the proposed project.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the installation of approximately 47 acres of solar panels. The operation will use no water, it will not substantially impact permeability, and it will not impact population growth. It will produce electricity to be used by consumers, and this electricity will be directed to substations, which do have a finite capacity. However, the size of the project precludes it from substantially impacting the capacity of the nearest substation, or resulting in the development of a new substation.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction activities will result in the generation of solid waste, but operation of the facility will not. The facility must comply with all regulations regarding waste management, but it will not contribute to a cumulative long-term increase of solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located approximately 850 feet from a state responsibility fire area. However, the site is only classified as having moderate and non-wildland/non-urban fire risk. The project is set back from the nearest road and will not impair emergency response or evacuation plans. The project will not substantially impact the profile of the land and will not emit pollution during operation, it also is not located at the top of the slope, and it is unlikely that the presence of the facility would exacerbate wildfire risks in this sparsely populated area. Additionally, the facility will not have regular employees, so it will not increase the number of individuals exposed to fire.

A 1,300 foot-long power line will be built to connect the facility to the nearest substation. This is a very minor addition to the power lines already running through this area.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Due to the remote location chosen, near undeveloped hills that provide habitat to threatened and endangered species and in an area with many seasonal streams, there

was potential for impacts to wetlands and special-status species. However, as discussed in Sections IV, V, VII, X, and XVII, significant impacts to fish, wildlife, and cultural resources will not occur with adherence to the prescribed mitigation measures.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Almost all impacts associated with this project: noise, traffic, greenhouse gases, air quality, grading, etc., are associated with the construction period of the project. Therefore, these impacts are predominantly short-term and will not contribute to cumulative environmental impacts in the County.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Traffic safety, air quality, noise, fire safety, water quality, and seismic hazards all have the potential to impact human health and safety. However, these potential impacts were considered in their relevant sections, and determined to be less than significant with the incorporated mitigation.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3607, 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, Public Services, and Recreation.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Utilities and Service Systems, and Wildfire have been determined to be less than significant.

Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Transportation, and Tribal Cultural Resources have determined to be less than significant with adherence to the listed 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” Street, Fresno, California.

DTC:

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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 7439	LOCAL AGENCY 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): Danielle Crider, Planner	Area Code: 559	Telephone Number: (559) 600-9669	Extension: N/A
Project Applicant/Sponsor (Name): ForeFront Power	Project Title: CUP 3607		
Project Description: Allow a 5 megawatt solar photovoltaic power generation facility with related improvements on an approximately 47-acre portion of an 88.23-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3607, 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, Public Services, and Recreation. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Utilities and Service Systems, and Wildfire have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Transportation, and Tribal Cultural Resources have determined to be less than significant with adherence to the listed mitigation measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 27, 2019		Review Date Deadline: Planning Commission – June 27, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Danielle Crider Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 July 18, 2019

SUBJECT: Variance Application No. 4063

Allow a 3.5-foot front-yard setback (minimum 35 feet required) and a 14-foot side-yard setback (minimum 20 feet required) for a 14-foot by 32-foot detached storage building and an 8-foot by 12-foot shed on 1.04-acre parcel in the AE-20(nb) (Exclusive Agricultural, 20-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located approximately 415 feet north of East Floradora Avenue and approximately 650 feet northwest of the intersection of East Floradora Avenue and North Temperance Avenue, approximately 800 feet southwest of the nearest city limits of the City of Fresno, and within the City of Fresno Sphere of Influence (6850 East Floradora Avenue) (SUP. DIST. 5) (APN 310-081-01).

**OWNER/
APPLICANT:** Ron and Alexis Masson

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4063; 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. Approved Variances Map
6. Site Plan
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture in the County-Adopted McLane Community Plan	No Change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District	No Change
Parcel Size	1.04 acres	No Change
Project Site	Single-family residence	No Change
Structural Improvements	A 3,990 square-foot Single-Family dwelling with attached garage, 1,716 square-foot second dwelling unit, 448 square-foot detached storage building, and a 96 square-foot shed	No Change
Nearest Residence	Single-family residence 30 feet to the east Single-family residence 20 feet to the south	No Change
Surrounding Development	Single-family residences	No Change
Traffic Trips	Residential	No Change
Lighting	Residential	N/A

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

Violation No. 109662 – Fresno County Ordinance Code, Title 15, Section 15.04.080.
Construction of a storage building without a permit.

