



PLANNING COMMISSION AGENDA

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

Contact: Planning Commission Clerk
Phone: (559) 600-4497
Email: knovak@fresnocountyca.gov
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

IMPORTANT NOTICE REGARDING PARTICIPATION DUE TO COVID-19

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for the attendance and public comment at the Planning Commission meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Planning Commission may participate from a remote location by teleconference pursuant to California Governor Gavin Newsom's Executive Order N-25-20.

- The meeting will be broadcast. You are strongly encouraged to listen to the Planning Commission meeting at: <http://www.co.fresno.ca.us/PlanningCommission>.
- If you attend the Planning Commission meeting in person, you will be required to maintain appropriate social distancing, *i.e.*, maintain a 6-foot distance between yourself and other individuals. Due to Shelter-in-Place requirements, the number of people in the Board chambers will be limited. Members of the public who wish to make public comments will be allowed in on a rotating basis.
- If you choose not to attend the Planning Commission meeting but desire to make general public comment on a specific item on the agenda, you may do so as follows:

Written Comments

- Members of the public are encouraged to submit written comments to: Planningcommissioncomments@fresnocountyca.gov. Comments should be submitted as soon as possible, but not later than 15 minutes before the start of the meeting. You will need to provide the following information:
 - Planning Commission Date
 - Item Number
 - Comments
- Please submit a separate email for each item you are commenting on.
- Please be aware that public comments received that do not specify a particular agenda item will be made part of the record of proceedings as a general public comment.
- If a written comment is received after the start of the meeting, it will be made part of the record of proceedings, provided that such comments are received prior to the end of the Planning Commission meeting.

- Written comments will be provided to the Planning Commission. Comments received during the meeting may not be distributed to the Planning Commission until after the meeting has concluded.

Noticed Public Hearings

- For agenda items involving noticed public hearings, the Planning Commission will recess for ten (10) minutes during the agenda item to allow the public the opportunity to email written comments to Planningcommissioncomments@fresnocountyca.gov. All written comments must be received by the close of the ten (10) minutes public comment period. All written comments received by the close of the ten (10) minutes public comment period will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within three (3) minutes allotted to each speaker. Any portion of comments received that extends past three (3) minutes may not be read aloud due to time restrictions but will be included in the record of proceedings.
- If a comment on a public hearing item is received after the close of the ten (10) minutes public comment period, such comment will be treated like a general public comment and made part of the record of proceedings, provided that such comment is received prior to the end of the meeting.
- If the agenda item involves a quasi-judicial matter or other matter that includes members of the public as parties to a hearing, those parties should make arrangements with the Planning Commission Clerk to provide any written materials or presentation in advance of the meeting date so that the materials may be presented to the Planning Commission for consideration. Arrangements should be made by contacting the Planning Commission Clerk at (559) 600-4230.

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.

AGENDA

June 11, 2020

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance. Reports and presentations are also available on the County Website at: <http://www.co.fresno.ca.us/PlanningCommission>.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

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

1. **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3478 – TIME EXTENSION** filed by **SY NGUYEN LE** proposing to grant a third one-year time extension to exercise Classified Conditional Use Permit No. 3478, which authorizes an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District. The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

NOTE: The sole purpose of the public hearing for this item is to address the time extension request.

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

-Staff Report Included

-Individual Noticing

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7749 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3661** filed by **ERIKSSON, LLC**, proposing to allow expansion to an existing pistachio processing facility on a 40.20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of S. Westlawn Avenue approximately 1,321 feet south of its intersection with W. Cerini Avenue and 3,550 feet northwest of the unincorporated community of Lanare (19210 S. Westlawn, Riverdale, CA) (SUP. DIST. 4) (APN 053-420-02S).

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

3. **INITIAL STUDY APPLICATION NO. 7759** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3664** filed by **JOSH AND ALLISON VERBURG**, proposing to allow a high-intensity park with related improvements for weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of a 19.55-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of S. Brawley Avenue approximately 660 feet south of its intersection with W. Annadale Avenue and 2.5 miles west of the nearest city limits of the City of Fresno (2588 S. Brawley Avenue, Fresno, CA) (SUP. DIST. 1) (APN 327-140-64).

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

4. **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3663** filed by **WILSON DAIRY BIOGAS, LLC**, proposing to amend Conditional Use Permit No. 3647 to allow the installation of a new 550-foot by 415-foot (approximately 5.23 acres) covered lagoon dairy digester, and the construction of a 60-foot by 40-foot by 20-foot-tall (2,400 square feet) prefabricated steel mechanical building to house a biogas generator and conditioning equipment, on a 160-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The subject parcel is located on the northeast corner of the intersection of West Mount Whitney Avenue and South Bishop Avenue (11720 West Mount Whitney Avenue) (Sup. Dist. 4) (APN 050-260-12S).

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

-Staff Report Included

-Individual Noticing

5. **VARIANCE APPLICATION NO. 4065** filed by **TINA HENSON-EMMERICH**, proposing to allow the creation of an approximately 2.93-acre parcel and an approximately 2.00-acre parcel (20-acre minimum required) from an existing 4.93-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located at the southwest corner of Copper Avenue and Burgan Avenue, approximately 1.54 miles north of the city limits of the City of Clovis (5645 E. Copper Avenue, Clovis, CA & 10897 N. Burgan Avenue, Clovis, CA) (Sup. Dist. 5) (APN 581-110-05).

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

-Staff Report Included

-Individual Noticing

6. **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3674** filed by **PILOT TRAVEL CENTERS, LLC**, proposing to amend Unclassified Conditional Use Permit Application No. 3028 and master plan for the Interstate Freeway Commercial Development to allow expansion of a travel center on a 38.01-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The project site is located at the southwest corner of Interstate 5 and State Route 269 (Lassen Avenue), approximately eight miles southeast of the nearest city limits of the City of Coalinga (44779 South Lassen Avenue, Huron, CA) (Sup. Dist. 4) (APN 085-130-26S).

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

-Staff Report Included

-Individual Noticing

7. **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



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 June 11, 2020

SUBJECT: Classified Conditional Use Permit No. 3478 – Third One-Year Time Extension

Grant a third one-year time extension to exercise Classified Conditional Use Permit No. 3478, which authorizes an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

**OWNER/
APPLICANT:** Sy N. Le

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve a third one-year Time Extension for Classified Conditional Use Permit No. 3478; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated March 24, 2016
5. Applicant's correspondence requesting a third one-year Time Extension

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 6888 was adopted by the Planning Commission in accordance with the California Environmental Quality Act (CEQA) with approval of Classified Conditional Use Permit (CUP) No. 3478 on March 24, 2016.

According to Section 15162(a) of the CEQA Guidelines, when an MND is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: 1) substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted, shows either of the following: (A) the project will have one or more significant effects not discussed in the previous MND; or (B) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

This Time Extension request does not propose changes to the approved project, nor is there evidence of the circumstances noted in Conditions 1, 2 or 3 above. Therefore, a subsequent/supplemental environmental document is not required.

PUBLIC NOTICE:

Notices were sent to 22 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Conditional Use Permit shall become void when substantial development has not occurred within two (2) years after approval of the Permit. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of four (4) one (1)-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original

time limitation. The request for extension must be filed prior to the expiration of the Conditional Use Permit.

The decision of the Planning Commission regarding a Classified Conditional Use Permit Time Extension is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Classified Conditional Use Permit (CUP) No. 3478 was approved by the Planning Commission on March 24, 2016 and became effective 15 days later, as prescribed by law.

The Applicant filed the subject time extension request on March 2, 2020, within the time limit noted above. If this third time extension request is granted, the Applicant will have until March 24, 2021 to achieve substantial development of the religious facility.

ANALYSIS/DISCUSSION:

Classified Conditional Use Permit (CUP) No. 3478 was approved by the Planning Commission on March 24, 2016, based on a determination that the required Findings could be made. Attached is a copy of the Planning Commission's Resolution (Exhibit 4) documenting the Conditions imposed on the project.

According to the Applicant's letter describing the Time Extension request (Exhibit 5), the Applicant needs additional time to complete construction of new sewer lines in conjunction with the City of Fresno's plans to expand sewer services for the Central Unified School District concurrently with services for the subject parcel and complete the review and approval of existing building improvements.

Approval of a time extension request for a Classified Conditional Use Permit is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the two-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining whether or not the Applicant should be granted an additional year to exercise the Classified Conditional Use Permit as approved.

This Time Extension application was routed to the same agencies that reviewed Classified Conditional Use Permit Application No. 3478 and the first and second one-year time extensions which were approved by the Planning Commission on May 17, 2018 and May 16, 2019, respectively. None of those agencies identified any change in circumstances, or the need for additional Conditions, or expressed any concerns with the proposed extension of time that were not addressed with the original approval of this project.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the third one-year Time Extension for Classified Conditional Use Permit No. 3478 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to March 24, 2021.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the third one-year Time Extension for Classified Conditional Use Permit No. 3478; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

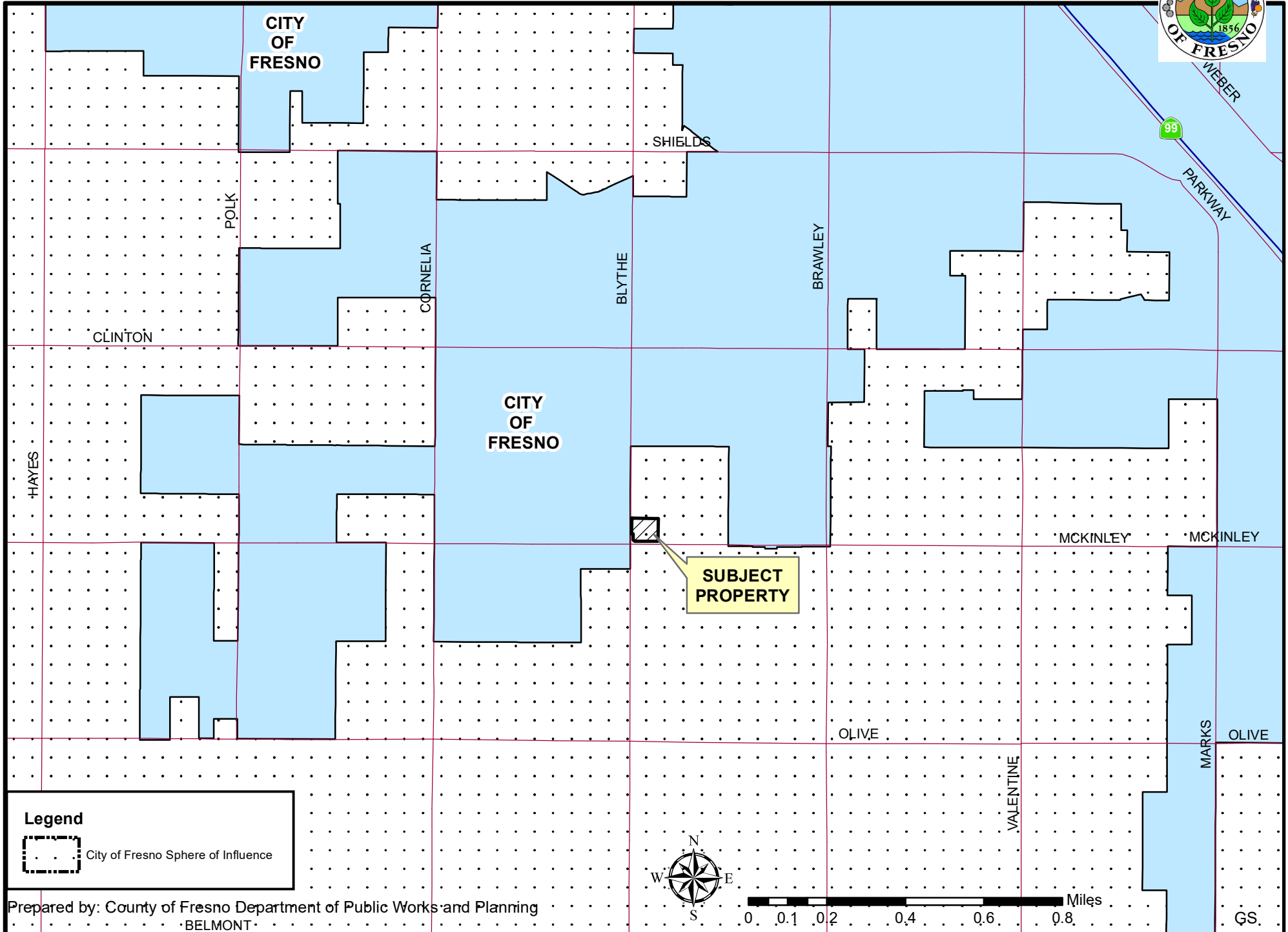
Alternative Motion (Denial Action)

- Move to deny the third one-year Time Extension request for Classified Conditional Use Permit No. 3478 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

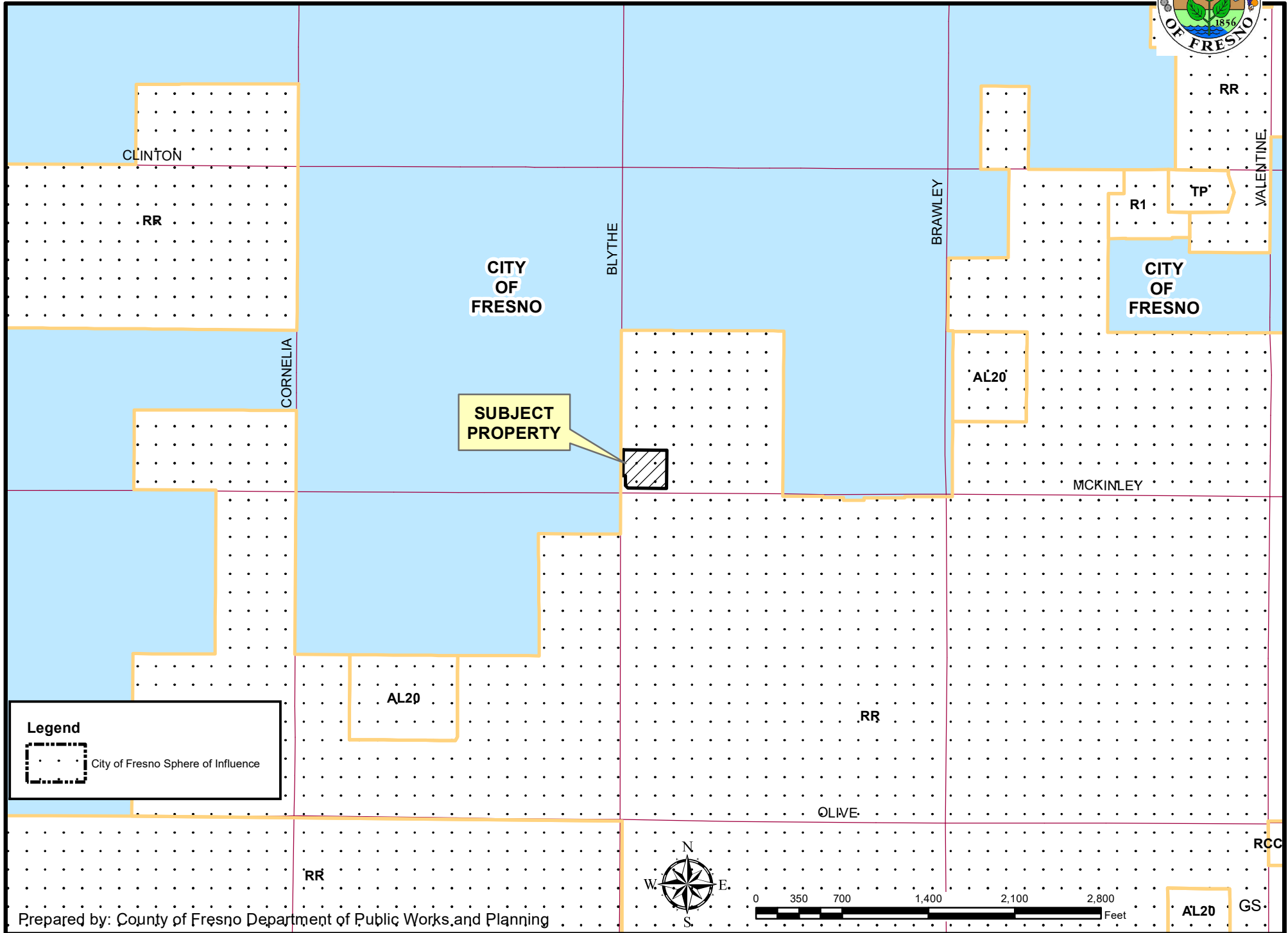
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LOCATION MAP



EXISTING ZONING MAP

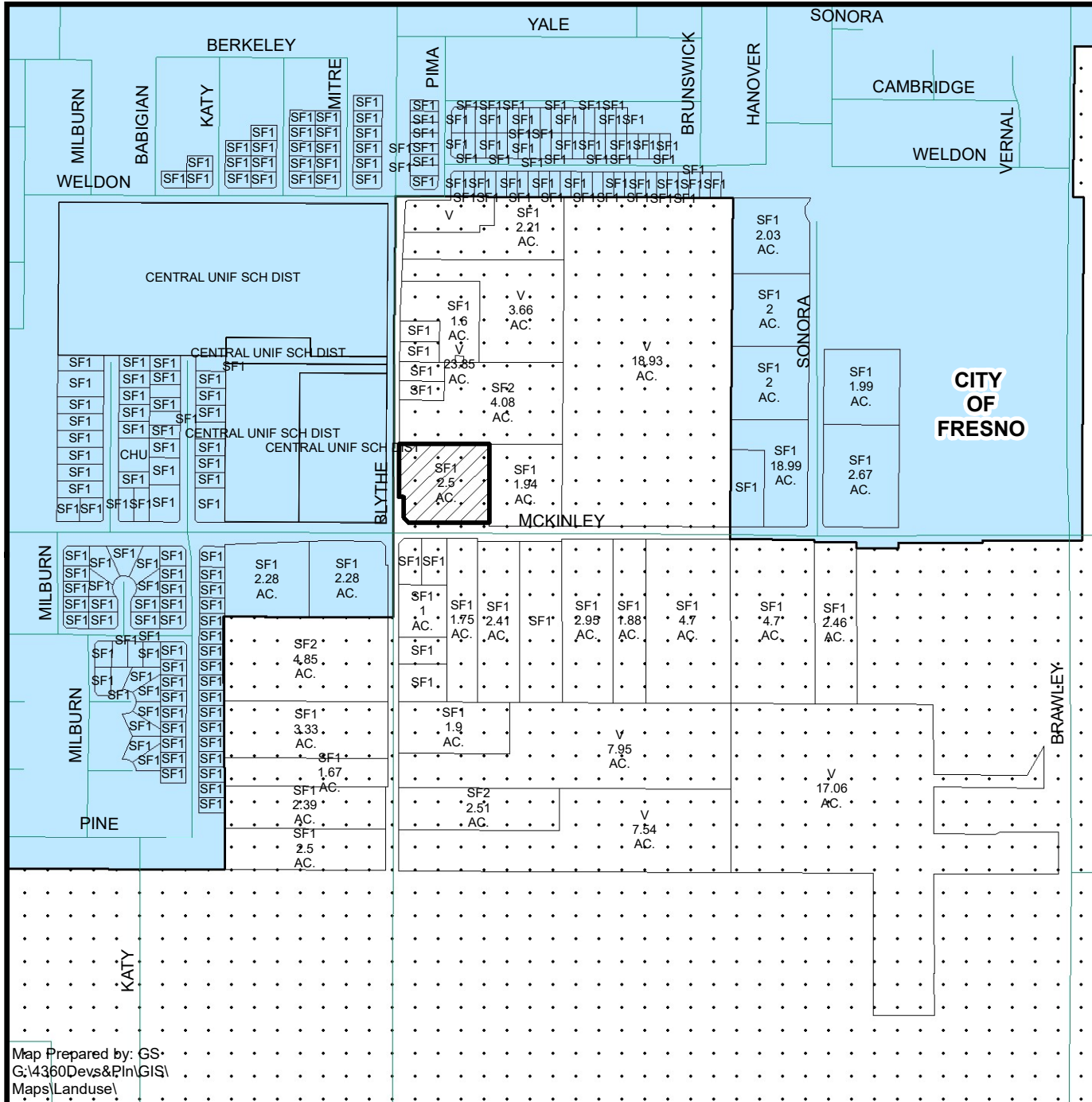


Legend

City of Fresno Sphere of Influence

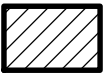



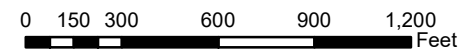
EXISTING LAND USE MAP



LEGEND	
CHU	- CHURCH
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Map Prepared by: GS
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Department of Public Works and Planning
 Development Services Division

King file



Inter Office Memo

DATE: March 24, 2016

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12563 - INITIAL STUDY APPLICATION NO. 6888 and CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3478

APPLICANT/
OWNER: Sy Nguyen Le

REQUEST: Allow an approximately 3,939 square-foot religious facility with related improvements on a 2.50-acre parcel in the R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the northeast corner of McKinley Avenue and Blythe Avenue, approximately 40 feet east of the nearest city limits of the City of Fresno (4354 W. McKinley Avenue) (Sup. Dist. 1) (APN 312-082-14).

PLANNING COMMISSION ACTION:

At its hearing of November 19, 2015, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Egan to continue the hearing to a date uncertain to allow Staff an opportunity to re-evaluate the Initial Study (IS) environmental analysis as it pertains to transportation and traffic in order to address concerns that the Commission expressed regarding Irrevocable Offers of Right-of-Way Dedication for McKinley Avenue and Blythe Avenue being required as Mitigation Measures for the project.

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Egan, Abrahamian, Mendes, Rocca, Woolf and Zadourian

No: None

Absent: Commissioner Lawson

Abstain: None

RESOLUTION NO. 12563

At its continued hearing of March 24, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson to adopt the Mitigated Negative Declaration prepared for the project, adopt the required Findings for approval of a Conditional Use Permit, and approve Classified Conditional Use Permit Application No. 3478, subject to the Conditions in the Staff Report, with the inclusion of additional Conditions to prohibit the accumulation of trash on the subject parcel, prohibit the use of outdoor sound amplification related to facility activities, require the construction of a six-foot-tall chain-link fence along the perimeter of the subject parcel with slats installed in the chain-link fence along the eastern property line of the subject parcel spanning from the northern boundary of the front yard setback (measured from the McKinley Avenue ultimate right-of-way) to a point 155 feet south of the northern property line of the subject parcel, and require landscaping consisting of drought-tolerant trees and shrubs along the eastern property line of the subject parcel spanning from the northern boundary of the McKinley Avenue ultimate right-of-way to a point 155 feet south of the northern property line of the subject parcel. All Conditions are listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Lawson, Chatha, Eubanks and Mendes
	No:	Commissioners Egan and Zadourian
	Absent:	Commissioners Borba and Woolf
	Abstain:	None

BERNARD JIMENEZ, INTERIM DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
 William M. Kettler, Manager
 Development Services Division

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

Attachments

EXHIBIT A

Initial Study Application No. 6888
Classified Conditional Use Permit Application No. 3478

Public Hearing dated November 19, 2015

Staff: The Fresno County Planning Commission considered the Staff Report dated November 19, 2015, and heard a summary presentation by staff.

Applicant: The Applicant's representative agreed with the Staff Report; however, he disagreed with the Irrevocable Offers of Right-of-Way Dedication for McKinley Avenue and Blythe Avenue being required as Mitigation Measures for the project. He described the project and offered the following information:

- The proposed temple will be independently operated by the Applicant, and will not be affiliated with other Buddhist Temples in the area.
- The temple may expand in the future; however, the Applicant will apply for the necessary permits to authorize any such expansion.
- The Applicant is not comfortable with losing land from the subject parcel through the Mitigation Measures requiring right-of-way dedications for Blythe Avenue and McKinley Avenue.

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

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

Public Hearing dated March 24, 2016

Staff: The Fresno County Planning Commission considered the Addendum Staff Report dated March 24, 2016, and heard a summary presentation by staff.

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

- A paved parking area was improved on the east side of the existing residence in order to provide temporary off-street parking for the proposed facility while the Applicant pursues approval of the proposed land use.
- The Applicant recently hosted a New Year Celebration at the project site which probably motivated the easterly-adjacent neighbors to provide the late correspondence in opposition to the project.

RESOLUTION NO. 12563

- The Applicant has plans to address the concerns identified by the easterly-adjacent neighbors in their late correspondence opposing the project, including improvements to the perimeter fencing so as to keep the on-site guard dog contained on the subject parcel.
- Although more than 40 people have visited the subject parcel for events such as the recently-hosted New Year Celebration, no more than 40 people have visited the subject parcel at the same time.

Others:

No other individuals presented information in support of the application, and one individual presented information in opposition to the application, citing:

- The subject parcel is not adequately secured, which allows the on-site guard dog to cross onto neighboring properties.
- People visiting the subject parcel park off site, along Blythe Avenue and McKinley Avenue.
- The subject parcel is not large enough to accommodate the number of people visiting.
- The Applicant has utilized a tent to host outdoor services at the subject parcel.
- The Applicant should construct a block wall around the perimeter of the subject parcel.

Correspondence:

No letters were presented to the Planning Commission in support of the application, and one letter provided as late correspondence was presented to the Planning Commission in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 6888 / Classified Conditional Use Permit Application No. 3478
(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 lighting shall be hooded and directed as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	Ongoing
*3.	Geology and Soils	Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in N. Blythe Avenue from the existing 15-inch sewer main in W. McKinley Avenue north across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*4.	Geology and Soils	Construct a 15-inch sanitary sewer main (including sewer house branches to adjacent properties) in W. McKinley Avenue from the existing 15-inch sewer main at the intersection of W. McKinley and N. Blythe Avenue east across the project frontage.	Applicant	Applicant/City of Fresno	Ongoing
*5.	Geology and Soils	Any existing septic system located on the subject parcel shall be properly destroyed under permit and inspection by the Fresno County Department of Public Works and Planning prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing

*6.	Geology and Soils	Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for City of Fresno Department of Public Utilities review and approval for proposed additions to the City sewer system.	Applicant	Applicant/City of Fresno	Ongoing
*7.	Geology and Soils	All public sanitary sewer facilities shall be constructed in accordance with City of Fresno Standards, Specifications, and Policies.	Applicant	Applicant/City of Fresno	Ongoing
*8.	Geology and Soils	Pay all applicable City of Fresno Sewer Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*9.	Hydrology and Water Quality	The existing single-family residence shall be connected to the community water system operated by the City of Fresno prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/City of Fresno	Ongoing
*10.	Hydrology and Water Quality	The Applicant shall provide the City of Fresno Department of Public Utilities with a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of the City of Fresno Department of Public Utilities.	Applicant	Applicant/City of Fresno	Ongoing
*11.	Hydrology and Water Quality	Installation of water service(s) and meter box(es) shall be required.	Applicant	Applicant/City of Fresno	Ongoing
*12.	Hydrology and Water Quality	Pay all applicable City of Fresno Water Connection Fees per the Fresno Municipal Code and the City of Fresno Master Fee Schedule.	Applicant	Applicant/City of Fresno	Ongoing
*13.	Hydrology and Water Quality	Seal and abandon any existing on-site water well in accordance with City of Fresno Standards and State of California Well Standards Bulletin 74-90, or current revisions issued by the California Department of Water Resources.	Applicant	Applicant/City of Fresno	Ongoing
*14.	Hydrology and Water Quality	Outdoor storage areas shall be constructed and maintained in such a manner that material that may generate contaminants will be prevented from contact with rainfall and runoff, thereby preventing the conveyance of contaminants in runoff into the storm drain system.	Applicant	Applicant/Fresno Metropolitan Flood Control District (FMFCD)	Ongoing
*15.	Transportation and Traffic	All parking and circulation areas shall be surfaced with asphalt concrete (AC) paving prior to occupancy being granted for the proposed religious facility.	Applicant	Applicant/PW&P	Ongoing

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission, except as modified by Site Plan Review.
2.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
3.	The property owner shall not allow trash to accumulate on the subject parcel.
4.	There shall be no use of outdoor sound amplification equipment related to facility activities.
5.	Prior to occupancy, the property owner shall construct a six-foot-tall chain-link fence along the perimeter of the subject parcel with slats installed in the chain-link fence along the eastern property line of the subject parcel spanning from the northern boundary of the front yard setback (measured from the McKinley Avenue ultimate right-of-way) to a point 155 feet south of the northern property line of the subject parcel.
6.	Prior to occupancy, the property owner shall provide landscaping consisting of drought-tolerant trees and shrubs along the eastern property line of the subject parcel spanning from the northern boundary of the McKinley Avenue ultimate right-of-way to a point 155 feet south of the northern property line of the subject parcel.

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required 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 related to construction and development of the project prepared by a licensed design professional shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
2.	20-foot by 20-foot corner cutoffs shall be maintained for sight distance purposes at any driveway accessing McKinley Avenue or Blythe Avenue.
3.	An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way.
4.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area AN, project development will require payment of a \$13,918.00 Drainage Fee to FMFCD.
5.	If construction associated with this proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity will be required. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before

Notes	
	construction begins, the Applicant must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
6.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

April 11, 2016

Sy Nguyen Le
4354 W. McKinley Avenue
Fresno CA 93722

Dear Applicant:

Subject: Resolution No. 12563 - Initial Study Application No. 6888 and Classified
Conditional Use Permit Application No. 3478

On March 24, 2016, the Fresno County Planning Commission approved your application with modified Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

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

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure

February 21, 2020

To Ms. Marianne Mollring

Chief of Planning Department, Fresno County Department of Public Works and Planning

2220 Tulare St, Fresno, CA 93721

Subject: Request an extension for the CUP No. 3478 (Resolution 12563)

Attention Mr. Jeremy Shaw

Dear Ms. Mollring and Mr. Shaw,

This is concerning the Classified Condition Use Permit No. 3478 (Resolution 12563) approved on March 24, 2016 for our Temple at 4354 W. McKinley Ave, Fresno, CA 93722.

Although we have been working diligently to construct the project, and complete a lot of improvement required by the CUP, there are still some works that need to be done:

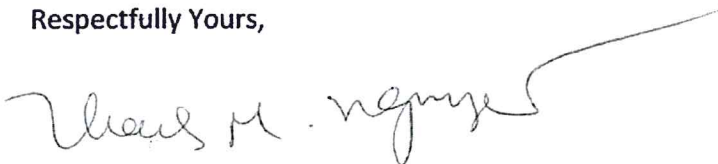
. Improvement of the existing building per approved building plans: We have a contractor who is scheduled to start on this work in April.

. Constructing off-site sewer lines per City of Fresno requirements: The City requires the project to joint with Central Unified School District that has a portion of the sewer line to be installed at the same time. The Central Unified and our Temple are working on an agreement to proceed with the project. Due to the McKinley Elementary school safety, the Central U District requires that the project be constructed during the off-school season, summer of 2020.

We would like to request a time extension on the CUP, so we can complete construction and building of all required improvements.

Thank you for your approval.

Respectfully Yours,



Thanh Nguyen

Representative for Thien-An Buddhist Temple of Fresno

4354 W. McKinley Ave, Fresno, CA 93722

310-972-0548



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 11, 2020

SUBJECT: Initial Study Application No. 7749 and Classified Conditional Use Permit Application No. 3661

Allow expansion of an existing pistachio processing facility on a 40.20-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 S. Wetslawn Avenue approximately 1,321 feet south of its intersection with W. Cerini Avenue and 3,550 feet northwest of the unincorporated community of Lanare (19210 S. Westlawn, Riverdale, CA) (SUP. DIST. 4) (APN 053-420-02S).

OWNER: Eriksson LLC
APPLICANT: Gary Smith, Eriksson LLC

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. 7749; and
- Approve Classified Conditional Use Permit No. 3661 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/Floor Plan/Elevations
6. Applicant’s Operational Statement
7. Summary of Initial Study Application No. 7749
8. Conditions of Approval for Conditional Use Permit (CUP) No. 3505
9. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	40.2 acres	No change
Project Site	<p>Improvements related to the pistachio processing facility on the property:</p> <ul style="list-style-type: none"> • 34,615 square-foot processing building • 4,550 square-foot office building • 3,750 square-foot shop building with 1,250 square-foot canopy • 16,000 square-foot huller canopy • 480 square-foot, scale house/guard shack • 1,400 square-foot storage silos with catwalks (14 total) • 1,770 square-foot, 24-foot-tall water storage tanks 	<p>Improvements related to the expansion of the pistachio processing facility:</p> <ul style="list-style-type: none"> • 34,328 square-foot processing building • 54,050 square-foot warehouse building • Fire protection water tank and pump • Loading dock • Roaster (to dry roast pistachios)

Criteria	Existing	Proposed
Structural Improvements	As noted above in Project Site	<ul style="list-style-type: none"> • 34,328 square-foot storage building • 54,050 square-foot warehouse building • Fire protection water tank
Nearest Residence	1,300 feet south of the proposal	No change
Surrounding Development	Cultivated farmlands; single-family residences	No change
Operational Features	<p>Pistachio processing facility (Phase 1):</p> <p>Pistachios received from the Applicant-owned pistachio orchards are hulled, dried, pre-processed, and stored at a 40.2-acre project site and then shipped off site for processing.</p> <ul style="list-style-type: none"> • Wastewater from the facility is processed on site and discharged to a settling pond on a 20-acre parcel. • Wastewater is pumped from the settling pond into the farming irrigation distribution system and applied onto 3,787.26 acres of farmland via micro-irrigation (drip) system or via flood/furrow or sprinkler. • 900-Kilowatt solar photovoltaic system provides electricity to the facility through a contract with PG&E 	<p>Expansion to the pistachio processing facility: The expansion will make the operation of the hulling facility more efficient by adding dryers and silos on the hulling side of the facility and adequate storage area in the warehousing side of the facility.</p> <ul style="list-style-type: none"> • 34,328 square-foot processing building (Phase 2) will be used to store bins and super sacks of processed pistachios that will be ready to ship to customers. • A 54,050 square-foot warehouse building (Phase 3) will be used to sort, size, grade, pasteurize and package pistachios to send to retailers for sale to the public. • Water storage tank and loading dock will be incidental to Phase 2 and Phase 3 of the project.
Employees	<ul style="list-style-type: none"> • 5 (year-round) • 40 (seasonal) 	No change
Customers	None	None
Traffic Trips	Traffic trips generated by the pistachio processing facility approved by CUP No. 3505:	No change to the current traffic trips to the site

Criteria	Existing	Proposed
	<ul style="list-style-type: none"> • 10 one-way employee trips (5 round trips) per day by year-round employees • 80 one-way employee trips (40 round trips) per day by seasonal employees during one to two months peak harvest season • 2 to 6 one-way truck trips (1 to 3 round trips) per day during non-peak harvest season • Average 40 one-way truck trips (20 round trips) and a maximum of 96 one-way truck trips (48 round trips) per day during one to two months peak harvest season 	
Lighting	Security lighting on building exteriors	Security lighting on building exteriors
Hours of Operation	<ul style="list-style-type: none"> • 7:00 a.m. to 3:30 p.m. – one shift per day, five days per week (non-peak operational hours) • 6:00 a.m. to 6:00 p.m. and 6:00 p.m. to 6:00 a.m. – two shifts per day, seven days per week (peak operational hours) 	No change

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 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: May 8, 2020

PUBLIC NOTICE:

Notices were sent to 2 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 five 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:

On August 11, 2016, the Planning Commission approved Conditional Use Permit (CUP) No. 3505 and adopted the Mitigated Negative Declaration prepared for Initial Study No. 7001 with Conditions and Findings. CUP No. 3505 authorized the construction and operation of the existing pistachio processing facility on the property and involves hulling, drying, pre-processing, storage and off-site shipment of pistachios. It also involves on-site processing, discharge and application of wastewater from the facility onto 3,787.26 acres of farmland.

The subject application (CUP No. 3661) proposes to allow the expansion of the facility by constructing two buildings with related improvements. Phase 1 of the project (existing improvements) include a processing building, an office building, a shop building, a huller canopy, a scale house/guard shack, storage silos and water storage tanks. Phase 2 of the project (proposed improvements) includes a 34,328 square-foot processing building (extension to the existing processing building), a fire protection water tank/pump, and two dryers and three silos which were approved by CUP No. 3505. Phase 3 of the project (proposed improvements) include a 54,050 square-foot warehouse building and a loading dock. The proposed improvements will help improve the current pistachio processing operation with no increase in production. The project will not generate additional wastewater to irrigate surrounding farmland. Approximately 3,787.26 acres of farmland was approved to be irrigated with the approval of CUP No. 3505.

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 (west property line): 105 feet Side (north property line): 492 feet Side (south property line): 490 feet Rear (east property line): 752 feet	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Parking	One parking space for every two employees and one ADA-compliant parking space for every 25 parking stalls (minimum 23 parking spaces required)	No additional parking required (32 parking spaces currently provided)	Yes
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Six-foot minimum	50 feet between buildings	Yes
Wall Requirements	No requirement	None	N/A
Septic Replacement Area	100 percent	100 percent	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Will utilize individual septic system	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet 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 (Exhibit 5) demonstrates that the proposed improvements (32,328 square-foot processing building; 54,050 square-foot warehouse building) will meet the building setback requirements of the AE-20 Zone District. The buildings will be set back approximately 105 feet from west property line (minimum 35 feet required), 492 feet from north property line (minimum 20 feet required), 490 feet from south property line (minimum 20 feet required), and 752 feet from east property line (minimum 20 feet required) of the subject property. Related improvements (loading dock and water storage tank/pump) will also meet the building setbacks for the AE-20 Zone District. There are 32 parking spaces on the property, including two that are ADA compliant. This proposal requires no additional parking.

Based on the above information, staff believes the subject 40-acre property is adequate in size and shape to accommodate the proposal.

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 proposal*

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	West Lawn Avenue; poor condition	No change
Direct Access to Public Road	Yes	West Lawn Avenue; poor condition	No change
Road ADT (Average Daily Traffic)		200	No change
Road Classification		Local	No change
Road Width		30-foot right-of-way north of and 30-foot right-of-way south of the section line	No change
Road Surface		Asphalt paved with pavement width 17.9 feet	No change
Traffic Trips		<p>Traffic trip generated by the existing pistachio processing facility approved by CUP No. 3505:</p> <ul style="list-style-type: none"> • 10 one-way employee trips (5 round trips) per day by year-round employees • 80 one-way employee trips (40 round trips) per day by seasonal employees during one to two months peak harvest season • 2 to 6 truck trips (1 to 3 round trips) per day during non-peak harvest season • Average 40 one-way truck trips (20 round trips) and a maximum of 96 one-way truck 	No change to the current traffic trips to the site

		Existing Conditions	Proposed Operation
		trips (48 round trips) per day during one to two months peak harvest season	
Traffic Impact Study (TIS) Prepared	No	See above "Traffic Trips"	The expansion to the existing pistachio processing facility will result in no increase in employee or traffic trips to the site. No Traffic Impact Study was required for the project by the Design Division of the Fresno County Department of Public Works and Planning.
Road Improvements Required		West Lawn Avenue; poor condition	No change

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns related to traffic.

Design Division of the Fresno County Department of Public Works and Planning: No concerns related to traffic and no Traffic Impact Study (TIS) required.

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

Analysis:

The project site fronts Westlawn Avenue, a Local road maintained by the County. West Lawn Avenue is asphalt paved with pavement width of 17.9 feet, carries an Average Daily Traffic of 200, and is in poor condition. No new access to the site is proposed by this application. The proposed development will utilize the current access off Westlawn Avenue.

According to the Applicant's Operational Statement (Exhibit 6), the existing pistachio processing facility employs 8-10 permanent employees, 45 seasonal employees and an average of 20 truck trips (round) and a maximum of 48 truck trips (round) per day delivering pistachios during peak harvest season. The Operational Statement also indicates that the subject proposal will not result in an increase in the overall pistachio processing volumes, thereby resulting in no additional employee or truck trips to the project site.

The Design Division and Road Maintenance and Operations Division of the Department of Public Works and Planning concurred with the Applicant's Operational Statement, expressed no concerns related to traffic and required no Traffic Impact Study for the project.

Based on the above information, staff believes Westlawn Avenue at the project site 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	20 acres	Farmland	AE-20	None
South	116.9 acres	Farmland with a Single-Family Residence	AE-20	1,242 feet
East	59 acres	Farmland	AE-20	None
West	80.3 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

Regional Water Quality Control Board, Central Valley Region (Water Board): The Applicant shall submit a new Report of Waste Discharge to the Regional Water Quality Control Board if the project will result in any changes in the character and/or location of discharge of wastewater from the current pistachio processing facility onto farmland. This requirement has been included as a Condition of Approval.

Building and Safety Section of the Fresno County Department of Public Works and Planning: Construction plans, building permits and inspections shall be required for the proposed development.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An updated Grading and Drainage Plan and a grading permit shall be required for the project. Any work done within the right-of-way to connect a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. A 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the exiting driveways onto Westlawn Avenue.

Fresno County Fire Protection District (FCFPD): The project shall comply with the California Code of Regulations Title 24 - Fire Code, and obtain approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. Additionally, the property shall be annexed into Community Facilities District No. 2010-01 of FCFPD.

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. An Underground Storage Tank Removal Permit shall be obtained for any underground storage tank(s) if found during construction. Pursuant to the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, a permit may be required from the California Department of Resources Recycling and Recovery. All abandoned water wells and septic systems on the property shall be properly destroyed under permits and inspections. The location of the on-site sewage disposal area shall be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system. All construction-related noise shall adhere to the Fresno County Noise Ordinance.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: 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. Any proposed driveway shall be a minimum of 24 feet and a maximum of 35 feet in width. If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt. 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 shall require submittal of landscape and irrigation plans for approval by the Department of Public Works and Planning, Site Plan Review (SPR) unit. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. A dust palliative shall be required on all parking and circulation areas

The above-noted requirements have been included as Project Notes.

San Joaquin Valley Air Pollution Control District (SJVAPCD): Although no comments were provided, the project would still be subject to all applicable Air Resources Board and SJVAPCD rules and regulations. The project will require an Authority to Construct (ATC) permit from the District and be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above-noted requirements have been included as Project Notes.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The project shall require an engineered Grading and Drainage Plan. The entrance swing gates along Westlawn Avenue should be set back a minimum of 20 feet from Westlawn Avenue right-of-way. For access driveway onto Westlawn Avenue, the first 100 feet of the driveway access from the public road shall be paved or treated with dust palliative. An encroachment permit shall be obtained for any work in the County road right-of-way. Note: These requirements are included in the Development Engineering and Site Plan Review comments above and will be addressed through Site Plan Review.

Fresno County Agricultural Commissioner's Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort

associated with normal farm activities surrounding the proposed development. Note: This requirement has been fulfilled by Conditional Use Permit No. 3505.

Southern San Joaquin Valley Information Center (SSJVIC): Prior to the approval of the project, a new archaeological survey of the site shall be done by a professional archaeologist. Note: An Archeological Report (Phase I Survey) prepared for the project was provided to SSJVIC.

Table Mountain Rancheria (TMR) Tribal Government Office: A Cultural Resource Report shall be provided to TMR and a meeting shall be coordinated with the Tribe to discuss project impact on tribal cultural resources. Note: Phase I Survey noted above was provided to TMR with an invitation for discussion.

U.S. Fish & Wildlife Service; California Department of Fish & Wildlife; North Fork King GSA; Native American Heritage Commission; Water and Natural Resources Division of Fresno County Department of Public Works and Planning; California Department of Transportation (Caltrans); State Water Resources Control Board, Division of Drinking Water: No concerns with the proposal.

Analysis:

The project site is currently developed with buildings/structures and parking and circulation areas related to an existing pistachio processing facility. Land surrounding the project site contains field crops and orchards with single-family residences. The nearest residence is located approximately 1,242 feet to the south and an animal shelter is located approximately 2,412 feet to the east of the project site.

The subject proposal entails addition of a 34,328 square-foot processing building, 54,050 square-foot warehouse building, a fire protection water tank, and a loading dock to the existing pistachio processing facility. The proposed improvements are intended to and will help improve the facility operation and not increase the hulling volumes. The existing improvements comprised of the processing building, office building, shop building, huller canopy, scale house/guard shack, storage silos and water storage tanks will remain intact and in use by the existing operation.

The Initial Study prepared for this project identified potential impacts to aesthetics and cultural resources. Regarding aesthetics, all outdoor lighting are required to be hooded and directed downward to avoid glare on adjoining properties. Regarding cultural resources, any cultural resources or human remains discovered during ground-disturbance activities will require all work to be stopped and findings be evaluated by an archeologist. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and public services has been determined to be less than significant. The project will comply with the San Joaquin Valley Air Pollution Control District permitting requirements; require a Grading and Drainage Plan to show how additional storm water runoff generated by the project will be handled without adversely impacting adjacent properties; handle all hazardous waste/materials according to the applicable state laws; destroy all abandoned wells within the project area through permits and inspections; submit a new Report of Waste Discharge to the Water Board if necessary; and comply with the current Fire Code and annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements have been included as Conditions of Approval and Project Notes, and will be addressed through Site Plan Review (SPR). Conditions of the SPR

may include, but not be limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of light.

The subject parcel is in an area of moderate sensitivity to archaeological finds. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. Table Mountain Rancheria and the Santa Rosa Tribe requested consultation, were provided with the Phase 1 Cultural Resources Survey for the project and were offered a meeting with staff. Staff received no response from the tribes and ultimately concluded the consultation process. The Mitigation Measure included in Section V. CULTURAL ANALYSIS (Exhibit 7) will reduce impact on tribal cultural resources should they be discovered during ground disturbance.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes as noted above, staff believes that the proposal will not have adverse effects upon surrounding properties.

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:
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) use shall provide a needed service to the surrounding agricultural area which cannot be provided within urban areas; b) use shall not be sited on productive agricultural lands if less productive land is available; c) use shall not have a detrimental impact on water resources or the use or management of surrounding properties within one quarter-mile radius; d) probable workforce located nearby be readily available; and f) capacity of cities and unincorporated communities to provide the required services for the use be evaluated.</p>	<p>Concerning Policy LU-A.3, criteria a-d, the subject proposal is compatible with agriculture and involves expansion to an existing pistachio processing facility authorized by Conditional Use Permit No. 3505; will utilize an approximately 2.3-acre inactive and disturbed portion of a 40.2-acre Prime Farmland; is not located in a water-short area and will remain within the water demand for the existing facility; and can be provided with adequate work force from the nearby communities of Lanare and Riverdale. Concerning criteria f., the project will utilize groundwater and an individual septic system due to unavailability of any community sewer and water system in the area. The project meets this policy.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, the County shall seek to</p>	<p>As noted above, the subject proposal is compatible with agriculture, will be located on</p>

Relevant Policies:	Consistency/Considerations:
<p>protect agricultural activities from encroachment of incompatible land uses.</p> <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>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agriculture land and that mitigation be required where appropriate.</p>	<p>a 40.2-acre parcel secured by perimeter fencing to separate the use from the adjacent farming operations, and will adhere to Mitigation Measures discussed in this report. The project meets these policies.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project is not located in a low-water area of Fresno County. The water demand of the current pistachio processing facility is met by an agricultural well on site. The subject proposal will remain within those water demands. No impact on groundwater resources would occur. The project meets this policy.</p>
<p>General Plan Policy HS-G.1: County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.</p>	<p>The project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. Short term construction-related activity will adhere to the Fresno County Noise Ordinance. The project meets this policy.</p>

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit if they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project. Policy HS-G.1 requires that project design include elements necessary to minimize adverse noise impacts on surrounding land uses.

Analysis:

The project meets the intent of Policy LU-A.3 as discussed above in General Plan Consistency/Consideration. Concerning this policy, the existing pistachio processing facility was established with

the approval of CUP No. 3505 in 2016. This approval after 1976 (when Policy LU-A.3, Criteria a, b, c, d & f were adopted) resulted in the determination that the use met the above-specified criteria. The current proposal, which seeks to expand the use by adding storage building and related improvements in support of the existing use will not change the basic nature of the operation or result in a significantly more intense use.

Concerning consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed improvements are compatible to agriculture pursuant to Policy LU-A.3, the existing perimeter fences around the property separate the use from adjacent farming operations; and the project will adhere to all applicable Mitigation Measures noted in this report and Exhibit 7.

Concerning consistency with Policy PF-C.17 and Policy HS-G.1, the project will remain within the water demand for the current pistachio processing facility and would not generate excessive noise during operation to impact surrounding land uses. Construction noise will be short term and will adhere to the County Noise Ordinance.

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

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare

Reviewing Agency Comments:

Refer to **Reviewing Agency Comments** in Finding 3 of this report.

Analysis:

As discussed above in Finding 3, the project will comply with the Site Plan Review included as a Condition of Approval in the Resolution. This Condition was deemed necessary to ensure that project-related on-site and off-site improvements are constructed in a manner which protects public health, safety and general welfare. This includes the requirement that site grading be performed according to the County Ordinance Code to protect adjacent properties from flooding hazards and new landscaping be subject to water conservation measures. Additional conditions deemed necessary to protect public health, safety and general welfare, and included in the Resolution require that all outdoor lighting be hooded in order to minimize glare on adjacent properties, archeological resources be protected if discovered on the property, and construction noise levels shall meet the County of Fresno daytime noise level standards.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 5 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 (CUP) can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit No. 3661, 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. 7749; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3661, 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 the basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3661; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3661\SR\CUP 3661 SR (EJ).docx

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7749/Classified Conditional Use Permit Application No. 3661
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During project life
2.	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 shall 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	As noted
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, onsite grading and drainage, fire protection, landscaping, signage and lighting.				
3.	The Applicant shall submit a new Report of Waste Discharge to the Regional Water Quality Control Board if the project will result in any changes in the character and/or location of discharge of wastewater from the current pistachio processing facility onto farmland.				
4.	All Conditions of Conditional Use Permit No. 3505 shall remain in full force and effect except where superseded by this application.				

*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.

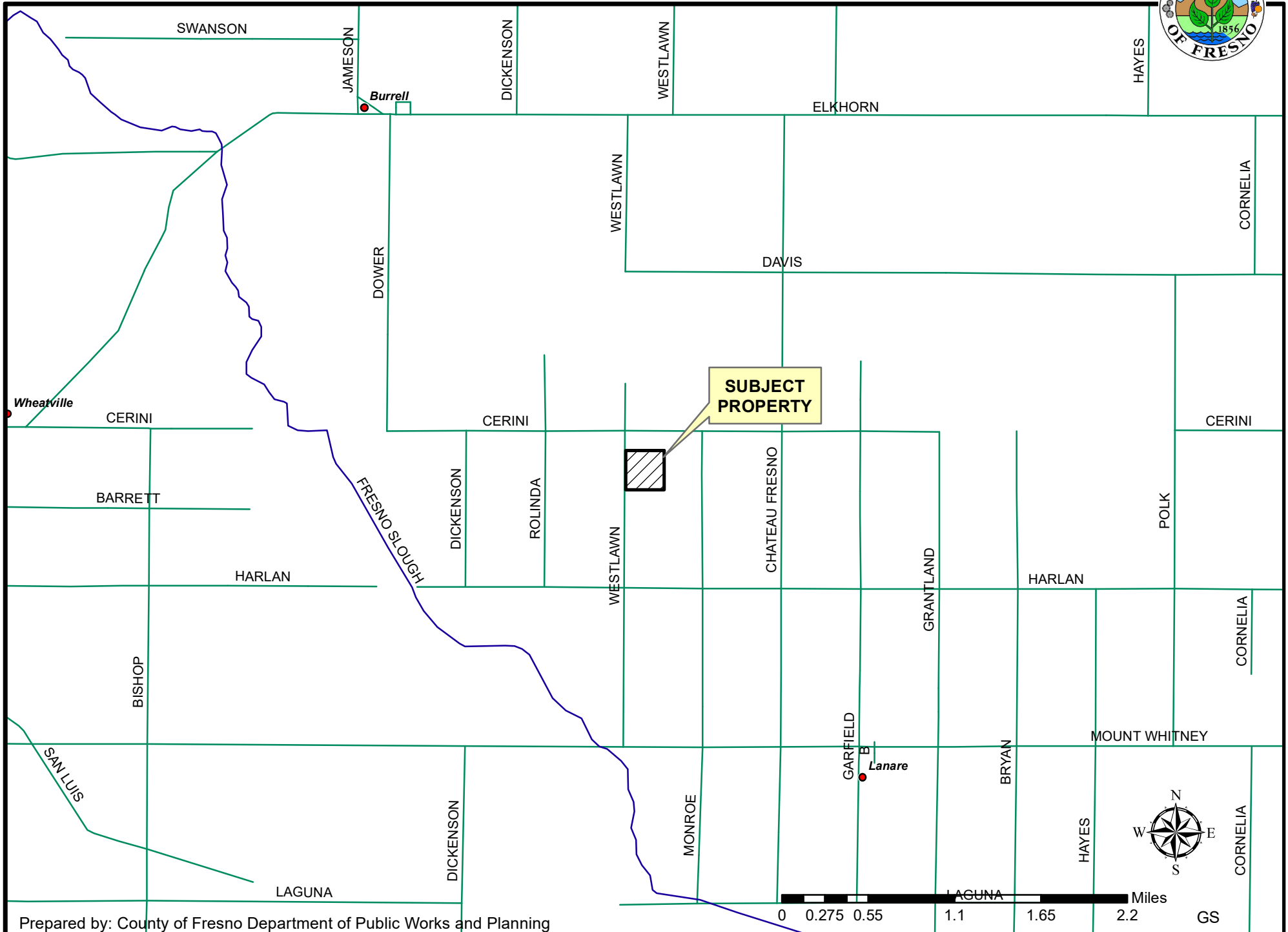
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Construction plans, building permits and inspections will be required for all improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	<p>To address site development impacts resulting from the project, the Site Plan Review Unit of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none">• 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.• Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width.• If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt.• 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 (MWEL0) and shall require submittal of landscape and irrigation plans for approval to the Department of Public Works and Planning, Site Plan Review (SPR) unit.• All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.• A dust palliative shall be required on all parking and circulation areas <p>Note: These requirements will be addressed through Site Plan Review.</p>
4.	<p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) 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.• An Underground Storage Tank Removal Permit shall be obtained for any underground storage tank(s) if found during construction.• Pursuant to the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers, the owner/operator may require obtaining a permit from the California Department of Resources Recycling and Recovery (CalRecycle).• All abandoned water wells on the property shall be properly destroyed under permits and inspections from the Health Department.

