



# 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](mailto:knovak@fresnocountyca.gov)  
Call Toll Free: 1-800-742-1011 – Ext. 04497

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

## **\*IMPORTANT NOTICE REGARDING PUBLIC 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 attendance and public comment at all Planning Commission meetings until notified otherwise. The Board Chambers (Planning Commission meeting location) 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 webcast (audio) via WebEx. The information to join the WebEx session will be available on the Planning Commission website along with the reports and presentations for the meeting date ([www.co.fresno.ca.us/PlanningCommission](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 Order 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 even if seating in the chambers is limited.
- If you choose not to attend the Planning Commission meeting but desire to make a general public comment, or comment on a specific item on the agenda, you may do so as follows:

### **Written Comments**

- Members of the public may submit written comments as follows: by email to [PlanningCommissionComments@fresnocountyca.gov](mailto:PlanningCommissionComments@fresnocountyca.gov), or by mail to the Clerk of the Planning Commission at 2220 Tulare Street, Sixth Floor, Fresno, CA 93721. 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 e-mail 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 Commission members. Comments received during the meeting may not be distributed to Planning Commission members until after the meeting has concluded.

**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](mailto: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 25, 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 NO. 3580 ONE-YEAR TIME EXTENSION** filed by **STEPHEN SHEHADEY**, proposing to grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3580, which authorizes construction and operation of an anaerobic digester for the collection of methane to be constructed on a 6.93-acre portion of an existing dairy facility; allows an increase to the herd size to a maximum of 10,839 milking

cows and 20,616 non-milking animals due to a transfer of animals from the Bar 20 Dairy No. 3; and authorizes construction of two new free-stall barns to house said animals on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the south side of Whitesbridge Avenue, between San Mateo Avenue and James Road, addressed as 24387 W. Whitesbridge Avenue, Kerman (Sup. Dist.1) (APN 015-100-21S).

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

-Contact person, Chrissy Monfette (559) 600-4245, email: [cmonfette@fresnocountyca.gov](mailto:cmonfette@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. 7492 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3619** filed by **POM WONDERFUL, LLC**, proposing to allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application. The proposed digester will be located at the intersection of American Avenue and Del Rey Avenue (APN 350-230-01S), a portion of the larger POM Wonderful site which includes the following APNs: 350-031-11, -13, -63S, 64 and 66; 350-230-17 and -19S (land application area); and 350-230-01S, -07ST, -08, -09S, -10, -11T, -12T, -13, -14S, -15S and -21S (fruit processing facility operations), and addressed as 5286 S. Del Rey Avenue, Del Rey, CA 93616 (Sup. Dist. 4).

-Contact person, Chrissy Monfette (559) 600-4245, email: [cmonfette@fresnocountyca.gov](mailto:cmonfette@fresnocountyca.gov)

-Staff Report Included

-Individual Noticing

3. **CLASSIFIED CONDITION USE PERMIT APPLICATION NO. 3637** filed by the **DANTE CLUB**, proposing to revise approved Classified Conditional Use Permit No. 2601 to allow the construction of a new 3,000 square-foot building and enclose the existing bocce ball courts in the on a 6.58-acre parcel in the R-R (Rural Residential) Zone District for use by bocce league members and spectators during weekly events. The new building would include meeting area, bar, restrooms, and kitchen and would not be open to the general public. The subject parcel is located on the east side of North Grantland Avenue, adjacent to the city limits of the City of Fresno (6176 North Grantland Avenue) (Sup. Dist. 1) (APN 504-081-11). Take action on the proposed Conditional Use Permit amendment.

-Contact person, Chrissy Monfette (559) 600-4245, email: [cmonfette@fresnocountyca.gov](mailto:cmonfette@fresnocountyca.gov)

-Staff Report Included

-Individual Noticing

4. **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3669** filed by **MATT TOWERS**, proposing to amend Conditional Use Permit Nos. 3479 and 1434 to allow the addition of 20 new wine and brandy tanks totaling approximately 1.4 million gallons of additional storage at an existing winery operation. The proposed tanks will be located on two separate parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The two subject parcels are located northwest and southeast, respectively, of the intersection of South Lac Jac Avenue and East Parlier Avenue (8393 S Lac Jac Avenue and 8550 S. Lac Jac Avenue) (Sup. Dist. 4) (APNs 363-051-21 & 353-061-32).

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

-Staff Report Included

-Individual Noticing

5. **INITIAL STUDY APPLICATION NO. 7814** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3672** filed by **RIVERSIDE NURSERY**, proposing to allow a commercial nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST. 1) (APN 505-050-19).

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

-Staff Report Included

-Individual Noticing

6. **INITIAL STUDY APPLICATION NO. 7798** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3668** filed by **APCO-ETTNER, INC.**, proposing to amend Conditional Use Permit No. 2085 to allow expansion of an existing fertilizer operation on a 5.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the west side of South Lassen Avenue (State Route 269) approximately 4,480 feet south of its nearest intersection with West Mount Whitney Avenue, and is approximately 12.9 miles southeast of the nearest city limits of the City of San Joaquin (SUP. DIST. 4) (APN 050-130-04S).

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

-Staff Report Included

-Individual Noticing

7. **AMENDMENT OF THE YEAR 2020 PLANNING COMMISSION HEARING CALENDAR**

-Contact person, Marianne Mollring (559) 600-4569, email: [mmollring@fresnocounty.ca.gov](mailto:mmollring@fresnocounty.ca.gov)

[-Staff Report Included](#)

8. **INFORMATION/DISCUSSION ITEM:**

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

-Contact person, David Randall (559) 600-4052, email: [drandall@fresnocountyca.gov](mailto:drandall@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 25, 2020

**SUBJECT:** Unclassified Conditional Use Permit No. 3580 – First One-Year Time Extension

Grant a first one-year time extension to exercise Unclassified Conditional Use Permit No. 3580, which authorizes an anaerobic digester for the collection of methane to be constructed on a 6.93-acre portion of an existing dairy facility; allows an increase to the herd size to a maximum of 10,839 milking cows and 20,616 non-milking animals due to a transfer of animals from the Bar 20 Dairy No. 3; and authorizes construction of two new free-stall barns to house said animals on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the south side of Whitesbridge Avenue, between San Mateo Avenue and James Road, addressed as 24387 W. Whitesbridge Avenue, Kerman (Sup. Dist.1) (APN 015-100-21S).

**OWNER/APPLICANT:** Stephen Shehadey

**STAFF CONTACT:** Chrissy Monfette, Planner  
(559) 600-4204

David Randall, Senior Planner  
(559) 600-4050

**RECOMMENDATION:**

- Approve a first one-year Time Extension for Unclassified Conditional Use Permit No. 3580; 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 29, 2018
5. Applicant's correspondence requesting a first one-year Time Extension

## **ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration (MND) prepared for Initial Study No. 7318 was adopted by the Commission on March 29, 2018.

In accordance with CEQA Guidelines Section 15162, when an Environmental Impact Report or Negative Declaration has been adopted for a project, no subsequent environmental document is necessary, unless it is determined that one of the following thresholds has been met (*CEQA Guidelines Section 15162(a)*):

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 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 EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the 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 EIR was certified as complete or the previous Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in 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.

In regard to threshold 1, no changes in the site plan, operational statement, or other characteristics of the project were made as part of this application. The scope of this application

would allow the developer an additional year to exercise the permit as approved with no other changes. Therefore, this threshold is not met.

In regard to threshold 2, the project site is located in an area of an existing dairy operation. Operation of the dairy is the same as it was during the original review. There have been no changes in the surrounding development, which comprises agricultural uses and residential development. Therefore, this threshold is not met.

This project was routed to those agencies who reviewed the original application in 2017. None of these agencies identified any new information of substantial importance, no new impacts were identified that would meet any of the thresholds discussed above. Therefore, this threshold is not met.

As a result, the project does not meet any of the thresholds described in CEQA Guidelines, which would require preparation of a new environmental document. All applicable Mitigation Measures and Conditions of Approval from the original approval will apply to the Time Extension request and will continue to reduce all impacts to less than significant.

#### **PUBLIC NOTICE:**

Notices were sent to 25 property owners within 1,300 feet of the subject parcel, in compliance with notification requirements prescribed by the California Government Code and County Zoning Ordinance.

#### **PROCEDURAL CONSIDERATIONS:**

The 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 Ordinance authorizes the 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 Planning Commission's jurisdiction in evaluating this request is limited to the following:

- approve a one-year Time Extension to exercise the Permit as approved;
- approve a one-year Time Extension to exercise the Permit as approved with amended conditions; or
- deny the requested Time Extension.

Mitigation Measures cannot be amended unless the Commission finds that the environment review thresholds discussed above warrant additional studies and a new document is prepared.

#### **BACKGROUND INFORMATION:**

Unclassified Conditional Use Permit (CUP) No. 3580 was approved by the Planning Commission on March 29, 2018. A copy of the March 29, 2018 Staff Report and the Planning Commission's Approval is attached (Exhibit 4).

The Applicant filed the subject Time Extension request within the time limit. If approved, the Applicant will have until March 29, 2021 to achieve substantial development of the project.

**ANALYSIS/DISCUSSION:**

This Time Extension application was routed to all the agencies who reviewed the original project in 2017. None of those agencies identified any change in circumstances or the need for additional conditions and did not express any concerns with the proposed extension of time.

According to the Applicant's letter (Exhibit 5), construction has been delayed due to funding and technological development. The design details are under final review and grant funding has been awarded to the Applicant for development of the digester. The Applicant's reasons for the cause of the project being delayed may be considered to be beyond the control of the Applicant, and to meet the criteria which would allow the Commission to approve the Time Extension.

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Staff believes the requested one-year Time Extension for Unclassified Conditional Use Permit No. 3580 should be approved, based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to March 29, 2021.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to approve Unclassified Conditional Use Permit No. 3580 – First One-Year Time Extension; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

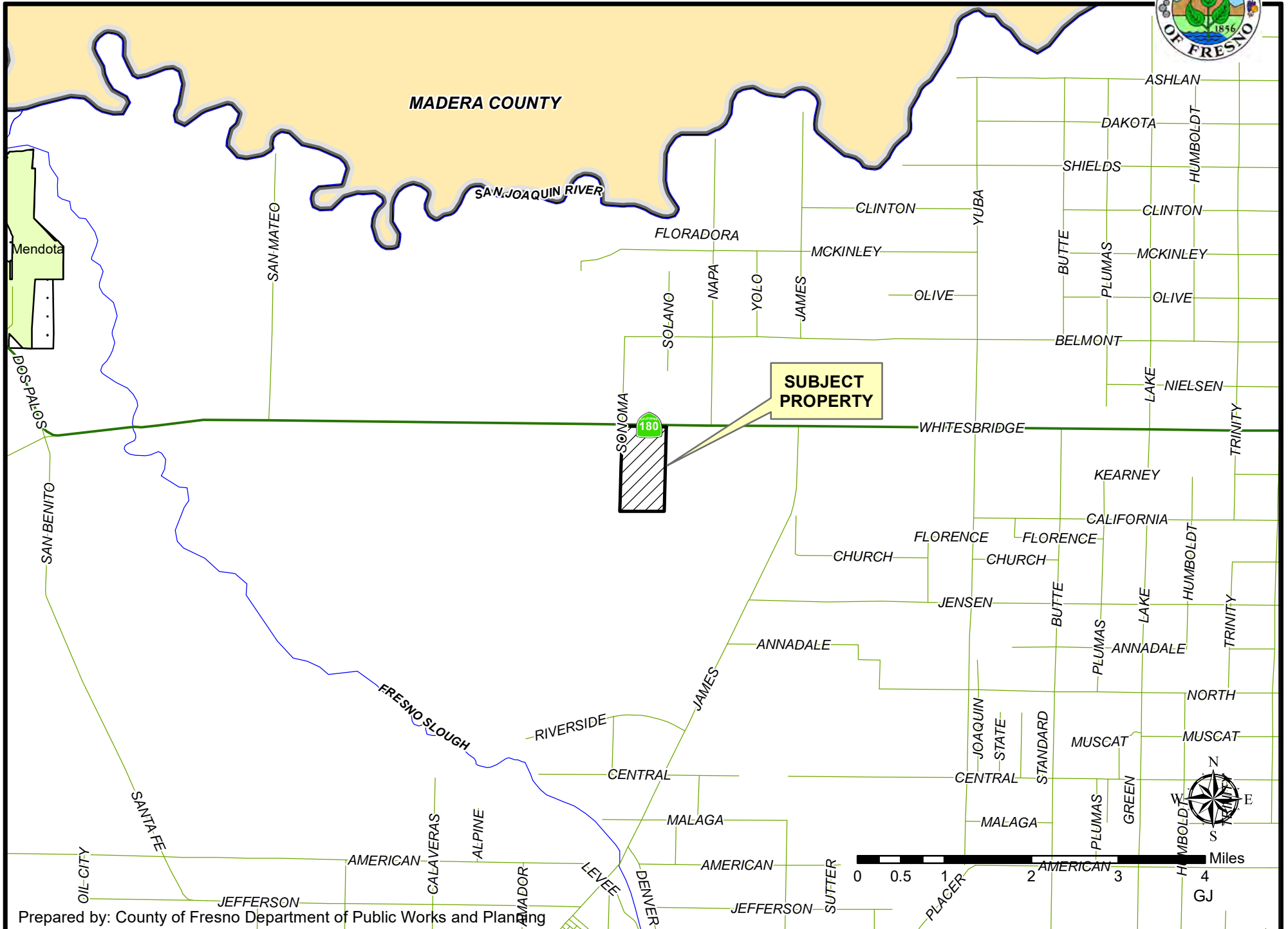
**Alternative Motion** (Denial Action)

- Move to deny Unclassified Conditional Use Permit No. 3580 – First One-Year Time Extension (state reasons for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

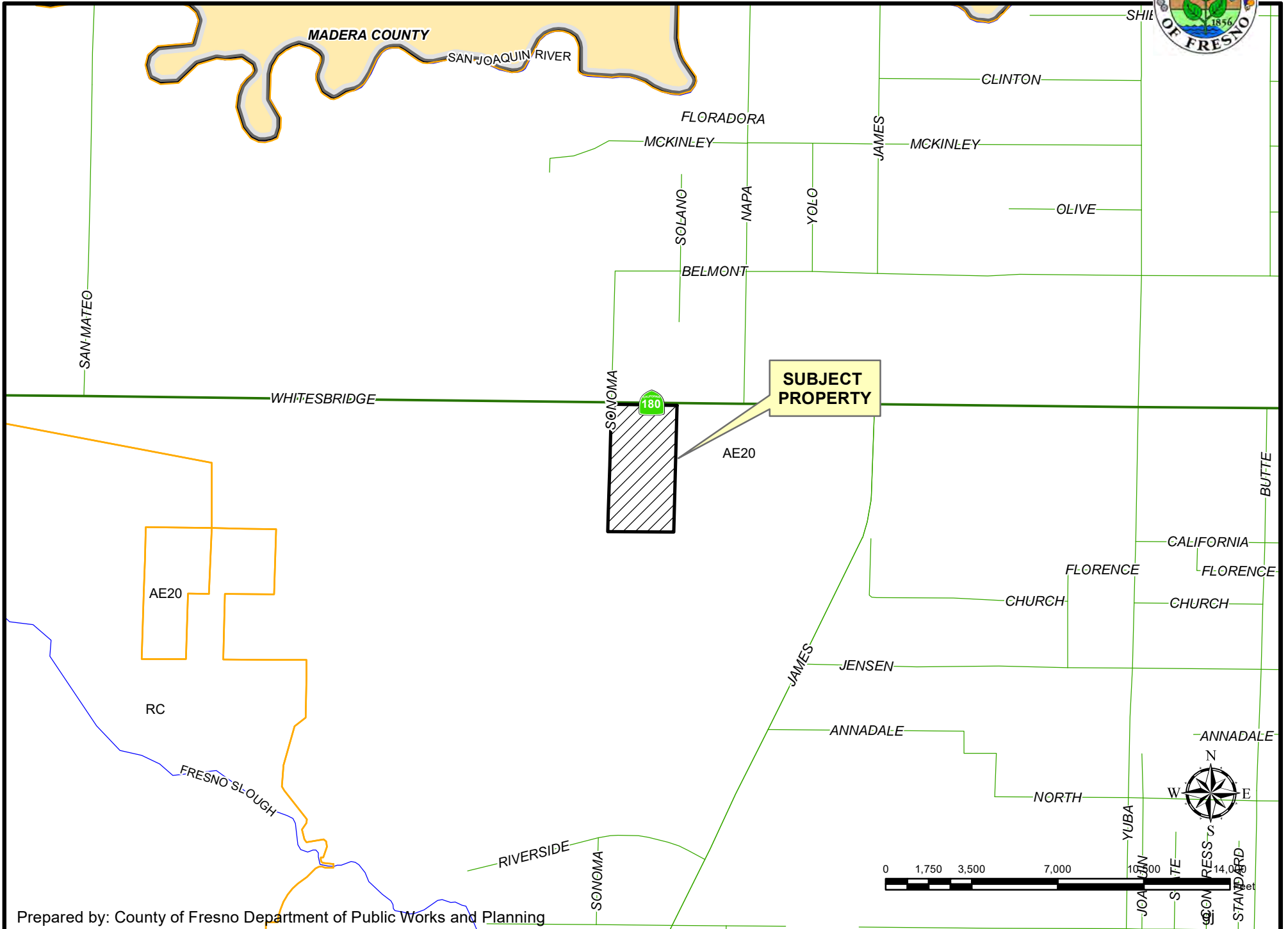
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# LOCATION MAP



# EXISTING ZONING MAP



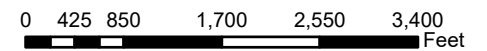
# EXISTING LAND USE MAP



LEGEND	
DAIRY	
FC - FIELD CROP	
GRZ - GRAZING	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENC	
V - VACANT	

### LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division

Map Prepared by: GJ  
J:GISJCH\Landusel



## Inter Office Memo

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DATE: March 29, 2018  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12708 - INITIAL STUDY APPLICATION NO. 7318 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3580

APPLICANT/  
OWNER: Stephen Shehadey

REQUEST: Allow an approximately 30.4 million-gallon anaerobic digester for the collection of methane to be constructed on a 6.93-acre portion of an existing dairy facility; allow an increase to the herd size to a maximum of 10,839 milking cows and 20,616 non-milking animals due to a transfer of animals from the Bar 20 Dairy No. 3; and construct two new free-stall barns to house said animals on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District

LOCATION: The subject parcel is located on the south side of Whitesbridge Avenue, between San Mateo Avenue and James Road, addressed as 24387 W. Whitesbridge Avenue, Kerman (Sup. Dist.1) (APN 015-100-21S)

### PLANNING COMMISSION ACTION:

At its hearing of March 29, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Eubanks and seconded by Commissioner Chatha to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended Findings of Fact in the Staff Report, and approve Unclassified Conditional Use Permit Application No. 3580, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Eubanks, Chatha, Abrahamian, Burgess,  
 Delahay, Ede, Lawson and Vallis

No: None

Absent: Commissioner Woolf

Abstain: None

STEVEN E. WHITE, DIRECTOR  
 Department of Public Works and Planning  
 Secretary-Fresno County Planning Commission

By:   
 William M. Kettler, Manager  
 Development Services and Capital Projects Division

WMK:ksn  
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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 Unclassified Conditional Use Permit.

Attachments

EXHIBIT A

Initial Study Application No. 7318  
Unclassified Conditional Use Permit Application No. 3580

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 29, 2018, and heard a summary presentation by staff.
- Applicant: The Applicant's consultant concurred with the Staff Report and the recommended Conditions, but did not offer any additional information to describe the project. A representative of the Applicant described the project and offered the following information to clarify the intended use:
- This is an opportunity to upgrade this site and close a facility that is more than 50 years old.
  - The improvements represent the most up-to-date technology regarding animal care and housing.
  - This project will help Fresno County meet SB 1383 renewable energy requirements by converting manure to energy.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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**Mitigation Monitoring and Reporting Program  
Unclassified Conditional Use Permit Application No. 3580  
(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	Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the following species: blunt-nosed leopard lizard, San Joaquin kit fox, Fresno kangaroo rat, tricolored blackfoot, burrowing owl, American badger, western spadefoot, and the coast horned lizard. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*2.	Biological Resources	In order to reduce impacts to the blunt-nosed leopard lizard (BNLL), if suitable habitat is present, the Applicant shall implement the following measures:  a. Prior to ground-disturbing activities, but not more than one year in advance of such work, surveys shall be conducted in the areas of the proposed digester and free-stall barns in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFG 2004).  b. If the presence of BNLL is detected, the Applicant shall consult with CDFW to determine how to implement ground-disturbing activities to avoid take.	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*3.	Biological Resources	In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the Applicant shall implement the following measures:  a. Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following U.S. Fish and Wildlife Service's (USFWS)	Applicant	Applicant/PW&P	Prior to ground-disturbing activities

		<p>“Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (2011).</p> <p>b. If SJKF is determined to be present at the site, the Applicant shall consult with CDFW to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.</p>			
*4.	Biological Resources	<p>In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the Applicant shall implement the following measures:</p> <p>a. Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS’s “Survey Protocol for Determining Presence of Fresno Kangaroo Rats” (2013).</p> <p>b. If FKR is detected, the Applicant shall consult with CDFW to discuss avoidance measures.</p>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*5.	Biological Resources	<p>In order to reduce impacts to the Tricolored Blackbird (TRBL), the following measures shall be implemented:</p> <p>a. If construction occurs outside normal breeding season (February 1 through September 14), no additional mitigation is necessary to avoid impacts.</p> <p>b. If construction occurs during normal breeding season, a qualified wildlife biologist shall conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation.</p> <p>c. If pre-construction surveys indicate the presence of an active TRBL nesting colony, a minimum 300-foot no-disturbance buffer shall be established, in accordance with CDFW’s “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields” (2015). Prior to removal of the buffer, a qualified biologist must determine that nesting has ceased or the birds have fledged. The</p>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities



		<p>buffers may be removed once the nesting season has ended.</p> <p>d. If pre-construction surveys indicate the presence of TRBL, the Applicant shall consult with CDFW to avoid take, or shall obtain an Incidental Take Permit.</p>			
<p>*6.</p>	<p>Biological Resources</p>	<p>In order to reduce impacts to the Burrowing Owl (BUOW), if suitable habitat is present, the following measures shall be implemented:</p> <p>a. Surveys shall be conducted by a qualified biologist to determine the presence or absence of BUOW at the project site and within a 500-foot buffer of the project site. These surveys shall follow the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012).</p> <p>b. If BUOW is determined to be present at the project site, no-disturbance buffers as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) shall be implemented prior to and during all ground-disturbing activities. The buffer zones recommended by the "Staff Report" shall be implemented unless a qualified biologist, approved by CDFW, verifies through non-invasive methods that either: the birds have not begun egg-laying and incubation; or that the juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>If it is not feasible to implement buffers as outlined by the "Staff Report", a qualified biologist may perform burrow exclusion to remove BUOW from the project site. Burrow exclusion shall occur only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods. Artificial burrows shall be created at a 1:1 ratio for each exclusion.</p>	<p>Applicant</p>	<p>Applicant/PW&amp;P</p>	<p>Prior to ground-disturbing activities</p>

*7.	Biological Resources	<p>In order to reduce impacts to the American Badger, the western spadefoot, and the coast horned lizard, if suitable habitat is present, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>a. Surveys shall be conducted by a qualified biologist to determine if species are present.</li> <li>b. 50-foot no-disturbance buffers shall be implemented around any identified burrows and dens.</li> </ul>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*8.	Cultural Resources	<p>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. The Applicant must notify the Table Mountain Rancheria Tribal Government by email at rpennell@tmr.org and the Picayune Rancheria of Chukchansi Indians by email at THarter@chukchansi-nsn.gov of any archeological finds.</p>	Applicant	Applicant/PW&P	During ground-disturbing activities.

\*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.

Conditions of Approval	
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.

**Notes**

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

1.	<p>The following requirements were provided by the Central Valley Regional Water Quality Control Board: Provision E.3 of the Digester Order requires the submittal of a Report of Waste Discharge. Upon completion of construction of the proposed anaerobic digester, several of the Provisions in Section E of the Digester Order requiring submission of technical reports will be past-due and will need to be submitted as soon as practicable.</p>
2.	<p>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). Please contact Solid Waste staff at (559) 600-3271 for more information.</p>
3.	<p>Prior to issuance of building permits, the Applicant will be required to submit complete construction plans and specifications for the new freestall barns for review and approval. Plans shall be submitted to the California Department of Food and Agriculture, and the County of Fresno Department of Public Health, Environmental Health Division. Please contact John Smith at (559) 600-3357 for more information.</p>
4.	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan and site map (<a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a>) 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. 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. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.</p>
5.	<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>
6.	<p>Construction plans, permits and inspections will be required for all proposed construction. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Note that grading import is not allowed for the development of the proposed work within the flood zone.</p>
7.	<p>Any additional runoff generated by the proposed development of a site cannot be drained across property lines, or into the Caltrans right-of-way, and must be retained on site per County Standards.</p>
8.	<p>Any existing or proposed parking area should comply with the Fresno County Off-street Parking Design Standards.</p>

Notes

9.	A grading permit or voucher is required for any grading proposed with this application
10.	Any proposed driveway should be set back a minimum of 10 feet from the property line. For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative, and any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
11.	Any encroachment or access over the Southern Pacific Railroad right-of-way would require approval from the owner.
12.	Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Note that grading import is not allowed for the development of the proposed work within the flood zone. Any dirt material used for grading must be obtained within the designated flood area so as to not cause an impact to the determined area of flooding.



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 March 29, 2018

**SUBJECT:** Initial Study Application No. 7318 and Unclassified Conditional Use Permit Application No. 3580

Allow an approximately 30.4 million-gallon anaerobic digester for the collection of methane to be constructed on a 6.93-acre portion of an existing dairy facility; allow an increase to the herd size to a maximum of 10,839 milking cows and 20,616 non-milking animals due to a transfer of animals from the Bar 20 Dairy No. 3; and construct two new free-stall barns to house said animals on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District

**LOCATION:** The subject parcel is located on the south side of Whitesbridge Avenue, between San Mateo Avenue and James Road, addressed as 24387 W. Whitesbridge Avenue, Kerman (Sup. Dist.1) (APN 015-100-21S)

**OWNER/APPLICANT:** Stephen Shehadey

**STAFF CONTACT:** Chrissy Monfette, Planner  
(559) 600-4245

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7318; and
- Approve Unclassified Conditional Use Permit Application No. 3580 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 Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7318
9. Public Comment on Initial Study Application No. 7318

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	324.66-acre	No change
Project Site	A dairy with related improvements on a 324.66-acre parcel.	New digester to collect methane (biogas), transfer of herd from nearby dairy, new freestall barns
Structural Improvements	Open lot corrals, weening pens, calf barns, freestall barns, milk barn, vet barn, wastewater retention ponds, wastewater process pits, weeping wall system	Two new freestall barns, new digester with new irrigation pond and mechanical pad for equipment
Nearest Residence	~100 feet west of property line	No change
Surrounding Development	Dairy, grazing, orchards, and row crops	Closure of nearby dairy
Operational Features	Existing dairy operates 24 hours per day, 7 days per week; milk cows are milked twice each day; other staff works between 4:00 AM and 6:00 PM; milk is picked up	New digester will collect methane to convert to electricity which will be used at the site and/or

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
	several times each day; solid manure and liquid waste is applied to contiguous farmland; some solid manure is delivered offsite	sold through power purchase agreement
Employees	Approximately 80	No change
Customers	None	No change
Traffic Trips	80 Employee trips, 15 salesman trips, 8 delivery trips	1-2 trip per month increase to number of maintenance and service trips
Lighting	As existing	No change
Hours of Operation	Dairy is in continuous operation; typical employee hours range between 4:00 AM and 6:00 PM	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, with additional clarification noted in bold type, is included as Exhibit 8. Public comment regarding the adequacy of the Initial Study is included as Exhibit 9. In accordance with Section 15074 of the CEQA guidelines, the Planning Commission should consider the proposed mitigated negative declaration together with any comments received during the public review process. The proposed mitigated negative declaration should be adopted only if the Commission finds that there is no substantial evidence that the project will have a significant effect on the environment.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 19, 2018

**PUBLIC NOTICE:**

Notices were sent to 7 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 four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an Unclassified CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The subject parcel was originally zoned A-1 (Agricultural) as established by the Board of Supervisors on June 8, 1960. On August 31, 1976 the zoning was amended to its current AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District by way of County-initiated Amendment Application No. 2870.

The dairy on the subject parcel is operating under the provisions of County Ordinance Section 869, which discusses regulations for the siting and operation of commercial cattle dairies. As this dairy had obtained all required permits prior to the adoption of Section 869, the property owner was not required to apply for a Conditional Use Permit in order to continue operations.

This proposal is comprised of three separate requests: allow the installation and operation of a new digester, allow an increase in herd size due to a transfer of animals from an adjacent dairy, and allow the construction of new freestall barns to house said animals. The installation of the digester and increase in herd size are considered an expansion of the existing dairy and require the approval of a Conditional Use Permit.

The proposed increase in herd size is due to a transfer of animals from the dairy located to the northwest. The owner has expressed his intention to completely consolidate the two dairies. This is considered an increase to the herd at the project site; however, many of the potential environmental impacts were determined to be less than significant because they do not represent an increase to the baseline. No increase to the amount of land irrigated by the treated wastewater is proposed and there will be no increase to the delivery traffic.

Unclassified Conditional Use Permit No. 3215 was approved by the Planning Commission on January 4, 2008 to allow the installation and operation of an anaerobic digester facility at the subject dairy and a 5.5-mile pipeline that would connect to an existing PG&E pipeline. One time extension was approved for the Unclassified CUP, but the proposed digester and pipeline were not constructed, resulting in the expiration of that permit.

*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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (north): 700+ feet Side (east): ~700 feet Side (west): 40 feet Rear(south): ~75 feet	Y Y Y Y
Parking	One off-street parking space for each two permanent employees; one parking space for each company-owned truck; one	~100 parking spaces existing	Y



	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	parking space for each company salesperson		
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six-foot minimum	More than six feet	Y
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	No change	Y
Water Well Separation	Septic Tank: 50 feet; Disposal Field: 100 feet Seepage pit: 150 feet	No change	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

County of Fresno Department of Public Works and Planning Building Department: Construction plans, permits and inspections will be required for all proposed construction.

California Department of Fish and Wildlife: Based on a review of aerial imagery, Bar 20 Dairy #3 is bordered to the west by undeveloped land comprised of annual grassland. In addition, the portion of the dairy where the anaerobic digester is proposed is also relatively undisturbed. Furthermore, it is unclear where the additional croplands will be located to accommodate the disposal of the liquid and solid waste generated by the substantial increase in the herd and whether the grasslands lands adjacent to the dairy will need to be developed into croplands for this purpose. Numerous special-status species, which rely on annual grassland for habitat, are known to occur near the Project area.

Central Valley Regional Water Quality Control Board (CVRWQCB): An increase in the mature herd size by more than 15 percent of the herd size reported to the CVRWQCB would be considered an expansion of the dairy. Provision E.3 of the Digester Order requires the submittal of a Report of Waste Discharge. Upon completion of construction of the proposed anaerobic digester, several of the Provisions in Section E of the Digester Order requiring submission of technical reports will be past-due and will need to be submitted as soon as practicable.

County of Fresno Department of Public Works and Planning Development Engineering Division: All Conditions of Approval for any previous applications shall be implemented, if not already in place. Whitesbridge Avenue, which is also State Highway 180, is classified as a State Route per Fresno County General Plan Regional Circulation Diagram Figure TR-1 as dated April 21, 2010. It is not a County-maintained road. Sonoma Avenue is a private road and is not County-maintained.

According to FEMA FIRM Panel 2050H, a large portion of the property is found to be under Flood Zone A which is subject to flooding from the 100-year storm. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. Note that grading import is not allowed for the

development of the proposed work within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificates are required for every structure proposed to be constructed within the flood zone. If proposed work is outside the flood zone, a certified map of survey delineating the distances from proposed structure(s) to the flood zone boundary and property lines may be required.

Typically, any additional runoff generated by the proposed development of a site cannot be drained across property lines, or into the Caltrans right-of-way, and must be retained on-site, per County Standards.

An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Any proposed wastewater storage pond shall be constructed in accordance with the Design Specifications, Drawings, and Construction Quality Assurance Plan approved by the California Regional Water Quality Control Board. Typically, any existing or proposed parking area should comply with the Fresno County Off-street Parking Design Standards.

A grading permit or voucher is required for any grading proposed with this application.

Fresno County Fire Protection District: This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving conditions of approval from the Fresno County Fire Protection District (FCFPD), the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. This development shall annex to Community Facilities District No. 2010-01 of FCFPD 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. Requirements for this project may include, but are not limited to: water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers systems, fire alarm systems, premises identification, and Title 15.60 County Ordinance.

U.S. Fish and Wildlife Service: A review of aerial imagery shows that the proposed project is located within the range of the federally endangered San Joaquin kit fox, Fresno kangaroo rat, and blunt-nosed leopard lizard. Each of these species have been documented in the California Natural Diversity Database within 4 miles of the proposed project site. In addition, the proposed project is located within a kit fox designated recovery area, which has been identified as historically and/or currently occupied by the Western Madera satellite population.

Fresno County Department of Public Health: 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).

Prior to issuance of building permits, the applicant will be required to submit complete construction plans and specifications for the new freestall barns for review and approval. Plans shall be submitted to California Department of Food and Agriculture, and County of Fresno, Environmental Health Division.

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: There is a 100% or more increase in the quantities of a previously disclosed material; and/or 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.

State Water Resources Control Board: Bar 20 Dairy is an existing Public Water System that was not previously regulated. The dairy is open 7 days/week, 24 hours/day and currently has 80 employees. Bar 20 Dairy will be regulated by the Division as a nontransient noncommunity public water system.

The following agencies provided “no comments” or “no concerns” regarding this application: Site Plan Review.

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

**Analysis:**

The subject parcel has been improved with a number of open lot corrals, eight freestall barns, a weeping wall system, two wastewater retention ponds, three wastewater process pits, weening pens, six calf barns, a veterinary barn, and a milk barn. These buildings currently meet the setback requirements of the AE-20 Zone District. The proposed digester with mechanical pad and H<sub>2</sub>S scrubber will be located as far back as or further from the property lines than existing improvements. The freestall barns will be built in line with the existing barns and will also meet the setback standard.

After completion of the proposed project, all manure and wastewater on the facility will be treated by the digester. Effluent of the digester will be utilized for land application to the associated farmland. The Waste Management Plan prepared for this application considered the impacts of both dairies. Since the increase to this use is due to a consolidation of the nearby dairy, no increase to this farmland is proposed.

As part of the preparation of the Initial Study for this project, staff considered the concerns raised by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. It was determined that the project could have an adverse impact on some special-status species without mitigation. Therefore, mitigation measures outlining the specific steps necessary to reduce impacts to special-status species to less than significant were included. These measures require the applicant to perform surveys to determine if habitat is present for the identified species and then additional studies to determine if those species have a presence at the site, should the appropriate habitat exist. The measures also identify the standards which will be followed in the case that a special-status species is determined to be present.

Several reviewing agencies identified ways in which the proposed increase to the herd size at the current dairy would invalidate existing plans and submissions. Staff has included the comments regarding necessary submissions as project notes for the applicant; however no agency indicated concerns that the proposed improvements would cause the project to exceed current standards.

Staff finds that the site is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

See recommended Conditions of Approval and Mitigation Measures 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	West Whitesbridge Avenue/Highway 180	No change
Public Road Frontage	Yes	2,660 feet	No change
Direct Access to Public Road	No	Two driveways off West Whitesbridge Avenue	No change
Road ADT		Not available	N/A
Road Classification		State Highway	No change
Road Width		40 feet	
Road Surface		Paved	No change
Traffic Trips		80 Employee trips, 15 salesman trips, 8 delivery trips	1-2 trip per month increase to number of maintenance and service trips
Traffic Impact Study (TIS) Prepared	No	Existing Dairy Traffic	No Change
Road Improvements Required		N/A	None

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

County of Fresno Department of Public Works and Planning Development Services Division: Typically, any proposed driveway should be set back a minimum of 10 feet from the property line. For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative and any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward. Any

encroachment or access over the Southern Pacific Railroad right-of-way would require approval from the owner.

The following agencies provided “no comments” or “no concerns” regarding this application: Caltrans, Road Maintenance and Operations(PW&P), Design Division (PW&P), and Water and Natural Resources Division (PW&P). No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Analysis:**

The subject parcel has frontage on West Whitesbridge Avenue, which is also known as Highway 180. South Sonoma Avenue and North Solano Avenue, which run to the west and east of the project site respectively, are private roads which are not maintained by the County.

By combining the animals from both dairies at a single location, the total number of traffic trips will be reduced because it will eliminate the need for employees to travel between both locations. The number of milk truck trips may be reduced because all the milk produced by the herd will be collected in a single trip. Trips to provide maintenance and service to the digester are not anticipated to have a significant impact on traffic, as maintenance will only be required a few times each month. The proposed improvements will not otherwise generate traffic beyond what is existing.

Based on the above information, West Whitesbridge Avenue is of sufficient width and pavement 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	326 acres	Field Crops	AE-20	None
South	369 acres	Orchard	AE-20	None
East	424.48 acres	Field Crops, Single Family Residence	AE-20	~2,400 feet west
West	48.63 acres 10 acres 94.62 acres 60.92 acres	Grazing Grazing Grazing Grazing/Single Family Residence	AE-20	None None None ~100 feet west

\*As measured from the nearest property line of the subject parcel to the residence

### **Reviewing Agency/Department Comments:**

The following agencies provided “no comments” or “no concerns” regarding this application: Agricultural Commissioner, Mid-Valley Water District, Resources (PW&P), Fresno County Sheriff, Environmental Protection Agency Division of Drinking Water (Sole Source Aquifer review).