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305 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 61 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 four Findings specified in the Fresno County Zoning Ordinance, Section 877-A 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:

The subject 1.04-acre parcel in its current configuration was created as Lot No. 1 of Parcel Map No. 8082, recorded August 17, 2011, and is improved with a 3,990 square-foot single-family residence with an attached garage, a 1,716 square-foot second residence, an unpermitted 448 square-foot detached storage building, and a 96 square-foot shed. The current Variance Application requests a 3-foot 6-inch front-yard setback where a 35-foot minimum is required and a 14-foot side-yard setback where a minimum of 20 feet is required, for two existing storage structures, one located within the front-yard setback, and the other located within both the front- and side-yard setbacks.

It should be noted that the reduced setback, if granted, would place two existing structures 3 feet 6 inches from the edge of a 20-foot-wide non-exclusive access easement traversing the south end of the property. The 20-foot-wide easement provides access to the subject parcel and the parcel easterly adjacent. The easement intersects another 25-foot-wide non-exclusive easement, which provides access to the subject parcel from East Floradora Avenue to the south. This easement was intended to be 20 feet wide; however, it was mistakenly recorded as being 25 feet wide on Parcel Map No. 8082. Accordingly, a Certificate of Correction for said Parcel Map will be recorded subsequent to action being taken on this Variance.

A Notice of Violation was issued on December 5, 2018 for the construction of a storage building without permits. The unpermitted structure was noted on a site plan for a septic system inspection for a leach line replacement. At that time, it was determined that the unpermitted storage building and a small shed adjacent to the storage building were within the front-yard setback area approximately 3.5 feet from a 20-foot-wide access easement traversing the south side of the property, which created the need for the current Variance request. Upon review of the Applicant's submitted site plan, it was determined that the existing storage building was also

encroaching into the side-yard setback area on the east side of the property. If this Variance request is granted, the two encroaching structures will be allowed to remain within the front-yard and side-yard setback areas, respectively. If the Variance is denied, and a timely appeal is not made, or the denial upheld on appeal, the structures would have to be relocated or removed.

According to available records, there have been 12 variance requests processed within a half-mile radius of the subject property, all of which related to parcel divisions. Two of those approved variances pertained to the subject property itself, and none involved a reduction of required setbacks specifically:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 2786 – Allow the creation of three parcels with a width to depth ratio greater than 4 to 1.	July 28, 1983	Deferred to Planning Commission	Planning Commission Approved
VA No. 2923 – Allow the creation of a five-acre parcel and an eight-acre parcel with a depth to width ratio greater than 4 to 1.	July 11, 1985	Approval	Planning Commission Approved
VA No. 2930 – Allow the creation of two 2.30-acre parcels from a 4.61-acre parcel in the AE-20 Zone District.	July 25, 1985	Approval	Planning Commission Approved
VA No. 2975 – Allow the creation of an 8.40-acre parcel and a 10.00-acre parcel from an 18.40-acre parcel in the AE-20 Zone District.	February 13, 1986	Denial	Planning Commission Approved
VA No. 3098 – Allow the creation of two one-acre parcels, each having a width and road frontage of 157 feet, where a minimum 165 feet is required, from a 2.02-acre parcel in the AE-20 Zone District.	September 24, 1987	Approval	Planning Commission Approved
VA No. 3181 – Allow the creation of two 2.5-acre parcels from a 5-acre parcel in the AE-20 Zone District.	January 5, 1989	Approval	Planning Commission Approved

VA No. 3271 – Allow the creation of three parcels, one of which is 1.67 acres, with a width of 110 feet.	March 28, 1991 May 7, 1991	Deferred to Planning Commission	Planning Commission Denied Board of Supervisors Approved
VA No. 3486 – Allow the rezone of a 40.25-acre parcel from AE-20 to R-R and allow the division of said parcel into 14 lots with no public road frontage, reduced width, and a greater than 4 to 1 depth to width ratio. Related applications – AA No.3643, EA No. 4116	April 6, 1995 April 18, 1995	Approval	Planning Commission Approved Board of Supervisors Approved
VA No. 3767 – Allow the creation of a 2.07-acre parcel and a 3.09-acre parcel from a 5.15-acre parcel in the AE-20 Zone District.	September 11, 2003	Denial	Planning Commission Approved
VA No. 3833 – Allow the creation of two 1.35-acre parcels from a 2.70-acre parcel in the AE-20 Zone District.	February 16, 2006	Denial	Planning Commission Approved
VA No. 3916 – Allow the creation of two 1.04-acre parcels without public road frontage (minimum 165 feet required) from a 2.08-acre parcel in the AE-20 Zone District.	March 10, 2011	Denial	Planning Commission Approved
VA No. 4038 – Allow the creation of a 2.50-acre homesite parcel from an existing 39.10-acre parcel in the AE-20 Zone District.	N/A	N/A	Currently in process

Although there is a history of variance requests within proximity of the subject parcels, each variance request must be considered on its own merit, based on unique site conditions and circumstances.