Notes	
	<ul style="list-style-type: none"> • The location of the on-site sewage disposal area shall be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system. • All construction-related noise shall adhere to the Fresno County Noise Ordinance.
5.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application, plans shall 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. In addition, the property shall be annexed into Community Facilities District (CFD) No. 2010-01 of FCFPD.
6.	<p>To address site development impact resulting from the project, the Development Engineering Section of Fresno County requires the following:</p> <ul style="list-style-type: none"> • An updated Engineered Grading and Drainage Plan shall 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 proposed with this application. • Any work done within the right-of-way to connect a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. • A 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the exiting driveways onto Westlawn Avenue.
7.	The project shall require an Authority to Construct (ATC) permit from the San Joaquin Valley Air Pollution Control District and be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

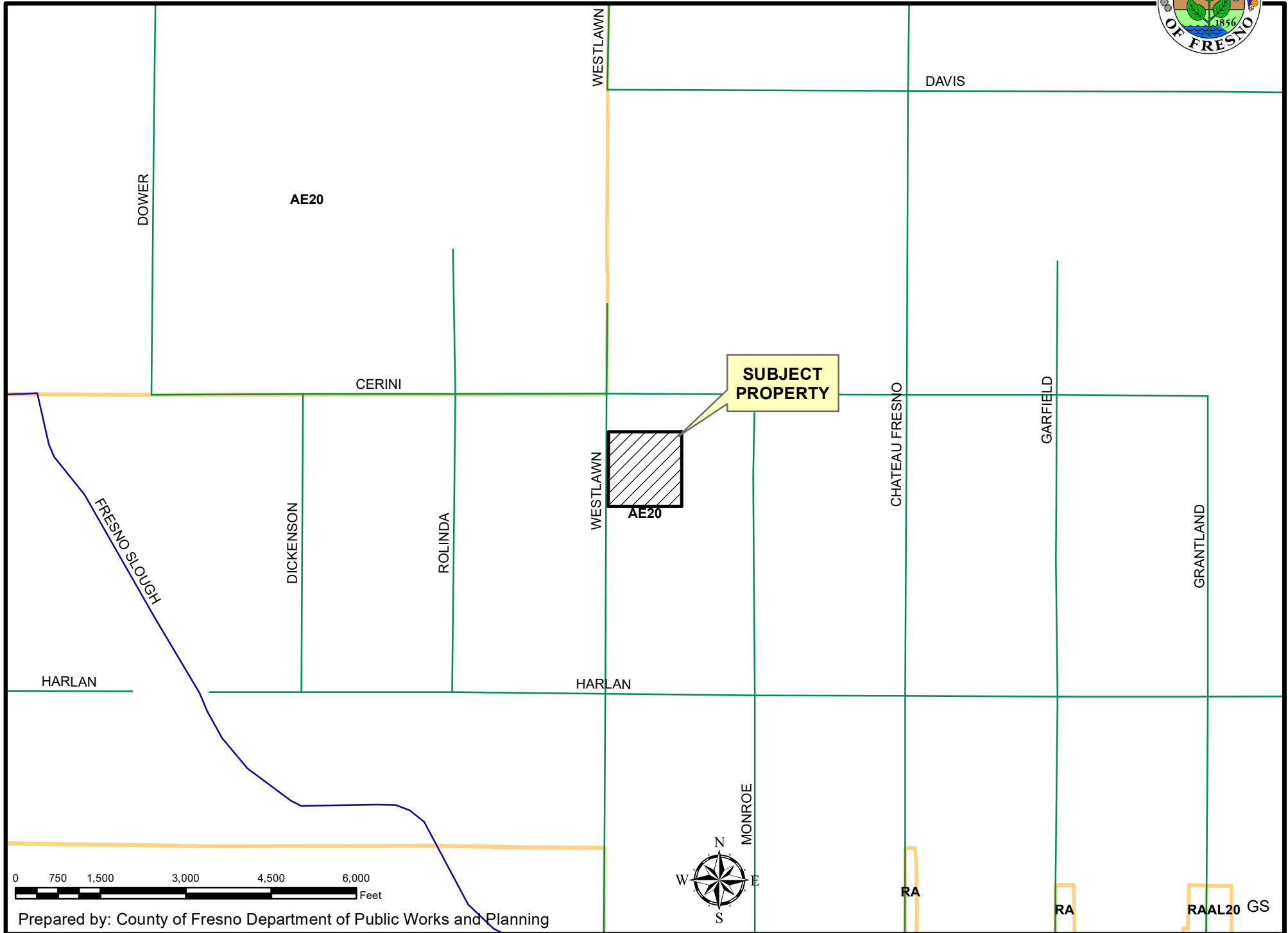
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3661\SR\CUP 3661 MMRP (Ex 1).docx

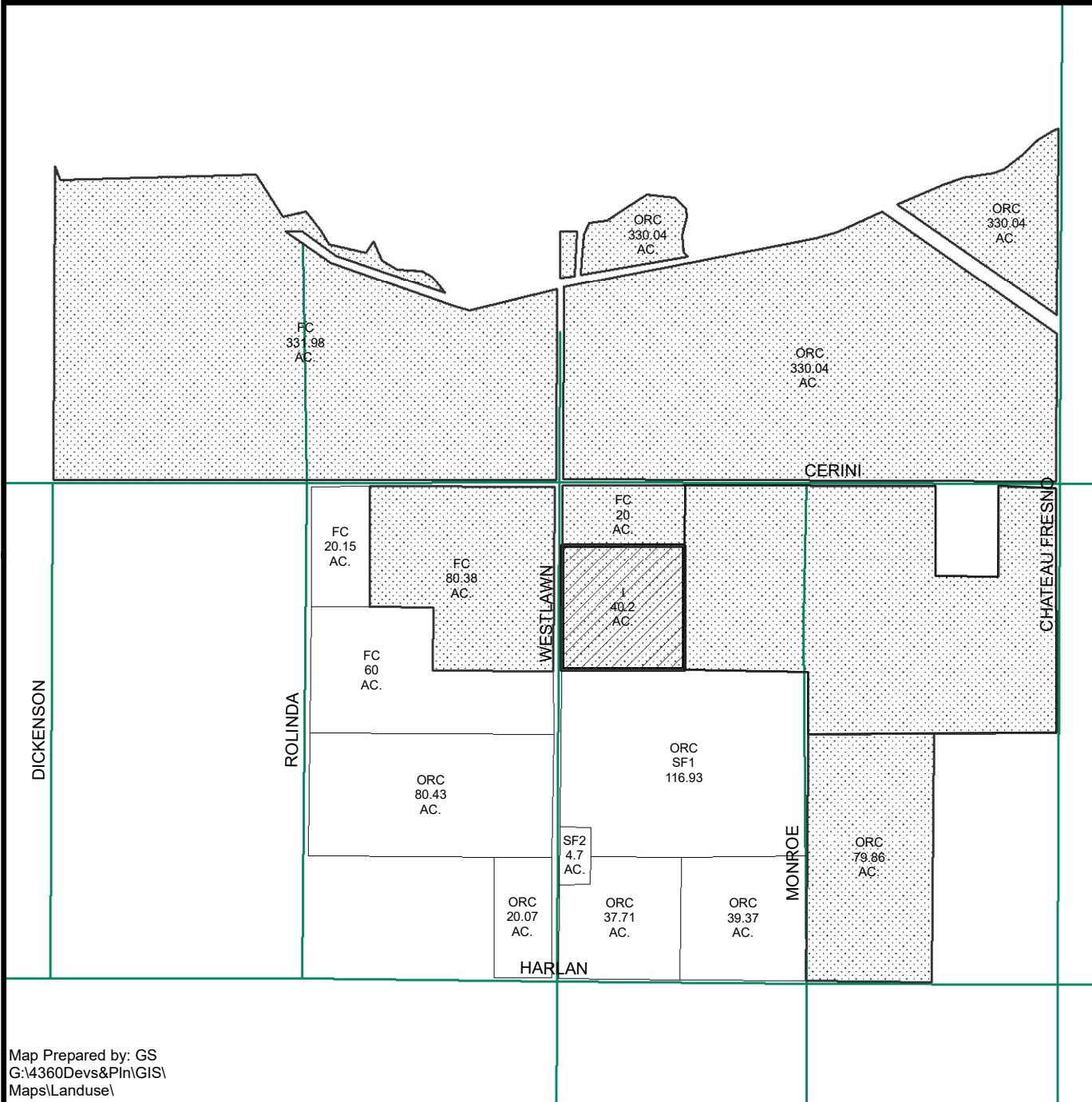
LOCATION MAP



EXISTING ZONING MAP





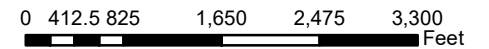
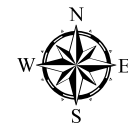
EXISTING LAND USE MAP



LEGEND	
FC - FIELD CROP	
I - INDUSTRIAL	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

-  Subject Property
-  Ag Contract Land



Map Prepared by: GS
 G:\4360Devs&PIn\GIS\
 Maps\Landuse\

Department of Public Works and Planning
 Development Services Division

ERIKSSON LLC INGLEBY US PISTACHIO PLANT

PREPARED FOR: ERIKSSON LLC.
3215 W HOWARD AVE
VISALIA, CA 93277

PREPARED BY: HARTMAN ENGINEERING INC.
113 N. CHURCH ST. SUITE 502
VISALIA, CA 93291

SITE DATA:

APN NORTH: 053-420-010
APN SOUTH: 053-420-020
AREA NORTH: 20 AC. ±
AREA SOUTH: 20 AC. ±
CURRENT ZONING: AE20
PROPOSED ZONING: AE20
EXISTING USE: AGRICULTURE
PROPOSED USE: AG-INDUSTRIAL
SEWER SERVICE: PRIVATE
WATER SERVICE: PRIVATE
STORM SERVICE: PRIVATE
GAS SERVICE: SO CAL GAS
ELEC. SERVICE: PG&E
REFUSE SERVICE: PRIVATE
TELEPHONE: ATT
FLOOD ZONE: X
OCCUPANCY: MIXED USE F-1/B
CONSTRUCTION: TYPE II-B

LEGEND:

(P) PROPOSED
(E) EXISTING
(F) FUTURE
ROW RIGHT OF WAY
PL PROPERTY LINE

PARKING:

TOTAL: 34 STALLS

ALLOWABLE BUILDING AREA

VARIABLES

A₂ = ALLOWABLE AREA (TABLE 506.2)
A₁ = TABULAR ALLOWABLE AREA FACTOR (NS, S1 OR S1R)
VALUE AS APPLICABLE (TABLE 506.2)
NS = TABULAR ALLOWABLE AREA FACTOR IN ACCORDANCE WITH TABLE 506.2 FOR NON-SPRINKLERED BUILDINGS (REGARDLESS OF WHETHER THE BUILDING IS SPRINKLERED)
I₁ = AREA FACTOR INCREASE DUE TO FRONTAGE PERCENT AS CALCULATED IN ACCORDANCE WITH SECTION 506.3
F = BUILDING PERIMETER THAT FRONTS ON A PUBLIC WAY OR OPEN SPACE HAVING MINIMUM DISTANCE OF 20'
P = PERIMETER OF ENTIRE BUILDING
W = WIDTH OF PUBLIC WAY OR OPEN SPACE (FEET) IN ACCORDANCE WITH SECTION 506.3.2

PROCESSING

EQUATION 5-1: A₁ = A₂ × (NSxI₁)
A₁ = 62,000 S.F. (TABLE 506.2)
NS = 15,500 S.F. (TABLE 506.2)
I₁ = .67 — SEE EQUATION 5-5 BELOW
F-1 USE
A₁ = 62,000 × (15,500 × .75)
A₁ = 62,000 × 11,625
A₁ = 73,625
EQUATION 5-5: I₁ = [FIP - .25]W/30
I₁ = [1177.5/1177.5 - .25]/30
I₁ = [.75]/1
I₁ = .75

OFFICE

EQUATION 5-1: A₁ = A₂ × (NSxI₁)
A₁ = 92,000 S.F. (TABLE 506.2)
NS = 23,000 S.F. (TABLE 506.2)
I₁ = .43 — SEE EQUATION 5-5 BELOW
B USE
A₁ = 92,000 × (23,000 × .75)
A₁ = 92,000 × 23,000
A₁ = 115,000 S.F.
EQUATION 5-5: I₁ = [FIP - .25]W/30
I₁ = [282/282 - .25]/30
I₁ = [.75]/1
I₁ = .75

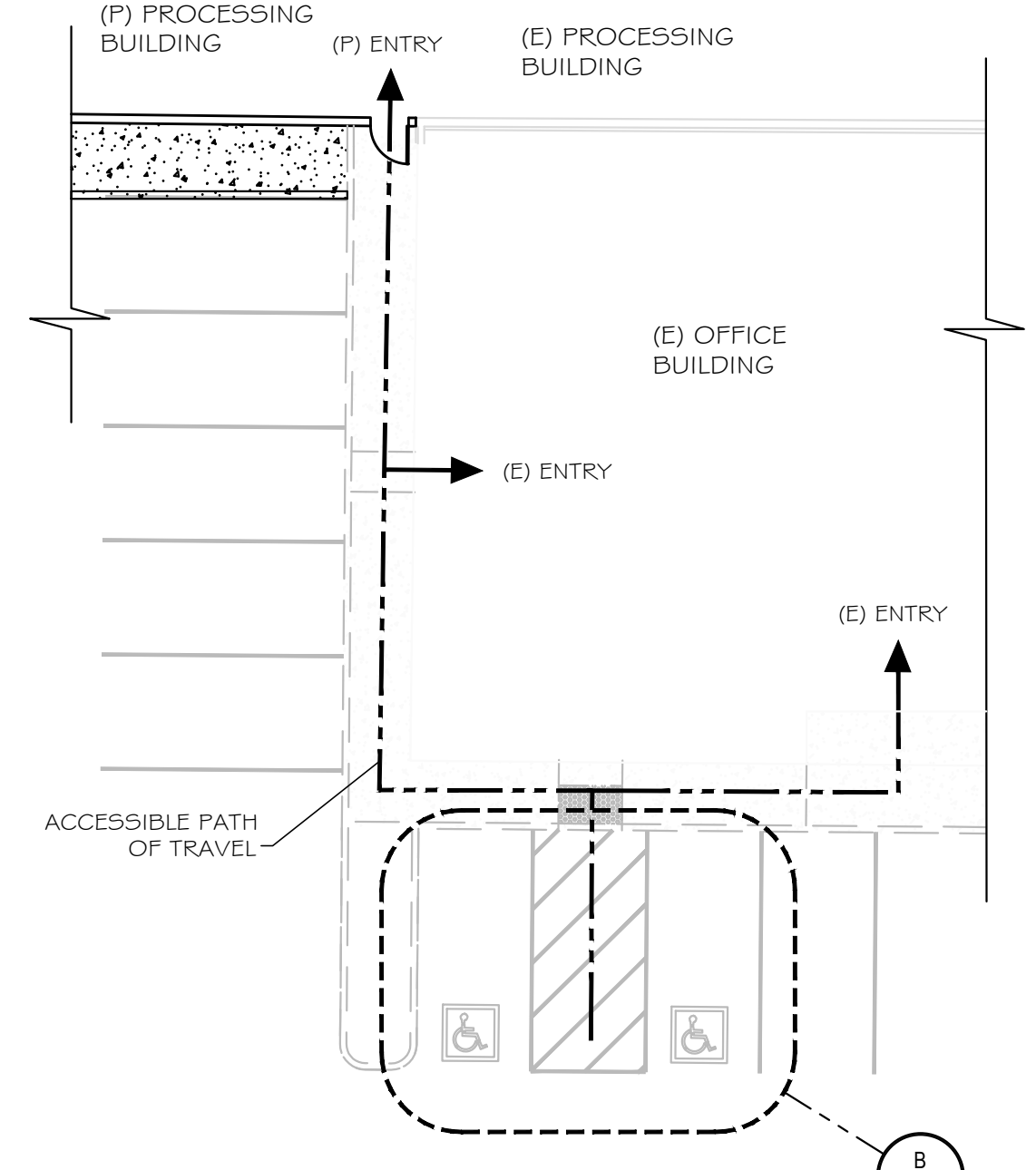
FOR F-1 OCCUPANCY

ALLOWABLE AREA = 73,625 S.F.
PROPOSED AREA = 68,828 S.F.

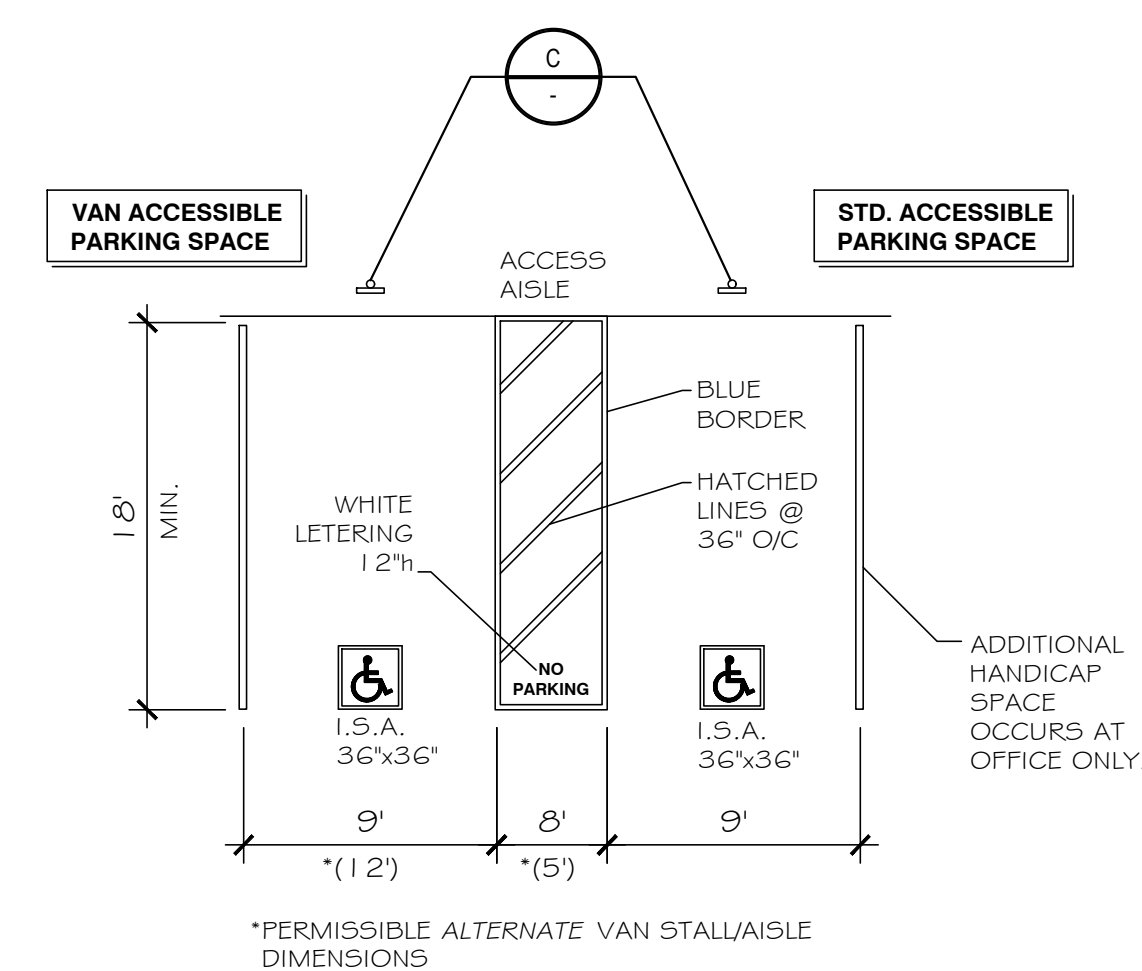
FOR B OCCUPANCY

ALLOWABLE AREA = 115,000 S.F.
PROPOSED AREA = 4,550 S.F.

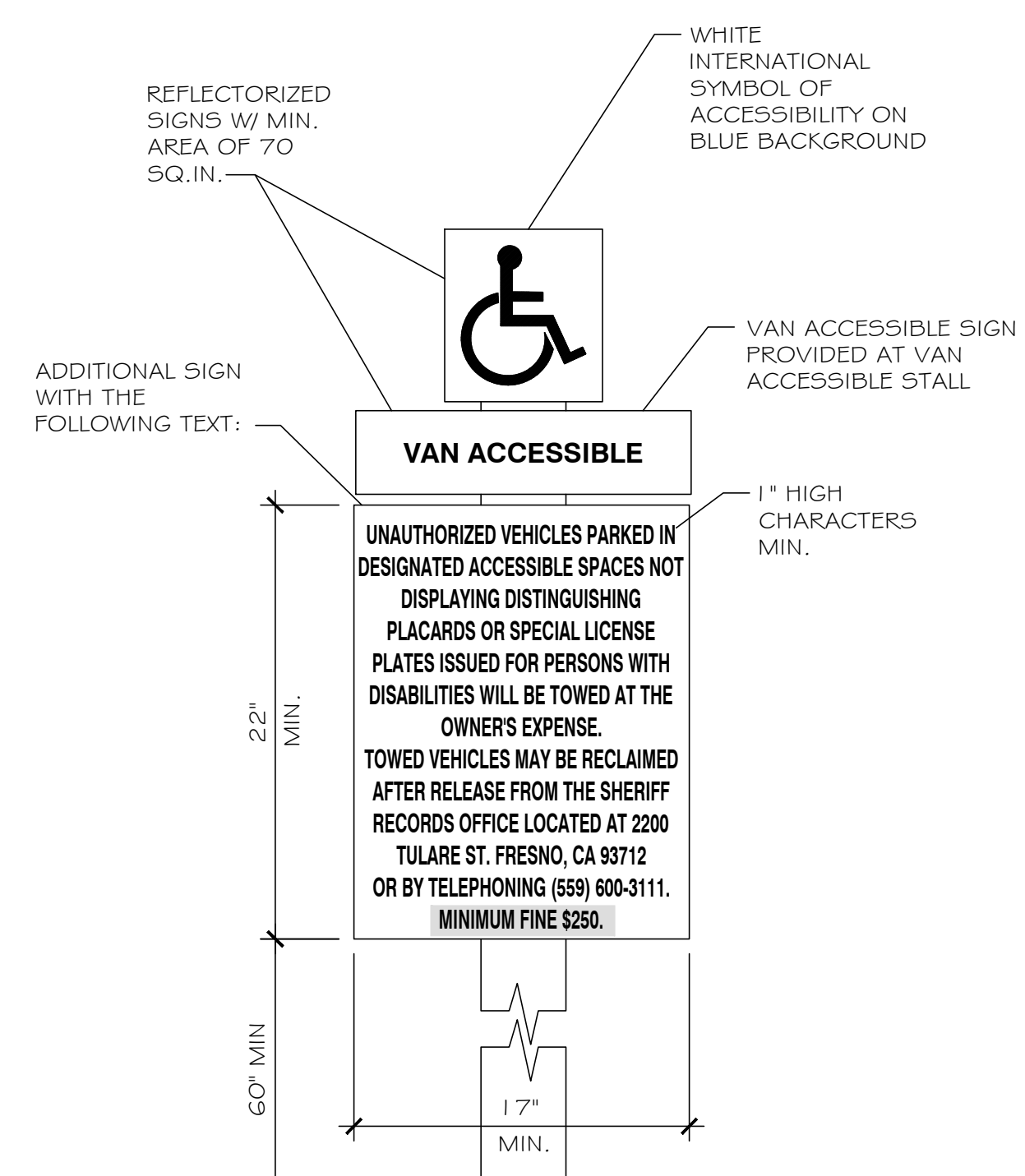
FOR WHOLE BUILDING
TOTAL ALLOWABLE AREA = 73,625 S.F.
TOTAL PROPOSED AREA = 73,378 S.F.



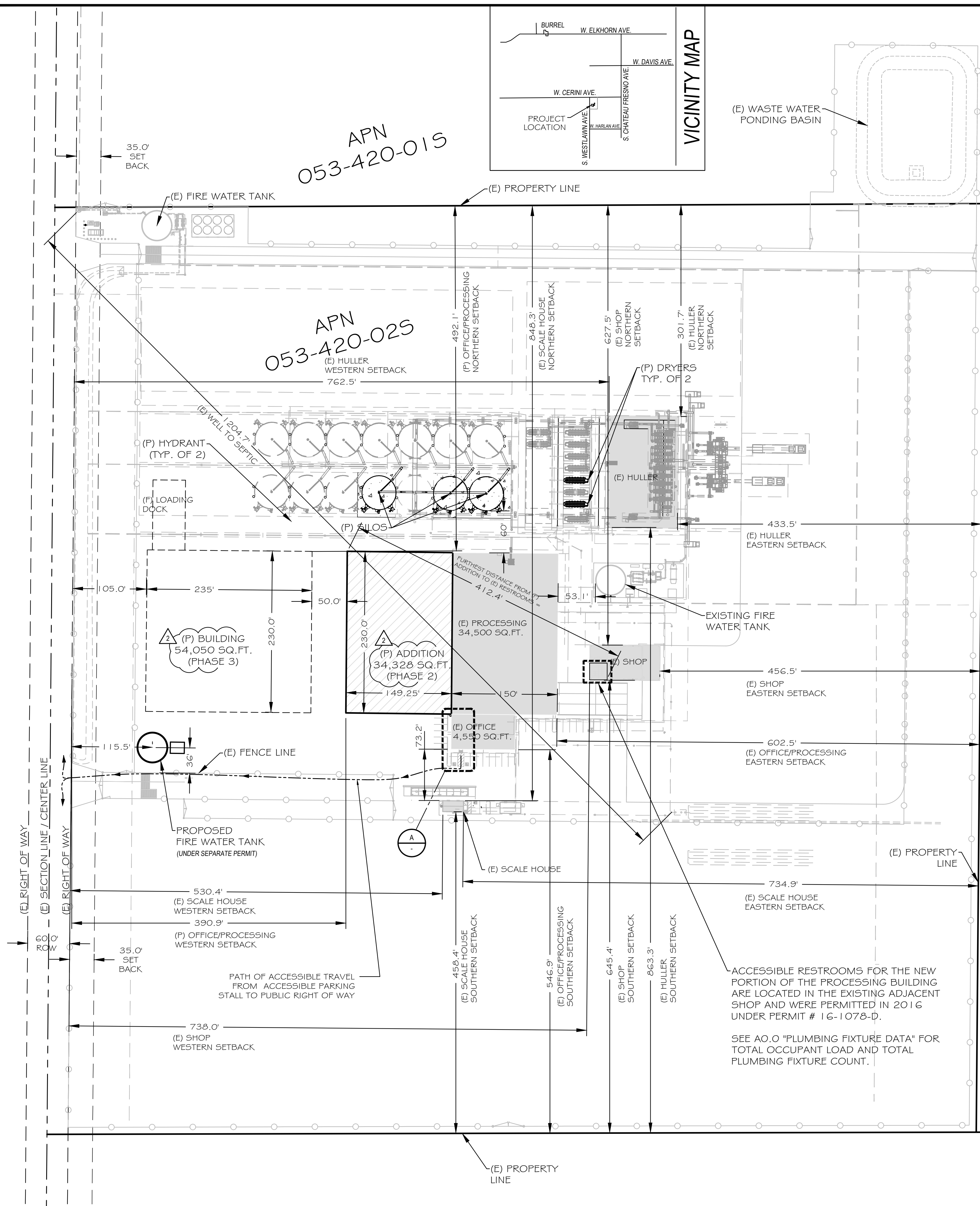
A PATH OF ACCESSIBLE TRAVEL
NO SCALE



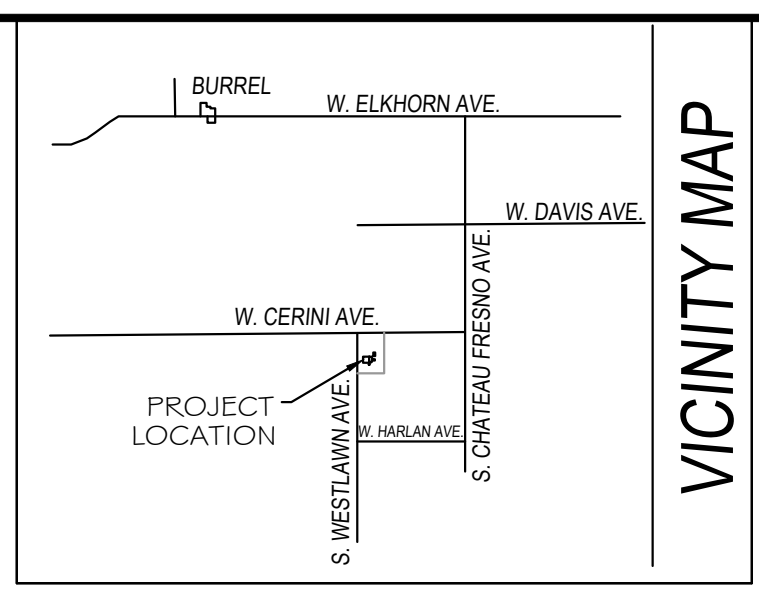
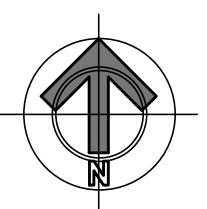
B ELNARGED (E) ADA PARKING STALL PLAN
NO SCALE



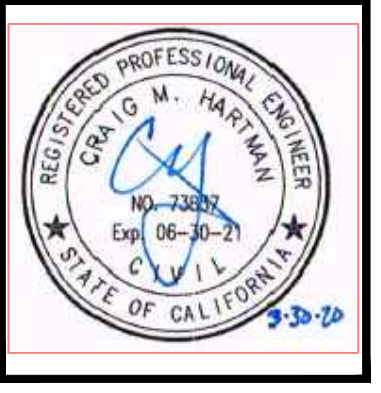
C (E) ADA PARKING STALL SIGNAGE
NO SCALE



1 SITE PLAN
SCALE: 1"=80'



REVISIONS	DATE	DESCRIPTION
1	04/2/20	BACK CHECK 1
2	05/28/20	FOR PERMIT

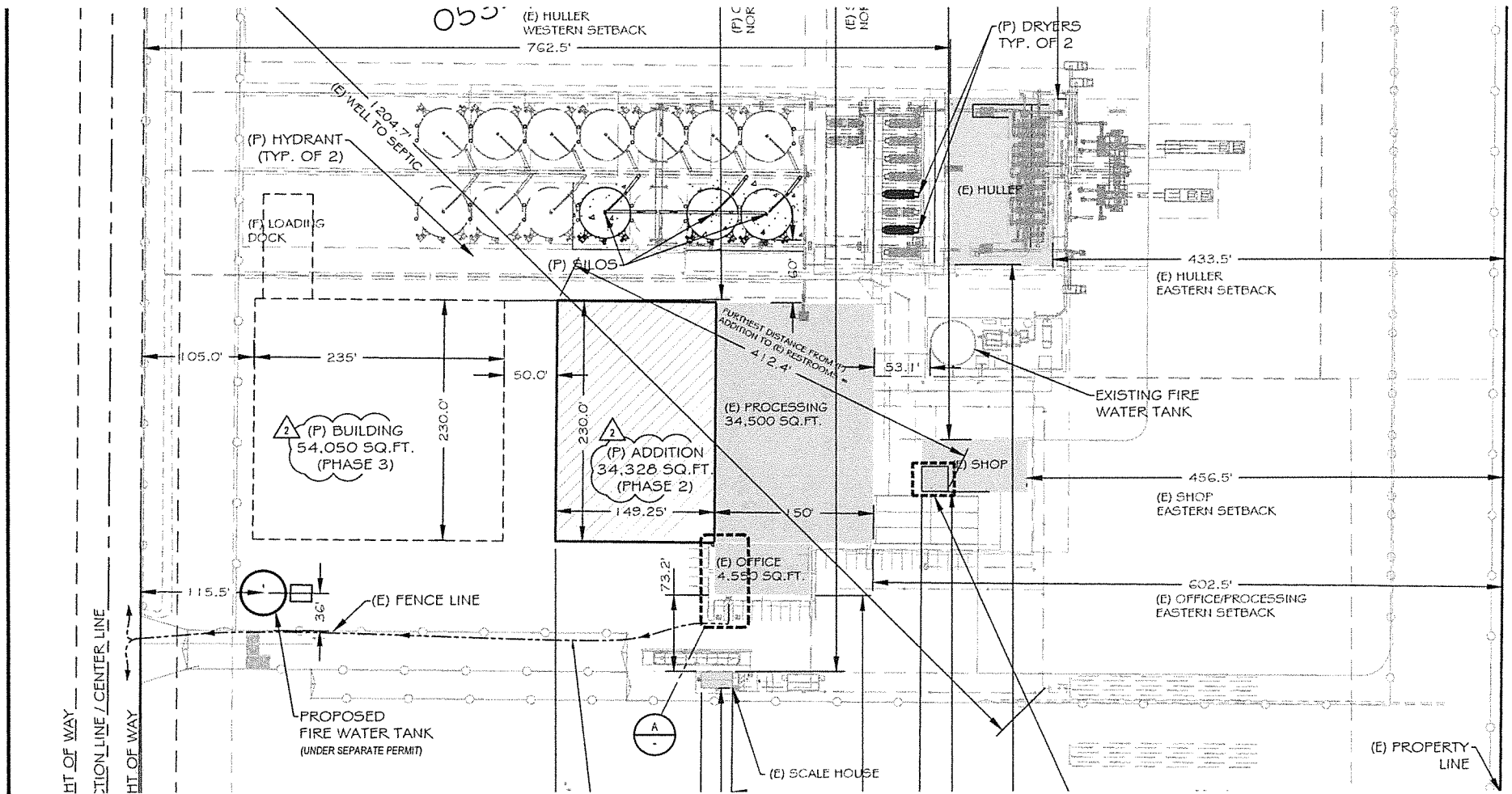


DESIGN ENGINEER:	DATE:
CRAIG M. HARTMAN, P.E.	R.C.E. 73837
APPROVED BY:	DATE:
	R.C.E.

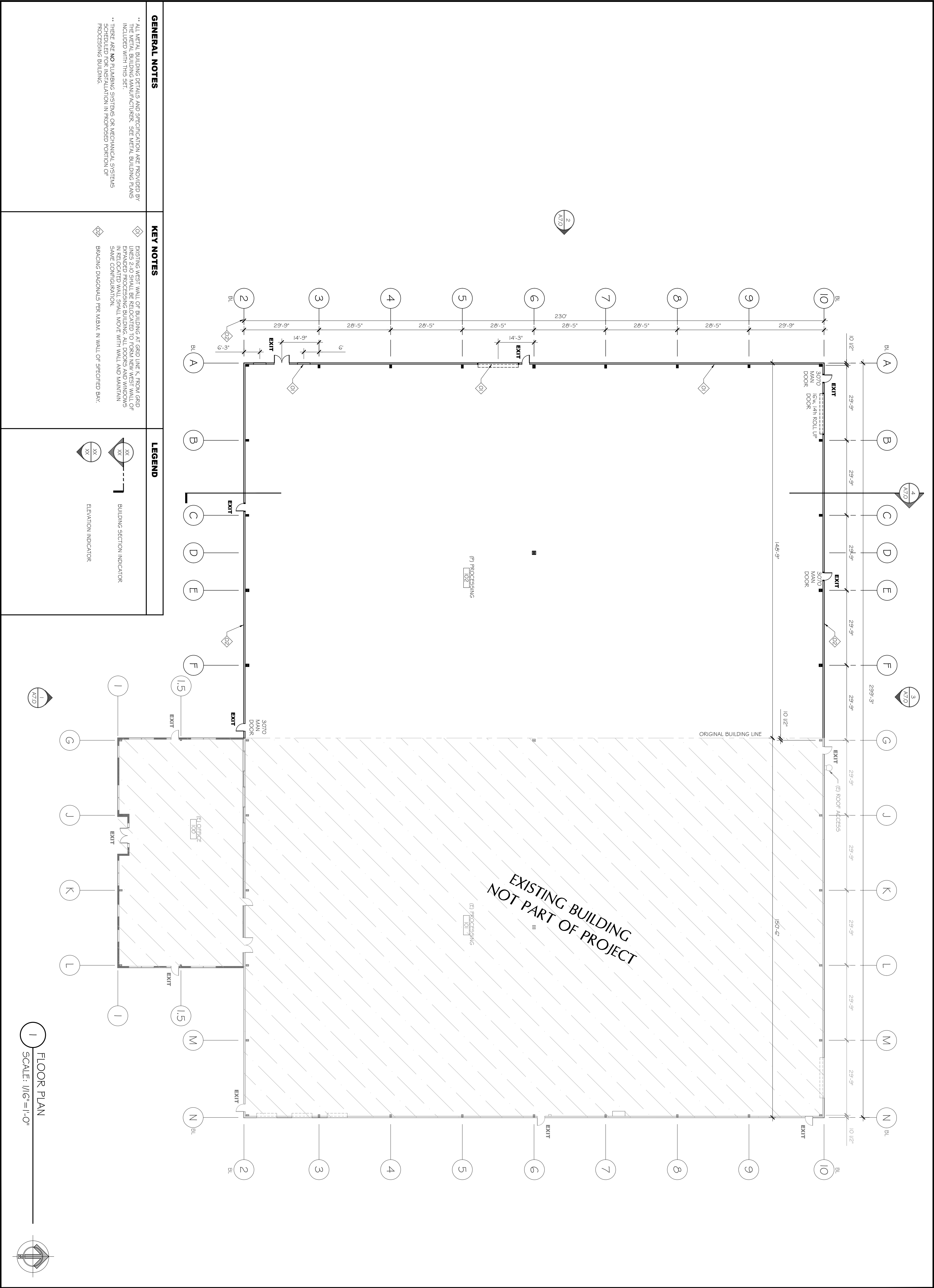
PREPARED BY:
HARTMAN ENGINEERING 3121 W. CERES CT. VISALIA, CA 93291 (559) 563-0181
H HARTMAN ENGINEERING

IMPROVEMENT PLANS FOR:
ERIKSSON LLC 3215 W HOWARD AVE VISALIA, CA 93277
OVERALL SITE PLAN EXPANSION

PLOT DATE:	05/28/20
JOB NO.:	17001
FILE NAME:	
SCALE:	AS SHOWN
SHEET NO.:	A0.1



SITE PLAN - ENLARGED



GENERAL NOTES

.. ALL METAL BUILDING DETAILS AND SPECIFICATION ARE PROVIDED BY THE METAL BUILDING MANUFACTURER. SEE METAL BUILDING PLANS INCLUDED WITH THIS SET.

.. THERE ARE NO PLUMBING SYSTEMS OR MECHANICAL SYSTEMS SCHEDULED FOR INSTALLATION IN PROPOSED PORTION OF PROCESSING BUILDING.

KEY NOTES

EXISTING WEST WALL OF BUILDING AT GRID LINE K, FROM GRID LINES 2-10 SHALL BE RELOCATED TO FORM NEW WEST WALL OF EXPANDED PROCESSING BUILDING. ALL DOORS AND WINDOWS IN RELOCATED WALL SHALL MOVE WITH WALL AND MAINTAIN SAME CONTOUR/POSITION.

BRACING DIAGONALS PER M.A.M. IN WALL OF SPECIFIED BAY.

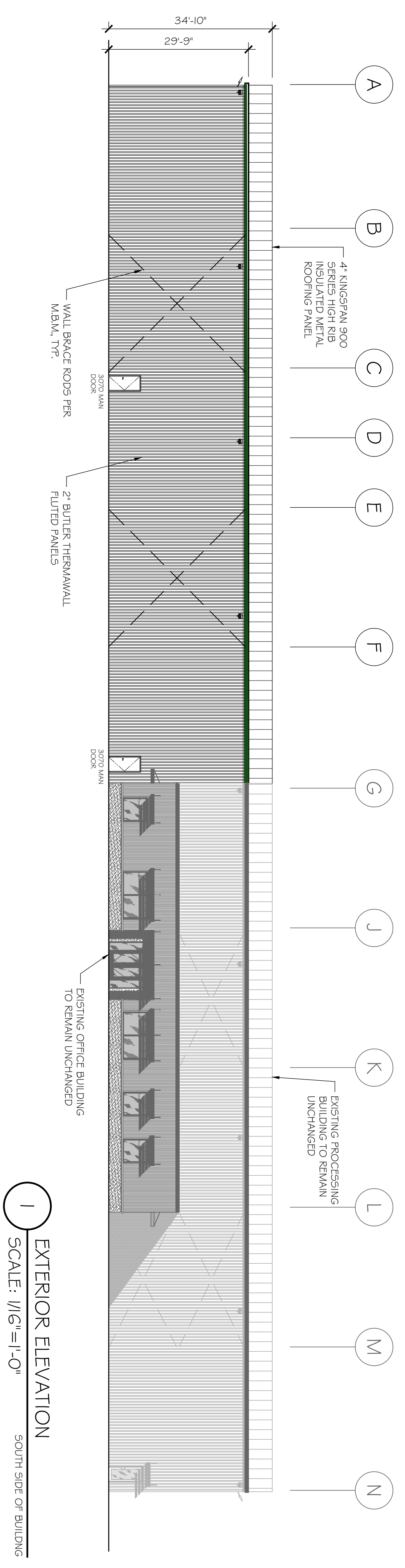
LEGEND

Building section indicator (XX XX)

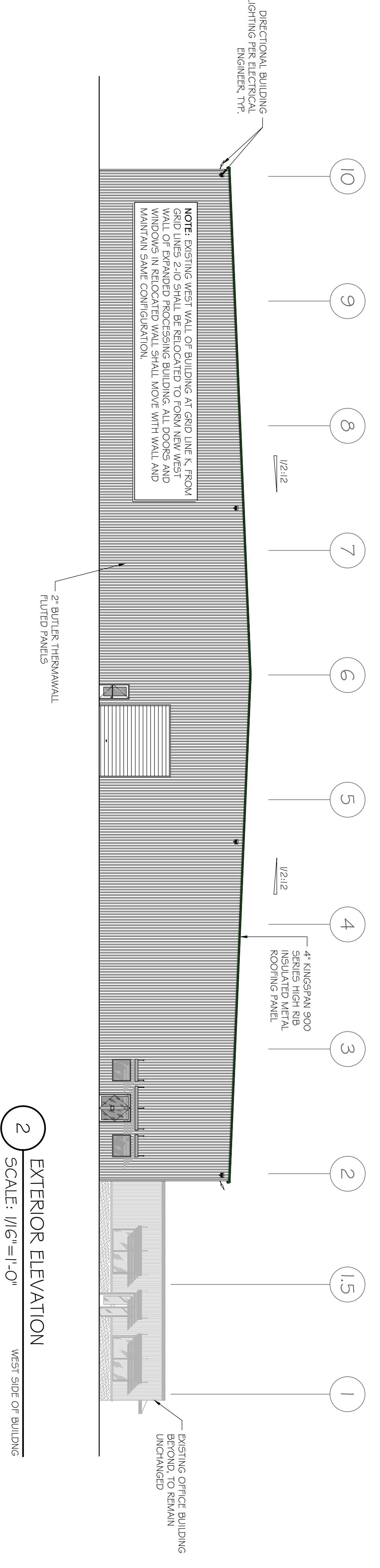
Elevation indicator (XX XX)

1 FLOOR PLAN
SCALE: 1/8"=1'-0"

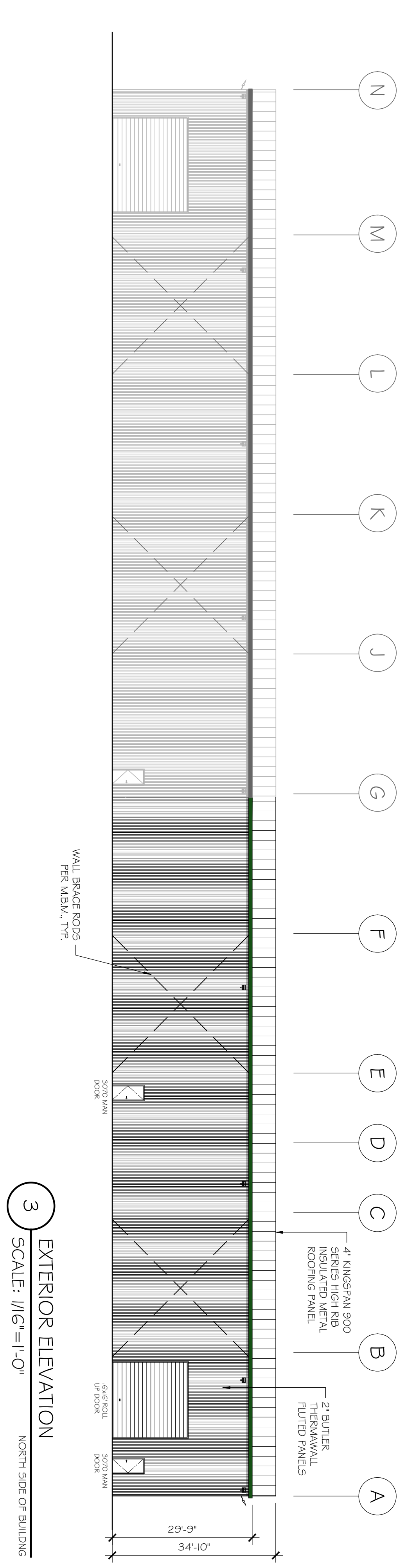
IMPROVEMENT PLANS FOR: ERIKSSON LLC 3215 W. CERES CT. VISALIA, CA 93277 FLOOR PLAN		PREPARED BY: HARTMAN ENGINEERING 3121 W. CERES CT. VISALIA, CA 93291 (559) 563-0181		DESIGN ENGINEER: CRAIG M. HARTMAN, P.E. R.C.E. 73837 DATE APPROVED BY: R.C.E. DATE				REVISIONS <table border="1"> <thead> <tr> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		DATE	BY	DESCRIPTION																														
DATE	BY	DESCRIPTION																																								
PLOT DATE: 9/25/19 JOB NO.: 17001 FILE NAME: SCALE: AS SHOWN SHEET NO.: A30		INGLEBY US PISTACHIO FACILITY																																								



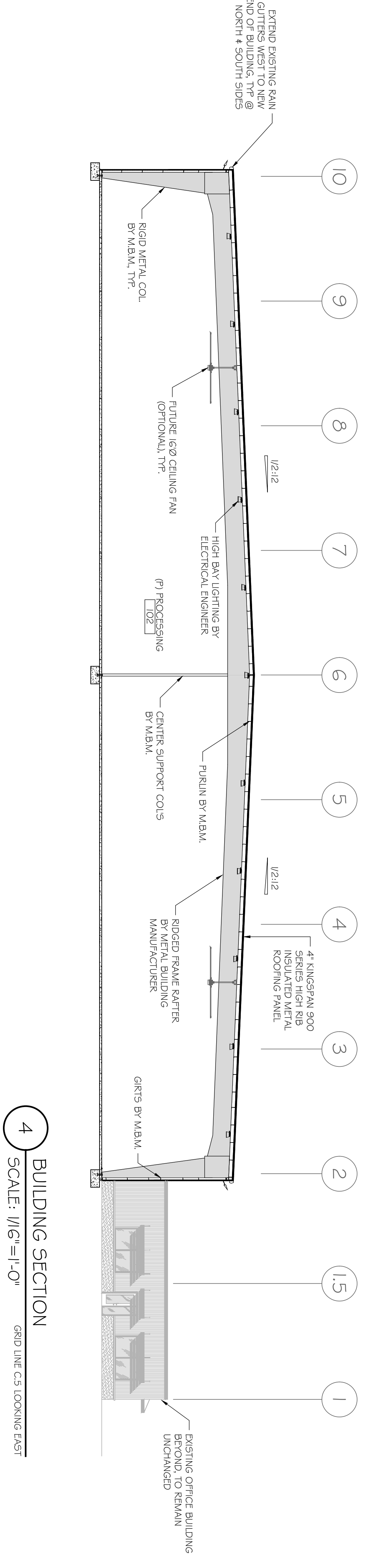
1 EXTERIOR ELEVATION
SCALE: 1/16"=1'-0"
SOUTH SIDE OF BUILDING



2 EXTERIOR ELEVATION
SCALE: 1/16"=1'-0"
WEST SIDE OF BUILDING



3 EXTERIOR ELEVATION
SCALE: 1/16"=1'-0"
NORTH SIDE OF BUILDING



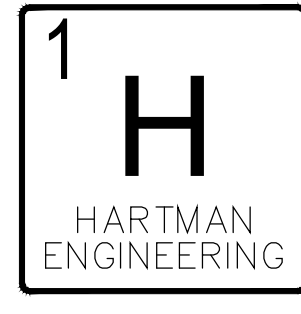
4 BUILDING SECTION
SCALE: 1/16"=1'-0"
GRID LINE C9 LOOKING EAST

REVISIONS		
DATE	BY	DESCRIPTION



DESIGN ENGINEER:	CRAIG M. HARTMAN, P.E.	R.C.E. 73837	DATE
APPROVED BY:			DATE

PREPARED BY:



HARTMAN ENGINEERING
3121 W. CERES CT.
VISALIA, CA 93291
(559) 563-0181

IMPROVEMENT PLANS FOR:

ERIKSSON LLC
3215 W HOWARD AVE
VISALIA, CA 93277

ELEVATIONS & SECTION

INCLBY US PISTACHIO FACILITY

PROJECT DATE:	9/25/19
JOB NO.:	17001
FILE NAME:	
SCALE:	AS SHOWN
SHEET NO.:	A70

ERIKSSON, LLC

Operational Statement/Project Description for Ingleby Eriksson LL located at 19210 S Westlawn, Riverdale Ca

Date: April 24, 2020

New CUP - #3661

Existing CUP #3505

Existing SPR #7999

- 1) **Phase 1 (Existing) Pistachio Huller Nature of Operations** – The existing hulling facility approved by CUP 3505 in 2017 takes raw pistachios from the ranch, remove all leaf and limbs (foreign materials), wash and remove the hulls from the pistachios, sort and dry the pistachios and stored in silos in preparation for shipping.

Phase 1 (Existing) Hulling, Drying and Storage Operations

The existing hulling, drying and storage operation consists of two receiving pits a precleaning line, five 27 MMBtu natural gas fired dryers, one 1.4MMBtu natural gas fired sample dryer, seven storage silos, fourteen 4.2 MMBtu natural gas fired silo heaters and associated conveying and handling equipment. The operation consists of 45 to 50 days per year/two 12 - hour shifts per day of field harvested pistachios that are manually dumped from incoming trucks into the receiving pits. From the receiving pits, the nuts are conveyed through the precleaning and pre-hulling equipment to remove large pieces of debris such as leaves, twigs, blanks and loose hulls prior to the hulling process. Precleaning equipment includes, stick reels, aspirators, outfall tanks controlled by high efficiency cyclones and various conveyors and augers. After pre-cleaning, the nuts are routed through traditional wet hullers. After hulling, the nuts are transferred to float/sink tanks to separate product streams and then to the column dryers which reduce the moisture content to about 7%. The nuts are then conveyed to the temporary storage silos where they will continue to be monitored for moisture and mold. The pistachios in the silos are fumigated as needed under the existing fumigation permit. As the pistachios are sold, they are pulled from the silos, packaged and shipped out to customers. The total number of employees maxes out during the harvest at 45. During the off season, the number of employees decrease to 8-10 for the entire operation. Pistachio wash water for processing is accumulated in the wastewater pond, the water is discharged back to approximately 3787.26 acres of farmland that surrounds the pistachio hulling facility. In the proposed expansions (Phase2 and Phase 3), the number of hullers will not increase, the total volume of wash/processing water will not increase.

Phase 2 (Proposed) - Processing Building Expansion with Fire Protection:

- One Processing Building Expansion - 230'x149.25'
- One Fire Protection Water Tank and Pump
- Two Additional Dryers approved by CUP 3505
- Three Additional Silos approved by CUP 3505

The expansion of the existing processing building will provide an additional 34,328 square feet of storage. With the expansion of the processing building, the main operations of the existing pistachio hulling facility Phase 1 will not change. In the proposed expanded area of the processing building, the area will be used to store bins and super sacks of processed pistachios that will be ready to ship to customers. In phase 2, the proposed project (CUP 3661) will not increase the overall processing volumes of the hulling facility, the goal is to make the hulling facility more efficient by adding dryers and silos in the hulling side of the facility and the proper amount of storage area in the warehousing side of the facility. In the past two full harvest seasons, with only Eriksson grown pistachios, the hulling facilities overall processing time was extended to process the design volumes of pistachios because of drying limitations. The processed pistachio silo volume was undersized as well. Processed pistachios had to be unloaded from silos and stored off site during the harvest period. The dryers were the bottleneck in the process flow of the huller. With the addition of the dryers and silos, the Magnuson pistachio peelers can run at rate dictated by the individual year's harvest and closer to a designed process flow rate. The dryers can run with full levels and we will have enough silo storage to handle the year's harvest for the season. In the past, loads of green pistachios from the field had to wait at the unloading pit until the hulling facility was able to receive the pistachios for processing. The most efficient way to operate a pistachio hulling facility is to be able to operate the peelers and dryers at full capacity. This optimizes electrical usage on the peelers and natural gas usage in the dryers. In the pistachio tree yield cycles, the pistachio trees yield differs each year because of the genetics of the trees. Typically, the trees have a high yield every other year. On a high yield year, the hulling facility is not at 100% throughput because of tree maturity and on off yield years the hulling facility will operate at 50% to 60%. During the harvest and non-harvest operations, the number of employees will be the same as in the original CUP 3505, 8-10 employees during non-harvest and up to 45 employees during harvest. With the implementation of phase 2, the overall traffic in the facility will not increase from previous years, in fact we expect the traffic to decrease with the added efficiencies to the facility.

Phase 3 (Proposed) – Warehouse Building with Fire Protection:

- One 230'x235' Warehouse Building
- One Loading Dock

In phase 3, the proposed project (CUP 3661), addition of a 54,050 square foot building will add an additional processing phase to the facility. Pistachios from the warehouse will be conveyed into the new building where they will be sorted, sized, graded, pasteurized and packaged so that the pistachios can be sent straight to the retailers for sale to the public. With Phase 3 in place, instead of the total volume of pistachio product being shipped in a raw form, the pistachios will be shipped as a consumer ready product.

Note: The Fire Protection system for Phase 2 is adequate and approved by Fresno County Fire for this future building's fire protection. The warehouse building will be approximately 54,050 square feet, this building will consist of sorting and packaging equipment. The equipment will be automated and robotic with all the newest food processing technology to meet all food and health standards. The equipment will consist of:

- Phase 3 Equipment: Vendors, equipment model numbers, and main ready to eat processing lines have not been chosen at this time. When Eriksson LLC defines and selects the vendors, the information of all equipment for the phase 3 future building will be submitted to Fresno County.
 - Pinners and electronic sorters: This equipment sorts out discolored, deformed and empty shell pistachios. It will also reject all foreign materials such as sticks, rocks and metal.
 - Roasters and pasteurizers: this equipment will dry roast the sorted pistachios.
 - Sacking Machines: These machines will sack the pistachios in sack of different sizes and volumes.
 - Packaging: Some sacked product may be packed into boxes that will be palletized and shipped to the end users, retail stores such as Costco and Wal-Mart.
- 2) **Operational Time Limits** – During the off season, October to July, the site operates 8 hours per day, five days per week. During the harvest season, the huller operates 45 to 50 days and two 12- hour shifts seven days per week. No changes from the original CUP 3505.
 - 3) **Number of Customers or Visitors** – the site may average 1 visitor per day throughout the year. No changes from the original CUP 3505.
 - 4) **Number of Employees** – Current and future off season is 8-10 employees, during the harvest, 45 employees to cover both shifts. No employees live on site. No changes from the original CUP 3505.
 - 5) **Service and Delivery Vehicles** – Service trucks delivering fresh pistachios from the field, average of 20 and a maximum of 48 per day. Delivery trucks, 1 to 3 trucks weekly, UPS or Fed Ex. NO changes from the original CUP 3505.
 - 6) **Access to the Site** – the entrance is on S Westlawn Ave, no changes from the original site plan or CUP 3505.
 - 7) **Number of Parking Spaces** – same as the existing approved in CUP 3505, no changes from the original CUP 3505.
 - 8) **Goods Sold on Site** – All storage of pistachios, no sales of pistachios on site as, same as in the original CUP 3505.
 - 9) **Equipment** – Pre-cleaner, Hullers, Dryers and Silos – same equipment as in the existing CUP and approved by the San Joaquin Valley Air Pollution Control District. No change from the original CUP 3505.
 - 10) **Supplies Stored on Site** – super sacks for loading the pistachio's into for shipping. Water treatment chemicals, sanitation FDA approved sanitizers and degreasers, propane for forklifts. No changes from the original CUP 3505. (Attached)
 - 11) **Does the use cause an unsightly appearance** – No noise, dust, glare or odor. This facility is the best and most updated pistachio facility building in Fresno County. All landscaping and site appearances were approved in the original CUP 3505.
 - 12) **List solids or Liquid Wastes** – all the huller washing water, mainly organic, is stored in a lined pond and pumped back to the ranch for irrigation (lined pond is approved by the California Water Board).

The waste solids, hulls, leaves and stems are also put back onto the fields and disked into the soils near the trees for soils amendment. No change from the original CUP 3505.

- 13) **Water Usage** – Daily water usage is approximately 700,000 gallons. In the original CUP 3505, the volume of water is reflecting a full build out of the facility, 1,200,000 gallons per day, during the harvest season, the facility has not reached these volumes in Phase 1 and will not change or increase in Phase 2. The facility has an agricultural well on site for all water needs, processing and potable. Eriksson LLC introduced a water recycling system last year in the hulling process that reduced water usage ~30%.
- 14) **Proposed Advertising** – Company logo on the main building, all signage will meet the county code. No change from the original CUP.
- 15) **New Building** – the materials of construction for the processing building expansion will be all steel, all foundations will be concrete with re-enforcing steel, exterior colors are white and green.
- 16) **Building used for Operations** – the expansion of the existing processing building will be used for warehousing and storage of processed pistachios.
- 17) **Outdoor Lighting and Amplification** – there will be no changes to the existing outdoor lighting. There is no sound amplification currently or plans for any in the future.
- 18) **Landscaping and Fencing** – all landscaping and fencing have been approved in the original CUP 3505.
- 19) No other information currently.
- 20) Identify Owners and officers – Info in the application.

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County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Eriksson, LLC
- APPLICATION NOS.: Initial Study Application No. 7749 and Classified Conditional Use Permit Application No. 3661
- DESCRIPTION: Allow expansion to an existing pistachio processing facility on a 40.20-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 S. Westlawn Avenue approximately 1,321 feet south of its intersection with W. Cerini Avenue and 3,550 feet northwest of the unincorporated community of Lanare (19210 S. Westlawn, Riverdale, CA) (SUP. DIST. 4) (APN 053-420-02S)

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 inactive farmland surrounded by land cultivated in field crops and orchards with single-family residences. The subject property fronts on Westlawn Avenue which is not identified as a scenic drive in the County General Plan. No scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings exist on or near the site. 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:

The project area consists of agricultural fields with sparse residential dwellings. The nearest single-family residence is located approximately 1,242 feet south and an animal shelter is located approximately 2,412 feet east of the project site.

The subject proposal would allow construction of two buildings with related improvements to facilitate the current pistachio processing operation on the property. Phase 1 of the project includes all the existing improvements on the property. The proposed Phase 2 includes a 34,328 square-foot processing building, a fire protection water tank with pumps, and the proposed Phase 3 includes a 54,050 square-foot warehouse building, a roaster to dry roast pistachios and a loading dock.

The proposed 35-foot tall buildings will match in height, design and construction to the existing buildings/structures on the property. The visual impact resulting from this proposal on the surrounding area would be less than significant.

- 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, the project will add additional outdoor lighting on the property. To minimize any light and glare impact resulting from this proposal, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward so as to not shine 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is classified as Prime Farmland on the 2016 Fresno County Important Farmland Map. However, it currently is fallow and improved with a pistachio processing facility authorized by Conditional Use Permit No. 3505.

The subject proposal will occupy an approximately 2.3-acre portion of a 40.20-acre parcel pre-disturbed by the existing facility operations. Given the scope of the project and the state of the project area, the loss of Prime Farmland resulting from this proposal, either individual or cumulative, would be less than significant.

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

FINDING: NO IMPACT:

The subject proposal is an allowed use on the property zoned for agriculture with a discretionary land use approval. Also, the property is not enrolled in Williamson Act Program.

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

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

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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not forest land or timberland. It is an agricultural land improved with a pistachio processing facility. The project is considered an appropriate use in agricultural zone district. The proposed improvements will bring a less than significant physical change to the current landscape of the area consisting of large agricultural fields with sparse residential uses.

The Fresno County Agricultural Commissioners' Office reviewed the proposal and requires that the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development shall be acknowledged. This requirement has been fulfilled by Conditional Use Permit No. 3505 which authorized the current pistachio processing facility on the property.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Air Quality Plan (AQP) contains several control measures that are enforceable requirements through the adoption of rules and regulations. The following rules and regulations apply to the project: Authority to Construct (ATC); District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The project would comply with all applicable Air Resources Board (ARB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations noted above and will not be in conflict with or obstruct implementation of the applicable air quality attainment plan. The project's emissions would be less than significant for all criteria pollutants as discussed in Section III. B below. The project complies with all applicable rules and regulations from the applicable air quality plans, and therefore is not considered inconsistent with the Air Quality Plan.

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:

An Air Quality and Greenhouse Gas Impact Analysis was prepared for the project by Insight Environmental/Trinity Consultants, dated March 2020 and provided to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) for comments. No concerns were expressed by SJVAPCD.

The construction and operations of the project involving a 34,328 square feet processing building, a 54,050 square feet warehouse building with a dry roaster and other improvements would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}).

Per the Air Quality and Greenhouse Gas Impact Analysis, the project construction emissions during year 2020 and 2021 were estimated using CalEEMod version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017] which is the most current version of the model approved for use by SJVAPCD. The construction related assumptions that applied to the project included project area, construction schedule, equipment, daily schedule and trips/vehicle miles travelled.

The Air District's annual emission significance thresholds for both construction and operational emissions are 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gas (ROG), 27 tons per year of oxides of Sulphur (SO_x), 15 tons per year of particulate matters of 10 microns or

less in size (PM₁₀), and 15 tons per year of particulate matters of 2.5 microns or less in size (PM_{2.5}).

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction-related criteria pollutant emissions for year 2020 associated with the project would be 1.0108 tons per year of CO, 1.1713 tons per year of NO_x, 0.3953 tons per year of ROG, 0.0019 tons per year of SO_x, 0.0874 tons per year of PM₁₀, and 0.0686 tons per year of PM_{2.5}. Likewise, the year 2021 short-term construction-related criteria pollutant emissions associated with the project would be 1.0800 tons per year of CO, 1.1621 tons per year of NO_x, 0.5286 tons per year of ROG, 0.0021 tons per year of SO_x, 0.0738 tons per year of PM₁₀, and 0.0579 tons per year of PM_{2.5}. The long-term stationary sources Operations Criteria Pollutant Emissions associated with the project resulting from the installation of a new natural gas fired dry roaster would be 0.29 ton per year of CO, 1.16 ton per year of NO_x; 0.05 ton per year of ROG; 0.04 ton per year of SO_x; and 0.04 ton per year of PM₁₀ and PM_{2.5}.

Based on the above-noted analysis of construction and operational emissions the project would not exceed the San Joaquin Valley Air Pollution Control District significance thresholds. Therefore, the project is consistent with the applicable Air Quality Attainment Plan and would not result in significant cumulative health impacts.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) identifies a sensitive receptor as a location where human populations (especially children, senior citizens, and sick persons) are present. Additionally, a sensitive receptor location occurs where there is a reasonable expectation of continuous human exposure to pollutants, according to the averaging period for ambient air quality standards, such as 24 hours, eight hours, or one hour.

There are a very few sensitive receptors within the vicinity of the project site. The nearest sensitive receptor, a single-family residence, is located approximately 0.35 miles away and the community of Lanare is located approximately 1.3 miles from the project site.

Per the Air Quality and Greenhouse Gas Impact Analysis, emissions from the proposed dry roaster would not trigger any significant impacts with SJVAPCD. Installation of roaster would require a permit from SJVAPCD and operational conditions from SJVAPCD to minimize potential health risks. A Health Risk Assessment (HRA) analysis was included in the Focused Air Quality Analysis, dated November 2015 prepared for Phase 1 of the project relating to the existing pistachio processing facility on the property. In that Analysis, the project health risks were predicated to be substantially less than the significance levels of twenty in one million (20×10^{-6}). Therefore, installation of the roaster in Phase 3 of the project is not expected to result in any substantial contribution to operational emissions of Toxic Air Contaminants (TAC) and

no new assessment of the potential health risk to nearby sensitive receptors attributable to emissions of TACs from the project is warranted at this time.

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

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (District) addresses odor criteria within the GAMAQI (Guidance for Assessing and Mitigating Air Quality Impacts). The District has not established a rule or standard regarding odor emissions; rather, the District has a nuisance rule which states that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

Per the Air Quality and Greenhouse Gas Impact Analysis, the proposed project would not involve any substantial modifications to the existing pistachio processing operations authorized by CUP 3505. A dry roaster is not on the list of potential sources of adverse odors and therefore assessment of odor impacts resulting from its operation on nearby sensitive receptors (SFR) was not conducted. The project will also not result in other emissions that may leading to odors adversely affecting people in the area.

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; 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 developed with a pistachio processing facility. The site was previously farmed and contains no riparian features, or wetlands, or waters under the jurisdiction of the United States. The surrounding farmland has also been disturbed with farming operations and do not provide habitat for state or federally listed species.

The project was referred to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for review and comments. Neither agency expressed any concerns with the project.

- 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 site is not located within any designated wildlife movement corridor and contains no wildlife nursery sites, or fisheries resources.

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

FINDING: NO IMPACT:

The 2.3-acre project area contains no trees and is not subject to the County of Fresno tree preservation policy or ordinance.

- 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 the provision of any Habitat Conservation Plan or Natural Community Conservation Plan for the area.

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 is in an area of moderate sensitivity to archaeological finds. As required by the Southern San Joaquin Valley Information Center (SSJVIC) review of the

project, a Phase 1 Cultural Resources Survey (Study) was prepared for the project by ASM Affiliates, Inc., dated March 2020, and a copy provided that agency.

According to the Study, a field survey conducted by an archeologist on March 8, 2020 found no cultural resources within the project area. Although no resources were found, the possibility of finding them remains. Therefore, the project will be subject to the following Mitigation Measure. Its implementation will reduce the impacts on cultural resources to less than significant.

* **Mitigation Measure**

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

The project construction or operation will not result in inefficient, wasteful, or unnecessary energy to impact environment. The project involves construction of a processing and warehouse buildings, fire protection water tank, and a loading dock. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in other parts of the State. Therefore, construction-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen) to achieve the goals of Assembly Bill (AB) 32, which has established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

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

FINDING: NO IMPACT:

The project development would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The construction activities resulting from this proposal would comply with the 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans are submitted.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of 0 to 20 percent. The project development would be subject to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not in any identified landslide hazard area. The project site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil for construction of building/structure for the project. However, the impact would be less than significant with the project requiring Engineered Grading Plans and obtaining a Grading Permit

prior to onsite grading activities from the Development Engineering Section of the Development Services and Capital Projects Division.

- 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:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. As a standard requirement, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for a building prior to construction permits being issued.

- 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: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site appears to be located within an area of moderately to highly expansive soils. However, the risk to life or property would be less than significant in that the project construction would require implementation of all applicable requirements of the most recent California Building Standards Code and considering hazards associated with shrinking and swelling of expansive soils.

- 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: LESS THAN SIGNIFICANT IMPACT:

No community sanitary sewer is currently available to the project site. The proposed expansion does not include any restroom facility.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) comments on the project, a Project Note would require that the location of the onsite sewage disposal area should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.

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

FINDING: LESS THAN SIGNIFICANT 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Human activities, including fossil fuel combustion and land-use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases (GHGs). GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The San Joaquin Valley Air Pollution Control District (SJVAPCD), a California Environmental Quality Act (CEQA) Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29 percent reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined SJVAPCD’s methodology for assessing a project’s significance for GHGs under CEQA.

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. In the Air Quality and Greenhouse Gas Analysis Report, completed by Insight Environmental/Trinity Consultants, dated March 2020, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the construction-related GHG emissions are 155.95 tons of CO₂ during four-months of construction for the processing building in 2020 and 174.90 tons of CO₂ during ten months of construction for warehousing building in 2021. These emissions are less than 333 MT during the construction period, an emission level which is not substantial. Due to the proposed project short-term construction activities, GHG emissions would have a less than significant impact on the San Joaquin Valley Air Basin.

The proposed project would install a dry roaster in Phase 3 of the project. Per the Air Quality and Greenhouse Gas Impact Analysis, the GHG stationary source emissions associated with the dry roaster would be less than 3.5 pounds per year which is considered not substantial and would have a less than significant impact on the San Joaquin Valley Air Basin.

- 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:

The project will be subject to regulations developed under AB (Assembly Bill) 32 and SB (Senate Bill) 32 as determined by CARB (California Air Resources Board). SB 32 focuses on reducing GHGs at least 40 percent below 1990 levels by 2030. Pursuant to the requirements in AB 32, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. Per the analysis contained in the Air Quality and Greenhouse Gas Impact Analysis prepared for the project by Insight Environmental/Trinity Consultants, dated March 2020, the project is consistent with the strategies contained in the Scoping Plan.