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

### **Analysis:**

This area is characterized by large parcels of land. Outside of the two dairies and a poultry facility located west of the project site, the land is used for grazing or field crops. The existing dairies are currently authorized to irrigate 24 parcels with treated wastewater produced by the current operations. Consolidation of the facilities will not require the operator to acquire or convert additional land.

It is anticipated that adverse odors from the project will be reduced because the transferred animals will be moved from open corrals to freestall, which reduces their emissions. The digester will capture methane released from manure, further reducing the odor in the area. The applicant prepared an Emissions Analysis to determine potential air quality impacts that would result from this project. In general, due to the consolidation of the dairies, impacts were determined not to be significant. However, the Air District identified certain rules and regulations that the facility would be subject to during operation. Compliance to these existing regulations will ensure that the project does not exceed de minimis emissions levels or adversely impact adjacent properties.

There is a private airstrip which operates on the parcel southwest of the project site; however the orientation of the strip makes it unlikely that planes will fly directly overhead. The proposed improvements meet all Fresno County development standards and will be of similar height to existing facilities on the parcel. Any noise produced by the generator is not likely to impact surrounding properties due to its central location on the subject parcel and distance from property lines.

Outside of these minor reductions, operational characteristics of the facility will not be significantly modified by the approval of this CUP.

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

### **Recommended Conditions of Approval:**

*None*

### **Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>Policy LU-A.3:</b> The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain nonagricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria...</p>	<p>The subject dairy has been operating under policies in the Fresno County Zoning Ordinance which permit the continued operation of Dairies which were permitted prior to adoption of said ordinance. Therefore, this project is consistent with this policy, as the existing use shows compliance to the listed criteria.</p>
<p>Policy LU-A.12 In adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>While the proposed (commercial) digester is not consistent with the Williamson Act, it is supportive of agricultural operations and therefore is not an encroachment of an incompatible land use.</p>
<p>Policy LU-A.13 The County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The proposed digester is located away from the property lines on the subject dairy and therefore no additional buffers are required.</p>
<p>Policy LU-A.14 The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>No productive farmland is proposed to be removed as a result of this application. The new improvements are proposed in areas of the parcel that are currently vacant.</p>
<p>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>This project was reviewed by the Fresno County Fire Protection District who did not identify any potential fire hazards. Specific fire concerns will be address during the mandatory Site Plan Review.</p>
<p>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>The applicant is required to adhere to the California Code of Regulations Title 22, Division 4.5 and is required to file a Hazardous Materials Business Plan.</p>

**Reviewing Agency Comments:**

County of Fresno Department of Public Works and Planning Policy Planning Division: On September 19, 2017, a Notice of Partial Non-Renewal was recorded to remove the 6.93-acre portion of the parcel known as APN 015-100-21s from Williamson Act Contract No. 262. Therefore, there is no Williamson Act issue regarding this project.

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

**Analysis:**

Review of this project by the Policy Planning unit determined that the use of the digester with the opportunity for commercial sale of the electricity was not compatible with the Williamson Act Contract. Therefore, the applicant has filed for nonrenewal of the Contract on the area of the parcel where the digester is proposed. No other conflicts with the General Plan were identified.

Based on these factors, the proposed project is consistent with the General Plan.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

*None*

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified CUP can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit Application No. 3580 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. 7318; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit Application No. 3580, 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. 3580; 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  
Unclassified Conditional Use Permit Application No. 3580  
(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	Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the following species: blunt-nosed leopard lizard, San Joaquin kit fox, Fresno kangaroo rat, tricolored blackbird, burrowing owl, American badger, western spadefoot, and the coast horned lizard. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*2.	Biological Resources	In order to reduce impacts to the blunt-nosed leopard lizard (BNLL), if suitable habitat is present, the applicant shall implement the following measures: <ul style="list-style-type: none"> <li>a. Prior to ground-disturbing activities, but not more than one year in advance of such work, surveys shall be conducted in the areas of the proposed digester and free-stall barns in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFG 2004).</li> <li>b. If the presence of BNLL is detected, the applicant shall consult with CDFW to determine how to implement ground-disturbing activities to avoid take.</li> </ul>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*3.	Biological Resources	In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the applicant shall implement the following measures: <ul style="list-style-type: none"> <li>a. Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following US Fish and Wildlife Service's</li> </ul>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities

		<p>(USFWS) “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (2011).</p> <p>b. If SJKF is determined to be present at the site, the applicant shall consult with CDFW to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.</p>			
*4.	Biological Resources	<p>In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the applicant shall implement the following measures:</p> <p>a. Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS’s “Survey Protocol for Determining Presence of Fresno Kangaroo Rats” (2013).</p> <p>b. If FKR is detected, the applicant shall consult with CDFW to discuss avoidance measures.</p>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*5.	Biological Resources	<p>In order to reduce impacts to the Tricolored Blackbird (TRBL), the following measures shall be implemented:</p> <p>a. If construction occurs outside normal breeding season (February 1 through September 14), no additional mitigation is necessary to avoid impacts.</p> <p>b. If construction occurs during normal breeding season, a qualified wildlife biologist shall conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation.</p> <p>c. If pre-construction surveys indicate the presence of an active TRBL nesting colony, a minimum 300-foot no-disturbance buffer shall be established, in accordance with CDFW’s “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields” (2015). Prior to removal of the buffer, a qualified biologist must determine that nesting has ceased or the birds have fledged. The buffers may be removed once the nesting season has ended.</p>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities

		d. If pre-construction surveys indicate the presence of TRBL, the applicant shall consult with CDFW to avoid take, or shall obtain an Incidental Take Permit.			
*6.	Biological Resources	<p>In order to reduce impacts to the Burrowing Owl (BUOW), if suitable habitat is present, the following measures shall be implemented:</p> <p>a. Surveys shall be conducted by a qualified biologist to determine the presence or absence of BUOW at the project site and within a 500-foot buffer of the project site. These surveys shall follow the California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012).</p> <p>b. If BUOW is determined to be present at the project site, no-disturbance buffers as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) shall be implemented prior to and during all ground-disturbing activities. The buffer zones recommended by the "Staff Report" shall be implemented unless a qualified biologist, approved by CDFW, verifies through non-invasive methods that either: the birds have not begun egg-laying and incubation; or that the juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>If it is not feasible to implement buffers as outlined by the "Staff Report", a qualified biologist may perform burrow exclusion to remove BUOW from the project site. Burrow exclusion shall occur only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods. Artificial burrows shall be created at a 1:1 ratio for each exclusion.</p>	Applicant	Applicant/PW&P	Prior to ground-disturbing activities
*7.	Biological Resources	In order to reduce impacts to the American Badger, the western spadefoot, and the coast horned lizard, if	Applicant	Applicant/PW&P	Prior to ground-disturbing activities

		<p>suitable habitat is present, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>a. Surveys shall be conducted by a qualified biologist to determine if species are present.</li> <li>b. 50-foot no-disturbance buffers shall be implemented around any identified burrows and dens.</li> </ul>			
*8.	Cultural Resources	<p>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 should 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. The applicant must notify the Table Mountain Rancheria Tribal Government by email at rpennell@tmr.org and the Picayune Rancheria of Chukchansi Indians by email at THarter@chukchansi-nsn.gov of any archeological finds.</p>	Applicant	Applicant/PW&P	During ground-disturbing activities.

\*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.

Conditions of Approval	
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.

**Notes**

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

1.	The following requirements were provided by the Central Valley Regional Water Quality Control Board: Provision E.3 of the Digester Order requires the submittal of a Report of Waste Discharge. Upon completion of construction of the proposed anaerobic digester, several of the Provisions in Section E of the Digester Order requiring submission of technical reports will be past-due and will need to be submitted as soon as practicable.
2.	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). Please contact Solid Waste staff at (559) 600-3271 for more information.
3.	Prior to issuance of building permits, the applicant will be required to submit complete construction plans and specifications for the new freestall barns for review and approval. Plans shall be submitted to California Department of Food and Agriculture, and County of Fresno, Environmental Health Division, Please contact John Smith at (559) 600-3357 for more information.
4.	Within 30 days of the occurrence of any of the following events the applicant/operators shall update their online Hazardous Materials Business Plan and site map ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a> ) 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. 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. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
5.	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.
6.	Construction plans, permits and inspections will be required for all proposed construction.  Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Note that grading import is not allowed for the development of the proposed work within the flood zone
7.	Any additional runoff generated by the proposed development of a site cannot be drained across property lines, or into the Caltrans right-of-way, and must be retained on-site, per County Standards.
8.	Any existing or proposed parking area should comply with the Fresno County Off-street Parking Design Standards.

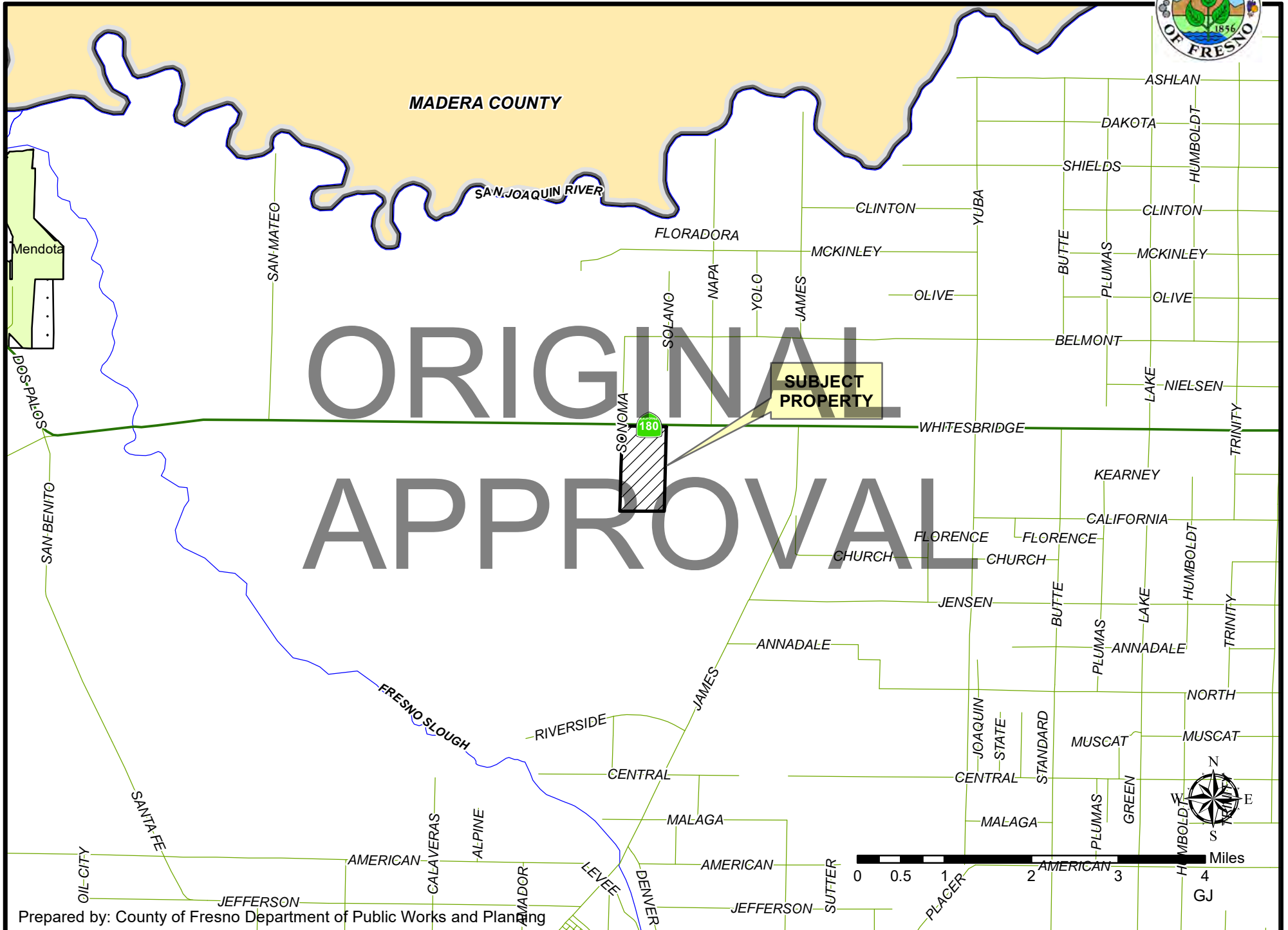
Notes	
9.	A grading permit or voucher is required for any grading proposed with this application
10.	Any proposed driveway should be set back a minimum of 10 feet from the property line. For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative and any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
11.	Any encroachment or access over the Southern Pacific Railroad right-of-way would require approval from the owner.
12.	Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Note that grading import is not allowed for the development of the proposed work within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding.

CMM

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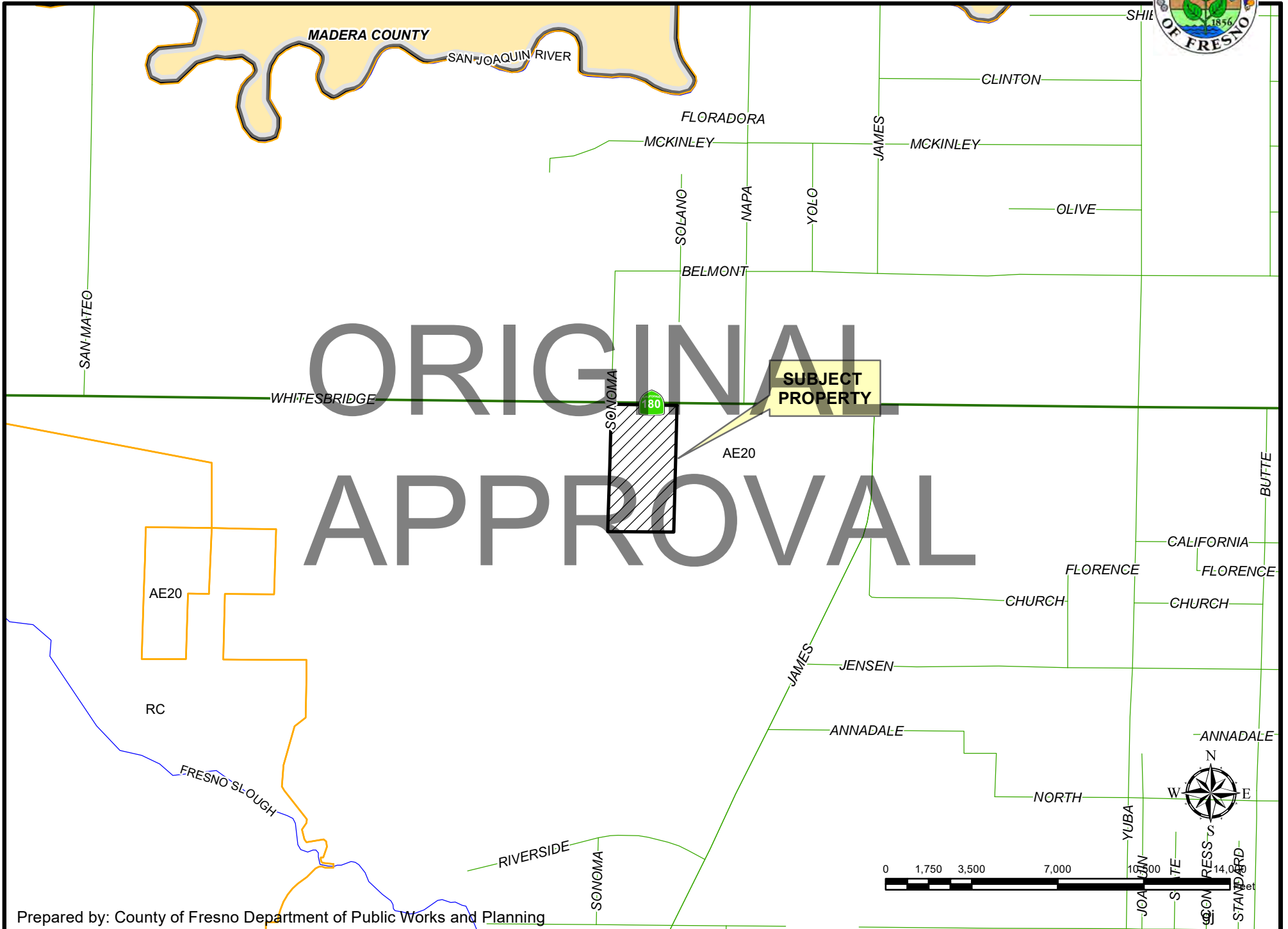
ORIGINAL  
APPROVAL

# LOCATION MAP



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

# EXISTING ZONING MAP





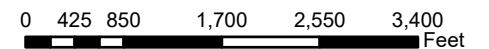
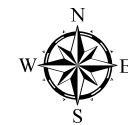
# EXISTING LAND USE MAP



LEGEND	
DAIRY	
FC - FIELD CROP	
GRZ - GRAZING	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENC	
V - VACANT	

LEGEND:

-  Subject Property
-  Ag Contract Land

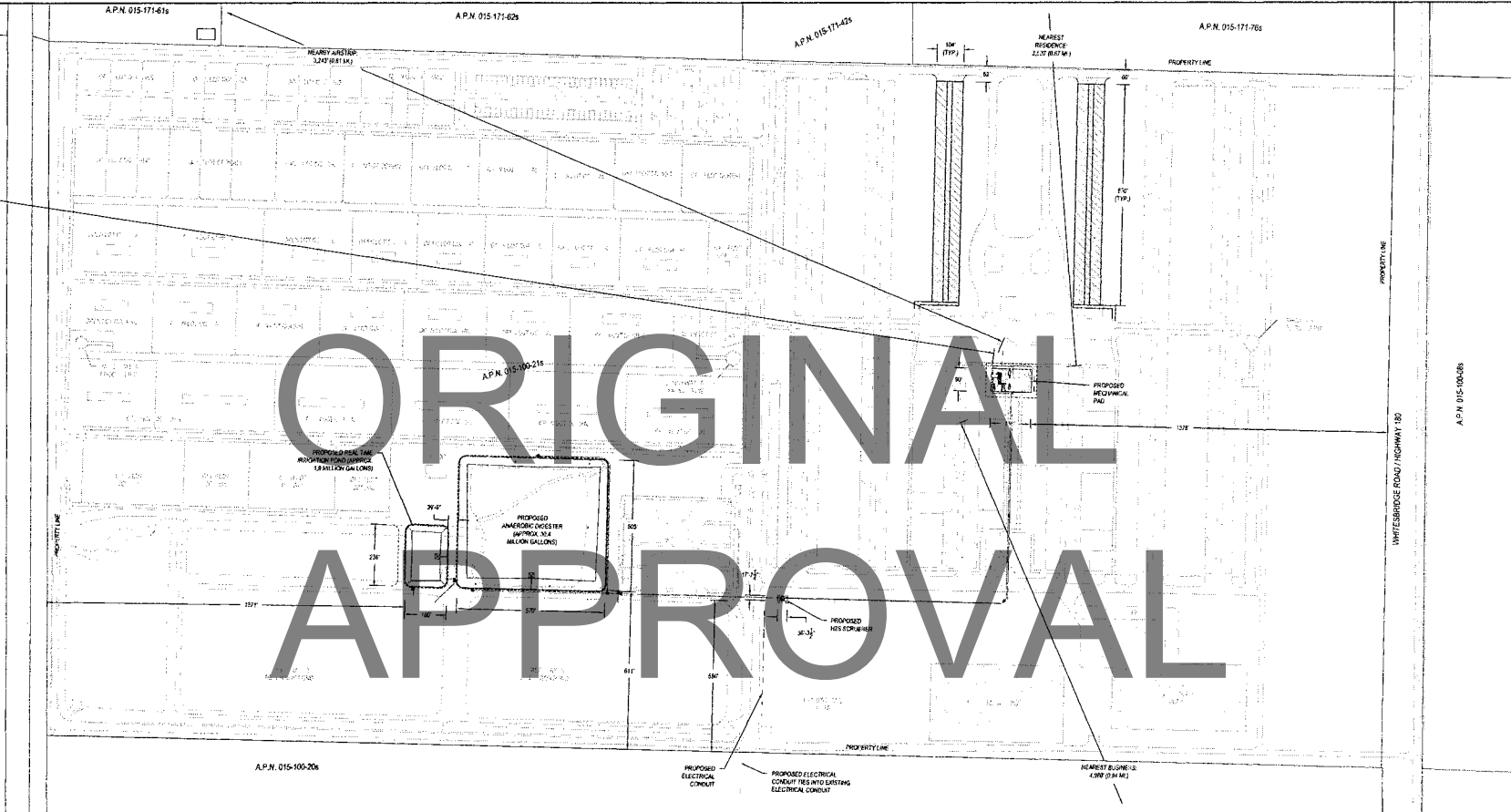


Department of Public Works and Planning  
Development Services Division

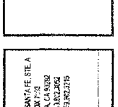
# BAR 20 DAIRY, FRESNO COUNTY

EXHIBIT 5

APN 015-100-06



REVISION	DATE	BY	REASON



U.S. BANK & TRUST  
 400 N. VAN DE GRAFF  
 KIRKLAND, CA 94622  
 TEL: 925.835.1234  
 FAX: 925.835.1235  
**4CREEKS**  
 CIVIL ENGINEERING

PROJECT: BAR 20 DAIRY  
 CLIENT: STEPHEN SHEHADEY  
 DATE: 08/23/2017  
**PROPOSED SITE PLAN**

DATE:	Aug 23, 2017
JOB NO:	17063
FILE NAME:	17063.DWG
SCALE:	SEE SHEET
SHEET NO.:	1 OF 1



- LEGEND**
- EXISTING FENCELINE
  - PROPOSED FENCELINE
  - PROPOSED ELECTRICAL CONDUIT
  - PROPOSED WATER PIPING
  - PROPOSED BIOSPILLING
  - EXISTING CONCRETE
  - PROPOSED CONCRETE
  - EXISTING SHADE STRUCTURE
  - PROPOSED SHADE STRUCTURE
  - PROPOSED DIGESTER POND EXTENTS

**OWNER** STEPHEN SHEHADEY  
**SITE ADDRESS** 24387 W. WHITESBRIDGE AVENUE  
 Kerman, CA 93630  
**COUNTY** FRESNO COUNTY  
**A.P.N.** 015-100-21a

HERD SUMMARY		
DESCRIPTION	CURRENT HERD INDEX	PROPOSED HERD INDEX
MILK COWS	6,800	6,800
DRY COWS	1,020	1,020
HEIFERS: 15-24 MO.	2,367	2,367
HEIFERS: 7-14 MO.	1,893	1,893
HEIFERS: 4-6 MO.	710	710
CALVES: UP TO 5 MO.	710	710
<b>TOTAL</b>	<b>13,500</b>	<b>15,500</b>

CURRENT PERMIT (CUP 3215)		
DESCRIPTION	PERMITTED HERD	PROPOSED HERD
MILKING COWS	6,800	6,800
NON-MILKING COWS	6,700	6,700
<b>TOTAL</b>	<b>13,500</b>	<b>15,500</b>

PROPOSED SITE PLAN

SCALE: 1" = 200'

A.P.N. 015-171-61s

A.P.N. 015-171-62s

A.P.N. 015-171-42s  
104'  
(TYP.)

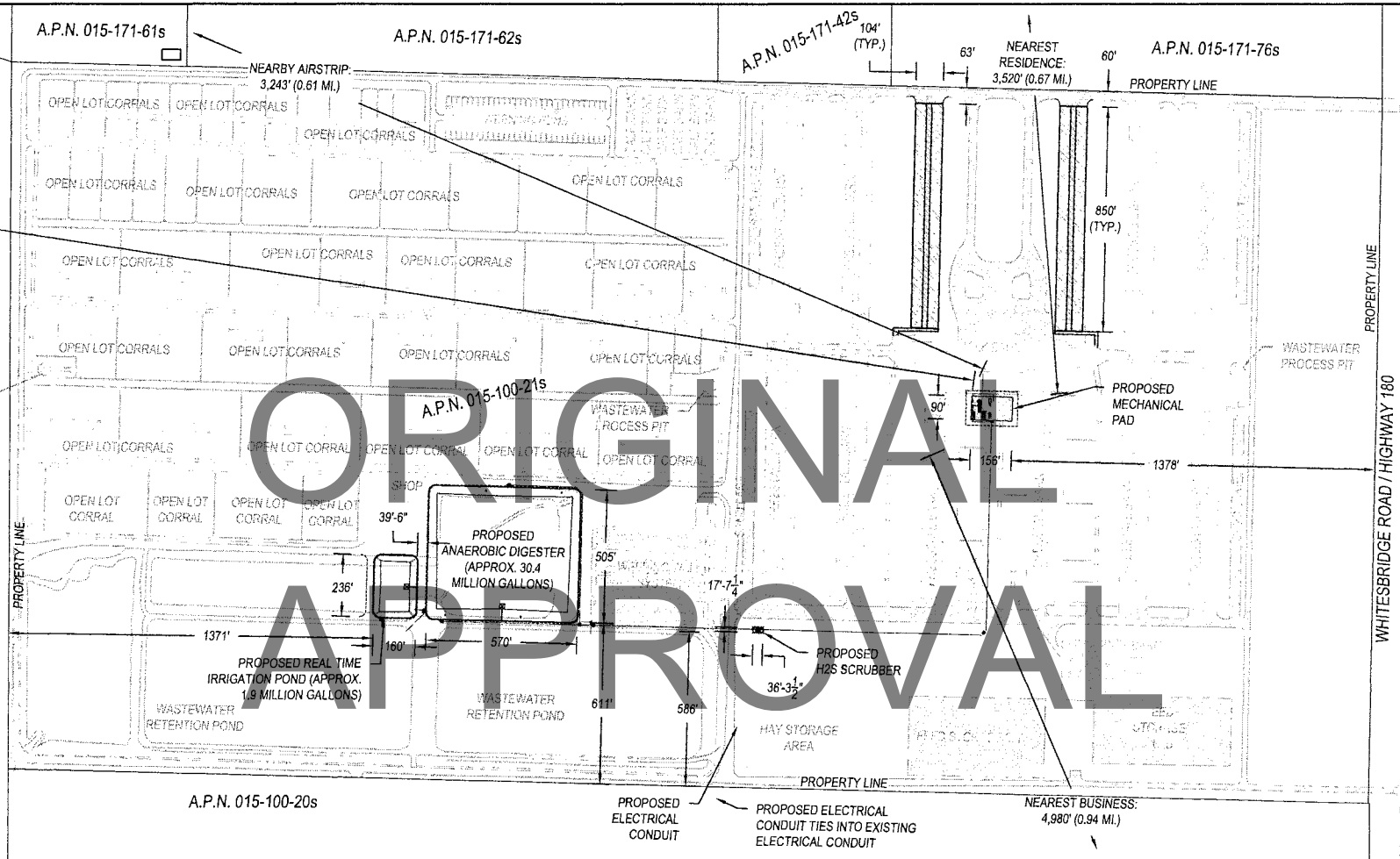
63'  
NEAREST RESIDENCE:  
3.520' (0.67 MI.)

60'  
A.P.N. 015-171-76s

NEARBY AIRSTRIP:  
3,243' (0.61 MI.)

NEAREST SCHOOL:  
30,644' (5.8 MI.)

A.P.N. 015-120-05s



A.P.N. 015-100-20s

A.P.N. 015-100-08s

WHITESBRIDGE ROAD / HIGHWAY 180

PROPOSED SITE PLAN  
BAR 20 DAIRY  
FRESNO COUNTY, CA

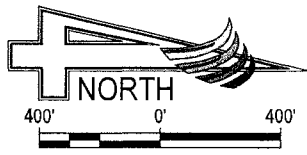
17083  
SITE PLAN  
8/16/2017  
1" = 400'

OWNER BAR 20 DAIRY, LLC

SITE ADDRESS 24387 W. WHITESBRIDGE AVENUE  
KERMAN, CA 93630

COUNTY FRESNO COUNTY

A.P.N. 015-100-21s



LEGEND

- EXISTING FENCELINE
- - - PROPOSED FENCELINE
- - - PROPOSED ELECTRICAL CONDUIT
- - - PROPOSED WATER PIPING
- - - PROPOSED BIOGAS PIPING
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING SHADE/STRUCTURE
- PROPOSED SHADE/STRUCTURE
- PROPOSED DIGESTER POND EXTENTS

334 S. State Fe. St. A  
Visalia, CA 93292  
(559) 922-3052  
www.c-creks.com







BAR 20 DAIRY  
OPERATIONAL STATEMENT:

RECEIVED  
COUNTY OF FRESNO

FEB 15 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

CUP 3580

1. **Nature of operation—what do you propose to do? Describe in detail.**

Bar 20 Dairy (Facility) is an existing dairy facility located in Kerman, California.

The owners of the Facility would like to propose the construction, installation, and operation of an anaerobic digester. This includes the lining and covering of a new pond on-site, to standards required by the Regional Water Quality Control Board (RWQCB). This also includes an H<sub>2</sub>S scrubber, and a mechanical pad, which includes two (2) 1-MW generators to utilize the biogas to produce electricity.

The owners of the Facility would also like to propose to consolidate another dairy facility to the subject property. This proposal is to move all animals from Bar 20 Dairy No. 3 (north of Whitesbridge) to the Facility (subject property, south of Whitesbridge). This proposes the total number of animals to reach 10,839 milking cows and/or 20,616 non-milking animals at the Facility. Lastly, the modification would include two (2) additional freestall barns to house the additional animals. Please see the site plans for details.

2. **Operational time limits**

The operation of the Facility remains consistent throughout the year. The Facility operates 24 hours per day, 7 days per week. The milk cows are milked twice per day, and this routine governs the milkers' schedule. There are two shifts for milkers, per 24 hours, each approximately 10 hours. Feeders, herdsmen, maintenance, and other employees work between the hours of 4:00AM and 6:00PM. The proposed project will not affect the operational time limits.

3. **Number of customers or visitors:**

The number of visitors per day range depending on the day of week and the time of year. On average, about 15 visitors (which include family members of employees, consultants to the dairy, or salesman) visit per weekday, between the hours of 6:00AM and 5:00PM. The proposed project will not affect the number of customers or visitors on-site.

4. **Number of employees:**

The current total number of employees is approximately 80 people. The proposed project will not impose a need for additional employees. Services for the digester and mechanical equipment shall be provided part-time by the digester operations team.

5. **Service and delivery vehicles:**

Service and Delivery vehicles visit regularly at the dairy to provide feed, pick up the milk, haul animals, provide mechanical services, provide veterinary and breeding services, and fuel deliveries. With the proposed modifications, a minor amount of limited additional maintenance and service vehicles will visit the site, but only a few times per month.

6. **Access to the site:**

The Facility is located south of Whitesbridge Road (or Highway 180) between N. San Mateo Avenue and N. Napa Avenue. There are two (2) paved access points to the Facility from Whitesbridge Road.

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

Majority of parking occurs adjacent to the milk barn as well as adjacent to the shop. Adjacent to the milk barn is approximately one hundred (100) marked and unmarked parking spaces, including one (1) marked for ADA Accessibility under the western shade of the milk barn structure. The proposed project will not impose the need for additional parking spaces.

**Visalia Office**

324 S. Santa Fe St. Ste. A  
Visalia, California 93292  
P: (559) 802.3052  
F: (559) 802.3215

**Porterville Office**

881 W. Morton Ave., Suite D  
Porterville, California 93257  
P: (559) 781. 0102  
F: (559) 781.6840

[www.4-creeks.com](http://www.4-creeks.com)



**8. Are there any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?**

Milk is produced on-site, and picked up by Producers Dairy Foods several times each day. With the addition of the proposed digester project, electricity will be produced by the generators from the biogas and collected in the digester, which will be connected to the local utility electrical grid.

**9. What equipment is used?**

Tractors and feed trucks are used on-site for feeding the animals. In the milk barn, vacuum pumps, plate coolers, and other milk handling equipment are used in compliance with the California Code of Regulations. The proposed digester project will include additional equipment including two (2) 1-MW generators along with an H<sub>2</sub>S Scrubber to clean the biogas collected in the digester.

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

Various supplies and materials are stored and used within the milk barn for milk tank sanitation. The proposed project will use (a) urea for NO<sub>x</sub> reduction system and (b) iron oxide media as part of H<sub>2</sub>S removal system. Used and new engine oil will also be stored on-site.

**11. Does the use cause an unsightly appearance?**

There is an existing buffer of 500 feet between the paved street and the extents of the Facility production area, which reduces any aesthetic impacts of the Facility. The proposed project will not affect the impacts on dust, odor, or any aesthetics near the Facility. The proposed project will likely decrease odor by capturing biogas from current uncovered ponds.

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

Solid manure is produced on-site, stored, and applied to contiguous farmland at agronomic rates. Liquid wastewater is also produced, stored, and applied similarly. Some solid manure is also delivered off-site, which is monitored by the Facility as required by the Regional Water Quality Control Board.

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

The estimated volume of water to be used at the dairy Facility will slightly increase due to the increase in animal units. The digester will neither generate nor use more water than the Facility utilizes, which ranges throughout the various seasons of the year. It would be expected that the on-site water usage will increase from 233,490 gallons per day to 319,887 gallons per day (simple consolidation of the two facilities) during the required 120-day storage period as required by the Regional Water Quality Control Board. However, in transferring all animals to the same production area, the average water usage (gallons per day per cow) is projected to decrease due to the operational efficiency of milking and maintaining all animals at the same site.

It must be noted that, while the herd size of animals housed on-site will increase, the existing wastewater retention ponds at the adjacent facility will still be utilized for wastewater storage via piped drain lines. Further, all existing wastewater storage ponds will remain in service of the same number of animals after the proposed modifications, while the animals will be consolidated to the same production area for operational efficiency. All wastewater generated at the Facility will continue to be recycled agronomically for land application and crop use.

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

Not applicable to this operation.

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- 15. Will existing buildings be used or will new buildings be constructed?**  
All existing buildings of the Facility will remain intact. A new building for the mechanical generators will be used for the operation of the Facility. Two (2) new freestall barns will also be constructed to house the additional animals. These structures can be found on the attached site plan.
- 16. Explain which buildings or what portion of buildings will be used in the operation.**  
Please see the attached site plan for building location specifics.
- 17. Will any outdoor lighting or an outdoor sound amplification system be used?**  
All outdoor lighting is existing. The proposed project does not include the addition of outdoor lighting, nor outdoor sound amplification systems.
- 18. Landscaping or fencing proposed?**  
Some fencing is proposed for animal confinement to accommodate for the proposed mechanical pad, but all fencing is within existing animal confinement areas. Please see the attached site plan for specifics.
- 19. Any other information that will provide a clear understanding of the project or operation.**  
The proposed modification to the Facility will not modify the Facility footprint as currently operated. The purpose of the project is to generate electricity using the biogas created by the animals to reduce methane emissions. The project has a very minor impact to existing operations of the dairy Facility once constructed and operational.
- 20. Identify all Owners, Officers and/or Board Members for each application submitted.**  
The owner of the dairy is Bar 20 Dairy, LLC, which is overseen by Stephen Shehadey.

ORIGINAL  
APPROVAL

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# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Stephen Shehadey

APPLICATION NOS.: Initial Study Application No. 7318 and Unclassified  
Conditional Use Permit Application No. 3580

DESCRIPTION: Allow an **approximately 30.4 million-gallon** anaerobic digester for the collection of methane to be constructed on a 6.93-acre portion of an existing dairy facility; allow an increase to the herd size to a maximum of 10,839 milking cows and 20,616 non-milking animals due to a transfer of animals from the Bar 20 Dairy No. 3; and construct two new free-stall barns to house said animals on a 324.66-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of Whitesbridge Avenue, between San Mateo Avenue and James Road, addressed as 24387 W. Whitesbridge Avenue, Kerman (Sup. Dist.1) (APN 015-100-21S)

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or
- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

The proposed digester will be located more than 3,000 feet south of the nearest roadway, Highway 180. The main covered area of the digester will be only slightly above-grade and is not likely to impact the view. The above-ground portions of the digester, such as the mechanical pad and associated equipment will meet all development standards without the need for a variance. There are no new sources of



lighting proposed as part of this application; however, existing exterior lights are present at the site.

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

FINDING: NO IMPACT:

This parcel has been designated by the Fresno County 2014 Important Farmlands map as Confined Animal Agriculture (CA). In Fresno County, this is considered Farmland of Local Importance. Therefore, there will be no impact to prime farmlands, unique farmlands, or farmland of state-wide importance.

- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The entire parcel was restricted by Williamson Act Contract No. 262; however, when a digester is used to produce and sell energy (as opposed to producing energy for use at the site), then the use is not considered to be compatible with the Williamson Act. On September 19, 2017, a notice of partial non-renewal was recorded to remove the 6.93-acre portion of the parcel from the existing Williamson Act Contract. Approximately 318 acres of this parcel remain under contract. Due to the extensive acreage remaining under contract and the nature of the digester to support the agricultural use, impacts to the Contract will be less than significant.

This parcel is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The proposed herd increase and anaerobic digester are allowed under this zoning through the approval of an Unclassified Conditional Use Permit. There are no conflicts with the existing zoning.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not located near any forestland or other land zoned for timberland production and therefore will have no impacts upon such lands. The nature of this project to install a digester and increase the herd size at an existing dairy will not result in the

conversion of adjacent agricultural lands. The two portions of this parcel that were removed from the Williamson Act Contract are located more than 1,000 feet from the closest property line. Therefore, Williamson Act Contract No. 262 continues to provide a buffer of agricultural uses to the surrounding properties. Further, while the digester is not considered to be a use compatible with Williamson Act Contract, it benefits agricultural activities in the area and therefore will not result in the conversion of other land.