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.*

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.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet when abutting a residential district	Front: 3.5 feet	N
	Side: 20 feet when abutting a residential district	Side (east): 14 feet Side (west): 133 feet	N Y
	Rear: 20 feet when abutting a residential district	Rear: 222.5 feet	Y
Parking	N/A	No change	Y
Lot Coverage	No requirement	N/A	Y
Space Between Buildings	No requirement	N/A	Y
Wall Requirements	N/A	N/A	N
Septic Replacement Area	N/A	N/A	Y
Water Well Separation	N/A	N/A	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections are required for any unpermitted structures.

Fresno Irrigation District (FID): FID does not own, operate, or maintain any facilities located on the subject property.

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

Analysis:

In support of Finding 1, the Applicant states that the subject property is located more than 400 feet from the nearest County road right-of-way on East Floradora Avenue, and that the required 35-foot front-yard setback from the access easement is not warranted, as it only provides access to the subject property and one other lot, easterly adjacent to the subject parcel.

With regard to Finding 1, staff acknowledges that there are no potential public road right-of-way issues, as the subject property is located more than 400 feet from East Floradora Avenue and has no direct access to a public road. Therefore, there would be no conflict with future widening of this section of East Floradora Avenue. However, the Zoning Ordinance provides that an easement be treated as a street for purposes of applying setbacks, or required yards. In this case, the setback pertains to an access easement and not a public road; however, the same standards apply and there is no provision in the Zoning Ordinance which allows for a 3.5-foot front-yard setback in the AE-20 Zone District.

There is a provision in the Zoning Ordinance which would allow for a reduced yard setback for Nonconforming Single-Family Residential lots having either a substandard width or depth, allowing qualifying lots to utilize the front- or side-yard requirement of another single-family residential zone district where the substandard width or depth is permitted. In this case, the front-yard requirements would not be reduced substantially enough to allow the encroaching storage building to remain without a Variance.

Staff does not believe that Finding 1 can be made due to the lack of exceptional circumstances.

In support of Finding 2, the Applicant states that other properties in the vicinity have sheds and/or barns or other accessory buildings, and that some of those structures are located on property lines, and therefore have a greater aesthetic impact on neighboring properties than does the encroaching accessory storage building.

Staff does not agree with the Applicant's finding that the Variance is necessary to preserve a property right that other property owners have under like conditions and similar zoning classifications due to the fact that other property owners are limited to the same setback requirements of the zone district.

Therefore, staff does not believe that Finding 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 and 2 cannot be made.

Finding 3: *The granting of such 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	2.87 acres	Single-Family Residential	AE-20	230 feet
South	3.5 acres	Single-Family Residence	AE-20	20 feet
East	1.04 acres	Single-Family Residential	AE-20	30 feet
West	8.00 acres	Vacant	AE-20	N/A

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division:

- In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).
- Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.
- It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field 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

Fresno Metropolitan Flood Control District: The property owner is required to grant a drainage covenant for APN 310-081-02 to allow surface runoff to reach future Master Plan facilities located on Temperance Avenue.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that there would be no detrimental impacts on surrounding properties should the storage structures be allowed to remain within the front-yard setback.

As the access easement in question only serves one other parcel to the east of the subject property, staff concurs that the reduced setbacks for the shed and storage building, if allowed, would not have a detrimental impact on surrounding properties.

Therefore, staff believes that Finding 3 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.	The subject parcel is located within the City of Fresno Sphere of Influence, and the City was notified and offered the opportunity to comment on the project. No response was received from the City of Fresno.

Reviewing Agency Comments:

Policy Planning Unit of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agriculture in the County-adopted McLane Community Plan.

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

Analysis:

In support of Finding 4, the Applicant states that the proposed setback reduction does not conflict with the General Plan, and the existence of the storage building is consistent with other properties in the area.