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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and the following requirements will be included as Project Notes. The facilities proposing to use and/or storage of 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. Handling of hazardous material or hazardous waste may require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 and all hazardous waste be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. Finding any underground storage tank(s) during construction shall require an Underground Storage Tank Removal Permit.

The project is not located within one-quarter mile of a school. The nearest school, Burrel Elementary School, is approximately 2.7 miles northwest 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:

Per the U.S. EPA's NEPAAssist, the project site is not listed as a hazardous materials site. The project will not create hazards 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, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Selma Airport, is approximately 18.3 miles northeast of the project site. Because of the distance, the airport will not be a safety hazard or source of excessive noise for the project.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. The project will not expose persons or structures to wildland fire hazards.

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 SIGNIFICATION IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS regarding wastewater discharge.

No use of water is anticipated by the subject proposal. Also the current discharge of processed wastewater from hulling operation and it spray onto agricultural fields will remain unchanged.

In 2017, a Report of Waste Discharge was provided to the Regional Water Quality Control Board, Central Valley Region (Water Board) to allow for the discharge of wastewater from the pistachio processing facility onto farmland. According to the Water Board, should there be any changes in the character and/or location of discharge, the Applicant shall submit a new Report of Waste Discharge to the Waterboard. This requirement will be included as a Condition of Approval.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, a Project Note would require that all abandoned water wells on the property shall be properly destroyed under permits and inspections from the Health Department.

Per the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) the subject proposal does not meet the definition of a public water system, and therefore requires no permit from SWRCB-DDW.

- 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 site is not in a low water area of Fresno County. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning and North Fork King GSA reviewed the proposal and expressed no concern regarding availability/sustainability of water 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?
 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:

The United States Geological Survey Quad Maps shows no natural drainage channel crossing the project site. The Riverdale Irrigation District's (RID) North Turner Ditch at an approximately 630 feet north of the project site will not be impacted by this proposal.

The project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface runoff with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. As noted by the Development Engineering Section, 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 requirement will be included as a Project Note.

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

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report, the project is not located in a 100-Year Flood Inundation Area and will be subject to flooding from the one-percent chance rain per the Federal Emergency Management Agency FIRM Panel 2875J.

- 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. The Fresno County has no Water Quality Control Plan and the North Fork King GSA (Groundwater Sustainability Area) expressed no concerns related to water availability/sustainability for the project.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide the established communities of Lanare or Burrel located approximately 1.3 miles and 2.4 miles respectively from the subject proposal.

- 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 as Agriculture in the Fresno County General Plan and is not located within the Sphere of Influence (SOI) of a city. As such, the subject proposal will not conflict with any land use plan, policy, or regulation of a city.

The County General Plan allows the proposed facility in an agricultural area by discretionary land use approval, provided applicable General Plan policies are met.

Concerning Policy LU-A.3, criteria a-d & f. the subject proposal is not a new use, rather it entails expansion of an existing use (pistachio processing facility) authorized by Conditional Use Permit No. 3505; will utilize approximately 2.3-acre portion of a 40.2-acre inactive farmland classified as Prime Farmland on the 2016 Fresno County Important Farmland Map; is not located in a water-short area and anticipates no use of water; can be provided with adequate work force from the nearby communities of Lanare and Riverdale; and will rely on groundwater and individual septic system due to unavailability of community sewer and water in the area.

Concerning Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14., the project is an allowed use on land designated for agriculture, will maintain adequate distances from the surrounding farmlands, and will have a less than significant impact on the conversion of farmland to a non-agriculture use.

Concerning Policy PF-C.17 and Policy HS-G.1. the project is in a low water area of Fresno County, expects no water consumption, and will adhere to the Fresno County Noise Ordinance related to construction noise.

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:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of any mineral-producing area of the County.

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 has the potential to expose nearby residents to short-term elevated noise levels resulting from construction activities. A Project Note would require that all construction noise shall adhere to the Fresno County Noise Ordinance.

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 result in an increase of housing, nor will it otherwise induce population growth.

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:

According to the Fresno County Fire Protection District (CalFire), the project shall comply with the California Code of Regulations Title 24 - Fire Code and upon County approval of the project and prior to issuance of the project building permits, the applicant shall submit approved plans for District's approval. Also, the project shall annex into Community Facilities District No. 2010-01 of CalFire. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

The project will not impact the existing public services, including police, schools or parks.

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 involves no residential development which may increase demand for neighborhood and regional parks, or other recreational facilities in the area.

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; or
- 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 site fronts on Westlawn Avenue which is designated as a Local road in the County General Plan. The project area is rural in nature and is comprised of farmland with sparse residential dwellings. The area is not planned for any transit, bicycle, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan.

The subject proposal would add a new processing building and a warehouse building with related improvements on the property. These improvements will not result in or contribute to the increase of overall processing volumes of the hulling facility. Rather, as the Applicant's Operational Statement indicates, their function is to add efficiencies to the handling of products from the existing facility operations. The project will not change the current number of employees working at the facility or result in new traffic trips to the facility. As the number of workers or the distance travelled by the workers to the facility for work will not change, no transportation impact would result from vehicle miles travelled (VMT) by workers. The project is consistent with the above-noted section of CEQA Guidelines.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and concurred with the information provided in the operational statement, expressed no concerns related to traffic, and required no Traffic Impact Study for the project.

The California Department of Transportation also reviewed the project and expressed no concerns related to traffic.

- 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:

The project will not create hazardous conditions to the current ingress and egress to the project site off Westlawn Avenue.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project development will not impact the existing access to the project site off Westlawn Avenue which can be used during an emergency.

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:

The subject parcel is in an area of moderate sensitivity to archaeological finds. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. Table Mountain Rancheria and Santa Rosa Tribe which requested consultation were provided with the Phase 1 Cultural Resources Survey (Study) prepared for the project and requested a meeting between the tribes and staff. Staff received no response and ultimately concluded the consultation process. The Mitigation Measure included in Section V. CULTURAL ANALYSIS above will reduce impact on tribal cultural resources if discovered during ground disturbance.

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:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project may result in a less than significant expansion of electric power and/or natural gas to the proposed improvements

- 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:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- 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:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- 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:

The project will generate small amounts of solid waste (mostly recyclable items) stream which will be sent to local land fill site through regular trash collection service. The impact would be less than significant.

Organic waste stream such as twigs, leaves and chaff generated during nut processing will continue to be composted and used as mulch to be disked into farmland or for biomass conversion.

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:

The project site is not located in or near a State Responsibility Area for wildfire.

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:

The project will have no impact on biological resources. It would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species. Impacts on cultural resources have been reduced to a less than significant level with a Mitigation Measure incorporated in Section V. CULTURAL RESOURCES, above.

- 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant. 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 at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources or Air quality were identified in the project analysis. Impacts identified for Aesthetics, and Cultural Resources will be mitigated by compliance with the Mitigation Measures listed in Sections I and Section V of this report.

- 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 Initial Study No. 7749 prepared for Conditional Use Permit Application No. 3661, 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 or wildlife.

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

Potential impacts to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

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

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EXHIBIT 8
Conditions of Approval
Eriksson, LLC

Conditional Use Permit No. 3505

1. Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.
2. Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
3. To replenish the groundwater resources, processed wastewater from the facility shall be applied onto farmland to the maximum extent feasible at the location water was originally mined from to provide for the facility operation.
4. The Riverdale Irrigation District (RID) North Turner Ditch runs along the northern boundary of the parcel identified by APN 053-420-01S. RID has a 60-foot right-of-way at this section of the ditch. All facilities shall stay off of the North Turner Ditch right-of-way and no discharge water shall be placed in the District ditch.
5. Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the "Right-to-Farm" Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniencies and discomfort associated with normal farm activities in the surrounding of the proposed development.
6. As required by the Consolidated Mosquito Abatement District, any and all wastewater/process water applied to farmland shall infiltrate within 48 hours of the application; ponds shall be rapidly filled and/or dewatered to preclude the growth of emergent vegetation and ponds to hold water in excess of seven days shall be designed to maintain water depths in excess of four feet to preclude invasive emergent vegetation; pond edges must be maintained free of excess vegetation to prevent harborage for mosquito breeding and so that mosquito fish and other predators are not inhibited; and, free and unencumbered access to the pond perimeter for vehicle and foot traffic shall be provided for inspection and mosquito control activities.
7. Drought-tolerant landscaping, including trees and shrubs, shall be provided on the property. A landscaping plan which illustrates landscaping and irrigation shall be submitted to the Department of Public Works and Planning for review and approval prior to the issuance of Building Permits. The landscaping shall be completed prior to occupancy. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the Applicant shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO).
8. All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles.

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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 7749	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): Eriksson, LLC	Project Title: Classified Conditional Use Permit Application No. 3661		
Project Description: Allow expansion to an existing pistachio processing facility on a 40.20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of S. Wetslawn Avenue approximately 1,321 feet south of its intersection with W. Cerini Avenue and 3,550 feet northwest of the unincorporated community of Lanare (19210 S. Westlawn, Riverdale, CA) (SUP. DIST. 4) (APN 053-420-02S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7749) prepared for Classified Conditional Use Permit Application No. 3661, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related biological resources, mineral resources, population and housing, recreation or wildlife. Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics and cultural resources 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 – May 8, 2020		Review Date Deadline: Planning Commission – June 8, 2020	
Date: May 4, 2020	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 June 11, 2020

SUBJECT: Initial Study Application No. 7759 and Unclassified Conditional Use Permit Application No. 3664

Allow a high-intensity park with related improvements for weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of a 19.55-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 S. Brawley Avenue approximately 660 feet south of its intersection with W. Annadale Avenue and 2.5 miles west of the nearest city limits of the City of Fresno (2588 S. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 327-140-64).

**OWNER/
APPLICANT:** Josh and Allison Verburg

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. 7759; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3664 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/Floor Plan/Elevations
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 7759
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	19.55 acres	No change
Project Site	<ul style="list-style-type: none"> • Single-family residence with septic tank and leach fields • Pole barn/pavilion • Agricultural buildings • Driveways off Brawley Avenue • Water well • Grass area 	Allow a high-intensity park with related improvements for weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of a 19.55-acre parcel.
Related Structural Improvements	<ul style="list-style-type: none"> • Single-family residence • Pole barn/pavilion • Agricultural buildings 	<ul style="list-style-type: none"> • 600 square-foot restroom building • Event parking
Nearest Residence	Approximately 50 feet south of south property line of the project site	No change
Surrounding Development	Orchard, single-family residences	No change
Operational Features	None	A high-intensity park with related improvements for weddings and

Criteria	Existing	Proposed
		<p>similar special events on a 2.13-acre portion of a 19.55-acre parcel. The project:</p> <ul style="list-style-type: none"> • Will allow 50 to 250 guests attending one day weekend events for six hours. • Will utilize an existing pole barn and lawn in conjunction with new improvements (restroom building, onsite parking and perimeter fencing).
Employees	N/A	No change
Customers or Visitors	N/A	No change
Traffic Trips	N/A	100 or less trips per event resulting from 50 to 250 guests attending one day weekend event outside of peak hours
Lighting	Inside pole barn/pavilion	String lighting above grass area to be used for outdoor activities – must be compliant with Mitigation Measure 1
Hours of Operation	N/A	One day per week for six hours

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 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 24, 2020

PUBLIC NOTICE:

Notices were sent to 18 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 five 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:

According to the County permit records, building permits were issued for a dairy facility on a 19.55-acre project site in 1963. The existing improvements related to that dairy include a single-family residence, a pole barn/pavilion, and agricultural buildings of various size scattered throughout the property. The dairy operation was ceased within the past 10 years. The current property owners and the project Applicants reside on the property, and a Grant Deed showing ownership in their name was recorded on August 30, 2018.

The Applicant is proposing to allow the establishment of a high-intensity park for weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of the project site. The proposed improvements, consisting of a 600 square-foot restroom building and onsite parking, will be used in conjunction with the existing improvements (pole barn and grass area adjacent to pole barn) for hosting events. The grass area may also be occupied by a shade tent no larger than 3,000 square feet with building permits issued by the County. Additionally, the 2.13-acre project area (pole barn, grass area, restroom and parking) will be secured by fencing to separate the proposed facility from other improvements on the property. The project area will connect to and utilize the existing ingress and egress to the property off Brawley Avenue.

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 (west property line): 900 feet Side (north property line): 840 feet Side (south property line): 328 feet Rear (east property line): 1,230 feet	Yes
Parking	One (1) parking space for every five (5) permanent seats or one for every 40 square feet of area within the main auditorium or meeting hall	85 parking spaces including four ADA spaces (50 required)	Yes
Lot Coverage	No Requirement	No requirement	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Will utilize the existing well on the property	N/A

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements meet the building setback requirements of the AE-20 Zone District. A Site Plan Review shall be required to ensure compliance with development Standards.

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

Analysis:

Staff review of the Site Plan demonstrates that the project meets the minimum setback requirements of the AE Zone District. The proposed improvements will be set back approximately 900 feet from the west property line (35 feet required along Brawley Avenue), 840 feet from the north property line (20 feet required), 328 feet from the south property line (20 feet required) and 1,230 feet from the east property line (20 feet required) of the subject property.

The subject property is adequate in size to accommodate the proposed restroom and event parking. Regarding parking, the Zoning Ordinance requires one (1) parking space for every five (5) permanent seats or one for every 40 square feet of area within the main auditorium or meeting hall. According to the Site Plan Review Unit of the Fresno County Department of Public Works and Planning, the project requires 50 parking spaces, including two handicapped-accessible spaces. The Applicant-submitted project Site Plan (Exhibit 5) depicts 85 parking spaces (including four handicapped-accessible spaces), which meets the requirement.

Based on the above information, staff believes that the project site is adequate in size and shape to accommodate the proposal.

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	No	N/A	N/A
Public Road Frontage	Yes	Brawley Avenue; fair condition	No change
Direct Access to Public Road	Yes	Brawley Avenue	No change
Road ADT (Average Daily Traffic)		900	Unknown
Road Classification		Local	No change
Road Width		60 feet	No change
Road Surface		Asphalt concrete paved; 21 feet pavement width	No change
Traffic Trips		N/A	100 or less trips per event resulting from 50 to 250 guests attending one-day events outside of peak hours
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required. In lieu of TIS, a Traffic Management Plan (TMP) is required to demonstrate how the traffic will be handled during events. The TMP will be reviewed and approved by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning prior to approval of Site Plan Review.
Road Improvements Required		Brawley Avenue; fair condition	No road improvement required

Reviewing Agency/Department Comments:

Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: A Traffic Management Plan (TMP) shall be prepared for the project to demonstrate how the traffic will be handled during events. This requirement has been included as a Mitigation Measure.

Development Engineering Section of the Fresno County Department of Public Works and Planning: If not already present, a 20-foot by 20-foot corner cut-off shall be improved for sight distance purposes at the existing driveway onto Brawley Avenue. This requirement has been included as a Project Note.

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

Analysis:

The project site fronts on Brawley Avenue which is an asphalt concrete paved road with pavement width of 21 feet and carries an Average Daily Traffic (ADT) of 900.

Brawley Avenue is designated as a Local road in the County General Plan and has an existing 30 feet of right-of-way east of the section line along the parcel frontage. The minimum width for a Local road is 30 feet. Brawley Avenue meets right-of-way width for a Local road as required by the County General Plan.

As the proposed facility will operate on weekends outside of peak traffic hours, the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning determined no Traffic Impact Study (TIS) is required for the project. However, in lieu of a TIS, the project will require completion of a Traffic Management Plan (TMP) to demonstrate how the traffic will be handled during events. This requirement will be met prior to the approval of a Site Plan Review for the project.

Based on the above information, and with adherence to the Mitigation Measure requiring a TMP and Project Note, staff believes Brawley Avenue will remain adequate to accommodate the traffic generated by the proposal.

Recommended Conditions of Approval:

See Mitigation Measure 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	9.77 acres	Single-family Residence	AE-20	255 feet
South	2.2 acres 32.8 acres	Orchard; Single-family Residence	AE-20	50 feet
East	19.7 acres	Orchard; Single-family Residence	AE-20	795 feet
West	37.6 acres	Orchard; Single-family	AE-20	930 feet

Surrounding Parcels				
		Residence		

Reviewing Agency Comments:

Fresno County Department of Public Health, Environmental Health Division (Health Department): The project-related noise levels shall adhere to the Acoustical Analysis prepared by WJV Acoustics, dated February 7, 2020, and shall not exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards. (Note: This requirement has been included as a Mitigation Measure.)

Demolition of existing structures shall be subject to the following requirements: 1) should the structure have an active rodent or insect infestation, the infestation shall be abated prior to remodel of the structure in order to prevent the spread of vectors to adjacent properties; 2) If asbestos-containing materials are encountered, the San Joaquin Valley Air Pollution Control District shall be contacted; 3) if the structure was constructed prior to 1979, or if lead-based paint is suspected to have been used in these structures, then prior to remodel work the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, Region 9, State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and 4) any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

A sewage feasibility analysis/engineered septic system shall be reviewed and approved by the Fresno County Department of Public Works and Planning (PW&P) and the septic system shall be installed under permit and inspection by PW&P.

The Uniform Plumbing Code does not allow an impervious surface over the area of the drain field for an individual sewage disposal system. Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation or sewer effluent. The location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system. The Applicant should consider having the existing septic tank pumped and have the tank and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years.

The food and beverages shall be provided by a caterer permitted by the Health Department. In the future, if food is proposed to be prepared at the project site, then the Applicant shall submit complete food facility plans and specifications to the Health Department.

These requirements have been included as Project Notes.

Fresno County Agricultural Commissioner's Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding area of the proposed development. This requirement has been included as a Condition of Approval.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: A dust palliative shall be required on all parking and circulation areas. This requirement has been included as a Condition of Approval.

ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. ADA stalls shall be concrete or asphalt concrete paved and must be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: Any work within the road right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from RMO. Any proposed entrance swing gates along Brawley Avenue should be set back a minimum of 20 feet from the road right-of-way of Brawley Avenue, or such other extra depth, to eliminate the largest vehicle from idling in the road right-of-way when stopped to open the gate. For all access driveways onto Brawley Avenue, the first 100 feet of the roadway or driveway from the public road shall be paved or treated with dust palliative to minimized tracking and dust pollution to County roads.

North Kings Groundwater Sustainability Area: The anticipated groundwater use for the project should be balanced with enough recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft. A Condition of Approval would require that any new landscaping shall comply with MWEL (Model Water Efficient Landscape Ordinance) standards to conserve water.

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required to show how additional storm water 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.

Fresno Irrigation District (FID): FID's Fanning No. 76 runs southwesterly, and crosses Brawley Avenue approximately 1,900 feet north of the subject property. Plans for any street and/or utility improvements along Brawley Avenue or in the vicinity of this pipeline shall require FID review and approval. FID's Fresno Colony No. 24 runs westerly, and crosses Valentine Avenue approximately 2,800 feet southeast of the subject property. Plans for any street and/or utility improvements along Valentine Avenue or in the vicinity of this canal shall require FID's review and approval. Privately-owned canals Arnett No. 248 and Levitt No. 282 that run near the project site are active canals and shall be treated as such.

The above-noted requirements have been included as Project Notes.

San Joaquin Valley Air Pollution Control District; Water and Natural Resources Division of the Fresno County Department of Public Works and Planning; California Department of Transportation; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife; Regional Water Quality Control Board; State Water Resources Control Board, Division of Drinking Water; and Native American Heritage Commission: No concerns with the proposal.

Analysis:

The proposed project entails establishment of a high-intensity park with related improvements for weddings and similar special events on a 2.13-acre portion of a 19.55-acre parcel. The project site is in an area marked by agricultural and residential land uses. Surrounding land uses include single-family residences to the north and cultivated land with single-family residences to the east, south and west of the site.

The existing improvements (single-family residence, pole barn, and agriculture buildings) were previously utilized by a dairy facility on the property. The subject proposal will use a combination of existing and proposed improvements for hosting events. New improvements, consisting of a 600 square-foot restroom and parking, will be used in conjunction with the existing pole barn/pavilion and grass area for outdoor and indoor events/gatherings. Fencing around the 2.13-acre project area will be provided to separate the proposed facility from other improvements on the property (Exhibit 5). Access to the project area will be via the existing ingress and egress to the property off Brawley Avenue.

The Initial Study prepared for this project identified potential impacts to aesthetics, noise and transportation. To mitigate light impact, all outdoor lighting will be hooded and directed downward to avoid glare on adjoining properties. To mitigate noise impact, the project will adhere to the Acoustical Analysis prepared by WJV Acoustics, dated February 7, 2020. To mitigate traffic impact, a Traffic Management Plan (TMP) will be required to demonstrate how the traffic will be handled during events. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to agriculture and forestry resources, geology and soils, hazard and hazardous materials, hydrology and water quality, public services have been determined to be less than significant. The project will require acknowledgment of a Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the area; an Engineered Grading and Drainage Plan and a Grading Permit or Voucher for site grading; adherence to building standards for protection against earthquake; demolition of any existing structure per the federal, state, and local requirements; compliance with MWELo (Model Water Efficient Landscape Ordinance) standards to conserve water; adherence to the current Fire Code and Building Code and annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements have been included as Conditions of Approval and mandatory Project Notes and will be addressed through Site Plan Review recommended as a Condition of Approval.

The project site is not in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval (including Site Plan Review for design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting) and mandatory Project Notes identified in the Initial Study (IS) prepared for this project and discussed in this Staff Report, staff believes the proposal will not have an adverse effect upon surrounding properties.

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:
<p>General Plan Policy LU-A.3 (Agriculture and Land Use): allows agriculturally-related uses by discretionary permit, provided that they meet the following criteria.</p> <p>a. Criteria LU-A.3. a. states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>b. Criteria LU-A.3. b. states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity.</p> <p>c. Criteria LU-A.3. c. states that the use shall not have a detrimental impact on water resources.</p> <p>d. Criteria LU-A.3. d. states that a probable workforce should be located nearby or readily available.</p>	<p>Regarding Criteria “a”, the project will provide opportunities for weddings and similar special events to those residing in the west side of the City of Fresno. The outdoor nature of the proposed use requires a sparsely-populated area. The project site is located approximately 2.5 miles west of the City of Fresno urban development and is least suited for agricultural uses. The site previously had a dairy facility.</p> <p>Regarding Criteria “b”, the project site is not productive farmland. The site is classified as Confined Animal Agriculture on the 2016 Fresno County Important Farmland Map suited for poultry facilities, feed lots, dairy facilities and fish farms.</p> <p>Regarding Criteria “c”, the project is not located in a water-short area and will utilize limited groundwater.</p> <p>Regarding Criteria “d”, the project is near the City of Fresno which can provide adequate workforce. The project is consistent with this policy.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>The subject property is not an active farmland and had a dairy facility in the past. The project will not impact surrounding farmland, in that the 2.13-acre project area sits in the middle of the property and will be fenced off. Additionally, the project will require signing of a covenant to acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the area. The project is consistent with this policy.</p>

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project site is not in a low-water area and will use limited groundwater (85 gallons per event). Water consumption will mostly be in the restroom and minimal or no use of potable water is expected during events, as catering companies will supply beverages and bottled water to the event participants. Also, the project will utilize the existing landscaping, resulting in no additional water usage for landscaping. To address the North Kings Groundwater Sustainability Area concerns regarding impact on groundwater resources, any new landscaping will be subject to MWEL (Model Water Efficient Landscape Ordinance) standards to conserve water. No concerns related to water quantity, quality, or sustainability were expressed by the State Water Resources Control Board, Division of Drinking Water or the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning. The project is consistent with this policy.</p>
<p>General Plan Policy FP-D.6 requires that the County shall permit onsite sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening groundwater quality or posing health hazards.</p>	<p>An individual sewage disposal system will be installed for the proposed restroom. No concerns regarding installation or use of such system were expressed by the Fresno County Department of Public Health, Environmental Health Division. The project is consistent with this policy.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit if they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project. Policy PF-D.6 requires individual onsite sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality.

Analysis:

As discussed above in General Plan Consistency/Considerations, the subject proposal meets the intent of Policy LU-A.3. Regarding consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed use is compatible with agricultural zoning with discretionary land use approval and will be separated from the adjacent farmland by perimeter fencing. Regarding

consistency with Policy PF-C.17 and Policy PF-D.6, the project will use limited groundwater and will an individual sewage disposal system, having to have no impact on groundwater quality.

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

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare

Reviewing Agency Comments:

Refer to **Reviewing Agency Comments** in Finding 3 of this report.

Analysis:

As discussed above in Finding 3, the project will comply with the Site Plan Review included as a Condition of Approval in the Resolution. This Condition was deemed necessary to ensure that project-related onsite and offsite improvements are constructed in a manner which protects public health, safety and general welfare. This includes the requirement that site grading be performed according to the County Ordinance Code to protect adjacent properties from flooding hazards; demolition of any existing structure be in accordance with federal, state, and local requirements; new landscaping be subject to water conservation measures; and a right-to-farm notice be recorded regarding inconvenience associated with farming in the project area. Additional conditions deemed necessary to protect public health, safety and general welfare and included in the Resolution require that all outdoor lighting be hooded in order to minimize glare on adjacent roads/properties, the project-related noise levels adhere to the Acoustical Analysis prepared for the project to remain within the applicable County of Fresno daytime noise level standards, and a Traffic Management Plan (TMP) be prepared to demonstrate how the traffic will be handled during events on the property.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 5 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit (CUP) can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3664, 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. 7759; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3664, 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 the basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3664; 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. 7759/Unclassified Conditional Use Permit Application No. 3664
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During project life
2.	Noise	The project-related noise levels shall adhere to the Acoustical Analysis prepared by WJV Acoustics, dated February 7, 2020, and shall not exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards.	Applicant	Applicant/Fresno County Dept. of Public Health, Environmental Health Division	As noted
3.	Transportation	The project proponent shall prepare a Traffic Management Plan (TMP) to show how the traffic will be handled during events. The TMP shall be reviewed and approved by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning prior to the approval of Site Plan Review.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Prior to the issuance of building permits, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include design of parking and circulation areas, access, onsite grading and drainage, fire protection, landscaping, signage and lighting.				
3.	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 per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review Unit for review and approval prior to the issuance of Building Permits.				
4.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.				

EXHIBIT 1

5.	A dust palliative shall be required on all parking and circulation areas.
6.	Prior to setting up any shade tent on the property, building permits shall be obtained from the Building and Safety Section of the Fresno County Department of Public Works and Planning.

*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 this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Plans, permits and inspections are required for all onsite proposed improvements, including shade tents. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>To address site development impacts resulting from the project, a Site Plan Review is required by the Site Plan Review Unit of the Fresno County Department of Public Works and Planning, including the following:</p> <ul style="list-style-type: none"> • ADA stall(s) must be provided for the physically disabled and shall be served by an access aisle 96 inches wide, minimum, and shall be designated van accessible. • ADA stalls shall be concrete or asphalt concrete paved and must be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. • A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. • All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements and those noted below in the Road Maintenance and Operations Division comments will be addressed through Site Plan Review.</p>
4.	<p>To address site development impacts resulting from the project, the Road Maintenance and Operations Division of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • Any work within the road right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from Fresno County Road Maintenance and Operations. • Any proposed entrance swing gates along Brawley Avenue should be set back a minimum of 20 feet from the road right-of-way of Brawley Avenue, or such other extra depth, so as to eliminate the largest vehicle from idling in the road right-of-way when stopped to open the gate. • For all access driveways onto Brawley Avenue, the first 100 feet of the roadway or driveway from the public road must be paved or treated with dust palliative to minimized tracking and dust pollution to County roads.

Notes

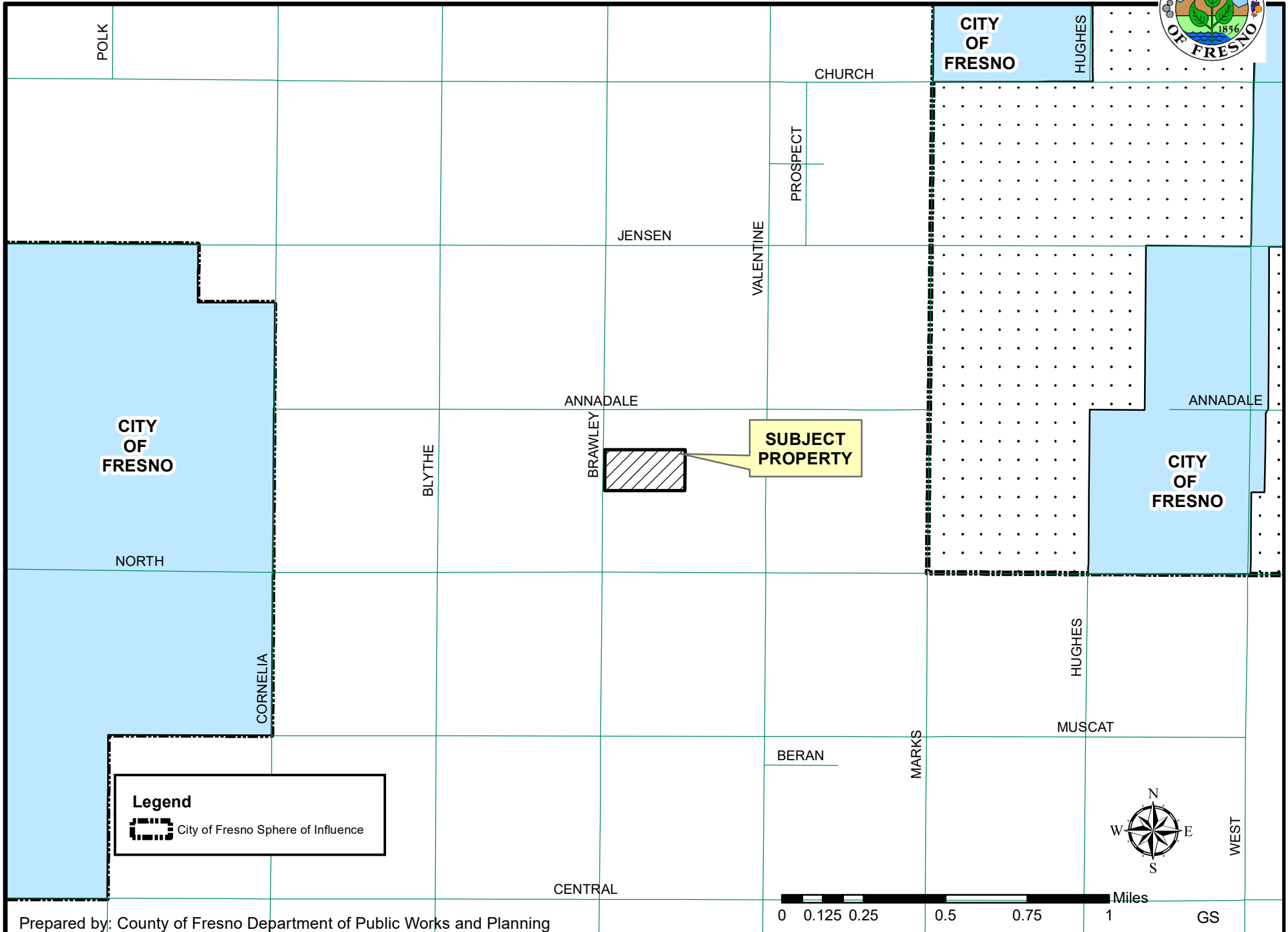
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| 5. | <p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan shall 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.• If not already present, a 20-foot by 20-foot corner cut-off shall be improved for sight distance purposes at the existing driveway onto Brawley Avenue. |
| 6. | <p>To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires that demolition of existing structures shall be subject to the following requirements:</p> <ul style="list-style-type: none">• Should the structure have an active rodent or insect infestation, the infestation shall be abated prior to remodel of the structure in order to prevent the spread of vectors to adjacent properties;• In the process of demolition of the existing structure, if asbestos-containing materials are encountered, the San Joaquin Valley Air Pollution Control District shall be contacted;• If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to remodel work, the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, Region 9, State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and• Any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements. <p>Furthermore:</p> <ul style="list-style-type: none">• A sewage feasibility analysis/engineered septic system shall be reviewed and approved by the Fresno County Department of Public Works and Planning (FCDPP) and septic system shall be installed under permit and inspection by FCDPP.• The Uniform Plumbing Code does not allow an impervious surface over the area of the drain field for an individual sewage disposal system. Disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation or sewer effluent.• The location of the onsite sewage disposal area shall be identified and cordoned off to prevent vehicle traffic from driving over, causing damage and possible failure of the septic system.• The Applicant should consider having the existing septic tank pumped and have the tank and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.• The food and beverages shall be provided by a caterer permitted by the Fresno County Department of Public Health, Environmental Health Division. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.• In the future, if food is proposed to be prepared at the project site, then the Applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information. |

Notes	
7.	The project shall comply with California Code of Regulations Title 24 - Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the subject application; plans shall 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. In addition, the property shall annex to Community Facilities District (CFD) No. 2010-01 of FCFPD.
8.	Fresno Irrigation District's Lower Dry Creek No. 77 runs southwesterly, and crosses Blythe Avenue approximately 3,300 feet northwest of the subject property. Plans for any street and/or utility improvements along Blythe Avenue, Annadale Avenue, or in the vicinity of the canal, shall require FID's review and approval.
9.	Fresno Irrigation District's Fanning No. 76 runs southwesterly, and crosses Brawley Avenue approximately 1,900 feet north of the subject property. Plans for any street and/or utility improvements along Brawley Avenue or in the vicinity of this pipeline shall require FID's review and approval.
10.	Fresno Irrigation District's Fresno Colony No. 24 runs westerly, and crosses Valentine Avenue approximately 2,800 feet southeast of the subject property. Plans for any street and/or utility improvements along Valentine Avenue or in the vicinity of this canal shall require FID's review and approval.
11.	Privately-owned canals Arnett No. 248 and Levitt No. 282, that run near the project site, are active canals and shall be treated as such.

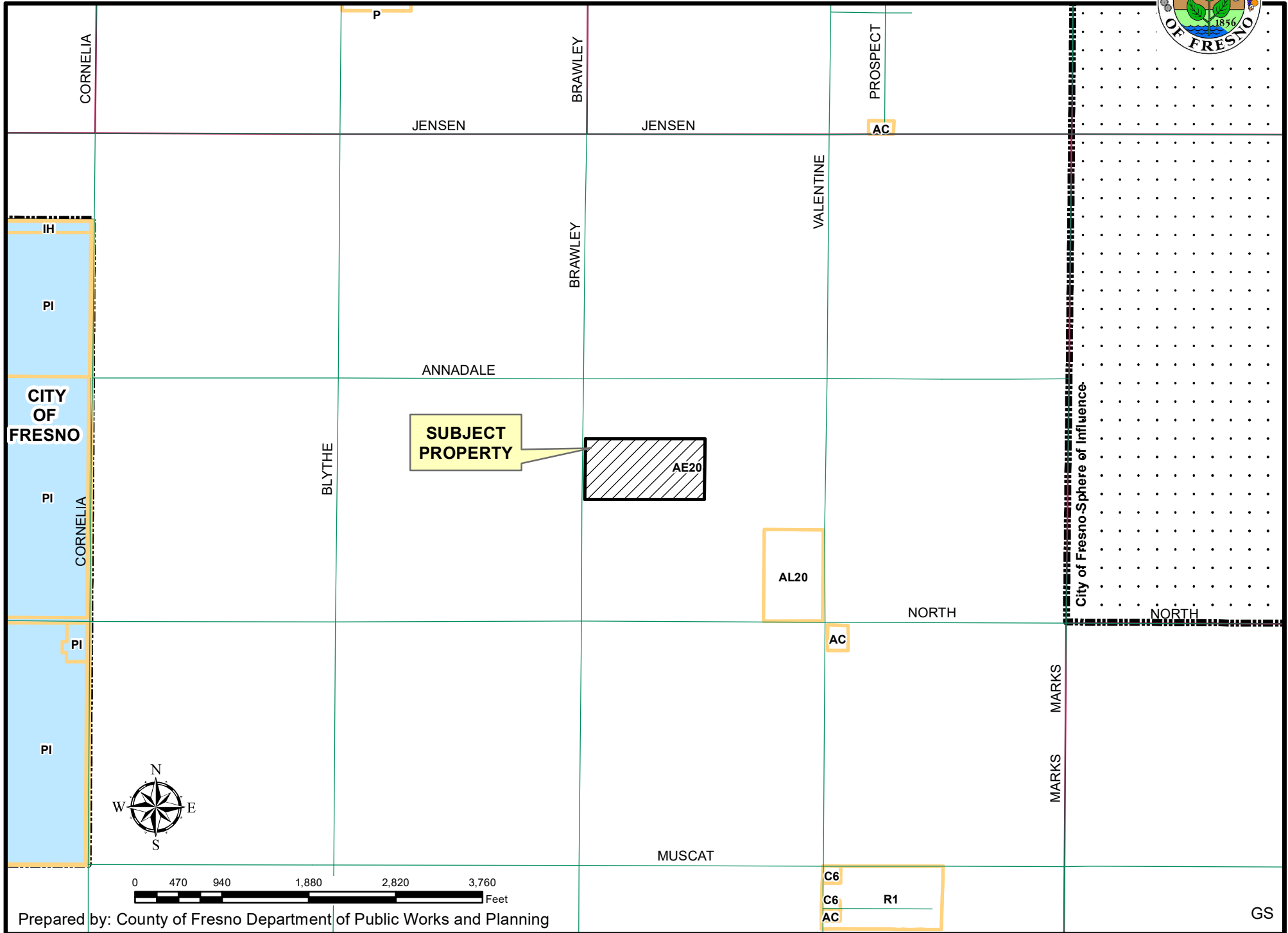
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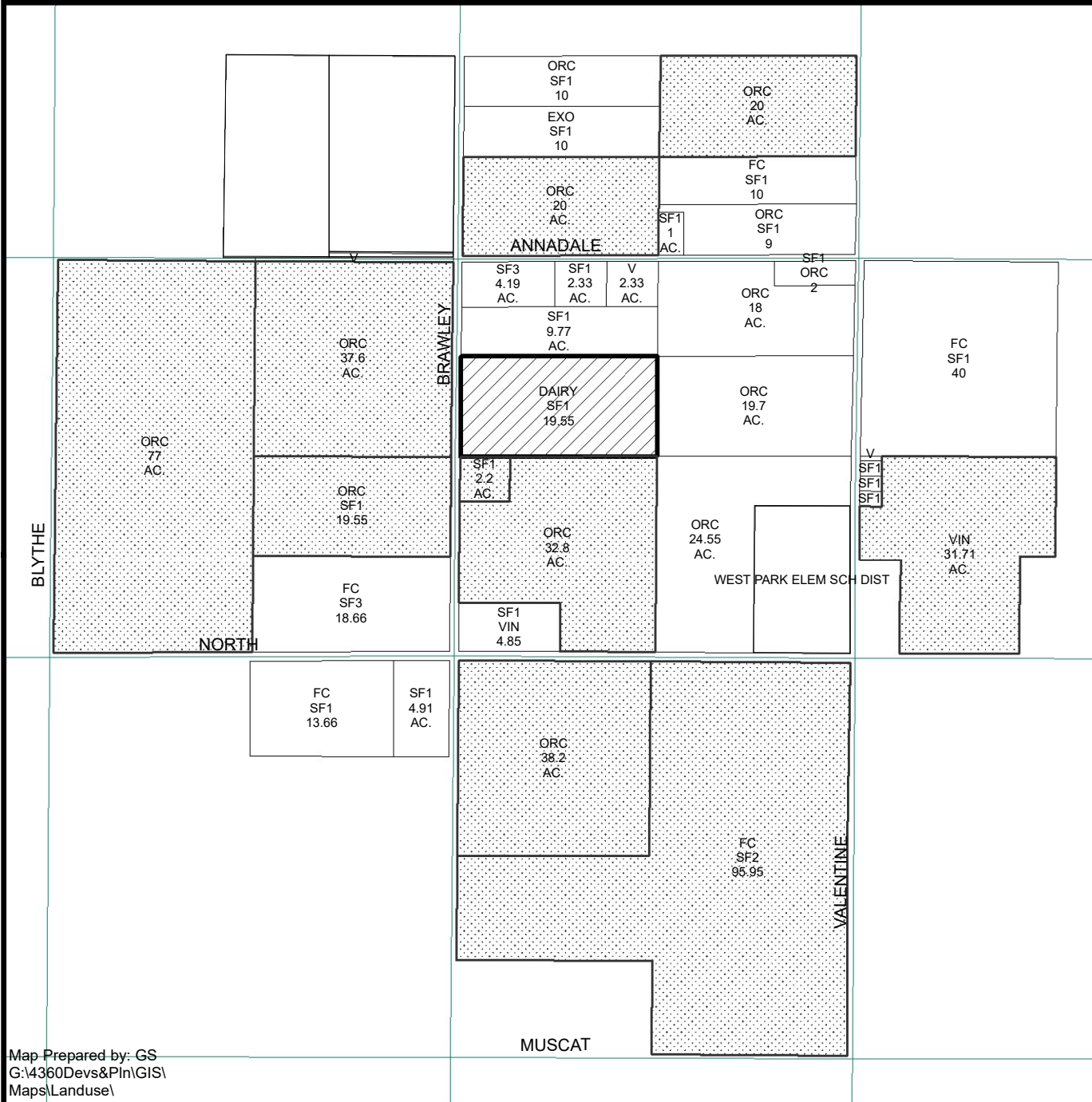
LOCATION MAP



EXISTING ZONING MAP



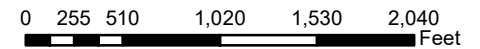
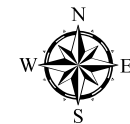
EXISTING LAND USE MAP



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

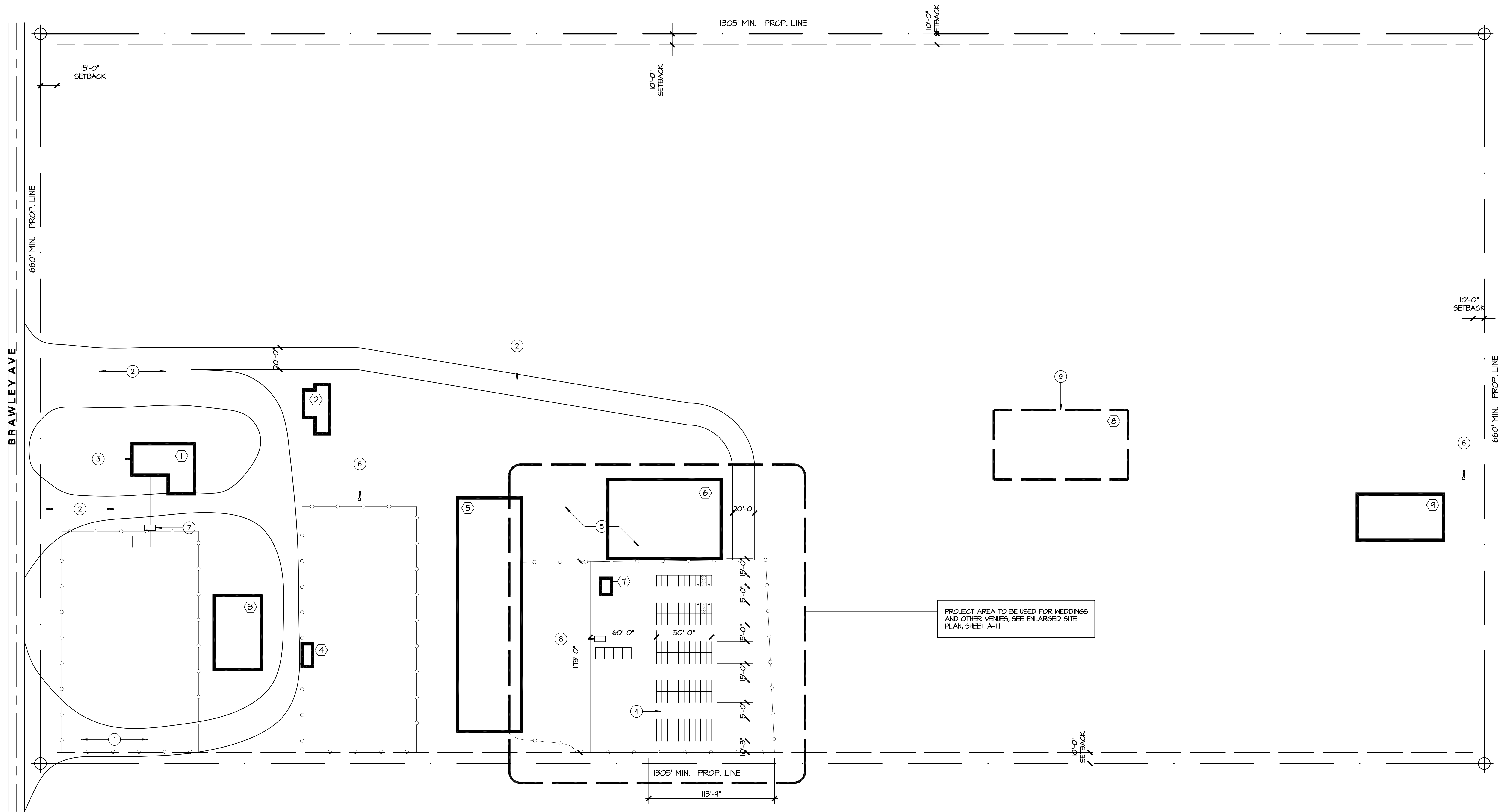
LEGEND:

- Subject Property
- Ag Contract Land

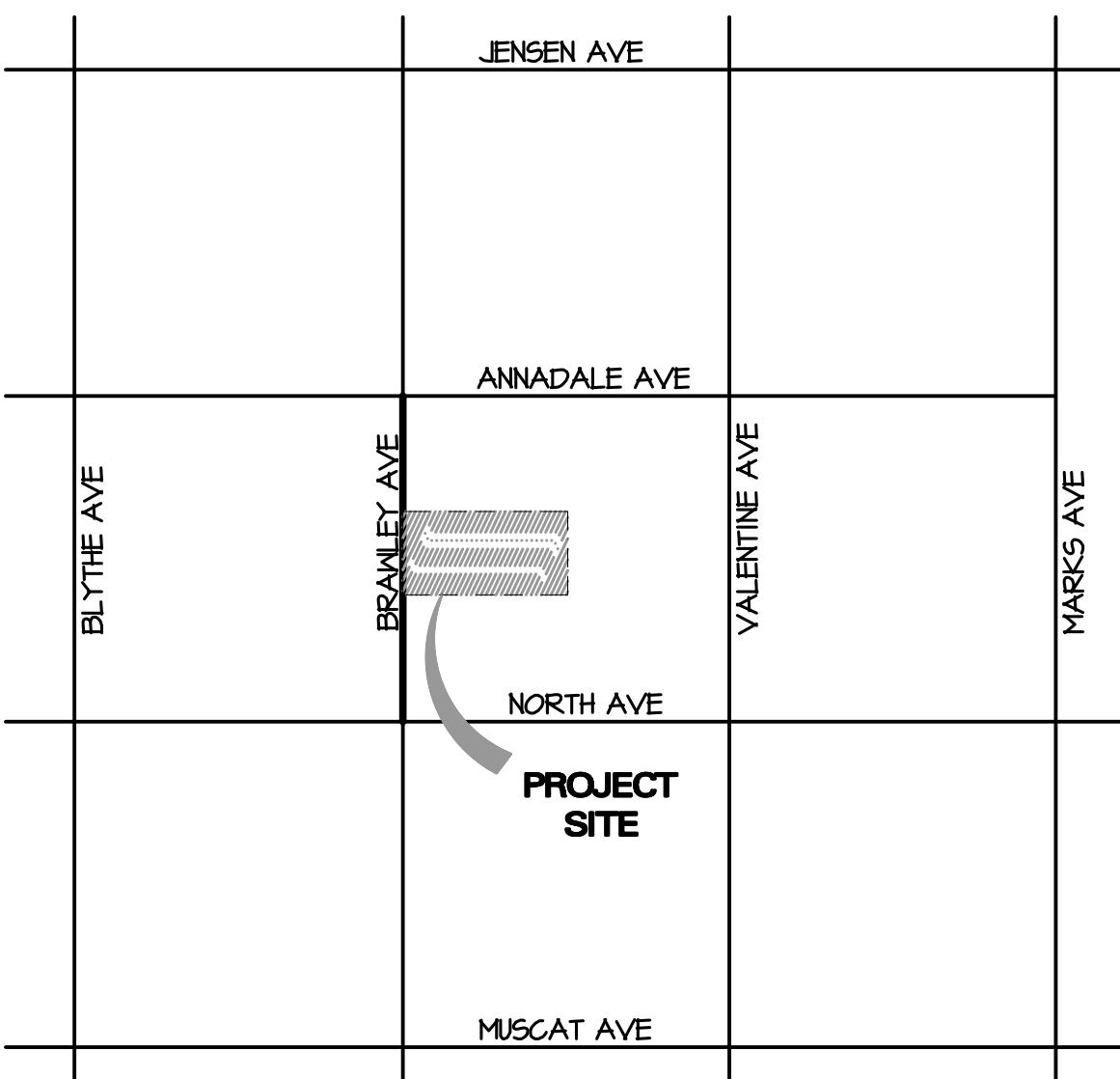


Map Prepared by: GS
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Department of Public Works and Planning
 Development Services Division



VICINITY MAP :



GROUND SNOW LOAD	WIND DESIGN SPEED (MPH)	WIND DESIGN TOPOGRAPHIC EFFECTS	SEISMIC DESIGN CAT.	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
				WEATHERING	FROST LINE DEPTH	TERMITE					
0.00	110 C	NO	D	15000+NEG	0 INCHES	VERY HEAVY	28	NO	FIRM 04/26/08	1500	62.1 DEG.

KEY NOTES :

1. EXISTING ABANDONED DRIVEWAY AND DRIVE APPROACH
2. EXISTING DRIVEWAY
3. EXISTING RESIDENCE.
4. PROPOSED PARKING AREA
5. EXISTING GRASS AREA FOR WEDDINGS
6. EXISTING WELL
7. EXISTING SEPTIC TANK AND LEACH LINES
8. PROPOSED SEPTIC TANK AND LEACH LINES UNDER SEPERATE PERMIT
9. EXISTING A6 STORAGE BUILDING TO BE REMOVED

SCOPE OF WORK:
WEDDING FACILITY WITH RESTROOM BUILDING AND PARKING FOR APPROX. 200 GUESTS.

GOVERNING CODES :

- ALL WORK AND MATERIAL SHALL BE PERFORMED AND INSTALLED IN COMPLIANCE WITH THE FOLLOWING CODES AS ADOPTED AND AMENDED BY THE GOVERNING JURISDICTION. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.
1. 2016 CALIFORNIA BUILDING CODE
 2. 2016 CALIFORNIA RESIDENTIAL CODE
 3. 2016 CALIFORNIA PLUMBING CODE
 4. 2016 CALIFORNIA MECHANICAL CODE
 5. 2016 CALIFORNIA ELECTRICAL CODE
 6. 2016 CALIFORNIA ADMINISTRATIVE CODE
 7. 2016 CALIFORNIA FIRE CODE & STATE FIRE MARSHAL 2016
 8. 2016 CALIFORNIA ENERGY CODE & TITLE 24 AND 25, CALIFORNIA CODE OF REGULATIONS
 9. CALIFORNIA ENERGY EFFICIENCY STANDARDS (CEEC) 2016
 10. SAFETY ORDERS OF THE STATE DIVISION OF INDUSTRIAL SAFETY
 11. CITY ORDINANCES
 12. COUNTY ORDINANCES
 13. APPLICABLE SEC. OF THE CA. ENERGY CONSERVATION STANDARDS
 14. 2015 INTERNATIONAL BUILDING CODE

BUILDING DATA :

APN : 020-330-042
 LOT SIZE : 861300 SQ. FT. (19.77 ACRES)
 CURRENT ZONE : A6
 EXISTING USE : N/A (VACANT)
 ALLOWED USE : A6
 PROPOSED USE : C.U.P. (COMMERCIAL)
 PARKING REQ'T : SEE BELOW
 LANDSCAPE REQ'T : N/A
 BUILDING TYPE : V-B
 CONSTRUCTION : MTL. BUILDING OVER CONC. SLAB
 BUILDING FOOTPRINT (PROPOSED BUILDING)
 BUILDING 1' : 1320 SQ. FT. (RESIDENCE)
 BUILDING 2' : 840 SQ. FT. (TO BE REMOVED)
 BUILDING 3' : 1800 SQ. FT. (TO BE REMOVED)
 BUILDING 4' : 110 SQ. FT. (A6 BLDG.)
 BUILDING 5' : 4,000 SQ. FT. (A6 BLDG.)
 BUILDING 6' : 6,000 SQ. FT. (POLE BARN)
 BUILDING 7' : 800 SQ. FT. (RESTROOM BLDG.)
 BUILDING 8' : 7,200 SQ. FT. (TO BE REMOVED)
 BUILDING 9' : 3,000 SQ. FT. (A6 BLDG.)
 TOTAL : 25,070 SQ. FT.
 COVERAGE : 2.91%

PARKING AREA (INCLUDING DRIVEWAY)
 AREA : 19,062.75 SQ. FT.
 COVERAGE : 2.21%
 STALLS : 84 INC. 4 ACCESSIBLE (10'x20' TYP. STALL)

SITE ADDRESS :

2588 S. BRAWLEY AVE.
 FRESNO, CA 93706
 COUNTY OF FRESNO
 APN. 321-140-64

PREPARED BY :

EGEN DESIGN, INC.
 1250 SUNNYSIDE AVE., SUITE #106
 CLOVIS, CA 93611
 PHONE : (554) 433-7148

ENGINEER OF RECORD :

KYLE M. POPE, P.E.
 1250 SUNNYSIDE AVE., SUITE #106
 CLOVIS, CA 93611
 PHONE : (554) 305-5110

OWNER :

JOSH & ALLISON VERBURG
 2588 S. BRAWLEY AVE.
 FRESNO, CA 93706
 PHONE : (554) 404-9181

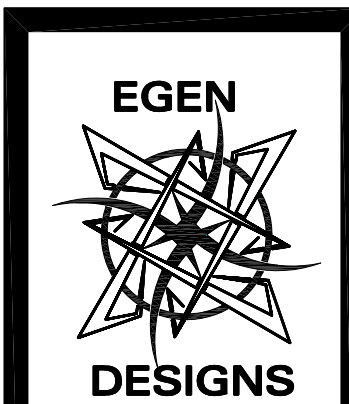


SITE PLAN

SCALE : 1" = 40'-0"



REVISIONS :



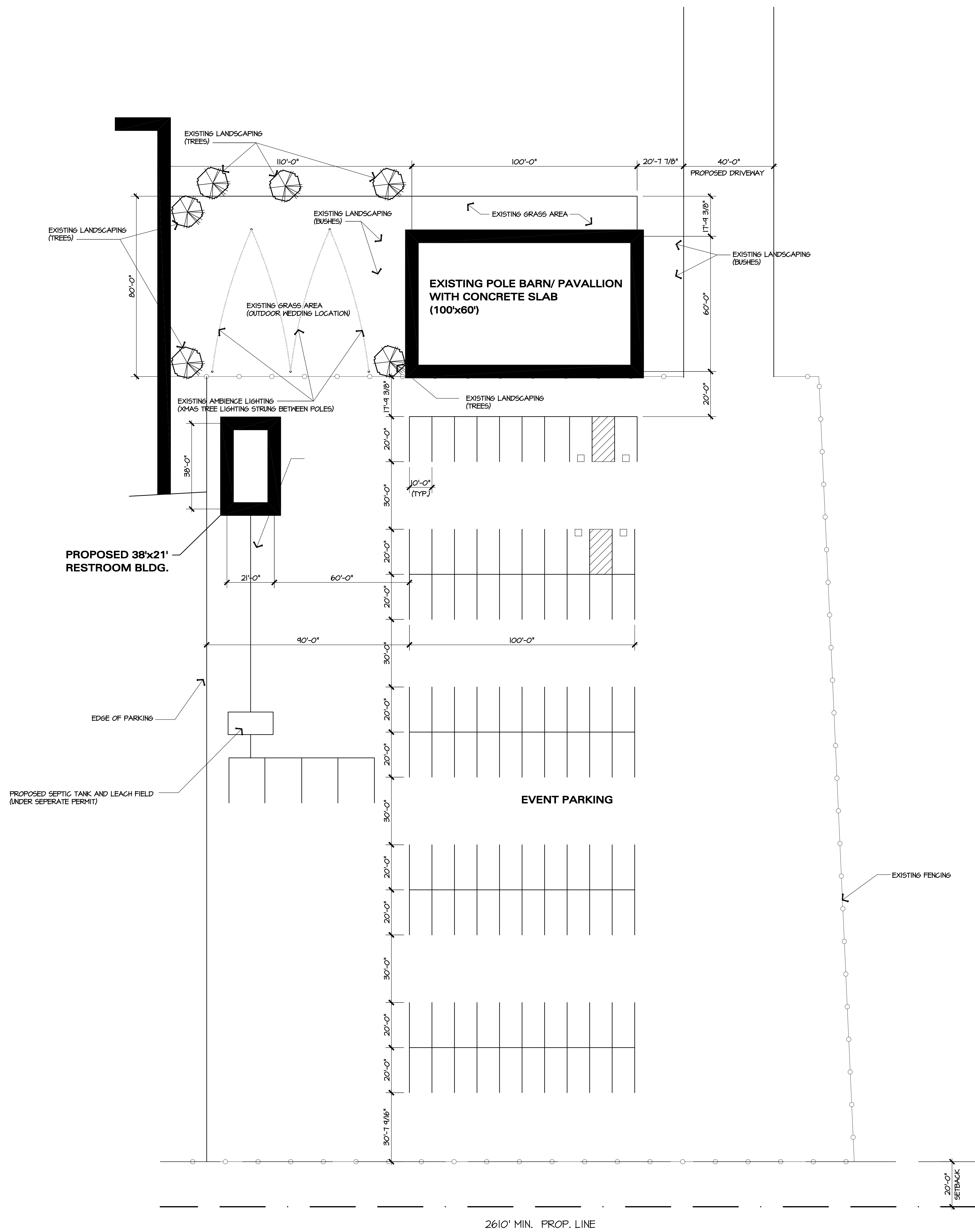
DRAWN BY : M. H.
 JOB NUMBER : 19-005R
 DATE : 9/12/2019

VERBURG C.U.P.
 2588 S. BRAWLEY AVE.
 FRESNO, CA 93706
 COUNTY OF FRESNO

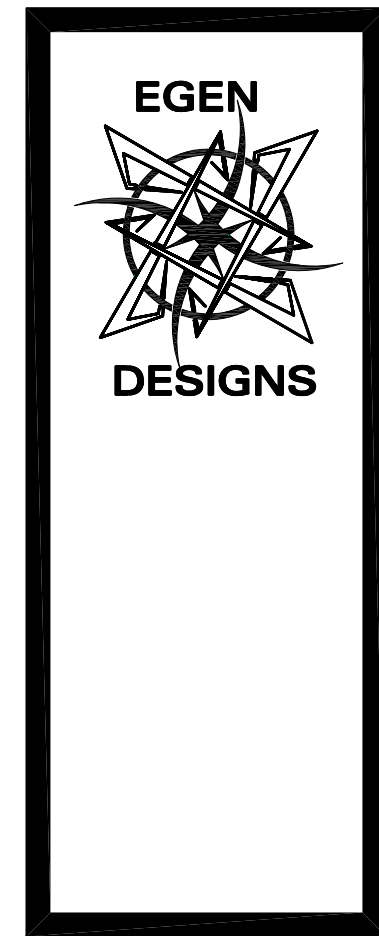
2688 HAMPTON WAY
 FRESNO, CA 93706
 PHONE : (554) 433-7788
 EMAIL : EGENDESIGNS@YAHOO.COM

VERBURG C.U.P.
FRESNO, CALIFORNIA
EGEN DESIGNS COMMERCIAL / RESIDENTIAL DESIGN

SHEET NO. **A-1**
 OF



REVISIONS :



DRAWN BY :
M. H.
JOB NUMBER :
19-005R
DATE :
9/12/2019

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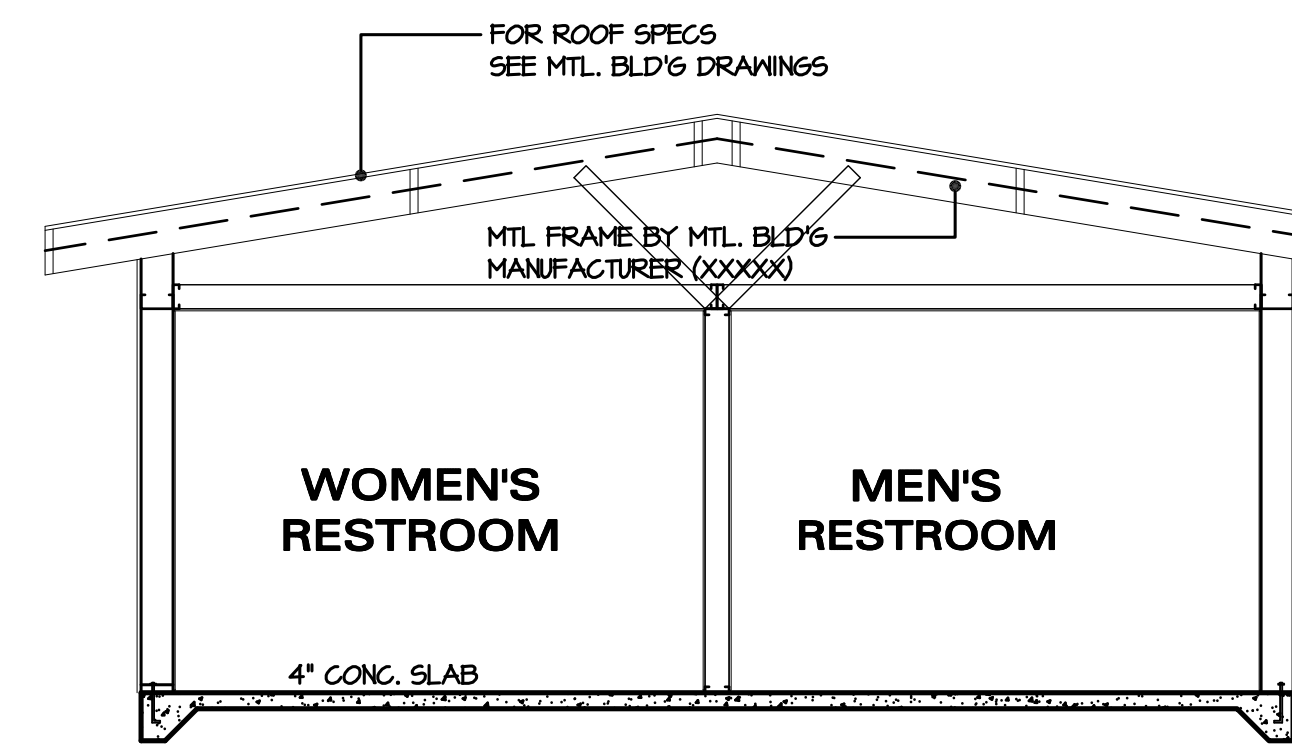
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FRESNO, CALIFORNIA