### III. AIR QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area of nonattainment for Ozone, PM<sub>2.5</sub> and PM<sub>10</sub> (particulate matter <2.5 mm and <10mm); however, the proposed increase in herd size will be due to a transfer of animals from another permitted dairy located on the opposite corner of Highway 180 and S. Sonoma Avenue from the subject parcel. The San Joaquin Valley Air Pollution Control District currently regulates these two dairies as a single source; however, they operate under separate authorizations through the County of Fresno because they were developed at different times. The transfer will move these animals from their current open-lot corrals to new free-stall barns, which will result in an anticipated decrease of PM<sub>10</sub> emissions by approximately 6.69 lbs/hd-yr.

It is further anticipated that this transfer of these animals will reduce emissions by reducing employee and delivery trips, since employees will not need to travel to two sites and the milk may be transferred alongside existing deliveries.

The following activities are anticipated during construction: minimal grading of the existing pond (the proposed digester), minimal grading at the location of the free-stall barns, construction of the mechanical pad for digester engines, and lining and covering of the digester pond. Combined estimated emissions in tons per year from construction are: 4.32 NO<sub>x</sub> (nitrogen oxides), 0.21 ROG (reactive organic gas), 0.22 PM<sub>10</sub>, 5.40 ozone, and 0.01 SO<sub>x</sub> (Sulfur dioxide). The demolition of the north facility, where the transferred animals are sourced, is a reasonable expansion of impacts from this project. Said demolition is anticipated to release (in tons/year) 3.55 NO<sub>x</sub>, 0.17 ROG, 0.19 PM<sub>10</sub>, 4.52 CO, and 0.01 SO<sub>x</sub>. The Air District's review of these estimations confirmed that they are anticipated to remain below significance thresholds for increases to criteria pollutants.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

Sensitive receptors include hospitals, schools, elderly housing, and some residential developments. The area in the vicinity of the project site does not contain any such locations; the surrounding area is agricultural in nature. The nearest residence is approximately 2,400 feet from the nearest property line and not likely to be impacted by the estimated level of emissions.

Following construction, all manure and wastewater on the site will be treated by an anaerobic digester, which will reduce the amount of methane in the air, thereby reducing objectionable odors from manure.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?

FINDING: LESS THEN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The existing conditions at the project site consist of an established dairy with open lot corrals, weaning pens, and calf barns in the southwestern portion of the parcel; freestall barns, a vet barn, and a milk barn in the northwestern two-thirds; two feed storage slabs, hay storage, and a commodity barn in the northeastern portion; and two wastewater retention ponds in the southeastern portion. The area around these structures has been cleared of debris and landscaping. To the west is undeveloped land comprised of annual grassland, which could provide habitat for numerous special-status species, according to the California Department of Fish and Wildlife (CDFW). Therefore, the potential exists for such species to be present at the project site. In order to reduce impacts to these species, the applicant shall first perform site-specific, habitat assessment surveys, then shall follow appropriate mitigation as identified below:

\* **Mitigation Measures**

1. *Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the following species: blunt-nosed leopard lizard, San Joaquin kit fox, Fresno kangaroo rat, tricolored blackbird, burrowing owl, American badger, western spadefoot, and the coast horned lizard. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.*
2. *In order to reduce impacts to the blunt-nosed leopard lizard (BNLL), if suitable habitat is present, the applicant shall implement the following measures:*
  - a. *Prior to ground-disturbing activities, but not more than one year in advance of such work, surveys shall be conducted in the areas of the proposed digester*

and free-stall barns in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFG 2004).

- b. *If the presence of BNLL is detected, the applicant shall consult with CDFW to determine how to implement ground-disturbing activities to avoid take.*
3. *In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the applicant shall implement the following measures:*
  - a. *Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following US Fish and Wildlife Service’s (USFWS) “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (2011).*
  - b. *If SJKF is determined to be present at the site, the applicant shall consult with CDFW to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.*
4. *In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the applicant shall implement the following measures:*
  - a. *Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS’s “Survey Protocol for Determining Presence of Fresno Kangaroo Rats” (2013).*
  - b. *If FKR is detected, the applicant shall consult with CDFW to discuss avoidance measures.*
5. *In order to reduce impacts to the Tricolored Blackbird (TRBL), the following measures shall be implemented:*
  - a. *If construction occurs outside normal breeding season (February 1 through September 14), no additional mitigation is necessary to avoid impacts.*
  - b. *If construction occurs during normal breeding season, a qualified wildlife biologist shall conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation.*
  - c. *If pre-construction surveys indicate the presence of an active TRBL nesting colony, a minimum 300-foot no-disturbance buffer shall be established, in accordance with CDFW’s “Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields” (2015). Prior to removal of the buffer, a qualified biologist must determine that nesting has ceased or the birds have fledged. The buffers may be removed once the nesting season has ended.*
  - d. *If pre-construction surveys indicate the presence of TRBL, the applicant shall consult with CDFW to avoid take, or shall obtain an Incidental Take Permit.*
6. *In order to reduce impacts to the Burrowing Owl (BUOW), if suitable habitat is present, the following measures shall be implemented:*
  - a. *Surveys shall be conducted by a qualified biologist to determine the presence or absence of BUOW at the project site and within a 500-foot buffer of the project site. These surveys shall follow the California Burrowing Owl*

Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012).

- b. *If BUOW is determined to be present at the project site, no-disturbance buffers as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) shall be implemented prior to and during all ground-disturbing activities. The buffer zones recommended by the "Staff Report" shall be implemented unless a qualified biologist, approved by CDFW, verifies through non-invasive methods that either: the birds have not begun egg-laying and incubation; or that the juveniles from the occupied burrows are foraging independently and are capable of independent survival.*
  - c. *If it is not feasible to implement buffers as outlined by the "Staff Report", a qualified biologist may perform burrow exclusion to remove BUOW from the project site. Burrow exclusion shall occur only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods. Artificial burrows shall be created at a 1:1 ratio for each exclusion.*
7. *In order to reduce impacts to the American Badger, the western spadefoot, and the coast horned lizard, if suitable habitat is present, the following measures shall be implemented:*
- a. *Surveys shall be conducted by a qualified biologist to determine if species are present.*
  - b. *50-foot no-disturbance buffers shall be implemented around any identified burrows and dens.*
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The U.S. Fish and Wildlife Service's Wetlands Mapper shows several wetlands which occur on the project site; however, no seasonal flooding occurs on site due to the existing grading and drainage plan. All open lot corrals are maintained with minimum slopes for property drainage to the wastewater retention ponds, or to local low spots where water is manually pumped to the wastewater ponds. This project is exempt from a Section 404 review under Section 404(f)(1) of the Clean Water Act (established farming, ranching, or silviculture activities).

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or

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

FINDING: NO IMPACT:

There are no migratory corridors that run through or adjacent to the project site. The anaerobic digester is proposed in an undeveloped area of the parcel within the existing dairy and which is not subject to a Habitat Conservation Plan, Natural Community Conservation Plan or other local, regional, or state plan.

#### V. CULTURAL RESOURCES

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Under the provisions of Assembly Bill 52 (AB 52), this project was routed to Table Mountain Rancheria, Santa Rosa Rancheria, Dumna Wo Wah, and the Picayune Rancheria of Chukchansi Indians. Both Table Mountain Rancheria and Picayune Rancheria responded within 30 days and declined to consult, but requested to be notified in the event that cultural resources are uncovered. The Dumna Wo Wah and Santa Rosa Rancheria Tribal Governments did not respond within the deadline and therefore declined consultation.

While no Tribal Entity identified a resource on this parcel, there remains the possibility of uncovering previously unknown cultural resources. Therefore, during construction of the anaerobic digester and free-stall barns, the applicant will be required to halt all work if a resource is uncovered. Appropriate disposition of the find is detailed in the mitigation measure below, including means by which to contact the tribes.

\* **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 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. The applicant must notify the Table Mountain Rancheria Tribal Government by email at [rpennell@tmr.org](mailto:rpennell@tmr.org) and the Picayune Rancheria of Chukchansi Indians by email at [THarter@chukchansi-nsn.gov](mailto:THarter@chukchansi-nsn.gov) of any archeological finds.*

VI. GEOLOGY AND SOILS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located near two pre-quarternary faults located at the border of Madera and Fresno Counties. These faults are more than 1.6 million years old and have not been active in the modern period. Therefore, impacts from these faults on the project site are unlikely. Additionally, there is no increase in the number of employees proposed as part of this application. Further, Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that this parcel is located in an area at low risk of seismic hazards.

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

FINDING: NO IMPACT:

The subject parcel is not likely to result in substantial erosion or loss of topsoil because a water management plan is in place which channels runoff water into the wastewater retention ponds. The site is not located in an area of steep slopes or landslide hazards (Figure 9-6, FCGPBR) or areas where expansive soils are common (Figure 7-1).

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

FINDING: NO IMPACT:

There are no new septic or wastewater facilities proposed with this application. The increase in herd size is not anticipated to increase the use of septic systems on site and therefore the existing systems will be adequate. Review of the system by the Fresno County Department of Public Health did not identify any concerns with the capacity of the existing septic system.

## VII. GREENHOUSE GAS EMISSIONS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the estimated emissions (discussed more completely in Section III) by the Air District determined that with compliance to existing regulations, this project would not generate greenhouse gases that could have a significant effect on the environment and will not be in violation of any plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. The proposed herd increase results from a transfer of animals from a nearby dairy, and this transfer will place them in free-stall barns, which are more protective of air quality than their existing open lots.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

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



FINDING: NO IMPACT:

The new anaerobic digester will not create a public hazard through the transport, use, or disposal of hazardous materials. This project authorizes the transfer (increase) in herd at the project site and the operation of the anaerobic digester.

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

FINDING: NO IMPACT:

The subject parcel is not located within one quarter-mile of a school. The nearest schools are Tranquillity High School and Tranquillity Elementary School, both of which are more than five miles south of the project site.

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

FINDING: NO IMPACT:

The subject parcel is not located on a hazardous materials site or any Brownfields, Superfund, Toxic Inventory Release, or RCRA facility.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not located in the vicinity of a public or private airport. Review of aerial photographs (Google Earth, August 7, 2017) identified one private airstrip, located west of the subject parcel and just north of the Southern Pacific Railroad. This project is not anticipated to create a safety hazard for people residing or working in the area because the project site is generally located more than 2,000 feet from this location and all development will be within typical development standards. The improvements will be adjacent to and of similar height to existing improvements on the site. The airstrip operates under County Conditional Use Permit No. 2284, which includes a condition that the airstrip will not be operated in a manner to cause a nuisance. Further, the position and orientation of the strip does not encourage flight over the project site.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or
- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

Approval of this application will not impair the implementation of an Emergency Response Plan or Emergency Evacuation Plan. The subject parcel and other parcels in the vicinity have been determined to be within a non-wildland/non-urban classification of risk for Wildfire and not within an area of state responsibility.

#### IX. HYDROLOGY AND WATER QUALITY

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

FINDING: NO IMPACT:

This project will not violate any water quality standards or waste discharge requirements. Wastewater from the project site will be processed through the digester then applied to Dairy-owned fields. **The existing permitted facility is currently authorized to apply wastewater from the project site to 24 parcels in the vicinity of the proposed digester. Application is consistent with the Nitrogen Budget prepared by a qualified agronomist.** There is no increase to the amount of fields watered in this manner.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table; or
- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

All grading on site will be done in compliance with existing County regulations; as part of the permitting process, the applicant will be required to prepare an engineered grading and drainage plan to show how additional runoff generated by the proposed development will be handled without adversely impacting adjacent properties. There are no streams, rivers, or canals running through the project site. Further, total water usage

is likely to decrease as a result of the consolidation of the subject dairy and the dairy across the street, from where the herd increase will be transferred.

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

FINDING: NO IMPACT:

There is no housing proposed as part of this application.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA Firm Panel 2050H, a large portion of the property is found to be under Flood Zone A which is subject to flooding from the 100-year storm. Any work within the designated flood zones shall conform to provisions established in Chapter 15.48 (Flood Hazard Areas) of the Fresno County Ordinance. No import is allowed for grading associated with development within the flood zone; any dirt material used must be obtained within the designated flood area as to not cause an impact to the determined area of flood. A FEMA Elevation Certificate is required for every structure proposed to be constructed within the flood zone.

The project site is located in an area at risk of inundation due to dam failure; however, compliance to the above-identified regulations (Chapter 15) will reduce these impacts to less than significant. Further, persons and animals at the project site will have been transferred from the adjacent dairy, which is at similar risk.

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

FINDING: NO IMPACT:

The project site is not located near a body of water large enough to produce seiche or tsunami. The lack of steep slopes in the vicinity preclude inundation by mudflow.

#### X. LAND USE AND PLANNING

A. Will the project physically divide an established community; or

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

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

FINDING: NO IMPACT:

This project will be completely within the existing property lines of the subject parcel and will not impact any nearby communities. Surrounding parcels are improved with dairies and agricultural uses and do not represent an established community. The increased allowed herd numbers and new digester do not conflict with any land use plan or agency ordinances. There are no Habitat Conservation Plans or Natural Community Conservation Plans applicable to the project.

## XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

According to Figure 7-7 (FCGPBR), the subject parcel is not located in an area where known mineral resources are located.

## XII. NOISE

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

FINDING: NO IMPACT:

The operation of a commercial digester and transfer of herd are not anticipated to increase noise levels in the vicinity of the project. As noted earlier, the animals will be transferred from a dairy across the street and therefore increased cow population is not expected to result in significant increase to noise at the site.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There is a private airstrip located on the parcel west of the subject parcel; however, the project does not propose an increase to the number of employees present on the site. Currently, those employees work between both dairies and approval of this project would remove the need to travel to the other site. The airstrip is operating under Conditional Use Permit No. 2284, which includes a condition of approval requiring that the airstrip be operated in such a manner as to avoid creating a noise nuisance on surrounding properties. The strip is used to apply necessary treatments to surrounding agricultural developments and was determined to be in an appropriate location (distant from residential uses) at the time of approval. Trips may vary between five and twenty trips per day during the peak season.

XIII. POPULATION AND HOUSING

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

FINDING: NO IMPACT.

The scope of this project is limited to an increase in herd size, the building of new stalls to house those animals and the installation/operation of an anaerobic digester. These activities will not induce substantial population growth.

The location of the digester and corrals are proposed within the existing dairy operation and will not displace any existing housing.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:
  - 1. Fire protection;
  - 2. Police protection;
  - 3. Schools;
  - 4. Parks; or
  - 5. Other public facilities?

FINDING: NO IMPACT:

There will be no impacts to public services. The subject parcel is located close enough to the other dairy from which the animals will be transferred that fire and police services will not be impacts. This project will not increase the attendance at local schools or increase the use of public parks or other facilities.

## XV. RECREATION

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

FINDING: NO IMPACT:

The increase in herd size and the installation of the digester do not have the potential to increase the use of existing parks or other recreational facilities. The energy generated by the digester will be sold to the power company and will help to reduce the amount of coal-produced energy.

## XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures; or
- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access; or
- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The increase to the herd size will not result in additional traffic because the additional animals will be transferred from the dairy directly to the northwest of the project site. Due to the proximity of the two dairies, there will be no effective increase in traffic. No traffic will be generated by the proposal to produce energy for sale.

## XVII. UTILITIES AND SERVICE SYSTEMS

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

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or
- C. Would the project require or result in the construction or expansion of new storm water drainage facilities; or
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed; or
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand; or
- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing dairy operates under a waste management plan, which indicates which parcels may receive manure and process wastewater from the dairy operations. Adherence to this plan is required by the Central Valley Regional Water Quality Control Board (CVRWQCB). Wastewater is currently piped to either a recovery tank or a storage lagoon. When the digester is installed, the wastewater drain lines will be rerouted so that all wastewater travels through the anaerobic digester prior to entering the existing retention ponds. Following processing in the digester, remaining water will be applied to dairy-owned fields as irrigation. **The current operation is authorized to apply treated wastewater to 24 parcels in the area.**

Review of this application by the CVRWQCB determined that the proposed increase in head would require the operators to file a new Report of Waste Discharge, due to the increased volume of discharge; however, the Water Resources Division of the Fresno County Department of Public Works and Planning indicated that water usage is likely to decrease as the proposed increase to herd size is due to a complete transfer of animals from a nearby dairy, which will cease operations.

There is sufficient capacity proposed to accommodate all waste generated by the proposed increase in herd. No additional landfill material will be produced in the typical operation of this parcel. Some waste may be produced during construction and demolition of the source facility and such waste will be delivered to a landfill with sufficient capacity. The project will 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.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife

population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The California Department of Fish and Wildlife has identified the project sites as unique areas of undisturbed land within the highly developed agricultural landscape. Several special-status species are known to occur in this area, including: the blunt-nosed leopard lizard, the San Joaquin kit fox, the tricolored blackbird, the Fresno kangaroo rat, burrowing owl, American badger, western spadefoot, and coast horned lizard. With the Mitigation Measures identified in Section IV.A, which require habitat surveys, then species-specific surveys and specific avoidance measures, impacts will be less than significant.

\* **Mitigation Measures**

*See Section IV.A*

- B. Does the project have impacts that are individually limited, but cumulatively considerable; or
- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

In general, this project will reduce cumulative effects because the proposed increase to the herd size relates to the consolidation of two existing dairies onto this site. This will result in less driving, less wear on road, and more efficient herd management. Further, the proposed digester is expected to reduce the amount of methane released into the air.

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3580, 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 Aesthetics, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Transportation/Traffic.

Potential impacts related to Agriculture, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Biological Resources, and Cultural Resources have determined to be less than significant with compliance with the 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 southeast corner of Tulare and "M" Street, Fresno, California.

CMM

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# ORIGINAL APPROVAL



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. Box 4025, SACRAMENTO, CALIFORNIA 95812

March 14, 2018

Ms. Chrissy Monfette  
 Fresno County Department of Public Works and Planning  
 Development Services and Capital Projects Division  
 2220 Tulare St, Suite A  
 Fresno, CA 93721

**Subject: SCH No. 2018021070 – Proposed Mitigated Negative Declaration for Initial Study Application No. 7318 – Bar 20 Dairy – Fresno County**

Dear Ms. Monfette:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

**PROJECT DESCRIPTION**

The County of Fresno Department of Public Works and Planning, acting as Lead Agency, has prepared and circulated a Notice of Completion (NOC) of a Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The Bar 20 Dairy (proposed project) is located at 24387 West Whitesbridge Avenue, within the existing AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) located on the south side of Whitesbridge Avenue, between San Mateo Avenue and James Road, in the City of Kerman (APN 015-100-21S). The project site is to be constructed on a 6.93-acre portion of an existing dairy facility, and the site is currently zoned for Exclusive Agriculture (EA). The site is located in an area of agricultural development with parcels to the north, south, and west restricted by a Williamson Act Contract.

The proposed project will allow an anaerobic digester for the collection of methane to be constructed on a 6.93-acre portion of an existing dairy facility; allow an increase to the herd size to a maximum of 10,839 milking cows and 20,616 non-milking animals due to a transfer of animals from the Bar 20 Dairy No. 3; and construct two new free-stall barns to house said animals on a 324 66-acre parcel.

**COMMENTS**

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Draft IS/MND, in addition to the specific location noted.

Comments for the Draft IS/ND are summarized in the table below:

Chapter/Section	Page and Location	Comment
IS/MND		<i>The project description is not clear on what type of feedstock(s) will be processed or the tons per day or cubic yards of capacity for the anaerobic digester (AD).</i>



Chapter/Section	Page and Location	Comment
IX. Hydrology and Water Quality	Evaluation of Environmental Impacts p. 14	<p><i>What feedstock(s) will be used in the AD? What is the capacity of the AD in tons per day or cubic yards?</i></p> <p>"Wastewater from the project site will be processed through the digester and then applied to fields."</p> <p><i>Is the wastewater considered digestate per Title 14, California Code of Regulations (CCR), section 17896.2 (a)(6)?</i></p> <p><i>Digestate Handling guidelines must be followed pursuant to Title 14, CCR Section 17896.57.</i></p> <p><i>If the digestate is applied to land, application rates must follow the Land Application guidelines pursuant to Title 14, CCR section 17852(a) 24.5.</i></p>
XVII. Utilities and Service Systems	Evaluation of Environmental Impacts p.16	<p>"Wastewater is currently piped to either a recovery tank or a storage lagoon. When the digester is installed, the wastewater drain line will be rerouted so that all wastewater travels through the anaerobic digester prior to entering the existing retention ponds. Following processing in the digester, remaining water will be applied to dairy-owned fields as irrigation."</p> <p><i>Will the remaining water be returned to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the agricultural site on which the in-vessel digester is located?</i></p> <p>"The project will be required to obtain a permit to operate a Solid Waste Facility from the County of Fresno".</p> <p><i>The applicant should consult with County of Fresno Department of Health, Environmental Health Division, Local Enforcement Agency (LEA) to determine where the proposed project fits within the In-Vessel Digestion Operations and Facilities Placement in the Regulatory Tiers (Title 14, CCR, Section 17896.5.</i></p>
Fresno County Zoning Ordinance Technical Report for Bar 20 Dairy	Introduction p.1	<p>The introduction indicates that, "the proposed project is to generate electricity using the bio-gas created by the animals while reducing methane emissions".</p> <p><i>Please provide a clear description of the proposed project included but not limited to the feedstock(s), loading and unloading of materials into the AD, maximum cubic yards or tons per day of material allowed for throughput, and any pathogen testing on digestate to be performed.</i></p>

ORIGINAL  
APPROVAL

Chapter/Section	Page and Location	Comment
Fresno County Zoning Ordinance Technical Report for Bar 20 Dairy	Introduction p.1	It is noted that, "solid waste will be exported off site".  <i>What types of solid waste produced at Bar 20 Dairy are not suitable for digestion?</i>

Solid Waste Regulatory Oversight

The County of Fresno Environmental Health Division is the Local Enforcement Agency (LEA) and responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA at (559) 600-3271 to discuss the regulatory requirements for the proposed project.

**CONCLUSION**

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the MND and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at 916.341.6066 or by e-mail at [Alyssa.Gagnon@calrecycle.org](mailto:Alyssa.Gagnon@calrecycle.org).

Sincerely,



Alyssa Gagnon, Environmental Scientist  
Permitting & Assistance Branch – North Central Unit  
Waste Permitting, Compliance & Mitigation Division  
CalRecycle

cc: Patrick Snider, Supervisor  
Permitting & Assistance Branch – North Central Unit

cc: Sukhdeep (Deep) Sidhu, LEA  
County of Fresno Environmental Health Division

ORIGINAL  
APPROVAL



April 20, 2020

Chrissy Monfette, Planner  
County of Fresno, Department of Public Works and Planning  
2220 Tulare Street, Suite A  
Fresno, CA 93721

**RE: Conditional Use Permit 3580 – Extension Request  
Dairy Facility Modifications  
Bar-20 Dairy LLC / California Bioenergy, LLC  
APN 015-100-21S**

Ms. Monfette,

It has come to our attention that the above referenced Conditional Use Permit (CUP) is approaching expiration. Due to circumstances beyond the Applicant's control, including delays related to funding and technological development, construction has been delayed and the Applicant would like to request a one-year extension of time for the CUP referenced above. As design details are currently under final review and grant funding has been awarded, we anticipate construction activities to begin prior to May 1, 2021.

Please feel free to contact me at 559-448-6928, or via email at [kylep@4-creeks.com](mailto:kylep@4-creeks.com) with any questions, comments, or concerns regarding this request. Thank you in advance for your careful consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kyle Parreira', with a stylized flourish at the end.

Kyle Parreira, PE  
4Creeks, Inc.

**Visalia Office**  
2929 W. Main St. Suite A  
Visalia, California 93291  
P: (559) 802.3052  
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[www.4-creeks.com](http://www.4-creeks.com)



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 June 25, 2020

**SUBJECT:** Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619

Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant and used for irrigation of the alfalfa plants surrounding the facility on a 42.02-acre parcel in the M-3 (General Industrial) Zone District.

**LOCATION:** The project site is located on the southeastern corner of the intersection of American Avenue and S. Del Rey Avenue (addressed as 5286 S. Del Rey Avenue, Del Rey, CA 93616) (Sup. Dist. 4) (APN 350-230-01S).

**OWNER/APPLICANT:** POMWonderful, LLC

**STAFF CONTACT:** Chrissy Monfette, Planner  
(559) 600-4245

David Randall, Senior Planner  
(559) 600-4050

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7492; and
- Approve Unclassified Conditional Use Permit No. 3619 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 Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7492
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	General Industrial	No change
Zoning	M-3c (Heavy Industrial, Conditional)	No change
Parcel Size	42.02 acres	No change
Project Site	Vacant/storage area	~14 acres dedicated to digester
Structural Improvements	Existing fruit packaging facility, storage buildings, storage areas, parking lot, storage tanks	Additional ponding basin, anaerobic digester with supporting equipment, interconnection pipeline
Nearest Residence*	~70 ft	No change
Surrounding Development	North and East: Agricultural Operations with SFR, South: Air Strip, agricultural operations, West: Industrial and Residential (Del Rey)	No change
Operational Features	Fruit packing and processing facility	Addition of digester to convert pomegranate pomace to bio-methane
Employees	322	Up to 3 additional full-

Criteria	Existing	Proposed
		time and 2 additional seasonal employees
Customers	~25 daily	No change
Traffic Trips	Up to 322 daily round trips for employees Approximately 481 truck trips	Up to 327 daily round trips for employees Approximately 421 truck trips
Lighting	Existing lighting on building exteriors and parking lots	Additional lighting on exterior of new buildings
Hours of Operation	Up to continuously	No change

\*As measured from the nearest point on the subject property line to the nearest edge of the residence

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

**ENVIRONMENTAL ANALYSIS:**

Pursuant to the Guidelines of the California Environmental Quality Act (CEQA), Section 15162, there shall be no subsequent environmental review prepared for projects for which a negative declaration has been adopted (or for which an Environmental Impact Report has been certified), unless substantial evidence shows one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; 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 in the previous negative declarations;
  - 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, but the project proponents decline to adopt the mitigation measure or alternative;
  - d. Mitigation measures or alternatives which are considerably different from those previously analyzed would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative.

In the case of this project, the inclusion of the digester to create bio-methane gas to be sold for profit requires approval of a Conditional Use Permit by the County of Fresno and represents a significant expansion of use compared to the baseline use of the site to process fruit. Therefore,



a revised Initial Study has been prepared. This study supersedes the studies previously prepared by the County of Fresno (Initial Study numbers 3126, 3851, 3977, and 6808). The County’s previous reviews of this project did not identify any potentially significant impacts which needed to be addressed through the adoption of mitigation measures; however, the California Regional Water Quality Control Board, Central Valley Region adopted a Mitigated Negative Declaration (the “WDR IS”) prior to adoption of the Waste Discharge Requirements for the project site. That review determined that five mitigation measures would be necessary to reduce impacts of the project. These impacts are discussed in the Initial Study attached as Exhibit 8.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: May 20, 2020.

**PUBLIC NOTICE:**

Notices were sent to 33 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:**

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

The decision of the Planning Commission on an Unclassified Conditional Use Permit (CUP) Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

Operation of the fruit-packing facility has been subject to several Conditional Use Permit applications since its original approval in 1992 (CUP No. 2559). Since that time, CUP No. 2618 was approved in 1993 to allow wastewater from the fruit-processing facility to be deposited on an adjacent 309.42-acre parcel as irrigation water and CUP No. 2668 was approved in 1994 to allow additional apple concentrate storage tanks to be installed on site.

Amendment Application No. 3732 was approved on December 7, 2004 by the Board of Supervisors to amend the zoning of the subject parcel from an Exclusive Agricultural (AE-20) Zone District to the existing Heavy Industrial, Conditional to allow the following uses by right: advertising structures, caretaker’s residence, signs, bottling plants, agricultural uses, communication equipment buildings, electric transmission substations, temporary or permanent telephone boots, water pump stations, baled cotton storage, building materials, cotton compress, used materials yards, microwave relay structures, organic fertilizer (bulk sales and storage) and concrete and cement products.

*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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front (West): 15 ft No other required setbacks	No change	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Parking	One off-street parking space for each two permanent employees	No change	Y
Lot Coverage	N/A	N/A	N/A
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	A six (6)-foot-high solid masonry wall shall be erected along the property line of an "M-1" lot which is a district boundary between the "M-1" District and any residential district.	No change	N
Septic Replacement Area	100 percent	No change	Y
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Fresno County Fire Protection District: The Applicant shall comply with California Code of Regulations (CCR), 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 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.

Building and Safety Section of the Fresno County Department of Public Works and Planning: If the subject project is approved, plans, permits, and inspections will be required for all onsite improvements, including the on- and off-site gas pipes.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to U.S.G.S. Quad Maps, there are existing natural drainage channels (Garfield Ditch) near the easterly property line of the subject parcel. Easements may be required by the appropriate agency.

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

The Fresno County Department of Agriculture provided a “no comments” response. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Finding 1 Analysis:**

In regard to the existing failure of the project site to meet the wall requirements of the zone district, staff would like to note that Amendment Application No. 3732 was approved on December 7, 2004 by the Board of Supervisors to amend the zoning of the subject parcel from an Exclusive Agricultural (AE-20) Zone District to the existing Heavy Industrial, Conditional. Therefore, because the rezone application resulted in an industrial zone district adjacent to a residential zone district, the 6-foot masonry wall should have been installed. As a condition of approval of the Amendment Application, “[a]ll active storage areas along the western boundary of the subject property shall be substantially screened through usage of fencing or other method acceptable to the Director of the Department of Public Works and Planning. This determination shall be made during the mandatory Site Plan Review Application Process.” This requirement will be memorialized as a Condition of Approval for this application, with the amendment to include other development near the western property line in addition to ‘storage areas.’ Because the proposed improvements were not estimated to generate noise in excess of Fresno County Noise standards, it is anticipated that continued use of screened fencing will be suitable to screen the use from residential view; however, final approval will be granted by the Site Plan Review Unit.

The development of the project site meets all other development standards of the zone district. No walls are required at any other border because only a portion of the western property line is adjacent to a residential district.

Therefore, staff finds that the site 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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Del Rey Avenue and American Avenue	No change
Direct Access to Public Road	Yes	Driveways at Del Rey Avenue and American Avenue	No change

		Existing Conditions	Proposed Operation
Road ADT		Del Rey: 800 Vehicles per day (VPD) American: 1,600 VPD	Reduced truck trips, slightly increased automobile trips
Road Classification		Del Rey: Collector American: Arterial	No change
Road Width		Del Rey: 34.6 feet American: 22 feet	No change
Road Surface		Del Rey: Asphalt Concrete American: Asphalt Concrete	No change
Traffic Trips		Up to 322 daily round trips for employees Approximately 481 truck trips	Up to 327 daily round trips for employees Approximately 421 truck trips
Traffic Impact Study (TIS) Prepared	No	No	N/A
Road Improvements Required		No	N/A

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Del Rey Avenue is a County-maintained road classified as a Collector road with an existing 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for a Collector road right-of-way east of the section line is 40 feet. Records indicate the section of Del Rey Avenue, from American Avenue to Las Tunis Avenue, has an ADT of 1,900 VPD, pavement width of 34.6 feet, structural section of .74 foot AC, and is in very good condition. The section of Del Rey Avenue, from Las Tunis Avenue to Portola Avenue, has an ADT of 800, pavement width of 34.6 feet, structural section of .74 foot AC, and is in very good condition.

American Avenue is a County-maintained road classified as an Arterial road with an existing 30-foot right-of-way south of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial road right-of-way south of the section line is 53 feet. Records indicate this section of American Avenue from Del Rey Avenue to Indianola Avenue has an ADT of 1,600 VPD, pavement width of 22 feet, structural section of 0.3 foot AC, and is in very poor condition.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common

point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: The proposed digester does not significantly impact parking, circulation, or employees, and the proposed structures meet the development standards for the M-3 District, Section 845.5. A Site Plan Review may be recommended to ensure all zoning standards are met, in addition to parking and circulation requirements, lighting, pedestrian safety, and for administering the Mitigation Measures and Conditions of Approvals for CUP No. 3619.

The following agencies provided a “no comments” or “no concerns” response: California Department of Transportation.

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

### **Finding 2 Analysis:**

The project site is currently served by three driveways off of Del Rey Avenue and one driveway off American Avenue. The fruit-packing facility operates on several parcels adjacent to the project site and there are two additional driveways off of Del Rey Avenue which also provide access to the project site. Internal roads have been surfaced with pavement and gravel to reduce fugitive dust at the site. No new access points to the project site are proposed; however, construction of the digester will require the extension of gravel interior roads.

Parking on site is provided in excess of the minimums required by the zoning ordinance (one space for every two employees) and the design of the parking lots allow for cars to either three-point turn, or loop around the rows to approach Del Rey Avenue in a forward motion. Therefore, no additional onsite turnaround space is required.

The need to establish 10- and 30-foot corner cutoffs is required by the Fresno County Zoning Ordinance, and therefore, these comments will be included as Project Notes. Approval of a Site Plan Review application will be required due to the conditional nature of the Heavy Industrial Zoning on the parcel and will ensure that all property development standards, including those related to corner cut-offs, will be met prior to the issuance of building permits.

Construction of the digester will result in a temporary increase in traffic. Both American and Del Rey Avenues are of sufficient width to accommodate this increase. Further, the project is anticipated to reduce the number of heavy trucks arriving at the site on a daily basis because pick-up of pomace and other debris would not longer be required. Such resources would be used to fuel the anaerobic digester. Other remnants from the process, such as water and remainder material from the digester would be used in other ways at the POMWonderful Facility: water would be treated by the onsite wastewater treatment plant and distributed as irrigation for alfalfa on an adjacent parcel, and dewatered cake can be applied to active agricultural fields as fertilizer.

Based on the above information, and the overall reduction in heavy truck traffic, both American Avenue and Del Rey Avenue will remain of sufficient width and pavement to accommodate the proposed use.

**Recommended Conditions of Approval:**

See recommended Conditions of Approval attached as Exhibit 1.

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	7.1 acres 37.4 acres	Vineyard Vineyard SFR	AE-20	102 feet
South	20.18 acres	Packing House	M-3	N/A
East	37.4 acres	Vineyard SFR	AL-20	~1,400 feet
West	13 parcels with .15 acre 2.03 acres	Residential uses  Vacant	R-1  M-1	70 feet

**Reviewing Agency/Department Comments:**

San Joaquin Valley Air Pollution Control District: Clarifications made by the Applicant in the CEQA response letter address the District’s comments. The Applicant has submitted an Authority to Construct application for the existing Pom Wonderful LLC facility C-1551, ATC project #C-1182388.

Fresno County Department of Public Health, Environmental Health Division: The use shall comply with the Noise Element of the Fresno County General Plan and the Fresno County Noise Ordinance.

The Applicant/operators 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.

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:

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.

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

The land application rates of liquid from the digester that has gone through the wastewater treatment plant and solid waste from the digester shall be applied in accordance with the approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).

The operational statement provided with the application indicates that the separated solids from the anaerobic digester may be utilized for composting, or provide a dewatered cake for land application. 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).

Resources Division of the Fresno County Department of Public Works and Planning: The County is mandated to ensure compliance with the following state regulations:

- AB 341 - Mandatory Commercial Recycling Program (MCR)  
After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
- AB 1826 - Mandatory Commercial Organics Recycling (MORe)  
Effective January 1, 2017: Businesses that generate four cubic yards of organic waste per week shall arrange for organic waste recycling services.

State Water Resources Control Board, Division of Drinking Water: POM Wonderful is an existing fruit-processing facility located in Del Rey, CA. The facility is already served by Del Rey CSD. However, the proposed project includes the construction and operation of an anaerobic digester to process pomegranate waste and pomegranate juice wastewater from the onsite extraction facility to produce biomethane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant and used for irrigation of the alfalfa plants surrounding the facility. The Applicant is required to submit a Title 22 report to the Division for the use of recycled wastewater to irrigate the alfalfa.

The following agencies provided a “no comments” or “no concerns” response: United States Fish and Wildlife Service, and the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning.

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

### **Finding 3 Analysis:**

Approval of this project would result in significantly more development in the north and northwestern portions of the project site than currently exists. Because of the existing development to the south of the project and the Heavy Industrial Zone District, the construction of the digester will not result in adverse visual impacts.

Further, there is limited residential development in the area of this proposed project. American Avenue generally serves as a dividing line between Del Rey’s industrial uses and the agricultural uses of the County. There is one existing single-family residence to the north of the property which could experience adverse visual impacts; however, the area of the subject parcel adjacent to this residence is currently vacant and often used for storage. Therefore, it does not provide any scenic value which would be impacted by the proposed development.

West of the project site is a small row of residential structures along Del Rey Avenue. The nearest proposed improvement to these residences would be approximately 380 feet east of the residential property line. Between the residences and the improvements would be Del Rey Avenue and a ponding basin. Further, the conditions of approval for Amendment Application No. 3732 require that fencing be installed along this property line, which will shield the project site from view. Compliance with the fencing requirement will be addressed during the Site Plan Review process.

It is anticipated that approval of this project would result in improved air quality in the vicinity of the project site due to the use of manure from the dairy to generate methane. Excess gas would not be released into the air, but would be burned in an emergency flare until demand was high enough to allow for the methane to be injected into the existing pipeline. The flare will be of sufficient distance from these residences that light pollution would not affect them. Further, screening from the flare may be provided by the fencing as previously discussed.