With regard to Finding 4, there are no policies specifically relating to setbacks in agricultural districts in the Fresno County General Plan or the County-Adopted McLane Community Plan.

Staff concurs with the Applicant’s findings that approval of this Variance would not conflict with the General Plan.

Two important considerations to note when evaluating a Variance request are 1) is the situation or conditions creating the need for the Variance self-imposed, and 2) are there alternatives which would avoid the need for the Variance. In this case, the construction of the 448 square-foot storage building was done without permits, and placed along with the 96 square-foot shed inside the setback areas. The alternative to the Variance would be to relocate the structures outside of the front and side yard. In consideration of the Applicant, the structures were existing when the Applicant purchased the property.

Because the subject property is located within the City of Fresno Sphere of Influence, the application was routed to the City for comment. To date, no response was received from the City of Fresno with regard to this application.

Based on these factors, staff believes that Finding 4 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes that required Findings 1 and 2 for granting the Variance cannot be made. Staff therefore recommends denial of Variance No. 4063.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4063; 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. 4063; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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**Variance Application (VA) No. 4063
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the site plan as approved by the Planning Commission.

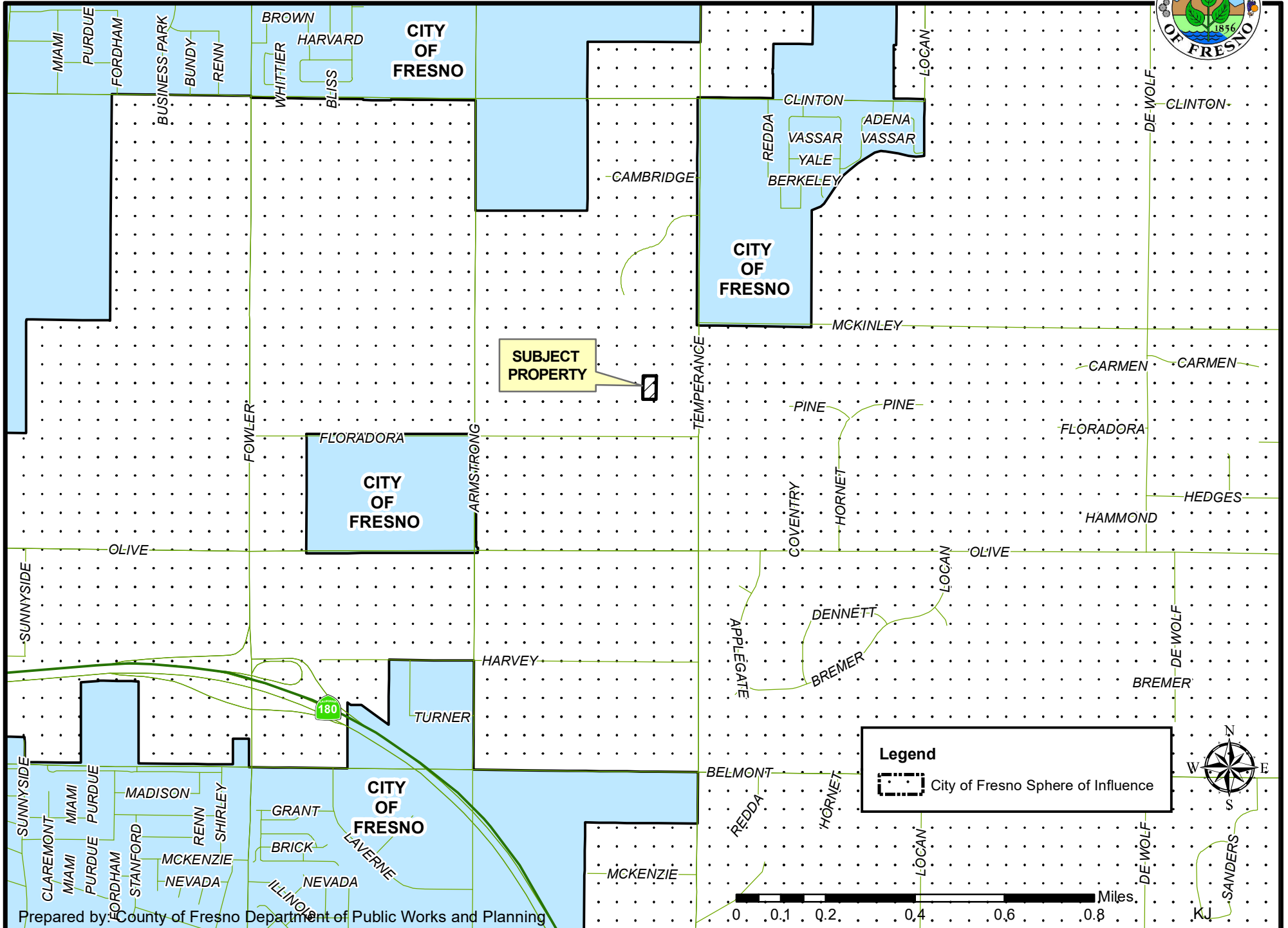
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.
2.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate the need for possible repairs, additions, or require the proper destruction of the system.
3.	This project is located within the sphere of influence of the City of Fresno. Accordingly, any new construction on the property shall be required to connect to public water and sewer services.
4.	Subsequent to the approval of this Variance, a Certificate of Correction shall be recorded for Parcel Map No. 8082, correcting the width of the non-exclusive easement to 20 feet.
5.	Plans, permits, and inspections are required for any unpermitted structures (Violation No. 109662).
6.	Fresno Metropolitan Flood Control District (FMFCD) requires the owner of the subject parcel to grant a drainage covenant to allow surface runoff to reach future Master Plan facilities located on Temperance Avenue.