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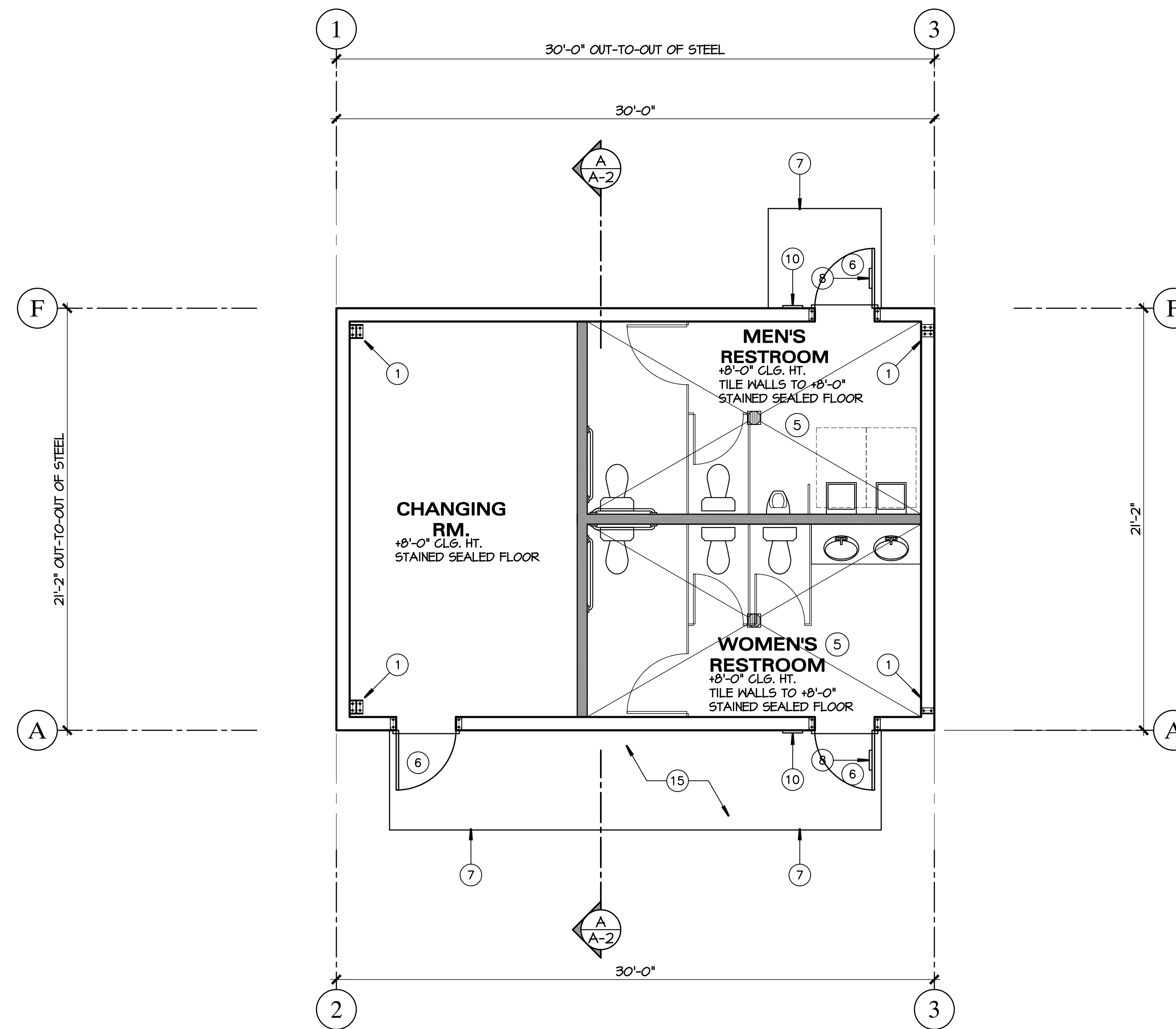
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SHEET NO.
A1.1
OF

SITE PLAN
SCALE: 1"=20'-0"
NORTH



SECTION A



FLOOR PLAN

KEY NOTES :

- 1 MTL. COLUMN, SEE METAL BLD'G DRAWINGS
- 2 ROOF X-BRACING, SEE MTL. BLD'G DRAWINGS
- 3 N/A
- 4 3'-0" x 6'-8" HOLLOW METAL DOOR
- 5 ACCESSIBLE RESTROOM, SEE RESTROOM DETAILS 4.5. & 7/AC-1
- 6 +34" HIGH ACCESSIBLE COUNTERTOP
- 7 5'-0" DEEP CONCRETE LANDINGS/WALK
- 8 RESTROOM DOOR SIGNS, SEE DETAIL 8/AC-1
- 9 OMITTED
- 10 PROVIDE BRAILLE RESTROOM SYMBOLS, SEE DETAIL 6/AC-1
- 11 MOP SINK, SEE PLUMBING PLAN
- 12 OMITTED
- 13 FLOOR DRAIN, SEE PLUMBING PLANS
- 14 ELECTRICAL SUB-PANEL, SEE ELECTRICAL PLANS
- 15 CONCRETE FLAT WORK
- 16 SHEET METAL BUILDING PANELS MANUFACTURED BY:
- 17 ROOF CONSTRUCTION ASSEMBLY: METAL ROOF PANELS MANUFACTURED BY:
- 18 CROSS BRACING, SEE METAL BUILDING DRAWINGS
- 19 OMITTED
- 20 COMPACTED FINISH GRADE

GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD AND REPORT ANY DISCREPANCIES TO THE DESIGNER PRIOR TO ANY CONSTRUCTION.
2. CONTRACTOR TO VERIFY ALL CONDITIONS AT WHERE EXISTING MATERIALS MEET NEW FINISH MATERIALS.
3. GENERAL CONTRACTOR SHALL INTERFACE WITH PLUMBING, MECHANICAL, AND ELECTRICAL PLANS TO CONFIRM ANY SPECIFIC REQUIREMENTS OF ALL FIXTURES/FURNISHINGS SHOWN ON PLANS.
4. GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE ALL BLOCKING AND BACKING LOCATIONS AS REQUIRED BY EQUIPMENT, FURNISHINGS, & FIXTURE SUPPLIERS.
5. SEE PLUMBING PLAN FOR FURTHER NOTES, DETAILS, AND SCH.
6. SEE ELECTRICAL PLAN FOR FURTHER NOTES, DETAILS, AND SCH.
7. SEE ACCESSIBILITY SHEET AC-1 FOR ACCESSIBLE MOUNTING HEIGHTS AND NOTES.
8. PROVIDE A 10" HIGH SOLID PANEL AT THE BOTTOM OF DOOR. CBC 11B-404.2.10.
9. PROVIDE A 60 INCH CLEAR LANDING ON PULL SIDE OF RESTROOM DOOR. CBC 11B-404.2.4.1.
10. FAUCETS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING OR TWISTING OF THE WRIST AND SHALL NOT REQUIRE A FORCE GREATER THAN 5 LBS TO ACTIVATE THE CONTROLS. CBC 11B5B.9.1, CBC 11B5B.9.2 AND CPC 1504.1.2

EXT. ELEV. NOTES :

1. ROOF CONSTRUCTION ASSEMBLY: METAL ROOF PANELS OVER METAL FRAME
2. INSULATION: AS NOTED.
3. CEILING: 1/2" THK. GYPSUM BOARD AT 2x FRAMING MEMBERS AT 24" O.C.
4. FLOOR CONSTRUCTION ASSEMBLY: CONCRETE SLAB ON GRADE AS NOTED ON FOUNDATION PLAN
5. LATH AND PLASTER SHALL COMPLY WITH SECTION 2507 OF THE CBC
6. OMITTED
7. OMITTED
8. OMITTED
9. ALL KEEP SCREEDS SHALL BE INSTALLED A MIN OF 4" ABOVE THE EARTH AND TWO 2" INCHES ABOVE PAVED AREAS AND TO REQUIREMENTS. SEE DETAIL SHEET D-1.
10. MTL. BUILDING ROOFING COLOR TO BE SELECTED BY OWNER FROM STANDARD COLORS

WALL LEGEND :

- EXTERIOR WALL
1 1/2" x 5 1/2" 16 GA. METAL STUDS @ 16" O.C.
w/ MTL. SIDING ON EXTERIOR
SEE MTL. BUILDING DRAWINGS
- INTERIOR WALL
1 1/2" x 5 1/2" 16 GA. METAL STUDS @ 16" O.C.
w/ 1/2" GYP. BD. BOTH SIDES

SEE STRUCTURAL FOR ANCHORAGE AT ALL WALLS.
SEE EXTERIOR ELEVATIONS FOR FINISH.
ALL INTERIOR PAINT FINISH AND EXTERIOR COLOR PER OWNER.

BUILDING DATA :

FLOOR AREA :	635 SQ. FT.
OCCUPANCY GROUP :	U
OCCUPANCY LOAD :	SEE SITE PLAN SHT. A-1
CONSTRUCTION TYPE :	III-B (NON-SPRINKLERED)
EXITS :	(1) ONE EXIT REQUIRED (MIN)

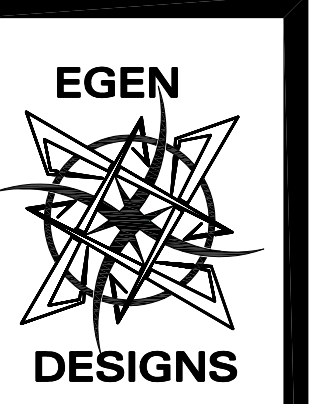


RESTROOM ARCHITECTURAL PLAN 635 S.F.

SCALE: 1/4" = 1'-0"



REVISIONS :



DRAWN BY : M. H.
JOB NUMBER : 19-005R
DATE : 9/12/2019

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VERBURG C.U.P.
FRESNO, CALIFORNIA
EGEN DESIGNS COMMERCIAL / RESIDENTIAL DESIGN

SHEET NO. **A-2**
OF

Operational Statement for The Alli V

1. The Alli V will be a place that people could rent out to hold events. The 20 acre ranch at 2588 S Brawley Ave, where owners Josh and Allison Verburg live has a shaded area and grass next to it that people could rent out to host an event, graduation/birthday/bridal shower, etc. The area would occur between the months of March through October, typically lasting for up to six (6) hours, and predominantly occurring on Saturdays. The events could include amplified speech and music in an outdoor setting, with all amplified speech and music concluding by 10:00 p.m.
3. Average number of people to attend an event would range from 50-250. One day of the week for 6 hours.
4. We (Josh and Allison Verburg) live on the property and we would be the only people to be taking care of the area but will have security while events are taking place.
5. There would be a couple service vehicles including, DJ, and catering and any décor vendors a renter might have.
6. From the public road S. Brawley we have a dirt road to the venue area which the first 100 feet from Brawley Ave is paved. All area is level and after the paved part is dirt. In the future we plan to put gravel down.
7. Parking for events is also dirt and all level. We would put up handicap signs and mark those spaces clearly.
8. No goods would be sold on-site.
9. No equipment used.
10. We propose to build bathrooms but renters would be responsible for all other goods.
11. Renters will be able to provide music for any event if they do to choose so but would have to keep it at the sound level required by the Fresno County of health and turned off by 10PM at the latest. We would water the dirt road leading to the event area and parking area before events to control any dust.
12. All trash produced from events will stay on the property and will be disposed of in our trash through Mid Valley Disposal and anticipate 1 yard of trash per event.
13. Renters will be providing water for their guest, we water the grass and plants on timed sprinklers.
14. Advertising will be word of mouth and social media due to the small volume of events we plan to hold per year.
15. Renters would be able to use our grass area for parties. If they would like shade they can put up a shade tent with no sides in the grass area no larger than 3,000 square feet for the weekend. We would like to construct a building for restrooms and a plan for that is attached.
16. All of the existing grass and projected bathrooms would be used.
17. String lights above the grass area. Renters may choose to bring in an amplification system for their event but must turn it off by 10PM.
18. The landscaping is grass and a couple small shrubs and trees.
19. We would like a conditional use permit to be able to rent out our property 20 times a year for people to hold events.
20. Josh and Allison Verburg are the owners of property at 2588 S Brawley and live on the property.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Josh and Allison Verburg
- APPLICATION NOS.: Initial Study Application No. 7759 and Unclassified Conditional Use Permit Application No. 3664
- DESCRIPTION: Allow a high-intensity park with related improvements for weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of a 19.55-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 S. Brawley Avenue approximately 660 feet south of its intersection with W. Annadale Avenue and 2.5 miles west of the nearest city limits of the City of Fresno (2588 S. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 327-140-64).

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 contains a single-family residence, agricultural buildings and other improvements that were used by a dairy operation in the past. The site fronts Brawley Avenue which is not identified as a scenic drive in the County General Plan. There are no scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings identified on or near the site that could potentially be impacted by the project. No impact on scenic resources would occur.

- 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 existing improvements on the subject property include a 8,038 square-foot single-family residence, 29,403 square-foot pole barn, and agriculture buildings varying in size from 774 square feet to 48,786 square feet. These improvements were utilized by a dairy on the property which no longer exists.

The proposed improvements related to the subject proposal include a 600 square-foot restroom building and onsite parking for event guests. These improvements will be used in conjunction with the existing pole barn for covered events/gatherings and a grassy area fronting the pole barn for open events/gatherings. The 2.13-acre project area will be fenced off to separate the proposed use from other improvements on the property and will connect to the existing ingress and egress off Brawley Avenue.

The surrounding land uses include agricultural and residential uses. Parcels to the north are developed with single-family residences and parcels to the east, south and west are cultivated land with single-family residences.

The proposed improvements will be set back approximately 840 feet from north property line, 1,230 feet from the east property line and 900 feet from the west property line of the subject property and, given the setbacks, will have a less than significant visual impact on adjacent parcels. However, to minimize the project's visual impact on the adjacent parcel to the south, a Condition of Approval would require that the proposed fencing on the south and east sides of the project area shall be provided with slats to block the view of the proposed facility and provide privacy to the neighboring property.

- 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:

Use of any outdoor lighting during for the project has the potential of generating new sources of light and glare in the area. To minimize any light and glare impact resulting from this proposal, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed downward as to not shine 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; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: NO IMPACT:

The project site is not prime farmland and not enrolled in a Williamson Act Land Conservation Contract. Classified as Confined Animal Agriculture on the 2016 Fresno County Important Farmland Map, the site is suited for poultry facilities, feed lots, dairy facilities and fish farms. The project will have no impact, either individually or cumulatively, on agricultural resources.

- 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 is not in conflict with agricultural zoning and is an allowed use on land designated for agriculture with discretionary land use approval and adherence to the applicable General Plan Policies. The project site is not forest land or timberland. The site was previously used for a dairy.

- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the project site is not farmland or forest land, and the subject proposal is an allowed use on land designated for agriculture.

Per the comments provided by the Fresno County Agricultural Commissioner's Office, a Condition of Approval will require that the applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development.

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 project will construct a 600 square-foot restroom building and events guest parking. Construction will trigger limited Short-Term Construction Emissions. Long-Term Operational Emissions will also be limited in that the project will generate limited once-a-week traffic trips for a short duration with each trip to have several riders. As such, the air quality impacts resulting from this proposal would be less than significant.

The San Joaquin Valley Air Pollution Control District (Air District) expressed no concerns with the project, resulting in the determination that the project will not be in conflict with the applicable Air Quality Plan or 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 expose sensitive receptors to substantial pollutant concentrations.

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

FINDING: NO IMPACT:

The project construction or operation will not generate 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; 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 was used for a dairy operation in the past and is pre-disturbed with buildings and other improvement related to that use. The neighboring parcel are also pre-disturbed with residential development and farming, and as such do not provide habitat for state or federally-listed species. Additionally, the site does not contain any riparian features or wetlands or waters under the jurisdiction of the United States.

The project was routed to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for review and comments. Neither agency expressed any concerns with the project.

- 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 wildlife or fish movement features (e.g., waterways, arroyos, ridgelines) or any wildlife nursery sites are present on the property. The project will not impact these resources.

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

FINDING: NO IMPACT:

The project is not subject to the County tree preservation policy or ordinance.

- 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 site is not within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan. The project will not conflict with the provisions of such a 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 in an area determined to be highly or moderately sensitive to archeological resources. The Native Americans Heritage Commission (NAHC) conducted a Sacred Lands Search for the project site and reported negative results in its search for any sacred sites. The project will not impact archeological resources.

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:

The project will not result in inefficient, wasteful, or unnecessary energy use. The project involves limited construction activities involving restrooms, parking and fencing. As such, the project consumption of energy (gas, electricity, gasoline, and diesel) is expected to be less than significant.

The project will be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen) to achieve the goals of Assembly Bill (AB) 32, which has established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

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

FINDING: NO IMPACT:

The project development would not conflict with or obstruct a state or local plan for renewable energy or 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; or
 2. Strong seismic ground shaking; or
 3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of zero to 20 percent. The project development would be subject to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not in an area of landslide hazards. The site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil to prepare for the foundation for restroom and parking. However, the impact would be less than significant with a Project Note requiring that an Engineered Grading and Drainage Plan shall be prepared for the project and a Grading Permit or Voucher shall be obtained for site grading.

- 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:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. As a standard requirement, a soil

compaction report may be required prior to the issuance of building permits to ensure the weight-bearing capacity of the soils for portable units.

- 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: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not in an area of expansive soils. However, the project construction will implement all applicable requirements of the most recent California Building Standards Code and will consider hazards associated with shrinking and swelling of expansive soils.

- 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: LESS THAN SIGNIFICANT IMPACT:

The proposed restroom building will connect to an individual sewage disposal system.

Per the Fresno County Department of Public Health, Environmental Health Division review of the proposal, a Project Note would require that the applicant: 1) shall provide a sewage feasibility analysis/engineered septic system for review and approval by the Fresno County Department of Public Works and Planning (FCDPP); and 2) shall install the septic system under permit and inspection by the FCDPP.

- 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:

The San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction-related GHG emissions. As the project

involves limited construction activities (restrooms, parking, fencing), construction emission for the project would be less than significant.

Regarding operation-related GHG emissions, the project would generate limited traffic trips. This includes once-a-week event trips with each trip to have several riders. Given that scenario, the long-term operation-related greenhouse gas emissions are expected to be less than significant.

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; or
- 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 operation does not involve transport, use, disposal, or handling of hazardous materials.

The Fresno County Department of Public Health, Environmental Health Division, reviewed the proposal and requires that demolition of existing structures shall be subject to the following requirements: 1) should the structure have an active rodent or insect infestation, the infestation shall be abated prior to remodel of the structure in order to prevent the spread of vectors to adjacent properties; 2) In the process of demolition of the existing structure, if asbestos-containing materials are encountered, the San Joaquin Valley Air Pollution Control District shall be contacted; 3) if the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to remodel work the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, Region 9, State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted; and 4) any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements. These requirements will be included as Project Notes.

The nearest school, West Park Elementary School, is approximately 690 feet southeast of the project site. With adherence to the above-noted Project Notes, impact to the School would be less than significant.

- 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:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site. No impacts would occur.

- 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:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately nine miles northeast of the project site. At that distance, the airport will not be a safety hazard or source of excessive noise for the project.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. These conditions preclude the possibility of the proposed project conflicting with an emergency response or evacuation plan. No impacts would occur.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. The project will not expose persons or structures to wildland fire hazards.

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 Section VII. E. GEOLOGY AND SOILS regarding wastewater discharge.

The proposed facility will host roughly 20 events a year as noted by the Applicant. The State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) reviewed the proposal and stated that the project would not meet the definition of a public water system and will not require a water permit due to hosting less than 60 events per year.

The Regional Water Quality Control Board, Central Valley Region also reviewed the proposal and expressed no concerns related to impact on groundwater quality.

- 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 project site is located within the North Kings Groundwater Sustainability Area (NKGSA). The Fresno Irrigation District on behalf of NKGSA reviewed the proposal and suggested that the anticipated groundwater use for the project should be balanced with enough recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft.

The water supply to the proposed project will come from an existing well on the property. The project will use limited water (85 gallons per day) that will mostly be used in the restroom facilities by event participants. Minimal or no use of potable water for human consumption is expected during events, as catering companies will supply beverages and bottled water to the event participants. Additionally, the project will utilize the existing landscaping, and for that reason, the current water consumption for landscaping will remain unchanged. However, if new landscaping is proposed by the applicant, a Condition of Approval would require that such landscaping shall comply with MWEL0 (Model Water Efficient Landscape Ordinance) standards to conserve water. With the implementation of this condition, the impact on groundwater resources resulting from additional landscaping will be reduced to less than significant.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal, stated that the project site is not located within the County's water-short area, and offered no comments on the availability/sustainability of water 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; 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No natural drainage channels run through the project site. The existing Fresno Irrigation District's creeks and private canals in the area will not be impacted by this proposal.

Development of the subject proposal will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

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

FINDING: NO IMPACT:

The project site is not subject to flooding from the 100-year storm per the Federal Emergency Management Agency FIRM Panel 2105H.

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

FINDING: NO IMPACT:

Fresno County has no Water Quality Control Plan. As such, the subject proposal would not conflict with any water quality control plan. The project is located within the North Kings Groundwater Sustainability Area. See discussion in Section X. B. above.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide an established community. The project site is approximately 2.5 miles west of the City of Fresno.

- 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 project site is designated Agriculture in the Fresno County General Plan and is located outside of the City of Fresno Sphere of Influence. The subject proposal will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction.

The County General Plan allows the proposed facility in an agricultural area by discretionary land use approval, provided applicable General Plan policies are met. Concerning Policy LU-A.3, Criteria a. b. c. d., the proposed high-intensity park for weddings and other events fit to the use of the subject property which is not an agricultural land and is located in a non-urban area due to the nature of the proposed use; is not located on prime farmland; is not located in a water-short area and involves limited water usage (85 gallons per event); and can be provided with adequate workforce from the nearby City of Fresno.

Concerning Policy LU-A.12, LU-A.13 and LU-A. 14, the project site is not farmland, and the 2.13-acre project area will be fenced off to separate the proposed use from surrounding farmland. Regarding Policy PF-C.17, the project will use limited groundwater (85 gallons per event) which will be supplemented by surface water to minimize impact on groundwater reserves. Regarding Policy PF-D.6, the proposed restroom will connect to an individual sewage disposal system.

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:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is outside of a mineral-producing area of the County.

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 WITH MITIGATION INCORPORATED:

An Acoustical Analysis was prepared for the project by WJV Acoustics, dated February 7, 2020. Per the Analysis, the project-related noise levels are not expected to exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards if noise levels produced by on-site speaker systems are not set to excessively high volumes and/or the speaker system is not located in an area other than indicated by the project applicant, and/or the speakers are not oriented in a different direction other than that which was indicated by the project applicant.

The Fresno County Department of Public Health, Environmental Health Division reviewed the Acoustical Analysis and required that the noise levels shall be maintained according to the Acoustical Analysis. The project will be subject to the following Mitigation Measure.

* **Mitigation Measure**

1. *The project-related noise levels shall adhere to the Acoustical Analysis prepared by WJV Acoustics, dated February 7, 2020 and shall not exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards.*

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:

See discussion in Section IX. E. HAZARDS AND HAZARDOUS MATERIALS above.

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 result in an increase of housing, nor will it otherwise induce population growth.

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:

Per the Fresno County Fire Protection District (CalFire), the project shall comply with the California Code of Regulations Title 24 – Fire Code and, upon County approval of the project and prior to issuance of the project building permits, approved site plans shall be submitted for the District’s review and approval. Additionally, the project shall annex to Community Facilities District No. 2010-01 of CalFire. These requirements will be included as Project Notes.

2. Police protection?

FINDING: NO IMPACT:

The project was routed to the Fresno County Sheriff’s Office which expressed no concerns with the project.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact existing public services, nor will it result in the need for additional public services related to schools or parks.

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 will not induce population growth which may require construction of new or expanded recreational facilities in the area.

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 project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project area is rural in nature and is not planned for any transit, bicycle, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan.

The Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and stated that the proposed facility will operate on weekends outside of peak traffic hours. Therefore, in lieu of a Traffic Impact Study, a Traffic Management Plan (TMP) shall be prepared for the project to demonstrate how the traffic will be handled during events. The project will adhere to the following Mitigation Measure.

* **Mitigation Measure:**

1. *The project proponent shall prepare a Traffic Management Plan (TMP) to show how the traffic will be handled during events. The TMP shall be reviewed and approved by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning prior to the approval of Site Plan Review.*

The California Department of Transportation also reviewed the subject proposal and expressed no concerns related to traffic.

- 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 subject proposal would allow weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of a 19.55-acre parcel.

The project site is located approximately 2.5 miles west of the nearest city limits of the City of Fresno. Given the location, it is reasonable to expect that the project will serve those residing in the City of Fresno and other nearby communities. This will help

reduce total vehicle miles travelled to other similar facilities located elsewhere in the County and often far away from the urban areas. Given this scenario, staff believes the proposed development would not conflict or be inconsistent with above-noted CEQA Guidelines.

- 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:

The project design will not create traffic hazards or bring any changes to the current ingress and egress to the property off Brawley Avenue. According to the Road Maintenance and Operations Division and Site Plan Review Section, the following shall be required as Project Notes: 1) any work within the road right-of-way shall require an encroachment permit from Fresno County Road Maintenance and Operations; 2) any proposed entrance with swing gates shall be set back a minimum of 20 feet from the Brawley Avenue right-of-way; and 3) the first 100 feet of the driveway from off Brawley Avenue shall be paved or treated with dust palliative to minimized tracking and dust pollution to County roads.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project will utilize the existing ingress and egress to the site off Brawley Avenue.

The initial review of the project by the County Fire Department resulted in no concerns regarding inadequate emergency access to the site. The emergency access will be further analyzed by the Fire Department through subsequent Site Plan Review recommended as a Condition of Approval for the project.

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:

Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County.

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:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new electric power, natural gas, or telecommunications facilities.

- 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:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

- 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:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- 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:

All solid wastes produced by the proposed facility will be collected for the local landfill through regular trash collection service. All solid waste disposal will adhere to local and state standards. The project impact on the holding capacity of local landfills will be less than significant.

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:

The project site is not located within or near a State Responsibility Area for wildfire.

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 would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species. No impacts on biological or cultural resources were identified in the analysis.

- 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

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 at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources or Air quality were identified in the project analysis. Impacts identified for Aesthetics, Noise and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., XIII. and XVII of this report.

- 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 Initial Study No. 7759 prepared for Unclassified Conditional Use Permit Application No. 3664, 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, hazards and hazardous materials, mineral resources, population and housing, recreation, tribal cultural resources, or wildfire.

Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, noise and transportation have been determined to be less than significant with the identified Mitigation Measures.

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

EA:ksn

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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 7759	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): Josh and Allison Verburg	Project Title: Unclassified Conditional Use Permit Application No. 3664		
Project Description: Allow a high-intensity park with related improvements for weddings and other venues appropriate and incidental to parks on a 2.13-acre portion of a 19.55-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the east side of S. Brawley Avenue approximately 660 feet south of its intersection with W. Annadale Avenue and 2.5 miles west of the nearest city limits of the City of Fresno (2588 S. Brawley Avenue, Fresno) (SUP. DIST. 1) (APN 327-140-64).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7759) prepared for Unclassified Conditional Use Permit Application No. 3664, 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, hazards and hazardous materials, mineral resources, population and housing, recreation, tribal cultural resources, or wildfire. Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant. Potential impacts related to aesthetics, noise and transportation 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 – February 24, 2020		Review Date Deadline: Planning Commission – March 26, 2020	
Date: February 21, 2020	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. 4 June 11, 2020

SUBJECT: Unclassified Conditional Use Permit Application No. 3663

Amend Conditional Use Permit No. 3647 to allow the installation of a new 550-foot by 415-foot (approximately 5.23 acres) covered lagoon dairy digester, and the construction of a 60-foot by 40-foot by 20-foot-tall (2,400 square feet) prefabricated steel mechanical building to house a biogas generator and conditioning equipment, on a 160-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the northeast corner of the intersection of West Mount Whitney Avenue and South Bishop Avenue (11720 West Mount Whitney Avenue) (Sup. Dist. 4) (APN 050-260-12S).

OWNER: Dry Creek Holdings, LLC
APPLICANT: Wilson Dairy Biogas LLC

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Accept the Mitigated Negative Declaration previously adopted by the Planning Commission for Initial Study No. 7608, per Section 15162 of the California Environmental Quality Act; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3663, amending CUP No. 3647 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Approved Mitigation Measures, Conditions of Approval and Project Notes for CUP No. 3647
3. Location Map
4. Existing Zoning Map
5. Existing Land Use Map
6. Site Plans
7. Elevations
8. Applicant's Operational Statement
9. Summary of Initial Study No. 7608

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District	No change
Parcel Size	160.00 acres	No change
Project Site	160.00 acres; existing dairy operation	Addition of a new 550-foot by 415-foot by 16-foot-deep covered lagoon digester and a 2,400 square-foot prefabricated steel mechanical building to house a biogas generator, blower and chilling equipment; moisture trap on a concrete pad; and a 20-foot-wide by 200-foot-long raised sand lane (previously approved). Utility poles and transformers will also be installed to connect to PG&E facilities.

Criteria	Existing	Proposed
		Proposed improvements will encompass an area of approximately 5.38 acres (234,650 square feet) in the northwest corner of the 160-acre subject parcel.
Structural Improvements	Free-stall barns/exercise pens, mechanical separation/manure drying area, calf pens, shop, open-lot corral, sheds, hay barns, commodity barn, feed storage area, wastewater retention ponds	See above description under Project Site
Nearest Residence	One dwelling unit located on an adjacent parcel approximately 0.63 mile southeast of the proposed digester site	No change
Surrounding Development	Open farmland consisting of sparse residential development, dairies, orchards, field crops and other agriculture-related support operations	No change
Operational Features	Milk is produced and trucked off site for processing into dairy products. The dairy has an approximate herd size of 4,232 cows and produces approximately 178,104 gallons per day total process wastewater, per the waste management plan dated June 26, 2009.	Addition of a covered lagoon anaerobic digester along with biogas conditioning equipment (chiller and condenser) and a generator to be housed in a 2,400 square-foot prefabricated steel mechanical building. The generator will produce electricity for exportation and sale to the PG&E grid; the biogas will be transported by pipeline to a central collection point where it will be upgraded to commercial standards before being injected into the PG&E main gas transmission line.
Employees	Approximately 25	Additional 10-20 employees during the approximately seven-month construction schedule for the proposed

Criteria	Existing	Proposed
		facilities; one employee will make daily facility inspections during operations; no permanent facility employees will work or live on the site
Customers	None	No change
Traffic Trips	Estimated 40 round trips per day associated with the existing dairy operation	Additional 20-27 round trips per day during construction and one additional round trip per day (for facility inspection purposes) during operation
Lighting	Outdoor lighting associated with existing dairy operation	Addition of security lighting on the prefabricated metal generator/biogas equipment building
Hours of Operation	24 hours per day, seven days per week	No change

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

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration (MND) was prepared for Initial Study No. 7608 and adopted by the Fresno County Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Unclassified Conditional Use Permit No. 3647 on August 8, 2019.

Per Section 15162(a) of the CEQA Guidelines, Subsequent EIR's and Negative Declarations:

- (a) When an EIR or negative declaration (MND) is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously-identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously-identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed on the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The current proposal, Unclassified Conditional Use Permit Application No. 3663 was routed to those agencies that previously reviewed and commented on the Initial Study prepared for CUP No. 3647. No concerns were expressed by those reviewing agencies that would indicate that the preparation of a new Initial Study would be warranted at this time. Therefore, it has been determined that no subsequent Mitigated Negative Declaration shall be undertaken for this project per Section 15162 of the California Environmental Quality Act. A summary of Initial Study No. 7608 is included as Exhibit 9.

PUBLIC NOTICE:

Notices were sent to 10 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 may be approved only if five 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 Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit No. 3647 was previously approved on August 8, 2019 and authorized the conversion of two adjacent wastewater ponds at an existing dairy into a covered lagoon digester, along with the installation of a 2,400 square-foot prefabricated steel mechanical building to house supporting equipment, including a biogas generator and biogas conditioning apparatus (chiller, condenser and moisture trap). The biogas (methane) produced by the dairy operation is transferred to a collection pipeline which would then transport the biogas off site along with biogas from several other participating dairies via a proposed pipeline (authorized by CUP No. 3642) to a central site where the collected gas could be upgraded to commercial

quality natural gas, and injected into the PG&E main gas transmission line for market. Additionally, CUP No. 3647 authorized the installation of several new utility poles and one or more transformers to facilitate the exportation of electrical power, created by burning biogas in on-site generators, to be sold to PG&E through a net metering agreement.

The current application proposes to amend CUP No. 3647 and allow the installation of a new covered lagoon dairy digester in place of the previously-approved digester which was to be converted from two existing wastewater settling ponds, and allow the new digester to be located approximately 250 feet west of the previously-approved location; and allow the previously-approved prefabricated steel mechanical building housing the generator and conditioning apparatus to be located approximately 320 feet north of the previously-approved location.

***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 (north): Approximately 35 feet Side (west): Approximately 35 feet Side (east): Approximately 2,130 feet Rear (south): Approximately 2,020 feet	Yes
Parking	One parking space for every two permanent employees and one parking space for each company-owned vehicle	No change	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Separation between animal shelter and structures used for human habitation: minimum of 40 feet	No change	Yes
Wall Requirements	No requirements	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No changes proposed to water wells or septic systems	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2850J, portions of the subject parcel are subject to flooding from the 100-year (one percent chance) storm event. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48).

Building and Safety Plan Check Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections will be required for all on-site improvements.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2850J, portions of the subject parcel are within Zone A and subject to flooding from the 100-year storm event. If any development is proposed within the area of the parcel identified as Zone A, such development must comply with the County Flood Hazard Ordinance (Title 15.48).

Records indicate that the subject property is within an agricultural preserve. Typically, any construction or development proposed will require approval from Policy Planning.

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

Analysis:

Unclassified Conditional Use Permit No. 3647 was approved to allow the conversion of two adjacent existing wastewater settling ponds to one 1,630-foot by 125-foot by 25-foot-deep covered lagoon dairy digester located approximately 345 feet south of the northern property boundary, approximately 750 feet east of the western property boundary, 336 feet from the eastern property boundary and more than 2,000 feet from the southern property boundary abutting Mount Whitney Avenue.

The current application proposes to allow the installation (excavation) of a new dairy digester, to be located westerly adjacent to the previously-approved location. The project would entail the excavation of an approximately 228,250 square-foot (5.23 acres) area in the northwest corner of the subject parcel, adjacent to South Bishop Avenue. The dimensions of the proposed digester are 550 feet in length, 415 feet in width, and 16 feet in depth, with a capacity of approximately 21.8 million gallons.

The digester would be located approximately 35 feet from the western property boundary abutting South Bishop Avenue and approximately 35 feet from the northern property boundary abutting private property. The prefabricated steel mechanical building will be located approximately 70 feet from the northern property boundary. The new proposed digester will have approximately 24,500 square feet more surface area and approximately the same liquid volume capacity as the previously-approved design per the Applicant's site plan.

Staff review of the site plan demonstrates that all of the proposed improvements will satisfy the minimum setback requirements from adjacent property boundaries and County road rights-of-way. The subject parcel is adequate in size and shape to accommodate the proposed addition of the proposed digester and 2,400 square-foot prefabricated steel mechanical building.

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	N/A
Public Road Frontage	Yes	South Bishop Avenue	No change
Direct Access to Public Road	Yes	South Bishop Avenue West Mount Whitney Avenue	No change
Road ADT		South Bishop Avenue 400 Mount Whitney Avenue 2,100	No change
Road Classification		South Bishop: Local Mount Whitney: Expressway	No change
Road Width		South Bishop: 20 feet paved	No change
Road Surface		South Bishop: Road Mix Surface (RMS); very poor condition West Mount Whitney: Asphalt Concrete (AC); Excellent condition	No change
Traffic Trips		Estimated 40 round trips per day	Estimated 10-12 one-way employee trips and up to 27 round trip truck trips during construction
Traffic Impact Study (TIS) Prepared	No	A Traffic Impact Study was not required for this project	No change
Road Improvements Required		N/A	Not required at this time

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

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Mount Whitney Avenue is a County-maintained road classified as an Expressway, with a 60-foot right-of-way, and a paved width of 31.8 feet with dirt shoulders. Mount Whitney has an Average Daily Traffic (ADT) count of 2,100 vehicles per day (VPD), a pavement condition index (PCI) of 87 (out of 100) and is in good condition.

Bishop Avenue is a County-maintained road classified as a Local road, with a 60-foot right-of-way, and a paved width of 20.10 feet with dirt shoulders. Bishop Avenue has an ADT of 400 VPD, a PCI of 20, and is in poor condition.

Mount Whitney Avenue is classified as an Expressway in the County's General Plan, requiring road right-of-way of 106 to 126 feet. Currently, there is 60 feet of right-of-way on Mount Whitney Avenue, requiring a minimum additional 23 feet along the parcel frontage. Any setbacks for new construction should be based on the ultimate right-of-way for Mount Whitney.

Bishop Avenue is classified as a Local road in the County's General Plan, requiring a right-of-way of 60 feet. Currently, there is 60 feet of right-of-way on Bishop. No additional right-of-way is required on Bishop Avenue.

An encroachment permit is required from the Road Maintenance and Operations Division for any work performed in the County right-of-way, such as a pipeline installation or driveway construction.

All Mitigation Measures, Conditions of Approval and Project Notes from previously-approved CUP No. 3647 and related applications still apply.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Mount Whitney Avenue is classified as an Expressway, with an existing right-of-way of 30 feet north of the section line along the parcel frontage, per the Plat Book. The minimum width for an Expressway right-of-way north of the section line is 53 feet, with a maximum of 63 feet.

Mount Whitney is a County-maintained road, and records indicate that this section of Mount Whitney, from Bishop to Dickerson, has an Average Daily Traffic (ADT) count of 2,100, and a paved width of 31.8 feet.

Bishop Avenue is classified as a Local road, with an existing 30 feet of right-of-way north of the section line along the parcel frontage, per the Plat Book. The minimum width for a Local road right-of-way north of the section line is 30 feet.

Bishop Avenue is a County-maintained road, and records indicate that this section of Bishop, from Mount Whitney to Harlan, has an ADT of 400, a paved width of 20 feet, a structural section of 0.25 RMS/0.5 LTB and is in very poor condition.

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

Analysis:

The project proposes to install a new lagoon dairy digester on an existing dairy in order to export renewable biogas and electricity produced from the gas into the PG&E grid. CUP No. 3647 was originally approved along with related applications to allow similar facilities at four other participating dairy sites. The collection pipeline that was also approved was evaluated for potential impacts to surrounding streets and highways. It was determined that the County roads serving the subject parcel and other related parcels were adequate in width and pavement to accommodate the additional traffic generated by the proposed use.

Based on the above information, staff has determined that the roads surrounding the subject parcel are adequate in width and pavement type to accommodate the additional traffic generated by 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	480.22 acres	Field crops/Office commercial	AE-20	None
South	596.58 acres	Field crops/Single-Family Residential	AE-40	225 feet
East	480.22 acres	Field crops/Office commercial	AE-20	0.48 mile
West	314.57 acres	Field crops	AE-20	None

Reviewing Agency/Department Comments:

Pacific Gas and Electric Company, Plan Review Team – Land Management: This plan review process does not replace the application process for PG&E gas or electric service the project may require. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project as it relates to any rearrangement of new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement may include a California Public Utility Commission (CPUC) Section 851 filing, which requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E’s fee strip or easement. PG&E will advise of the necessity to incorporate a CPUC Section 851 filing.

Fresno County Department of Public Health, Environmental Health Division: The proposed use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance (Fresno County Ordinance Code Section 8.40).

Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map if:

1. There is a 100% or more increase in the quantities of a previously-disclosed material; or
2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts.

The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.

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.

If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).

The operational statement provided with the application indicates that the separated solids from the anaerobic digester will be disposed at an appropriate landfill. If the facilities change the operations to use the separated solids for composting, prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division, acting as the Local Enforcement Agency (LEA).

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any improvements constructed within flood hazard Zone 'A' will require pre-construction and post construction elevation certificates prior to the issuance of grading or building permits.

An engineered grading plan and grading permits are required.

Central Valley Regional Water Quality Control Board: Provision G.4 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order), requires the submittal of a Report of Waste Discharge (RWD) prior to starting discharge associated with a development of any treatment technology, as it is considered a material change in the character and volume of the waste discharge.

The proposed new pond should meet the requirements specified in Pond Specification C.5 of the Reissued General Order.

California Department of Conservation, Division of Oil, Gas and Geothermal Resources: Public Resources Code (PRC) Section 3208.1 establishes well re-abandonment responsibility when a previously-plugged and abandoned well will be impacted by planned property development or

construction activities. Local permitting agencies, property owners, and/or developers should be aware of and fully understand that significant and potentially-dangerous issues may be associated with development near oil, gas and geothermal wells.

The subject parcel is located adjacent to the Helm oil field boundaries. According to Division records there are no wells within the parcel; however, there may be pipelines associated with oil and gas production in the vicinity.

Division records indicate that there are no known oil or gas wells located within the project boundaries, as identified in the application, that are: not abandoned to current Division requirements as prescribed by law and projected to be built over or have future access impeded by this project; have future access impeded by this project; abandoned to current Division requirements as prescribed by law and projected to be built over or have future access impeded by this project; or abandoned to current Division requirements as prescribed by law and not projected to be built over or have future access impeded by this project.

If, during development activities, any wells are encountered that were not part of this review, the property owner is expected to notify the Division's construction site well review engineer in the Inland District office, and file for Division review an amended site plan with well casing diagrams.

San Joaquin Valley Air Pollution Control District: The project will be subject to the following rules: District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4601(Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. The project may also be subject to the following rules specific to confined animal operations: Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials; Rule 4550 (Conservation Management Practices) limits fugitive dust emissions from agricultural operation sites; and Rule 4570 (Confined Animal Facilities) applies to dairies with greater than or equal to 500 milk cows, and requires filing of an application with the Air District.

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

Analysis:

The subject application proposes to amend previously-approved CUP No. 3647, which authorized the conversion of an existing wastewater settling pond to a lagoon digester, and instead allow the installation (excavation) of a new lagoon dairy digester, along with an appurtenant structure and equipment.

The proposed digester will be one of a cluster of five digesters located on separate parcels which will contribute biogas (biomethane) into an underground collector pipeline which will transport the biogas to a central site where it will be compressed and upgraded before it is injected into the PG&E main gas transmission line. Although digesters are typically an allowed use in conjunction with a dairy operation, this proposal is considered commercial in nature, as this project proposes to export the biogas and produced electricity for sale to the PG&E energy grid.

Air Impacts were previously evaluated under Initial Study No. 7608; the Air Quality and Greenhouse Gas Analysis prepared for CUP No. 3647 and the related CUP applications

determined that no District thresholds of significance for criteria pollutants would be exceeded as a result of this project.

For the current application, the Air District evaluated the air quality data that was used previously, with additional data included in consideration of the differences with the current proposal, and determined that the project’s impacts would remain less than significant. The subject application will be subject to all applicable Air District Rules, such as those pertaining to fugitive particulate matter, nuisance odors, confined animal facilities and new and modified stationary source review.

Based on the above analysis, 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:
General Plan Policy LU-A.13: The County shall protect agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Land uses in the surrounding area consist predominately of agricultural operations and agricultural support operations. The proposed digester and biogas conditioning and electrical generation facility will meet the minimum setbacks required for the Exclusive Agricultural Zone District.
General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.	<p>The project was evaluated by the Fresno County Agricultural Commissioner’s office, which had no concerns that the project would result in the loss of productive agricultural land. The project proposes to utilize a comparatively small portion of land within the affected parcel for the construction of the digester, electrical generation facilities and ancillary biogas conditioning equipment.</p> <p>The project was also reviewed by the Policy Planning Unit, which determined that the subject parcel is subject to a Williamson Act Contract, and as such, subject to specific criteria therein. Because the proposed anaerobic digester and biogas generator would export renewable energy off site, the proposed use was not considered a compatible use on Williamson Act-restricted land. Accordingly, the portion of the subject parcel to be utilized in the</p>

Relevant Policies:	Consistency/Considerations:
	operation of the digester was subject to recordation of a partial nonrenewal of the Williamson Act contract.
<p>General Plan Policy LU-A.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> <ul style="list-style-type: none"> 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. 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 hydrogeological investigation may be required. If the lands in question lie in an area of limited ground water, 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 mitigated. 	<p>The subject parcel is not located in an area of the County designated as being water short. The project was reviewed by the Water and Natural Resources Division of the Department of Public Works and Planning, which did not express any concerns with water supply.</p> <p>The Applicant’s operational statement indicates that construction will utilize approximately 20,000 gallons of water per day for the first 20 work days, and approximately 2,000 gallons per day for the remaining 180 days (six months) of construction, based on an estimate of 20 work days per month; a total of approximately two acre feet (640,000 gallons) of water would be needed for construction.</p> <p>Operational water usage is anticipated to be approximately 500 gallons per day or 0.5 acre feet annually, in addition to the normal water use of the existing dairy operation. Water will be provided by an existing on-site agricultural well.</p>

Relevant Policies:	Consistency/Considerations:
<p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts or significant economic hardship to surrounding water users.</p>	
<p>General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p>The Fresno County Fire Protection District did not state any concerns that the project would create any new fire hazards.</p>
<p>General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</p>
<p>General Plan Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste reduction, recycling, and storage.</p>	<p>The proposed biogas cleanup operation will generate approximately 450 pounds of elemental sulfur as a byproduct of the hydrogen sulfide scrubber, which will be utilized as soil amendment off site, or hauled to an appropriate disposal facility.</p> <p>Within 30 days of the occurrence of any of the following events, the Applicant/operator shall update their online Hazardous Materials Business Plan (HMBP) and site map:</p> <ol style="list-style-type: none"> 1. There is a 100 percent or more increase in the quantities of a previously-disclosed material; 2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were</p>

Relevant Policies:	Consistency/Considerations:
	submitted to the local agency.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is enrolled in the Williamson Act Program under Contract No. 7117; pursuant to Land Conservation Act Contract (Williamson Act) Program guidelines, the use of land enrolled in the program is limited to commercial agricultural operations and other compatible uses adopted by the Board of Supervisors. The proposed anaerobic digester, biogas generator and conditioning equipment are not considered compatible uses on land enrolled in the program; therefore, the areas proposed for the anaerobic digester, generator and conditioning equipment must be removed from the program through the nonrenewal process.

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

Analysis:

Dairy digesters are typically allowed at existing dairies without discretionary approval because they are considered incidental to an existing dairy operation, provided they meet certain criteria, particularly that the materials used for the digester process are produced on site and that all improvements associated with the digester are located on site. In this case, the materials (manure) would be produced on site; however, the intent of the digester facility is to export the material off site.

As a point of information, commercial cattle dairies and feedlot facilities have been allowed in the Exclusive Agricultural Zone District with the approval of a Conditional Use Permit since the adoption of the Dairy Ordinance in 2007, which is contained in Section 869 of the County Zoning Ordinance.

The subject parcel is restricted under Williamson Act Contract No. 7117. The proposed digester facility which is intended to generate renewable energy, gas and electricity for sale to the market is not considered a compatible use on land enrolled in the Williamson Act program; as such, the portion of the subject parcel proposed for development of the digester and appurtenant equipment was required to go through the nonrenewal process and record an Irrevocable Notice of Nonrenewal of the Land Conservation Contract on an approximately 9.06-acre portion of the subject property.

Based on these factors, and with adherence to this requirement and all Mitigation Measures, Conditions of Approval and Project Notes for Unclassified Conditional Use Permit No. 3647, this proposal to amend Unclassified CUP No. 3647 and allow the installation of a new anaerobic dairy digester along with the construction of supporting structures and installation of supporting equipment can be found to be consistent with the General Plan.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

Finding 5: That the conditions stated in the Resolution are deemed necessary to protect the public health, safety and general welfare

Per Section 873-F of the Zoning Ordinance, Finding 5 addresses the question of whether the included Conditions can be deemed necessary to protect the public health, safety and general welfare of the public and other such conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division. The required Conditions of Approval will be addressed through the Site Plan Review process required for this project. The Site Plan Review process and requirements are contained in Section 874 of the Fresno County Zoning Ordinance.

Reviewing Agency/Department Comments:

Refer to comments under Findings 1 through 4 of this report.

Recommended Conditions of Approval:

None.

PUBLIC COMMENT:

None.

Analysis:

The Conditions of Approval for this project, included as Exhibit 1, are based upon comments and recommendations received from reviewing agencies and departments. Finding 1 addresses the adequacy of the subject parcel/project site and determines whether or not the site/parcel is of sufficient size to accommodate the proposed use while maintaining required setbacks or buffers from adjacent properties. Potential impacts to adjacent roadways were analyzed under Finding 2, and potential impacts to surrounding properties were analyzed under Finding 3. Finding 4 addresses the project’s consistency with the General Plan, which guides development of the County through conformance with the applicable goals and policies contained in the individual Elements. The previously-approved Mitigation Measures under CEQA, Conditions of Approval and Project Notes are all considered mandatory conditions of approval based upon adoption of the Mitigated Negative Declaration and approval of Unclassified Conditional Use Permit No. 3647.

Based upon staff’s analysis, the conditions stated in the resolution satisfy the required criteria listed under Finding 5.

CONCLUSION:

Finding 5 can be made.

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3663, amending CUP No. 3647, subject to the recommended Conditions and Project Notes all and Mitigation Measures, Conditions and

Project Notes from previously-approved Unclassified Conditional Use Permit No. 3647.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3663, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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. 3663; 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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**Unclassified Conditional Use Permit Application No. 3663
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	All Mitigation Measures, Conditions of Approval, and Project Notes for Unclassified Conditional Use Permit No. 3647 shall remain in effect, except as modified with the approval of Unclassified Conditional Use Permit No. 3663.
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Detail Drawings, Elevation Drawings and Operational Statement.
3.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

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.	The approval of this Conditional Use Permit shall become void if there has not been substantial development within two (2) years after the approval of said Conditional Use Permit; or if there has been a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two (2) years.
2.	Plans, Permits and Inspections will be required for all on-site improvements.
3.	If during development activities, any oil or natural gas wells are encountered that were not part of this review, the property owner/project proponent is expected to notify the California Department of Conservation, Division of Oil, Gas and Geothermal Resources, construction site well review engineer in the Inland District Office, and file for Division review, an amended site plan with well casing diagrams.
4.	The Applicant's operational statement indicates that the separated solids from the anaerobic digester will be disposed of at an appropriate landfill. If the facilities change the operations to use the separated solids for composting prior to the production of compost from operations of the digester, the Applicant shall apply for and obtain a permit to operate a Solid Waste Facility from the Fresno County Department of Public Health, Environmental Health Division, acting as the Local Enforcement Agency.
5.	The proposed use shall comply with the Fresno County Noise Ordinance, Section 8.40 of the Fresno County Ordinance Code.
6.	Provision G.4 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order) requires the submittal of a Report of Waste Discharge (RWD) prior to starting discharge associated with a development of any treatment technology, as it is considered a material change in the character and volume

Notes	
	<p>of the waste discharge.</p> <p>The proposed new pond should meet the requirements specified in Pond Specification C.5 of the Reissued General Order.</p>
7.	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operator shall update their online Hazardous Materials Business Plan and site map:</p> <ol style="list-style-type: none"> 1. There is a 100% or more increase in the quantities of a previously-disclosed material; 2. The facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p> <p>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.</p> <p>If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).</p>
8.	<p>Any proposed uses within the PG&E fee strip and/or easement may include a California Public Utilities Commission (CPUC) Section 851 filing, which requires CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.</p>
9.	<p>The Burrel Union Elementary School District and the Riverdale Joint Unified School District in which you are proposing construction are authorized by State law to adopt a resolution requiring the payment of a construction fee. If this occurs, the County, in accordance with State Law which authorizes the fee, will not be able to issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.</p>

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7608/Unclassified Conditional Use Permit Application Nos. 3642-3647
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	<p>To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:</p> <p>Construction shall be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10-days prior to the start of implementation to evaluate presence/absence of TRB nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.</p> <p>If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason the colony should be reassessed to determine the extent of the breeding colony before conducting construction activities.</p> <p>In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 (b), prior to any ground-disturbing activities.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P) in consultation with CDFW	February 1 through September 15

2.	Biological Resources	<p>To mitigate impacts to the San Joaquin Kit Fox (SJKF) and American Badger, the following measures shall be implemented:</p> <p>Avoidance of Burrows for San Joaquin Kit Fox, and American Badger. If dens/burrows that could support any of these species are discovered during the pre-activity clearance surveys conducted under BIO-1, the avoidance buffers outlined below should be established. No work would occur within these buffers unless the biologist approves and monitors the activity. Dens or burrows of these species shall not be destroyed unless it is determined that the den/burrow is not occupied. In no case shall a San Joaquin kit fox natal den or known den be destroyed without the concurrence of the USFWS and CDFW and appropriate artificial den replacements are provided.</p> <ul style="list-style-type: none"> • San Joaquin Kit Fox • Potential Den – 50-feet • Atypical Den – 50-feet (includes pipes and other man-made structures) • Known Den – 100-feet • Natal/Pupping Den – 500-feet <p>American Badger</p> <ul style="list-style-type: none"> • Known Den — 100-feet <p>The applicants shall assess presence/absence of SJKF by conducting surveys following the USFWS (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance." Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14-days and no more than 30-days prior to beginning of ground disturbing activities.</p> <p>SJKF detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b).</p> <p>Standard Avoidance and Minimization Measures for the San Joaquin kit fox and American badger. The following standard avoidance and minimization measures are recommended to be implemented:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
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		<ul style="list-style-type: none">• Construction-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County and City roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if night construction activities do occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.• To prevent inadvertent entrapment of kit foxes or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly examined for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted below.• Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.• All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.			
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		<ul style="list-style-type: none">• No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.• Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of special-status species and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.• A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped special-status species. The representative will be identified during the employee education program and their name and telephone number should be provided to the USFWS.• In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.• Any person who is responsible for inadvertently killing or injuring a special-status animal species should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured, or entrapped special-status species. The CDFW contact for immediate assistance is State Dispatch at 916-445-0045. They will contact the local warden or wildlife biologist. The USFWS should be contacted at the number below.• The region 8 Sacramento Fish and Wildlife Office and Region 4 CDFW should be notified in writing within three working days of the accidental death or injury to			
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		<p>a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.</p> <p>U.S. Fish and Wildlife Service Region 8 – California and Nevada 2800 Cottage Way Sacramento, CA 95825 Contact: Tim Ludwick Phone: 916-414-6464</p> <ul style="list-style-type: none"> • New sightings of kit fox should be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the appropriate wildlife agencies. <p>Den Avoidance. In the event that a potential den that may be suitable for American badger, San Joaquin, or burrowing owl is detected during pre-activity clearance surveys, the biologist should monitor the den using cameras and tracking medium for five days to determine if the den is occupied by a special-status species. If after five (5) days no activity is detected, then the den can be backfilled. Construction personnel may collapse the den only under the direct supervision of the biologist. If a special-status species is detected using the den, the den must be avoided until the animal leaves on its own. A minimum 100-foot buffer should be constructed using orange construction fencing around the den during the nonbreeding season (April to November). During the breeding season (December to March), the buffer should be extended to 250 feet. Consultation with the USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by the CDFW, passive relocation of wildlife may be accomplished using one-way doors to exclude wildlife from dens. An exclusion plan approved by CDFW would be required prior to the installation of one-way doors.</p>			
3.	Biological Resources	To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:	Applicant	Applicant/PW&P in consultation with CDFW	February 1 through

		<p>Construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10-days prior to the start of construction.</p> <p>If an active SWHA nest is found during pre-construction surveys, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code Section 2081(b) to comply with CESA.</p>			September 15
4.	Biological Resources	<p>If project activities are planned to start during the migratory bird nesting season, February 1 to September 15, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project. If active nests are detected during the survey, or at any time during construction of the project, an avoidance buffer will be established by a qualified biologist based on the species and the activities that are underway. For raptor species (except Swainson's hawk), the avoidance will typically be 500 feet. For non-raptor species, the buffer will be 250-feet. Note that some bird species are known to nest on human structures, including construction equipment. Construction personnel should be educated about this possibility as part of the employee education program.</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
5.	Biological Resources	<p>To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction

		<p>A qualified biologist shall conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for GGS.</p> <p>No more than 30-days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and cervices be flagged and avoided by a minimum 50-foot no disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.</p> <p>If take cannot be avoided, acquisition of an ITP would be required prior to Project implementation to comply with CESA. Capture and relocation of any species listed under CESA would require an ITP from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86.</p>			
6.	Biological Resources	<p>To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:</p> <p>The applicant shall assess presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.</p> <p>Since BUOW occupy burrow habitat year-round, CDFW recommends seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction

		<p>Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1 :1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.</p>			
7.	Biological Resources	<p>To mitigate impacts to sensitive habitat, the following measures shall be implemented:</p> <p>A formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code Section 1602 differ.</p> <p>Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code Section 2785 (g) defines wetlands; further, Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important-to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.</p> <p>Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a)</p>	Applicant	Applicant/PW&P in consultation with CDFW	Prior to Permits

		substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on Notification requirements, please contact our staff in the LSA Program at (559) 243-4593.			
8.	Biological Resources	Prior to the issuance of building permits, if Stinson Canal cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, a Section 404 ACOE permit and Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement shall be obtained, or confirmation received from these agencies that regulatory permits are not required.	Applicant	Applicant/PW&P in consultation with CDFW	Prior to Permits
9.	Biological Resources	<p>Worker Environmental Awareness Training. Prior to the initiation of construction and for the duration of project construction and maintenance activities that could affect natural habitat, all new personnel should attend a Construction Personnel Environmental Awareness Training and Education Program. The program should be developed by a qualified biologist. Any employee responsible for the operation and maintenance (O&M) of the completed facilities should also attend the Construction Personnel Environmental Awareness Training and Education Program.</p> <p>a) The program should include information on the life history of the burrowing owl, American badger, San Joaquin kit fox, Swainson's hawk, migratory birds and raptors, and special-status plant species that may be encountered during construction and operations and maintenance activities.</p> <p>b) The program should discuss each species' legal protection, status, the definition of "take" under the Endangered Species Act, measures the project operator must implement to protect the species, reporting requirements, specific measures that each worker should employ to avoid take of wildlife species,</p>	Applicant	Applicant/PW&P in consultation with CDFW	Prior to construction

		<p>and penalties for violation of the State and federal ESAs.</p> <p>c) The program should provide information on how and where to bring injured animals for treatment in the case any animals are injured on the project site, and how to document animal mortalities and injuries.</p> <p>d) An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.</p>			
10.	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
11.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	During construction and operation
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.				
2.	The Applicant shall prepare an Over and Across Agreement to permit access, equipment, conduit, pipeline, etc. crossing from one parcel to another from APN 041-030-20S to APN 041-030-48S. The agreement shall be reviewed and approved by the Development Services and Capital Projects Division of the Department of Public Works and Planning prior to the issuance of building permits.				
3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance for UCUP Nos. 3642-3647. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.				