Based on the above information, 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*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
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.	<b>Consistent.</b> This project was routed to and reviewed by the Fresno County Fire Protection District (FCFPD). FCFPD reviewed the application and determined that California Code of Regulations, Title 24 – Fire Code would apply and that the Applicant would be required to submit three copies of site plans prior to submission to the County Department of Public Works and Planning for plan approval. With this submission, the Fire Department will ensure that the Fire Code is enforced.
General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be	<b>Consistent.</b> Installation of the digester will not result in the handling or usage of new hazardous materials or wastes outside of



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	existing regulations. Information regarding submittal of a revised Hazardous Materials Business Plan and other reporting requirements have been provided as Project Notes to support compliance with these existing regulations.
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.	<b>Consistent.</b> This application provides sufficient detail regarding the activities of the biogas produced by the dairy. Bio-methane (biogas) would be produced through anaerobic processes in the proposed digester, stored in a double membrane gas holder, treated (cleaned), then upgraded to pipeline quality, and injected into the existing Southern California Edison gas line. If demand is low enough that space is not available for gas to be injected into the pipeline, it would be burned at an emergency flare (not stored on site).

**Reviewing Agency Comments:**

Policy Planning Unit of the Fresno County Department of Public Works and Planning: The subject parcel is not enrolled in the Williamson Act Program.

The subject parcel is designated as General Industrial in the County-adopted Del Rey Community Plan. The Del Rey Community Plan is consistent with the County General Plan.

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

**Finding 4 Analysis:**

The relevant General Plan Policies relate to the safe operation of the project site in light of the proposed improvements. General Plan Policy HS-B.1 requires that the project be reviewed for potential fire hazards at the site. FCFPD had the opportunity to review the application as it was submitted, and while they identified that the submitted site plan could need to be modified to provide for additional fire safety features, they did not identify any hazards to the safe operation on the site. The Fire Department will have an opportunity to require that fire safety items are incorporated into the final site plan if the project is approved, but before the County releases building permits for the site. This ensures that fire safety features are incorporated into any future construction and/or occupancy permits that may be issued in support of this project.

General Plan Policies HS-F.1 and HS-F.2 relate to the safe handling of hazardous materials. The existing fruit-processing facility currently operates under an approved HMBP, and violation history of the site from the Toxic Releases Inventory shows that no violations were identified on the site through September 30, 2019. As noted in the Initial Study prepared for this application (Exhibit 8), given the history of compliance with their HMBP and the lack of other violations on the site, it is reasonable to assume that the facility will continue to comply with existing

regulations and will not cause adverse impacts to surrounding properties as a result of the release of such materials.

Based on these factors, the project is consistent with the General Plan.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3619, 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. 7492; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3619, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required findings cannot be made (state basis for not making the findings) and move to deny Unclassified Conditional Use Permit No. 3619; 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.

CMM:ksn  
G:\4360Devs&Pln\PROJSEC\PROJDOCS\CUP\3600-3699\3619\SR\CUP 3619 SR.docx

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7492  
Classified Conditional Use Permit Application No. 3619  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural or paleontological 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/Fresno County Department of Public Works and Planning	During ground-disturbing activities
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance. Appropriate screening of the western property line shall be considered as part of this review.				
3.	All relevant conditions of Amendment Application No. 3732 and Mitigation Measures from the WDR IS shall remain in full force and effect unless superseded by this application or they have been previously satisfied. Relevant conditions may be identified during the Site Plan Review process.				
<b>Notes</b>					
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>					
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.				

\*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.

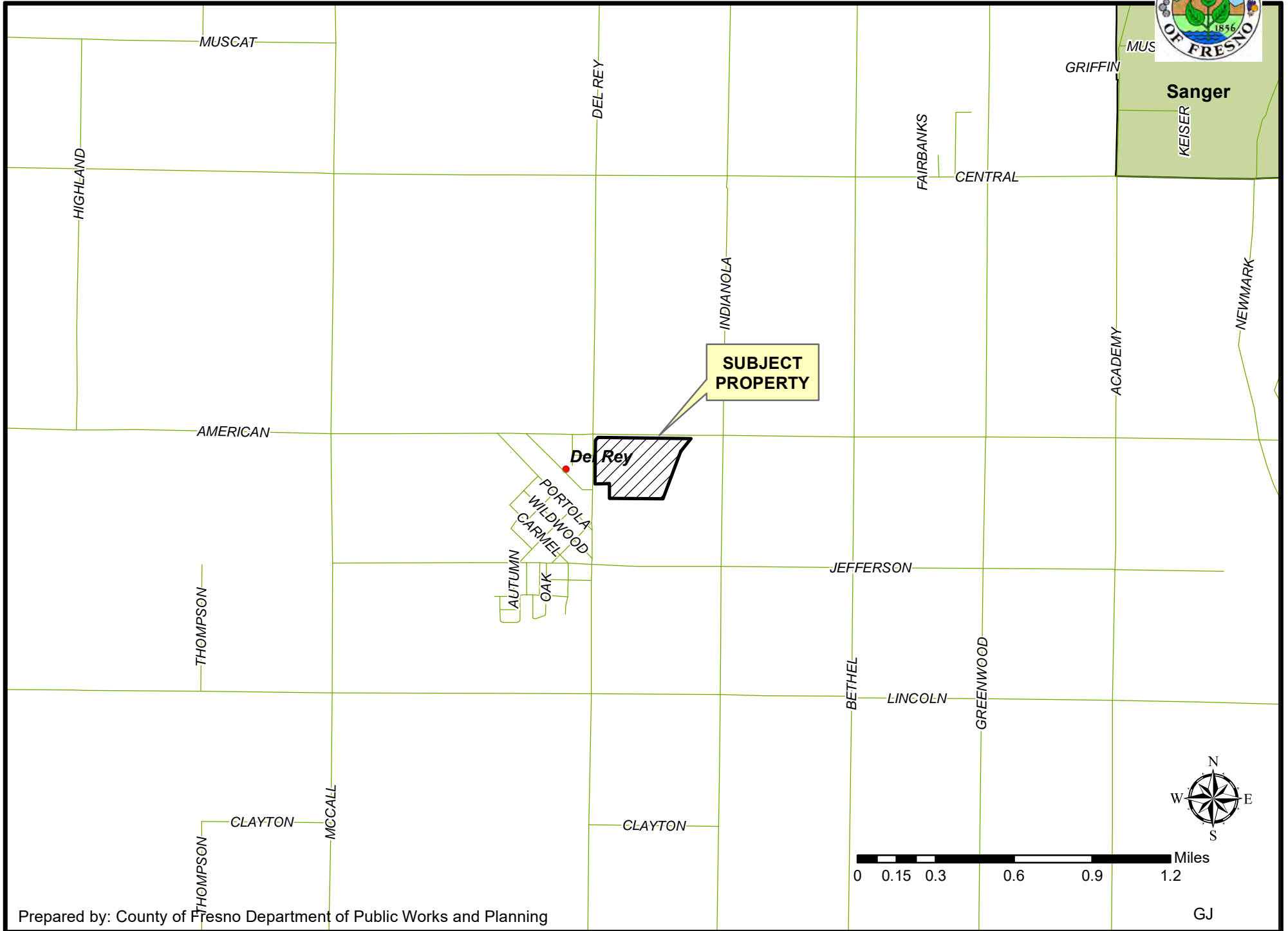
<b>Notes</b>	
2.	Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	The Application shall comply with California Code of Regulations (CCR), 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 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.
4.	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.
5.	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. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
6.	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 ( <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a> ): <ol style="list-style-type: none"> <li>1. There is a 100% or more increase in the quantities of a previously disclosed material;</li> <li>2. The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.</li> </ol>
7.	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.
8.	The land application rates of liquid from a digester that has gone through a wastewater treatment plant and solid waste from the digester shall be applied accordance to the approval and water quality standards enforced by the Central Valley Regional Water Quality Control Board (RWQCB).
9.	The operational statement provided with the application indicates that the separated solids from the anaerobic digester may be utilized for composting, or a dewatered cake for land application. 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).
10.	AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
11.	AB 1826 - Mandatory Commercial Organics Recycling (MORE): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
12.	The Applicant is required to submit a Title 22 report to the State Water Resources Control Board, Division of Drinking Water for the use of recycled waste water to irrigate the alfalfa.

<b>Notes</b>	
13.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
14.	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.
15.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
16.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.
17.	No new access points are allowed without prior approval, and any existing driveway shall be utilized.
18.	If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.

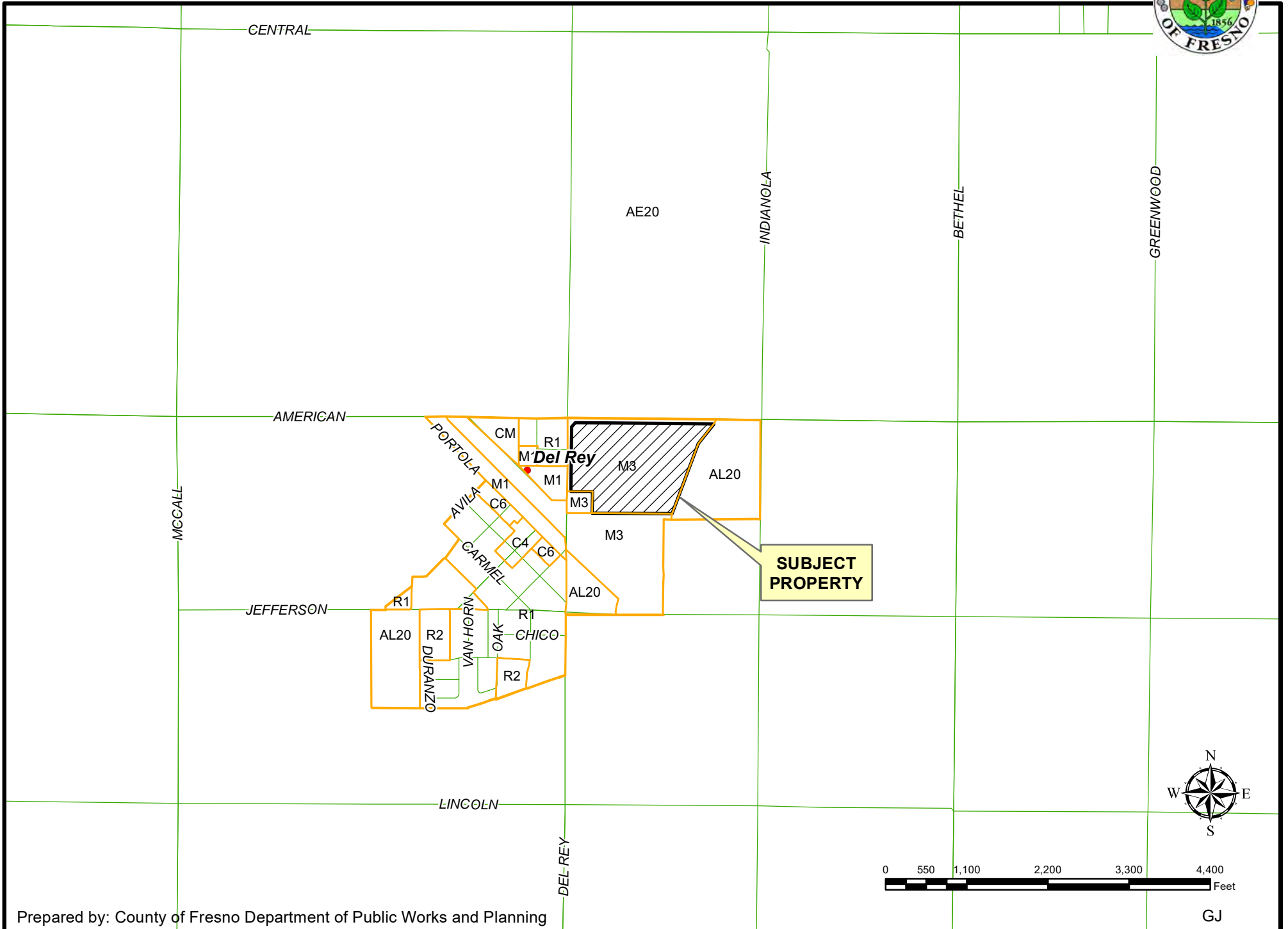
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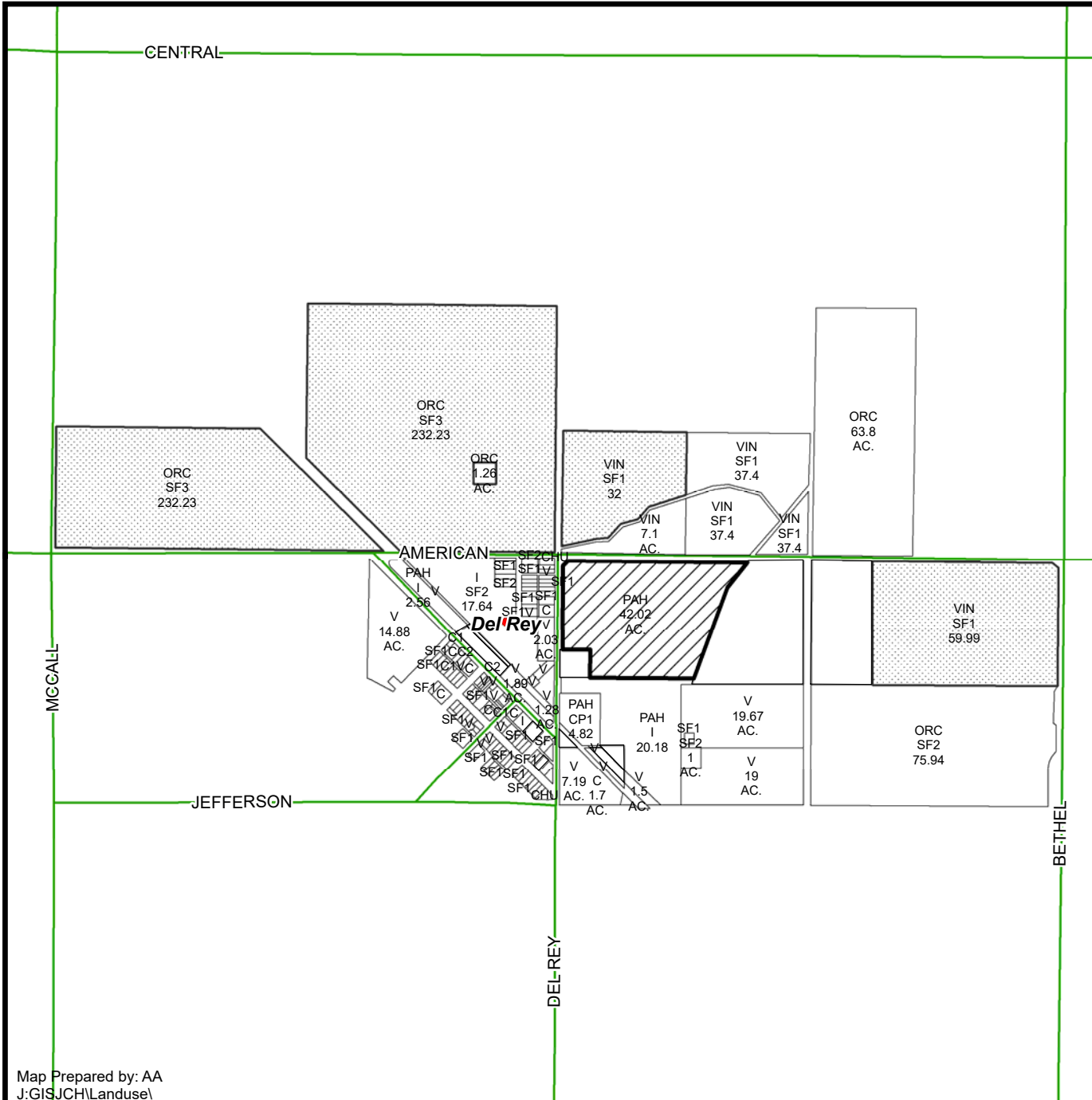
# LOCATION MAP



# EXISTING ZONING MAP



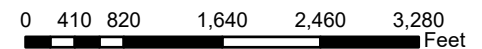
# EXISTING LAND USE MAP



LEGEND	
AP1 -	APARTMENT
C -	COMMERCIAL
C# -	COMMERCIAL
CHU -	CHURCH
I -	INDUSTRIAL
ORC -	ORCHARD
PAH -	PACKING HOUSE
SF# -	SINGLE FAMILY RESIDENCE
V -	VACANT
VIN -	VINEYARD
CP# -	OFFICE COMM./PROF

**LEGEND:**

- Subject Property
- Ag Contract Land



Department of Public Works and Planning  
Development Services Division

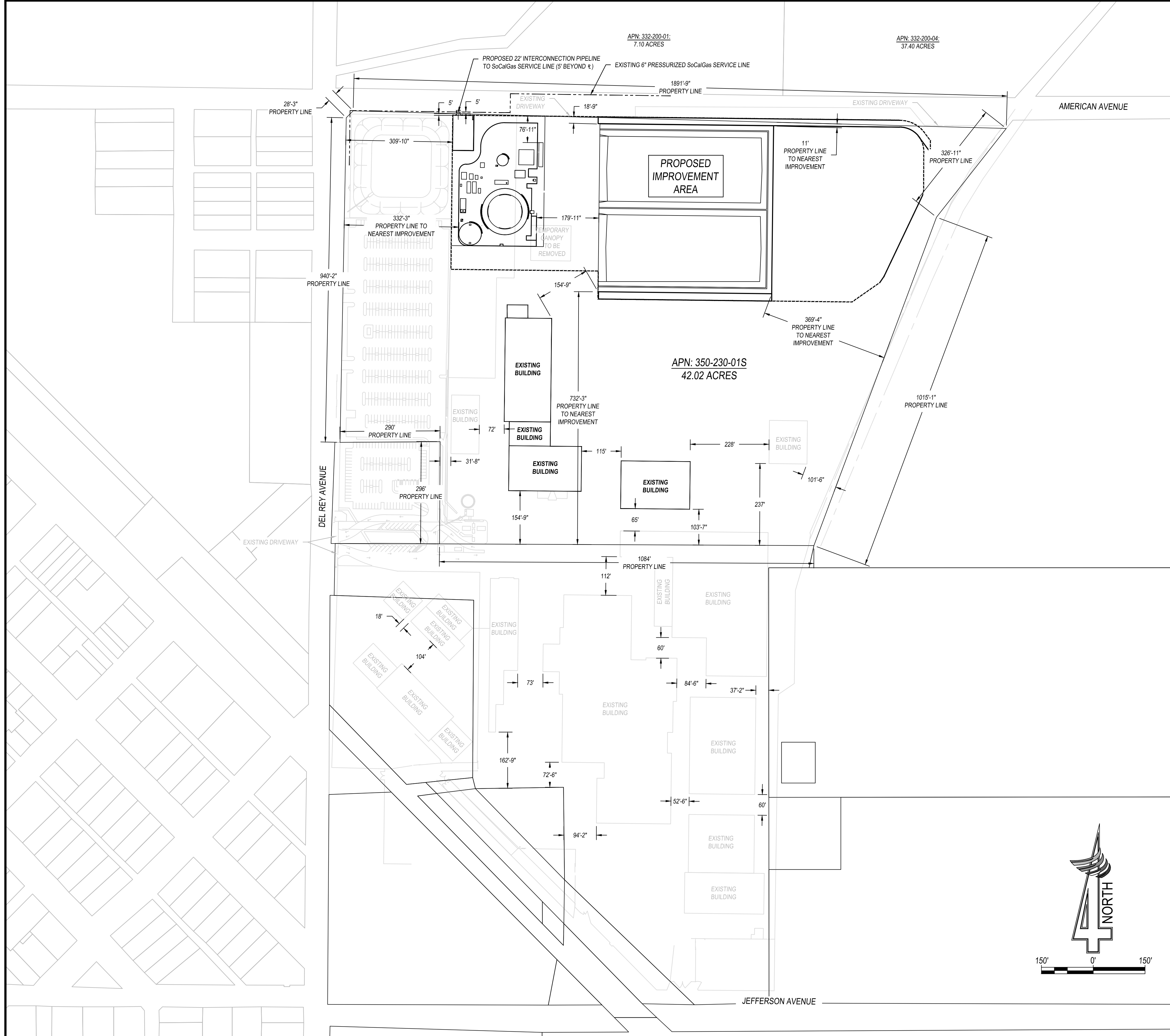




Know what's below.  
Call before you dig.

# POM WONDERFUL, INC.

## CUP 3619 - PROPOSED ANAEROBIC DIGESTER



### PROPERTY INFO

OWNER: POM WONDERFUL, LLC  
ADDRESS: 5286 S. DEL REY AVE.  
DEL REY, CA 93616  
COUNTY: FRESNO COUNTY  
A.P.N. 350-230-01S

### OPERATOR/CONTACT

MICHAEL O'BANION  
SENIOR ENGINEERING MANAGER  
5286 S DEL REY AVE.  
DEL REY, CA 93616  
(559) 289-1789

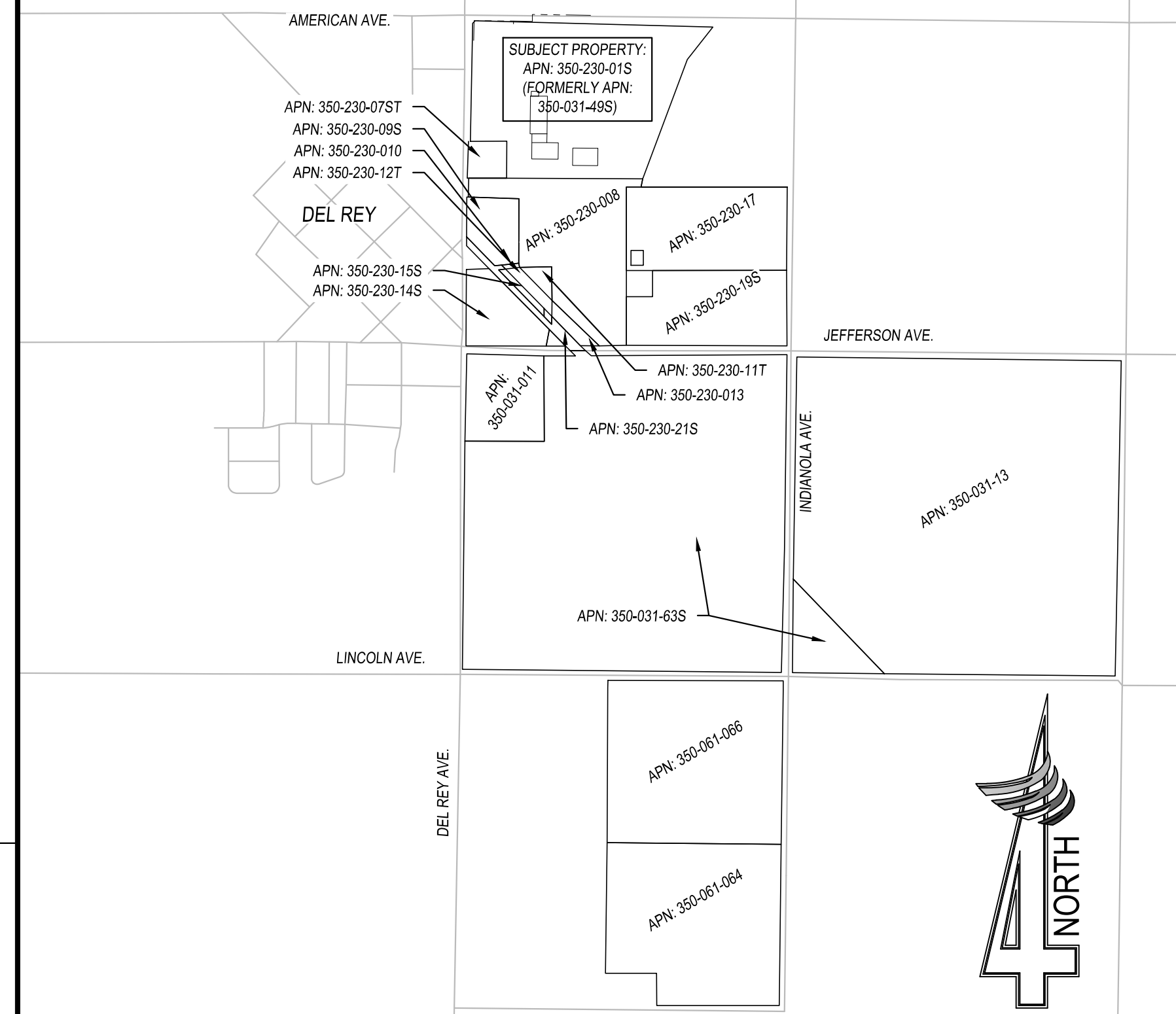
### APPLICANT

KYLE PARREIRA, PE #89070  
4CREEKS, INC.  
324 S SANTA FE ST, SUITE A  
VISALIA, CA 93292  
(559) 802-3052

### DESIGN ENGINEER

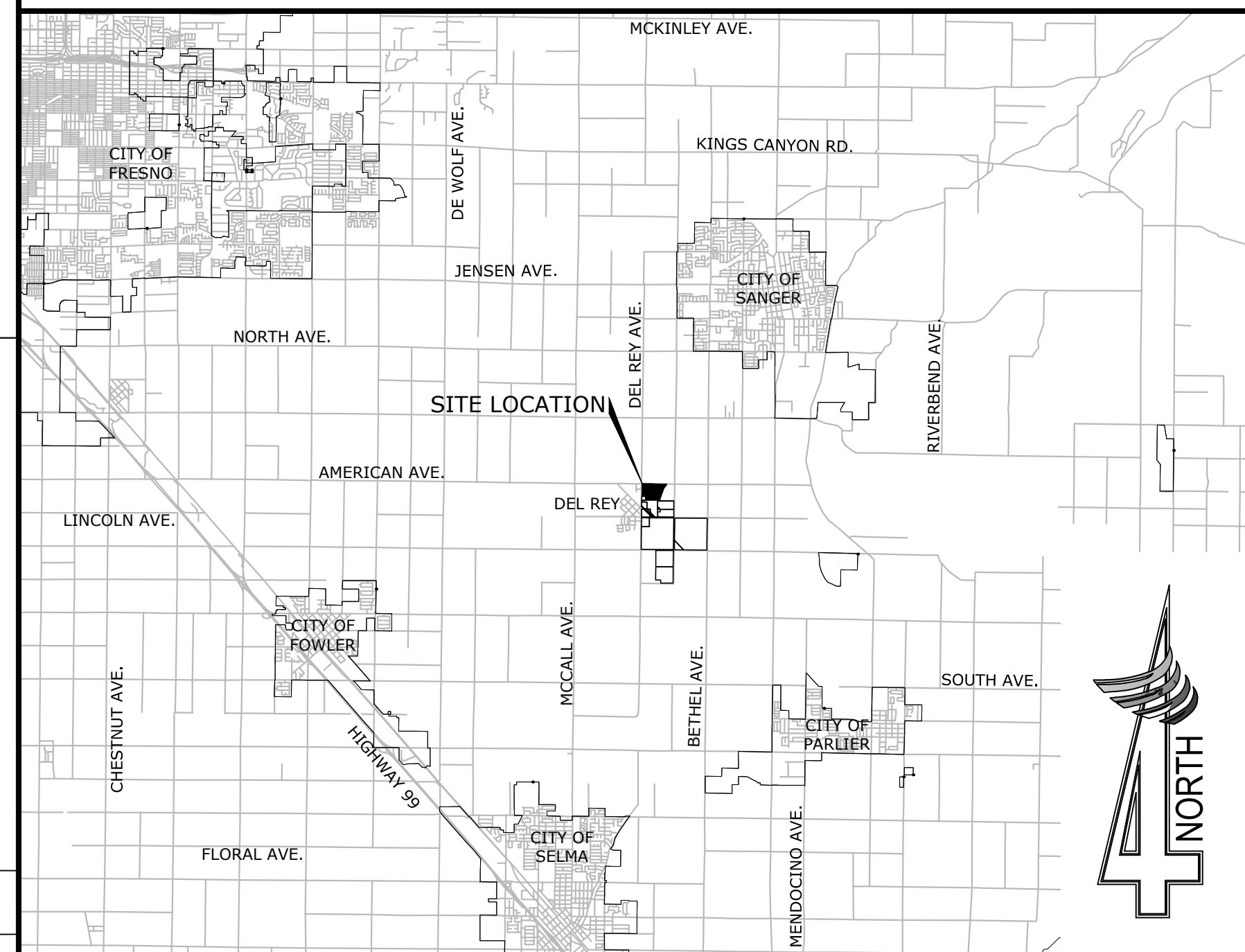
MATT RAZOR, PE #81897  
4CREEKS, INC.  
324 S SANTA FE ST, SUITE A  
VISALIA, CA 93292  
(559) 802-3052

### SITE DATA



### SITE MAP

SCALE: 1" = 1,000'



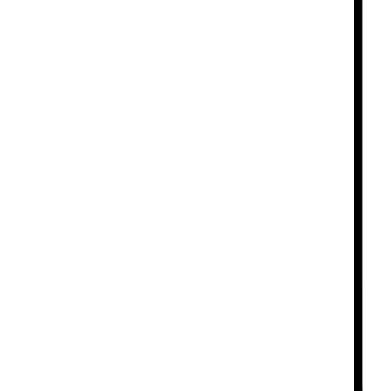
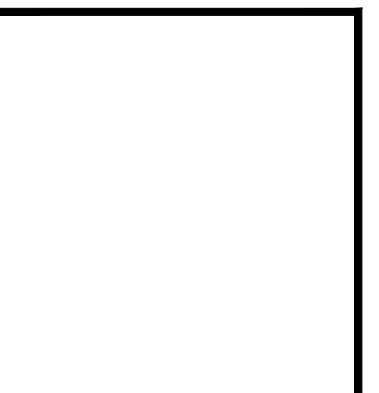
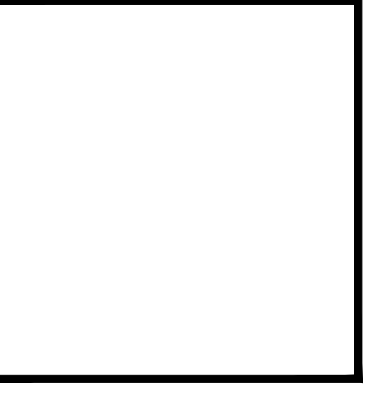
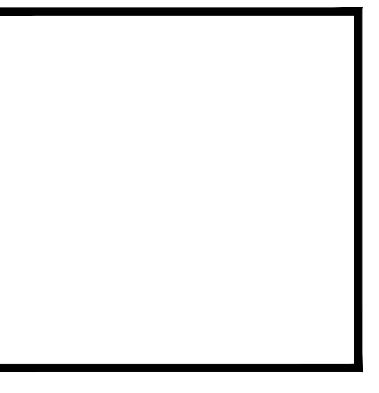
PROJECT SITE PLAN

SCALE: 1" = 150'

VICINITY MAP

SCALE: 1" = 2 MILES

REVISIONS	DATE	BY	DESCRIPTION



324 S. SANTA FE, STE. A  
P.O. BOX 7583  
VISALIA, CA 93292  
TEL 559.802.3052  
FAX 559.802.3215

**4CREEKS**

PREPARED BY: **4CREEKS**

CHK BY: MDR  
DRW BY: CGM

CONSTRUCTION PLAN  
**POM WONDERFUL**  
5286 S DEL REY AVE  
DEL REY, CA 93616

**ANAEROBIC DIGESTER  
PROJECT INFORMATION**

PLOT DATE:	Jul 11, 2019
JOB NO.:	18051
FILE NAME:	18051-SP
SCALE:	AS SHOWN
SHEET NO.:	CUP-1

APN: 332-200-01:  
7.10 ACRES

PROPOSED 22' INTERCONNECTION PIPELINE  
TO SoCalGas SERVICE LINE (5' BEYOND r.)

EXISTING 6" PRESSURIZED SoCalGas SERVICE LINE

EXISTING  
DRIVEWAY

5'

5'

EXISTING  
RETENTION POND

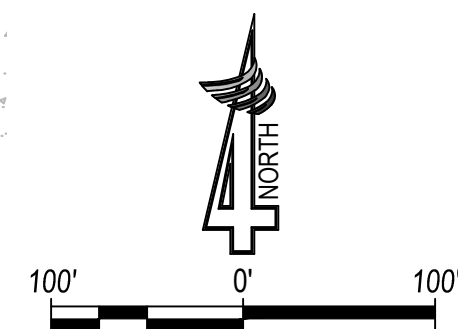
PROPOSED  
IMPROVEMENT  
AREA

TEMPORARY  
CANOPY  
TO BE  
REMOVED

EXISTING PARKING LOT

APN: 350-230-01S  
42.02 ACRES

EXISTING  
BUILDING



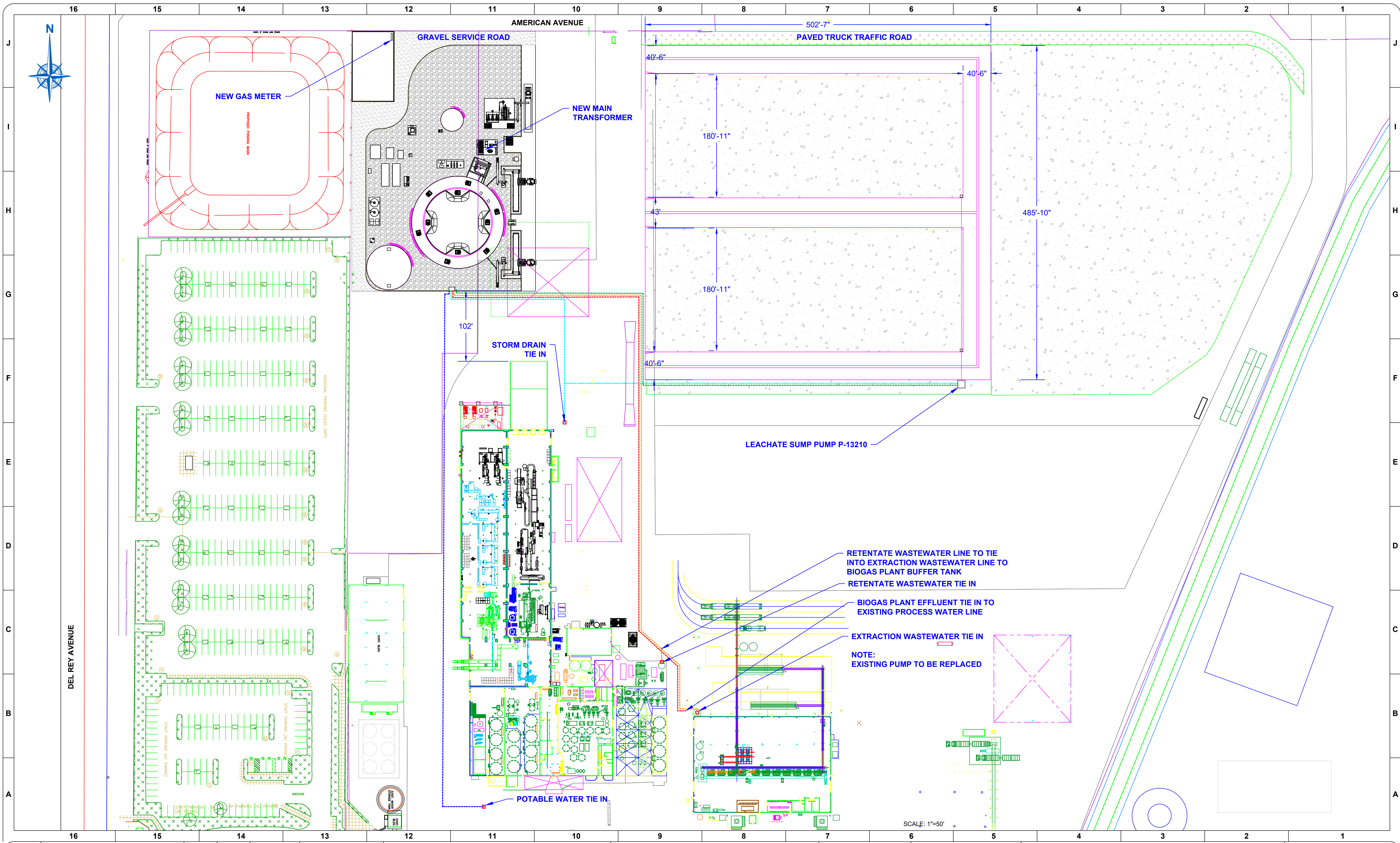
JOB # 18051  
SITE PLAN  
8/8/2019  
SCALE: AS SHOWN

POM WONDERFUL, INC.  
BIO-GAS INTERCONNECT PLAN  
FRESNO COUNTY, CA

324 S. Santa Fe, Ste. A  
Visalia, CA 93292  
(559) 802-3052  
www.4-creeks.com



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SCALE: 1"=50'

REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE
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04	UPDATED LAYOUT DESIGN	AB		06/15/2018
05	UPDATED SYSTEM TIE-IN DESIGN	AB		06/22/2018
06	UPDATED EQUIPMENT LIST	AB	JM	07/17/2018
07	UPDATED WITH ELEVATIONS	AB	JM	08/17/2018