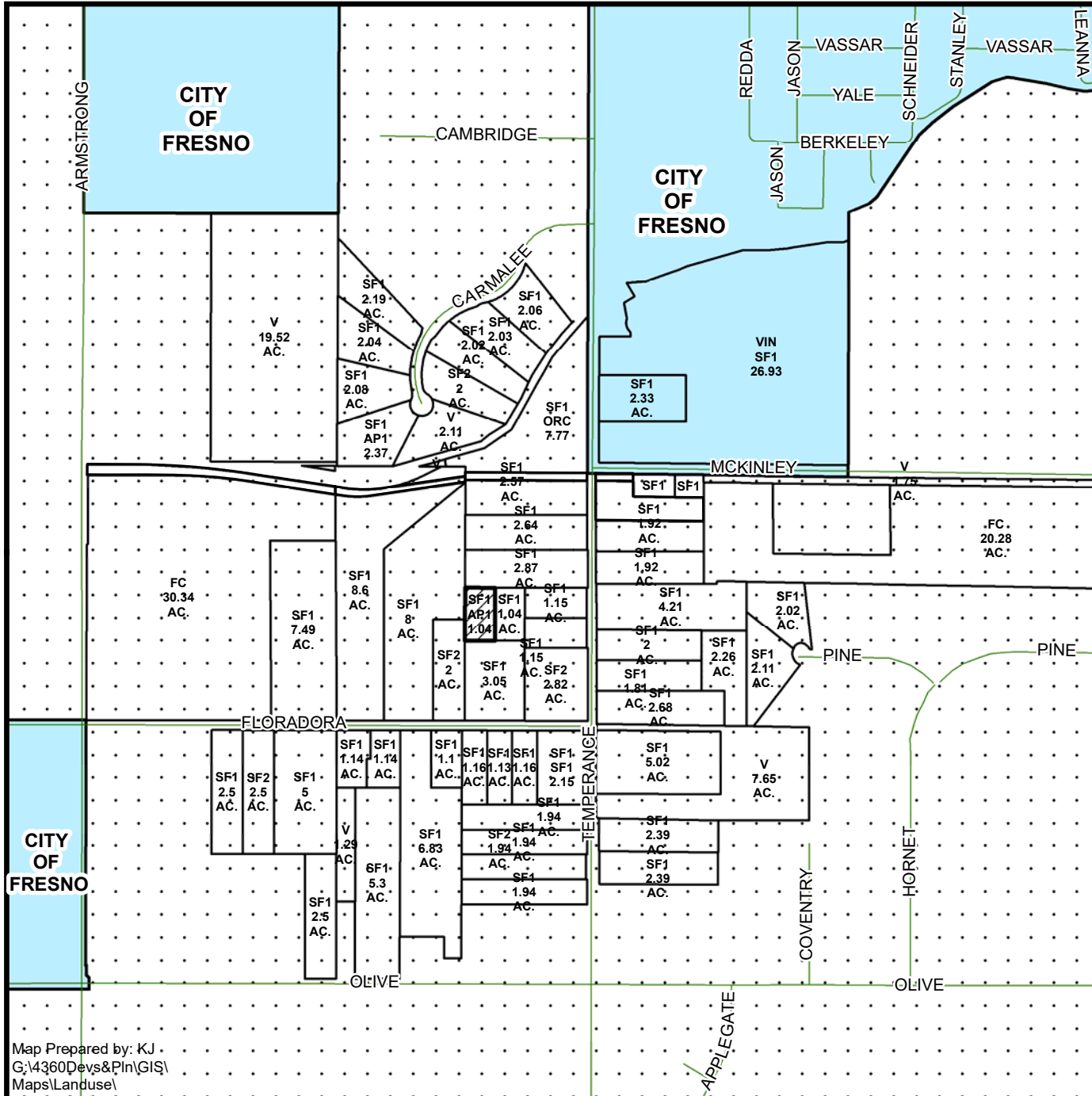
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EXHIBIT 1