*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.	Unclassified Conditional Use Permit (CUP) Nos. 3642-3647 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits, and inspections are required for the proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	All survey monumentation – property corners, 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.
4.	The proposed Project may be subject to the following Air District Rules and Regulations: <ul style="list-style-type: none"> – Regulation VIII (Fugitive PM 10 Prohibitions), – Rule 4102 (Nuisance) – Rule 4601 (Architectural Coatings) – Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) – Rule 4002 (National Emission Standards for Hazardous Air Pollutants) – Rule 4550 (Conservation and Management Practices) – Rule 4570 (Confined Animal Facilities) – District Rule 2201 (New and Modified Stationary Source Review) or District Rule 2010 (Permits Required).
5.	Engineered grading plans will be required for an work exceeding 1,000 cubic yards. An engineered grading plan and grading permit will be required for all project site improvements on all subject parcels
6.	To satisfy Best Practicable Treatment or Control requirements of the Digester Order, the proposed new pond should meet the Tier 1 liner design specifications cited in Pond Specification C.5 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122.
7.	Any additional runoff generated by the proposed developed of this site should be retained on site.
8.	An encroachment permit from the Road Maintenance and Operations division of the Fresno County Department of Public Works and Planning will be required for any work done in the County right-of-way.
9.	All proposed improvements shall be located outside of the County road right-of-way. Setbacks to proposed structures shall be measured from the ultimate County road right of way.
10.	This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for this project, the Applicant shall submit construction plans to the County of Fresno Department Public Works and Planning for review. It is the Applicant’s responsibility to deliver three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. FCFPD requirements may include, but are not limited to:

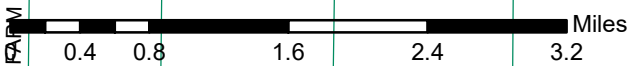
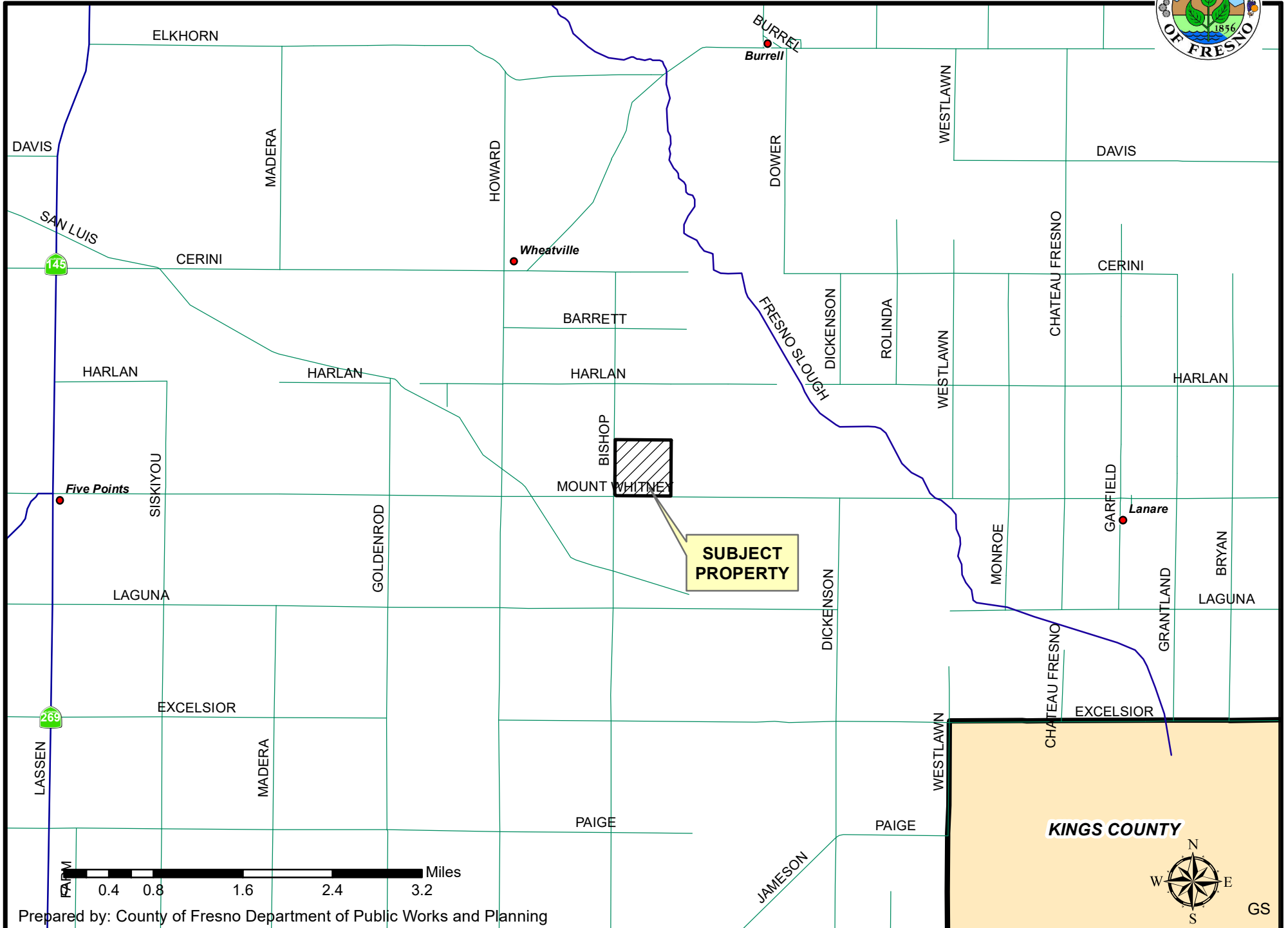
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	water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinkler systems, fire alarm systems, premises identification and Title 15.60 County Ordinance.
11.	Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a solid waste facility from the County of Fresno Department of Public Health, Environmental Health Division acting as the Local Enforcement Agency. Please contract Solid Waste staff at (559) 600-3271 for more information.
12.	The projects shall comply with the provisions of the Fresno County Flood Hazard Ordinance, Fresno County Ordinance Code Section 15.48. Any structure, tank, electrical panels or other equipment placed within the flood hazard area, will require an elevation certificate (1988 Datum) prepared by a licensed land surveyor.
13	<p>For all County-maintained road crossings the applicant shall be required to:</p> <ul style="list-style-type: none"> • Execute an agreement with the County, assuming financial responsibility for and repair of any impacts to the County maintained roadways, resulting from the installation or operation of underground infrastructure and/or signage within the County right-of-way. • Acquire valid encroachment permits prior to construction of any crossings. • Provide both hard-copy and digital, stamped As-Built engineering drawings detailing all infrastructure within the County right-of-way.
14	<p>At any road crossings, the proposed pipeline shall be encased in a steel sleeve (diameter and wall thickness as appropriate for the size of the carrier pipe).</p> <p>All County road crossings, of the proposed pipeline, shall be bored and sleeved in a steel casing, which shall extend from right-of-way line to right-of-way line of the road. All such road crossings shall be designed by a registered civil engineer and reviewed by and permitted through the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.</p> <p>No longitudinal encroachments of the proposed pipeline, shall be allowed in the County road right-of-way.</p> <p>Any electrical interconnects shall be located outside of the County right-of-way unless the facilities are deeded to Pacific Gas and Electric (PG&E) for maintenance purposes.</p>
15.	The applicants and or entities, shall register with Underground Service Alert (USA) North, and pay annual fees to ensure that USA is notified any time there is a proposed excavation in proximity to the pipeline.
16.	The project shall comply with the Health and Safety Element of the Fresno County General Plan and the provisions of Chapter 8.40 - Noise Control, of the Fresno County Ordinance Code.
17.	<p>Within 30 days of the occurrence of any of the following events, the applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and Site Map:</p> <ol style="list-style-type: none"> 1. There is a 100 percent or more increase in the quantities of a previously undisclosed material; or

Notes	
	<p>2. The facility begins handling a previously undisclosed material at or above the HMBP threshold levels.</p> <p>The proposed operation shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p>
18,	<p>All hazardous waste shall be handled in accordance the requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.</p> <p>If the anaerobic digester process requires accepting manure or other feedstock from off site, the facility will be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations (CCR), Division 7, Chapter 3, Articles 6.0-6.35.</p>
19.	<p>According to the applicant's submitted operational statement, the proposed operation entails that separated solids from the anaerobic digesters will be disposed of at an appropriate solid waste facility. If the facilities change operations to use the separated solids for composting; the applicants/operators shall, prior to the production of compost from digester operations, apply for an obtain a permit to operate a Solid Waste Facility, from the County of Fresno Department of Public Health, Environmental Health Division (Local Enforcement Agency).</p>
20.	<p>The applicant and property owner of each parcel, to be traversed by or contain any portion of the proposed pipeline, shall create and record pipeline easement(s) with exhibit maps with the County of Fresno for the entire pipeline.</p>
21.	<p>All of the participating dairies are regulated by the Regional Water Quality Control Board, under the Dairy General Order, and are required to have a Waste Management Plan, and Certificate of Waste Discharge.</p>

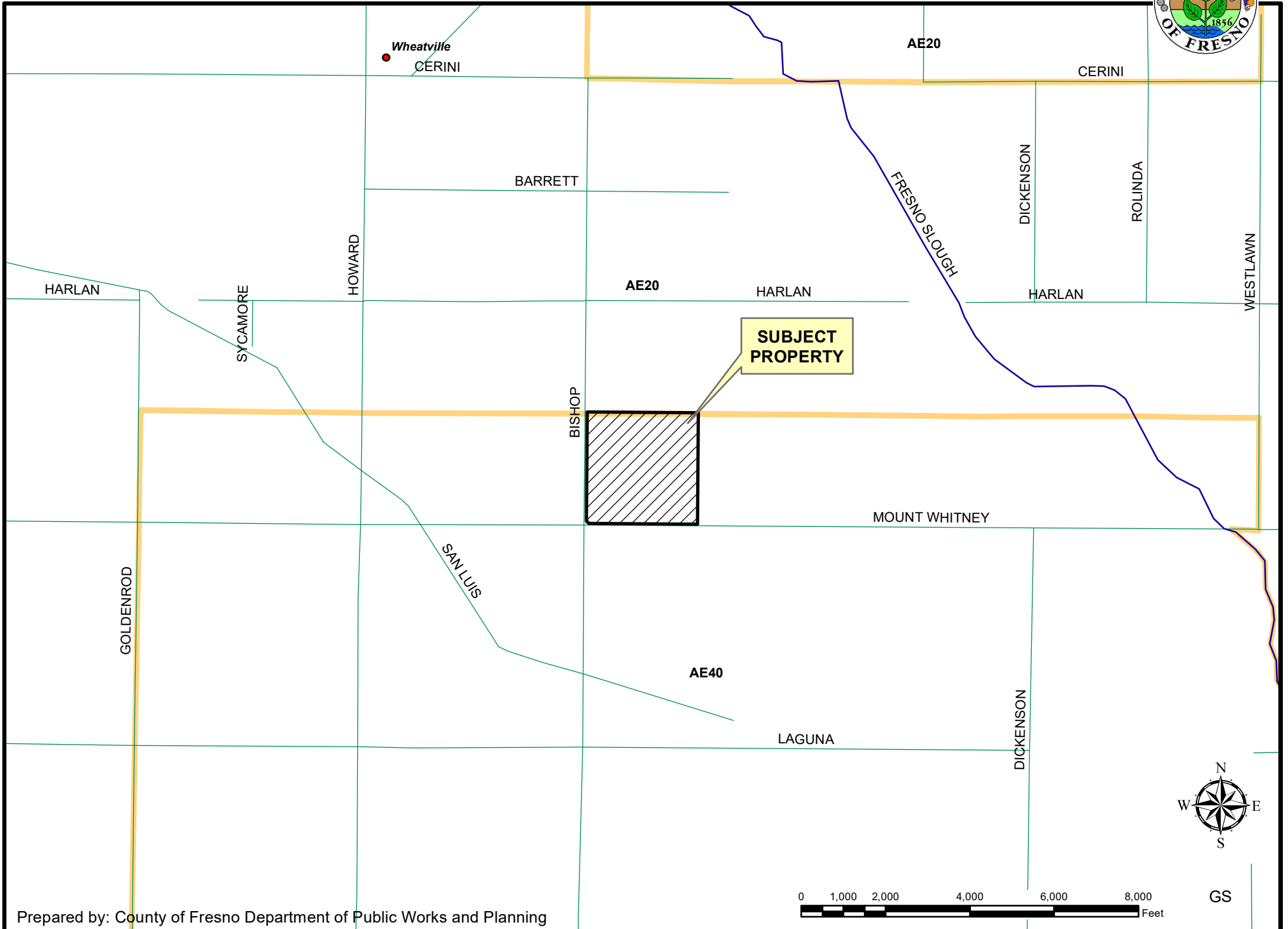
JS:

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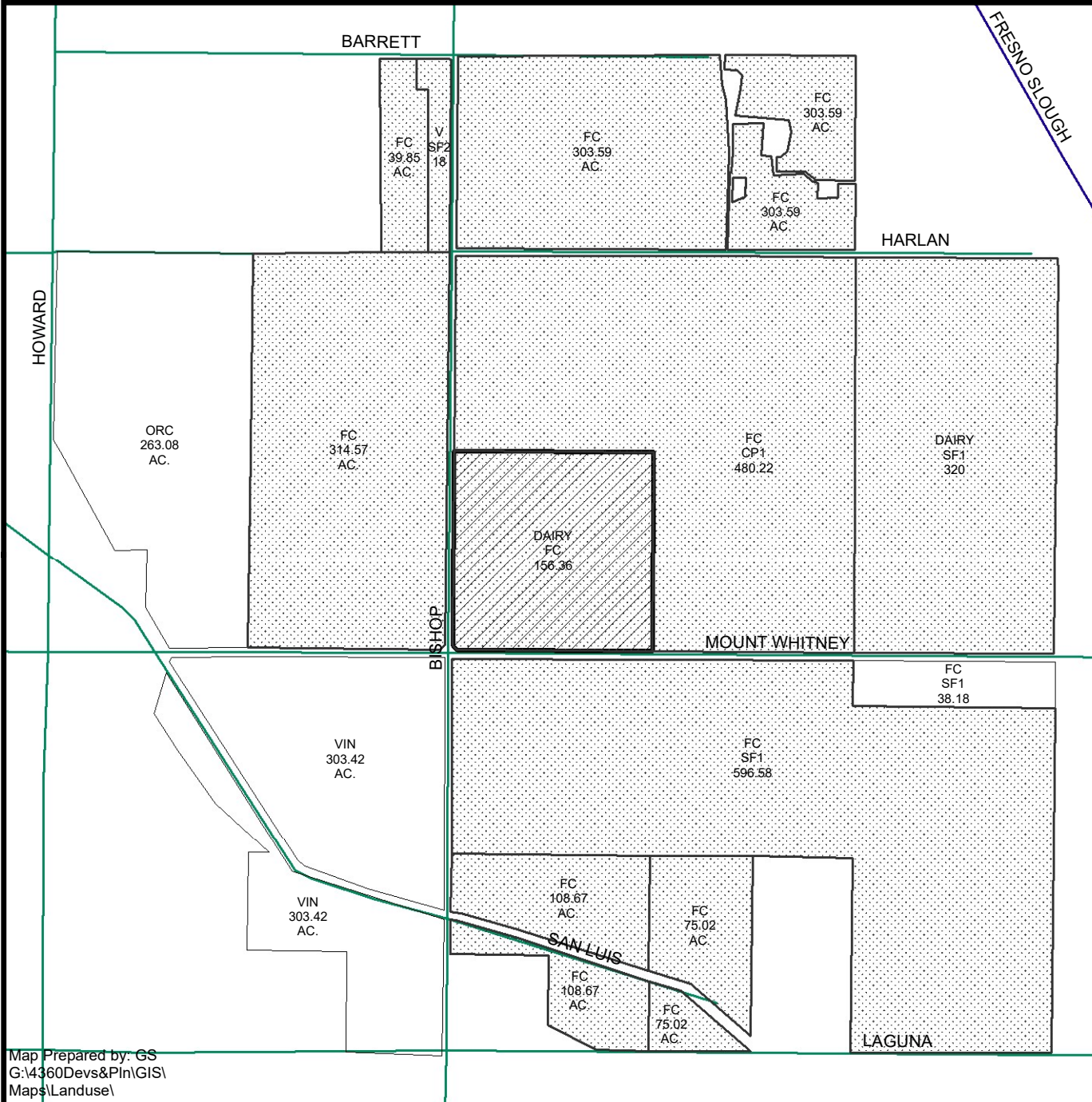
LOCATION MAP



EXISTING ZONING MAP



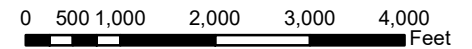
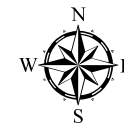
EXISTING LAND USE MAP



LEGEND	
CP# -	OFFICE COMM./PROF
DAIRY	
FC -	FIELD CROP
ORC -	ORCHARD
SF# -	SINGLE FAMILY RESIDENCE
V -	VACANT
VIN -	VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



Map Prepared by: GS
 G:\4360Devs&PIn\GIS\
 Maps\Landuse\

Department of Public Works and Planning
 Development Services Division

APN
050-260-11S
Acres
477.3

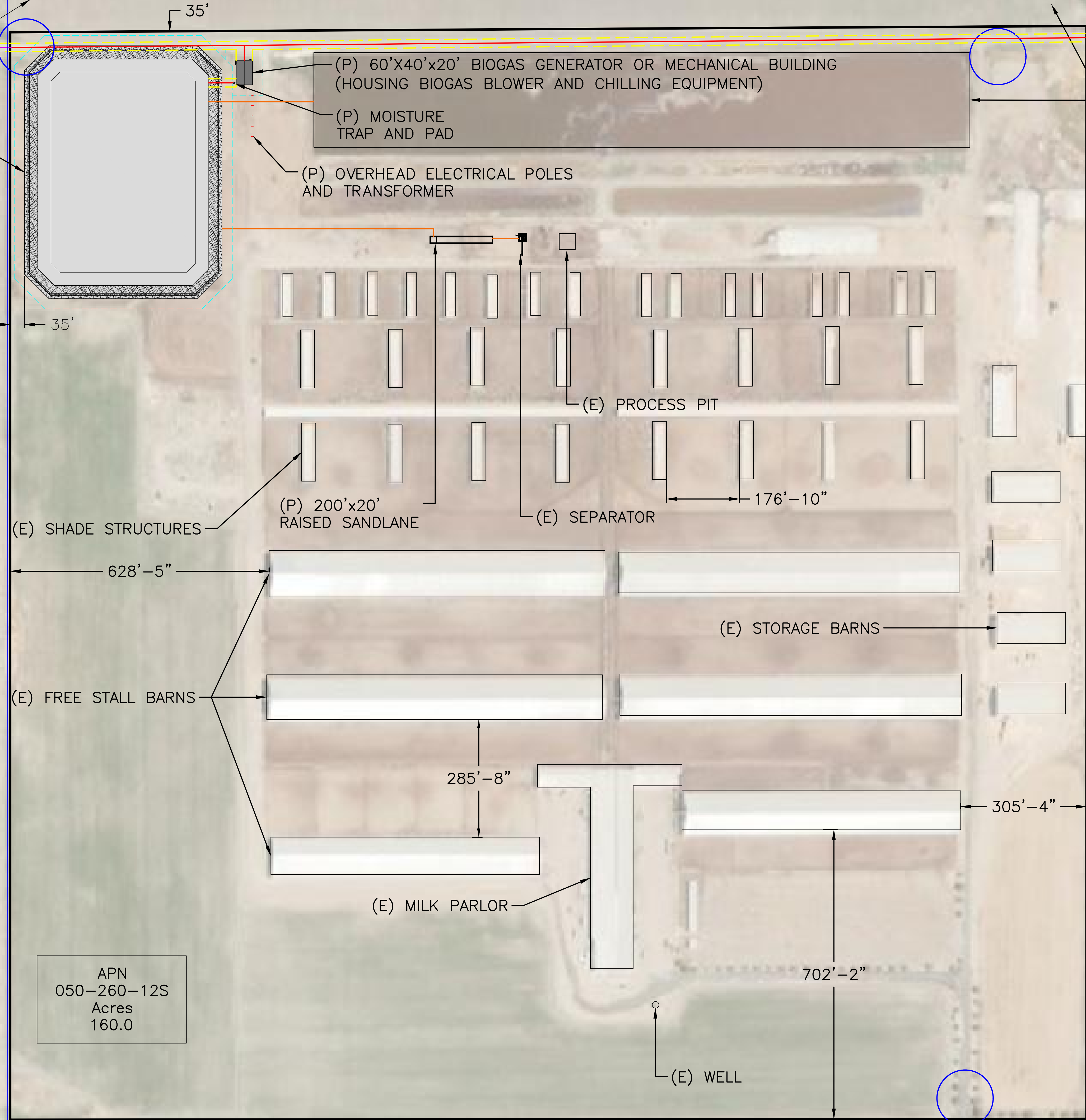
(P) COVERED
LAGOON DIGESTER
550'x415'x16'

S BISHOP AVE

APN
050-260-10S
Acres
314.2

W MT WHITNEY AVE

APN
050-260-12S
Acres
160.0



General Notes
Confidential and Not for Construction

- Existing Structures (E)
- Proposed Structures (P)
- Access to the Property
- Proposed Fencing
- No improvements to streets have been proposed
- Off-street dirt parking and loading areas exist throughout the property. No new parking/loading areas have been proposed.
- 4" Biogas Gathering Lines
- 6" Biogas Gathering Lines
- Manure Piping
- PG&E Transmission Line
- APN Boundaries
- Land removed from Williamson Act
- County Right of Way
- 20' Pipeline Easement
- Property Access

All pipes are in private easement with the exception of crossings shown.

Proposed pipeline is 20' or more from ROW.

Bishop Ave, 60' County Right of Way.



Firm Address
3711 Meadow View Dr.
Suite 100
Redding, CA, 96002

Project Name and Address
Wilson Dairy 11720
West Mount Whitney Ave
Riverdale, California 93656

Date: 10/23/19 Version: 1.2
Drawn By: Byron Oja, Sean Morris

Drawing scale is 120' = 1"

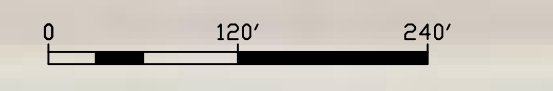
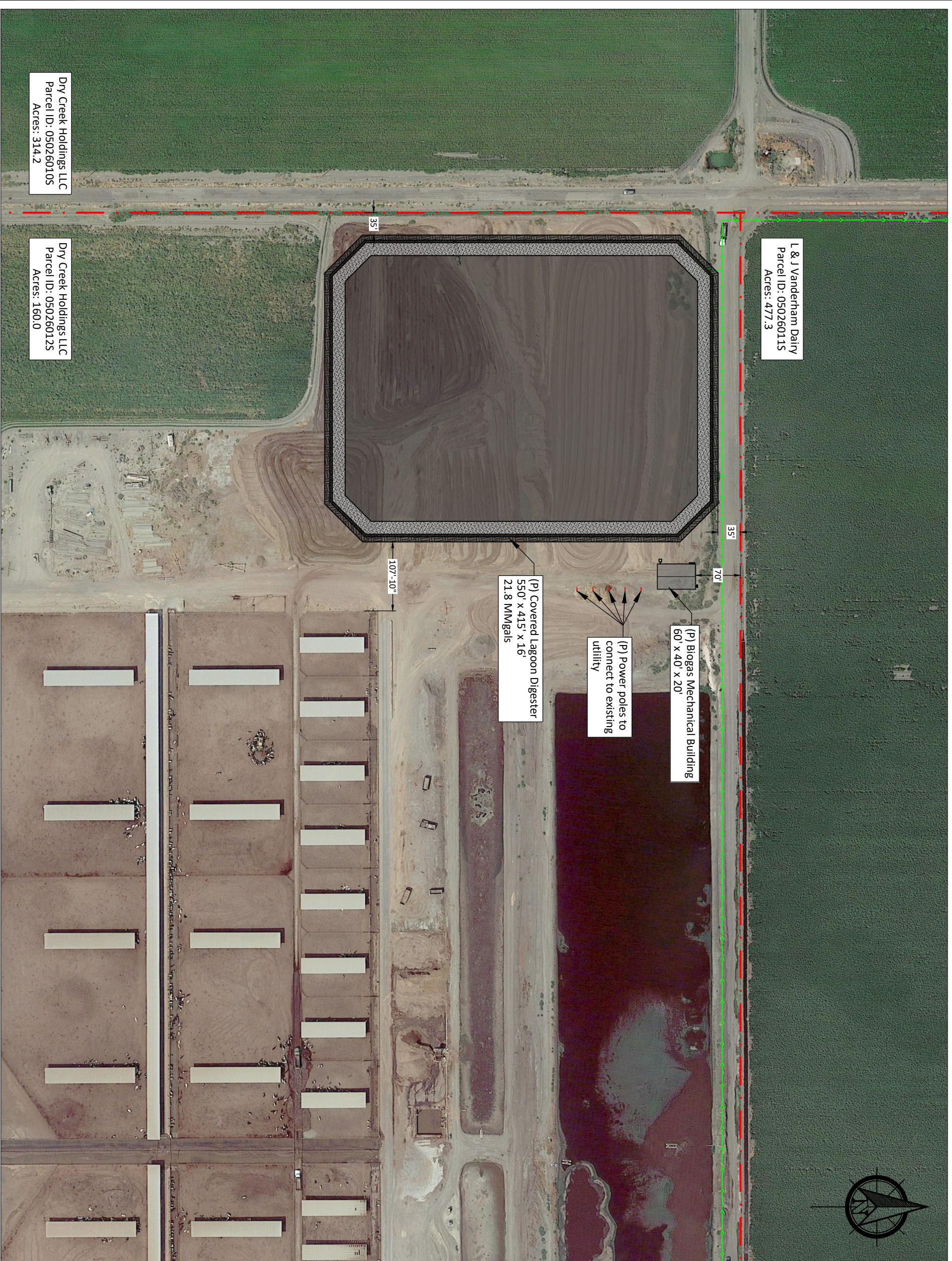


EXHIBIT 6

General Notes

CONFIDENTIAL

- (P) Proposed
- APN Boundary
- (P) Biogas Pipeline



L & J Vanderham Dairy
Parcel ID: 050260115
Acres: 477.3

Dry Creek Holdings LLC
Parcel ID: 050260105
Acres: 314.2

Dry Creek Holdings LLC
Parcel ID: 050260125
Acres: 160.0

(P) Covered Lagoon Digester
550' x 415' x 16'
21.8 MMgals

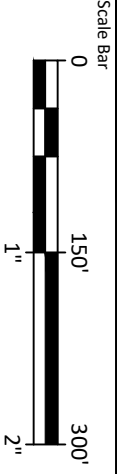
(P) Biogas Mechanical Building
60' x 40' x 20'

(P) Power poles to connect to existing utility

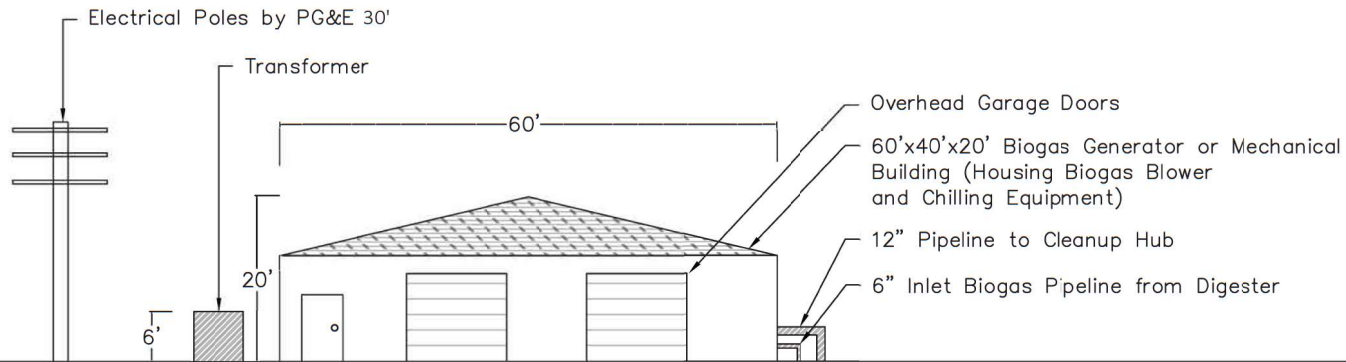


Firm Address
3711 Meadowview Dr.
Suite 100
Redding, CA, 96002

Project Name and Address
J&D Wilson & Sons Dairy
11720 W. Mt. Whitney Ave.
Riverdale, CA 93656



Drawn By	Date	Version
Sean Morris	9/13/19	1.02
Sheet Size	Page #	
11" x 17"	1 of 1	



General Notes

Not for Construction



Firm Address
3711 Meadow View Dr.
Suite 100
Redding, CA, 96002

Project Name and Address
Five Points Cluster
Cleanup Hub & Injection Point
12103 Elkhorn Ave,
Riverdale, CA 93656

Date: 3/22/19 Version:

Drawn By: Byron Oja 1.0

Drawing scale is 15' = 1"



J&D Wilson & Sons Dairy
11720 West Mount Whitney Avenue
Riverdale, CA 93656

CUP Application -Operational Statement Additional Information

Mechanical Building

The mechanical building will be a prefabricated steel building no larger than 60' x 40'. This building will house chilling equipment and the blower and the biogas generator. Construction for this building will take 4-6 weeks. See attached document for profile view.

Describe construction materials, height, color, floor plan elevations

Steel building will be constructed with steel I-beams for the frame, a painted green sheet metal exterior, and insulation on the interior. See attached site plan for profile view showing height of 20' to top of roof.

Operational Times and Visitors

The facility will be operational 24/7, but not open to public visitors without prior permission.

Number of Employees

Construction: Digester and ancillary equipment: a maximum of 10 people for short periods of time, with an average of 5 people on site during the 7 months of construction.

Operations: Remote sensor and computer monitoring of the equipment will be operated permanently. One employee will make a daily inspection of the facility. That work will be conducted during regular business hours, 8am-5pm, and on-call 24/7. No permanent facility employees will work or live on-site.

Service and Delivery Vehicles

There will be one service truck which will visit once per day. No delivery trucks will be on site pertaining to the digester.

Access

Access to the site would be taken from West Mt Whitney Avenue, S Bishop Ave and unnamed dairy roads surrounding the project site. The project site is located on private property and is not for public access.

Biogas Blower and Chilling Equipment

Once it has passed through the moisture trap, the biogas will be pulled through the blower and sent to chilling equipment and then the gathering lines. A chiller and condenser will be installed to condense most of the water in the biogas before blowing into the gathering pipeline. The chiller is a typical commercial unit for cooling glycol. The condenser is a commercially available unit for condensing moisture from biogas.

A blower will be installed near the digester to move the biogas into the gathering lines at pressure of less than 20 psi. Each blower will be controlled by a central SCADA system that is overseen by operators on a 24/7 basis. When a blower increases in speed, more biogas is pushed to the upgrading facility, and when it decreases, less biogas is sent. The gathering lines will be pressure monitored via SCADA equipment in real time to detect leaks or major failures. Additionally, flow meters will be installed at each digester site and at the upgrading facility to monitor biogas flows.

Supporting Equipment

Supporting equipment is including but not limited to a transformer and electrical poles which will be installed per PG&E requirements in order to support the biogas generator. Furthermore, supporting equipment is any equipment which is essential for the function of the equipment and completion of the project ambitions. Such equipment may include small pumps, electrical controls, and other minor equipment which is deemed necessary.

Appearance/Noise/Dust

The project facility is similar in nature to the existing dairy infrastructure and fits into its surroundings. The pipeline will run underground and will not be seen. Noise generated by the project equipment will not be above typical agriculture facility levels. The facility does not include any lights or other sources of glare beyond what is currently used for security reasons at the dairy. Once operational, the project will not generate fugitive dust. The project will not emit or concentrate any odors, and in fact will reduce odors with the installation of the covered manure lagoon.

Solid or Liquid Waste to be Produced

Facility will produce minimal amounts of solid waste. Waste will be picked up once per month by a solid waste disposal company and taken to an appropriate landfill. The facility will produce less than 10 gallons per month of waste blower oil. This oil will be stored on site in containers less than 45 gallons and picked up by a disposal company whenever the container is full.

Construction and Operational Water Usage

Construction of the digester and ancillary equipment is anticipated to take approximately 140 working days. Water for construction and operations would be supplied by an existing on-site agricultural well.

Construction: An estimated 20,000 gallons/day is anticipated during the first 20 working days of construction activities, and 2,000 gallons/day is anticipated during the remaining 6 months of construction activities. Based on an average 20 workdays per month, approximately 2 AF would be required (20,000gallons x 20 days + 2,000 gallons x 120 days = 640,000 gallons).

Operations: Water usage is anticipated to be approximately 500 gallons per day or 0.5 AF annually during operation.

Five Points Interconnection

A continuous flow of biogas will be provided to PG&E's interconnection point. The main components of the interconnect will consist of PG&E engineered and procured chromatograph, to sense the quality of the biogas, an odorizer, per utility specification, and a slam shut valve that is tied into the chromatograph. If the cleaned-up biogas is ever out of the Rule 21 specification, the slam shut valve will engage and biogas will divert back through the Five Points clean up facility.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Five Points Pipeline, LLC
- APPLICATION NOS.:** Initial Study Application No. 7608 and Unclassified Conditional Use Permit Application Nos. 3642, 3643, 3644, 3645, 3646, and 3647.
- DESCRIPTION:** This project proposes to allow the installation of four new covered lagoon, anaerobic dairy digesters with related biogas conditioning equipment and biogas generators to produce electricity on four existing dairies; the installation of biogas conditioning equipment at a fifth dairy with an existing digester and generator; the construction of an approximately 10.5 mile underground pipeline to connect the participating dairies and allow produced biomethane to be transported to a centralized hub, where a biogas upgrading facility will be constructed to clean and condense the biogas before it is injected into the PG&E natural gas transmission line.
- LOCATION:** The project is bounded by the unincorporated communities of Five Points to the southwest, Helm to the north, Burrell to the northeast, and Lanare to the east and southeast; State Route 145 (Madera Avenue) on the west, Mount Whitney Avenue on the south, Jameson Avenue on the east, and Kamm Avenue on the north within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts. (SUP. DIST. 1 and 4) (Dairies: APN Nos. 040-130-51S; 050-160-16S; 050-270-56S; 050-170-41S; 050-260-12S; 040-130-35S) (Pipeline APN Nos. 040-130-51S, 49, 44S, 48S; 041-100-17, 45S; 050-160-13S, 16S; 050-200-38S; 050-230-20; 050-260-10S; 050-230-23S; 050-260-12S, 11S; 050-270-56S; 040-130-35S).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista?

FINDING: NO IMPACT:

The project is located in an agricultural area and is not near any scenic vistas. The proposed project involves the installation of a 10.5 mile underground gas pipeline to connect 5 existing dairies, which will introduce biomethane to the pipeline, to be collected at a central hub where the biogas will be conditioned to meet commercial standards before it is injected into Pacific Gas and Electric's (PG&E) main natural gas line, which traverses the central hub site. The project area encompasses portions of 17 parcels, consisting of the five participating dairies, and an additional 12 parcels to be traversed by the proposed pipeline. This area is characterized by large farming parcels and open space. The project will not add any structures that would obstruct any views from neighboring properties or from adjacent roadways. Project construction will be limited to the proposed underground pipeline and the installation of new gas conditioning equipment at the existing dairy sites. Therefore, the project will have no impact on scenic vistas.

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

No scenic resources, including trees, rock outcroppings, or historic buildings were identified in the analysis or by any reviewing agencies. One of the dairy sites is located approximately one third-mile east of State Route 145 (South Lassen Avenue), which is not a Scenic Highway per the Fresno County General Plan, Figure OS-2.

- 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: NO IMPACT:

The project area is entirely located in a rural area characterized by large-scale agricultural operations. As previously stated, the project does not entail the addition of any structures that would negatively impact viewsheds from surrounding properties or public roadways, or substantially degrade the visual character or quality of public views of any of the project sites. The proposed improvements are consistent with the existing dairy operations.

- 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 proposed project will not introduce substantial, new sources of light or glare. The proposed facilities will utilize outdoor security lighting and all lighting will be required to be hooded and directed downward so as not to shine on adjacent properties or roadways.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed so as not to shine 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:

Farmland on the subject parcels has been classified as a mixture of farmland of statewide importance and confined animal agriculture. The confined animal designation is limited to the area where the dairy cows are housed and the new improvements will be located in the area of the existing dairies where the land has been designated for confined animal agriculture. The proposed pipeline will transverse farmland of statewide importance, but will be located at least four feet below the surface of the farming operation, and will not hinder agricultural operations. The new improvements will be supportive of dairy operations.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The parcels involved with the proposed project are restricted by Williamson Act Contracts, and due the commercial nature of gas and electrical exportation to gas pipelines and the electrical grid, the areas of each dairy where the digesters and supporting equipment are located will be required to non-renew the existing contracts on those portions of the property. The amount of land that will be non-renewed does

not represent a significant reduction in land restricted by Williamson Act Contracts and will not result in the reduction of agricultural products.

- 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 is not located near any land that is used or zoned for Timberland Production. Therefore, there are no conflicts with, or loss of, timberland or forest land as a result of this project. All of the land involved is zoned Agricultural and limited to uses allowed in such zone districts.

- 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 project entails the installation of new dairy digesters at four existing dairy sites along with ancillary equipment; the addition of ancillary equipment at a fifth dairy site with an existing digester; construction of an approximately 10.5 mile underground pipeline connecting the five dairies to one central hub; and allowing biomethane produced at each participating dairy to be collected and transported via the pipeline, to the central hub, located on the Open Sky Dairy which is centrally located to the other dairies. From the central hub, the collected biogas will be conditioned to commercial natural gas standards before being injected into the adjacent PG&E main natural gas pipeline.

The portions of the parcels where the digesters and ancillary equipment will be located have been submitted for non-renewal of the associated Williamson Act Contracts. The conflict with the Williamson Act is primarily due to the commercial nature of the operation, which proposes to generate gas and electricity for sale to PG&E. The continued dairy operations on these parcels is necessary to feed the digesters. Therefore, approval of this project will not result in the conversion of farmland to non-agricultural uses.

As noted above, the project is not located in the vicinity of forestland and therefore, will have no impacts on the conversion of forestland to non-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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project proposal was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The District recommended that the evaluation of this proposal include estimates of construction, operation, mobile and stationary emissions sources, and the project's proximity to sensitive receptors and other existing emission sources, and that District established thresholds of significance for criteria pollutants be considered in the evaluation. The District also recommended that Operational Emissions (stationary sources) and non-permitted (mobile sources) be evaluated separately, and that project related criteria pollutant emissions from construction and operation should be identified and quantified.

The applicant provided an air quality impact and greenhouse gas analysis, completed by Insight Environmental/Trinity Consultants, dated May 2019. According to the analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association (CAPCOA) 2017), which is the most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Based on the air quality impact analysis, the short-term construction emissions would not exceed Air District significance thresholds for criteria pollutant levels during a given year and impacts would therefore, be less than significant. Project operational emissions are not anticipated to be a substantial source of PM₁₀ emissions, but rather the main sources of PM₁₀ would be vehicular traffic associated with the project. Transportation related activities from employees and maintenance would generate mobile source ROG, NO_x, SO_x, CO, PM₁₀, PM_{2.5} from vehicle exhaust.

Stationary source emissions from the project are anticipated to consist of VOC emissions from the biogas upgrade process and ROG, No_x, SO_x, CO, PM₁₀ and PM_{2.5} exhaust emissions from the combustion of the biogas to generate electrical power.

Air pollution associated with stationary sources is regulated through the permitting authority of the SJVAPCD under the New and Modified Stationary Source Review Rule (SJVAPCD Rule 2201). Owners of any new or modified equipment that emits, reduces, or controls air contaminants, except those specifically exempted by the SJVAPCD, are required to apply for an Authority to Construct and Permit to Operate (SJVAPCD Rule 2010). Additionally, best available control technology (BACT) is required on specific

types of stationary equipment and are required to offset both stationary source emission increases along with increases in cargo carrier emissions if the specified threshold levels are exceeded (SJVAPCD Rule 2201, 4.7.1). Through this mechanism, the SJVAPCD would require that all stationary sources within the project area would be subject to the standards of the SJVAPCD to ensure that new developments do not result in net increases in stationary sources of criteria air pollutants.

With adherence to the rules and requirements of the SJVAPCD, the estimated construction and operational emissions from the proposed project will be less than significant.

- 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 project area is located in the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the SJVAPCD. Under the provisions of the U.S. Clean Air Act, the Fresno County portion of the SJVAB has been classified as nonattainment/extreme, nonattainment/severe, nonattainment, attainment/unclassified, attainment for various criteria pollutants. As shown in the analysis by Insight Environmental Consultants, the project does not pose a substantial increase to basin emissions. Because the proposed project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

- 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:

Dairies are known to release objectionable odors, primarily due to animal waste from the milking cows. The project proposes to install covered digesters, which will process manure. The manure will be anaerobically activated to release methane, which will then be piped through a gas collection system to a central hub to generate renewable energy. The capture of methane gas is anticipated to remove adverse odors from the air as compared to the baseline.

Lead Agencies should consider situations wherein a new or modified source of hazardous air pollutants (HAPs) is proposed for a location near an existing residential area or other sensitive receptor when evaluating potential impacts related to HAPs. Typical sources of HAPs include diesel trucks or permitted sources such as engines, boilers, or storage tanks. The project will be located near scattered rural residences on large agricultural parcels. Since there will be HAPs emitted from the project and

occasional diesel truck travel on-site, a prioritization score was determined for the facility to determine if a health risk assessment (HRA) would be required. A Health Risk Assessment (HRA) is not required for a project with a total facility prioritization score of less than or equal to one. The project's prioritization score was 0.04, which is less than one. Therefore, no further analysis is required to determine the HAPs impacts from this project and potential risk to the population attributable to emissions of HAPs from the proposed project would be less than significant.

According to the analysis, the proposed project would not exceed any screening trigger levels to be considered a source of objectionable odors or odorous compounds. Furthermore, there does not appear to be any significant source of objectionable odors in close proximity that may adversely impact the project site when it is in operation. The project emission estimates indicate that the proposed project would not be expected to adversely impact surrounding receptors. As such, the project would not be a source of any odorous compounds nor would it likely be impacted by any odorous source.

Development in this area is dominated by large parcels of agricultural production with very limited residential development. Due to the anticipated reduction in objectionable odors and the distance between the closest residences and the project site, this project will not expose sensitive receptors to substantial pollutant concentrations and will not create objectionable odors affecting a substantial number of people.

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Biological Analysis Report (BAR), dated April 2019, was prepared for the project by the applicant's consultant, Quad Knopf, Inc. (QK). Reviews of agency-maintained databases were conducted to determine the potential presence of sensitive biological resources and special-status species. The results of the database and literature review indicate that eight (8) special-status species have the potential to occur within the vicinity of the project. Those species are the Swainson's hawk (*Buteo swainsoni*), western burrowing owl (*Athene cunicularia*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), loggerhead shrike (*Lanus ludovicianus*), tricolored blackbird (*Agelaius tricolor*), American badger (*Taxidea taxus*), San Joaquin kit fox (*Vulpes macrotis mutica*), and long-billed curlew (*Numenius americanus*).

A reconnaissance level field survey was conducted to identify sensitive biological resources on site and to document the suitability of the habitat on the project to support special-status species. No sensitive natural plant communities occur on the project sites. No special-status plant species were observed on the project sites. Swainson's hawk, loggerhead shrike, and long-billed curlew were observed near the site. No other special-status animal species were observed on site.

The project sites are highly disturbed and currently mostly cleared of vegetation. The pipeline route will run through private agricultural land. The presence of special-status species on these sites prior to ground disturbance cannot be positively determined. Reviews of the databases and on-site field examinations indicated that there are five defined waters or wetlands on or near the project sites. There are no designated migratory corridors or linkages, significant nursery sites, or designated Critical Habitat that occur on the project site.

A reconnaissance-level site survey was conducted on April 6, 2019 by QK. The survey consisted of meandering pedestrian transects with supplemental windshield survey of the Biological Study Area (BSA). Adjacent parcels were visually scanned for potential special-status resources and habitat conditions that could support special-status resources. The BSA supports a variety of bird, and mammal species. Various wildlife sign (i.e. scat, tracks, burrows etc.) were detected on all five sites. Wildlife sign detected included common bird species, two stick nests that could potentially be used by raptors, and numerous small mammal burrows. Twelve animal species or their sign were observed within the BSA. The project contained a few small mammal burrows scattered throughout the BSA.

Within the BSA, suitable San Joaquin kit fox habitat is not present; however, the pipeline route, specifically along the agriculture irrigation canals, may be used by the species while foraging or traveling through the area. The surrounding area near the pipeline route and dairy digester sites may provide suitable habitat for the species. There are multiple records of this species occurring near the BSA, but there is no positive evidence that the San Joaquin kit fox is present in the BSA.

Suitable foraging Swainson's hawk habitat is present in the agricultural fields surrounding the site. A Swainson's hawk was observed approximately 0.2-miles north, outside of the project area and east of the Van der Kooi Dairy. Suitable nesting habitat is found near the intersection of W. Elkhorn Avenue and S. Howard Avenue and along the Fresno Slough, but no nesting Swainson's hawks were found in the BSA during the reconnaissance survey.

Within the BSA, suitable foraging habitat for tricolored blackbird is present, but no nesting habitat is present. Suitable foraging loggerhead shrike habitat is present in the agricultural fields. Suitable nesting habitat is unlikely to be present within the BSA, but it may be present in the surrounding area. Trees with dense foliage that have the potential to house nests for this species occur in areas surrounding the BSA. Also, suitable foraging habitat for yellow-headed blackbird is present, but no nesting habitat is

present within the BSA. Suitable foraging and nesting long-billed curlew habitat is present. They typically nest in areas that are relatively dry and exposed. The nests are built near conspicuous objects such as livestock dung piles, rocks, or dirt mounds.

Within the project area, suitable badger habitat is not present, but the pipeline route, specifically along the irrigation canals, may be used by this species while foraging or traveling through the area.

Due to the high level of disturbance within the project footprint, lack of potential suitable areas for special-status plant species on the project site, and lack of potential for special status plants to exist on the site, no avoidance or minimization measures for special-status plant species are warranted.

~~The lack of special-status species within the localized project impact area and the short duration of activities, coupled with implementation of avoidance and minimization mitigation measures will be sufficient to reduce impacts of the projects to special-status wildlife species to level that would be less than significant.~~

The California Department of Fish and Wildlife (CDFW) commented that Tricolored Blackbird (TRBL) are known to occur in the Project area. Flood-irrigated agricultural land, including silage fields associated with ~airies, is an increasingly important nesting habitat type for TRBL, particularly in the San Joaquin Valley (Meese et al. 2014). This potential nesting substrate is distributed throughout the Project area. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014). Approximately 86% of the global population of the species is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). Increasingly, TRBL are forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55% of the species' global population nested in only two colonies, which were located in silage fields (Kelsey 2008). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Meese et al. 2014). CDFW recommends the following mitigation measures to ensure that the TRBL is not impacted by the project.

* **Mitigation Measure(s)**

1. ***To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:***

Construction shall be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10-days prior to the start of implementation

to evaluate presence/absence of TRB nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason the colony should be reassessed to determine the extent of the breeding colony before conducting construction activities.

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 (b), prior to any ground-disturbing activities

~~—Pre-activity Surveys for Special Status Species. No less than 14 days prior to the start of project ground disturbance activities in any specific area, a pre-activity clearance survey should be conducted by a qualified biologist knowledgeable in the identification of listed species. The surveys should cover the project site plus a 250-foot buffer. Pedestrian surveys achieving 100% visual coverage should be conducted. Multiple surveys are anticipated to be needed as each project site and the pipeline route is initiated. If no evidence of these species is detected, no further action is required.~~

San Joaquin Kit Fox (SJKF) have the potential to occur on the Project site. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with the Project's construction include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

- 2. Avoidance of Burrows for San Joaquin Kit Fox, and American Badger. If dens/burrows that could support any of these species are discovered during the pre-activity clearance surveys conducted under BIO-1, the avoidance buffers outlined below should be established. No work would occur within these buffers unless the biologist approves and monitors the activity. Dens or burrows of these species shall not be destroyed unless it is determined that the den/burrow is not occupied. In no case shall a San Joaquin kit fox natal den or known den be destroyed without the concurrence of the USFWS and CDFW and appropriate artificial den replacements are provided.*

San Joaquin Kit Fox

- *Potential Den – 50-feet*
- *Atypical Den – 50-feet (includes pipes and other man-made structures)*
- *Known Den – 100-feet*
- *Natal/Pupping Den – 500-feet*

American Badger

- *Known Den — 100-feet*

The applicants shall assess presence/absence of SJKF by conducting surveys following the USFWS (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance." Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14-days and no more than 30-days prior to beginning of ground disturbing activities.

SJKF detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b).

3. *Standard Avoidance and Minimization Measures for the San Joaquin kit fox and American badger. The following standard avoidance and minimization measures are recommended to be implemented:*
 - *Construction-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County and City roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if night construction activities do occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.*
 - *To prevent inadvertent entrapment of kit foxes or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly examined for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted below.*
 - *Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently*

buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

- *All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.*
- *No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.*
- *Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of special-status species and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.*
- *A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped special-status species. The representative will be identified during the employee education program and their name and telephone number should be provided to the USFWS.*
- *In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.*
- *Any person who is responsible for inadvertently killing or injuring a special-status animal species should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured, or entrapped special-status species. The CDFW contact for immediate assistance is State Dispatch at 916-445-0045. They will contact the local warden or wildlife biologist. The USFWS should be contacted at the number below.*
- *The region 8 Sacramento Fish and Wildlife Office and Region 4 CDFW should be notified in writing within three working days of the accidental death or injury to a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS*

contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.

*U.S. Fish and Wildlife Service
Region 8 – California and Nevada
2800 Cottage Way
Sacramento, CA 95825
Contact: Tim Ludwick
Phone: 916-414-6464*

- *New sightings of kit fox should be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the appropriate wildlife agencies.*
4. *Den Avoidance. In the event that a potential den that may be suitable for American badger, San Joaquin, or burrowing owl is detected during pre-activity clearance surveys, the biologist should monitor the den using cameras and tracking medium for five days to determine if the den is occupied by a special-status species. If after five (5) days no activity is detected, then the den can be backfilled. Construction personnel may collapse the den only under the direct supervision of the biologist. If a special-status species is detected using the den, the den must be avoided until the animal leaves on its own. A minimum 100-foot buffer should be constructed using orange construction fencing around the den during the nonbreeding season (April to November). During the breeding season (December to March), the buffer should be extended to 250 feet. Consultation with the USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by the CDFW, passive relocation of wildlife may be accomplished using one-way doors to exclude wildlife from dens. An exclusion plan approved by CDFW would be required prior to the installation of one-way doors.*
 5. *If project activities are planned to start during the migratory bird nesting season, February 1 to September 15, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project. If active nests are detected during the survey, or at any time during construction of the project, an avoidance buffer will be established by a qualified biologist based on the species and the activities that are underway. For raptor species (except Swainson's hawk), the avoidance will typically be 500 feet. For non-raptor species, the buffer will be 250-feet. Note that some bird species are known to nest on human structures, including construction equipment. Construction personnel should be educated about this possibility as part of the employee education program. ~~included under measure BIO-7~~*

Without appropriate avoidance and minimization measures for. SWHA, potential significant impacts associated with the Project's construction include: nest

abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity, which is otherwise intensively managed for agriculture. In addition, the Project area includes low growing crops, which may provide foraging habitat for SWHA. The presence of these two requisite habitat features increases the likelihood of occurrence of SWHA. The primary threat to SWHA in California is loss of foraging and nesting habitat resulting from urban development and incompatible agriculture (CDFW 2016). Depending on timing, ground-disturbing activities that have the potential to result from the Project including noise, vibration, and movement of workers or equipment, could affect SWHA nests and have the potential to result in nest abandonment, potentially significantly impacting local nesting SWHA.

6. To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:

Construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10-days prior to the start of construction.

If an active SWHA nest is found during pre-construction surveys, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code Section 2081(b) to comply with CESASwainson's Hawk Avoidance and Minimization.

~~*If project activities are planned to start during the Swainson's hawk nesting season, March 20 to July 30, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project site. A report of survey findings should be provided to the County to confirm compliance with this measure. If an active Swainson's hawk nest is present on-site, no work may occur within 0.5 mile of the nest without consultation with the CDFW.*~~

The Giant Garter Snake (GGS) has the potential to be present in or near Project sites. As documented in CNDDDB, GGS are known to occur in the Fresno Slough (CDFW 2019) and the species is known to occupy managed waterways, including those managed for agricultural irrigation (USFWS 2017). Potential significant impacts associated with Project construction include burrow excavation and collapse, inadvertent entrapment, and direct mortality of individuals.

7. To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:

A qualified biologist shall conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for GGS.

No more than 30-days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and cervices be flagged and avoided by a minimum 50-foot no disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.

If take cannot be avoided, acquisition of an ITP would be required prior to Project implementation to comply with CESA. Capture and relocation of any species listed under CESA would require an ITP from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86.

Burrowing Owl (BUOW) have been documented within the vicinity of the Project area. BUOW occupy treeless open areas that contain small mammal burrows (Zeiner et al. 1990). BUOW can also occupy burrows within the banks of earthen canals (Coulombe 1971). Review of aerial imagery indicates that the Project area contains both of these land cover types. The Project area likely also provides suitable foraging habitat for BUOW. The presence of these land cover types increases the likelihood of BUOW occurrence both on and within the vicinity of the Project area. Potentially significant direct impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

8. To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:

The applicant shall assess presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl

Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.

Since BUOW occupy burrow habitat year-round, CDFW recommends seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1 :1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

9. *Worker Environmental Awareness Training.* Prior to the initiation of construction and for the duration of project construction and maintenance activities that could affect natural habitat, all new personnel should attend a Construction Personnel Environmental Awareness Training and Education Program. The program should be developed by a qualified biologist. Any employee responsible for the operation and maintenance (O&M) of the completed facilities should also attend the Construction Personnel Environmental Awareness Training and Education Program.
 - a. The program should include information on the life history of the burrowing owl, American badger, San Joaquin kit fox, Swainson's hawk, migratory birds and raptors, and special-status plant species that may be encountered during construction and operations and maintenance activities.
 - b. The program should discuss each species' legal protection, status, the definition of "take" under the Endangered Species Act, measures the project

operator must implement to protect the species, reporting requirements, specific measures that each worker should employ to avoid take of wildlife species, and penalties for violation of the State and federal ESAs.

c. The program should provide information on how and where to bring injured animals for treatment in the case any animals are injured on the project site, and how to document animal mortalities and injuries.

d. An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Reviews of the National Wetlands Inventory (NWI; USFWS 2019b) and National Hydrography Dataset (USGS 2019) were completed to identify whether wetlands had previously been documented on or adjacent to the project site. There are five defined waters or wetlands on or near the project site.

The United States Army Corps of Engineers (USACE) has regulatory authority over the Clean Water Act (CWA), as provided for by the EPA. The USACE has established specific criteria for the determination of wetlands based upon the presence of wetland hydrology, hydric soils, and hydrophilic vegetation. There are no federally-protected wetlands or vernal pools that occur within the project site.

Wetlands, streams, reservoirs, sloughs, and ponds typically meet the criteria for federal jurisdiction under Section 404 of the CWA and State jurisdiction under the Porter-Cologne Water Quality Control Act. Streams and ponds typically meet the criteria for State jurisdiction under Section 1602 of the California Fish and Game Code. There are no features on the project site that would meet the criteria for either federal or State jurisdiction. No waters of the U.S., including wetlands, or waters of the State were observed on the project site. Therefore, the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA. Accordingly, there are no wetlands or Waters of the U.S. occurring on the project site. There would be no impact to federally protected wetlands or waterways as a result of the proposed project. Therefore, impacts would be considered less than significant.

However, the gathering lines will cross several existing irrigation drainages or canals, as well as the Stinson Canal. Stinson Canal may be considered Waters of the US or Waters of the State. As proposed, the pipeline will be installed using either a jack and bore method or an open cut method to traverse the Stinson Canal. If the jack and bore method is used, there would be no disturbance of the drainage bed and bank, and therefore impacts would be considered less than significant. If the open cut method is used, as required by BIO-8, prior to the commencement of gathering pipeline

construction, a jurisdictional delineation of the Stinson Canal would be conducted by a qualified biologist to determine if the drainage was considered Waters of the US or Waters of the State, identify the bed and bank, and determine the amount of disturbance area that would be required. Applications for the appropriate permits such as a 401 water quality certification, a Section 404 permit or a Section 1602 permit would be obtained prior to any construction activities. Implementation of BIO-8 would reduce impacts to less than significant.

* **Mitigation Measure(s)**

8. *Prior to the issuance of building permits, if Stinson Canal cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, a Section 404 ACOE permit and Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement shall be obtained, or confirmation received from these agencies that regulatory permits are not required.*
9. ***A formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code Section 1602 differ.***

Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code Section 2785 (g) defines wetlands; further, Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.

Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on Notification requirements, please contact our staff in the LSA Program at (559) 243-4593.

- 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 would have no impacts to wildlife movement corridors or wildlife nursery sites and no mitigation measures are required. No fisheries resources that would be impacted by the project and no mitigation measures are warranted.

- 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 local policies or ordinances protecting biological resources or a tree preservation policy. The project is within the PG&E Habitat Conservation Plan (HCP) covered areas; however, the HCP is limited to PG&E maintenance activities. The project will not impact or conflict with the PG&E HCP and will not conflict with any Natural Conservation Community Plans or other approved conservation plans in the project area. Therefore, the project will not conflict with adopted or approved plans.

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 project is located in an area of moderate archeological sensitivity. The applicant's consultant, QK, evaluated the project site and conducted a Cultural Resources Records Search. The purpose of the search was to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the subject property, and whether construction of the project would impact any known or

potential cultural resources. The records search covered an area within one-half mile of the project and included a review of the *National Register of Historic Places, California Points of Historical Interest, California Registry of Historic Resources, California Historical Landmarks, California State Historic Resources Inventory*, and a review of cultural resource reports on file.

The records search indicated that one previous linear cultural resource survey had intersected with the project route near the center of Section 5, T.17S, R.18E (MDB&M). No other studies have been done along the route. One additional cultural resource study was conducted within a half mile of the project. No cultural resources have been recorded along the project route and it is not known if any exist there. One cultural resource has been recorded within a half mile of the project. This is the historic Stinson Canal that was built between 1891 and 1900.

Based on the results of cultural records search findings and the lack of historical or archaeological resources previously identified within a 0.5-mile radius of the proposed project, the potential to encounter subsurface cultural resources is minimal. However, there is still a possibility that historical or archaeological materials may be exposed during construction or trenching for underground pipes. Grading and trenching, as well as other ground-disturbing actions have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the project area, including historical or archaeological resources. Implementation of Mitigation Measure 1 would reduce the potential impacts on cultural resources, including historical resources associated with the proposed project to less than significant levels.

* **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 project will produce renewable energy in the form of gas and electricity. Some energy will be expended during construction, but it is not expected to be wasteful or unnecessary with adherence to standard construction practices. The project will not conflict with or 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:

The topography of the site is relatively flat with little topographic variation. The project area is located geographically east of the San Andres Fault and is to the east of the Coast Range. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is located in an area where ground acceleration due to seismic hazards has only a 10% chance to exceed 20%g (speed of gravity) within the next 50 years. The structures associated with this project will be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

Figure 9-6 (FCGPBR) shows that the project site is not in an area of moderate or high landslide hazards and the project site is generally flat, precluding site-specific risk factors. The site is however, in an area of deep subsidence. With required compliance to the Fresno County Building code, development of this project will have a less than significant impact on the risk of adverse effects due to rupture of a known earthquake, strong seismic ground shaking or ground-related failure, and landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements to the existing dairies will not represent a significant expansion of graded area. Any grading that is performed will require a grading permit or voucher and ministerial review of those permits will ensure that substantial erosion or loss of topsoil does not occur.

- 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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

The area is underlain by three soil types, Tachi Clay, Armona Loam, and Gepford Clay. Tachi Clay is a very deep and very poorly drained soils that formed in alluvium derived from igneous and/or sedimentary rocks. It is typically found on flood plains on basin floors. These soils are used for irrigation crops such as cotton, fruits, and wheat. It is not a hydric soil. Armona Loam is very deep and poorly drained soil that formed in alluvium from igneous and/or sedimentary rock. It is typically found on flood plains on basin floors and basin rims. This soil is used for irrigated crops. Gepford Clay is a very deep and poorly drained soil that is formed in mixed alluvium derived predominately from granitic rocks, influenced by lacustrine sediments. It is typically found flood plains, basin floors, and basin rims. This soil is used as irrigated cropland including barley, grain, sorghum, and sugar beets. The soil can also be used for dairy and cattle production and building site development. It is not a hydric soil.

The project site is not located in an area that is at risk of on-site or offsite landslide, lateral spreading, liquefaction, or collapse, according to Figure 7-1 (FCGPBR), and will not be located on expansive soils. The project is located in an area of deep subsidence, however, the Fresno County Department of Public Works and Planning, Water and Natural Resources Division, had no concerns with the operation of this project as planned.

- 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 project currently operates with the use of the existing permitted septic systems. No new septic is proposed as part of this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is located in an area which has been designated as moderately to archaeological or paleontological finds, however there are no known paleontological resources in the area. On March 29, 2019, the applicant provided a Cultural Resources Records Search Result, prepared by QK. No evidence of unique paleontological resources was noted in the report. However, there is still a possibility that paleontological or archaeological materials may be exposed during construction or trenching for underground pipes. Disturbance of any deposits of paleontological material that have the potential to provide significant scientific data would be considered a significant impact under CEQA. Implementation of the mitigation measure 1 (Cultural Resources, Section V, would reduce potential impacts on paleontological resources to less than significant.

* **Mitigation Measure(s)**

1. See Mitigation Measure 1, Section V, 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:

Human activities, including fossil fuel combustion and land use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases. GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The SJVAPCD, a CEQA Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29% reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined the SJVAPCD's methodology for assessing a project's significance for GHGs under CEQA.

Project construction and operational activities would generate greenhouse gas (GHG) emissions. In the Air Quality Impact Analysis, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association (CAPCOA) 2017), which is the most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The proposed project will be subject to any regulations developed under AB 32 as determined by CARB. In order for the project to be considered less than significant, it would need to conform with the goals of AB32. The proposed project is designed to capture methane gas, that would otherwise be emitted to the air from dairy operations, and convert it to renewable power. With the incorporation of electrical generation from a renewable resource the project would decrease overall GHG emissions. Therefore, the GHG emissions increases associated with this project would have a less than significant individual and cumulative impact on global climate change.