**ATTENTION:**  
 0 1/2 1  
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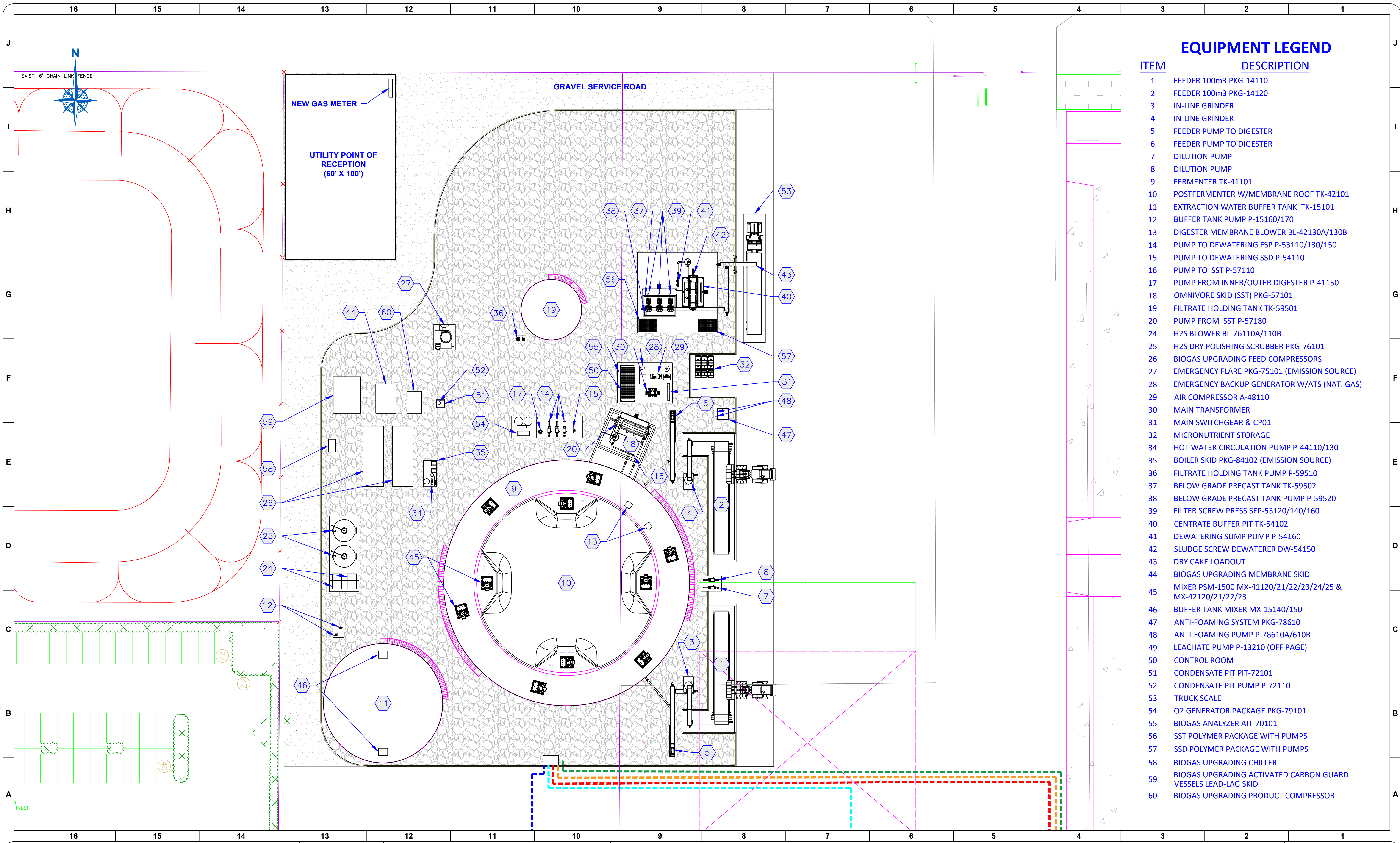
DESIGNED:	
DRAWN:	A. BELTRAN
CHECKED:	J. METTS
APPROVED:	
REFERENCE#:	
PROJECT NO.:	
SCALE:	3/4"=1'-0"

**POM WONDERFUL  
 DEL REY, CA - USA  
 ANAEROBIC DIGESTION FACILITY**

**GENERAL SITE LAYOUT**

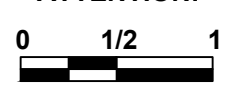
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REV	<b>07</b>

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EQUIPMENT LEGEND	
ITEM	DESCRIPTION
1	FEEDER 100m3 PKG-14110
2	FEEDER 100m3 PKG-14120
3	IN-LINE GRINDER
4	IN-LINE GRINDER
5	FEEDER PUMP TO DIGESTER
6	FEEDER PUMP TO DIGESTER
7	DILUTION PUMP
8	DILUTION PUMP
9	FERMENTER TK-41101
10	POSTFERMENTER W/MEMBRANE ROOF TK-42101
11	EXTRACTION WATER BUFFER TANK TK-15101
12	BUFFER TANK PUMP P-15160/170
13	DIGESTER MEMBRANE BLOWER BL-42130A/130B
14	PUMP TO DEWATERING FSP P-53110/130/150
15	PUMP TO DEWATERING SSD P-54110
16	PUMP TO SST P-57110
17	PUMP FROM INNER/OUTER DIGESTER P-41150
18	OMNIVORE SKID (SST) PKG-57101
19	FILTRATE HOLDING TANK TK-59501
20	PUMP FROM SST P-57180
24	H2S BLOWER BL-76110A/110B
25	H2S DRY POLISHING SCRUBBER PKG-76101
26	BIOGAS UPGRADING FEED COMPRESSORS
27	EMERGENCY FLARE PKG-75101 (EMISSION SOURCE)
28	EMERGENCY BACKUP GENERATOR W/ATS (NAT. GAS)
29	AIR COMPRESSOR A-48110
30	MAIN TRANSFORMER
31	MAIN SWITCHGEAR & CP01
32	MICRONUTRIENT STORAGE
34	HOT WATER CIRCULATION PUMP P-44110/130
35	BOILER SKID PKG-84102 (EMISSION SOURCE)
36	FILTRATE HOLDING TANK PUMP P-59510
37	BELOW GRADE PRECAST TANK TK-59502
38	BELOW GRADE PRECAST TANK PUMP P-59520
39	FILTER SCREW PRESS SEP-53120/140/160
40	CENTRATE BUFFER PIT TK-54102
41	DEWATERING SUMP PUMP P-54160
42	SLUDGE SCREW DEWATERER DW-54150
43	DRY CAKE LOADOUT
44	BIOGAS UPGRADING MEMBRANE SKID
45	MIXER PSM-1500 MX-41120/21/22/23/24/25 & MX-42120/21/22/23
46	BUFFER TANK MIXER MX-15140/150
47	ANTI-FOAMING SYSTEM PKG-78610
48	ANTI-FOAMING PUMP P-78610A/610B
49	LEACHATE PUMP P-13210 (OFF PAGE)
50	CONTROL ROOM
51	CONDENSATE PIT PIT-72101
52	CONDENSATE PIT PUMP P-72110
53	TRUCK SCALE
54	O2 GENERATOR PACKAGE PKG-79101
55	BIOGAS ANALYZER AIT-70101
56	SST POLYMER PACKAGE WITH PUMPS
57	SSD POLYMER PACKAGE WITH PUMPS
58	BIOGAS UPGRADING CHILLER
59	BIOGAS UPGRADING ACTIVATED CARBON GUARD VESSELS LEAD-LAG SKID
60	BIOGAS UPGRADING PRODUCT COMPRESSOR

REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE
03	UPDATED DESIGN	AB		05/18/2018
04	UPDATED LAYOUT DESIGN	AB		06/15/2018
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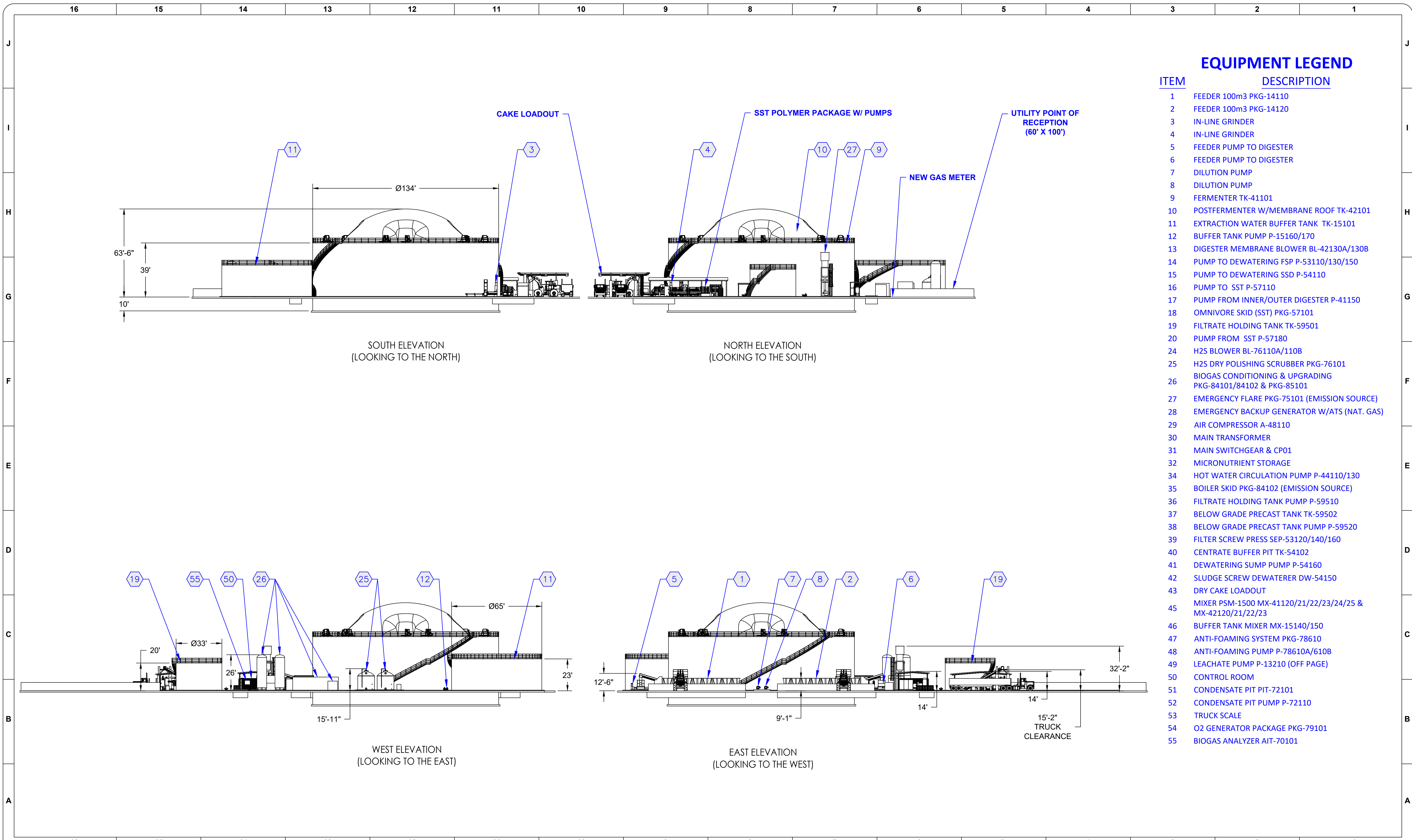
DESIGNED:	
DRAWN:	A. BELTRAN
CHECKED:	J. METTS
APPROVED:	
REFERENCE#:	
PROJECT NO.:	
SCALE:	1/2"=1'-0"

**POM WONDERFUL  
 DEL REY, CA - USA  
 ANAEROBIC DIGESTION FACILITY**

**GENERAL EQUIPMENT LAYOUT**

DRAWING NUMBER	<b>A04 01</b>
REV	<b>07</b>

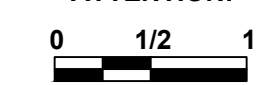
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47	ANTI-FOAMING SYSTEM PKG-78610
48	ANTI-FOAMING PUMP P-78610A/610B
49	LEACHATE PUMP P-13210 (OFF PAGE)
50	CONTROL ROOM
51	CONDENSATE PIT PIT-72101
52	CONDENSATE PIT PUMP P-72110
53	TRUCK SCALE
54	O2 GENERATOR PACKAGE PKG-79101
55	BIOGAS ANALYZER AIT-70101

REV NUM	DESCRIPTION	DRWN BY	CHK'D BY	DATE
03	UPDATED DESIGN	AB		05/18/2018
04	UPDATED LAYOUT DESIGN	AB		06/15/2018
05	UPDATED SYSTEM TIE-IN DESIGN	AB		06/22/2018
06	UPDATED EQUIPMENT LIST	AB	JM	07/17/2018
07	UPDATED WITH ELEVATIONS	AB	JM	08/17/2018

ATTENTION:  
  
 IF THIS BAR DOES NOT MEASURE 1" @ 22x34 or 1/2" @ 11x17, THEN DRAWING IS NOT TO SCALE - SCALE ACCORDINGLY



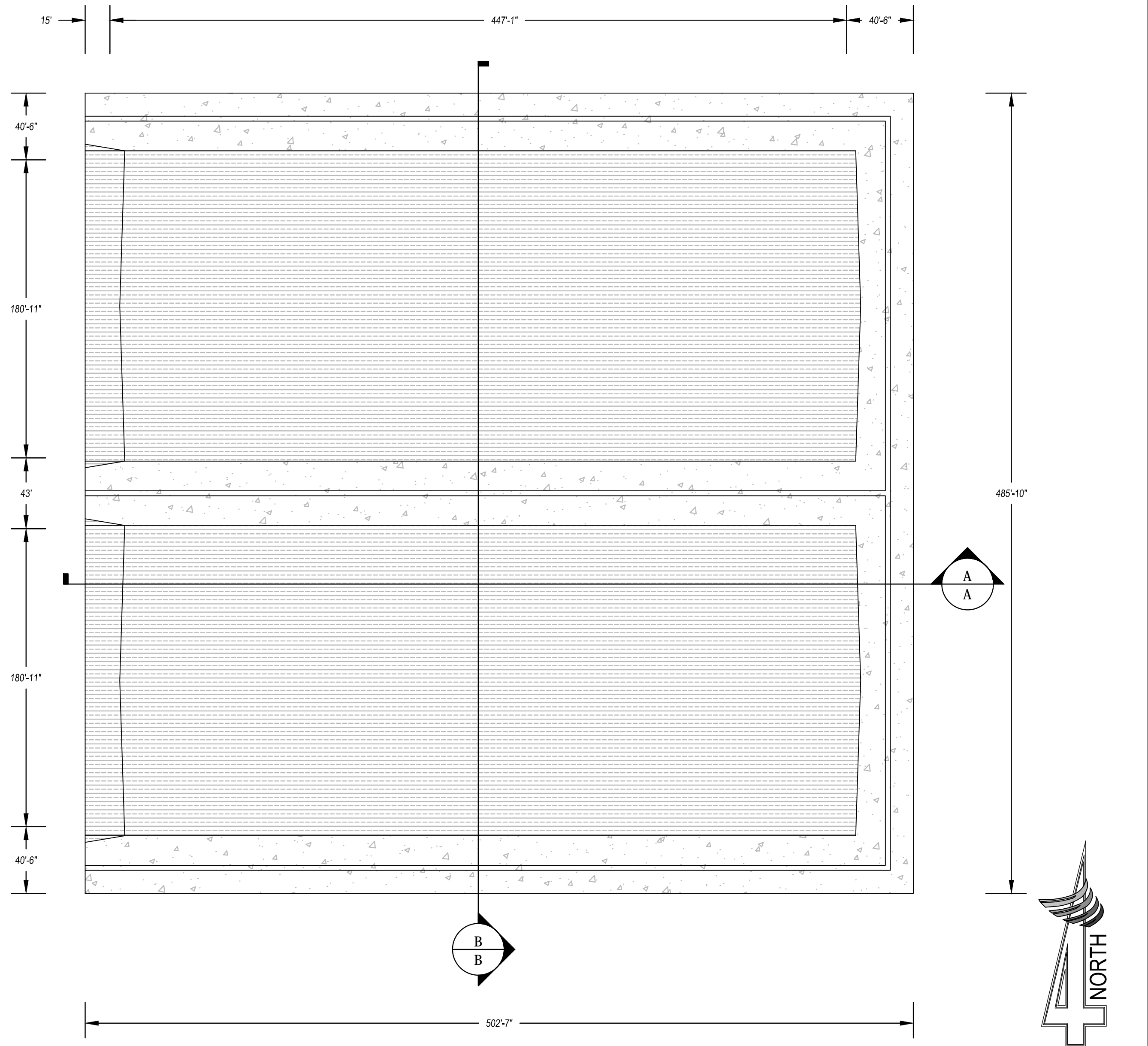
The entire content of this drawing and any related documents are and shall remain the intellectual property of Anaergia, Inc., and shall not be used for any commercial or noncommercial purpose except as authorized in written agreement with or other written consent granted by said company. This drawing and all related documents are protected in all forms not known or hereafter developed. Users may not copy, download, use or re-transmit any portion of such drawing or related documents, except as authorized in a written agreement with or other written consent granted by said company.

DESIGNED:	
DRAWN:	A. BELTRAN
CHECKED:	J. METTS
APPROVED:	
REFERENCE#:	
PROJECT NO.:	
SCALE:	3/4"=1'-0"

**POM WONDERFUL  
 DEL REY, CA - USA  
 ANAEROBIC DIGESTION FACILITY**

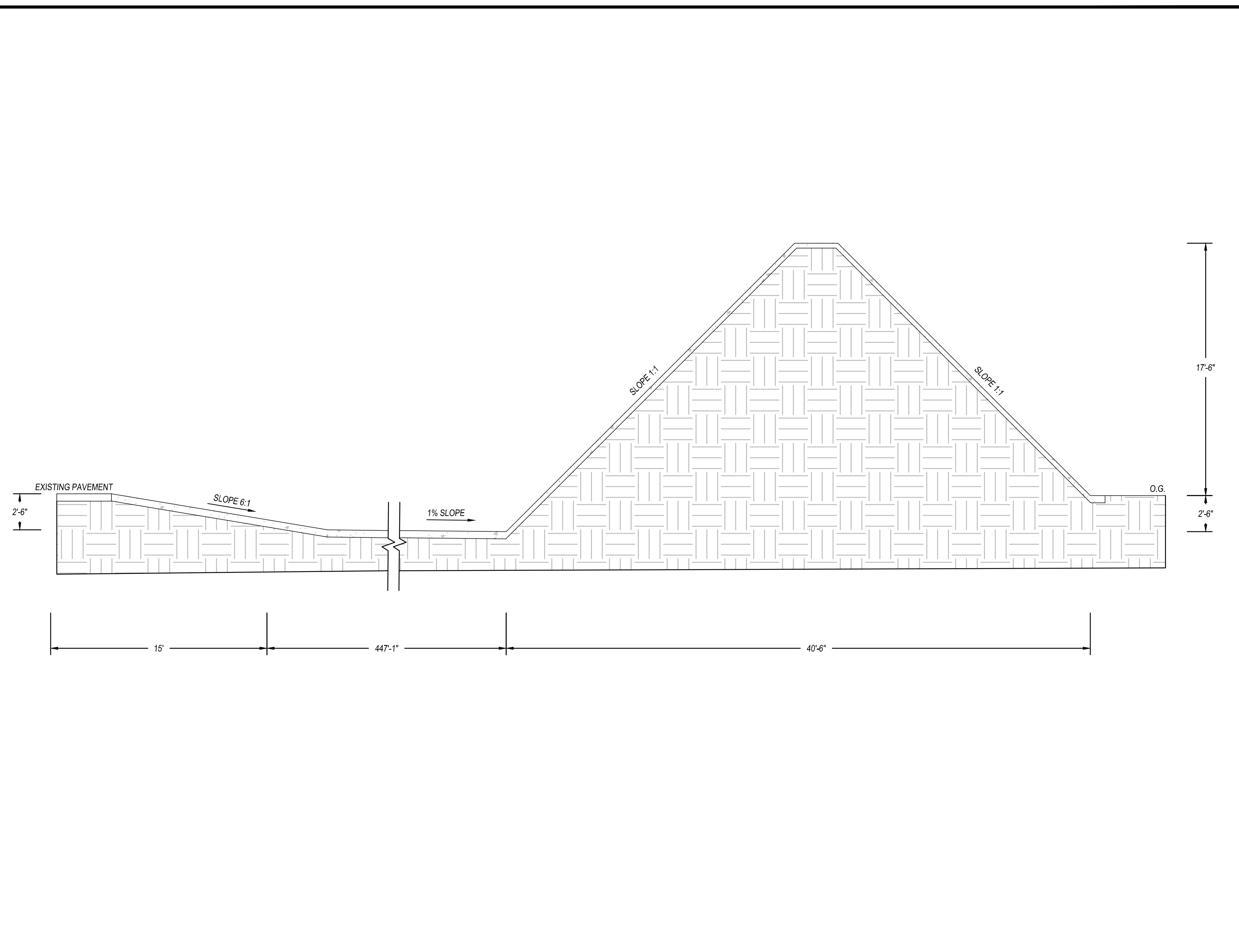
**EQUIPMENT ELEVATIONS**

DRAWING NUMBER	<b>A04 01</b>
REV	<b>07</b>



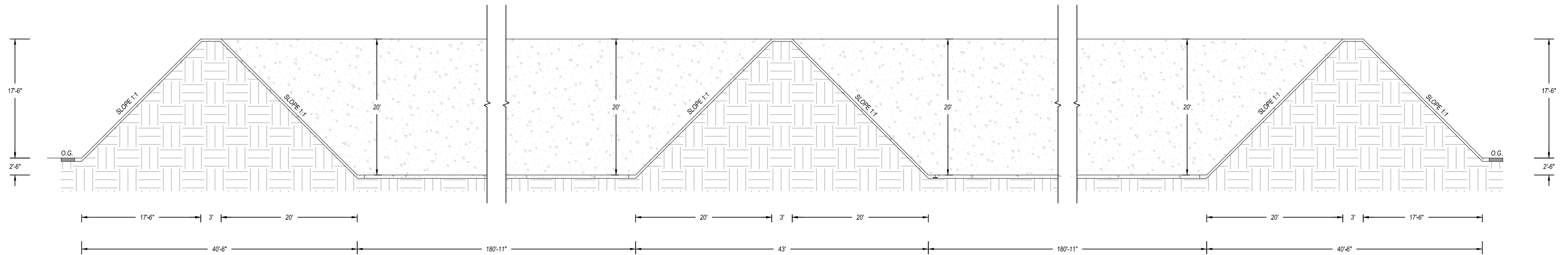
1 STORAGE BUNKER PLAN

SCALE: 1" = 50'



2 CROSS SECTION A-A

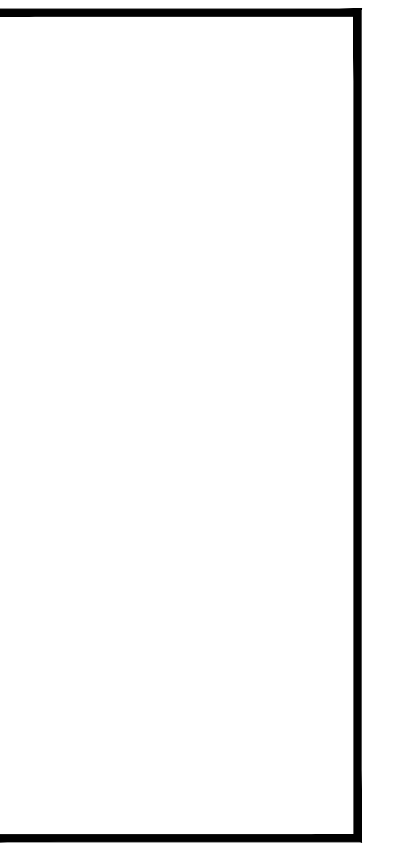
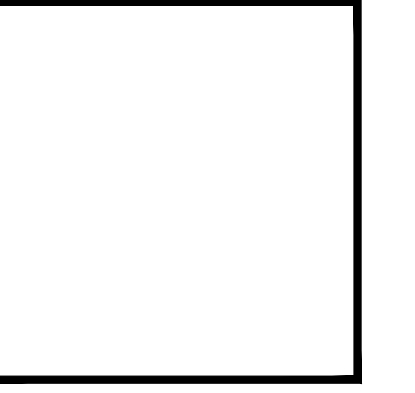
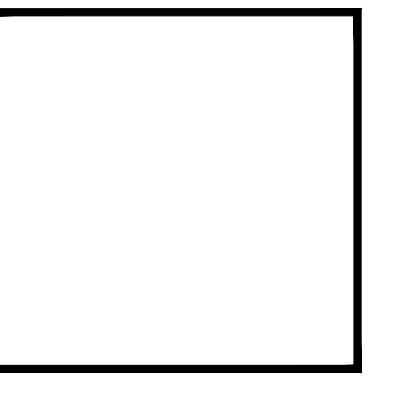
SCALE: 1" = 5'



3 CROSS SECTION B-B

SCALE: 1" = 8'

REVISIONS	DATE	BY	DESCRIPTION



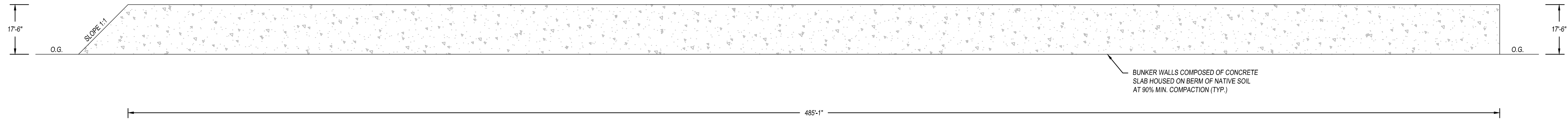
324 S. SANTA FE, STE. A  
P.O. BOX 7593  
VISALIA, CA 93292  
TEL: 559.802.3052  
FAX: 559.802.3215

PREPARED BY: 4CREEKS  
DRAWN BY: CGM

CONSTRUCTION PLAN  
**POM WONDERFUL**  
5286 S DEL REY AVE  
DEL REY, CA 90616

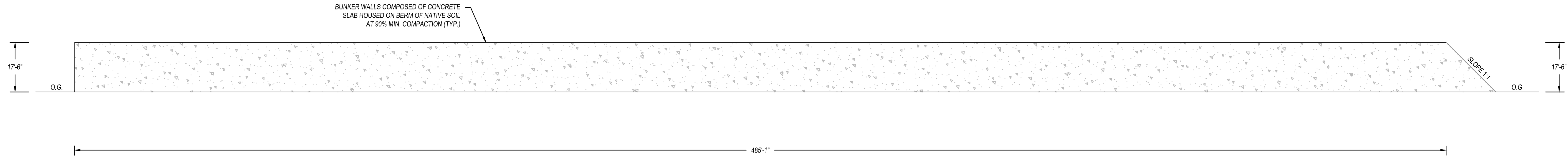
**ANAEROBIC DIGESTER  
STORAGE BUNKER PLAN & SECTIONS**

PLOT DATE: Aug 30, 2018
JOB NO.: 18051
FILE NAME: 18051-BUNK-ELEV
SCALE: AS SHOWN
SHEET NO.: 5



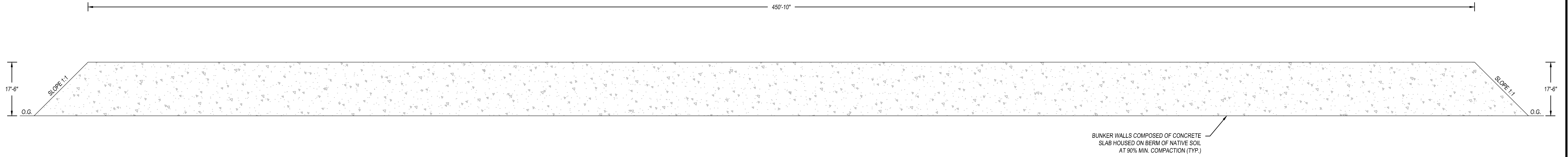
1 STORAGE BUNKER - NORTH ELEVATION

SCALE: 1" = 20'



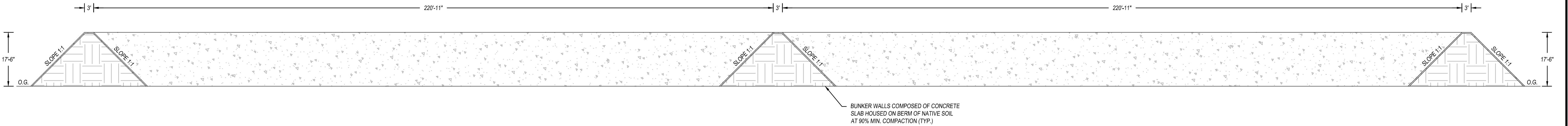
2 STORAGE BUNKER - SOUTH ELEVATION

SCALE: 1" = 20'



3 STORAGE BUNKER - EAST ELEVATION

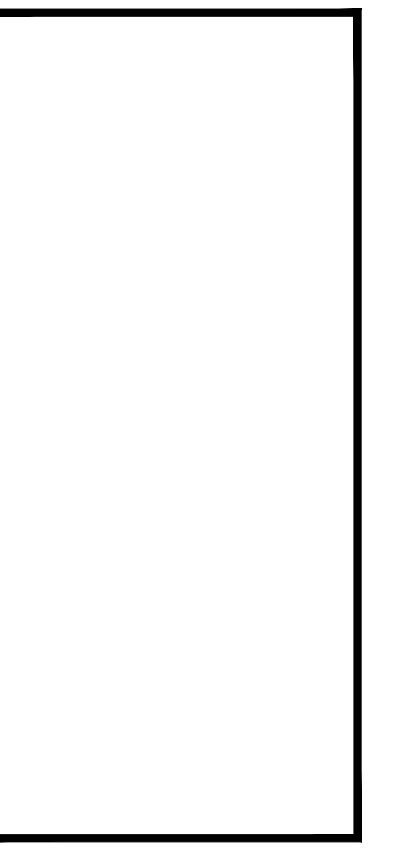
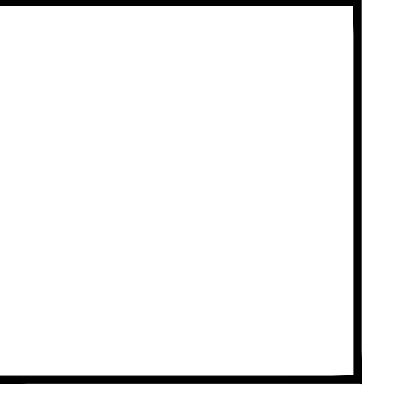
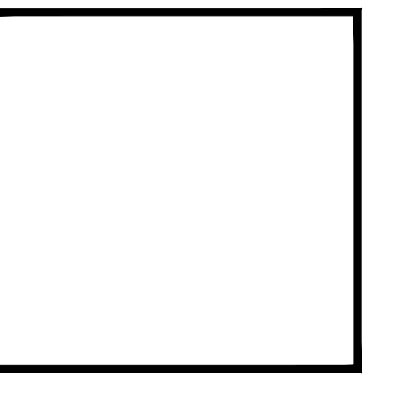
SCALE: 1" = 16'



4 STORAGE BUNKER - WEST ELEVATION


SCALE: 1" = 16'

REVISIONS	DATE	BY	DESCRIPTION



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**4CREEKS**

PREPARED BY:  **4CREEKS**  
DRAWN BY: CGM

CONSTRUCTION PLAN  
**POM WONDERFUL**  
5286 S DEL REY AVE  
DEL REY, CA 90616

**ANAEROBIC DIGESTER  
STORAGE BUNKER ELEVATIONS**

PLOT DATE:	Aug 30, 2018
JOB NO.:	18051
FILE NAME:	18051-BUNK-ELEV
SCALE:	AS SHOWN
SHEET NO.:	6



POM WONDERFUL  
5286 S. DEL REY AVENUE  
DEL REY, CA 93616

RECEIVED  
COUNTY OF FRESNO

SEP 19 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

CUP 3619

**OPERATIONAL STATEMENT:**

**1. Nature of operation—what do you propose to do? Describe in detail.**

POM Wonderful (Facility) is an existing fruit processing facility located in Del Rey, California. Currently, the Facility produces and disposes of 90,000 tons per year of pomegranate waste from the juicing operation. The proposed project (Project) includes the construction and operation of an anaerobic digester to process pomegranate waste and pomegranate juice wastewater from the onsite extraction facility to produce biomethane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plant (Treatment Plant) and used for irrigation of the alfalfa plants surrounding the Facility. The basis of design for this Project will be sized to process 125,000 tons per year of pomegranate waste from the Facility.

The Project will operate in two different modes: the 3-month juicing season from mid-October to mid-January (Peak Season) and the remaining 9 months of the year (Off-Peak Season). During the Peak Season, juiced pomegranates will be sent to the ensilage bunkers in order to preserve the feedstock and feed the digester continuously throughout the year. A portion of the juiced pomegranates will be fed to the anaerobic digester courtesy of a front-end loader loading a solids feeder. During the Peak Season, leachate from the ensilage bunkers, retentate wastewater, and extraction wastewater will be collected and stored in a buffer tank and subsequently fed to the anaerobic digester. The anaerobic digester will convert the majority of the biochemical oxygen demand from the leachate and wastewater streams into biogas. Cake and filtrate will be produced by the dewatering of digestate by the sludge screw press. Filtrate will be stored in a holding tank and then sent to the wastewater treatment plant. Cake will be offloaded into truck trailers for use in compost or other beneficial land application. During the Off-Peak Season, digestate from the digester will be dewatered by the filter screw press with cake offloaded to trailers and filtrate sent to the wastewater treatment plant.

The biogas from the digester will be stored in a double membrane gas holder and will be treated to remove Hydrogen Sulfide, moisture, and volatile organic compounds. The biogas will then be upgraded into pipeline quality biomethane and injected into the SoCal Gas utility's grid. Please see the site plan for details of the physical improvements.

The Facility is located at 5286 South Del Rey Avenue in Del Rey (Section 4, T15S, R22E, MDB&M). In the following is a list of Assessor's Parcel Numbers (APNs) associated with the Facility, the acreage of each parcel as provided by most recent Fresno County Parcel Maps, and a description of the use of each parcel:

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**Porterville Office**

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F: (559) 781.6840

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<b>APN</b>	<b>Gross Acreage</b>	<b>Use Associated with Facility Operations</b>
350-031-11	10.30	Land Application Area
350-031-13	146.59	Land Application Area
350-031-63S	160.85	Land Application Area
350-061-64	19.12	Land Application Area
350-061-66	55.97	Land Application Area
350-230-01S	42.02	Fruit Processing Facility Operations
350-230-07ST	2.20	Fruit Processing Facility Operations
350-230-08	20.18	Fruit Processing Facility Operations
350-230-09S	4.82	Fruit Processing Facility Operations
350-230-10	0.10	Fruit Processing Facility Operations
350-230-11T	1.20	Fruit Processing Facility Operations
350-230-12T	1.10	Fruit Processing Facility Operations
350-230-13	0.95	Fruit Processing Facility Operations
350-230-14S	7.19	Fruit Processing Facility Operations
350-230-15S	2.11	Fruit Processing Facility Operations
350-230-17	19.67	Land Application Area
350-230-19S	19.00	Land Application Area
350-230-21S	1.65	Fruit Processing Facility Operations

The existing "waste water disposal facility" (Land Application Area) was permitted through the County of Fresno Classified CUP No. 2220. Although volumes of the treatment plant were not specified in the CUP Resolution, the existing Mitigated Negative Declaration adopted by the Regional Water Quality Control Board (Regional Water), dated 13 September 2012, allows for a maximum daily discharge of 1.2 MGD from the Facility to the treatment plant. The amount of wastewater generated by the Facility will remain unchanged. The processing of the waste will change, but there is no proposed increase in water used / generated as part of this Project.

The Project also includes the installation of 22 linear feet of 4-inch natural gas pipeline from the Facility "Utility Point of Reception" for interconnection to the existing Southern California Gas Company (SoCalGas) service line. Of the 22 linear feet of pipe, approximately 5 feet of this pipeline will extend beyond the extents of the property line. In case of emergency, or when the SoCalGas service line cannot receive gas from the proposed facility, the gas produced onsite will be burned through the emergency flare until gas can be delivered to the service line. In November 2018, SoCalGas completed a Preliminary Engineering Study to determine the cost and specifications of the interconnection into the existing infrastructure, which has been provided as part of this application. Please see Site Plan for details.

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**2. Operational time limits**

The Facility will operate throughout the year. The Facility operates up to 24 hours per day, 7 days per week, depending on the time of year (harvest season being the busiest time) and market demand. The Project will not affect the operational time limits of the Facility.

**3. Number of customers or visitors:**

Approximately 25 customers and/or visitors enter the Facility per day. The Project will not affect the number of daily customers and/or visitors.

**4. Number of employees:**

The current total number of employees is approximately 322 people. The Project may require an additional 2 or 3 full time employees to manage and service the digester operations, with an additional 1 or 2 seasonal employees.

**5. Service and delivery vehicles:**

Approximately 481 trucks currently enter and exit the Facility per day as part of existing operations. The proposed Project will significantly reduce the number of trucks entering and exiting the Facility, as there will no longer be a need for the 60 trucks per day that currently remove pomace from the Facility. The proposed Project will require a minor amount of additional trucks to enter and exit the Facility for maintenance of the proposed anaerobic digester. This addition includes approximately 3 trucks per day during peak seasons, and 2 trucks per day during off-peak seasons. These additional trucks are assumed to have hauling loads of 45,000 lbs. In summary, the proposed number of service and delivery trucks to enter and exit the site totals to 424 trucks per day after completion of the proposed Project, a decrease of 57 trucks per day from current operations.

**6. Access to the site:**

The primary access to the Facility is a paved path located along the east side of Del Rey Avenue between American Avenue and Jefferson Avenue. There are also paved access points along the northern edge of the Facility (American Avenue) and from the southern edge of the Facility (Jefferson Avenue).

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

Majority of parking occurs near the primary access point of the Facility. Currently, there are approximately 600 striped parking stalls, including 12 parking stalls striped for ADA Accessibility onsite. The Project will not require additional parking stalls onsite.

**8. Are there any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?**

Currently, juice and other consumer products are processed onsite. The pomegranates are packaged onsite, along with juice and arils. Pomegranates and arils are shipped directly to customers from this site, along with a portion of the juice produced onsite. The remaining juice is shipped to one of four third-party warehouses for shipping to or pickup by customers. With the addition of the proposed digester project, natural gas will be produced onsite and injected into the nearby local utility pipeline for offsite use.