LOCATION MAP





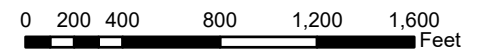
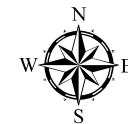
EXISTING LAND USE MAP



LEGEND
FC - FIELD CROP
SF# - SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD
AP1 - APARTMENT
ORC - ORCHARD

LEGEND:

-  Subject Property
-  City of Fresno Sphere of Influence



APPROVED VARIANCES WITHIN A 1/2 MILE RADIUS

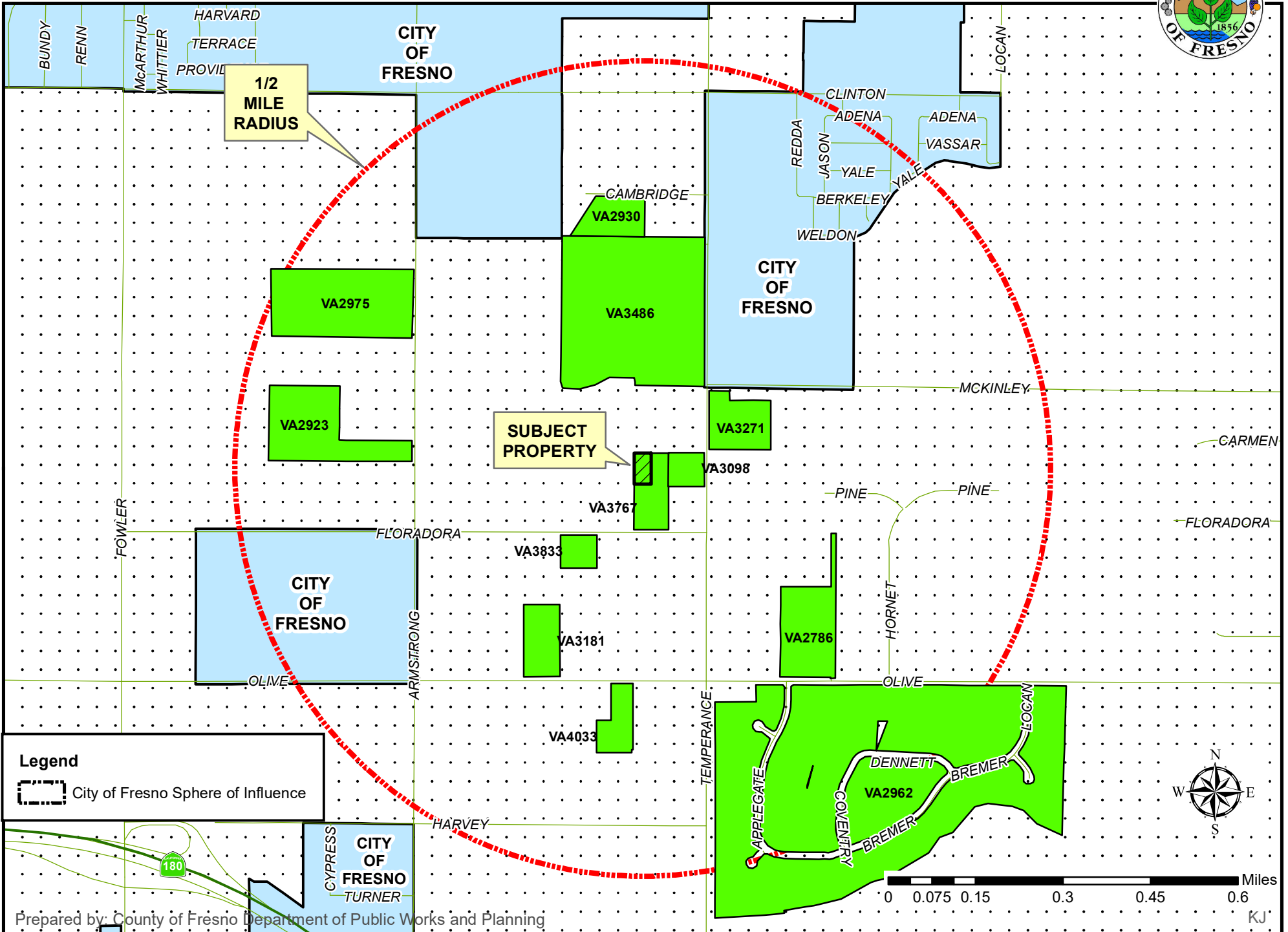
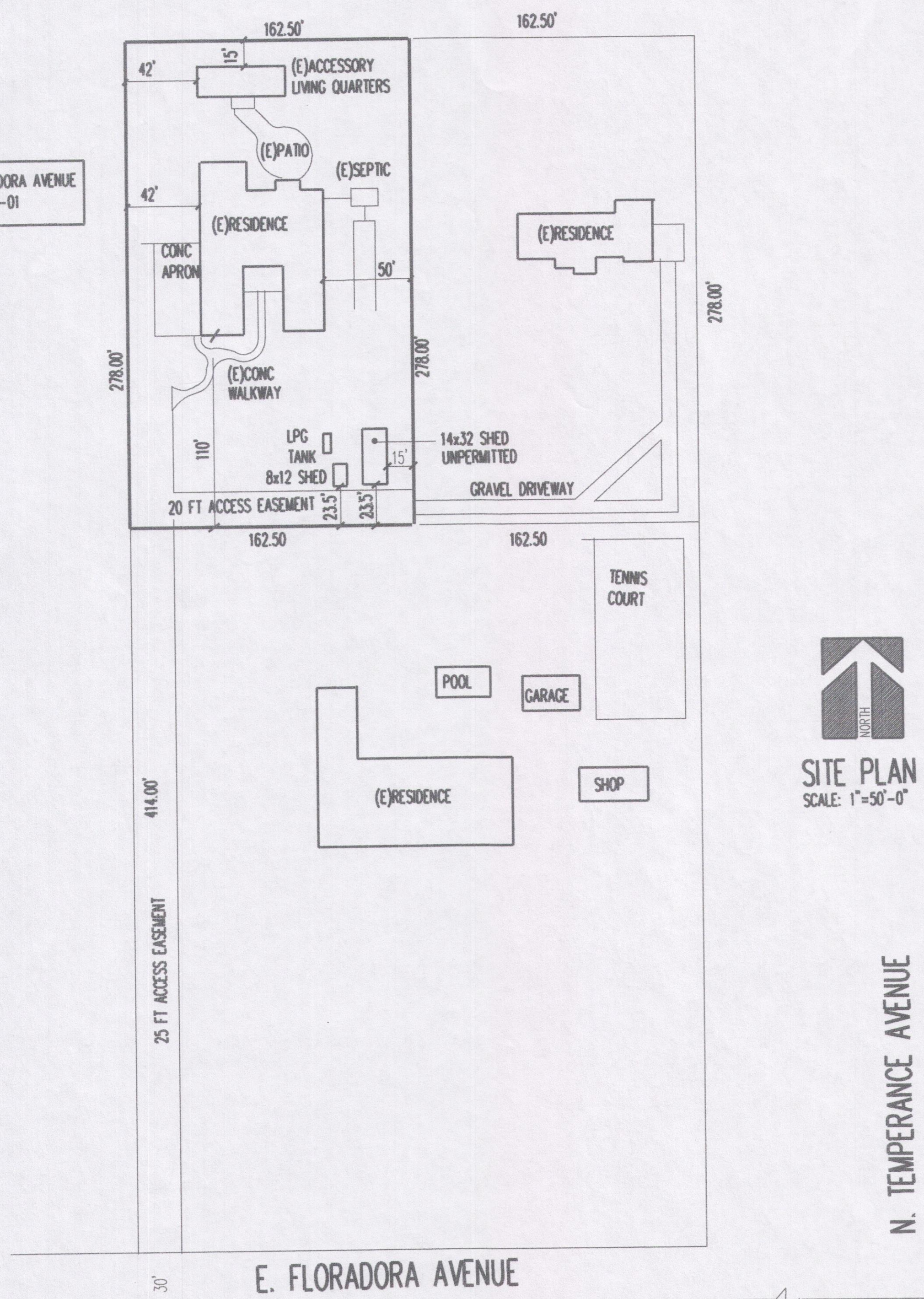