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:

Methane will be produced in anaerobic digesters by natural biological processes (the decomposition of manure waste). The digesters will be created by first double-lining a new or existing storage pond. All digester ponds will meet the Central Valley Regional Water Quality Control Board (CRWQCB) Tier 1 standards, which include the installation of double-layered liners of welded 60 ml High-density polyethylene (HDPE) with leak detection to ensure water quality. Once produced, the methane is transferred by pipe to a biogas generator and subsequently by the Five Points pipeline to the meter set assembly hub and then to the PG&E gas line injection point. All portions of the project will comply with Pipeline and Hazardous Materials Safety Administration (PHMSA) guidelines, 49 CFR Part 192, and with the CPUC's Safety Enforcement Division (SED) General Order 112-F.

Therefore, while the routine use of the hazardous methane gas will occur, risk to the public as a result of its transport or accidental release is less than significant. The operator is required to maintain an emergency response plan. With compliance to the existing regulations and the operation of the digester system distant from nearby residences, there will be a less than significant impact on public hazards as a result of the transport or use of 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:

The project 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:

Review of the US EPA's NEPAAssist report indicates that there are no hazardous or contaminated sites within one mile of the project site. The following lists were consulted: Resource Conservation and Recovery Act (RCRA), Toxic Releases Inventory (TRI), Superfund/National Priorities List, Brownfields Assessment Cleanup and Redevelopment Exchange System (ACRES), RADInfo, and Toxic Substances Control Act.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The project is located adjacent to a private use airport (crop dusting) at the intersection of W. Barrett and S. Bishop Avenues, however, based on land use, and limited residences and workforce needed for the operation of project, the airport safety risk and noise will be minimal.

- F. Impair implementation of or physically interfere with 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:

Approval of this project will not impair the implementation of an Emergency Response Plan or Emergency Evacuation Plan. Following construction, there will be a negligible increase in the amount of traffic generated by this project for maintenance and operation of the system. The project site is located in an area of local responsibility for fire protection and is not at significant risk of damage due to wildfire.

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; 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 project area is adjacent to several riverine or canal features. There are four unnamed blue line streams (irrigation canals) and the Stinson Canal that are intersected or traversed by the project area. Two of the canal features are present along the north side of the project approximately 0.5-miles east of the Vander Hoek Dairy. Another canal is located northwest of the Van Der Kooi Dairy along W. Elkhorn Avenue. Another unnamed canal and the Stinson Canal are located along north of W. Cerini Avenue and S. Bishop Avenue, northwest of the J&D Wilson and Sons Dairy. The Fresno Slough is approximately 0.4 miles east of the project, which will not be impacted. Portions of the project are located within the 1% annual chance of flood (500-year flood zone) or an area of minimal flood hazard zone

No concerns related to groundwater supplies were expressed by any of the reviewing agencies or departments.

The subject dairies are required to enroll under Waste Discharge Requirements, which is associated with a monitoring and reporting program. The Central Valley Regional Water Quality Control Board is responsible for monitoring the quality of water produced by this dairy. With the technical reports required by the Digester Order and associated operational requirements, this project will be in compliance with the Water Boards' standards and will not violate any water quality 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:
 - 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?
 - 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: NO IMPACT:

The project will not result in the alteration of an existing drainage pattern of any of the individual sites or the larger project area. The project site is not located in an area of special flood hazard; however, all development in the County of Fresno that involves grading is required to obtain a grading permit or voucher. Compliance to the provisions in the permit or voucher will ensure that excessive flooding and erosion do not occur.

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

FINDING: NO IMPACT:

The proposed project is not located in an area prone to flood hazard, tsunami, or seiche.

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

FINDING: NO IMPACT:

The project will not conflict with or obstruct 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; or
- 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: NO IMPACT:

The community of Burrell is 1.3 miles east of the project; the community of Lanare is 2.8 miles east, the community of Five Points is four miles west; and the community of Helm is 1.5 miles north. Therefore, approval of this project does not have the potential to divide an established community. The proposed use is allowed in the County of Fresno with the approval of an Unclassified Conditional Use Permit, which will be reviewed by the Planning Commission concurrently with this Initial 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: LESS THAN SIGNIFICANT IMPACT:

The proposed project is located in an identified oil production zone, per the Fresno County General Plan Background Report (FCGPBR). This proposal was reviewed by the California Department of Conservation, Division of Oil Gas and Geothermal Resources (DOGGR). DOGGR comments and map exhibits indicate the presence of a number of abandoned oil and gas wells in the vicinity of the project and located on some of the parcels directly involved with this project, however the Division expressed no further concerns with this proposal, provided that construction does not build over or impede access to the abandoned well sites.

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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The project is located adjacent to a private use airport (crop dusting) at the intersection of W. Barrett and S. Bishop Avenues, however, that use is not expected to expose people in the project area to excessive noise levels. Noise generated by the project equipment will not be above typical agriculture facility levels and the project is distant to sensitive receptors. Therefore, due to the project's distance from sensitive receptors, there will be no increase in the exposure of persons to severe or adverse noise levels or ground borne noise or vibration.

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:

Approval of this project would allow methane produced by the manure of cows to produce renewable energy, which would be sold to PG&E. This will not induce substantial population growth because it will not create a significant number of new job opportunities or otherwise increase the desirability of living in this area. No housing will be displaced as a result of this project. This project similarly will not displace substantial numbers of people. It will be developed on areas of farmland that were previously dedicated to agricultural production.

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:

This project will not increase the need for public facilities associated with fire or police protection. As this project will not lead to population growth, there will be no impacts on schools or parks. Any structures associated with this project will be reviewed by the Fresno County Fire Protection District to ensure compliance with California Code of Regulations Title 24 – Fire Code.

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:

This project will not increase the use of existing neighborhood and regional parks. There are no such facilities in the vicinity of the project and the request to add anaerobic digesters and a pipeline to convey methane gas will not result in population expansion.

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; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- 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: LESS THAN SIGNIFICANT IMPACT:

Operation of this facility will require less than 10 round trips per day by service and delivery vehicles. The addition of 1-2 trips per month for maintenance of the digesters and related facilities will not conflict with any circulation plans or contribute to existing congestion of nearby County streets. Streets in the area are rectilinear, crossing at 90 degree angles and do not have sharp curves. There are no plans, policies, or programs that relate to public transit, bicycle, or pedestrian facilities in this area. The surrounding development consists of large parcels, which have been planted with row crops or support dairies similar to the project site.

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:

Under the provisions of Assembly Bill 52, the County of Fresno was required to provide notice that this Initial Study was being prepared to Native American Tribes who had previously indicated interest in reviewing CEQA projects. Notices were sent on April 19, 2019, to Robert Ledger of the Dumna Wo Wah, Robert Pennell of Table Mountain Rancheria, Ruben Barrios of Santa Rosa Rancheria and to Tara Estes-Harter of the Picayune Rancheria of Chukchansi Indians. None of the Tribal Governments responded to the notice.

The project is located in an area of moderate archeological sensitivity. The applicant's consultant, QK, evaluated the project site and conducted a Cultural Resources Records Search. The purpose of the search was to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the subject property, and whether construction of the project would impact any known or potential cultural resources. See the discussion in Section V, above.

Despite the failure of the tribes and historical databases to identify known tribal cultural resources, the potential exists for significant artifacts to be excavated during construction. Therefore, the following mitigation measure is proposed to ensure that impacts to previously unknown tribal cultural resources can be reduced to less than significant.

* **Mitigation Measure(s)**

1. See Mitigation Measure 1, Section V, 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?

FINDING: NO IMPACT:

The project will not require construction or expansion of new water or wastewater treatment facilities. Approximately 5,000 gallons/day will be used during the 40-day construction period and will be provided by on-site wells. Operational water is anticipated to be 2,500 gallons/day or 2.8 AF annually.

The inclusion of the digesters will add an additional step between collection of manure from the herd and application of the wastewater to the surrounding fields. Wastewater is not exported to any offsite system for processing. It is retained on site and used for irrigation, typically after being diluted with fresh water. The project site is not in an area that is known to be short of water, so there are no concerns that the limited increase in use will result in the need to obtain additional water entitlements.

- 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 not in a water short area and is served by on-site wells. The Water and Natural Resources Division had no concerns with the project.

- 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; or
- 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:

Upon completion of construction, the applicants will be required to submit technical reports to the Central Valley Regional Water Quality Control Board. These submissions are required by Provisions in Section E of the Digester Order. The operation will also be required to obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division, acting as the Local Enforcement Agency. The need to comply with the Digester Order and other regulations enforced by the Water Quality Control Board will ensure that there is no adverse impact regarding noncompliance with 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:

The project is not located in or near a state responsibility area or land classified as very high fire hazard severity zones, and will not impair an adopted emergency response or evacuation plan. The project will adhere to the site development and operational requirements of the Fresno County Fire Protection District.

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:

The pipeline route will run through private agricultural land. The presence of special-status species on these sites prior to ground disturbance cannot be positively determined. Based upon habitat conditions surrounding the site and the assumption that the site contain similar habitat characteristics, it is possible that the Swainson's hawk, western burrowing owl, tricolored blackbird, loggerhead shrike, American badger, San

Joaquin kit fox, long-billed curlew, and yellow-headed blackbird may have been present prior to site disturbances. Therefore, the Mitigation Measures noted in Section IV. will be implemented, requiring preconstruction surveys and avoidance measures if construction occurs during the nesting season.

In addition, it is unlikely but possible that previously undiscovered subsurface paleontological, cultural or tribal resources are present in the proposed area of development. Implementation of the mitigation measure in Section V, which describes avoidance and reporting requirements, will ensure that impacts are less than significant.

* **Mitigation Measures**

1. See Section IV.

2. See Section V.

- 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:

Emissions of criteria pollutants from this project will be consistent with the State Implementation Plan administered by the San Joaquin Valley Air Pollution Control District. The proposed improvements do not represent a substantial increase in the size of the dairy and will not result in adverse cumulative aesthetic or odor impacts. The proposed digester will capture some of the methane that is currently released into the air by the natural decomposition of manure and will convert it into electricity. Said power will be sold to PG&E, providing a source of renewable energy.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements will generally decrease the odor in the area of the project site and will contribute renewable energy to be transferred to PG&E operations.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application Nos. 3642-3647, 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 Land Use and Planning, Population and Housing, Public Services and Wildfire.

Potential impacts related to Agriculture, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Utilities and Service Systems, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources have determined to be less than significant with compliance with noted Mitigation Measures.

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

JS

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 June 11, 2020

SUBJECT: Variance Application No. 4065

Allow the creation of an approximately 2.93-acre parcel and an approximately 2.00-acre parcel (20-acre minimum required) from an existing 4.93-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located at the southwest corner of Copper Avenue and Burgan Avenue, approximately 1.54 miles north of the city limits of the City of Clovis (5645 E. Copper Avenue, Clovis, CA & 10897 N. Burgan Avenue, Clovis, CA) (Sup. Dist. 5) (APN 581-110-05).

OWNER: Michael F. and Tina M. Emmerich

APPLICANT: Tina Henson-Emmerich

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

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance Application No. 4065; 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. Variance Application 1-Mile Radius Map
6. Site Plans and Detail Drawings
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Northeast Rural Residential	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	4.93 acres	Parcel A: 2.93 acres Parcel B: 2.0 acres
Project Site	N/A	N/A
Structural Improvements	Two Single-Family Residences, Shed, Goat Barn, and Shop Building.	Parcel A: Single-Family Residence, Shed, Goat Barn, and Shop Building Parcel B: Single-Family Residence
Nearest Residence	Approximately 135 feet east	Parcel A: Approximately 140 feet east Parcel B: Approximately 135 feet east
Surrounding Development	Single-Family Residences	No change
Traffic Trips	Residential	No change
Lighting	Residential	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 65 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 Application 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 parcel first shows up as lot 37 and lot 44 in the recorded International Vineyards, Tract "A" Record of Survey, recorded on October 7, 1908. The parcel is in its current configuration in the 1971- and 72-year Assessor's Rolls with Assessor's Parcel Number 301-140-04. The updated Assessor's Parcel Number 581-110-05 identifies the subject parcel and is in the same configuration as the 1971 and 72 Assessor's Rolls.

On June 8, 1960 the Board of Supervisors approved zoning of the project site for interim A-2 (General Agricultural). On April 20, 1965, Amendment Application (AA) No. 1384 was approved by the Board of Supervisors to rezone the project site from the interim A-2 Zone District to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. On June 24, 1980 AA No. 3164 was approved by the Board of Supervisors that established the Northeast Rural Residential area for the development of parcels northeast of the Enterprise Canal. With the establishment of the Northeast Rural Residential area, certain parcels were designated RR (Rural Residential), O (Open Space), and AL-20 (Limited Agricultural, 20-acre minimum parcel size). In the case of the subject property, the parcel was rezoned from AE-20 to AL-20 and continues to be AL-20.

Building permit records indicate that permits for the primary single-family residence were issued between January 21, 1966 and March 23, 1966. Building permits for a metal storage building were completed on April 12, 1994. On June 2, 2006, Director Review and Approval (DRA) No. 3813 was approved to allow a temporary second residence on the subject parcel. A building permit for a mobile home was issued and approved on June 22, 2007. On September 2, 2011, DRA No. 4240 was approved to allow the existing temporary second residence to remain as a permanent second residence. If the Variance Application is approved, the proposed parcel split will create two parcels, each with a legal single-family residential unit as shown by building permit records and land-use permit records.

There have been eight Variance Applications that have been applied for within a one-mile radius

of the project. Of those applications, seven Variance Applications are related to the subject application and have been summarized below.

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3106: Waive minimum lot size to allow creation of two 5-acre parcels from a 10-acre parcel in the AL-20 Zone District.	October 27, 1987	Denial	PC Denied
VA No. 3234: Waive minimum lot size requirements to allow creation of two 5.3-acre parcels from a 10.6-acre parcel in the AL-20 Zone District.	November 16, 1989	Deferred to Planning Commission	PC Approved
VA No. 3353: Waive minimum lot size requirement and public road frontage requirement to allow creation of three parcels ranging from 4-acres to 9-acres with no public road frontage in the AE-20 Zone District.	December 5, 1991	Denial	PC Approved with conditions
VA No. 3589: Waive minimum lot size and public road frontage requirement to allow creation of two 2.28-acre parcels with no public road frontage and a third 2.28-acre parcel with road frontage from an existing 6.84-acre parcel in the RR Zone District.	September 4, 1997	Deferred to Planning Commission	PC Denied
VA No. 3595: Waive minimum lot size and public road frontage requirement to allow creation of a 2.4-acre parcel and a 2.6-acre parcel from an existing 5-acre parcel in the AL-20 Zone District.	February 19, 1998	Deferred to Planning Commission	PC Approved with modified conditions
VA No. 3606: Waive minimum lot size to allow creation of three 5-acre parcels and a 7-acre parcel from a 22-acre parcel in the AE-20 Zone District.	September 24, 1998	Denial	PC Denied
VA No. 3823: Waive minimum lot size to allow creation of two 5-acre parcels	June 13, 2006	N/A	Refunded

Finding 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning 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	AL-20 Front Yard: 35 feet Side Yard: 20 feet Street Side Yard: 35 feet Rear Yard: 20 feet	Parcel A (Copper Avenue Parcel): Front yard: Approximately 105.6 feet Side Yard: Approximately 84.48 feet Street Side Yard: Approximately 144 feet Rear Yard: Approximately 213.76 feet Parcel B (Burgan Avenue Parcel): Front Yard: Approximately 110.83 feet Side Yard: Approximately 74.83 feet Rear Yard: Approximately 178.56 feet	Y
Parking	No requirement	N/A	Y
Lot Coverage	No requirement	N/A	Y
Space Between Buildings	No requirement	N/A	Y
Wall Requirements	No requirement unless a pool is present	None	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
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: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Building permit records indicate that the permitted mobile home has had additions made without permits and inspections. There are two unpermitted structures, a goat barn and shed building that will need permits and inspections if they are over 120 square feet. All unpermitted structures and additions will require plans, permits, and inspections prior to finalization of the mapping procedure. **This shall be included as a project note.**

Mapping Section of the Fresno County Department of Public Works and Planning: The proposed property line will result in a shared driveway. Either a cross-access agreement should be prepared for both proposed parcels, or new driveway(s) should be constructed to eliminate future trespass issues. **This shall be included as a project note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Burgan Avenue is classified as a local road in the County’s General Plan requiring 60 feet of road right-of-way. Currently, Burgan Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way of Burgan Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Burgan Avenue. **This shall be included as a project note.**

Copper Avenue is classified as a local road in the County’s General Plan requiring 60 feet of road right-of-way. Currently, Copper Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Copper Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Copper Avenue. **This shall be included as a project note.**

No new driveways are proposed, but an encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way. **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:

In support of Finding 1, the Applicant states that the subject 4.93-acre parcel has had two rural single-family residences since 2007. The parcel is improved with two separate residences and each residence has its own well and septic system. The two residences have different street

frontages with separate entrances and already have two different street addresses.

In support of Finding 2, the Applicant states that the Finding can be made as the Variance will allow the property owner to preserve and enjoy the same property right that numerous property owners in the area possess by residing on parcels of similar size as what the subject parcel split is proposing. The Applicant further states that there are twenty-two parcels within approximately ¼ mile that are of similar size as the proposed parcels.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. A rezone of the subject parcel to the R-R (Rural Residential) would allow the parcel to have a minimum lot size of two acres which could allow a parcel split, although the current proposal would need to be further revised slightly to create two 2-acre minimum parcels. Additional General Plan policies would be applicable if the parcel were to be rezoned. This alternative is not preferred by the Applicant because an Amendment Application costs considerably more than a Variance Application. There are no other alternatives available that would meet the Applicant's proposal that would avoid the need for the Variance.

In regard to Finding 1, the Applicant references two existing single-family residential units on the property, with both having separate wells and septic systems. The presence of two permitted single-family residential units does not necessarily create a unique or extraordinary circumstance. The subject parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and per the Fresno County Zoning Ordinance, any parcel zoned AL-20 is allowed a secondary residence subject to a Director Review and Approval application. Staff does not believe an extraordinary or exceptional circumstance has been described.

In regard to Finding 2, the Applicant references numerous properties within the vicinity of the project site that are similar in size to the proposed parcels. Staff does concur with the Applicant that there are a large number of lots that do not conform with the standards of the underlying zone district located in the vicinity of the project site. However, staff does not believe that this situation creates a property right issue as there are many factors that could be involved in the creation of the identified parcels, that may not be applicable to this project.

Staff is unable to make Findings 1 and 2 based on the above analysis.

Recommended Conditions of Approval:

None

Conclusion:

Finding 1 and 2 cannot be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	5 acres	Single-Family Residential	AL-20 (Limited Agricultural, 20-acre minimum parcel	Approximately 247 feet

Surrounding Parcels				
			size)	
South	4.72 acres	Single-Family Residential	AL-20	Approximately 359 feet
East	2 acres 2 acres	Single-Family Residential Single-Family Residential	R-R R-R	Approximately 140 feet
West	4.7 acres	Single-Family Residential	AL-20	Approximately 241 feet

Reviewing Agency/Department Comments:

Department of Public Health, Environmental Health Division: It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach 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(s). **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 (permits required). **This shall be included as a project note.**

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be tested 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.**

Fresno Metropolitan Flood Control District: The subject site contains a portion of a canal or pipeline that is used to manage recharge, stormwater and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline. **This shall be included as a project note.**

No other comments specific to Finding 3 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the subject parcel is already improved with two rural residential home sites in an area of similarly sized rural residential parcels therefore, the parcel split will not be materially detrimental to the public welfare or injurious to properties within the vicinity of the project site. Since there are numerous similarly sized parcels in the immediate area of the property, splitting of the subject parcel will not adversely affect the use or enjoyment of the other properties in the area.

In regard to Finding 3, Staff agrees with the Applicant’s statement that the proposed parcel split will not adversely affect surrounding properties. The subject proposal does not include new development for the subject parcel. The proposal will create two parcels, each already improved with a single-family residence.

Based on the above analysis, staff is able to make Finding 3.

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 Fresno County General Plan*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10 and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p> <p>General Plan Policy LU-A.9 is related to the creation of homesite parcels with the stipulation that the parcel involved in the division is at least 20 acres in size.</p> <p>General Plan Policy LU-A.10 is related to the creation of a substandard parcel for the development of an agricultural commercial center.</p> <p>General Plan Policy LU-A.11 is related to the creation of substandard parcels for the recovery of mineral resources and exploration and extraction of oil and gas.</p>	<p>Policy LU-A.9, 10, and 11, do not related to the subject proposal. The subject parcel is less than 20 acres and is not related to the development of an agricultural commercial center or recovery or mineral resources and exploration and extraction of oil and gas.</p> <p>The subject parcel is zoned AL-20, which requires a minimum parcel size of 20 acres. The subject proposal is inconsistent with General Plan Policy LU-A.6 as further parcelization of the subject parcel does not conform to the 20-acre minimum size requirement.</p>
<p>General Plan Policy LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices</p>	<p>The project proposal is inconsistent with General Plan Policy LU-A.7 as the Variance proposes to create a parcel less than the minimum size of the underlying agricultural zone district. General Plan Policy LU-A.7 also states that the current size of the parcel shall not alone be considered a sufficient basis to grant an exception.</p>

Relevant Policies:	Consistency/Considerations:
<p>on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	
<p>General Plan Policy LU-E.8: The County shall not allow further parcelization of uncommitted Rural Residential areas lying northeast of the Enterprise Canal due to potential groundwater supply problems. These areas shall be zoned to a Limited Agricultural Zone District. However, rezoning and development of Rural Residential use may be permitted subject to the following criteria:</p> <ul style="list-style-type: none"> a. The parcel to be developed is not productive agricultural land, and agricultural use of the property is not feasible. b. The County shall make a determination of the availability of an adequate water supply to serve the proposed development. 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” or other information acceptable to the County shall be required to confirm the availability of groundwater in amounts necessary to meet project demand. c. The County shall make a determination of the impact that the 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 impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation shall be required. 	<p>The subject parcel is designated Northeast Rural Residential. The parcel is zoned AL-20 indicating that the parcel is uncommitted rural residential land. Based on the proposal, the project is not consistent with General Plan Policy LU-E.8. As the proposal is not requesting a rezone of the property, consideration to the following criteria were not made.</p>

Relevant Policies:	Consistency/Considerations:
<p>Should the hydrogeologic investigation determine that significant pumping-related impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>d. The County shall make a determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts or significant economic hardship, to surrounding water users.</p>	

Reviewing Agency Comments:

Policy Planning Section, Department of Public Works and Planning: The existing parcel is designated as Northeast Rural Residential and is not enrolled in the Williamson Act.

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 although the General Plan promotes the long-term conservation of productive potentially productive agricultural lands, the subject parcel has very little productive agricultural potential and is best suited with the current use of rural residential, a land use that commonly exists in the general area surrounding the subject parcel. The Applicant further states that the subject parcel is already non-conforming with the underlying zoning of AL-20 and the area around the subject property has been developed over the last four decades with the addition of rural residential parcels which are not strictly in conformance with the underlying zoning but are allowed with Variances and parcel maps. The Applicant has provided a list of approved Parcel Maps in the vicinity of the project site that were created entirely or partially created parcels of similar size as the proposed split. The applicant states that along with the subject parcel, none of the similarly sized parcels have active agricultural operations. The proposed split with two existing rural residences will result in no net loss of productive agricultural land.

In regard to Finding 4, based on the above analysis, the project proposal is not consistent with General Plan Policy LU-A. 6 and 7, and Policy LU-E.8. The identified policies provide guidance in the preservation of agriculturally viable parcels. The underlying zone district of AL-20 requires that the minimum parcel size of the property be 20 acres. Policy LU-E.8 specifically states that

further parcelization of uncommitted rural residential land should not occur. Staff does concur with the Applicant that the subject parcel is a legal nonconforming lot and also acknowledges that surrounding properties under the same zoning classification are also nonconforming lots. Aerial images of the subject property indicate that the project site has been utilized as a residential site since 1998. Additionally, surrounding properties are utilized for residential purposes with minimal agricultural operations being located in the vicinity of the neighborhood. Therefore, although Staff does not believe the project proposal is consistent with the identified relevant policies of the Fresno County General Plan, considerations should be given to the project site as existing and past conditions of the subject property show that the parcel was not intended for use as an agricultural site. Considerations are based on the current and past uses of the site, surrounding uses within the vicinity of the project site, and the legal nonconforming status of the project site.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings 1, 2 and 4 for granting the Variance Application cannot be made. Staff therefore recommends denial of Variance Application No. 4065.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 4065; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4065, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:
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**Variance Application No. 4065
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure to split the existing 4.93-acre parcel into two parcels approximately 1.9 acres and 2.9 acres.

Conditions of Approval reference recommended Conditions for the project.

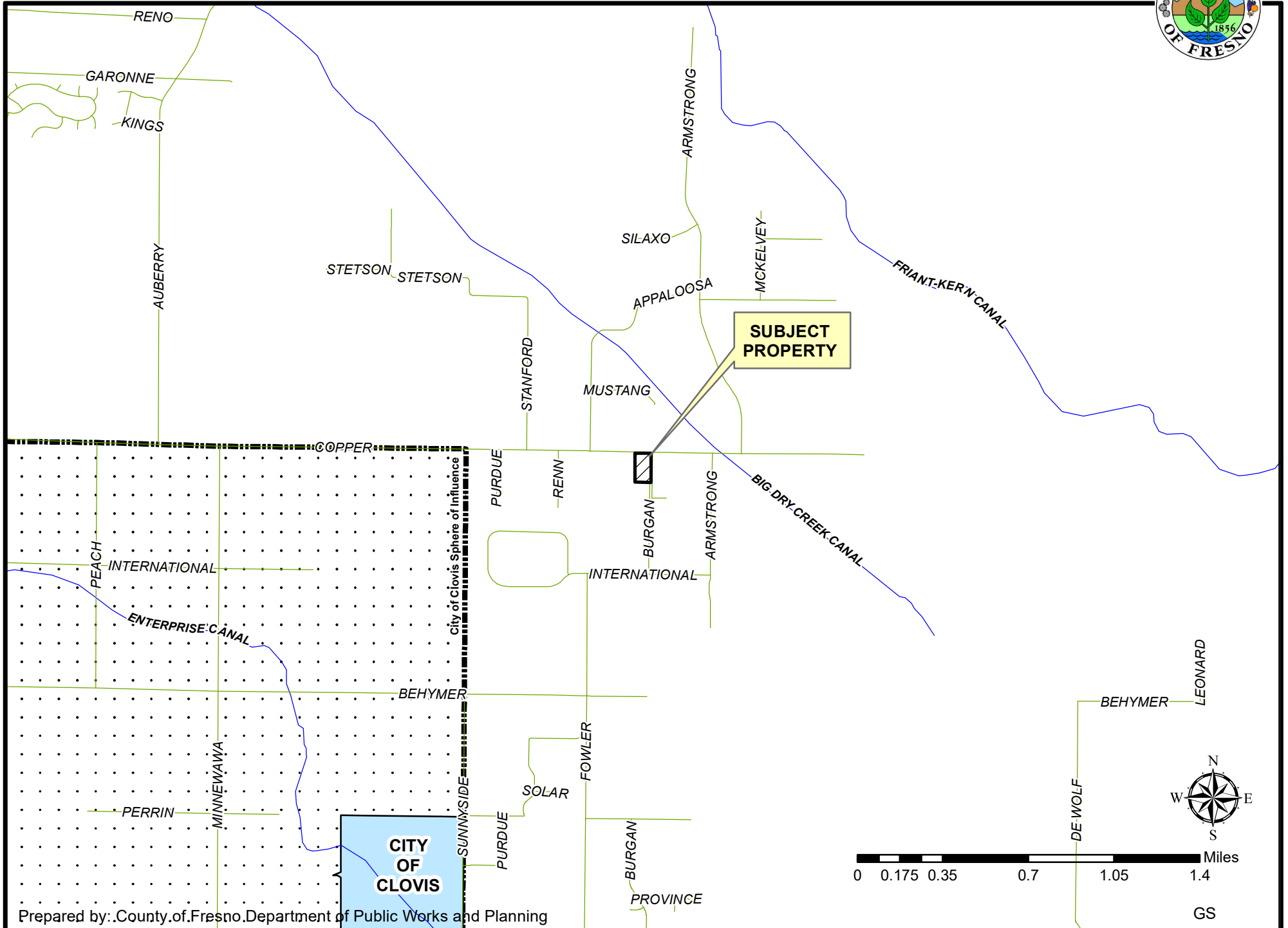
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Building permit records indicate that the permitted mobile home has had additions made without permits and inspection. There are two unpermitted structures, a goat barn and shed building, which will need permits and inspections if they are over 120 square feet. All unpermitted structures and additions will require plans, permits, and inspections prior to finalization of the mapping procedure.
2.	The proposed property line will result in a shared driveway. Either a cross-access agreement should be prepared for both proposed parcels, or new driveway(s) should be constructed to eliminate future trespass issues.
3.	Burgan Avenue is classified as a local road in the County's General Plan requiring 60 feet of road right-of-way. Currently Burgan Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way of Burgan Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way of Burgan Avenue.
4.	Copper Avenue is classified as a local road in the County's General Plan requiring 60 feet of road right-of-way. Currently, Copper Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Copper Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Copper Avenue.
5.	No new driveways are proposed, but an encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way.
6.	It is recommended that the Applicant consider having the existing septic tanks pumped and have the tank and leach 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(s).
7.	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).
8.	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.

Notes	
9.	The subject site contains a portion of a canal or pipeline that is used to manage recharge, stormwater and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.
10.	This Variance will become void unless there has been substantial development within one year of the effective date of approval.
11.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A mapping procedure shall be required for the proposed parcels. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.

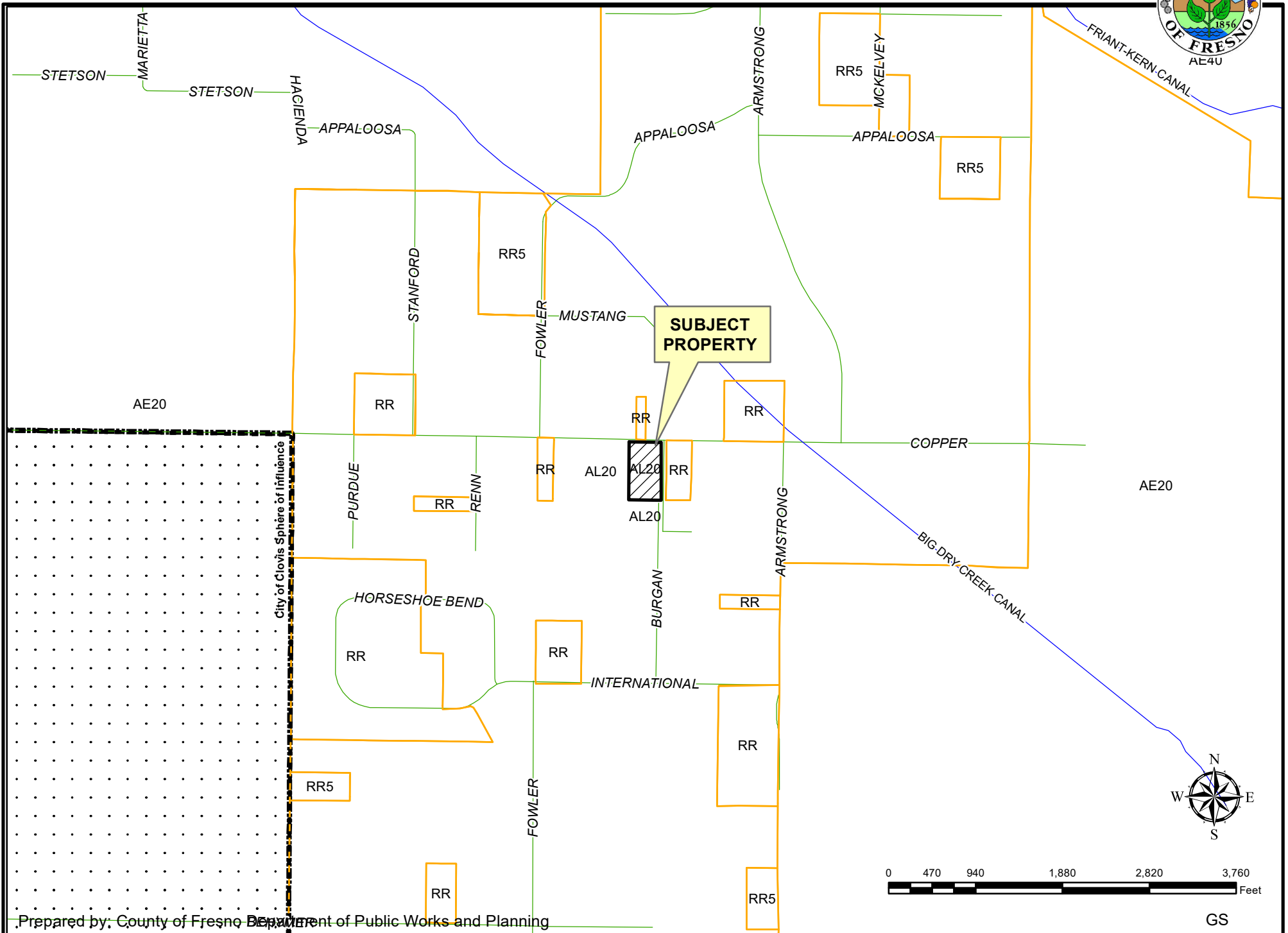
TK

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LOCATION MAP



EXISTING ZONING MAP



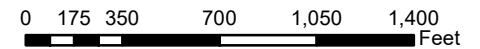
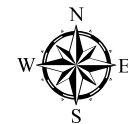
EXISTING LAND USE MAP



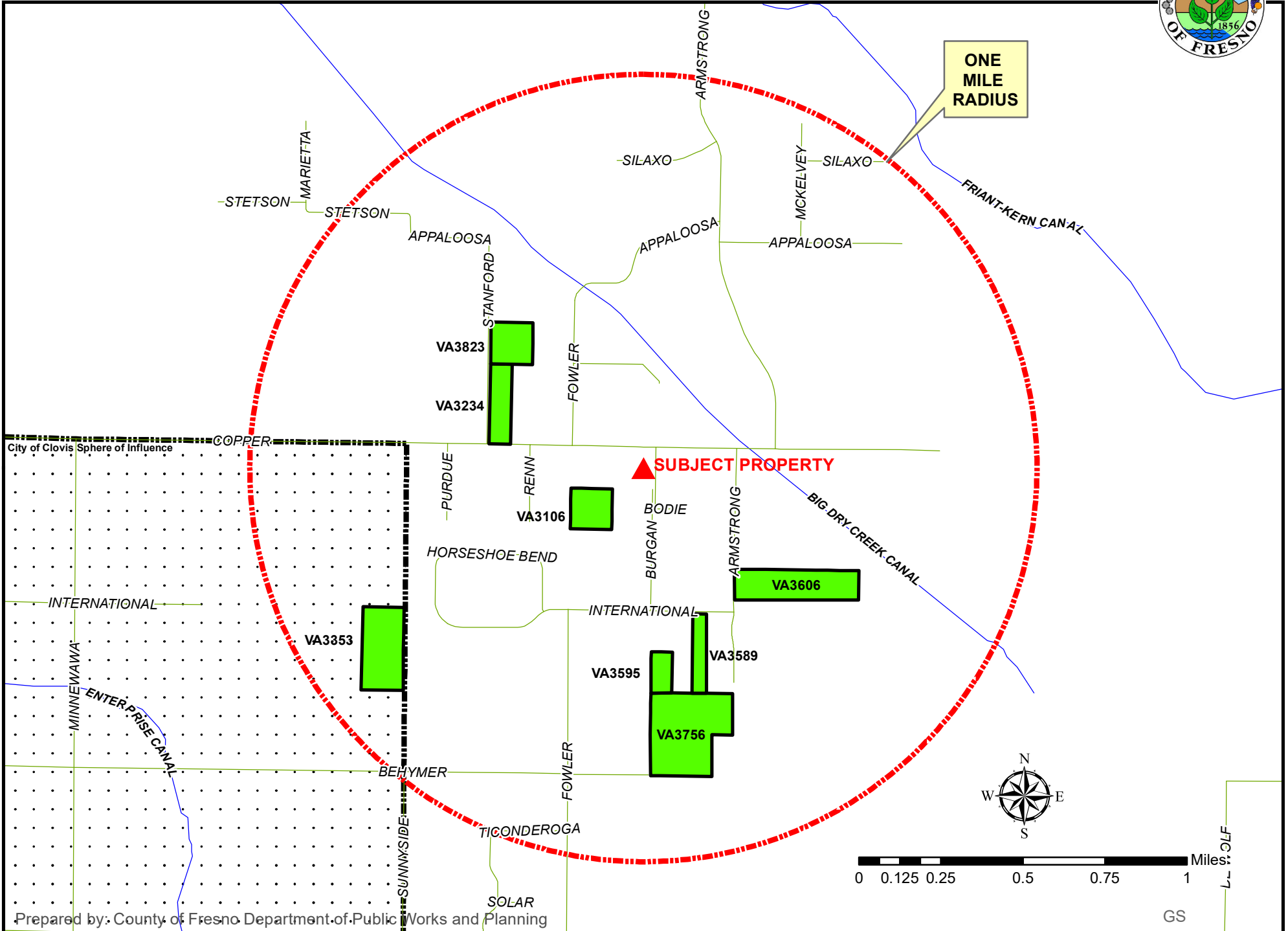
LEGEND
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

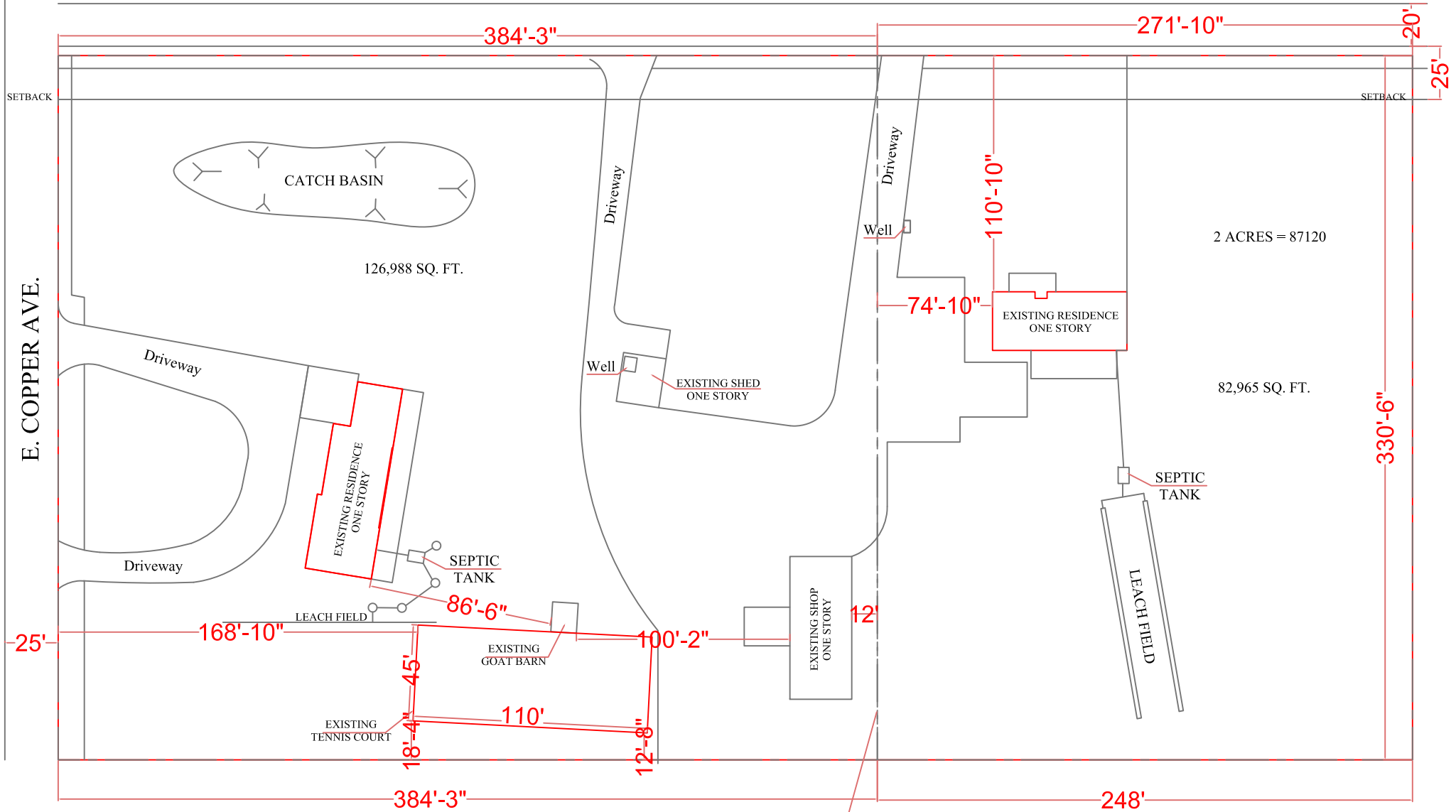
 Subject Property



APPROVED VARIANCES WITHIN A ONE MILE RADIUS



BURGAN AVE.



SCALE = 1/64" = 1'-0"

PROPOSED LOCATION FOR NEW PROPERTY LINE

EXHIBIT 6

← New Proposed Property Line

RECEIVED
COUNTY OF FRESNO
FEB 28 2019
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



E Copper Ave
E Copper Ave
E Copper Ave
E Copper Ave
E Copper Ave
E Copper Ave

10897 N. Burgota

Imagery ©2019 Google, Map data ©2019 Google 20 ft

5645 E Copper & 10897 N Burgan Avenues

VA 4065 - VARIANCE FINDINGS

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.*

This Finding can be made since the subject +/- 4.93 acre property (APN 581-110-05) has had two rural single family residences since 2007. The parcel is improved with two separate residences and each residence has its own well and septic system. The two residences have different street frontages with separate entrances and already have two different street addresses.

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.*

This Finding can be made because with a Variance the property owner will be allowed to preserve and enjoy the same property right that numerous property owners in the area possess by residing on parcels of similar size as the proposed split.

The subject parcel is located amongst twenty-two parcels within approximately ¼ mile that are of similar size as the proposed split. Across East Copper Avenue, immediately north of the subject parcel, there are eleven parcels of similar size. Across North Burgan Avenue, immediately to the east of the subject parcel, there are six parcels of similar size. On the south side of East Copper at North Fowler Avenue there two additional similar size parcels and on the west side North Armstrong Avenue south of Copper there are four similar size parcels.

The following are parcels in the area that are of similar size as the proposed split (also please see the attached APN maps):

ADDRESS	APN	ACREAGE	ADDRESS	APN	ACREAGE
5756 Bodie Circle	581-110-19	2.12	5515 E Copper Avenue	581-110-01	2.55
11060 N Fowler Avenue	581-080-31	3.32	5527 E Copper Avenue	581-110-02	2.39
5558 E Copper Avenue	581-080-32	2.46	10942 N Burgan Avenue	581-110-07	2
5590 E Copper Avenue	581-080-33	2.46	10864 N Burgan Avenue	581-110-08	2
5616 E Copper Avenue	581-080-34	2.3	10853 N Armstrong	581-110-11	1
5664 E Copper Avenue	581-080-35	3.52	10785 N Armstrong	581-110-13	2.42
5764 E Copper Avenue	581-080-38	2.41	10757 N Armstrong	581-110-14	2.42
5792 E Copper Avenue	581-080-39	2.5	10727 N Armstrong	581-110-15	2.42
5826 E Copper Avenue	581-080-40	2.5	5799 Bodie Circle	581-110-16	2.26
5754 E Copper Avenue	581-080-41	2.41	5755 Bodie Circle	581-110-17	2.44
5888 E Copper Avenue	581-080-42	2.41	5798 Bodie Circle	581-110-18	2.26

5645 E Copper & 10897 N Burgan Avenues

VA 4065 - VARIANCE FINDINGS, Continued

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

This Finding can be made since the subject parcel already has two rural residential home sites in an area of similar size rural residential parcels as the proposed size therefore, the split will not be materially detrimental to the public welfare or injurious to properties in the vicinity. Since there are numerous similar size parcels in the immediate area of the property, splitting of the subject +/- 4.93 acre parcel will not adversely affect the use or enjoyment of the other properties in the area.

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

This Finding can be made although the General Plan “promotes the long-term conservation of productive and potentially productive agricultural lands” the subject parcel has very little productive agricultural potential and is best suited with the current use of rural residential, a land use that commonly exists in the general area surrounding of the subject parcel.

The subject parcel is already non-conforming with the underlying zoning of AL-20 and the area around the subject property has been developing over the last four decades with the addition of rural residential parcels which are not strictly in conformance with the underlying zoning but allowed with Variances and Parcel Maps.

The following are Parcel Maps approved by the County in the area that created entirely or partially created parcels of similar size as the proposed split.

Parcel Maps: 904, 1270, 2729, 3369, 3425, 3580, 3688, 4251, 5286

Along with the subject parcel, none of the similar size parcels have active agriculture operations and the proposed parcel split with two existing rural residences will result in no net loss of productive agricultural land.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 6 June 11, 2020

SUBJECT: **Unclassified Conditional Use Permit Application No. 3674**

Amend Unclassified Conditional Use Permit Application No. 3028 and master plan for the Interstate Freeway Commercial Development to allow expansion of a travel center on a 38.01-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: **The project site is located at the southwest corner of Interstate 5 and State Route 269 (Lassen Avenue), approximately eight miles southeast of the nearest city limits of the City of Coalinga (44779 South Lassen Avenue, Huron, CA) (Sup. Dist. 4) (APN 085-130-26S).**

OWNER: **Interstate 5 Travel Center, Inc.**
APPLICANT: **Pilot Travel Centers, LLC.**

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

Marianne Mollring, Senior Planner
 (559) 600-4569

RECOMMENDATION:

- Adopt the Addendum prepared for Initial Study (IS) Application No. 4795;
- Approve Unclassified Conditional Use Permit Application No. 3674 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. Master/Site Plans, Elevations, and Floor Plans
6. Applicant's Operational Statement
7. Addendum and Summary of Initial Study Application No. 4795
8. Conditional Use Permit Application No. 3028 Resolution and Mitigation Monitoring, Conditions of Approval and Project Notes

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Westside Rangeland / Minor Commercial Center	No change
Zoning	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District	No change
Parcel Size	38.01 acres	No change
Project Site	Portion of the 38.01-acre parcel improved with a travel center including two fuel canopies	Expansion of existing travel center including expansion of diesel fuel canopy and addition of an above ground tank farm
Structural Improvements	Travel center including a commercial building, two fuel canopies, underground storage tanks, aboveground storage tanks, dumpster enclosure, and paved parking areas	Expansion of commercial building, diesel fuel canopy to include two new lanes and an above ground storage tank farm
Nearest Residence	Approximately 2,710 feet east of the project site	No change
Surrounding Development	Agricultural land and vacant land; Interstate 5 abuts the project site.	No change

Criteria	Existing	Proposed
Operational Features	24 hours a day, 7 days a week, year round	No change
Employees	Approximately 20-65 employees	Approximately 75 employees
Customers	2,000 to 5,000 customers a day	No change
Traffic Trips	Up to 65 round trips based on employee and up to 5,000 customers a day	Up to 75 round trips based on employees and no change on customer traffic
Lighting	LED site lighting	Site lighting added onto expanded structures
Hours of Operation	24 hours a day	No change

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

ENVIRONMENTAL ANALYSIS:

Initial Study Application (IS) No. 4795 was considered with Unclassified Conditional Use Permit (CUP) Application No. 3028. The Mitigated Negative Declaration associated with IS No. 4795 was adopted by the Planning Commission with approval of CUP No. 3028 on May 13, 2004, which allowed construction of the existing travel center.

The current application and previous environmental analysis were reviewed under the provisions of Section 15162 of the CEQA Guidelines to analyze the proposal and determine if preparation of a subsequent Mitigated Negative Declaration was necessary.

The Santa Rosa Rancheria Tachi Yokut Tribe expressed concern with the subject application and requested additional mitigation be implemented to address potential impacts to cultural resources. It was determined by staff that although new information was being presented, the information and additional mitigation did not qualify under the provisions of Section 15162 for the preparation of a subsequent Mitigated Negative Declaration. Per Section 15164 of CEQA Guidelines, an addendum may be prepared for an adopted Negative Declaration if minor technical changes or additions are necessary, or if none of the conditions stated in Section 15162 calling for preparation of a subsequent Negative Declaration has occurred. Therefore, an Addendum has been prepared addressing additions made to the previously prepared Initial Study and Mitigated Negative Declaration.

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 Application may be approved only if five 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 subject application proposes to amend Unclassified Conditional Use Permit Application No. 3028 to allow expansion of an existing travel center. The project specifically proposes to expand the existing travel center building by approximately 1,200 square feet, remodel the interior of the subject building, add two (2) diesel lanes to the Truck/Diesel Canopy increasing the canopy by 1,200 square feet, add a second aboveground storage fuel tank farm and an underground storage tank for Diesel Exhaust Fluid, the abandonment of an existing scale and addition of a CAT scale, and an approximately 1,500 square-foot expansion of a dumpster enclosure.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure be completed for the subdivision of land of 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. Per the 1971 - 1972 Assessor's Parcel Number (APN) Map, the subject site was cited as a 40-acre parcel. The next earliest available APN Map from 1996 depicts the subject parcel as a 38.01-acre parcel with the change in parcel size being associated with the expansion of public right-of-way. The APN Map record from 1996 to present shows that the subject parcel has not changed in configuration.

On December 8, 1964, the Board of Supervisors approved the Fresno County Zoning Ordinance and the subject parcel was zoned A-1 (Agricultural District). On February 23, 1965, the Board of Supervisors adopted Amendment Application (AA) No. 1246 that rezoned the subject property from the A-1 Zone District to the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The subject parcel continues to be AE-40. Based on the current size of the parcel from Assessor records, the subject parcel is considered legal nonconforming.

The existing travel center development was allowed by approval of Unclassified Conditional Use Permit Application No. 3028 (CUP No. 3028) by the Planning Commission on May 13, 2004. CUP 3028 approved a master plan for Interstate Freeway Commercial Development to allow a travel center, including automobile and truck refueling, truck scale, convenience store, and diner on the subject property. Building permit records indicate that the subject property has been developed with the approved travel center. The current proposal requests to expand existing building along with new construction of a tank farm and underground storage tank.

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-40 (Exclusive Agricultural, 40-acre minimum parcel size) Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 310 feet Side: 660 feet Rear: 530 feet	Y
Parking	2 square feet of off-street parking for each one square-foot of retail floor space	No change	Y
Lot Coverage	No requirement	N/A	Y
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty feet of any dwelling or other building used for human habitation	No change	Y
Wall Requirements	No requirement	N/A	Y
Septic Replacement Area	One hundred percent replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Department of Public Works and Planning: 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 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. **This shall be included as a Condition of Approval**

Plan submittal is required for all proposed structures and expansions. **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:

The proposed expansions will be confined to the existing travel center building, dumpster enclosure, and the existing diesel canopy. The expansions will not encroach into minimum setbacks of the zone district. The proposed new construction is located near the existing tank farm toward the southern portion of the developed site. The proposed aboveground tank farm and an underground storage tank will be located outside of established setbacks. As the current use is established under an approved Conditional Use Permit (CUP), and proposed expansions and construction is not encroaching into established setbacks, staff finds that the subject parcel is adequate in size and shape to accommodate the proposed use.

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	The project site does not front a private road	N/A
Public Road Frontage	Yes	The project site fronts South Lassen Avenue (State Route 269)	No change
Direct Access to Public Road	Yes	Direct access to South Lassen Avenue (SR 269)	No change
Road ADT		N/A	N/A
Road Classification		Expressway	No change
Road Width		N/A	N/A
Road Surface		Paved	No change
Traffic Trips		161 total Friday peak hour trips accessing site	No change
Traffic Impact Study (TIS) Prepared	No	A TIS was prepared for the previously approved CUP No. 3028. The results of the TIS addressed impacts from the original project proposal	Reviewing agencies and departments stated that the current proposal fits within the scope of the previous environmental

		Existing Conditions	Proposed Operation
			documents and conclusions related to transportation impacts, therefore an additional TIS was not required.
Road Improvements Required		Improvements for site egress and ingress were a part of the original CUP	Reviewing agencies and departments did not require additional road improvements.

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

Development Engineering Section of the Department of Public Works and Planning: All Mitigation Measures, Conditions of Approval, and Project Notes for any previous applications shall be implemented if not already in place. **This shall be included as a Condition of Approval.**

Refer to California Department of Transportation (Caltrans) for requirements on State Route 269 (South Lassen Avenue) and Interstate 5.

Typically, any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet by 9 feet and backing distance must be a minimum of 29 feet for 90-degree parking stalls. Also, 5 feet should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction. **This shall be included as a project note.**

Typically, any access driveway should be set back a minimum of 10 feet from the property line. **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 length of the longest truck entering the site and shall not swing outward. **This shall be included as a project note.**

Typically, for unpaved or gravel surface access roads, the first 100 feet off the edge of the road right-of-way line must be graded and asphalt concrete paved or treated with a dust palliative. **This shall be included as a project note.**

A grading permit or voucher is required for any grading proposed with this application. **This shall be included as a project note.**

California Department of Transportation (Caltrans): No new access to State Route 269 (South Lassen Avenue) will be allowed. **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:

Access to the project site is from South Lassen Avenue (State Route 269), 1,130 feet south of its intersection with Interstate 5. Based on review of the current proposal and review of the analysis conducted from the previous approved CUP, reviewing agencies and departments did not express concern that indicates the project proposal would result in streets and highways being inadequate to support the expansion. Therefore, based on staff's analysis, the roads and highways used for site access are 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	2.82 acres	Vacant	AE-40	N/A
	117.73 acres	Field Crops	AE-40	
South	101.3 acres	Grazing	AE-40	N/A
East	68.2 acres	Field Crops	AE-40	N/A
	15.7 acres	Field Crops	AE-40	
West	101.3 acres	Grazing	AE-40	N/A

Reviewing Agency/Department Comments:

Development Engineering Section of the Department of Public Works and Planning: According to FEMA FIRM Panel 2450H, the northern tip of the subject property is located in the Special Flood Hazard Area. Any development within the area identified as Flood Zone A shall conform to provisions established in the Fresno County Ordinance Code, Title 15, Chapter 15.48 Flood Hazard Areas. Typically, any associated electrical equipment/electrical system components shall be above the Base Flood Elevation (BFE). No net import or fill shall be allowed within the flood zone. **This shall be included as a project note.**

An intermittent stream may be present within the subject parcel based on the contour lines shown in the U.S.G.S. Quad Map. Typically, any development within or near a stream will

require clearance from the California Department of Fish and Wildlife. **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 or into the road right-of-way and must be retained on-site per County standards. **This shall be included as a project note.**

Typically, if the proposed development does not increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, according to the site plan, additional impervious surface appears to be created. Therefore, a grading and drainage plan or calculations may be required to verify the new drainage pattern and the adequacy of the existing basin. **This shall be included as a project note.**

Department of Public Health, Environmental Health Division: Prior to issuance of building permits, if there are any modifications/changes made to the interior of the existing food facilities, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division for review and approval. **This shall be included as a project note.**

Should the project involve any modifications to the existing restroom facilities, then the operator is advised that a food facility must have a functioning restroom facility at all times for the employees. Since the food facility conducts food preparation, then a restroom trailer is required. The restroom trailer must be equipped with hot/cold running water and a toilet capable of flushing. Porta-potty type restrooms are not acceptable for facilities with unpackaged food or food preparation activities. **This shall be included as a project note.**

In addition, the remodel activities must be conducted in such a manner as to not contaminate any food product or food contact surfaces if the applicant is proposing to conduct construction activities during operational hours. The applicant's contractor shall take all necessary measures to ensure contamination does not occur, or the facility will be required to be closed until the remodel is complete or remodel activities occur strictly during off hours. **This shall be included as a project note.**

The applicant should contact their local Fire Authority concerning construction and installation requirements for aboveground fuel storage tanks. **This shall be included as a project note.**

Within 30 days of the occurrence of any of the following events that applicant/operators shall update their Hazardous Materials Business Plan and site map:

1. There is a 100% or more increase in the quantities or a previously disclosed material;
2. The facility begins handling a previously undisclosed material at or above the Hazardous Materials Business Plan threshold amounts.

The business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency. **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 and commercial project(s) have the potential to expose nearby residents to short-term elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance Code. **This shall be included as a project note.**

County of Fresno Department of Agriculture: The site is surrounded by agricultural operations; the applicant needs to acknowledge the Right to Farm ordinance to protect customers and staff from ongoing agricultural operations. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage the development of its agricultural land and industries for the production of food and other agricultural products. Residence 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 project note.**

State Water Resources Control Board, Division of Drinking Water: The subject site is receiving drinking water from the City of Avenal, an existing public water system, therefore, the division has no further comment.

San Joaquin Valley Air Pollution Control District: Based on information provided to the District, project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.

Per District Rule 9510 (Indirect Source Review) Section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the project. Therefore, the project proponent is required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses. **This shall be included as a project note.**

The proposed project may be subject to District Rules and Regulations, including Regulation VIII (Fugitive PM10 Prohibitions), rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). **This shall be included as a project note.**

Fresno County Fire Protection District: The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the applicant's responsibility to

deliver a minimum of three sets of the plans to the 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 the 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 in a predominantly agricultural area. The subject site is zoned AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) and is utilized as a travel center approved under Unclassified Conditional Use Permit Application No. 3028. Surrounding parcels are used for agricultural operations or are vacant. The subject parcel is located within close proximity of Interstate 5 (I-5) and State Route 269 (South Lassen Avenue). This area has been specifically identified in the Fresno County Zoning Ordinance as an Interstate Interchange Impact Area and can be developed with commercial uses subject to the provisions of Section 860 of the Zoning Ordinance.

Potential environmental impacts were analyzed with the previously approved CUP No. 3028 and IS No. 4795. A Mitigated Negative Declaration (MND) was recommended and approved, which addressed potential impacts from the travel center. After review of the current proposal, reviewing Agencies and Departments determined that the proposal was within the scope of the previously approved Initial Study. The Santa Rosa Rancheria Tachi Yokut Tribe expressed concern with the subject application and requested additional mitigation be implemented to address potential impacts to cultural resources and additional Mitigation Measures have been included in an addendum.

Comments provided by the Department of Public Health, Environmental Health Division, San Joaquin Valley Air Pollution District, Fresno County Department of Agriculture, and the Fresno County Fire Protection District will be implemented with the project proposal to address all standards and regulations that further ensures that the project will not have an adverse effect on abutting property and the surrounding area.

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:
<p>General Plan Policy LU-D.4: The County shall generally limit development at major or minor commercial interchanges to one square-mile of land centered on the freeway interchange structure.</p>	<p>The project site has already been improved with commercial development, with proposed additions on existing structures. New development will be limited and located in close proximity of the existing commercial development.</p>
<p>General Plan Policy LU-D.5: The County shall allow commercial uses only in areas designated as major and minor commercial interchange subject to the provisions of the County Zoning Ordinance Section 860, entitled “Regulations for Inter-State Freeway Interchange Commercial Development.” Both types of commercial interchanges shall allow a range of commercial, service, agriculturally related, and value-added agricultural uses serving the needs of freeway uses and the agricultural community, with major commercial centers allowing a broader range of uses than minor commercial centers.</p>	<p>The project site is identified as a minor commercial interchange development area. The previously approved CUP 3028 that originally allowed the travel center was considered consistent with Section 860 for proposed uses. The current proposal does not propose any new use and only requests to expand the existing uses.</p>
<p>General Plan Policy LU-D.6: The County shall require commercial interchange development to be designed to achieve aesthetic excellence and incorporate considerations for noise contours abutting traffic ways, architectural cohesiveness, and signing restraints.</p>	<p>The proposed expansions of existing structures will be constructed with similar architectural elements to match the existing buildings. The site has already been improved with the travel center that has taken into consideration design elements discussed in Policy LU-D.6.</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>Criteria “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.</p>	<p>The Applicant has provided evidence that the subject travel center is supplied by the City of Avenal for water services. The proposed expansion will not change or require additional water service outside of the existing service.</p>

Relevant Policies:	Consistency/Considerations:
<p>Criteria “b”: A determination of the impact of 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 may be required. If the lands in question 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 property in question, those impacts shall be mitigated.</p> <p>Criteria “c”: A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning: The subject parcel is located in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District and is designated as Westside Rangeland in the Coalinga Regional Plan. However, the subject parcel is located within a Minor Interstate Freeway Interchange Commercial Center authorized by the Westside Freeway Corridor Overlay of the County General Plan.

The subject parcel 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 and relevant General Plan Policies, there are no conflicts between the project and the policies of the Fresno County General Plan, therefore staff is able to make Finding 4.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

Finding 5: That the conditions stated in the Resolution are deemed necessary to protect the public health, safety and general welfare

Per Section 873-F of the Fresno County Zoning Ordinance, Finding 5 addresses whether the included Mitigation Measures, Conditions of Approval, and Project Notes are deemed necessary to protect the public health, safety, and general welfare of the public and such other conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division.

Reviewing Agency Comments:

Comments received from reviewing Agencies and Department have been analyzed and included in corresponding Findings. All comments that have been determined to be applicable are included as Mitigation Measures, Conditions of Approval, and Project Notes for this project are provided in Exhibit 1.

Analysis:

Mitigation Measures, Conditions of Approval, and Project Notes are based upon comments and recommendations received from reviewing Agencies and Department. Finding 1 addresses the adequacy of the subject parcel/project site and determines whether or not the subject parcel is sufficient in size to accommodate the proposed use while maintaining development standards set forth by the underlying zone district, which is in place to provide standardizations to all parcels under a certain zone district and protect adjacent parcels through setbacks and buffers. Finding 2 addresses potential impacts to roadways adjacent to the subject parcel and the adequacy of the facility in terms of traffic generation and road quality. Finding 3 analyzes impacts to surrounding parcels. Finding 4 focuses on the project's consistency with the Fresno County General Plan, which guides development of the County through conformance with applicable goals and policies.