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**9. What equipment is used?**

Currently, onsite mobile equipment vehicles, such as fork trucks and yard goat trucks, are used to transport product within the Facility. The Project will include the addition of new pomegranate waste ensilage bunkers, bunker feeders, an anaerobic digester, a recuperative thickening system, dewatering, biogas treatment, biogas upgrading, CO<sub>2</sub> recovery (optional), and a point of receipt for the interconnection to the local utility pipeline.

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

The Facility utilizes small amounts of hazardous materials for equipment cleaning and pH adjustment of wastewater. The Facility has a Hazardous Materials Business Plan (HMBP) on-file with the Certified Unified Program Agency (County of Fresno) that identifies the hazardous materials used at the Facility and their proper storage, handling, and emergency response. The Project is not anticipated to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The Project does not have any other characteristics that could create hazards to the public or the environment. These supplies and materials are stored in accordance with the manufacturer's recommendations. The storage and use of the hazardous materials at the plant would not result in a safety hazard for people residing or working in the project area. No modification to the hazardous supplies or materials is proposed as part of this Project. The most recent HMBP has been attached to this Operational Statement for reference.

**11. Does the use cause an unsightly appearance?**

No unsightly appearances will result from the Project. The type of construction and operations of the Project will be consistent with that of the existing Facility (industrial).

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

Solid pomegranate waste is produced onsite, as well as wastewater from the pomegranate processing. The facility currently produces approximately 90,000 tons per year (TPY) of pomegranate waste from facility operations. This volume is estimated to increase to 125,000 TPY in the future. All waste produced onsite will be processed by the anaerobic digester, the onsite wastewater treatment plant, or both as described in Item #1. Prior to entering the anaerobic digester, the pomace will be stored within the storage bunkers, as shown on sheet CUP-1, which are lined with reinforced concrete or asphalt concrete.

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

The estimated volume of potable or recycled water to be used at the Facility is approximately 25,000 gallons per day. At maximum, during the 3-month juicing season, the digester would also process the approximate 145,000 gallons per day of wastewater from the extraction facility.

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

No advertising or signage of offsite products are proposed in this Project. A sign may be placed on the side of the anaerobic digester facilities, listing the name of the company "The Wonderful Company" but this sign would only be to advertise the onsite pomegranate processing facility. A sign may also be placed on the side of the anaerobic digester facilities, listing the name of the digester developer, "Anaergia," which also would only be advertising the company maintaining the onsite anaerobic digester operations.

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

All existing buildings of the Facility will remain operational, and new structures will be constructed as described in Item #1.

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

Please see site plan and exhibits for building location specifics. While many of the proposed improvements include equipment installations, the following is a list of proposed structural components and equipment which may require foundations, at minimum:

- Buffer Tank
- Filtrate Tank
- Fermenter & Post-Fermenter Tank
- Omnivore Skid
- Buffer Tank Pumps
- H<sub>2</sub>S Blower & H<sub>2</sub>S Scrubber
- Boiler Skid
- Biogas Upgrading Feed Compressors
- Biogas Upgrading Membrane Skid
- Condensate Pit & Pump
- Emergency Flare
- O<sub>2</sub> Generator
- Filtrate Holding Tank Pump
- Filter Screw Press (FSP) Pump & Dewatering
- Control Room
- Dilution Pumps
- Centrate Buffer Pit
- Solid Sludge Thickener Polymer Package
- Sludge Screw Dewaterer Polymer Package
- Anti-Foaming System & Pumps
- In-Line Grinder
- Feeder Pump to Digester
- Feeder Package
- Filter Screw Press
- Biogas Upgrading Chiller
- Biogas Upgrading Carbon Guard Vessels & Lead-Lag Skid
- Biogas Upgrading Product Compressor
- Five (5) premanufactured canopies, each to protect equipment, as listed with proposed canopy sizing:
  - Boiler Skid – 12' x 18' x 12' tall
  - O<sub>2</sub> Generator – 16' x 14' x 12' tall
  - Centrate Buffer – 44' x 44' x 12' tall
  - Control Room – 24' x 32' x 12' tall
  - Omnivore Skid – 22' x 24' x 12' tall

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

All existing outdoor lighting will continue to be utilized. The proposed project may include the addition of lighting under the proposed open buildings, but all lighting will be domed or covered to avoid disturbance, and no outdoor sound amplification systems are proposed.

**18. Landscaping or fencing proposed?**

No landscaping or fencing is proposed in this Project. The existing fence, which establishes a boundary around the perimeter of the Facility, will remain in place.

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

The purpose of the Project is to generate natural gas as a renewable energy source, while reducing the emissions of the current Facility operations. The Project will only pose a minor impact to existing operations of the Facility once constructed and operational.

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

Elizabeth Stephenson, President – POM Wonderful

Brian Okland, Sr. Director of Beverage Operations – POM Wonderful

Ilia Florentin, Director, Strategy Group – The Wonderful Company

Michael O'Banion, Senior Engineering Manager – The Wonderful Company

Melissa Poole, Director, Government Affairs / Senior Counsel – The Wonderful Company

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# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

**APPLICANT:** 4Creeks, Inc. obo POMWonderful, LLC

**APPLICATION NOS.:** Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619

**DESCRIPTION:** Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plan and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application.

The Project will operate in two different modes: the 3-month juicing season from mid-October to mid-January (Peak Season) and the remaining 9 months of the year (Off-Peak Season). During the Peak Season, juiced pomegranates will be sent to the ensilage bunkers in order to preserve the feedstock and feed the digester continuously throughout the year. Leachate from the ensilage bunkers, retentate wastewater, and extraction wastewater will be collected and stored in a buffer tank and subsequently fed to the anaerobic digester. The anaerobic digester will convert the majority of the biochemical oxygen demand from the leachate and wastewater streams into biogas. Cake and filtrate will be produced by the dewatering of digestate by the sludge screw press. Filtrate will be stored in a holding tank and then sent to the wastewater treatment plant. Cake will be offloaded into truck trailers for use in compost or other beneficial land application. During the Off-Peak Season, digestate from the digester will be dewatered by the filter screw press with cake offloaded to trailers and filtrate sent to the wastewater treatment plant.

The biogas from the digester will be stored in a double membrane gas holder and will be treated to remove Hydrogen Sulfide, moisture, and volatile organic compounds. The biogas will then be upgraded into pipeline quality bio-methane and injected into an existing six-inch pressurized Southern California Edison pipeline.

In the case of emergency, or in the case that the Southern California Gas Company does not have the capacity to accept bio-methane from this project, the gas produced onsite will be burned through the emergency flare until delivery can be resumed.

LOCATION: The proposed digester will be located at the intersection of American Avenue and Del Rey Avenue, APN 350-230-01S, a portion of the larger POM Wonderful site which includes the following APNS: 350-031-11, -13, -63S, 64, 66, 350-230-17, and -19S (land application area); 350-230-01S, -07ST, -08, -09S, -10, -11T, -12T, -13, -14S, -15S, and -21S (fruit processing facility operations). Address: 5286 S. Del Rey Avenue, Del Rey, CA 93616. Sup. Dist. 4

Pursuant to the Guidelines of the California Environmental Quality Act (CEQA), Section 15162, there shall be no subsequent environmental review prepared for projects for which a negative declaration has been adopted (or for which an Environmental Impact Report has been certified), unless substantial evidence shows one or more of the following: ‘

1. Substantial changes are proposed in the project which will require major revisions of the negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant impacts; 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 in the previous negative declarations;
  - 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, but the project proponents decline to adopt the mitigation measure or alternative;

- d. Mitigation measures or alternatives which are considerably different from those previously analyzed would substantially reduce one or more significant effects, but the project proponents decline to adopt the mitigation measure or alternative.

In the case of this project, the inclusion of the digester, which will create bio-methane gas to be sold for profit, requires approval of a Conditional Use Permit by the County of Fresno, and represents a significant expansion of use compared to the baseline use of the site to process fruit. Therefore, a revised Initial Study has been prepared. This study supersedes the studies previously prepared by the County of Fresno (Initial Study numbers 3126, 3851, 3977, and 6808). The County's previous reviews of this project did not identify any potentially significant impacts which needed to be addressed through the adoption of mitigation measures; however, the California Regional Water Quality Control Board, Central Valley Region adopted a Mitigated Negative Declaration (the "WDR IS") prior to adoption of the Waste Discharge Requirements for the project site. That review determined that five mitigation measures would be necessary to reduce impacts of the project. These impacts are discussed in the relevant sections below: Agriculture, Air Quality, Biological Resources, Cultural Resources, and Hydrology and Water Quality Resources and where necessary, those mitigation measures have been incorporated into this environmental review.

#### 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:

Neither American Avenue nor Del Rey Avenue is designated by the Fresno County General Plan as a scenic roadway or scenic drive. The nearest road with such a designation is Jenson Avenue, approximately three miles north of the project site, which is designated as a Scenic Drive due to its inclusion as part of the Blossom Trail. Due to the distance from the project site and the limited off-site impacts from the proposed digester, there will be no impacts to 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 site is located at the intersection of Del Rey Avenue and American Avenue. North of American Avenue, lands are dedicated to the production of row crops and



orchards, typically with a single-family residence on each parcel. South of American Avenue, parcels are developed with dense residential development which forms the community of Del Rey. A number of parcels are also used for packing/storage houses.

The area of development is currently unimproved and used for storage in support of the fruit packing operation which was originally approved by CUP 2220 for the project site. South of the proposed improvement area has already been developed with a number of industrial buildings and the ground cover is a mix of pavement and packed dirt, further supporting an industrial appearance.

Therefore, while the project will move industrial-style buildings closer to the intersection of industrial and agricultural (American Avenue), it is proposed in an area which is already considered to be industrial in nature and therefore will not degrade the existing visual character or quality of the site.

- 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:

The proposed digester would be equipped with an emergency flare, which would be used to burn off gas generated by the facility when it cannot be injected into the Southern California Gas pipeline. The flare is located on the northern side of the digester, which faces American Avenue and the agricultural uses of the northern parcel. More than 350 feet west of the proposed flare is a cluster of residential developments. Due to the limited usage of the flare, which would only be operated in case of emergency, and the limited visibility of the flare, there will be no adverse impacts associated with new sources of light or glare.

## II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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: NO IMPACT:

The subject parcel has been mapped by the Department of Conservation's Important Farmlands Map (2016) as "Urban and Built-Up Land" and "Vacant". The area where improvements are proposed is where the "Vacant" designation occurs. Therefore, the project will not adversely impact Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Mitigated Negative Declaration prepared by the California Regional Water Quality Control Board, Central Valley Region (WDR IS), identified a conflict with Williamson Act Contract No. 292 due to the proposed installation of a detention pond on contracted land. As a mitigation measure, the property owner was required to cancel the Contract on the portion of the parcel proposed as a detention pond. The County accepted a notice of nonrenewal for this portion of land on May 11, 2020. Therefore, this project will not conflict with agriculture use or a Williamson Act Contract.

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

FINDING: NO IMPACT:

The subject parcel is zoned M-3 (Heavy Industrial) and therefore will not conflict with existing zoning for agricultural or forest use. The project will not result in the loss or conversion of forest land or agricultural land to non-forest and non-farming purposes because the digester requires waste product from the existing farming operations in order to generate the bio-methane and there is no designated forest-land in the vicinity.

- 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: NO IMPACT:

Because the project relies on waste products from existing agricultural operations, it will not result in the conversion of farmland to non-agricultural use. No forest-land is located in the vicinity.

### III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the *Greenhouse Gas Analysis Report* prepared by Mitchell Air Quality Consulting for the project, the primary source of air pollution from this project would occur during construction of the anaerobic digester: 85.3 Metric Tons of Carbon Dioxide equivalent (MTCO<sub>2e</sub>) is estimated to be released due to construction in 2019 and 780.55 from construction in 2020. Given that greenhouse gas emissions can remain in the air for a number of years, the generated emissions were amortized over the expected life of the project, estimated to be 30 years for a total of 28.86 MTCO<sub>2e</sub> per year. Operational emissions were estimated for 2020 at 1,749.99 MTCO<sub>2e</sub>. Later years of operation are expected to have similar or lower levels of emissions as a result of technological improvements; however, the overall estimates were based on the 2020 numbers to maintain a conservative estimate. Yearly emissions, including amortized construction emission, would total 1,778.85 MTCO<sub>2e</sub>.

During operation, the project will result a reduction of emissions in several ways. First, the digester will reduce the truck trips necessary for waste hauling by 57 daily trips. Second, the emissions that are currently created during land application and composting would be lowered by reducing the amount of organic matter in the waste stream with the anaerobic digester and capturing the biogas. This biogas (the bio-methane) is a renewable resource which can replace non-renewable natural gas. The total reduction is estimated to be 38,076.72 MTCO<sub>2e</sub> for an overall yearly reduction of 36,297.87 MTCO<sub>2e</sub>.

If the developer chooses to implement the option to capture beverage-grade carbon dioxide produced by the digester, further reductions of 15,499 MTCO<sub>2e</sub> per year are estimated.

The project is consistent with the Bioenergy Action Plan, which encourages the use of digesters to create bio-methane in order to supplant the use of natural gas.

The WDR IS adopted mitigation measures which require the project to “[i]ncorporate the appropriate control measures for construction emissions listed in Tables 6-2, 6-3, and 6-4 of the San Joaquin Valley Air Pollution Control District’s (District), 10 January 2002, *Guide for Assessing and Mitigating Air Quality Impacts*.” and “[o]btain the

appropriate permits from the District for stationary sources.” Table 6-2 relates to Regulation VIII Control Measures, Table 6-3 relates to Enhanced Control Measures, and Table 6-4 relates to Construction Equipment Mitigation Measures. Compliance with these regulations or their current equivalents will ensure that operation of the digester does not result in the release of criteria pollutants in excess of acceptable limits.

- 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:

It is anticipated that this project will result in reduced concentrations of pollutants and other emissions (such as those leading to odors) as compared to current emissions, resulting in a less than significant and possibly beneficial impact.

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

Review of historic aerial photographs (Google Earth) indicate that the project site has been developed for industrial or ag-support purposes since 2004, with steady expansion through 2011, consistent with the approval of CUP applications by the County over this time. The area of proposed development has been vacant since farming was removed from the parcel between 1998 and 2004 (there is a gap in available imagery during this time). Despite the lack of development, this area remains packed dirt and has not returned to any natural state. As a result, there is no habitat on the parcel that would be likely to support special-status species. Surrounding parcels to the east, west, and south are similarly industrial in nature and do not provide habitat for special-status species. The parcel to the north is developed with row crops, which provide minimal habitat for special-status species. If such species were present on that property, they would be unlikely to cross American Avenue, which has an average daily traffic count of 1,600 vehicles per day.

There are no trees on the subject parcel and no trees would be otherwise impacted by the project. Therefore, concerns identified by the US Fish and Wildlife Service as part of the Initial Study prepared for Waste Discharge Requirements Order 75-2012-0900 relating to Swainson's hawk do not apply to this project. Further, the US Fish and Wildlife Service indicated they had "no comments" on this proposal. Due to the lack of resources present on the subject and surrounding parcels, there will be no conflicts with policies or ordinances protecting biological resources and no conflicts with adopted Habitat Conservation or Natural Community Conservation 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 subject parcel is not in an area which has been designated as having a moderate or high sensitivity to archeological resources and the area of proposed improvement has been subject to disturbance in the form of farming operations and later, additional disturbance related to the general operation of the POMWonderful facility. As a result, there is a very low probability that surficial resources are present. However, the possibility remains that undiscovered resources are present beneath the ground at the project site. Because these potential resources could be affected by the project, the

following Mitigation Measure is necessary to ensure that adverse impacts are reduced to less than significant.

\* **Mitigation Measure**

1. *In the event that cultural or paleontological 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:

This project, if approved, would convert pomegranate waste into bio-methane which will be cleaned and injected into a commercial pipeline. The cake and filtrate which remain will be applied to the land as compost and sent to the wastewater treatment plant, respectively. This will result in net decrease of 57 daily truck trips currently required to haul the waste away from the site (60 fewer waste-haul trips and three new trips for digester maintenance).

The project is expected to produce 664,884,000 standard cubic feet of biogas annually, which will be injected (after cleaning) into a nearby pipeline for distribution to the public. This will supplant an equal amount of natural gas and contribute towards fulfilling California's renewable energy goals.

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 most recent Alquist-Priolo Earthquake Fault Zoning Map (Department of Conservation) indicates that the subject parcel is not located in an area that has been mapped as an Earthquake Fault Zone.

Figure 9-5 from the Fresno County General Plan Background Report (FCGPBR) indicates that the subject parcel is predicted to have a 10% chance that peak horizontal acceleration will exceed 20% of the acceleration of gravity over the next 50 years, which is the lowest category of risk.

Figure 9-6 (FCGPBR) indicates that the subject parcel is not located in an area of moderate or high landslide hazard; not in an area subject to deep or shallow subsidence; and the soils at the subject parcel preclude site-specific risk: as identified by the Web Soil Survey (US Department of Agriculture), the soils at the project site are Exeter loam, Hanford fine sandy loam, and Pollasky sandy loam, all of which are well-drained.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As mentioned in the discussion above, the project site consists of three types of soil: Exeter loam, Hanford fine sandy loam, and Pollasky sandy loam. In the area of proposed development, the soil is entirely Pollasky sandy loam, which has a medium run-off class and is considered to have a "slight" erosion hazard rating, meaning that some control measures may be necessary in order to prevent runoff. Because the area of disturbance will be more than one acre, the developer will be required to prepare and comply with a Stormwater Pollution Prevention Plan (SWPPP). Given the moderate risk of the underlying soil and existing regulation requiring the implementation of best management practices, the project will not result in substantial soil erosion or loss of topsoil.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; 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 project site is not located in an area designated by Figure 7-1 (FCGPBR) to have soils with moderate to high expansion potential. The subject parcel contains three types of soils: Pollasky sandy loam, Hanford fine sandy loam and Exeter loam. The project site is proposed in an area underlain by entirely Pollasky sandy loam. This type of soil typically has less than 3% linear extensibility, which is considered low risk. In addition, "loam" soils contain less than 30% clay by volume and sandy loam contains less than 20%, further reducing shrink-swell potential of the soil. The project will also be subject to Fresno County Buildings Code at the time of development, which will include a geotechnical investigation. By complying with these existing regulations and due to the low risk at the project site, there will be no adverse impacts to life or property as a result of development on 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: NO IMPACT:

The project site receives sewer and water service from the Del Rey Community Service District and therefore does not require the use of a septic tank.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site has been highly disturbed by the operation of the POM Wonderful Fruit Packing Facility and associated farming operations. Prior agricultural operations on the property also contributed to disturbance of the surface layer. Therefore, it is highly unlikely that new paleontological resources would be present on the surface. However, it cannot be determined with certainty that there are no such resources buried on the site. Therefore, the Mitigation Measure identified in Section V, which requires certain protective actions in the event of a find, shall be implemented and would reduce risk to unique paleontological resources, sites, and geologic features to less than significant.

\* **Mitigation Measure**

1. See Section V.

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:

This project has the potential to generate greenhouse gas emissions during the construction phase and during operation. Construction emissions were estimated by the *Greenhouse Gas Analysis Report POM Wonderful Anaerobic Digester Project* prepared by Mitchell Air Quality Consulting and dated September 13, 2019. Over two years of construction, approximately 865.85 Metric Tons of Carbon Dioxide Equivalent (MTCO<sub>2e</sub>). The San Joaquin Valley Air Pollution Control District does not recommend assessing significance of construction-related emissions; however other districts have recommended that the impacts be amortized over the life of the project.

Decommissioning of the digester is not considered as part of this application; however, the Analysis choose 30 years as the lifespan. Therefore, construction emissions can be considered to be equivalent to the release of 28.86 MTCO<sub>2e</sub> per year for thirty years.

Operational emissions were based on the year 2020. It is anticipated that more stringent regulations and more efficient equipment would allow for a reduction in yearly emissions as compared to this number; however, such reductions were not accounted for in this analysis in order to provide the most conservative estimate of impacts. The project uses natural gas and energy in the operation of the digester. These uses, combined with employee and vender trips, result in the release of approximately 1,778.85 MTCO<sub>2e</sub>/yr.

However, the intent of this application is to produce bio-methane which can replace natural gas in both commercial and residential uses. Various parts of this project result in reductions of emissions: fewer truck trips are required to haul away pomegranate waste, fewer emissions are released due to composting, the bio-methane supplants the use of natural gas, and the applicant has the option to capture CO<sub>2</sub> produced at the site. As a result of these factors, the project would reduce emissions by 38,076.72 MTCO<sub>2e</sub> per year (or 53,575.72 with CO<sub>2</sub> capture), for a net reduction of 36,297.87 MTCO<sub>2e</sub> (or 51,796.87 MTCO<sub>2e</sub> with CO<sub>2</sub> capture).

Therefore, based on the project's net reduction in the generation of greenhouse gases, it is considered to have a less than significant impact.

- 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:

Assembly Bill 32 (AB 32) was adopted by the California State Legislature in 2006. As directed by that plan, the *Climate Change Scoping Plan* was later adopted (2008), which provided measureable goals and direct policies to achieve the necessary emissions reductions. As part of the First Update to the *Scoping Plan*, a number of

measures were adopted to support that goal, including a measure promoting the use of digesters to create bio-methane gas for injection into natural gas pipelines. This project is in direct alignment with that strategy and other strategies within the *Scoping Plan*. Please see the *Greenhouse Gas Analysis Report POM Wonderful Anaerobic Digester Project* prepared by Mitchell Air Quality Consulting and dated September 13, 2019 for more information regarding the project's compliance with other measures in the *Scoping Plan*, including compliance to the 2017 updates. Where measures are applicable to the project, review determined that the project was consistent.

## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing Fruit Processing Facility operates under an approved Hazardous Materials Business Plan (HMBP), which is reviewed and approved by the Fresno Certified Unified Program Agency (CUPA). The Facility is listed on the Toxic Releases Inventory database and the review of the three-year compliance history (through September 30, 2019) indicates that there were no violations during that time. There are also no reports from the last five years concerning formal or informal enforcement actions. Any new hazardous materials proposed for use as part of the digester will be addressed in the HMBP, which identifies proper storage and transportation methods. Given the Facility's history of compliance, it is reasonable to anticipate that new hazardous materials will also be handled in a safe manner.

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

FINDING: NO IMPACT:

The project site is not located within one quarter-mile of a 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: LESS THAN SIGNIFICANT IMPACT:

The existing facility is listed on the Toxic Releases Inventory due to the release of peracetic acid into the air and ground; the Resource Conservation and Recovery Act (RCRA) as a transporter; and the Air Emissions Inventory as a release location. Given that the Enforcement and Compliance History Online (ECHO) report shows ongoing compliance with existing regulations, it is anticipated that this project will continue to implement the required business plans and compliance measures which were adopted to protect the public from significant hazard. Therefore, compliance to the existing and any revised Hazardous Materials Business Plan will ensure that impacts from this project are less than significant.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is not located near a public airport; however, there is an airstrip located approximately one quarter mile south of the nearest property line and two-fifths of a mile south of the project site. This private airstrip operates under an approved Conditional Use Permit. It is serviced and maintained by workers of the processing facility in support of agricultural lands which are part of the fruit packing operation. Flights are estimated to occur up to six times per week, during daylight hours only. Landing is required to occur from the southwest and takeoff towards the southeast, in order to prevent impacts to the community of Del Rey; this also minimizes impacts to workers who may be present on site to perform maintenance of the digester. Therefore, impacts will be less than significant.

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

FINDING: NO IMPACT:

The scope of this project is limited to the area of improvement on the subject parcel. Following construction, there would be fewer traffic trips to and from the facility, which would improve congestion in the area. Proper access to the site will be confirmed during building plan check and the Site Plan Review Process to ensure that all relevant Fire Regulations are addressed. No site-specific concerns were identified upon preliminary review by the Fire Department. The site is not located in an area which has a high risk of wildfire and therefore, with compliance to existing fire safety standards, it would not expose people or structures to significant loss, death, or injury, related to wildfires.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT

Wastewater from the project site is either collected by the Del Rey Community Service District, in the case of existing occupied areas of the project site, or will be processed through the digester, in the case of waste water produced as part of the pomegranate treatment process. There is an onsite wastewater treatment plant, which will treat some of the water, typically after it has been through the digester. Water which receives such treatment (up to 125,000 gallons per day) may be used for irrigation of the alfalfa plants surrounding the vicinity. The project operates under a Long-Term Wastewater Management Plan approved by the California Regional Water Quality Control Board. The wastewater treatment plant is currently permitted to process up to 1.2 million gallons per day from the facility.

The Central Valley Water Resources Control Board adopted the *Water Quality Control Plan for the Tulare Lake Basin (Basin Plan)* in 1975, with regular updates as recent as 2017. Waste discharge requirements are required to be consistent with the goals and policies of the *Basin Plan*. As part of the review for approval of the most recent Waste Discharge Order, an Initial Study was prepared to identify any impacts from the proposed increase in average and maximum discharge from the plant to the wastewater treatment center and/or the storage ponds, construction of new storage ponds, wastewater application to 291 acres of alfalfa (with periodic rotation of oats or barley/sudan grass), and construction of a new building to process arils. While the area covered by this Initial Study relates to parcels directly south of the parcel where the proposed digester would be built, it considers the function of the entire fruit processing operation. That review determined that the project was consistent with the State Water Resources Control Board Resolution 68-16 ("Policy with Respect to Maintaining High Quality Water of the State"), primarily due to the project's implementation of best practicable treatment and control practices and the requirement to perform ongoing verification of the discharge quality. The inclusion of the digester into this process will not relieve the applicant of this requirement and water will still be treated at the onsite treatment plant prior to application to surrounding cropland. Therefore, impacts to surface or groundwater quality will be less than significant.

- 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 proposed project will not substantially decrease groundwater supplies because the groundwater used at the facility will eventually be discharged to cropland, where a significant amount will percolate back to groundwater.

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 project will increase the amount of impervious surfaces at the project site; however, impacts associated with run-off are addressed by County policy which requires applicants to show (prior to release of grading permits) that all runoff will be retained on the parcel or redirected into existing storm water collection systems.

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

FINDING: NO IMPACT:

The project site is not located in an area that is subject to flood hazard: FEMA FIRM Panel No. 06019C2165H indicates the project site is located in Zone X – minimal flood hazard. The project site is too distant from a shoreline to be at risk due to tsunami and is not located near any lakes which could be subject to seiche in the event of ground-shaking.

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

FINDING: NO IMPACT:

There is no change to the amount of water discharged from the project site and therefore no impacts to continued compliance with the Basin Plan. See discussion in Section X.B, above.

## 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 project will not divide an established community because it will be developed on the northernmost portion of the POMWonderful fruit packing operation, which is adjacent to the established community of Del Rey. Because the project is a digester which will process agricultural waste to produce renewable energy and other reusable product (compost), it is consistent with General Plan Policies which restrict industrial operations in areas designated for agriculture to those which are in support of agricultural or value-added operations.

## 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:

The project site is not in an area that was designated by General Plan Background Report Figure 7-7 to be a Mineral Resource Location. Further, no sources of mineral resources have been identified at this location, which has historically been used for farming and ag-support services.

## XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction of the digester is the most likely time for noise impacts to occur at sensitive receptors. However, the Fresno County Noise Ordinance includes provisions which exempt construction noise from compliance with the stated maximum noise levels, when such construction occurs during specific hours. Therefore, compliance with the

Noise Ordinance and the limited duration of construction will result in less than significant impacts on increases to ambient noise in the vicinity.

Operation of the digester has the potential to increase the ambient and temporary noise in the area by increasing the amount of activity which occurs near the edges of the property, where there is less opportunity for sound to dissipate before reaching sensitive receptors. As with construction, the majority of onsite work will occur during daytime hours, when the Noise Ordinance is the least-stringent in regard to maximum permitted sound generation and specifically exempts construction from those restrictions.

The closest sensitive receptors are the residences located on the southwestern corner of the intersection of S. Del Rey and American Avenues, which are more than 350 feet distant from the project site, which allows for attenuation before impacting the residences. Due to distance from these receptors and with compliance to the Fresno County Zoning Ordinance, there will be no significant adverse impacts related to noise.

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

FINDING: NO IMPACT:

Operation of the digester does not involve rhythmic or concussive activities which would be likely to generate ground-borne vibration or noise.

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 digester is proposed as an expansion to the existing fruit processing facility. The Del Rey Juice Airstrip is located south of Jefferson Avenue and adjacent to a portion of the existing operation. The strip operates under a Conditional Use Permit issued through the County of Fresno (CUP No. 3332), which restricts usage to the approved operational statement, which is no more than six flights each week during daylight hours. Further, the proposed improvements are located in the northernmost area of the subject parcel, which is the most distant location from this strip for the PomWonderful operation. Therefore, the project will not expose people working in the project area to excessive noise levels associated with airports.

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:

This project will be constructed on a vacant portion of a parcel currently used to support the Pom Wonderful facility. The project will not result in the creation of new jobs, which would then have the potential to attract new residents. No extension of existing utilities is proposed.

## 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 result in an increase in population growth or in the increase of persons who may be present on the subject parcel. It is likely that fewer people will be present on average than the current operation because fewer workers will be needed to load pomace into trucks for removal from the site, since such pomace will be entered into the digester or will go into storage to be used at a later date. Therefore, no new or improved public services are necessary for this area as a result of this project and therefore, there will be no impacts.

## 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 community of Del Rey does not have any community parks; however, some recreational facilities are available at local schools. This type of project is not likely to attract new people to existing neighborhood and regional parks or other facilities. It will also not require the construction of new recreational facilities.

## 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:

This project is consistent with General Plan policies which restrict the overcrowding of County roads and require that a project contribute to the portion of damage to a road which occurs as a direct result of a project. Because the project would reduce the amount of traffic on the roads, it is consistent with these policies. No new design features are proposed to the local roads which could increase hazards.

## 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 52, Native American Tribal Governments are required to request notification of projects from potential Lead Agencies, such as the County. Such Tribes may specify a specific area wherein they would like to receive notices for proposed projects. This project falls within the notification area of all four Native American Tribal Governments who have requested such notice.

The County of Fresno determined that the application for this project was complete on October 5, 2019. Notification of a complete application and invitation to consult pursuant to Public Resources Code §21080.3.1(b) was mailed on October 9, 2018.

The Table Mountain Rancheria Tribal Government Office responded to this invitation to consult in a letter dated January 10, 2019, declining consultation. None of the other noticed Tribal Governments responded within the 30-day deadline. Therefore, the County's obligations under AB 52 have been met and there are no impacts to Tribal Cultural Resources due to the lack of such resources identified in the project area.

## XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

The project site is served by the Del Rey Community Services District for potable water; however, there are also two onsite wells which are used to supplement the application of effluent onto the crops. Because this project typically returns water used from these

wells back to the surrounding cropland, it will not cause significant adverse impacts to availability of water supply in normal, dry, and multiple dry years.

- 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?

FINDING: NO IMPACT:

Approval of the proposed project would allow the project site to process a significant amount of solid waste (such as pomace) onsite as opposed to hauling it away, as currently occurs.

The majority of water usage at the site occurs as part of the fruit processing operation. This water will be processed through the proposed digester and the onsite wastewater treatment plant and will not be sent to the Del Rey Community Services District for processing. Therefore, there are no adverse impacts related to expansion of public treatment facilities.

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The proposed project will comply with federal, state, and local management and reduction statutes and regulations. Approval of this project will allow another use for pomace and dirty wash water and will convert the biomass to bio-methane and dewatered cake for land application or composting, which provides for an overall reduction in 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 site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The nearest such area is approximately 8.5 miles northeast of the site.

## 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:

Installation of the digester and connecting pipeline will occur in an area of the project site which has been cleared of vegetation and foliage that could provide habitat for special-status species. Due to the existing farmland to the north, which is maintained free of weeds and other plants besides the crops, and the existing industrial development of the POMWonderful facility to the south, it is unlikely that endangered species would wander onto the site and be exposed to impacts. Therefore, no impacts to endangered species or their habitats was identified as part of this application.

While no tribal or cultural resources were identified at the project site, the potential remains for such resources to be affected if they are discovered during construction. Therefore, the Mitigation Measure identified in Section V Cultural Resources shall be applied to the project to ensure that any such discoveries are treated in a manner that would reduce impacts to less than significant.

\* **Mitigation Measure**

1. 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: NO IMPACT:

This project proposes to turn waste material from the pomegranate processing facility and convert it to bio-energy, which can be used to offset natural gas. Other byproducts from the process, such as carbon dioxide and dewatered cakes also have the potential for re-use as a beverage additive and compost application respectively. Because the project completes the life-cycle for many of these products and proposes to offset the usage of non-renewable natural gas, there will be no cumulatively considerable impacts.

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

FINDING: NO IMPACT:

As discussed in the finding above, the project proposes to remove waste from the overall system and to offset the use of non-renewable resources. It is likely that the installation of the digester will improve conditions at the site by removing the need to stockpile pomace until it can be removed. While some minor impacts, such as the introduction of a new source of light, will occur in the vicinity, these were not determined to be significant impacts as there is limited population within the area of impact. Therefore, this study found no environmental effects which would cause substantial direct or indirect adverse impacts on human beings.

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3619, 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, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Agriculture and Forestry, Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Cultural Resources, and Geology and Soils have determined to be less than significant with compliance with above-noted Mitigation Measures.

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

CMM:

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7492</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
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): Chrissy Monfette Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): POMWonderful, LLC	Project Title: Initial Study Application No. 7492 and Unclassified Conditional Use Permit Application No. 3619		
Project Description:  Allow the construction and operation of an anaerobic digester at the existing POM Wonderful fruit processing facility (previously approved by Classified Conditional Use Permit Nos. 2220, 2559, 2618, and 2668) to process up to 125,000 tons of pomegranate waste and pomegranate juice wastewater per year from the onsite extraction facility to produce bio-methane for pipeline injection, a dewatered cake for land application or composting, optional food and beverage-grade carbon dioxide gas, and filtrate that will be treated by the onsite wastewater treatment plan and used for irrigation of the alfalfa plants surrounding the facility. No increase in the amount of wastewater produced or permitted for application is proposed as part of this application.			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Conditional Use Permit Application No. 3619, 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, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts related to Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Agriculture and Forestry, Cultural Resources, and Geology and Soils have determined to be less than significant with compliance with above-noted Mitigation Measures.			
FINDING:  The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – May 20, 2020		Review Date Deadline: Planning Commission – June 25, 2020	
Date:	Type or Print Signature:  Marianne Mollring, Senior Planner	Submitted by (Signature):  Chrissy Monfette, Planner	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 June 25, 2020

**SUBJECT:** Classified Conditional Use Permit Application No. 3637

Revise approved Classified Conditional Use Permit No. 2601 to allow the construction of a new 3,000 square-foot building and enclose the existing bocce ball courts on a 6.58-acre parcel in the R-R (Rural Residential) Zone District for use by bocce league members and spectators during weekly events. The new building would include a meeting area, bar, restrooms, and kitchen, and would not be open to the general public.

**LOCATION:** The subject parcel is located on the east side of North Grantland Avenue, adjacent to the city limits of the City of Fresno (6176 North Grantland Avenue) (Sup. Dist. 1) (APN 504-081-11).

**OWNER/APPLICANT:** Dante Club

**STAFF CONTACT:** Chrissy Monfette, Planner  
(559) 600-4245

David Randall, Senior Planner  
(559) 600-4050

**RECOMMENDATION:**

- Approve Classified Conditional Use Permit (CUP) No. 3637 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. Resolution No. 10816 Including Conditions of Approval and Project Notes (CUP No. 2601)
3. Location Map
4. Existing Zoning Map
5. Existing Land Use Map
6. Site Plans and Detail Drawings
7. Elevations
8. Applicant’s Operational Statement

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Rural Residential	No change
Zoning	Rural Residential	No change
Parcel Size	6.58 acres	No change
Project Site	Western portion of the site has been used for meetings of the Dante Club; eastern portion is vacant	New building would be added in the central portion of the site; eastern portion would remain vacant
Structural Improvements	7,200 square-foot building, four open-air bocce courts, paved parking area, septic system	One additional 3,000 square-foot building, enclosure around existing bocce courts
Nearest Residence	~15 feet south of southern property line	No change
Surrounding Development	Elementary school to the west, high-density residential development to the south, vacant north and east	No change
Operational Features	One building and four bocce courts	One additional building proposed for use with bocce league, enclosure for existing bocce courts



<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Employees	None	No change
Customers	None	No change
Traffic Trips	85 average, 200 maximum	No change
Lighting	12 outdoor lights on poles	Some lighting removed due to enclosure (bocce courts)
Hours of Operation	Generally, Thursday evenings and weekends, with some annual events which may occur on other days of the week	No change

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

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines, that the proposed project does not meet the thresholds where a revised environmental document is required.

In accordance with CEQA Guidelines Section 15162, when an Environmental Impact Report or Negative Declaration has been adopted for a project, no subsequent environmental document is necessary, unless the lead agency (in this case, the County of Fresno) determines that one of the following thresholds has been met:

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 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 EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the 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 EIR was certified as complete or the previous Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in 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.

In general, the expansion to the existing Dante Club consists of the construction of a new building to support the bocce league, enclosure of the existing bocce courts, and expansion of private services, such as alcohol service and meal preparation, to that new building. Because the function of the site is substantially similar to what was approved in 1993, this proposal is not considered to be a substantial change as described in item 1, above.

In regard to changed circumstances at the project site, the Dante Club is located within the County of Fresno and adjacent to the City of Fresno to the south. At the time CUP No. 2601 was approved, the City limits were located further to the south (at Bullard Avenue) and the use of surrounding parcels was almost entirely dedicated to the production of figs. The one exception was the parcel to the west, which had been developed with the elementary school site. As previously discussed, the Dante Club operates under Conditions of Approval which require consideration of school activities and limitations on certain club functions when students are present. Currently, the area south of Dante Club has been subdivided into medium-low-density housing and was annexed to the City of Fresno in 2005.