EXHIBIT 5

RECEIVED
 COUNTY OF FRESNO
 APR 08 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

6850 E. FLORADORA AVENUE
 A.P.N. 310-081-01



SITE PLAN
 SCALE: 1"=50'-0"

N. TEMPERANCE AVENUE

E. FLORADORA AVENUE

REVISIONS	BY

A | MEMBER OF
 B | AMERICAN INSTITUTE
 OF BUILDING DESIGN
 CA | MEMBER OF
 B | CALIFORNIA INSTITUTE
 OF BUILDING DESIGN

RESIDENTIAL DESIGN
 TITLE 24 CALCULATIONS
 REMODELS AND ADDITIONS
 TENANT IMPROVEMENTS

PROJECT
 MASSON VARIANCE PLAN
 DESCRIPTION
 SITE PLAN

john ford drafting and design
 certified professional building designer american institute of building design
 635 BARSTOW AVENUE, STE 20, CLOVIS, CA 93612
 PHONE (559)323-4375 EMAIL JFDRAW@AOL.COM

FILE
DRAWN JF
DATE
SCALE AS NOTED
SHEET NO.

A1

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Variance for 6850 E. Floradora, Fresno, Ca 93727

Background

We bought 6850 E. Floradora in November of 2018. This property is 1.04 acres and sits 414 feet off of Floradora. An easement services my property and one other property to our east side. There is a 20' easement along the front of our property that acts as a driveway to 6852 E. Floradora. Both properties are secluded in that we are hundreds of feet from any public road. The seller disclosed that the 14' X 32' storage shed on the property we purchased was unpermitted. When the Fresno County inspectors reviewed the property for a new leach line, they stated that the shed needed to be permitted. The seller offered to help with the permitting process and followed instructions from the county. During the permit process, the zoning staff noticed that the shed was not 35 feet away from the easement that services one house on our east side. The staff stated that since the shed did not meet the 35' setback required by zoning for an easement, the shed would need to be torn down or a variance must be approved. We chose to apply for a variance in the hopes that we can keep the storage shed.

1. We believe that this shed meets criteria #1 for exceptional and extraordinary circumstances. As mentioned before, our two properties (6850 and 6852) sit 414 feet off of Floradora. We are secluded. Therefore, the 35' set back requirement from an easement has no rational reason to exist for our shed. There is no danger with traffic, the

easement in front of the shed services only one house. The owners of 6852 have no concerns regarding the shed. Pictures show that the neighbors have a cement driveway that sits far from the easement. Also, there is no electrical, plumbing or any other services to the shed that could impact the access to our neighbor at 6852.

On Floadora, there are power poles, ditch stands, structures, fences and so forth very close to the public road. The shed is 414' plus another 23.5' from a public road and therefore far less likely to have any impact on anything.

2. We believe that this shed meets criteria #2 in that almost all homes in this area have sheds and barns. We are still zoned AE20. Many barns and sheds are built right on property lines and have a much greater impact on neighbors than this shed. The shed is very well built and we need it for storage. We would hate to tear it down when it has no negative impact on anyone or anything.
3. The granting of this variance will not be detrimental to the public welfare or injurious to property and improvement. I asked county staff if they could think of any detrimental impact the shed would have by not having the 35' set-back. I could not find anyone who could communicate the rationality of the 35' set-back or how the shed might negatively impact anyone or anything.
4. This shed being 3.5' or 35' from the easement/driveway does not impact the Fresno County General Plan. This shed is consistent with properties in our area. As mentioned before, almost all homes in our area have a

shed or a barn. Our shed only has eight-foot walls and a 4/12 pitch roof. I doubt any neighbors even know it exists except the neighbor who uses the easement and the neighbor to our south.

Thank you for considering this request for approval of a variance for this shed.

Ron and Alexis Masson