Staff believes that the proposed Mitigation Measures, Conditions of Approval, and Project Notes included as Exhibit 1, should be adopted to protect the public health, safety and general welfare and such other conditions as will make possible the development of the County in an orderly and efficient manner and in conformance with the intent and purposes set forth in this Division.

Conclusion:

Finding 5 can be made.

PUBLIC COMMENT:

None

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit Application can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3674, subject to the

recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Addendum prepared for Initial Study Application No. 4795;
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3674, 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 Application No. 3674; 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:

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**Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit Application No. 3674
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
4.	Cultural Resources	Forty-Eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor be present during ground-disturbing activities. Notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe, at spowers@tachi-yokut-nsn.gov	Applicant	Applicant/Department of Public Works and Planning (PW&P)	During ground-disturbing activities.
5.	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.
Conditions of Approval					
1.	Development shall be in substantial compliance with the Master Plan, floor plans, and elevations 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 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.	All Mitigation Measures, Conditions of Approval, and Project Notes for all previous project approvals at this site shall be implemented if not already in place.				

*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.	Plan submittal is required for all proposed structures and expansions.
2.	Typically, any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet by 9 feet and backing distances must be a minimum of 29 feet for 90-degree parking stalls. Also, five feet should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
3.	Typically, any access driveway should be set back a minimum of 10 feet from the property line.
4.	Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or length of the longest truck entering the site and shall not swing outward.
5.	Typically, for unpaved or gravel surface access roads, the first 100 feet off the edge of the road right-of-way line must be graded and asphalt concrete paved or treated with a dust palliative.
6.	A grading permit or voucher is required for any grading proposed with this application.
7.	No new access to State Route 269 (South Lassen Avenue) will be allowed.
8.	According to FEMA FIRM Panel 2450H, the northern tip of the subject property is located in the Special Flood Hazard Area. Any development within the area identified as Flood Zone A, shall conform to provisions established in the Fresno County Ordinance Code, Title 15, Chapter 15.48 Flood Hazard Areas. Typically, any associated electrical equipment/electrical system components shall be above the Base Flood Elevation (BFE). No net import or fill shall be allowed within the flood zone.
9.	An intermittent stream may be present within the subject parcel based on the contour lines shown in the U.S.G.S. Quad Map. Typically, any development within or near a stream will require clearance from the State Department of Fish and Game.
10.	Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines or into the road right-of-way and must be retained on-site per County standards.
11.	Typically, if the proposed development does not increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, according to the site plan, additional impervious surface appears to be created. Therefore, a grading and drainage plan or calculations may be required to verify the new drainage patterns and the adequacy of the existing basin.
12.	Prior to issuance of building permits, if there are any modifications/changes made to the interior of the existing food facilities, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division for review and approval.

Notes	
13.	Should the project involve any modifications to the existing restroom facilities, then the operator is advised that a food facility must have a functioning restroom facility at all times for the employees. Since the food facility conducts food preparation, then a restroom trailer is required. The restroom trailer must be equipped with hot/cold running water and a toilet capable of flushing. Porta-potty type restrooms are not acceptable for facilities with unpackaged food or food preparation activities.
14.	In addition, the remodel activities must be conducted in such a manner as to not contaminate any food product, or food contact surfaces if the applicant is proposing to conduct construction activities during operational hours. The applicant's contractor shall take all necessary measures to ensure contamination does not occur, or the facility will be required to be closed until the remodel is complete or remodel activities occur strictly during off hours.
15.	The Applicant should contact their local Fire Authority concerning construction and installation requirements for aboveground fuel storage tanks.
16.	<p>Within 30 days of the occurrence of any of the following events that applicant/operators shall update their Hazardous Materials Business Plan and site map:</p> <ol style="list-style-type: none"> 1. There is a 100% or more increase in the quantities or a previously disclosed material; 2. The facility begins handling a previously undisclosed material at or above the Hazardous Materials Business Plan threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency.</p>
17.	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.
18.	The proposed construction and commercial project(s) have the potential to expose nearby residents to short-term elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance Code.
19.	The site is surrounded by agricultural operations, the applicant needs to acknowledge the Right to Farm ordinance to protect customers and staff from ongoing agricultural operations. Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage the development of its agricultural land and industries for the production of food and other agricultural products. Residence 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."
20.	Per District Rule 9510 (Indirect Source Review) Section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the project. Therefore, the project proponent is required to obtain a District Authority to Construct prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses.

Notes	
21.	The proposed project may be subject to District Rules and Regulations, including Regulation VIII (Fugitive PM10 Prohibitions), rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
22.	The application shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the applicant's responsibility to deliver a minimum of three sets of the plans to the FCFPD.
23.	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 the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
24.	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.

TK

G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3674\SR\CUP 3674 MMRP.docx

LOCATION MAP



GLENN



LASSEN



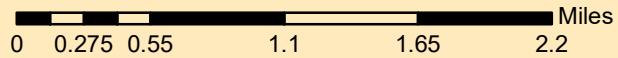
CALIFORNIA AQUEDUCT

SUBJECT PROPERTY

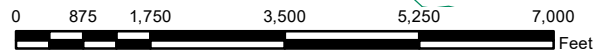
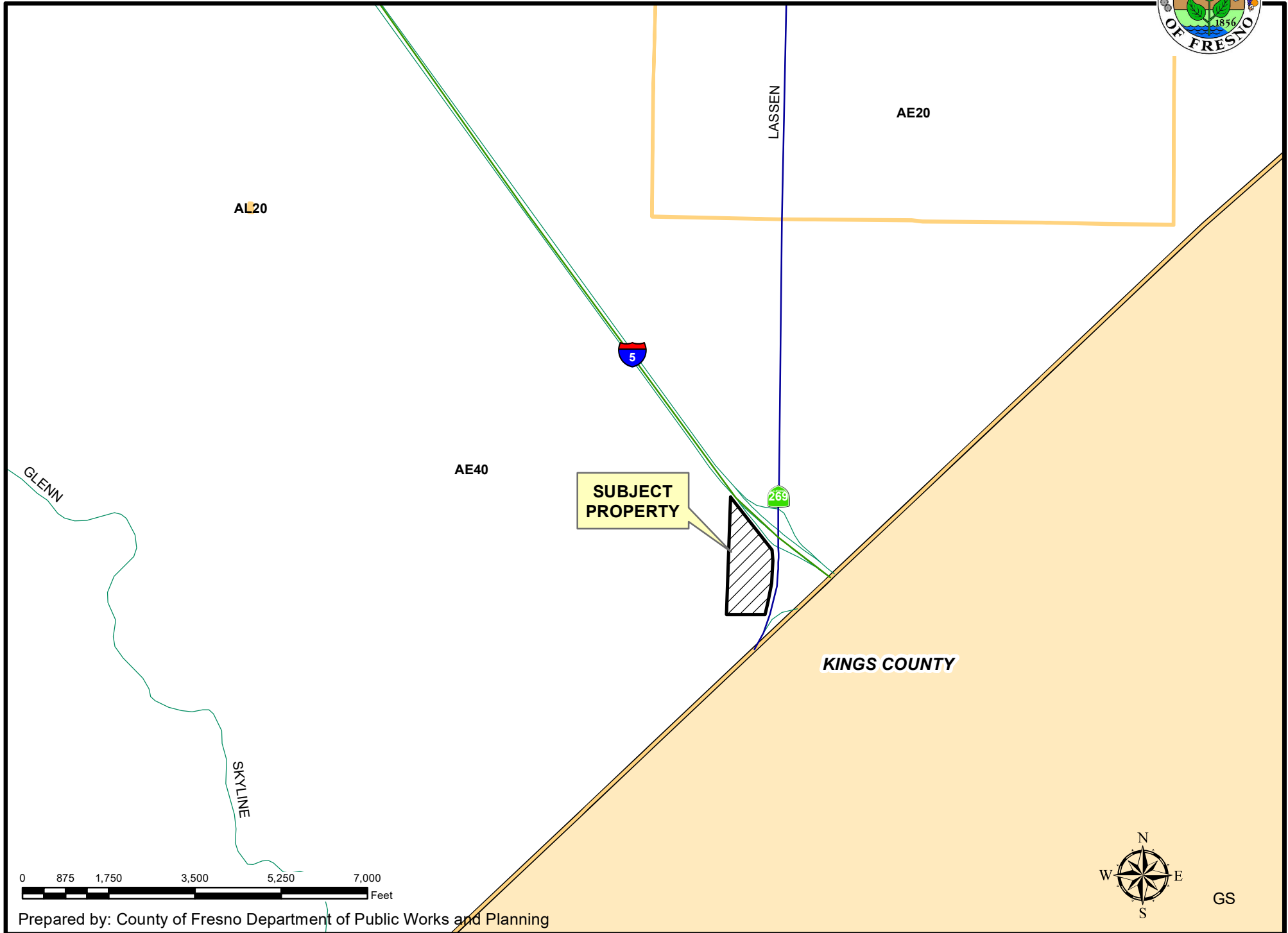


SKYLINE

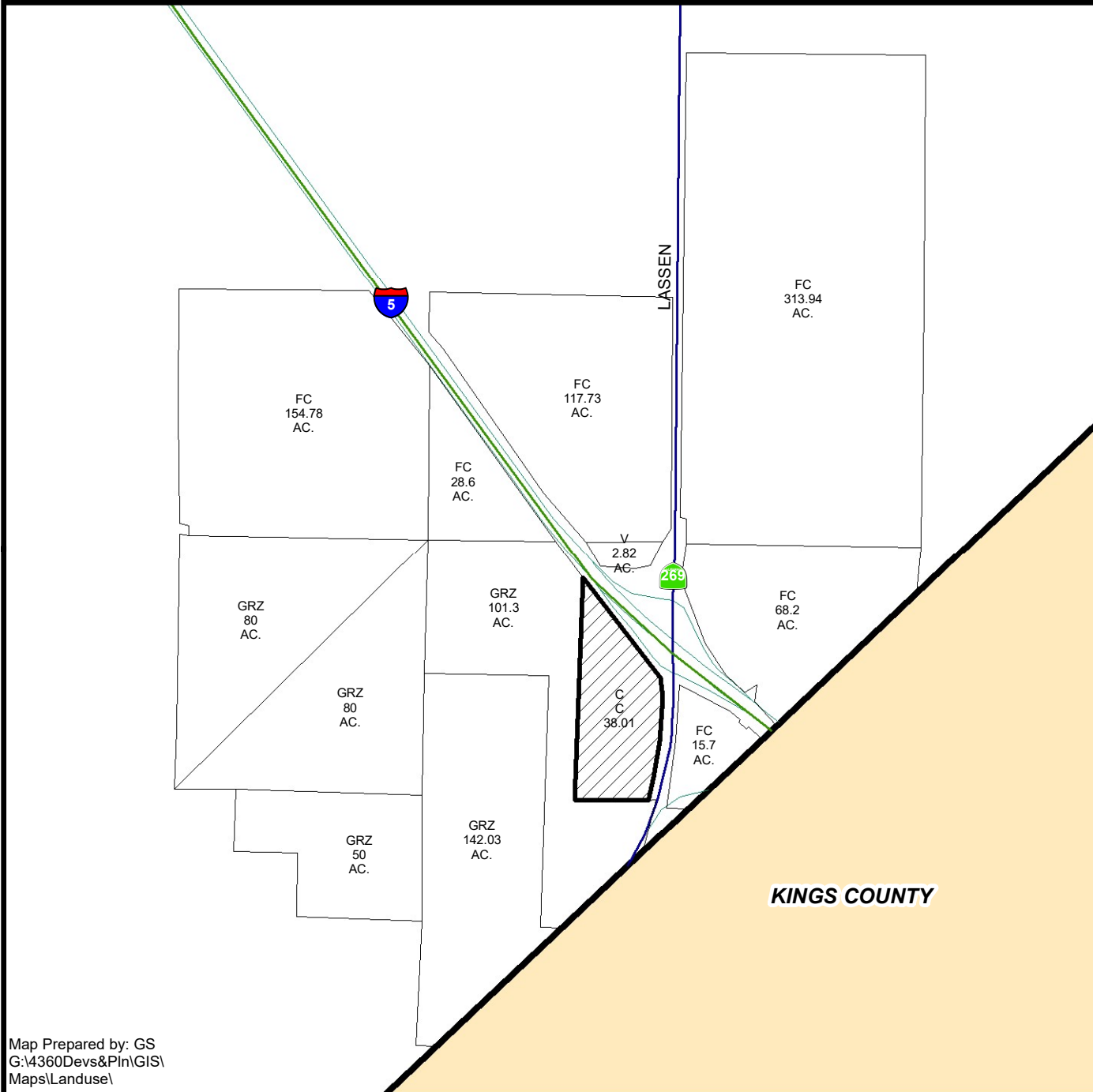
KINGS COUNTY



EXISTING ZONING MAP



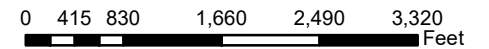
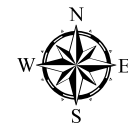
EXISTING LAND USE MAP



LEGEND
C - COMMERCIAL
FC - FIELD CROP
GRZ - GRAZING
V - VACANT

LEGEND:

 Subject Property



Department of Public Works and Planning
Development Services Division



Know what's below.
Call before you dig.

CONSTRUCTION NOTES

- 01 EXISTING CONVENIENCE STORE BUILDING TO BE REMODELED (SEE ARCHITECTURAL DRAWINGS), INSTALLED BY CONTRACTOR.
- 02 EXISTING AUTO CANOPY TO BE RE-IMAGED BY CANOPY SUPPLIER.
- 03 EXISTING TRUCK CANOPY TO BE RE-IMAGED BY CANOPY SUPPLIER.
- 04 34'-0" x 29'-4" TRUCK CANOPY ADDITION, FURNISHED AND INSTALLED BY CANOPY SUPPLIER, CANOPY FOUNDATIONS INSTALLED BY CONTRACTOR.
- 05 44'-10" x 39'-0" 6" REINFORCED CONCRETE PAD FOR TRUCK CANOPY ADDITION, INSTALLED BY CONTRACTOR.
- 06 NEW CONCRETE ISLAND WITH A DIESEL DISPENSER AND CONTAINMENT BOX TYPICAL AT (2) PLACES, INSTALLED BY CONTRACTOR.
- 07 EXISTING SITE LIGHT POLE TO BE RELOCATED AS REQUIRED FOR INSTALL OF NEW UNDERGROUND STORAGE TANK.
- 08 TANK #1, 2, 3, & 4, EXISTING UNDERGROUND GASOLINE AND DIESEL STORAGE TANKS, NOT TO BE DISTURBED. SEE PRODUCT PIPING DRAWINGS FOR EXTENT OF MODIFICATIONS.
- 09 TANK #5, 6, 7, & 8, EXISTING ABOVEGROUND DIESEL STORAGE TANKS, NOT TO BE DISTURBED. SEE PRODUCT PIPING DRAWINGS FOR EXTENT OF MODIFICATIONS.
- 10 TANK #9 & 10, PRODUCT #3, NEW 12,000 GALLON UL 142 DOUBLE-WALL STEEL ABOVEGROUND DIESEL STORAGE TANKS (21'-8" x 10'-0") FURNISHED BY PILOT, INSTALLED BY CONTRACTOR. (SEE PP DRAWINGS FOR MORE INFORMATION).
- 11 TANK #11 & 12, PRODUCT #4, NEW 12,000 GALLON UL 142 DOUBLE-WALL STEEL ABOVEGROUND B99 STORAGE TANKS (21'-8" x 10'-0") FURNISHED BY PILOT, INSTALLED BY CONTRACTOR. (SEE PP DRAWINGS FOR MORE INFORMATION).

- 12 TANK #13, PRODUCT #5, 12,000 GALLON, 8'-0" x 37'-0 1/2" LONG, DOUBLE-WALL FIBERGLASS UNDERGROUND DIESEL EXHAUST FLUID (DEF) TANK, FURNISHED BY OWNER, INSTALLED BY CONTRACTOR. SEE PP DRAWINGS FOR MORE INFORMATION. (TYP (1) PLACE).
- 13 B99 INJECTION SHED WITH SUMP, SUPPLIED BY OWNER. (SEE PRODUCT PIPING DRAWINGS FOR MORE INFORMATION).
- 14 SITE LIGHT, FURNISHED BY OWNER, INSTALLED BY CONTRACTOR. (SEE SHEET ES2)
- 15 EXISTING TRUCK SCALE TO BE REMOVED (SEE SHEET C2). PIT TO BE FILLED AS REQUIRED AND PREPARED FOR INSTALLATION OF NEW HEAVY DUTY TRUCK ASPHALT PAVING. SEE DETAILS ON SHEET C5.1.
- 16 NEW TRUCK SCALE, CONCRETE TRUCK SCALE PIT AND TRUCK SCALE FURNISHED AND INSTALLED BY TRUCK SCALE SUPPLIER, ELECTRICAL, COMMUNICATIONS AND DRAINAGE PROVIDED TO THE SCALE PIT BY CONTRACTOR, COORDINATION BY CONTRACTOR.
- 17 TRASH ENCLOSURE CMU w/STUCCO EXTERIOR ON REINFORCED CONCRETE PAD WITH PROTECTIVE STEEL BOLLARDS, INSTALLED BY CONTRACTOR (SEE ARCH DWGS FOR DETAILS).
- 18 TRASH ENCLOSURE 8' CHAIN LINK FENCE WITH VINYL INSERTS MOUNTED ON REINFORCED CONCRETE PAD WITH PROTECTIVE STEEL BOLLARDS, INSTALLED BY CONTRACTOR (SEE ARCH DWGS FOR DETAILS).
- 19 TRASH COMPACTOR, FURNISHED AND INSTALLED BY TRASH COMPACTOR SUPPLIER.
- 20 CARDBOARD BAILER OR RECYCLE DUMPSTER, FURNISHED AND INSTALLED BY DUMPSTER SUPPLIER.
- 21 GREASE CONTAINER, PROVIDED BY OWNER.

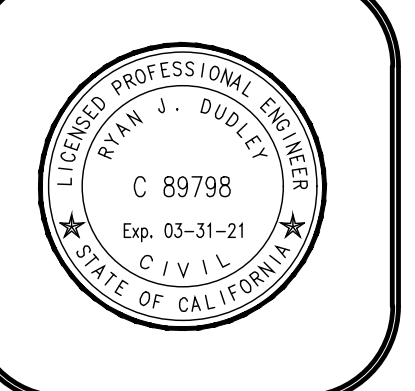
- 22 4" STEEL PIPE BOLLARD FURNISHED, INSTALLED BY CONTRACTOR (SEE CIVL DWGS FOR SPECS.).
- 23 TRUCK AIR STAND, TYPICAL AT EVERY OTHER TRUCK FUELING ISLAND, SUPPLIED BY OWNER AND INSTALLED BY CONTRACTOR.
- 24 TRUCK FREEZE PROOF WATER STAND TYPICAL AT EVERY OTHER TRUCK FUELING ISLAND FURNISHED AND INSTALLED BY CONTRACTOR.
- 25 EXISTING PROPANE TANKS, NOT TO BE DISTURBED.
- 26 DEF LED PRICER SIGN FURNISHED BY OWNER, INSTALLED BY SIGN SUPPLIER, ELECTRICAL INSTALLED BY CONTRACTOR.
- 27 PAINTED (SAFETY YELLOW) PARALLEL STRIPES AT 16" O.C. FURNISHED AND INSTALLED BY CONTRACTOR.
- 28 "PASSENGER LOADING ZONE ONLY" SIGN FURNISHED AND INSTALLED BY CONTRACTOR.
- 29 EXISTING INTERNALLY ILLUMINATED HI-RISE SIGN TO BE REFACED, INSTALLED BY SIGN SUPPLIER.
- 30 EXISTING INTERNALLY ILLUMINATED MONUMENT SIGN TO BE REFACED, INSTALLED BY SIGN SUPPLIER.
- 31 "TRUCK SCALE" INTERNALLY ILLUMINATED SIGN FURNISHED AND INSTALLED BY TRUCK SCALE SUPPLIER, CONCRETE FOUNDATION BY TRUCK SCALE SUPPLIER, ELECTRICAL PROVIDED TO SCALE BY CONTRACTOR.
- 32 "TRUCK ENTRANCE ONLY" (INTERNALLY ILLUMINATED) DIRECTIONAL SIGN FURNISHED BY OWNER, INSTALLED BY SIGN SUPPLIER, CONCRETE FOUNDATION AND ELECTRICAL (SOLAR POWERED) INSTALLED BY CONTRACTOR.

- 33 "TRUCKS ENTRY/ EXIT" (INTERNALLY ILLUMINATED) DIRECTIONAL SIGN FURNISHED BY OWNER, INSTALLED BY SIGN SUPPLIER, CONCRETE FOUNDATION AND ELECTRICAL (SOLAR POWERED) INSTALLED BY CONTRACTOR.
- 34 NEW "RV EXIT" SIGN TO REPLACE EXISTING, SIGN FURNISHED BY OWNER, INSTALLED BY SIGN SUPPLIER, ELECTRICAL INSTALLED BY CONTRACTOR.
- 35 CONCRETE SIDEWALK INSTALLED BY CONTRACTOR.
- 36 NEW AUTO ASPHALT PAVING AT EXISTING RV DRIVE WAY. SEE DETAILS ON SHEET C5.1.
- 37 EXISTING SITE LIGHT POLE TO BE REPLACED.
- 38 EXISTING AUTO AIR/VACUUM, TO REMAIN.
- 39 EXISTING STRIPING TO BE REMOVED AND RE-STRIPED, ALL DIRECTIONAL AND PARKING STRIPING TO BE SAFETY YELLOW-UNLESS NOTED OTHERWISE (TYP).
- 40 6" STEEL PIPE BOLLARD FURNISHED, INSTALLED BY CONTRACTOR (SEE CIVL DWGS FOR SPECS.) SEE DETAIL SHEET C8.0
- 41 INSTALL DIRECTIONAL ARROW. ALL DIRECTIONAL AND PARKING STRIPING TO BE SAFETY YELLOW-UNLESS NOTED OTHERWISE (TYP).
- 42 INSTALL TACTILE WARNING DEVICE PER 11, SHEET AS1. TO BE 3" DEEP
- 43 INSTALL (3) ADA ACCESSIBLE PARKING STALL, INCLUDING (1) VAN ACCESSIBLE, ALL ADA PARKING STALLS TO INCLUDE WHEEL STOPS PER DETAIL SHEET C5.1, ISA PAINTED AT REAR OF STALL, AND CA R99C (CA) SIGN
- 44 NOT USED
- 45 INSTALL NEW CONCRETE WALKWAY AT END OF TRUCK CANOPY

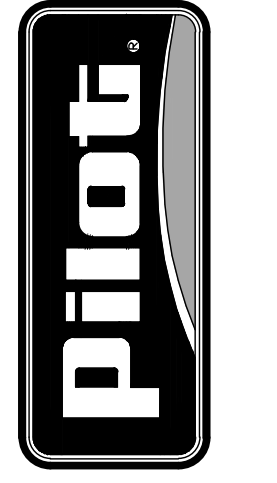
PREPARED BY:



324 S. SANTA FE, STE. A
P.O. BOX 7593, VISALIA, CA 93292
TEL: 559.802.3052



PILOT COMPANY
DESIGN DEPARTMENT
5508 LONAS ROAD
KNOXVILLE, TENNESSEE 37909
(865) 585-7488



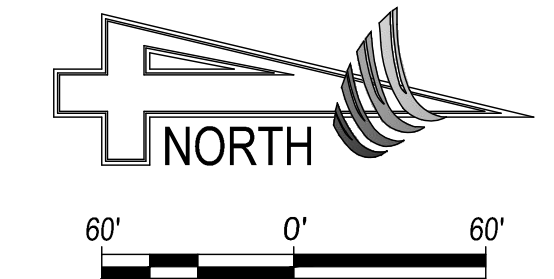
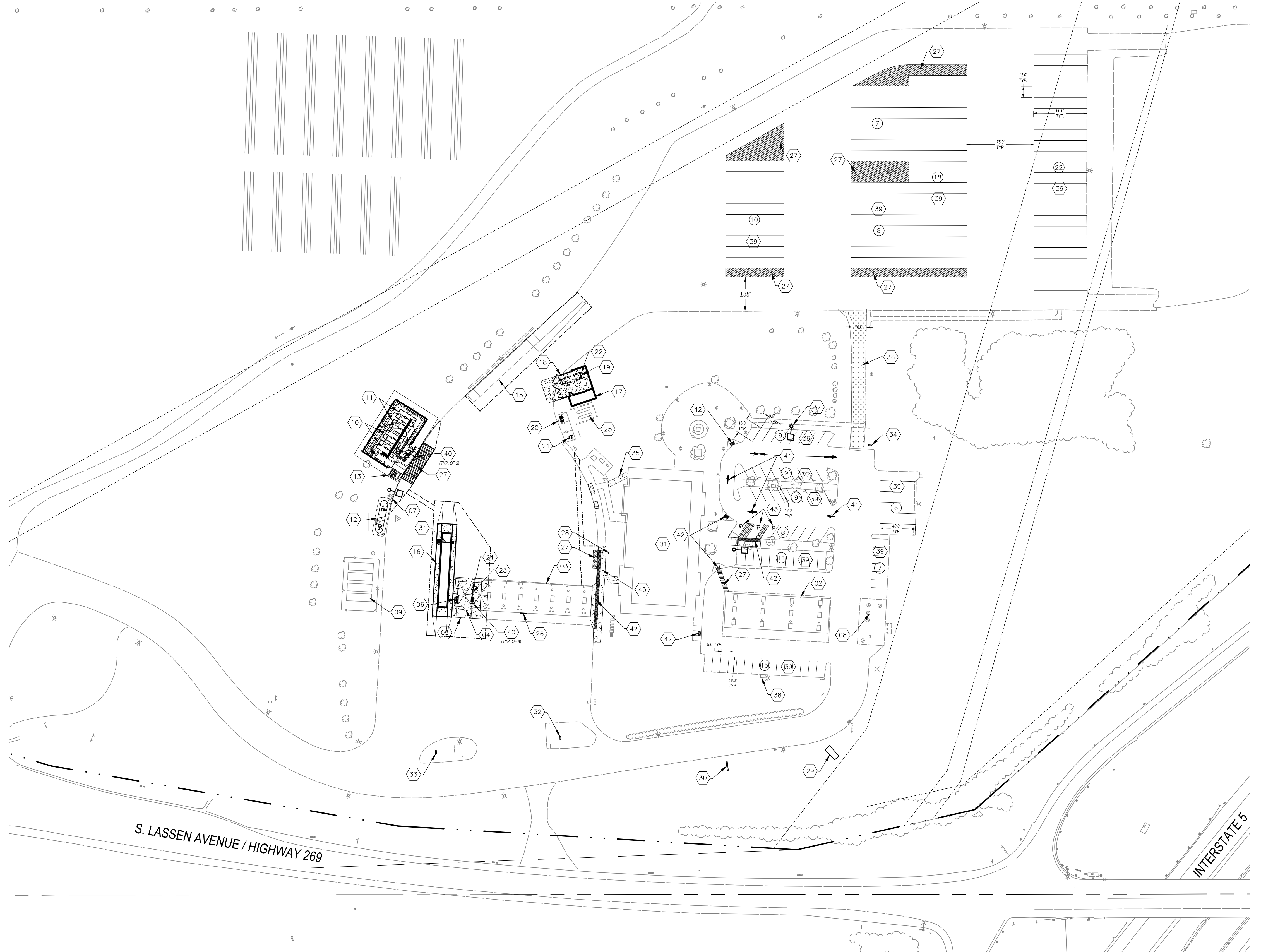
SITE PLAN

PILOT TRAVEL CENTER
44779 LASSEN AVE.
AVENAL, CALIFORNIA 93204

DATE: 3/4/20	DRAWN BY: VAB	PROJECT: 1277-01
DATE: REV:	REV:	DESCRIPTION:

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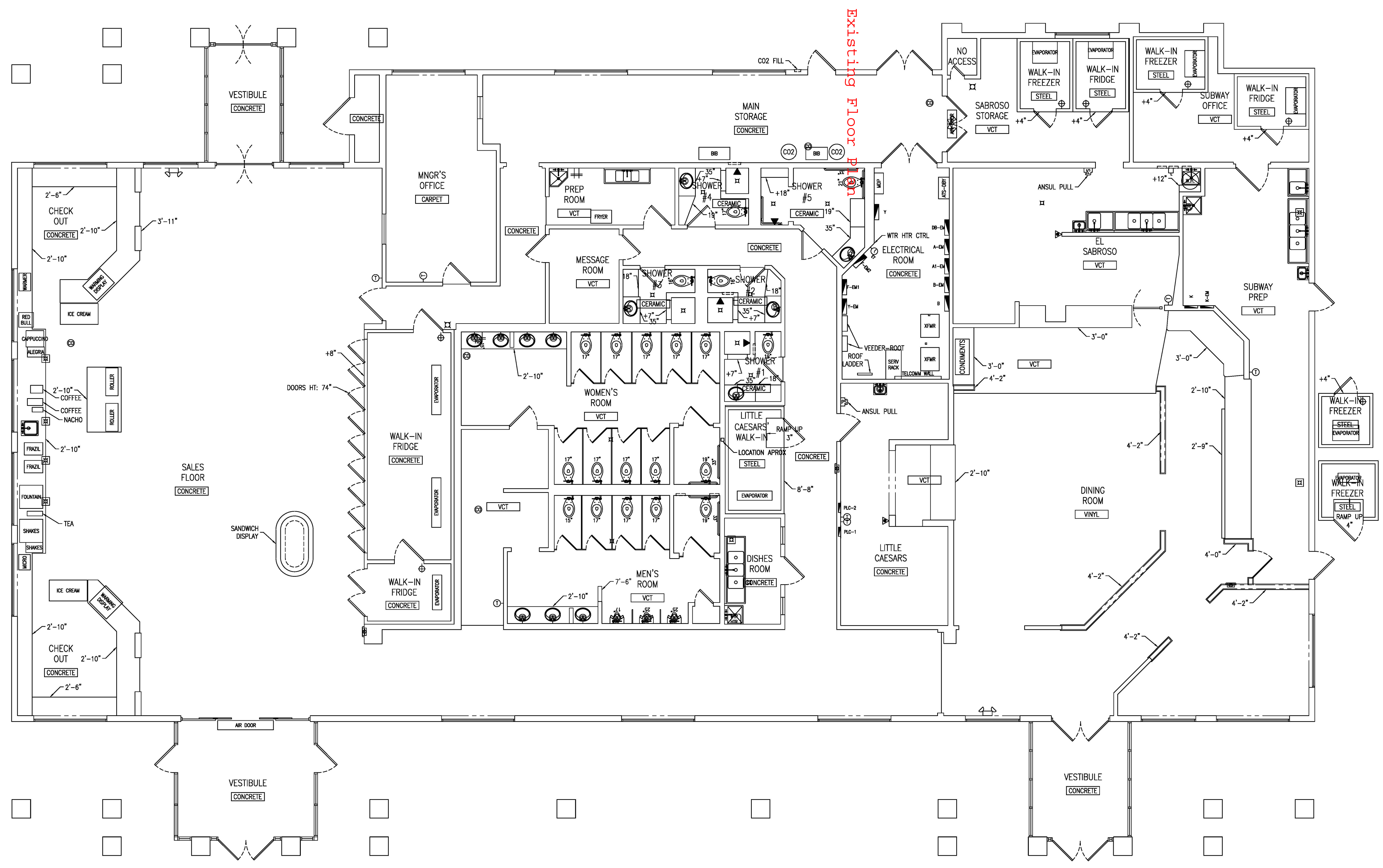
SHEET:
C3.0



LEGEND	
	STANDARD CURB & GUTTER
	HEAVY DUTY CURB AND GUTTER
	PROPERTY LINE
	PROPOSED PARKING STALLS
	CONCRETE
	NO PARKING AREA STRIPING
	CHAIN LINK FENCE

SITE INFORMATION	
PARKING	PROVIDED
AUTO PARKING	74
HANDICAP PARKING	03
TRUCK PARKING	65
ACREAGE - 38.01 ACRES	
SITE AND BUILDING ACCESSIBILITY PER ANSI A117.1	

TAGS & LABELS			
MATERIAL	FLOOR MATERIAL	+0'-0"	FLOOR HEIGHT
ROOM NAME	AREA/ROOM IDENTIFIERS	DN (10R)	STAIRS /RAMP INDICATOR
WALL FINISH TAG		DOOR TYPE TAG	
WINDOW TYPE TAG			
ELEVATION NUMBER		SECTION NUMBER	
ELEVATION TAG		SECTION TAG	
ELEVATION SHEET		SECTION SHEET	
DOORS			
STANDARD DOOR	TOILET PARTITION DOOR		
DOUBLE SWING DOOR	SLIDING & POCKET DOOR		
OVERHEAD DOOR	SLIDING DOOR		
SINGLE FOLD DOOR	BI-FOLD DOOR		
ELEVATOR DOUBLE DOOR	ELEVATOR SINGLE DOOR		
ELECTRICAL			
SINGLE OUTLET	DUPLEX OUTLET		
QUAD OUTLET	GFI OUTLET		
220V OUTLET	COVER PLATE		
SPEAKER	SECURITY CAMERA		
WIFI ROUTER	MOTION SENSOR		
DATA	TELEPHONE		
CATV, MICROPHONE, SPEAKER, A/V JACKS	DATA/PHONE COMBO		
KEYPAD ACCESS	JUNCTION BOX		
ELEVATOR BUTTON	CARD ACCESS		
A.D.A. DOOR BUTTON	DOOR BELL		
ELECTRIC METER	DISCONNECT		
FLUSH PANEL	TIMER SWITCH		
SURFACE PANEL	POINT OF ENTRY		
FIRE PROTECTION			
ALARM BELL/STROBE	FIRE COMM JACK		
GENERAL ALARM	PULL STATION		
SPRINKLER HEAD	EXTINGUISHER		
RECESSED EXTINGUISHER	SEMI RECESSED EXTINGUISHER		
CARBON MONOXIDE	SMOKE DETECTOR		
HEAT DETECTOR	FIRE DEPT CONNECTION		
GAS			
GAS METER	POINT OF ENTRY		
HVAC			
THERMOSTAT	WALL DIFFUSER		
BASEBOARD HEATER			
LIGHTING			
LIGHT SWITCH	EXIT LIGHT		
WALL FLUORESCENT LIGHT	EMERGENCY LIGHT WITH EXIT		
WALL SCONCE	EMERGENCY LIGHT		
RECESSED WALL LIGHT			
PLUMBING			
KITCHEN SINK	OVAL SINK		
WALL MOUNT SINK	MOP SINK		
ADA SINK	WALL MOP SINK		
TOILET	TANKLESS TOILET		
URINAL	BIDET		
SHOWER STALL	WATER FOUNTAIN		
WATER HEATER	FLOOR DRAIN		
SEWER CLEANOUT	WATER METER		
HOSE BIB	POINT OF ENTRY		
ADA SHOWER SEAT	GRAB BARS		
SEAT	BATH TUB		
OTHER			
WALL ACCESS PANEL	BREAKLINE		



FLOOR PLAN

SCALE: 3/16" = 1'-0"



PILOT FLYING J TRAVEL CENTERS
 5508 LONAS DRIVE
 KNOXVILLE, TN 37909

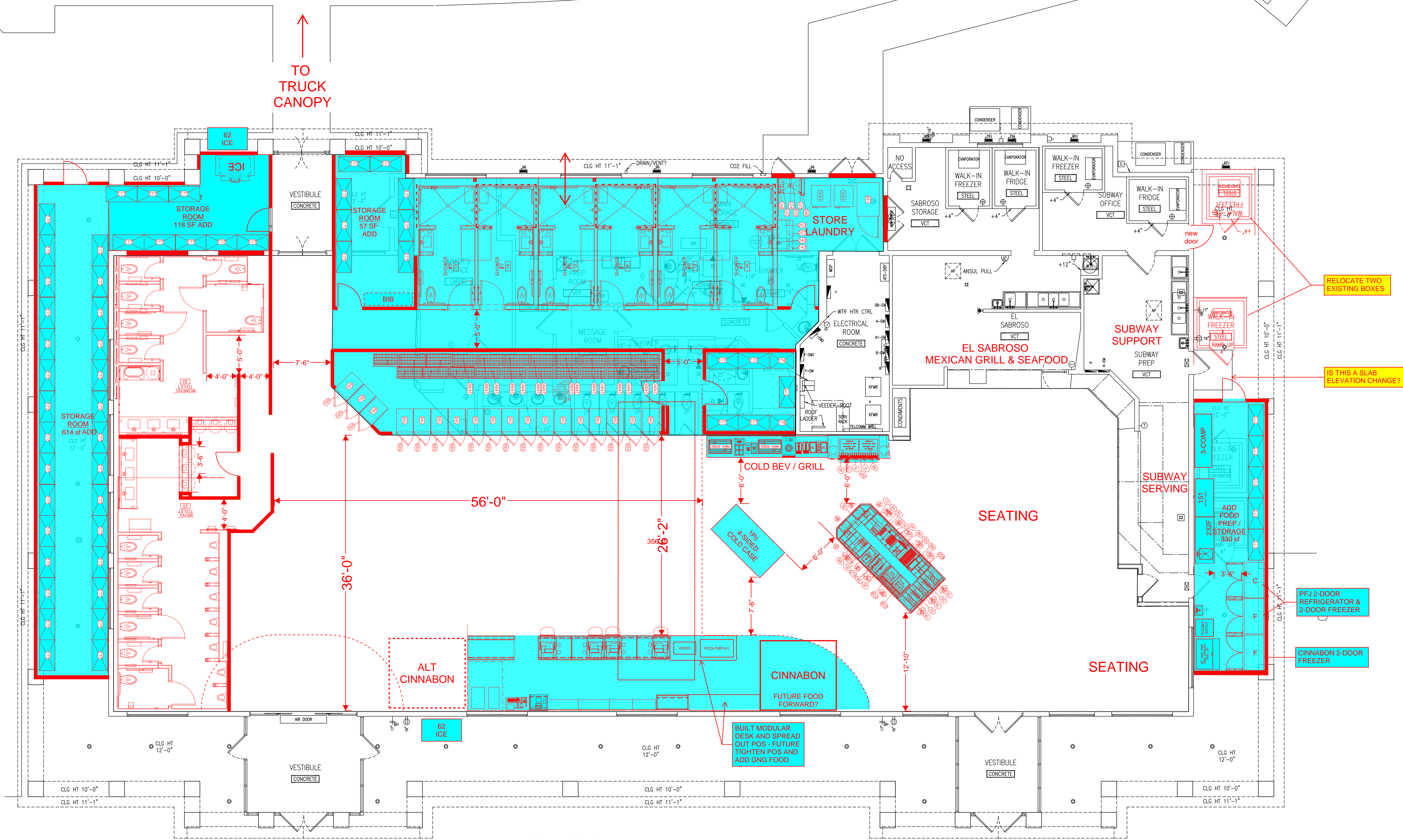
Drawn By: L.HANSON
 Checked By: J.CRAWFORD
 Project Number: 202051

PILOT FLYING J
 44779 LASSEN AVE
 AVENAL, CA 93204

COAST 2 COAST
 7704 BASSWOOD DR.
 CHATTANOOGA, TN 37416
 PH. 423.296.9000
 www.coast2coast.net

Date: 02/11/2020

A201



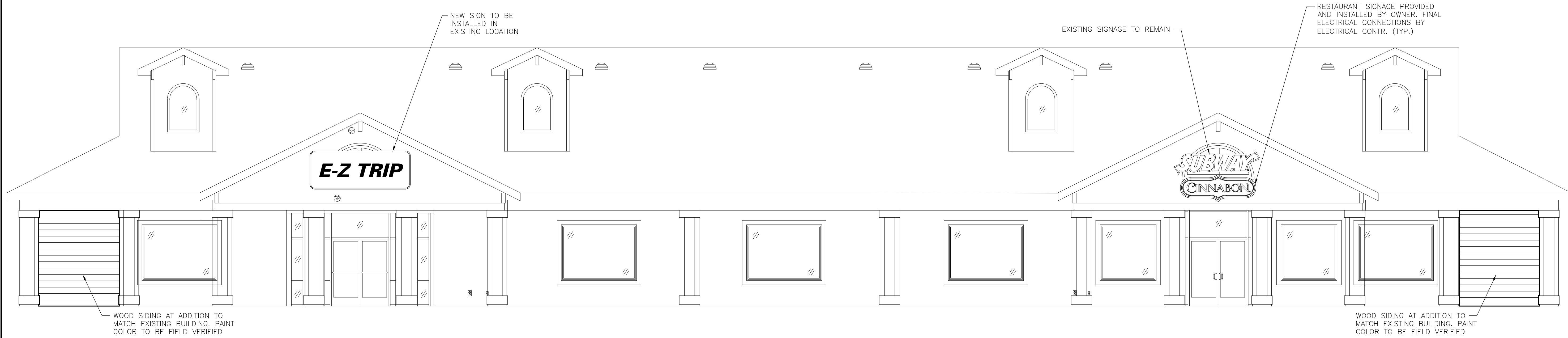
TO
TRUCK
CANOPY

↑

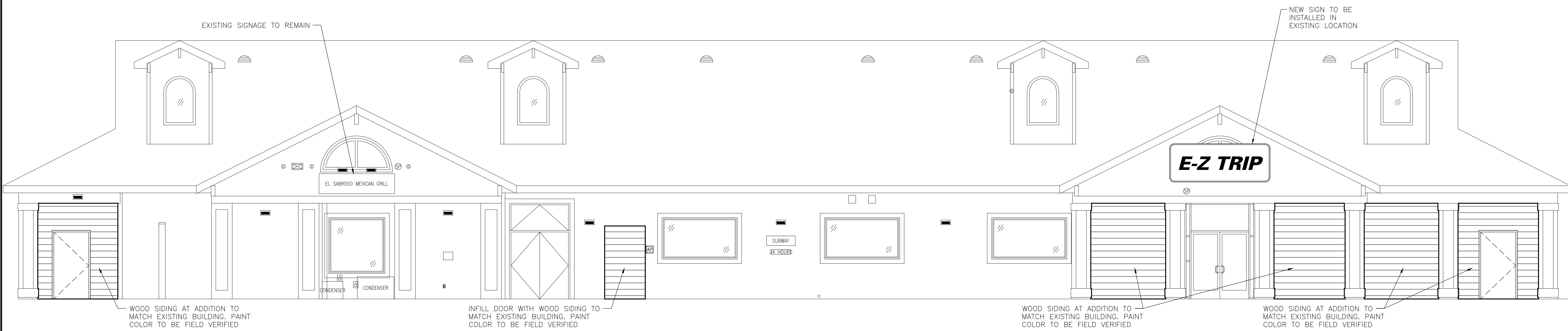
TO
AUTO
CANOPY

↓

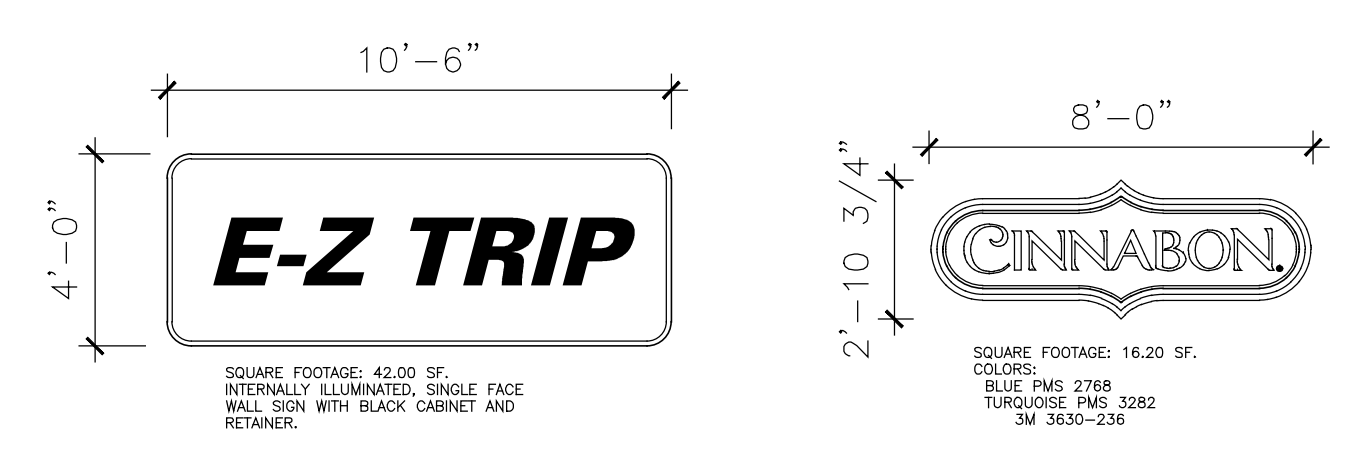
PROPOSED FINAL
 10,049 SF (CONDITIONED)
 1,119 SF (ADDED CONDITIONED)
 11,168 SF (TOTAL CONDITIONED)
 14,257 SF (EXISTING UNDER ROOF) - UNCHANGED



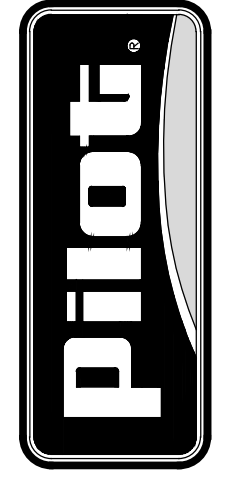
1 FRONT ELEVATION
A6 3/16" = 1'-0"



2 REAR ELEVATION
A6 3/16" = 1'-0"



PILOT COMPANY
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5508 LONAS ROAD
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(865) 585-7488

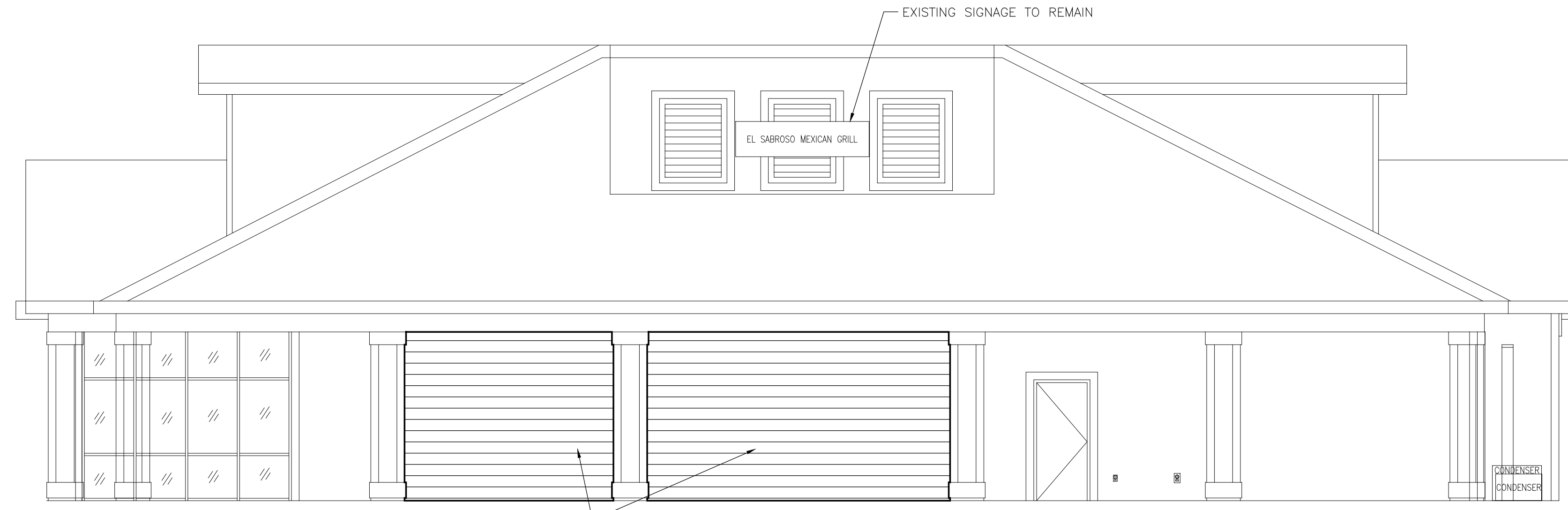


EXTERIOR ELEVATIONS
RENOVATION
PILOT TRAVEL CENTER
44779 LASSEN AVE.
AVENAL, CALIFORNIA 93204

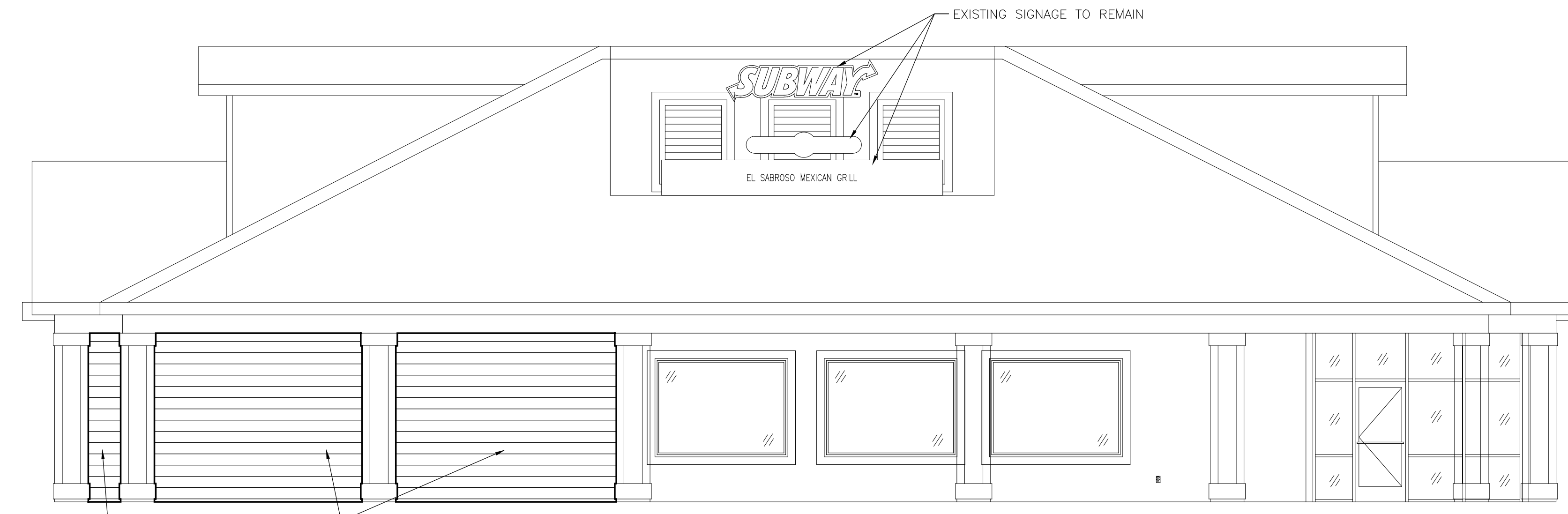
DATE	REV.	DESCRIPTION
3/14/20	1	PROJECT: 1277-01
		INT.

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SHEET:
A6

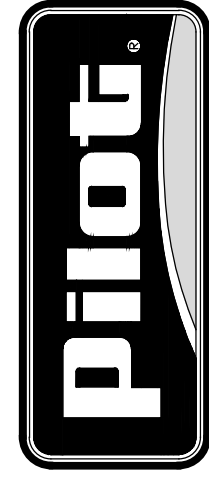


1 **SIDE ELEVATION**
A6.1 3/16" = 1'-0"



2 **SIDE ELEVATION**
A6.1 3/16" = 1'-0"

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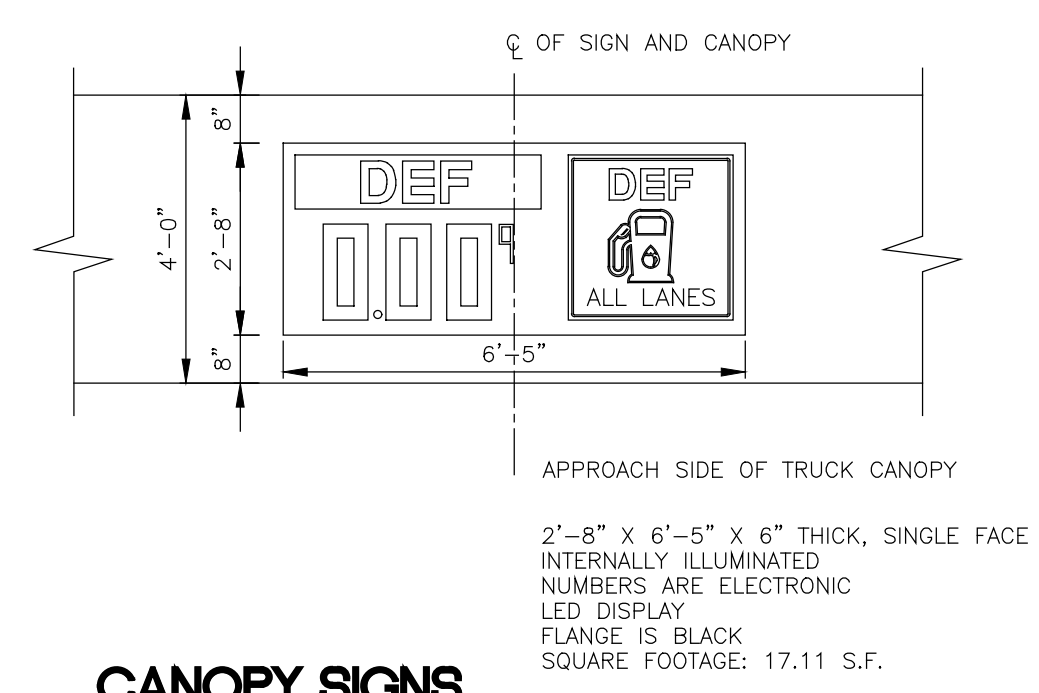
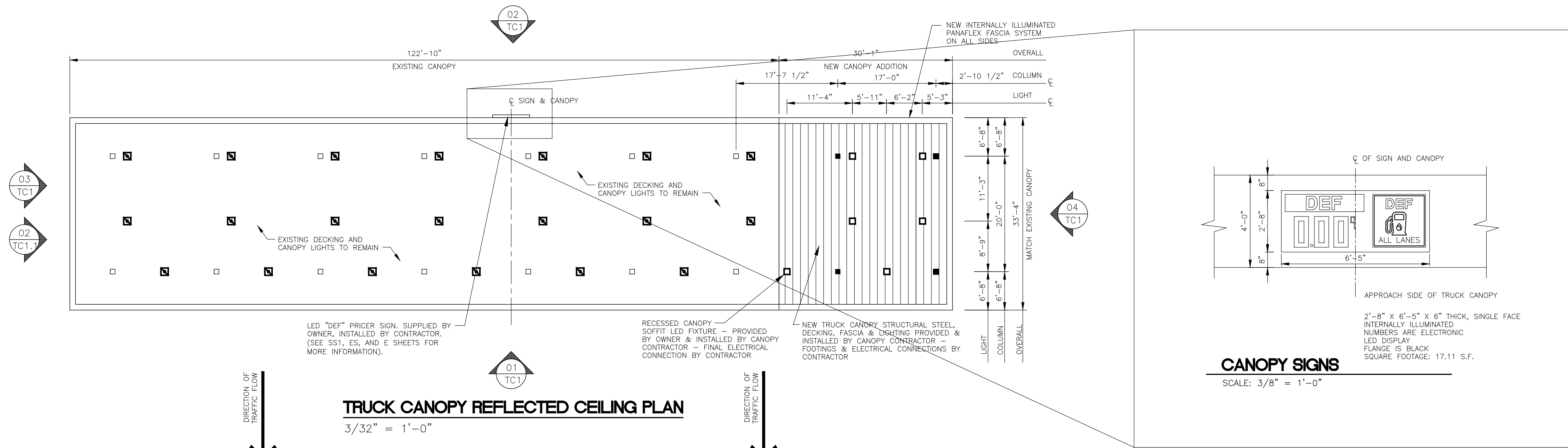


**EXTERIOR ELEVATIONS
RENOVATION**
PILOT TRAVEL CENTER
44779 LASSEN AVE.
AVENAL, CALIFORNIA 93204

DATE:	REV:	REVISION DESCRIPTION:	INT.:
3/4/20			

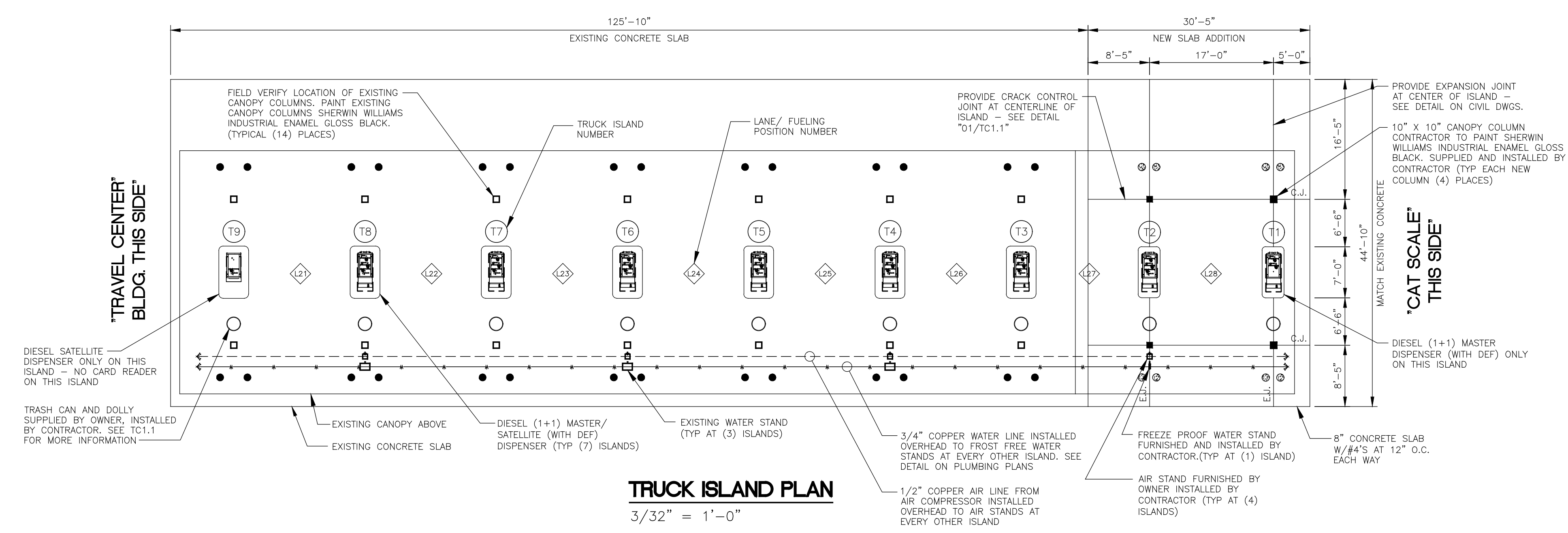
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SHEET:
A6.1

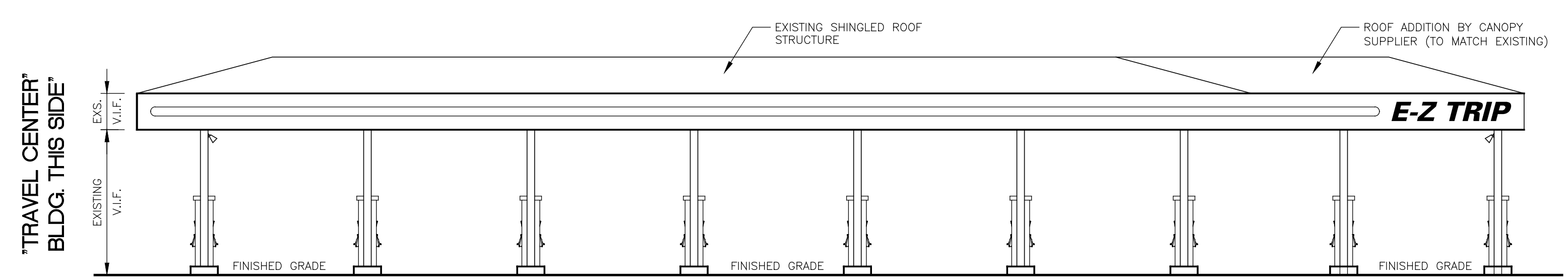


TRUCK CANOPY REFLECTED CEILING PLAN
3/32" = 1'-0"

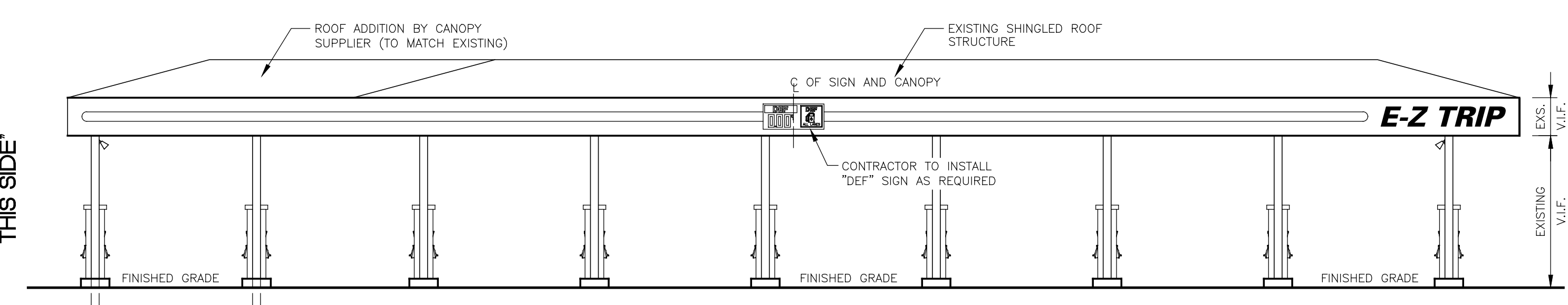
CANOPY SIGNS
SCALE: 3/8" = 1'-0"