The parcel is located in an area designated by the General Plan as a Rural Residential area (General Plan Figure LU-1c). The staff report prepared for CUP No. 2601 describes this area's designation as Rural Residential as well, and there are no changes in the General Plan designation. Therefore, because this use was considered in light of the Rural Residential designation during the original review, the increased residential development in this area does not present a substantial change in the circumstances under which the project is undertaken, as described in item 2, above.

No new information was submitted as part of this application or received during the Agency Review process which could have been known with reasonable diligence at the time the Mitigated Negative Declaration was originally adopted. While some comments identified new regulations and requirements for compliance, these do not represent new significant impacts that would need to be mitigated. In general, because there is no increase in the anticipated attendance at the site, there is no increase in the impacts generated at the site by those attendees. In addition, the construction of the building with septic system is not anticipated to generate significant pollution because the parcel is large enough to support both the existing and proposed septic systems. Therefore, additional review would not be required as described in item 3, above.

As a result, the project does not meet any of the thresholds described in CEQA Guidelines Section 15162(a) which would require preparation of a new environmental document. All applicable Conditions of Approval from the original approval will apply to the proposed expansion.

**PUBLIC NOTICE:**

Notices were sent to 83 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:**

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:**

At its hearing of June 10, 1993, the Planning Commission approved Conditional Use Permit No. 2601 and adopted a Mitigated Negative Declaration, allowing the Dante Club to operate on the subject parcel. The following improvements were approved at that time: a 7,292 square-foot club building, paved parking area with 160 parking stalls, 50-foot-wide landscaped area and wrought iron fence along Grantland Avenue, four bocce ball courts, and a ponding basin.

Due to the project’s location across from the Herndon-Barstow Elementary School, the Commission added several conditions of approval to ensure that operation of the Dante Club did not interfere with school functions. These include coordination with the school to avoid simultaneous evening events and a prohibition on the sale of alcohol during times when students are present at the school.

Conditional Use Permit Application No. 3637 proposes to expand the use approved by CUP No. 2601 by adding a new building with meeting room, kitchen, and restroom, and enclosing the bocce courts, which would support the members of the bocce club. There is no proposed increase in the maximum attendance of 200 people or the anticipated daily attendance. All previous Conditions of Approval and Mitigation Measures will remain in effect.

**REQUIRED CUP FINDINGS:**

*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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Rear: 20 feet Side: 20 feet	Front (west): 88 feet Rear (east): ~360 feet Side (north): ~80 feet Side (south): ~220 feet	Yes Yes Yes Yes
Parking	One parking space for every 40 feet of area within main meeting hall: 159 spaces existing	No change	Yes
Lot Coverage	No Requirements	N/A	N/A
Space Between Buildings	At least 6 feet	~55	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Wall Requirements	Not greater than 6 feet within rear and side yards; not greater than 3 feet in the front yard	No new walls or fences are proposed	Yes
Septic Replacement Area	100%	New septic system will have sufficient space	Yes
Water Well Separation	Septic Tank: 50 feet; Disposal Field: 100 feet Seepage Pit: 150 feet	Water well is adequate distance from new septic	Yes

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

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

Fresno Irrigation District (FID): FID does not own, operate, or maintain any facilities located within the subject property. For informational purposes, FID’s Epstein No. 48 runs northwesterly and crosses Grantland Avenue approximately 1,500 feet north of the subject property. Should this project include any street and/or utility improvements along Grantland Avenue or in the vicinity of this facility, FID requires it review and approve all plans.

North Central Fire Department: This project is in the sphere of influence of the City of Fresno. All building openings shall be accessible within 200 feet of a public street, private driveway, or other approved access.

The existing street hydrant on North Grantland is too far to meet hose pull requirements, so an onsite hydrant is required (installation of one onsite hydrant with a minimum 8-unch main and a fire flow of 1,600 GPM). Private hydrants for commercial sites are spaced a maximum of 600 feet apart. Public hydrants in commercial areas are spaced a maximum of 450 feet apart.

The proposed building will require installation of a sprinkler system. Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire chief.

This expansion will require connection to the City of Fresno public utilities in accordance with the Fresno Municipal Code Section 10-50112.2.

Resources Division of the Fresno County Department of Public Works and Planning: The development of this project required adherence to the County’s Construction and Debris (C&D) Recycling Program, which requires the submission of a Construction and Demolition Waste Management Plan which includes a 65% diversion requirement for debris generated during the course of the project prior to issuance of a Certificate of Occupancy.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: Parking spaces shall be constructed in compliance with the County and state standards.

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 (SPR) unit for review and approval prior to the issuance of Building Permits.

An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way.

Internal access roads shall comply with required widths by the Fire District for emergency apparatus.

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

All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Although the proposed development does not increase attendance, parking standard for required ADA stalls has changed. The existing facility has 159 parking stalls, four of which are ADA compliant, per previous ADA regulations. Current regulations require six ADA stalls for a parking lot when the total number is between 151 and 200. Therefore, two additional stalls are required and shall be placed in front, as close as reasonably possible, of the new proposed Bocce Recreation Building.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The Water and Natural Resources Division has conducted a water supply evaluation for the proposed CUP and determined that the water supply is adequate to support the project.

Zoning Section of the Fresno County Department of Public Works and Planning: All proposed improvements will require permits.

Per the Fresno Location Agency Management Plan (LAMP) for onsite Wastewater Treatment Systems:

- A Site Inspection and Evaluation permit shall be required prior to permit issuance
- A Septic System permit shall be required prior to permit issuance.

The Applicant shall apply for a Site Plan Review prior to the issuance of permits.

### **Finding 1 Analysis:**

The subject parcel is 6.7 acres in size and has been developed with the primary meeting hall, parking lot, and exterior bocce courts. These improvements, along with some landscaping, cover approximately 2.7 acres of land, leaving more than half of the subject parcel available for improvement. The proposed improvements would result in an increase of approximately 3,000 square feet, which is just over 1% of the project site. No change is proposed in the access to the site, which is off of N. Grantland Avenue. The driveway and parking lot are paved, with painted spaces marked for parking. There is sufficient space on the parcel to accommodate both the existing and proposed septic systems without adverse impacts to groundwater quality.

Comments from the Site Plan Review Unit indicate that the parking standard for ADA parking has increased since the project was originally approved. Because new development is proposed, the new standards apply to the project site, and the Applicant will be required to

designate and redesign two ADA-compliant spaces. As noted above, the new parking spaces should be placed for access to the new building.

Staff notes that comments from the Fire Department require connection to the City of Fresno for water service. No increase in attendance is proposed or approved as part of this application and therefore, no increase is expected in the anticipated water usage at the site. No other reviewing agencies identified that municipal water service would be required, and because the North Central Fire Department is requiring the connection to water service through its given authority (Fresno Municipal Code Section 10-50112.2), compliance with Fire Site Plan Review requirements has been made a Condition of Approval for the project.

Staff finds that the site 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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	North Grantland Avenue is a public road	No change
Public Road Frontage	Yes	390 feet of frontage on North Grantland Avenue	No change
Direct Access to Public Road	Yes	Two access points on Grantland	No change
Road ADT		3,500*	No change
Road Classification		Collector	No change
Road Width		55 feet – 70 feet	No change
Road Surface		Asphalt Concrete (AC)	No change
Traffic Trips		Up to 200 once/week	No change
Traffic Impact Study (TIS) Prepared	No	No TIS required	No Change
Road Improvements Required		None	N/A

\*Note: 3,500 ADT was measured in 2005 and actual ADT is likely increased due to development in the area

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

Design Division of the Fresno County Department of Public Works and Planning: After reviewing the conditions with the Applicant engineer, the proposed expansion will have no effect on the number of events, and negligible effects to overall traffic. The traffic-related conditions of approval for CUP No. 2249 (Items 6, 10, 13, and 16) should be included.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1535H, the parcel is not subject to flooding from the 100-year storm. According to USGS Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The Applicant should have dedicated an additional 35 feet of road right-of-way with the prior CUP and SPR applications for the site to provide a total half right-of-way width of 55 feet. No additional right-of-way is required with this land use application.

The Applicant has previously executed a Deferment of Construction agreement for the offsite improvements. Since that initial approval, subdivision improvements have been constructed immediately south of the site, including the ultimate buildout of Grantland Avenue. If this project is approved, it is recommended that the Department call for the offsite improvements to be constructed along the site frontage to tie into existing improvements located immediately south of the site.

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

## **Finding 2 Analysis:**

The project site is served by North Grantland Avenue. The scope of this application includes the development of a new building for the bocce league and enclosure of the existing bocce ball courts. No increase in attendance is anticipated as part of this application because the bocce courts are already in use by an existing bocce league. The Applicant indicated that the enclosure of the courts was intended to improve the comfort level of existing club members.

Site Plan Review (SPR) No. 6121 prepared for CUP No. 2249 required the Applicant to sign an agreement to defer construction of curb and gutter improvements until other development in the vicinity was similarly developed. Because the residential development to the south has installed curb, gutter, and sidewalk up to the edge of the subject parcel, the deferral is ended. The Applicant must install improvements as described by SPR No. 6121 Condition of Approval No. III (items A, B, and C). This has been included as a Condition of Approval of this project.

Comments from the Design Division indicate the need to integrate Conditions of Approval from CUP 2249. This CUP represents the original approval for the project, which expired in 1989 due to lack of development. CUP No. 2601 was later approved for substantially the same project and adopted similar conditions of approval and mitigation measures. The specific conditions referenced by the Design Division relate to the following topics: (6) setback of the parking area from property lines and construction of a masonry wall along the north property line, (10) restriction on rental of facility to once per week and only through a membership, (13) restriction on scheduling of events to avoid overlapping activities with the school, and (16) installation and

maintenance of signs prohibiting parking on both sides of N. Grantland Avenue. These items were included as Conditions of Approval on CUP No. 2601. The conditions relating to setback of the parking area have been met as part of the previous development and therefore will not be specifically identified in the Conditions of Approval for this application. The requirement to install 'no parking' signs was met on the school side of Grantland; however, signs were installed on the Dante Club side indicating that there would be no parking except for those vehicles which displayed appropriate distinguishing placards or license plates. Appropriate signage is an item which will be reviewed as part of the Site Plan Review required by other Conditions of Approval of this application.

The Conditions of Approval which restrict the operation of the site for events during those times when students are present at the school will be carried forward as part of this application. This will ensure that traffic from school events and Club events would not combine to overload Grantland Avenue.

Based on the above information, with compliance to the Conditions of Approval requiring certain improvements, Grantland Avenue will remain of sufficient width and pavement to accommodate the proposed use.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	2.08 acres 2.18 acres	Vacant	R-R	None
South	6 Parcels from 0.2 acre to 0.4 acre	Residential Subdivision	RS-4 (City) Residential Single- Family, Medium- low Density	~10 feet
East	8.58 acres	Orchard	R-R	None
West	10.59 acres	School	R-R	None

\*As measured from the property line of the subject parcel to the nearest edge of residence on adjacent parcel

**Reviewing Agency/Department Comments:**

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 (SO<sub>x</sub>), 15 tons per year of particulate matter of 10 microns or less (PM<sub>10</sub>), or 15 tons per year of particulate matter of 2.5 microns to less (PM<sub>2.5</sub>). 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.

District Rules 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable offsite fees. The proposed project is subject to District Rule 9510 (Indirect Source Review) if (1) it has or will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 square feet of commercial space, or (2) if it has or will receive a project-level approval from a public agency and will equal or exceed 10,000 square feet of commercial space. If subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency.

In case the project is subject to District Rule 9510, an AIA application is required and the District recommends that demonstration of compliance with District Rule 9510 before issuance of the first building permit be made a condition of project approval.

PM<sub>2.5</sub> from under-fired charbroilers pose immediate health risk. Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species like polycyclic aromatic hydrocarbons, controlling emissions from under-fired charbroilers will have a substantial positive impact on public health. The District recommends that new restaurants that will operate under-fired charbroilers install emission control systems during the construction phase, since installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to retrofitting.

The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rules 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). The above list of rules is neither exhaustive nor exclusive.

Development Engineering Section of the Fresno County Department of Public Works and Planning: The project is located within the FMFCD Boundary and Drainage Zones District EM. FMFCD should be consulted for their requirements and any additional runoff generated by development cannot be drained across property lines.

The property is located in the Sphere of Influence for the City of Fresno, and the City should therefore be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line.

An engineered Grading and Drainage Plan may be required to show how additional stormwater 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 County Department of Public Health, Environmental Health Division: Prior to issuance of building permits, 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. The expansion of the facility has the potential to expose nearby residences to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.

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

**Finding 3 Analysis:**

In response to comments provided by the Air District, previous staff reviewed the impacts of this project on Air Quality and determined that the primary contributor associated with this application was the increase in traffic associated with the (at the time) new use of the parcel as a private club. Mitigation Measures were added to the project at that time which required the use of dust control methods, energy-saving features in the building design, and electric (rather than gas-powered) equipment for onsite groundskeeping. This request for expanded use will incorporate all reasonable Conditions of Approval and Mitigation Measures from the prior approval, including the best management practices previously required by the Air District. The County will require that the developer file the Indirect Source Review and Air Impact Assessment with the Air District. These studies were not required earlier because the original Initial Study determined that the main contributor to air quality impacts would be from traffic, which is not anticipated to increase as a result of this proposed project. In regard to comments relating to the charbroiler, the existing barbeque is located to the east of the existing building and its function will be unchanged by this project. There is not change in risk associated with use of the barbeque since the original approval.

Regarding the need to coordinate with the City of Fresno, the City was routed this application and did not provide comment; however, they did comment on CUP No. 2601 and provided comments regarding the dedication of right-of-way (which was made), the need for street improvements, and installation of landscaping. The existing structures on the property were developed with consideration of the City of Fresno's ultimate right-of-way, and since the proposed improvements are further from the property line than what is existing, there will be no impact on future compliance with City Standards. Further, this project will be subject to approval of a Site Plan Review, which will consider its compliance to both City and County standards.

Comments from the Division of Environmental Health recommend that consideration be given to the Fresno County Noise Ordinance. However, it is anticipated that following construction of this expansion, noise generated at the project site would be reduced as compared to existing, since the bocce courts would be enclosed. Construction noise is exempted from the limits established by the Ordinance so long as construction occurs between 6:00 AM and 9:00 PM on weekdays or 7:00 AM and 9:00 PM on Saturday and Sunday. Therefore, compliance with this regulation will ensure that construction does not adversely affect surrounding residents.

Based on the above information, staff believes the proposal would 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*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>LU-G.14: The County shall not approve any discretionary permit for new urban development within a city’s sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable city/county memorandum of understanding.</p>	<p><b>Consistent.</b> This project proposes an expansion to existing uses at the project site and therefore is not considered to be “new urban development” as it relates to this general plan policy.</p>
<p>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> <ul style="list-style-type: none"> <li>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question.[...]</li> <li>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. [...]</li> <li>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.</li> </ul>	<p><b>Consistent.</b> The Dante club has been operating under CUP No. 2601 since 1993. The Water and Natural Resources Division reviewed the proposed expansion of use and determined that the water supply was adequate to support the use. Further, the North Central Fire Department may require connection to the City of Fresno for water service, which would further ensure that the water supply remains stable.</p>

**Reviewing Agency Comments:**

Policy Planning Unit of the Fresno County Department of Public Works and Planning: The parcel is designated as Rural Residential in the Fresno County General Plan and within the City of Fresno Sphere of Influence.

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

**Finding 4 Analysis:**

The General Plan Policies which apply to this application relate to coordination with the City of Fresno prior to County approval of development within the Sphere of Influence and to the sustainability of the water supply.

As discussed above, the project relates to approval of an expansion of the existing use at the project site. The Dante Club currently operates out of a single building with exterior bocce courts. This proposal would allow the Club to enclose the bocce fields and construct a new building for bocce league members. The City was consulted as part of the approval of the CUP for the original use of the parcel by the Dante Club and was provided an opportunity to comment on this proposed expansion. Their comments were accommodated in the original approval and continue to be reflected in the current iteration of the project through the design standards

required for construction of Grantland Avenue. In addition, the City and County share some standards in regard to the need for a masonry wall which would separate residential and non-residential uses in areas designated for residential uses.

Regarding the sustainability of the water supply, review of this application by the Water and Natural Resources Division determined that the water supply was adequate for continued operations at the project site. Review of this application by the North Central Fire Department may require the developer to connect to the City of Fresno for water service, which would further bolster the sustainability of the water supply.

Based on these factors, the project is consistent with the 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*

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.

The conditions relate to property development standards, which ensure the continued privacy of surrounding residential development. In addition, this project is restricted by specific conditions which limit its operation based on scheduled events and student attendance at the nearby school. These conditions are required in order to reduce the potential for students to find their way over to Dante Club events and also ensures that traffic conflicts would not occur due to overlap in event vehicles. The requirements imposed on CUP No. 2409 were necessary to ensure that future development of Grantland Avenue would not be adversely impacted by development on this property near the ultimate right-of-way.

**Reviewing Agency/Department Comments:**

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

**Recommended Conditions of Approval:**

*None.*

**PUBLIC COMMENT:**

None.

## **CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3637, subject to the recommended Conditions of Approval.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3637, 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 Classified Conditional Use Permit No. 3637; 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.

CMM:ksn

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**Classified Conditional Use Permit Application No. 3637  
Conditions of Approval and Project Notes**

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.
2.	A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance.
3.	All previous conditions of Conditional Use Permit No. 2601 and Site Plan Review No. 6121 shall remain in full force and effect except where superseded by this application, and except where such conditions have been previously satisfied.
4.	Prior to the issuance of building permits, the Applicant shall submit three copies of the final site plan to the North Central Fire Department for approval. Conditions imposed by the Fire Department may relate to fire connections, access, hydrant requirements, sprinklers, and water service.
5.	Prior to the issuance of occupancy permits, the Applicant shall designate two additional parking spaces for handicapped parking for the proposed new building. The designated spaces must meet all criteria for ADA-compliant parking stalls.
6.	Prior to issuance of occupancy permits, the Applicant shall construct the improvements described by Condition of Approval III (A, B, and C) of Site Plan Review No. 6121. The deferral referenced by that Condition no longer applies to the property due to the development of surrounding parcels.

Conditions of Approval reference recommended Conditions for the project.

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of 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. 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.	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.	Fresno Irrigation District (FID) owns a canal, Epstein No. 48, which runs northwesterly and crosses Grantland Avenue approximately 1,500 feet north of the subject property. Should this project include any street and/or utility improvements along

**EXHIBIT 1**

<b>Notes</b>	
	Grantland Avenue or in the vicinity of this facility, FID requires it review and approve all plans.
5.	The development of this project required adherence to the County's Construction and Debris Recycling Program, which requires the submission of a Construction and Demolition Waste Management Plan which includes a 65% diversion requirement for debris generated during the course of the project prior to issuance of a Certificate of Occupancy.
6.	An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way.
7.	Internal access roads shall comply with required widths by the Fire District for emergency apparatus.
8.	Outdoor lighting should be hooded and directed away from adjoining streets and properties.
9.	Per the Fresno Location Agency Management Plan (LAMP) for onsite Wastewater Treatment Systems: <ul style="list-style-type: none"> <li>• A Site Inspection and Evaluation permit shall be required prior to permit issuance.</li> <li>• A Septic System permit shall be required prior to permit issuance.</li> </ul>
10.	The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rules 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). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the Applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888.
11.	Prior to issuance of building permits, 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.

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Date: June 10, 1993

To: Board of Supervisors

From: Planning Commission

Subject: RESOLUTION NO. 10816 - CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2601, ENVIRONMENTAL ASSESSMENT NO. 3943

APPLICANT: Dante Club

REQUEST: Allow a country club on a 6.71-acre parcel of land in the R-R (Rural Residential, five-acre minimum parcel size) District.

LOCATION: On the east side of N. Grantland Avenue between W. Bullard Avenue and Freeway 99, approximately 500 feet west of the nearest boundary of the City of Fresno (6176 N. Grantland Avenue). (SUP. DIST.: 1) (APN 504-080-19)

PLANNING COMMISSION ACTION:

At its hearing of June 10, 1993, the Commission considered the Staff Report and testimony (summarized on Exhibit "A"), approved the Negative Declaration prepared for the project, adopted Findings 1 and 2 as stated in the Staff Report, and Findings 3 and 4 based on the fact that conditions imposed on the project will address potential impacts to surrounding properties, that the size and design of the building will be similar to residences in the area, and that the club will serve residents in the immediate area. Based on these findings the Commission approved Classified Conditional Use Permit Application No. 2601, subject to the following conditions:

1. Development and operation of the use shall be in conformance with the site plan and operational statement approved by the Commission except as modified by the following conditions.
2. A Site Plan Review shall be submitted to and approved by the Director of the Public Works & Development Services Department in accordance with Section 874 of the Fresno County Zoning Ordinance.
3. The westerly 22 feet of the property shall be dedicated to the County as right-of-way for N. Grantland Avenue.
4. The proposed 50-foot front yard setback shall be measured from the future N. Grantland Avenue right-of-way line as shown on the City of Fresno's General Plan.



5. The parking area shall be set back at least ten feet from the north and south property line. This setback area shall be landscaped and maintained with trees and/or tall growing shrubs.  
  
NOTE: The Zoning Ordinance requires a six-foot high solid masonry wall to be constructed on the north and south property line adjoining the parking area.
6. Landscaping acceptable to the Director of the Public Works & Development Services Department shall be required within the entire front yard setback area, and along the east side of the chainlink fence which borders the parking area. The landscaping bordering the parking lot may be deferred until such time that the adjoining orchard is removed or said area is separately sold.
7. A six-foot high wrought iron fence shall be constructed along the N. Grantland Avenue frontage and shall be set back at least 35 feet from the future right-of-way line as shown on the City of Fresno's General Plan.
8. Outside lighting shall be hooded so as not to shine on any adjoining properties.
9. The rental of club facilities shall be through sponsorship of a member and shall be limited to one time per week.
10. Adequate security must be provided for all social events. The Dante Club shall provide or require adequate state-licensed and properly trained uniformed security personnel for all events and functions for which the facilities are rented. Security personnel, when required, must be available on-site for at least one hour after an event has ended. At least one responsible club member must be present at all functions.
11. No alcoholic beverages shall be served on the site during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Exceptions to this prohibition shall be (1) legal holidays and (2) days when the Herndon-Barstow School is not in session or holding a school function.
12. The Dante Club shall not schedule meetings or activities or rent their facilities on weekday evenings or weekend days before 4:00 p.m. when school activities will be held at the Herndon-Barstow School. Regular weekly meetings of the Dante Club shall be excluded from this limitation. The District shall provide the Dante Club with a yearly schedule of events which are scheduled on weekday evenings or weekend days. If additional events are held during the year that are not scheduled on an annual basis, the District shall provide the Dante Club with at least 60 days notice of such events.
13. The Dante Club shall be responsible for clearing any trash and debris from school district property resulting from any function or event at the facility.

14. The Dante Club shall carry a minimum of \$500,000 of liability insurance to cover the facility and its use. Prior to occupancy of the building, the Dante Club shall provide a copy of a Certificate of Insurance to the Central Unified School District and shall notify the District in the event of cancellation of said insurance.

NOTE: Conditions 11 through 14 shall only be effective as long as the Central Unified School District maintains a school site on adjacent property.

15. Noise levels of the operation shall comply with the Standards of the Fresno County Noise Ordinance.
16. In order to comply with the standards of the Noise Ordinance, no sound amplification equipment, including, but not limited to, public address systems, portable tape players and stereo equipment, shall be used outdoors on the premises.
17. High-efficiency appliances shall be used for space and water heating. Any gas-fired appliances shall be low nitrogen oxide emitting units.
18. Electric equipment shall be used for on-site maintenance and groundskeeping operations to the fullest extent possible.
19. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.
20. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds greater than 20 miles-per-hour average over one hour.
21. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
22. The area disturbed by clearing, earth moving or excavation activities shall be minimized at all times.
23. Where acceptable to the fire department, weed control shall be accomplished by mowing instead of discing, thereby leaving the ground undisturbed with a mulch covering.
24. On-site vehicle speed on unpaved surfaces shall be limited to 15 miles-per-hour.
25. All unpaved areas with vehicle traffic shall be watered periodically or have petroleum-based palliatives applied for stabilization of dust emissions. Use of petroleum-based palliatives shall meet the road oil requirements of the District's Rule 4641, Cutback Asphalt Paving Materials.

26. During rough grading, streets adjacent to the project site shall be swept at least once per day, or as required by the governing body, to remove silt which may have accumulated from construction activities.
27. All internal combustion engine driven equipment shall be properly maintained and well-tuned according to manufacturer's specifications.
28. Dust control measures are to be employed at the direction of a single person having responsibility for monitoring a given work shift. The designated party must be made known to the Fresno County Public Works & Development Services Department, and be available through a telephone connection or on-site schedule of hours on the job to facilitate contact by the County Public Works & Development Services Department.

VOTING: Yes: Commissioners Laub, Campbell, Abrahamian, Kazanjian, Keep, Petersen

No: Commissioner Molen

Absent: Commissioner Cucuk

Abstained: Commissioner Comstock

RICHARD D. WELTON, Director  
Public Works & Development Services Department  
Secretary-Fresno County Planning Commission

By   
Kerry L. McCants, 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 project will expire two years from the date of approval unless substantial development has occurred.
  3. The applicant shall submit an application for a permit to operate a Public Water System and supporting information, in the form of a technical report, to the Fresno County Department of Health, Environmental Health System for review. Approval for the permit shall be obtained prior to occupancy. Contact Jim Brunton at (209) 445-3350 for more information.

4. The applicant will be required to apply for and obtain a permit to construct a water well from the Fresno County Health Department, Environmental Health System. The well shall be constructed to meet public water system standards. Water quality information for this new well shall then be submitted in conjunction with the application for permit to operate a public water system. Contact Jim Brunton at (209) 445-3350 for more information.
  
5. The applicant shall submit complete food facility plans and specifications to the Fresno County Department of Health, Environmental Health System, for review and approval. Contact the Consumer Food Protection Program at (209) 445-3392 for more information.

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RESOLUTION NO. 10816

EXHIBIT "A"

**Staff:** The Fresno County Planning Commission accepted the Staff Report dated June 10, 1993, without a presentation.

**Applicant:** The applicant's representative provided the following testimony in support of the project:

- Meetings were held with County staff, the school district, and neighbors before filing the application.
- All the concerns have been addressed.
- This will be a bocce ball club and will be family oriented.
- Similar type country clubs, such as Fig Garden and Fort Washington have been allowed in residential areas. The only difference between those clubs and the proposed project is the type of sport.
- There will be no impact on the school across the street. Traffic generation will be minimal and there will be no weekday activities.
- Letters of support from the school district and a neighbor are submitted.
- There will never be all 20 teams participating at any one tournament.
- Traffic on a daily basis will be less than other land uses.
- Grantland Avenue is designated as an arterial which would allow even more traffic than the County's current collector designation.
- The proposed building is not imposing and will have more width and height than many single-family residences. The materials used in its construction will be similar to a residence and extensive landscaping will be used.
- The General Plan makes provisions for country clubs, schools, churches, and other similar uses in the rural residential areas. The Zoning Ordinance allows these uses in the R-R District by Conditional Use Permit.

- It is not practical to require that the proposed use serve only the immediate area when other similar uses such as golf courses, churches, and other country clubs have been allowed.
- The club is for club members. We do not sell alcohol to anyone except for members and guests.
- The rental of the club will be limited to the times and days when the school has no scheduled activities.

Others:

A representative for a nearby church submitted a letter and the following testimony in opposition to the proposed project:

- The church is concerned about parking and the sale of alcohol.
- The renting of the facilities for weddings, parties, and other events may result in the club losing control of the sale and serving of alcoholic beverages.

Correspondence:

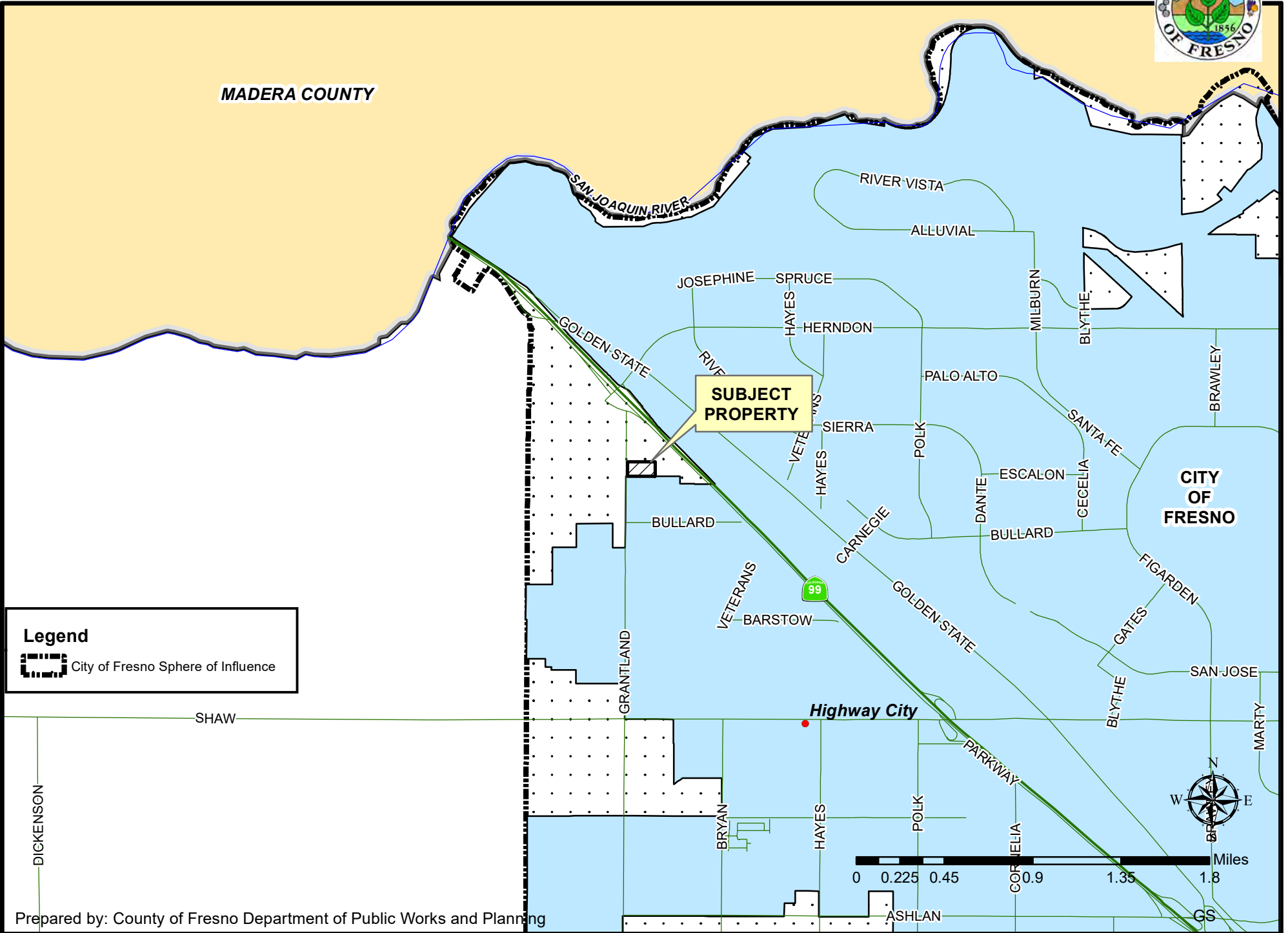
Two letters in support and one letter opposed to the proposed project were presented to the Commission.

DC: gah  
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# LOCATION MAP



MADERA COUNTY



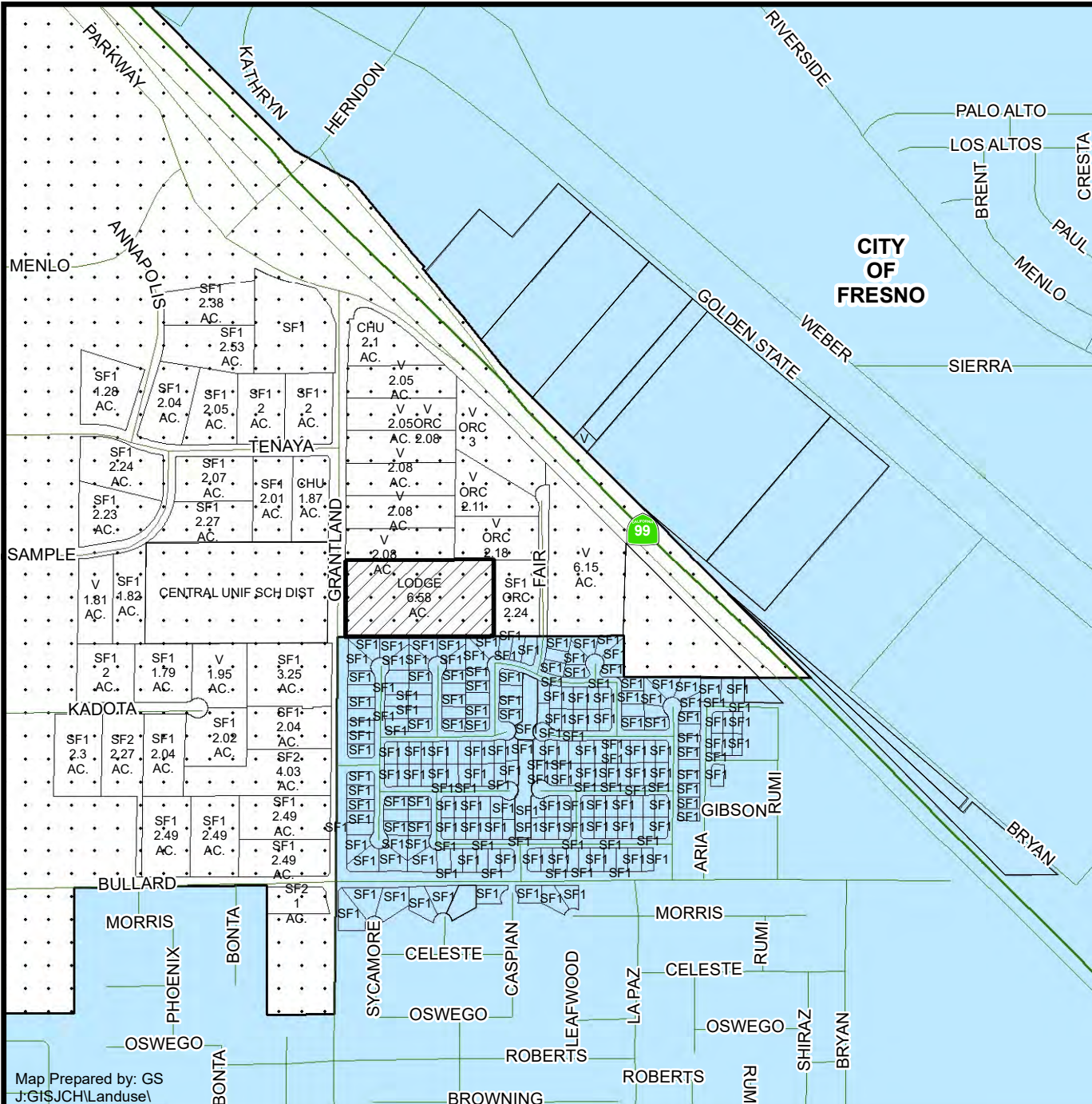
### Legend

 City of Fresno Sphere of Influence







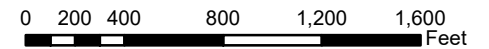
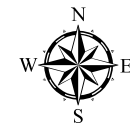
# EXISTING LAND USE MAP