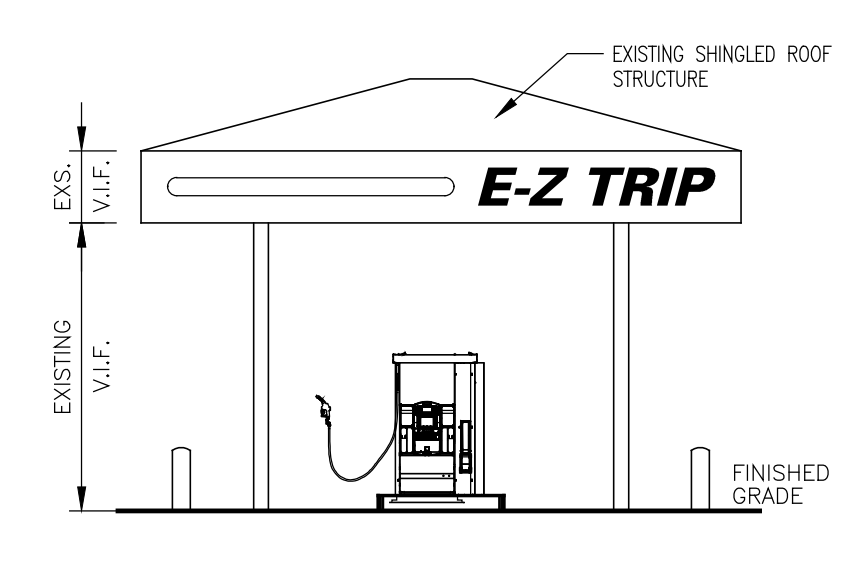
TRUCK ISLAND PLAN
3/32" = 1'-0"



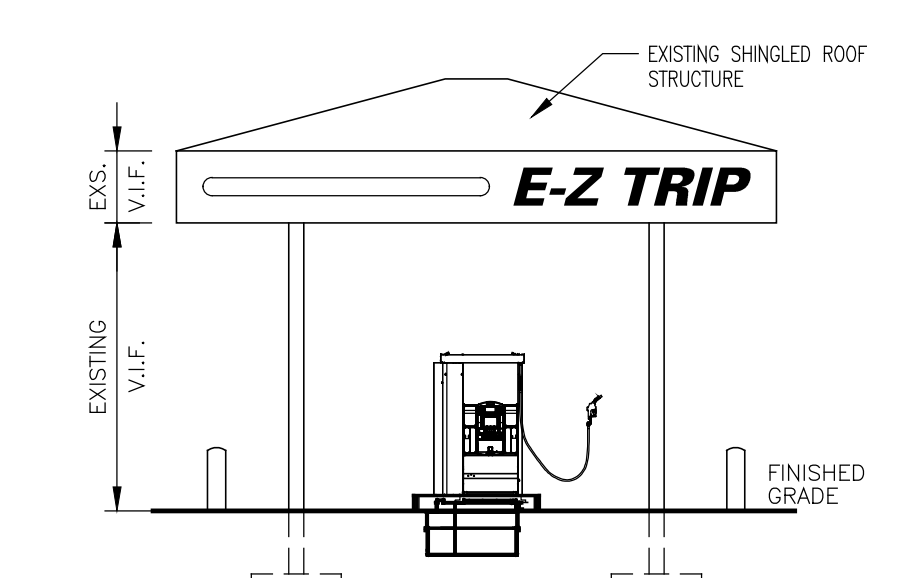
01 TRUCK CANOPY ELEVATION
TC1 3/32" = 1'-0"



02 TRUCK CANOPY ELEVATION
TC1 3/32" = 1'-0"



03 TRUCK CANOPY ELEVATION
TC1 3/32" = 1'-0"



04 TRUCK CANOPY ELEVATION
TC1 3/32" = 1'-0"

PILOT COMPANY
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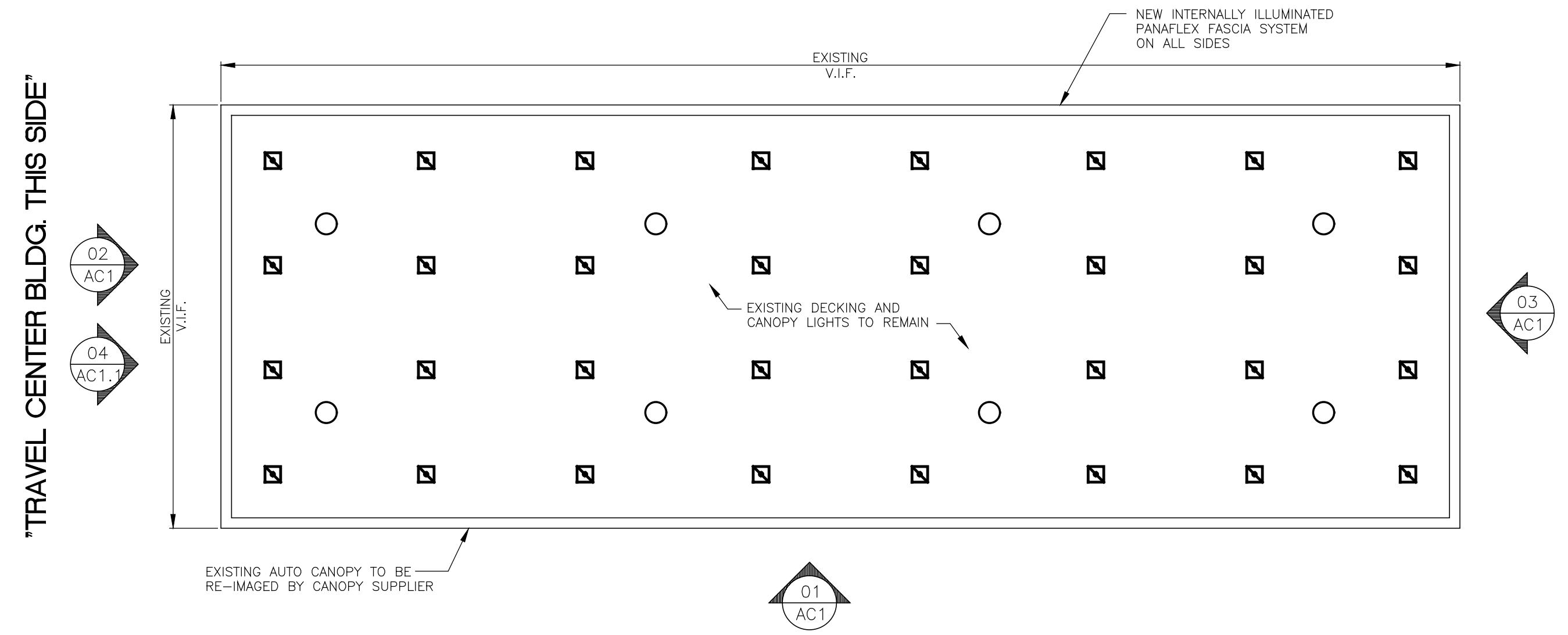
E-Z TRIP

TRUCK CANOPY PLAN AND ELEVATIONS
E-Z TRIP TRAVEL CENTER
44779 LASSEN AVE.
AVENAL, CALIFORNIA 93204

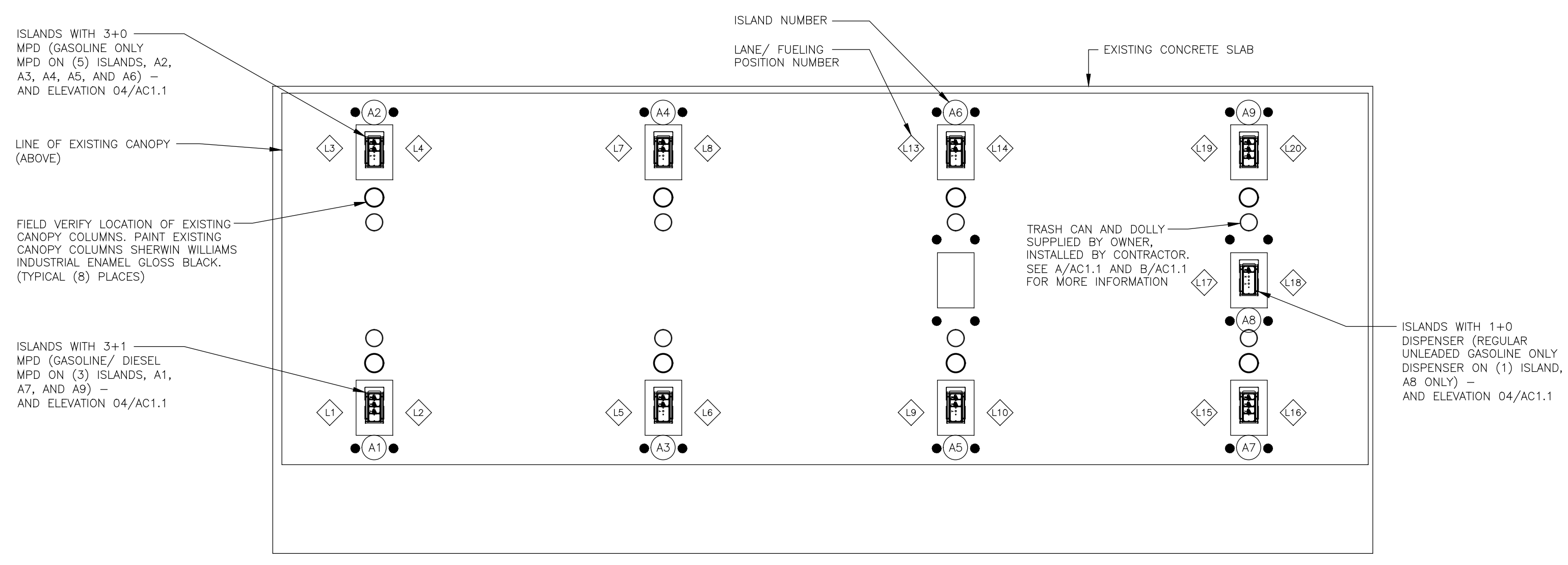
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3/14/20		DRAWN BY: VAB PROJECT: 1277-01	

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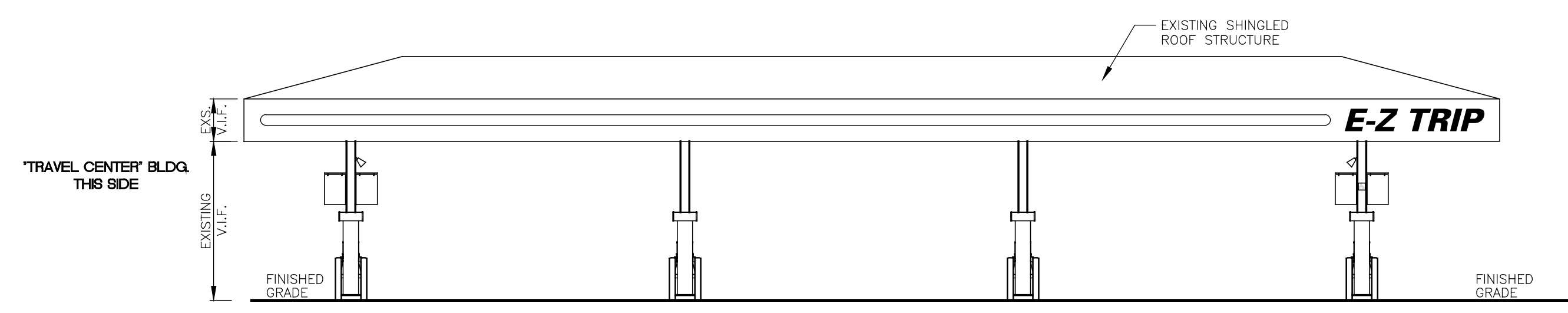
SHEET:
TC1



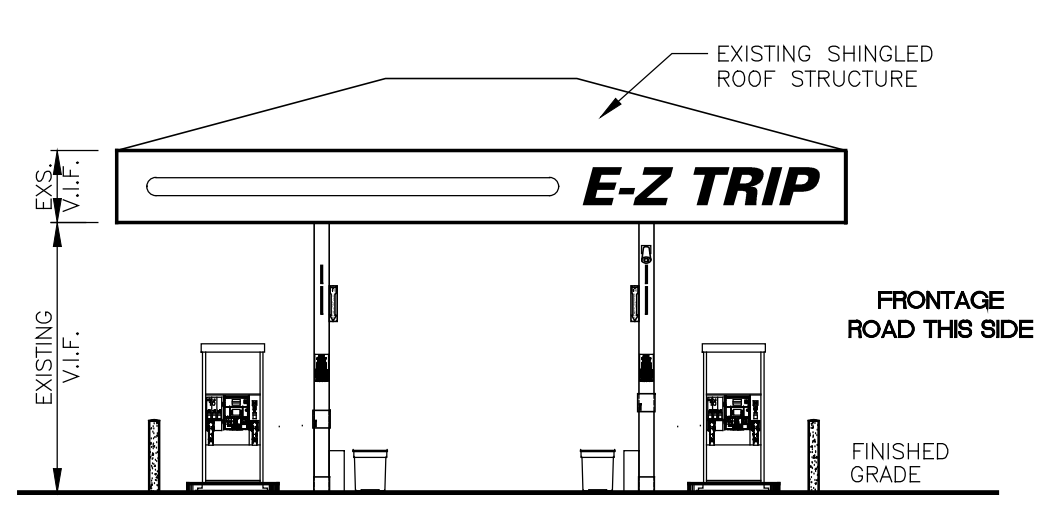
AUTO CANOPY REFLECTED CEILING PLAN
3/32" = 1'-0"



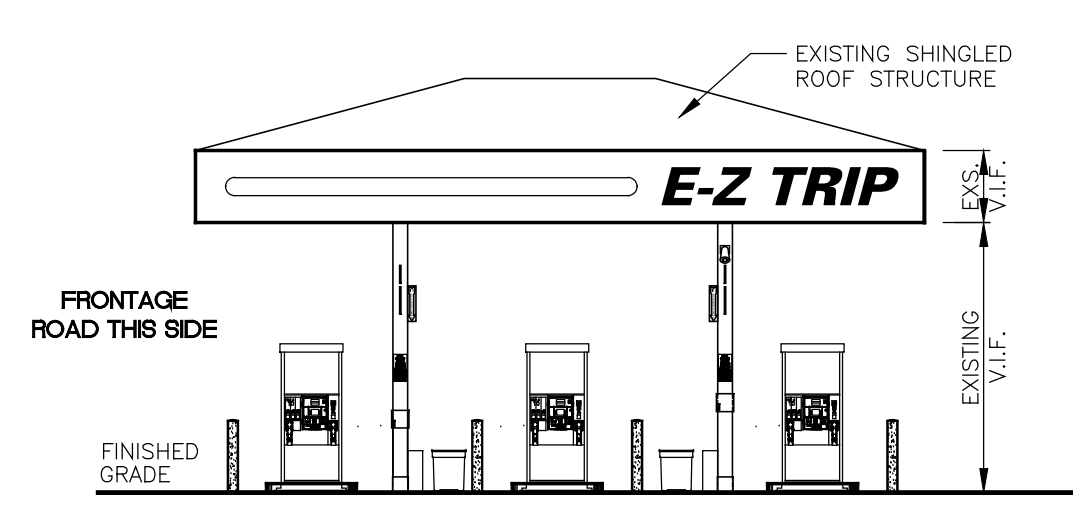
AUTO ISLAND PLAN
3/32" = 1'-0"



01 AUTO CANOPY ELEVATION
3/32" = 1'-0"



02 AUTO CANOPY ELEVATION
3/32" = 1'-0"



03 AUTO CANOPY ELEVATION
3/32" = 1'-0"

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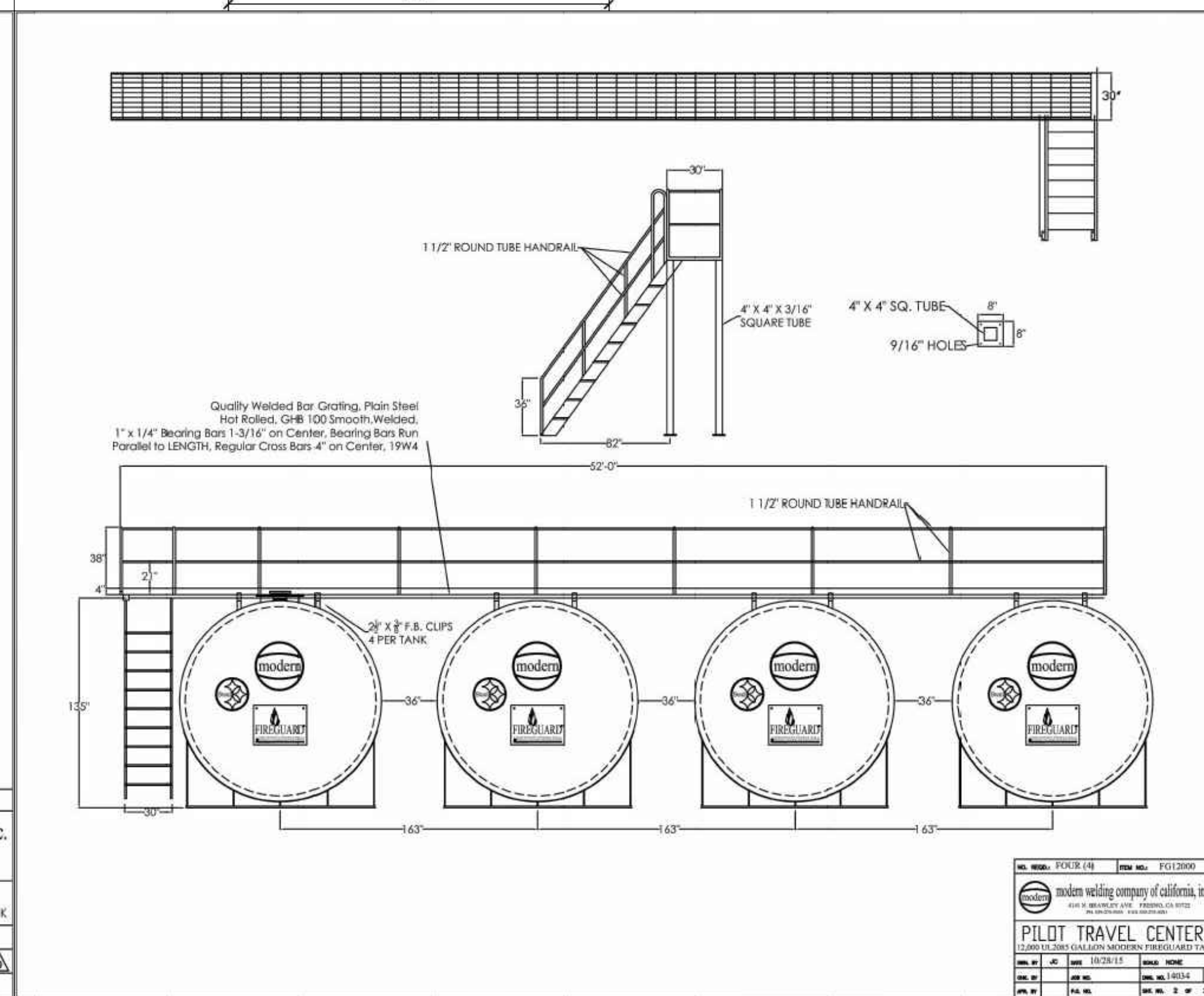
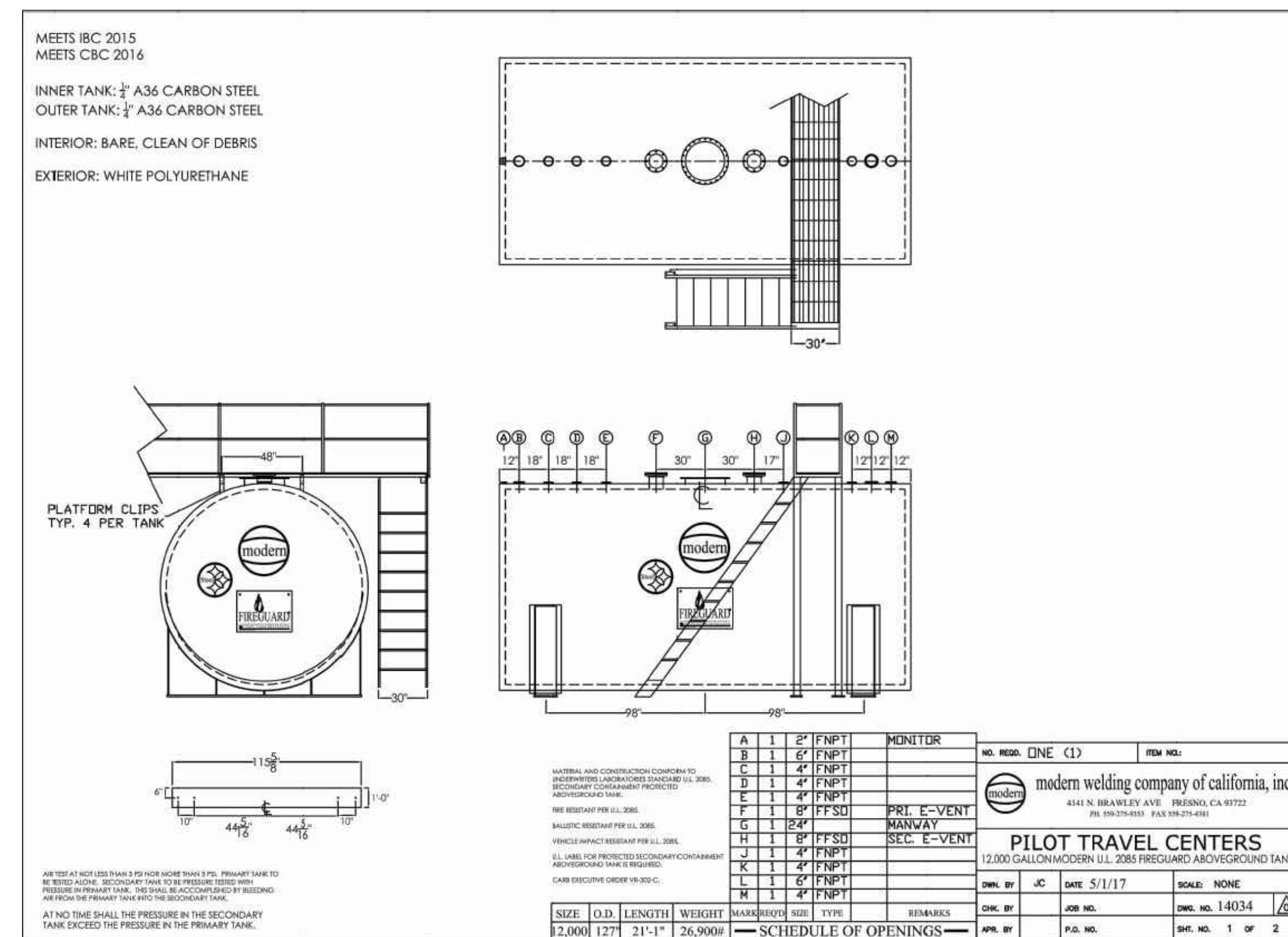
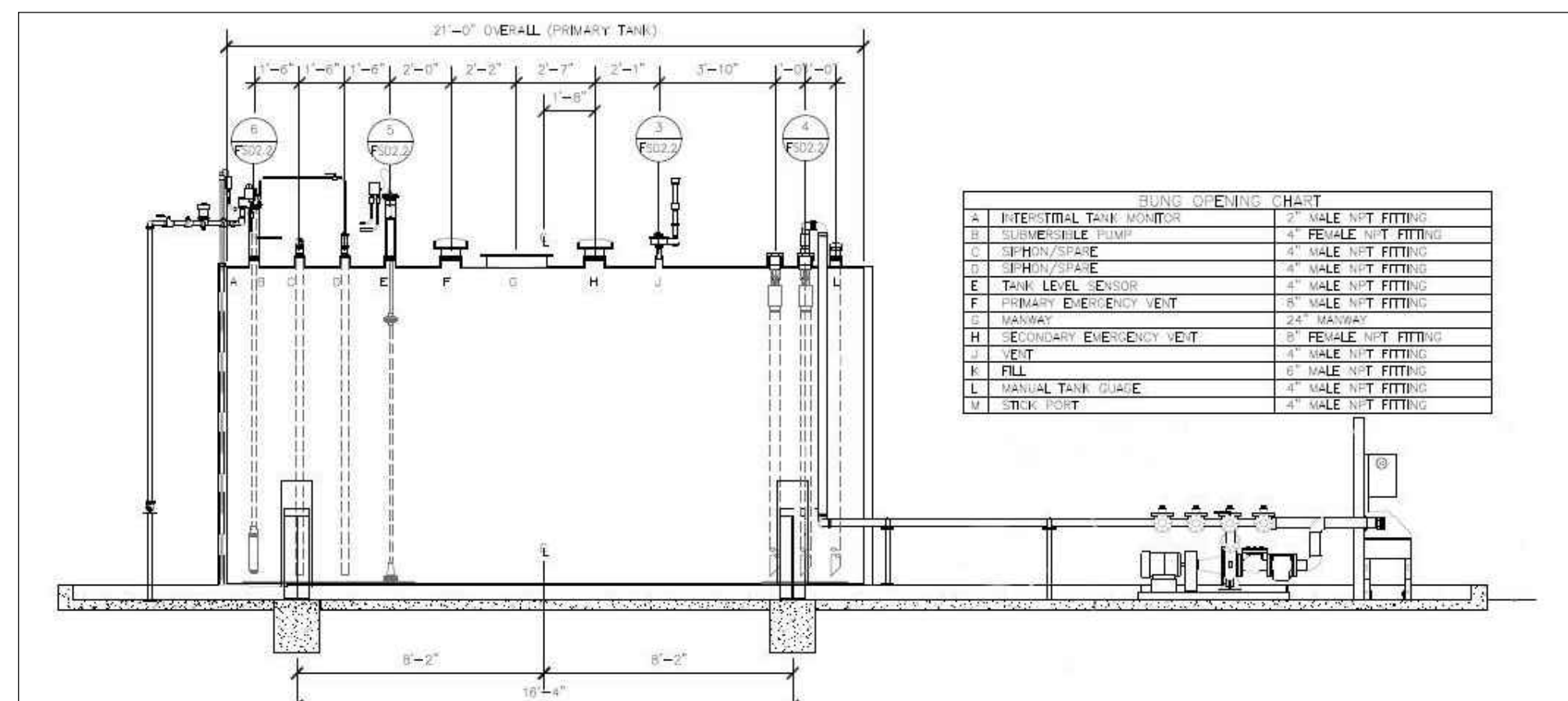
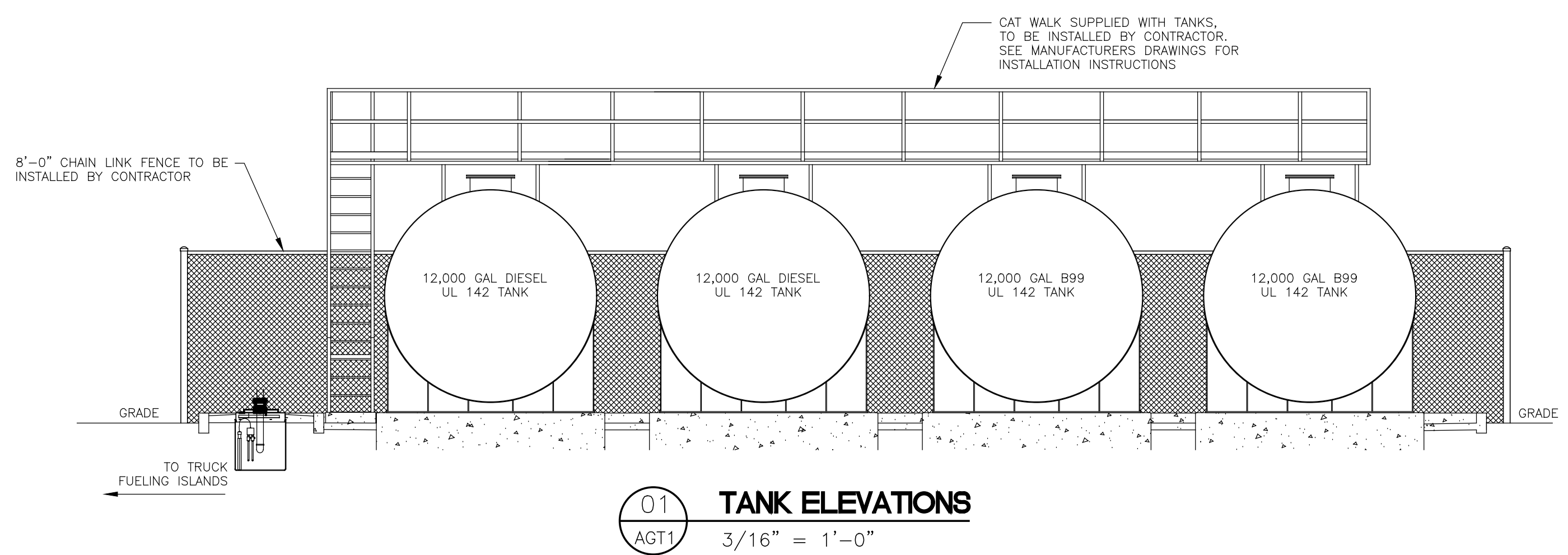
E-Z TRIP

**AUTO CANOPY
PLAN AND ELEVATIONS**
E-Z TRIP TRAVEL CENTER
44779 LASSEN AVE.
AVENAL, CALIFORNIA 93204

DATE:	REV:	DESCRIPTION:	INT.:
3/4/20			

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AC1



PILOT COMPANY
DESIGN DEPARTMENT
5508 LONAS ROAD
KNOXVILLE, TENNESSEE 37909
(865) 585-7488

E-Z TRIP

ABOVEGROUND TANK
ELEVATIONS

E-Z TRIP TRAVEL CENTER
44779 LASSEN AVE.
AVENAL, CALIFORNIA 93204

DATE:	REV:	DESCRIPTION:	INT.:
3/14/20	1	DRAWN BY: VAB PROJECT: 1277-01	

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SHEET:
AGT1



3-18-20

County of Fresno
Dept of Public Works and Planning
ATTN: Thomas Kobayashi
2220 Tulare St. Suite A
Fresno, CA 93721

RECEIVED
COUNTY OF FRESNO

MAR 24 2020

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

RE: Operational Statement for CUP Amendment of Hillcrest Travel Plaza

Mr. Kobayashi,

Pilot Travel Centers LLC (Pilot) is in the process of completing a transaction to lease the property and its existing facilities from the current owner. Pilot would like to make improvements to the site and remodel the building once the transaction is complete. The County informed Pilot that a CUP Amendment will be required for the proposed site improvements and building remodel. Please use this letter for the proposal section of the Pre-Application Review form, description of proposed use on the CUP Amendment application form and all other forms seeking project description and an operational statement. Below is a list of Pilot's planned improvements and attached are preliminary plans of the improvements.

- Remodel of the majority of the interior of the building including an approximate expansion of 1,200 s.f. of conditioned space to the building. The total s.f. underroof of the existing facility will not change.
- Addition of (2) diesel lanes to the Truck/Diesel Canopy. The existing s.f. of the Truck/Diesel Canopy is 4,094, the proposed additional s.f. is 1,200 and therefore the new total proposed s.f. is 5,294.
- Addition of a second aboveground storage fuel tank farm (AST) for the Truck/Diesel Canopy and an underground storage tank (UST) for Diesel Exhaust Fluid (DEF). The second AST farm will have a total of (4) 12,000 gallon tanks. Two of the 12k tanks will be for Diesel and two will be for BIO. A pre-fabricated "Bioshed" will contain a pump with blending system that blends the diesel and BIO together at a specified percentage that produces Biodiesel for retail sale. According to the US Dept of Energy, "Biodiesel is a renewable, biodegradable fuel manufactured domestically from vegetable oils, animal fats, or recycled restaurant grease." The "Bioshed" is less than 100 s.f. and less than 10 ft tall, see pictures attached. The DEF UST will be 12,000 gallons and located adjacent to the new AST farm and "Bioshed", see site plan. DEF will be sold for retail at the Truck/Diesel canopy. DEF is an unregulated substance made up of Urea and de-ionized water and is sprayed into the exhaust stream of diesel vehicles to break down emissions into nitrogen and water. The EPA requires all trucks manufactured after 2010 to utilize DEF.
- Addition of a CAT scale and abandonment of existing scale
- A 1,500 s.f. expansion to the existing dumpster enclosure will provide the ability to have proper operation of trach, recyclables, storage and maintenance support to the site and building. The 1,500 s.f. expansion is a 1,000 s.f. of concrete pad and 500 s.f. of a yard storage building, see pictures attached.
- Reimage existing signs, building signs and canopy signs to a Pilot Fling J brand image.



The existing use and operation of the property and facilities will not change as the use is already a Travel Center, Truck Stop, Gasoline Station, Convenience store, Fast-food restaurant and sit-down restaurant. The collective uses were previously approved under CUP 3028 by the Planning Commission in 2004 and furthermore meet the desired intent of the County's use of this property as defined in Section 860 of the code, "Regulations for Interstate Freeway Interchange Commercial Development." Pilot Flying J is the largest owner and operator of travel centers in North America and will operate this facility as such.

Pilot will operate the facility 24/7/365 and estimates that the travel center will have approximately 75 employees. The existing customer count appears to be approximately 2000-2500 customers per day. All customers and deliveries use public roads to access the site where they then turn onto a private road at the intersection of South Lassen and Avenal Cutoff Rd. The private road and all parking surfaces is asphalt. The parking count for auto and truck customers will not change as well as delivery location will remain the same on the site. Information regarding liquid waste and solid waste, water usage, etc. can be found in the Environmental Initial Study.

The sign structures, building signage, and canopy signage will be very similar to the existing except all applicable signage will be rebranded to one of Pilot Flying J's fuel brands. The architecture of the building and canopies will virtually remain the same. All site lights are already LED and any lighting within the scope of the project that is not LED will be converted to LED. Landscaping already exists and any landscaping affected by the improvements will be replaced.

Ownership:

Pilot Corporation: 50.1%

FJM Investments LLC: 11.3%

National Indemnity Company: 38.6%

Officers:

James A. Haslam, III: CEO

Kenneth M. Parent: President

Kevin Wills: SVP/CFO

Kristin Seabrook: VP/General Counsel/Secretary

If there are any additional items needed for the CUP Amendment then please let me know by calling me at 865-660-2868 or emailing me at Ross.Shaver@PilotTravelCenters.com.

Sincerely,

A handwritten signature in black ink that reads "Ross E. Shaver". The signature is written in a cursive, slightly slanted style.

Ross Shaver

Project Manager

P: 865-660-2868

Ross.Shaver@PilotTravelCenters.com



County of Fresno

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

CEQA ADDENDUM

Initial Study Application No. 4795

Project No.: Unclassified Conditional Use Permit Application No. 3674

Related Project No.: Unclassified Conditional Use Permit Application No. 3028

Project Location and APN: 44779 S. Lassen Avenue, Huron, CA – 085-130-26S

Project Description: Amend Unclassified Conditional Use Permit Application No. 3028 and master plan for the Interstate Freeway Commercial Development to allow expansion of a travel center on a 38.01-acre parcel in the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is appropriate if minor technical changes or modifications to the proposed project occur (CEQA Guidelines 15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or substantially increase the severity of previously identified significant impacts. The addendum need not be circulated for public review (CEQA Guidelines 15164(c)); however, an addendum is to be considered by the decision-making body along with the previously-adopted environmental document prior to making a decision on the project (CEQA Guidelines 15164(d)).

The addendum demonstrates that the environmental analysis and impacts identified in the prior Mitigated Negative Declaration remain substantially unchanged by the circumstances described herein, and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previously adopted Mitigated Negative Declaration. This Addendum is prepared as an addition to the Mitigated Negative Declaration adopted by the Planning Commission on May 13, 2004. A copy of said document is available for review at the office of the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning, 2220 Tulare St., 6th Floor, Fresno, CA.

Cultural Resources: Per Assembly Bill 52, participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County to share information on the presence of cultural resources. The Santa Rosa Rancheria Tachi Yokut Tribe expressed concerns with the subject application and requested that mitigation measures be implemented to sufficiently address cultural and tribal cultural resources. The previously adopted Mitigated Negative Declaration associated with Initial Study Application No. 4795 has implemented mitigation measures that address cultural resources. The intent of this addendum is to make necessary changes and additions to the Mitigation Measures associated with the Cultural Resources Section of Initial Study Application No. 4795. The proposed changes have been determined not to qualify for preparation of a subsequent

Mitigated Negative Declaration per Section 15162 of the CEQA Guidelines as the proposal does not substantially alter findings made in the previously prepared Initial Study and Mitigated Negative Declaration and that the proposal does not substantially change the use when it was considered under the previously prepared environmental documents. The proposed additions have been listed below:

Mitigation Measure #4: Forty-eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor be present during ground-disturbing activities. Notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe, at spowers@tachi-yokut-nsn.gov

Mitigation Measure #5: 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, videos, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.



County of Fresno

Department of Public Works and Planning
Andrew E. Richter
Interim Director

INITIAL STUDY CHECKLIST

IS NO.: 4795
PROJECT NO(S): CUP 3028
APPLICANT: Hillcrest Travel Plaza LLC
PROJECT DESCRIPTION: See attached Initial Study Application
POTENTIAL IMPACTS: Identified on Environmental Checklist
SOURCES CONSULTED: See attached routing memo. Comments received are indicated by a check mark and are attached hereto.

ENVIRONMENTAL RECOMMENDATION

Upon consideration of the evidence, it has been determined that it is not fairly arguable that this project will have a significant impact on the environment and a Negative Declaration will be recommended.

The proposed project may or will have a significant adverse impact on the environment and the preparation of a subsequent or supplemental EIR will be recommended to the decision makers.

Performed by: Low Pond

Reviewed by: Deborah Amshoff

Low Pond, Plng & Resource Mgt. Analyst

Deborah Amshoff, Principal Staff Analyst

Date: April 7, 2004

Date: April 7, 2004

G:\4360Devs&Pln\EA\WRITE-UP\4795cklst.doc

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893
Equal Employment Opportunity • Affirmative Action • Disabled Employer

INITIAL STUDY CHECKLIST FORM

(TO BE COMPLETED BY LEAD AGENCY)

I. BACKGROUND:

- A. Name of Proponent: Hillcrest Travel Plaza LLC
- B. Applications and Project Description: Initial Study No. 4795 and Unclassified Conditional Use Permit Application No. 3028. Approve a master plan for Interstate Freeway Commercial Development for a Major Commercial Center on a 38.01-acre parcel of land in the AE-40 (Exclusive Agriculture, 40-acre minimum parcel size) District.
- C. Location: In the southwest quadrant of the intersection of Interstate Highway 5 and State Route 269, approximately eight miles southeast of the nearest city limits of the City of Coalinga and eight and one-half miles south of the City of Huron. (SUP. DIST.:4) (APN: 085-130-26s)

II. ENVIRONMENTAL IMPACTS:

(Explanations for all "YES" and "MAYBE" answers are required on attached sheets.)

	YES	MAYBE	NO
A. EARTH - Will the proposal result in:			
1. Unstable earth conditions or in changes in geologic substructures?	_____	_____	_____X_____
2. Disruptions, displacements, compaction or overcovering of the soil?	_____X_____	_____	_____
3. Changes in topography or ground surface relief features?	_____	_____	_____X_____
4. The destruction, covering or modification of any unique geologic or physical features?	_____X_____	_____	_____X_____
5. Any increase in wind or water erosion of soils, either on or off the site?	_____	_____	_____
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river, stream, bed of the ocean or any bay, inlet or lake?	_____	_____	_____X_____

DEVELOPMENT SERVICES DIVISION

	YES	MAYBE	NO
7. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	<u> X </u>
B. AIR – Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	_____	_____	<u> X </u>
2. The creation of objectionable odors?	_____	_____	<u> X </u>
3. Alteration of air movement, moisture, temperature, or any change in climate, either locally or regionally?	_____	_____	<u> X </u>
C. WATER – Will the proposal result in:			
1. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	_____	_____	<u> X </u>
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<u> X </u>	_____	_____
3. Alterations to the course or flow of floodwaters?	_____	_____	<u> X </u>
4. Change in the amount of surface water in any water body?	_____	_____	<u> X </u>
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	_____	<u> X </u>
6. Alteration of the direction or rate of flow of ground waters?	_____	_____	<u> X </u>
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u> X </u>
8. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u> X </u>

	YES	MAYBE	NO
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?	_____	_____	<u> X </u>
10. Change in the quality of ground water?	_____	<u> X </u>	_____
D. PLANT LIFE – Will the proposal result in:			
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	<u> X </u>	_____
2. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	<u> X </u>	_____
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	<u> X </u>
4. Reduction in acreage of any agricultural crop?	<u> X </u>	_____	_____
E. ANIMAL LIFE – Will the proposal result in:			
1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	_____	<u> X </u>	_____
2. Reduction of the numbers of any unique, rare or endangered species of animals?	_____	<u> X </u>	_____
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<u> X </u>	_____	_____
4. Deterioration to existing fish or wildlife habitat?	<u> X </u>	_____	_____
F. NOISE – Will the proposal result in:			
1. Increases in noise levels?	_____	<u> X </u>	_____
2. Exposure of people to severe noise levels?	_____	_____	<u> X </u>
G. LIGHT AND GLARE – Will the proposal result in:			
1. An increase in light or glare?	_____	<u> X </u>	_____

	YES	MAYBE	NO
H. LAND USE – Will the proposal result in:			
1. Substantial alteration of the present or planned land use of an area?	<u>X</u>	<u> </u>	<u> </u>
I. NATURAL RESOURCES – Will the proposal:			
1. Increase in the rate of use of any natural resources?	<u> </u>	<u> </u>	<u>X</u>
J. RISK OF UPSET – Will the proposal result in:			
1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	<u> </u>	<u> </u>	<u>X</u>
2. Possible interference with an emergency response plan or an emergency evacuation plan?	<u> </u>	<u> </u>	<u>X</u>
K. POPULATION – Will the proposal:			
1. Alter the location, distribution, density, or growth rate of the human population of an area?	<u> </u>	<u> </u>	<u>X</u>
L. HOUSING – Will the proposal:			
1. Affect existing housing, or create a demand for additional housing?	<u> </u>	<u> </u>	<u>X</u>
M. TRANSPORTATION / CIRCULATION – Will the proposal result in:			
1. Generation of substantial additional vehicular movement?	<u> </u>	<u>X</u>	<u> </u>
2. Effects on existing parking facilities, or demand for new parking?	<u> </u>	<u>X</u>	<u> </u>
3. Substantial impact upon existing transportation systems?	<u> </u>	<u> </u>	<u>X</u>

	YES	MAYBE	NO
4. Alterations to present patterns of circulation or movement of people and / or goods?	_____	_____	<u> X </u>
5. Alterations to waterborne, rail or air traffic?	_____	_____	<u> X </u>
6. An increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	<u> X </u>
N. PUBLIC SERVICES – Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
1. Fire protection?	_____	_____	<u> X </u>
2. Police protection?	_____	_____	<u> X </u>
3. Schools?	_____	_____	<u> X </u>
4. Parks or other recreational facilities?	_____	_____	<u> X </u>
5. Maintenance of public facilities, including roads?	_____	_____	<u> X </u>
6. Other governmental services?	_____	_____	<u> X </u>
O. ENERGY – Will the proposal result in:			
1. Use of substantial amounts of fuel or energy?	_____	_____	<u> X </u>
2. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?	_____	_____	<u> X </u>
P. UTILITIES – Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
1. Power or natural gas?	_____	_____	<u> X </u>
2. Communication systems?	_____	_____	<u> X </u>
3. Water?	<u> X </u>	_____	_____

	YES	MAYBE	NO
4. Sewer or septic tanks?	<u> X </u>	<u> </u>	<u> </u>
5. Storm water drainage?	<u> </u>	<u> </u>	<u> X </u>
6. Solid waste and disposal?	<u> </u>	<u> </u>	<u> X </u>
Q. HUMAN HEALTH – Will the proposal result in:			
1. The creation of any health hazard or potential health hazard (excluding mental health)?	<u> </u>	<u> </u>	<u> X </u>
2. Exposure of people to potential health hazards?	<u> </u>	<u> </u>	<u> X </u>
R. AESTHETICS – Will the proposal result in:			
1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	<u> </u>	<u> X </u>	<u> </u>
S. RECREATION – Will the proposal result in:			
1. An impact upon the quality or quantity of existing recreational opportunities?	<u> </u>	<u> </u>	<u> X </u>
T. CULTURAL RESOURCES – Will the proposal:			
1. Result in the alteration of or the destruction of a prehistoric or historic archaeological site?	<u> </u>	<u> X </u>	<u> </u>
2. Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?	<u> </u>	<u> </u>	<u> X </u>
3. Have the potential to cause a physical change which would affect unique ethnic cultural values?	<u> </u>	<u> </u>	<u> X </u>
4. Restrict existing religious or sacred uses within the potential impact area?	<u> </u>	<u> </u>	<u> X </u>

YES MAYBE NO

U. MANDATORY FINDINGS OF SIGNIFICANCE –

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

_____ _____ X

2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

_____ _____ X

3. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

_____ _____ X

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

_____ _____ X

MITIGATION MEASURES
Initial Study Application No. 4795
Unclassified Conditional Use Permit Application No. 3028
(Hillcrest Travel Plaza LLC)

This project has been modified to incorporate the following provisions to mitigate potential adverse environmental effects identified in the above environmental document. A substantial change in these provisions may affect the validity of the current environmental document, and a new or amended environmental document may be required. These mitigation measures must be included as project conditions and be identified with an asterisk (*) so they can readily be identified as mandatory mitigation measures for this project.

- *1. Engineered sewage disposal systems shall be designed and installed in accordance with the Sewage Feasibility Investigation prepared by Technicon Engineering Services Inc. dated July 14, 2003 (TES #9500.002), or as otherwise approved by the Fresno County Department of Community Health, Environmental Health System.
- *2. To mitigate potential impacts on Federally designated animal species, the applicant shall prepare a Habitat Conservation Plan (HCP) that shall include the following provisions in accordance with the requirements of the U.S. Fish and Wildlife Service:
 - a. The southwest corner of the parcel shall be set aside with a conservation easement recorded and held by a third party non-profit entity approved by the Service. This corner is a triangle with 350 feet on the western edge of the property, 400 feet on the southern edge, and approximately 530 feet on the third side of the triangle connecting the southern and western sides (resulting in 1.61 acres). The purpose of the easement will be to keep open space available in perpetuity so as not to preclude a future corridor if development continues, allowing movement of wildlife, specifically the kit fox, along the west side of the Central Valley between Interstate 5 and the Kettleman Hills. The Service agrees that the acreage of this conservation easement shall be credited toward the applicant's mitigation obligation at a 2 to 1 ratio ($1.61 \times 2 = 3.22$ acres). The corridor shall be protected from uses that negatively impact the kit fox (such as vehicle or recreational use). The applicant shall include in the HCP details for mitigation measures to provide protection of this acreage for the use of kit fox movement.

b. The impacts on 9.27 acres of kit fox habitat (minus the 3.22 acres being mitigated onsite) shall be mitigated by purchasing 6.05 credits for land on the Kreyenhagen Hills property managed by Wildlands, Inc. The applicant shall include in the HCP a description of the location identification of the lands to be acquired, and funding assurances which could include a contract or evidence that the credits have been purchased.

*3. All ground disturbance activities relating to this project shall be carefully observed. Should cultural resources be accidentally unearthed, all work in the area of the find shall be halted and a qualified professional archeologist shall evaluate the findings and make any necessary mitigation recommendations. A report of any evaluation thus required shall be provided by the archeologist to the Fresno County Department of Public Works and Planning to be forwarded to the office of the Southern San Joaquin Archeological Information Center within 30 days of the completion of the project. Occupancy of the facility shall not be

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Initial Study Attachment
Initial Study Application No. 4795
Unclassified Conditional Use Permit Application No. 3028
(Hillcrest Travel Plaza LLC)

This discussion is keyed to the attached Initial Study Checklist Form prepared for this project and based on the comments received during the Initial Study process.

Project Description

Approve a master plan for Interstate Freeway Commercial Development to allow a travel center, including automobile and truck refueling, truck scale, and convenience store, on a 38.01-acre parcel of land in the AE-40 (Exclusive Agriculture, 40-acre minimum parcel size) District.

A. Earth

(2.) Development of the project site could result in the compaction and over covering of the soil due to construction activities. This potential impact is unavoidable, but is not considered significant because the applicant will be required to adhere to the Grading and Building Sections of the County Ordinance Code, and County permit requirements. The potential effect is not expected to be significant with adherence to these mandatory requirements.

(5.) Disruption of the soil during construction may result in an increase in wind or water erosion of soils on the site. This effect is not expected to be significant because the applicant will be required to adhere to the Building and Grading Sections of the County Ordinance Code and County permit requirements.

B. Air Quality

(1.) The San Joaquin Valley Unified Pollution Control District (Air District) reviewed this project and indicated that the entire San Joaquin Valley is non-attainment for ozone and fine particulate matter (PM-10) and that the subject project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. The Air District indicated that although the project alone would not generate significant air emissions, the increase in emissions from the project and others like it, cumulatively reduce the air quality in the San Joaquin Valley. The Air District indicated that a concerted effort should be made to reduce project-related emissions. The construction phase of the project will be subject to certain aspects of District Regulation VIII, which is a series of rules designed to reduce PM-10 emissions generated by human activity. The gasoline service islands will be subject to the permitting requirements of the Air District, requiring that the applicant obtain an authority to construct (ATC) from the Air District.

The Air District further stated that there are a number of recommended, but non-mandatory, measures that can be incorporated into the design of the project to

reduce the project's overall level of emissions. A list of these measures has been provided to the applicant.

C. Water

(2.) The project could result in changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from the roof of the new building and from new paved areas. These effects are not considered significant because the applicant will be required to adhere to the Grading and Drainage Sections of the County Ordinance Code.

(10.) The Department of Environmental Health reviewed the application and requested that a sewage feasibility analysis be conducted of the site to determine if installation of the proposed septic system would cause impacts on groundwater quality. Based upon the analysis, dated July, 2003 and prepared by Technicon Engineering Services, Inc., the Health Department has determined that installation of the septic system will not result in significant impacts on groundwater quality if installed in accordance with the study. A mitigation measure has been included requiring that the septic system be installed in accordance with the study.

D. Plant Life; E. Animal Life

D. (1.)(2.); E. (1.) (2.) (3.) (4.) The California Department of Fish and Game (F&G) reviewed the project and requested that a reconnaissance-level biological survey be prepared based on the possible impact of the project on listed and unlisted biological resources. Based upon the survey, prepared by Technicon Engineering Services, Inc. dated September, 2002, F&G requested that additional surveys be conducted to determine what species use small mammal burrows found on the site and that the project be referred to the U.S. Fish and Wildlife Service (Service) because of possible impacts on Federally-listed species. Based upon the follow up surveys, also performed by Technicon Engineering Services, F&G determined that the burrows do not support State-listed sensitive species. However, the Service determined that the project would impact both habitat area and movement of a Federally endangered species, the San Joaquin Kit Fox. The Service has determined that 9.27 acres of habitat will be impacted and has approved two mitigation measures that will reduce habitat impacts to a level of insignificance. The first requires the recording of a 3.22-acre conservation easement held by a non-profit entity approved by the Service that will provide habitat and a movement corridor for the San Joaquin Kit Fox in the southwest corner of the property. The second requires that the applicant purchase credits for 6.05 acres of identified land for habitat off-site.

D. (4.) The site is currently in agricultural production. However, the relatively small size of the site together with the prior designation of the interchange as a Major Commercial Center result in a determination that the reduction of agricultural acreage is not significant.

F. Noise

(1.) The project will introduce a new source of noise to the area, but because there are no residences within at least one mile of the site, there will be no noise impacts.

G. Light and Glare

The project will result in the creation of new sources of light. A condition will be added to the project requiring that outdoor lighting shall be hooded and arranged and controlled so as not to cause glare or illuminate neighboring parcels. All outdoor lighting shall be hooded and directed so as not shine toward public roads or the surrounding properties. This will reduce any potential impact to a level of insignificance.

H. Land Use

(1.) The project will result in the conversion of agricultural land to commercial use. As indicated in D.(4.) above, this impact is not considered to be significant.

M. Transportation/Circulation

(1.)(2.) The Design Division and the State Department of Transportation (Caltrans) reviewed the project and indicated that a Traffic Impact Study (TIS) should be prepared to determine impacts of County and State roads. Based upon the study, prepared by Peters Engineering, the Design Division expressed no concerns with potential impacts to County roads. Caltrans requested that revisions be made to the site plan to address site access issues. These revisions reduce impacts to State roads to a level of insignificance.

P. Utilities

(3.) (4.) The applicant has obtained a "will serve" letter from the City of Avenal indicating that the City will be able to provide sufficient water to serve the needs of the development. As indicated in C.(10.) above, the applicant intends to install an on-site septic system for liquid waste generated by the project, and he will be required to provide the system in accordance with a sewage feasibility study prepared for the site.

R. Aesthetics

(1.) Interstate Highway 5 in the area of the subject site is designated as a Scenic Highway in the Open Space and Conservation Element of the General Plan, raising the potential for aesthetic impacts. The Zoning Ordinance contains a section entitled "Regulations for Interstate Freeway Interchange Commercial Development" that is intended, among other purposes, to assure "architectural and landscape design that will result in an attractive appearance from the highway and a harmonious relationship among the various elements of the development and with the existing landscape". The section requires submission of a Master Plan that includes an architectural design theme and further requires that the project be subject to the County Site Plan Review process. The applicant's Master Plan and Operational Statement propose an architectural style between "Colonial" and "American Country", with exterior vertical surfaces of apparent clapboard style and a color scheme of off-white or creamy yellow with a dark green roof. Together with the Site Plan Review requirement for a landscape plan, this design theme will reduce any potential aesthetic impacts to a level of insignificance.

T. Cultural Resources

(1.) The project was reviewed by the California Archeological Information Center in Bakersfield, who indicates that there are no recorded cultural resources within the project area or within a one-mile radius, and that the property has been extensively disturbed by past farming and industrial uses, including oil extraction. Because the site is in an area of high cultural sensitivity, however, a mitigation measure is included requiring all ground disturbance activities relating to this project to be carefully observed. Should cultural resources be accidentally unearthed, all work in the area of the find shall be halted and a qualified professional archeologist shall evaluate the findings and make any necessary mitigation recommendations.

Conclusion:

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3028, staff has concluded that the project will not have a significant effect on the environment. Potential impacts related to soil compaction and increase in wind or water erosion of soils will not be significant with adherence to the Grading and Building Sections of the County Ordinance Code and County permit requirements. Changes in absorption rates, drainage patterns and the rate and amount of surface runoff will not be significant with adherence to the Grading, Drainage and Building Sections of the County Ordinance Code. Potential impacts on groundwater quality and utilities will not be significant with adherence to a mitigation measures requiring installation of a septic system in accordance with a sewage feasibility analysis prepared for the site and provision of an approved, piped, potable water supply. Potential impacts related to air quality will be addressed by compliance with the permit requirements of the San Joaquin Valley Air Pollution Control District. Light and glare will be addressed by a condition requiring lights to be hooded so as not to shine upon adjacent property or public roadways. Potential impacts to plant and animal life will be addressed by mitigation measures requiring protection/replacement of habitat and movement corridor for the San Joaquin Kit Fox. Potential noise, land use and aesthetic impacts and impacts resulting from loss of agricultural land are not considered to be significant. Potential impacts on cultural resources will be addressed with a mitigation measure requiring a report and recommendation from a qualified archeologist in the event cultural resources are identified during ground disturbance activity. 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, Ste. "A", Fresno, CA.

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Inter Office Memo

DATE: May 13, 2004

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: Resolution No. 11817 - Initial Study Application No. 4795 and Classified Conditional Use Permit Application No. 3028

APPLICANT: Hillcrest Travel Plaza LLC

REQUEST: Approve a master plan for Interstate Freeway Commercial Development to allow a travel center, including automobile and truck refueling, truck scale, convenience store, and diner on a 38.01-acre parcel of land in the AE-40 (Exclusive Agriculture, 40-acre minimum parcel size) District.

LOCATION: Southwest quadrant of the intersection of Interstate Highway 5 and State Route 269 (Lassen Avenue) approximately eight miles southeast of the City of Coalinga and approximately eight and one-half miles south of the City of Huron. (SUP. DIST.: 4) (APN: 085-130-26s)

PLANNING COMMISSION ACTION:

At its hearing of May 13, 2004, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Pierce and seconded by Commissioner Downing to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended findings of fact and approve Classified Conditional Use Permit Application No. 3028, subject to the conditions listed in Exhibit "B".

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Pierce, Downing, Abrahamian, Ferguson, Hammerstrom, Milligan
	No:	Commissioner Hurtt
	Absent:	Commissioners Hall, Phillips

ANDREW E. RICHTER, Interim Director
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Bernard Jimenez, Interim Manager
Development Services Division

- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
 2. The approval of this Classified Conditional Use Permit will expire two years from the date of approval unless substantial development has occurred. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Classified Conditional Use Permit.

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Attachments

EXHIBIT "A"

Initial Study Application No. 4795
Classified Conditional Use Permit Application No. 3028

Staff: The Fresno County Planning Commission considered the Staff Report dated May 13, 2004, and heard a summary staff presentation.

Applicant: The applicant's representative expressed agreement with staff's recommendation, described the project, and provided the following points of information in response to questions raised by the Commission:

- Currently, Caltrans is widening the overcrossing at I-5 and SR 269 and is widening SR 269.
- The site is considered a San Joaquin Kit Fox movement corridor by the U.S. Fish and Wildlife Service to allow movement and interbreeding between the north and south valley species.
- The 9.06-acre site is considered the habitat area that is also in the movement corridor, and the mitigations have been determined on this basis.
- The off-site mitigation area is within an area designated by the Fish and Wildlife Service.

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

EXHIBIT "B"

Conditions of Approval
Initial Study Application No. 4795
Classified Conditional Use Permit Application No. 3028

1. Development and operation of the use shall be in accordance with the operational statement as approved by the Planning Commission and the site plan, floor plan, and elevation drawings as approved by the Commission.
2. All outdoor lighting shall be hooded and arranged and controlled so as not to cause glare or illuminate neighboring parcels.
3. To increase security at the mini-mart location, facilitate suspect identification, and potentially deter crime, the applicant shall perform the following improvements and adhere to following requirements:
 - a. To facilitate the identification and apprehension of suspects a video camera security system will be installed that will record activity at the cash register, gas pumps, and front of the store. All exterior videotape shall operate 24 hours.
 - b. All videotape shall be maintained a minimum of (7) seven days before the tape content is destroyed or taped over. Tapes shall represent a 24-hour period of time and be clearly marked and identified. The original video tape, discs, or other recording devices shall be turned over to law enforcement upon request. The business may make a copy of the original for their records.
 - c. There must be a clear and unobstructed view of the cash register from the exterior of the store.
 - d. There shall be no signage on the front door(s). Glass in the door(s) will be clear and unobstructed.
 - e. A physical barrier such as concrete-filled posts shall be constructed in front of windows and doors to deter the use of vehicles to breach the structure for purposes of theft or vandalism.
4. All storm water run-off from new development and existing impervious surfaces shall remain on site.

- *5. Engineered sewage disposal systems shall be designed and installed in accordance with the Sewage Feasibility Investigation prepared by Technicon Engineering Services Inc. dated July 14, 2003 (TES #9500.002) or as otherwise approved by the Fresno County Department of Community Health, Environmental Health System.
- *6. To mitigate potential impacts on Federally designated animal species, the applicant shall prepare a Habitat Conservation Plan (HCP) that shall include the following provisions in accordance with the requirements of the U.S. Fish and Wildlife Service:
- a. The southwest corner of the parcel shall be set aside with a conservation easement recorded and held by a third party non-profit entity approved by the Service. This corner is a triangle with 350 feet on the western edge of the property, 400 feet on the southern edge, and approximately 530 feet on the third side of the triangle connecting the southern and western sides (resulting in 1.61 acres). The purpose of the easement will be to keep open space available in perpetuity so as not to preclude a future corridor if development continues, allowing movement of wildlife, specifically the kit fox, along the west side of the Central Valley between Interstate 5 and the Kettleman Hills. The Service agrees that the acreage of this conservation easement shall be credited toward the applicant's mitigation obligation at a 2 to 1 ratio ($1.61 \times 2 = 3.22$ acres). The corridor shall be protected from uses that negatively impact the kit fox (such as vehicle or recreational use). The applicant shall include in the HCP details for the minimization measures concerning protection of this acreage for the use of kit fox movement.
 - b. The impacts on 9.27 acres of kit fox habitat (minus the 3.22 acres being mitigated onsite) shall be mitigated by purchasing 6.05 credits for land on the Kreyenhagen Hills property managed by Wildlands, Inc. The applicant shall include in the HCP a description of the location identification of the lands to be acquired and funding assurances, which could include a contract or evidence that the credits have been purchased.
- *7. All ground disturbance activities relating to this project shall be carefully observed. Should cultural resources be accidentally unearthed, all work in the area of the find shall be halted and a qualified professional archeologist shall evaluate the findings and make any necessary mitigation recommendations. A report of any evaluation thus required shall be provided by the archeologist to the Fresno County Department of Public Works and Planning to be forwarded to the office of the Southern San Joaquin Archeological Information Center within 30 days of the completion of the project. Occupancy of the facility shall not be allowed until this report is provided as required.

*MITIGATION MEASURE – A measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

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