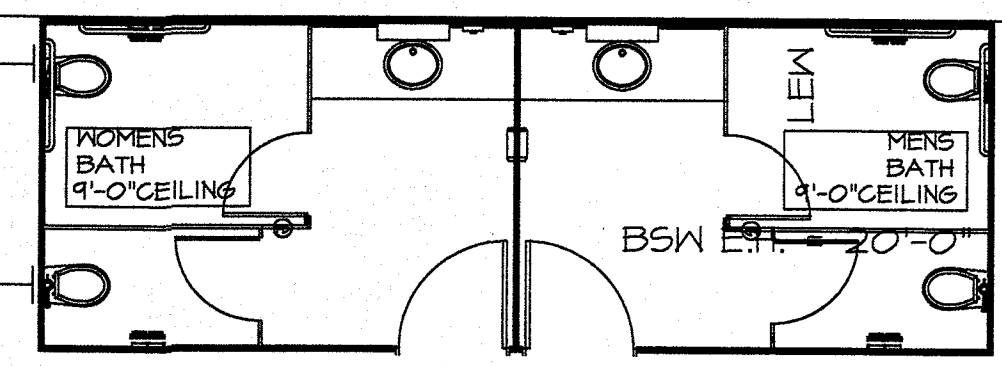
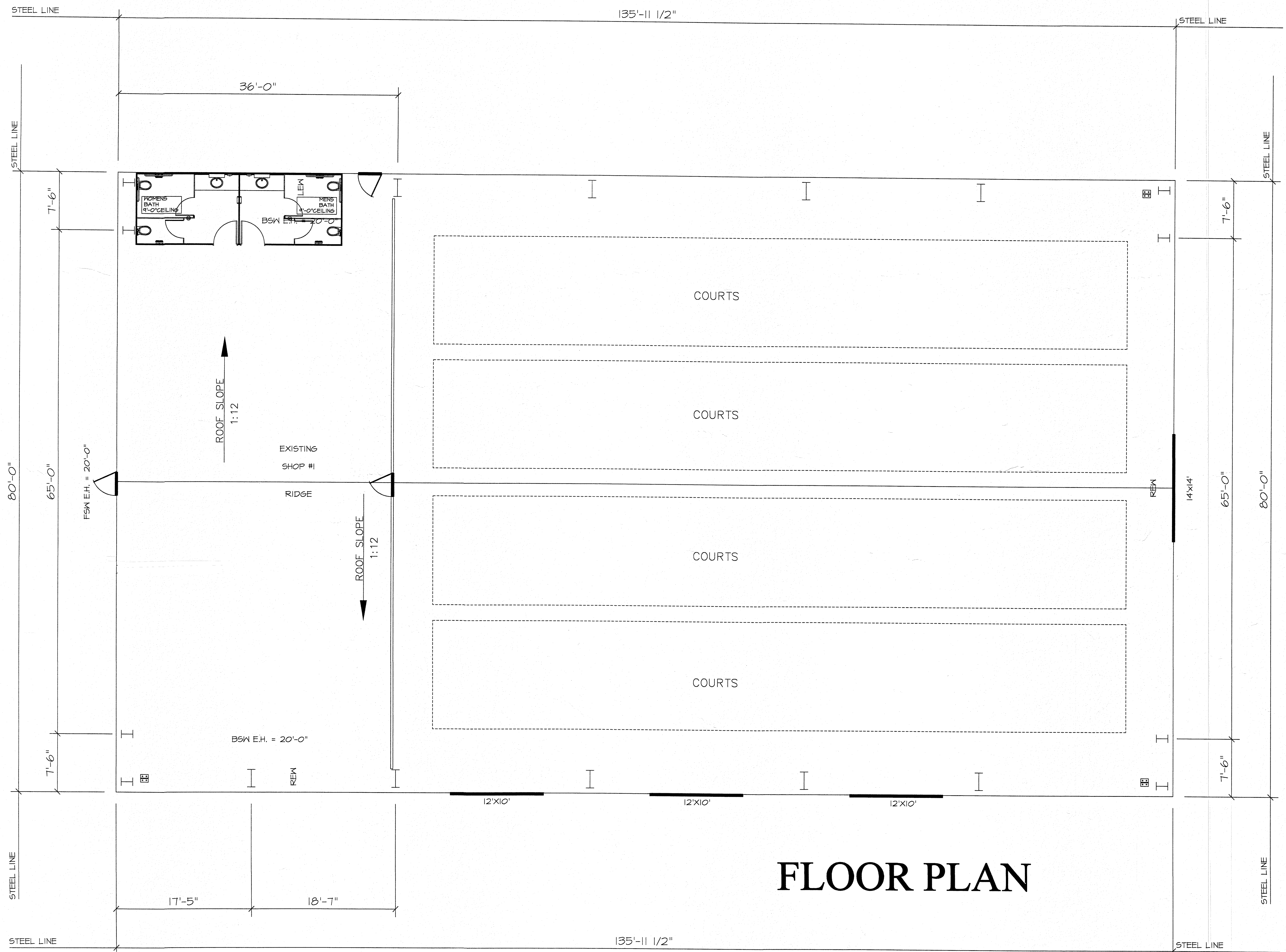
LEGEND	
ORC	- ORCHARD
CHU	- CHURCH
LODGE	
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

## Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning  
Development Services Division

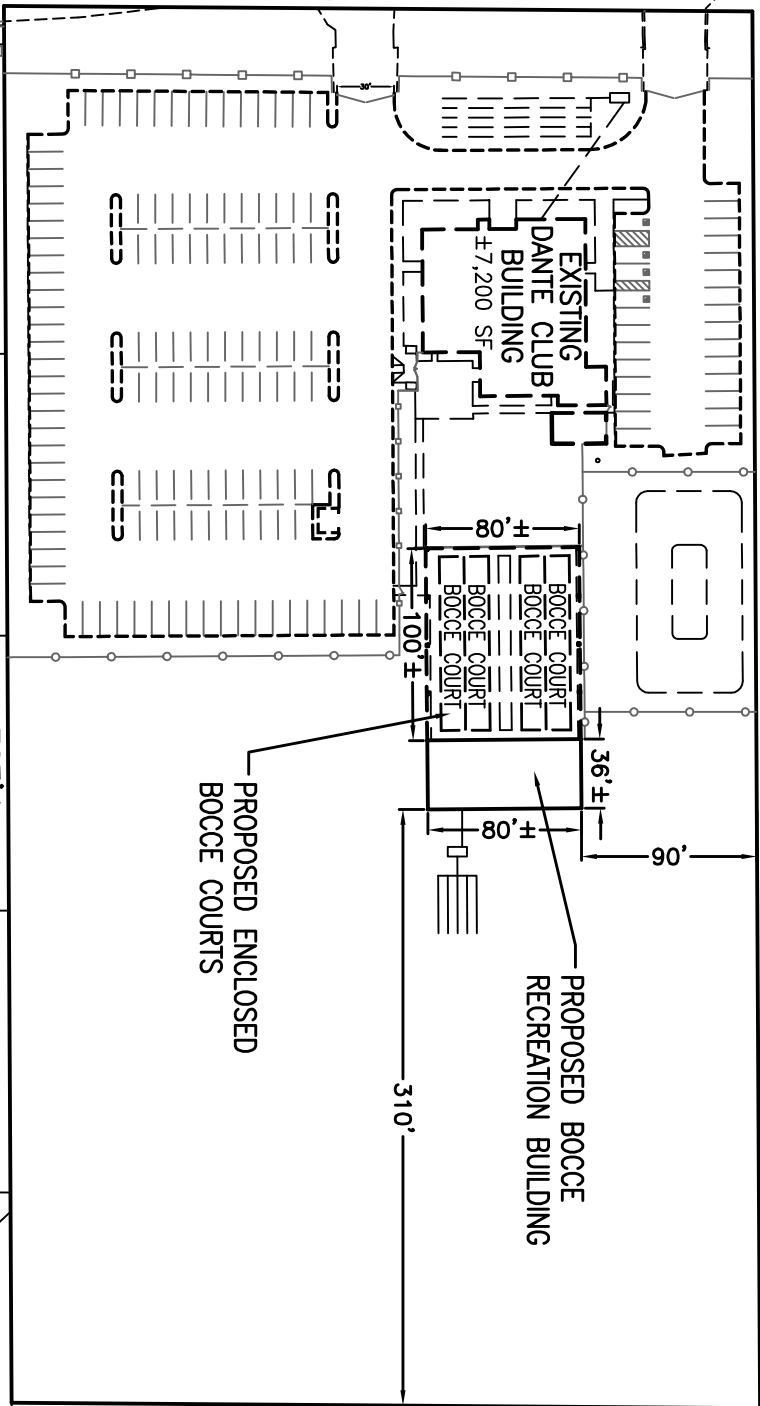


# FLOOR PLAN

NORTH GRANTLAND AVENUE



390'±



TRACT NO. 5357  
SINGLE FAMILY RESIDENTIAL

727'±

310'

390'±

RURAL RESIDENTIAL

VACANT

727'±

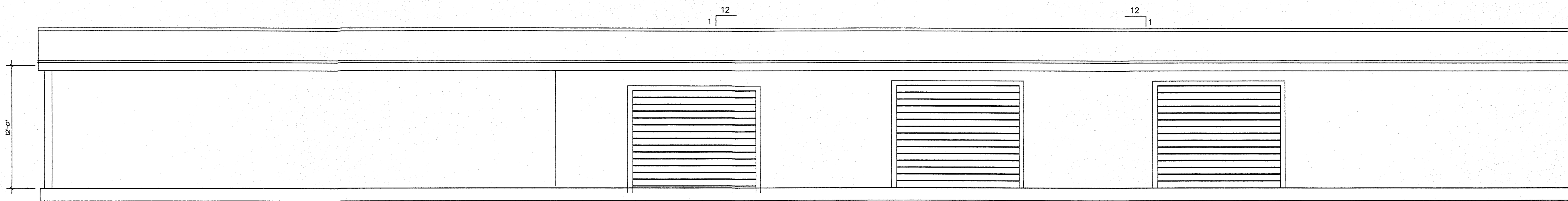
PROPOSED ENCLOSED  
BOCCO COURTS

PROPOSED BOCCO  
RECREATION BUILDING

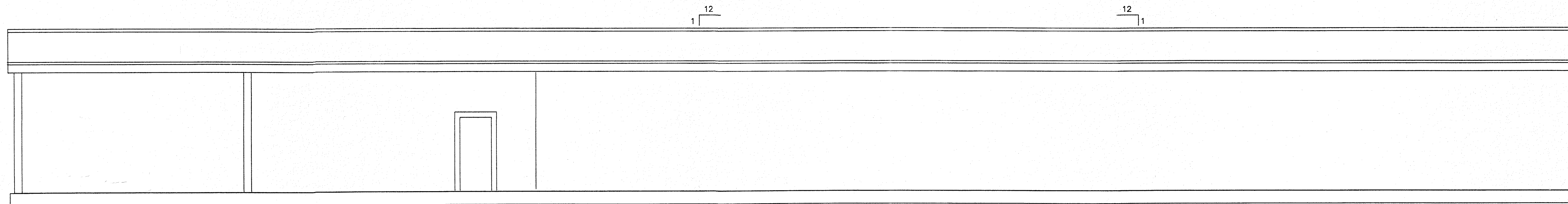
SCALE: 1" = 100'



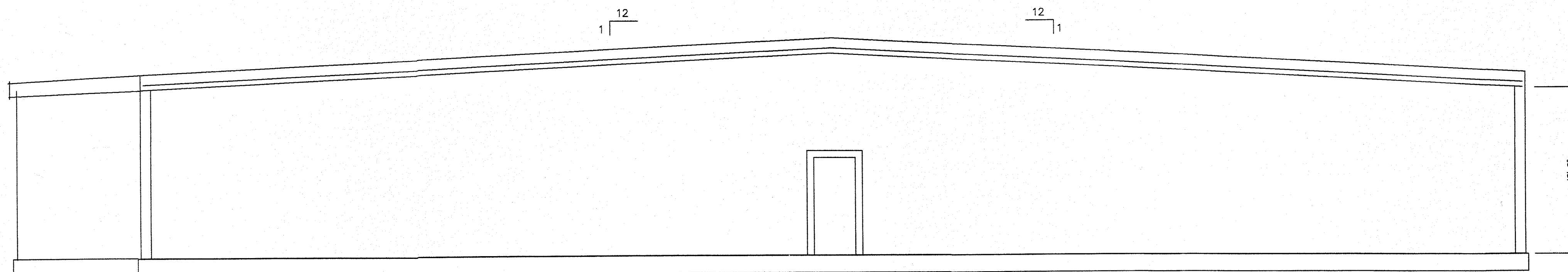
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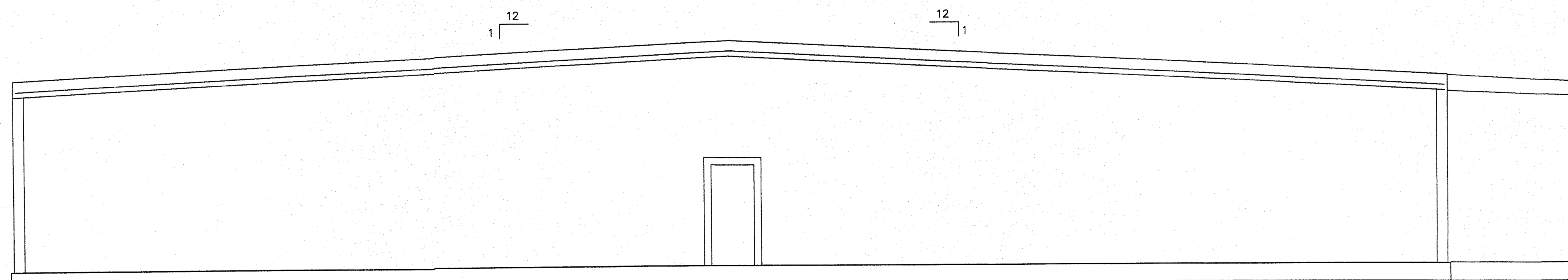
RIGHT ELEVATION



LEFT ELEVATION



FRONT' ELEVATION



REAR ELEVATION

Operational Statement  
Classified Conditional Use Permit and Amendment  
Dante Country Club

March 18, 2020

The Dante Club is a non-profit benefit organization. The Dante Country Club will provide Bocce ball courts for the recreational activity of the club members have a membership meeting every Thursday night throughout the year. The meetings being at 8 p.m. and usually have about fifty members in attendance. After the meeting, there is a dinner for club members and social activities that last until about midnight.

Bocce ball tournament games are usually scheduled for Thursday nights. For most tournaments, there will be about twenty, four-member teams with at least two games each week. The first game begins at approximately 6 p.m. and the last game ends at about 10 p.m. The tournaments last several months with a new one starting a week or two after a tournament ends. The spectators are club members not playing that week and attending the membership meeting. Portable benches are provided.

The country club will have the same social activities at the new location that it has had in the past. They are: Christmas Party for the children and grandchildren of members on a Sunday from 12 p.m. to 5 p.m.; a Valentine Day's dance on Friday or Saturday night on the weekend before Valentine's Day beginning at 7 p.m. and ending at about midnight; New Year's Eve party from 7 p.m. to 2 a.m. for members and guest; member and guest dinners about once a month, usually on a Thursday night, from 7 to 10 p.m. ; family picnics for members and guest on Saturday afternoon, once a year; and various functions to raise money for charities. Most of the above activities have about 200 people in attendance.

The country club facilities may be used on weekends and evenings by members, their families and guests. The number of people attending the activity will vary from fifty to the capacity of the building. The time of use will also vary by the type of event but will almost always be in the evening.

The country club has a limit on the number of members, which is currently 200. The country club has a "house man", who is a member of the club, and along with the Board of Directors is responsible for the day to day maintenance of the facilities. There are no employees.

The country club building will be constructed with plaster exterior and tile roof. The property will have parklike landscaping. The parking lot will be constructed with permanent asphalt pavement. One concrete monument sign approximately 3 feet high and 30 square feet will be placed along the frontage. The building will consist of a meeting hall and kitchen area. The parking lot and exterior of the building will have lighting. The Grantland Avenue fencing will be wrought iron and remaining property line fences will be chainlink.

Landscaping and parking lot maintenance is done weekly at varying hours.

There are no goods sold.

There are very few delivery vehicles. Deliveries are scheduled for late Thursday afternoon.

The equipment, which will all be indoors, with the exception for a barbecue, is maintenance equipment and food preparation equipment.

Solid and liquid waste will be similar to residential wastes. The estimate average water is approximately 500 gpd.

There are no existing structures on the site.

### Operational Statement Amendment

The Dante Country Club proposes to construct a building that encloses the existing bocce courts and provides an additional area for the benefit of the membership and their families. The membership, along with their families and guests use the existing building for dinner and fundraising activities.

There are four (4) bocce courts east of (behind) the existing building. Bocce has become very popular within the club. There is a bocce "league" that consists of approximately 100 members. They play the sport of bocce on Thursday nights from April to October.

Bocce players and member spectators would use the new building to meet informally and use the courts on weekday nights and weekends. Only members will have access to the bocce courts and new building.

That portion of the building outside the bocce courts would be up to 3,000 square feet. This area will consist of a meeting area, small bar, restrooms, and a kitchen for preparation of snacks and meals prepared by members. There will be no employees or personnel added to the facility. The enclosed area of the bocce courts would be approximately 8,000 square feet.

There will be no additional landscaping, no outdoor sound amplification, and no new outdoor lighting.

Alcohol is proposed to be served in the small bar and an application to change the current license to include the new building has been submitted to Alcoholic Beverage Control.

The Dante Club will continue to promote Italian heritage, be family oriented and contribute to charitable organizations.



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 June 25, 2020

**SUBJECT:** Classified Conditional Use Permit Application No. 3669

**Amend Conditional Use Permit Nos. 3479 and 1434 to allow the addition of 20 new wine and brandy tanks totaling approximately 1.4 million gallons of additional storage at an existing winery operation. The proposed tanks will be located on two separate parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.**

**LOCATION:** The two subject parcels are located northwest and southeast, respectively, of the intersection of South Lac Jac Avenue and East Parlier Avenue (8393 S. Lac Jac Avenue and 8550 S. Lac Jac Avenue) (Sup. Dist. 4) (APNs 363-051-21 & 353-061-32).

**OWNER:** Jeff O'Neill  
**APPLICANT:** Matt Towers

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

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Approve Classified Conditional Use Permit (CUP) Application No. 3669 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. 3479 and Conditions of Approval for CUP No. 1434
3. Location Map
4. Existing Zoning Map
5. Existing Land Use Map
6. Site Plan
7. Elevations and Detail Drawings
8. Applicant's Operational Statement
9. Summary of Initial Study Application No. 6889

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	APN 363-061-32: 25.94 acres APN 363-051-21: 29.55 acres	No change
Project Site	See above Zoning	No change
Structural Improvements	Existing winery operation and tank farm	Construction/installation of approximately 20 new wine and brandy storage tanks at two separate sites, totaling approximately 1.4 million gallons of additional storage capacity
Nearest Residence	Approximately 1,200 feet north east of APN 363-051-21 Approximately 880 feet south of APN 363-061-32	No change



<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Surrounding Development	Agricultural parcels consisting of orchards, vineyards and field crops. Sparse residential development, and an elementary school southerly adjacent to APN 363-061-32	No change
Operational Features	Winery and distillery, bottling operation, bulk wine shipping, with a storage tank farm	Addition of 20 new storage tanks for wine and brandy, located within two existing tank storage sites
Employees	205 current; 150 seasonal from August through December	No additional employees resulting from added tank storage
Customers	Winery is not open to the public. Visitors are limited to current customer base	No change to existing customer base or visitors
Traffic Trips	<u>Employee trips:</u>  Up to 205 daily, one-way employee vehicle trips  <u>Operational trips:</u>  Approximately 21 truck trips (shipping)  Approximately 6 trucks trips (receiving)	No change
Lighting	Pole-mounted security light fixtures adjacent to tank farm	Pole-mounted lighting will be installed on top of each tank
Hours of Operation	7:00 AM to 7:00 AM	No change

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

**ENVIRONMENTAL ANALYSIS:**

A Mitigated Negative Declaration (MND) was prepared for Initial Study No. 6889 and adopted by the Fresno County Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Classified Conditional Use Permit No. 3479 on March 19, 2015. A Negative Declaration was prepared for Environmental Assessment (EA) No. 1058 and adopted by the Fresno County Planning Commission in accordance with the California Environmental Quality Act (CEQA) with the approval of Classified Conditional Use Permit No. 1434 on February 17, 2020.

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, Classified Conditional Use Permit Application No. 3669, was routed to those agencies that previously reviewed and commented on the Initial Study prepared for CUP No. 3479. 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. 6889 is included as Exhibit 9.

**PUBLIC NOTICE:**

Notices were sent to 25 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:**

Pursuant to the Section 816.3.A, a Classified Conditional Use Permit (CUP) s required to allow for value added agricultural uses and facilities not authorized under Section 816.1.S.; A Conditional Use Permit may be approved only if five Findings, specified in the Zoning Ordinance Section 873-F, are made by the Commission.

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

**BACKGROUND INFORMATION:**

The existing winery has been in operation for more than 100 years and has been under different ownership during that time. The current operation consists of bulk wine and brandy production, storage, bottling and shipping. The winery currently employs 205 full-time and 150 seasonal workers. Seasonal workers are generally employed from August through December. Seasonal operations are intensified to 24 hours per day, with employees on three shifts. Shipping takes place Monday through Friday 24 hours per day, and bottling takes place Monday through Sunday 12 hours per day. Available records show that in 2008, the winery had a storage capacity of approximately 24 million gallons. CUP No. 3205 was approved on January 24, 2008 to allow an expansion of 10.2 million gallons. CUP No. 3479 was approved to allow another expansion of an additional 12.5 million gallons of storage capacity, to bring the total current capacity to approximately 46.7 million gallons.

This application seeks to amend two previously approved Conditional Use Permits, CUP No. 3479 and CUP No. 1434, to allow an additional 1.4 million gallons of storage with the installation of 20 new tanks, 10 tanks on each of two separate sites, which would bring the winery’s total storage capacity to approximately 48.1 million gallons. CUP No. 1434 was approved on March 9, 1977 to allow expansion of the winery with the addition of several storage buildings on APN 363-051-21. CUP No. 3479 was approved on March 19, 2015 to allow expansion of the winery to include the installation of 159 new stainless-steel storage tanks, increasing storage capacity by 12.5 million gallons and the expansion of an existing warehouse by approximately 100,000 square feet to accommodate dry goods and other storage on APN 353-061-32.

**REQUIRED CUP FINDINGS:**

*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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Street Side: 25 feet Rear: 20 feet	<u>APN 363-051-21</u> Front (east): 250 feet Side (north): 340 feet Side(south): 450 feet Rear (west): 920 feet	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		<u>APN 353-061-32</u> Front: 550 feet Side (north): 150 feet Side (south): 420 feet Rear (east): 900 feet	
Parking	One (1) off-street parking space for each two permanent employees	No change	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Six-foot minimum	No change	N/A
Wall Requirements	No requirements	No change	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic Tank: 100 feet; Disposal Field: 100 feet; Seepage Pit: 150 feet	No change	N/A

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

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

**Finding 1 Analysis:**

Staff review of the site plan demonstrates that the subject parcels and project sites are adequate in size and shape to accommodate the proposed use, and that the proposed expansion satisfies the minimum setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change
Public Road Frontage	Yes	South Lac Jac Avenue and East Parlier Avenue	No change
Direct Access to Public Road	Yes	East Parlier Avenue South Lac Jac Avenue	No change
Road ADT		(South Lac Jac Avenue) 1,200 Vehicles Per Day	No change
Road Classification		East Parlier Avenue: Local Road  South Lac Jac Avenue: Local Road	No change
Road Width		South Lac Jac Avenue: 23.9 feet	No change
Road Surface		Paved/Asphalt Concrete	No change
Traffic Trips		Shipping – Approximately 21 trucks per day  Receiving – Approximately 6 trucks per day	No change
Traffic Impact Study (TIS) Prepared	No	TIS prepared for CUP No. 3479 and the results of the study showed no significant impacts to the Level of Service (LOS) at the intersection of South Lac Jac Avenue and East Parlier Avenue	No change
Road Improvements Required		N/A	No change

**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: No Comment.

Development Engineering Section of the Fresno County Department of Public Works and Planning: South Lac Jac Avenue is a Local road with an existing 25-foot right-of-way east of the section line from Manning Avenue to Parlier Avenue, and a 30-foot right-of-way east of the section line, with no right-of-way width shown west of the section line, from Parlier Avenue to South Avenue per the Plat Book.

Lac Jac Avenue is a County-maintained road and records indicate that this section of Lac Jac Avenue from Manning Avenue to Parlier Avenue has an ADT of 1,200, a paved width of 23.9 feet, a structural section of 0.3 feet asphalt concrete (AC) and is in fair condition; the section of Lac Jac Avenue from Parlier Avenue to South Avenue has an ADT of 1,300, a paved width of 24 feet, a structural section of 0.3 feet AC, and is in fair condition.

Typically, for unpaved or gravel-surface access roads, the first 100 feet off of the edge of the right-of-way must be graded and asphalt concrete paved or treated with dust palliative.

Design Division of the Fresno County Department of Public Works and Planning: The previous Traffic Impact Study meets current standards, and the lack of traffic increase indicates that the findings and conclusions still apply.

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

**Finding 2 Analysis:**

This proposal entails a relatively small increase in the overall wine and brandy storage capacity of the facility. As there is no increase in building footprint, no truck trips, shipping or receiving, and no increase in number of employees or employee vehicle trips proposed, no impacts to existing roads are anticipated.

Based on the above information, and considering the existing conditions of South Lac Jac Avenue and East Parlier Avenue, the roads serving the project sites are adequate in width and pavement to accommodate the proposed use.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels APN 363-051-21</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	33.40 acres 25.10 acres	Vineyard Vineyard	AE-20	Approximately 1,200 feet northeast
South	46.36 acres 4.62 acres	Vineyard Orchard	AE-20	None

<b>Surrounding Parcels APN 363-051-21</b>				
	6.52 acres	Packing house		
East	46.36 acres 17.20 acres	Vineyard Industrial (winery)	AE-20	None
West	46.36 acres 57.11 acres	Vineyard Orchard	AE-20	None

<b>Surrounding Parcels APN 363-061-32</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	33.40 acres	Vineyard	AE-20	Approximately 2,100 feet
South	10.00 acres 14.80 acres 22.50 acres	Elementary school Field crops Field crops	AE-20	Approximately 870 feet
East	23.65 acres	Field crops	AE-20	None
West	67.73 acres	Orchard	AE-20	None

\*Distances to nearest residences measured from boundaries of the subject parcels.

**Reviewing Agency/Department Comments:**

Fresno County Department of Agriculture, Agricultural Commissioner’s Office: No comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2680H, the subject parcels are not subject to flooding from the 100-year (one-percent-chance) storm event.

Any additional runoff generated by the proposed development cannot be drained across property lines or into the County right-of-way, and must be retained on site per County standards.

San Joaquin Valley Air Pollution Control District: Based on the 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.

As 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 (permits

required). As a result, District Rule 810 requirements and related fees do not apply to the project reference above. 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.

The proposed Project may be subject to District Rule 9410 (Employer-Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and 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). The above list of rules is neither exhaustive nor exclusive.

Fresno County Department of Public Health, Environmental Health Division: Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan/CalARP (RMP) and site map (<http://cers.calepa.ca.gov/>):

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/CalARP (RMP) threshold amounts;
3. There is a change in the site map.

The business shall certify that a review of the business plan has been conducted at least once a 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 any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the Applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor.

Noise sources associated with construction are exempt from the Fresno County Noise Ordinance between the hours of 6:00 a.m. and 9:00 p.m., Monday through Friday, and between 7:00 a.m. and 5:00 p.m. on Saturday and Sunday. The proposed project shall comply with the



Fresno County Noise Ordinance. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturer's specifications, and that noise-generating construction equipment be equipped with mufflers.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The Division has conducted a water supply evaluation for the proposed CUP and determined that the existing water supply is adequate to support the project.

Central Valley Regional Water Quality Control Board: The winery is currently regulated by Waste Discharge Requirements (WDRs) Order R5-2014-0045, which authorizes an average daily discharge of up to 0.61 million gallons (mgd) and 80 million gallons annually for irrigation of crops on land owned by the winery. The winery's current annual flow rate is about 76 million gallons (based on the 2019 annual report) which is close to the permitted limit of 80 million gallons. The Winery is also under Cease and Desist Order R5-2014-0046 to address existing groundwater degradation and/or pollution beneath its land-application areas. The final document (approved by the County) needs to include calculations on potential increased discharges due to increased tank cleanings associated with the proposed project and provide assurance that the winery will be able to comply with all prohibitions, limits (including flow limits), specifications, and provisions prescribed in WDRs Order R5-2014-0045 and with Cease and Desist Order R5-2014-0046.

Building and Safety/Plan Check Sections of the Fresno County Department of Public Works and Planning: If approved, construction permits shall be obtained through a formal permit application and plan submittal, and all required inspections must be approved.

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

### **Finding 3 Analysis:**

CUP No. 3479 was originally approved to allow the expansion of the winery with an increase of 12.5 million gallons of storage capacity, with 159 stainless steel tanks and related equipment, and the expansion of an existing warehouse. CUP No. 1434 was approved to allow the construction of several storage buildings. This project entails a minor expansion of the bulk wine and brandy storage capacity (approximately 1.4 million gallons) and 20 new tanks at an existing winery/distillery operation. See discussion under BACKGROUND INFORMATION.

No changes to the winery's bottling or shipping capacity are proposed with this application, nor will there be any additional employees added or additional service and delivery vehicles. The Applicant's operational statement indicates that the additional tank storage capacity will increase efficiency by allowing for fewer tank cleanings and tank transfers, and an overall reduction in water use. Based on the operational statement, project construction is anticipated to take approximately one year.

Based on the above information, 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*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture certain agricultural uses and related activities, including certain non-agricultural uses.	The proposal to expand the tank storage capacity of the existing winery is consistent with this policy. The project was reviewed by the Agricultural Commissioner’s Office, which did not express concerns regarding impacts to surrounding agricultural operations.
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.	The existing operation also consists of the cultivation of vineyards, orchards and field crops, and is an integral part of the agricultural community.
General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.	No productive agricultural land will be converted as a result of this project. The proposed expansion will involve constructing additional tanks within an existing tank farm.
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:  a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.  b. A determination of the impact that use of the proposed water supply will	The Water and Natural Resources Division determined that the available water supply was adequate to support the project.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in 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>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:**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The Water and Natural Resources Division has conducted a water supply evaluation for the proposed development and determined that the water supply is adequate to support the project.

Policy Planning Unit of the Fresno County Department of Public Works and Planning: All parcels associated with the existing winery facility are designated as Agricultural in the County General Plan and are located with the AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

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

**Finding 4 Analysis:**

Base on the analysis, staff has determined that the subject proposal is consistent with the intent and purpose of the General Plan, including the Land Use and Public Facilities Element, and the applicable policies therein, noted in the table above.

Based on these factors, staff finds that the proposal to amend CUP No. 3479 and allow the installation of additional wine and brandy storage tanks is 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*

As 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 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 Conditions of Approval for this project, included as Exhibit 1, are based upon comments and recommendations received from reviewing agencies and departments.

The previously-approved Mitigation Measures, Conditions of Approval and Project Notes are all considered mandatory conditions of approval based upon adoption of the Mitigated Negative Declaration and approval of Classified Conditional Use Permit No. 3479, and the Negative Declaration adopted for Conditional Use Permit No. 1434.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3669, amending CUP No. 3479 and CUP No. 1434, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3669, amending CUP No. 3479 and CUP No. 1434, 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 Classified Conditional Use Permit No. 3669; 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.

JS:ksn

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**Unclassified Conditional Use Permit Application No. 3669  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	All Mitigation Measures, Conditions of Approval, and Project Notes for Unclassified Conditional Use Permit No. 3479 and CUP 1434 shall remain in effect, except as modified with the approval of Unclassified Conditional Use Permit No. 3669.
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Detail Drawings, Elevation Drawings and Operational Statement.

Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
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.	The proposed use shall comply with the Fresno County Noise Ordinance, Section 8.40 of the Fresno County Ordinance Code.
4.	<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"> <li>1. There is a 100% or more increase in the quantities of a previously disclosed material;</li> <li>2. The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.</li> </ol> <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>
5.	The applicant is required to obtain an Authority to Construct from the San Joaquin Valley Air Pollution Control District, prior to installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal

Notes	
	combustion engines, boilers, and baghouses

JS:

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**Mitigation Monitoring and Reporting Program**  
**Initial Study No. 6889/Classified Conditional Use Permit Application No. 3479**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1*	Aesthetics	All lighting shall be hooded and directed toward the proposed and existing tanks and warehouse, so as not to 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 grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations as outlined in Public Resources Code Section 21083.2. Upon the County's approval of the recommended mitigation measures, the project developer shall implement said measures.	Applicant	Applicant/PW&P	Construction Phase
3*	Noise	The Applicant shall ensure that the construction contractor contracted to perform the work complies with all local sound control and noise level rules, regulations, and ordinances that apply to any work performed pursuant to the contract.	Applicant	Applicant/PW&P	Construction Phase
4*	Noise	Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated without a muffler.	Applicant	Applicant/PW&P	Ongoing
5*	Noise	The use of loud sound signals shall be avoided in favor of light warnings, except those required by safety laws for the protection of personnel.	Applicant	Applicant/PW&P	Ongoing
6*	Noise	During all construction phases of the project, the Applicant shall ensure that the construction contractor limits all on-site noise-producing activities to the hours of 6:00 a.m. to 9:00 p.m., Monday through Friday, and to the hours of 7:00 a.m. to 5:00 p.m. on Saturday and Sunday.	Applicant	Applicant/PW&P	Construction Phase



7*	Noise	The Applicant shall ensure that the construction contractor implements appropriate additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying the adjacent school and nearby residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources if needed.	Applicant	Applicant/PW&P	Construction Phase
8*	Noise	If, based on complaints from noise-sensitive receivers and resulting investigations by the Department of Public Health, Environmental Health Division, it is determined the Applicant is failing to adequately control noise levels occurring at the facility in compliance with the Fresno County Noise Control Ordinance Code, or Mitigation Measures, then the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.	Applicant	Applicant/PW&P/ Sensitive Receptors	Ongoing

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

**Conditions of Approval**

1.	Development and operation shall be in substantial conformance with the approved Site Plan, Floor Plans, Elevation Drawings and Operational Statement.
2.	The Kings Canyon Unified School District in which the subject property is located is authorized by State Law to adopt a resolution requiring the payment of construction fees. The Department of Public Works and Planning, Development Services Division requires certifications from the school district that the fees have been paid. An official certification form will be provided by the County when application is made for a building permit.
3.	The Applicant shall limit truck traffic on Lac Jac Avenue fronting the school during school drop-off and pick-up times, and to the extent possible, when school is in session. This Condition only applies during the school year when children are present.

**Notes**

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

1.	The Applicant shall provide evidence to the County of Fresno demonstrating that the Regional Water Quality Control Board has approved the Storm Water Pollution Prevention Plan prior to issuance of a grading permit or building permit (whichever occurs first).
2.	The project may be subject to joining the Community Facilities District (CFD). Before plans are submitted to the Fresno County Fire Protection District, fill out the Fire Permit Application at <a href="http://www.fresnocountyfire.org">www.fresnocountyfire.org</a> and submit with the project plans.

3.	Contact the Fresno County Fire Protection District (FCFPD) at (559) 493-4359 to schedule a meeting to receive specific requirements for the project. Failure to schedule an appointment with FCFPD will affect the ability to obtain a final approval of permits.
4.	The project shall comply with California Code of Regulations Title 24 – Fire Code.
5.	Lac Jac Avenue is classified as a local road with an existing right-of-way width of 25 feet east of the section line per Plat Book. The minimum right-of-way width east of the section line for a local road is 30 feet.
6.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines or into County right-of-way, and must be retained on site, per County standards.
7.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
8.	Any access driveway should be set back a minimum of 10 feet from the property line.
9.	Any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.
10.	Prior to occupancy of the storage warehouse and wine storage tanks, the Applicant shall update the online Hazardous Materials Business Plan/CalARP (RMP) submittal and site plan ( <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a> or <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> ). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
11.	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. As a measure to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. For those wells located in the unincorporated area of Fresno County, the Applicant shall apply for and obtain a permit(s) to destroy water well(s) from the Fresno County Department of Public Health, Environmental Health Division prior to commencement of work. The destruction and construction of wells can only be completed by a licensed C-57 contractor. Contact the Water Surveillance Program at (559) 600-3357 for more information.
12.	Should any underground storage tank(s) be found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
13.	Should a water well be drilled, the water well contractor selected by the Applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Public Health Department, Environmental Health Division. Contact the Water Surveillance Program at (559) 600-3357 for more information.

FRESNO COUNTY PLANNING COMMISSION  
RESOLUTION NO. 7135  
Classified Conditional Use Permit Application No. 1434  
(Granted with conditions)

WHEREAS, Classified Conditional Use Permit Application No. 1434 has been filed by H. Wayne Taul seeking to expand an existing winery and distillery by the addition of brandy receiving, finishing and storage buildings at the northeast corner of Lac Jac and Parlier Avenues in the AE-20 (Exclusive 20-Acre Agricultural) District, which application came regularly before this Commission on the 17th day of February, 1977; and

WHEREAS, on said date, the Commission considered the attached Staff Report prepared for the proposed project by the Fresno County Planning Department and further heard testimony from interested parties; and

WHEREAS, after due consideration and deliberation of the evidence, it appeared to the Commission that the conditions necessary for the granting of a Conditional Use Permit do exist and that Classified Conditional Use Permit Application No. 1434 should be granted.

NOW, THEREFORE, BE IT RESOLVED that this Commission does make its findings of fact as follows:

Finding No. 1 - Adequacy in Size and Shape of the Site

The site plan and information submitted with the application demonstrates that the site is adequate in size and shape to accommodate the use.

Finding No. 2 - Adequacy of Streets and Highways

Lac Jac and Parlier Avenues are local streets. Lac Jac provides access to Manning Avenue (County expressway) one-half mile to the south. These streets are adequate to accommodate the traffic associated with the use.

Finding No. 3 - Effect of Use on Abutting Property

Although no significant adverse effect on adjacent property has been identified, the size and height of the buildings could be disturbing to area residents. The appearance of the structures will be mitigated by an appropriate landscaping scheme.

Finding No. 4 - General Plan Objectives

The use is consistent with the General Plan and its recommendation for agricultural uses.

BE IT FURTHER RESOLVED that Classified Conditional Use Permit Application No. 1434 is hereby granted subject to the following conditions which are deemed necessary to protect the public health, safety and general welfare:

- a. A Site Plan Review shall be approved by the Director of Public Works in accordance with Sections 839 and 874 of the Fresno County Zoning Ordinance.
- b. Access shall be limited to Lac Jac Avenue. Access roads shall be paved in a manner approved by the Director of Public Works.
- c. Truck parking and storage areas shall be surfaced with a dust palliative approved by the Director of Public Works.
- d. Evergreen trees shall be planted and maintained at 20-foot intervals along Lac Jac Avenue and Parlier Avenue road frontages, along the northerly property line and along the westerly fence line.

- NOTES: 1. This Conditional Use Permit shall expire in one year unless substantial development has commenced. A one year extension of this deadline may be granted by the Board or Commission upon written request received prior to the expiration date.
2. This decision of the Planning Commission is final unless appealed to the Board of Supervisors within fifteen days.

The foregoing resolution was approved upon motion by Commissioner Aalto, second by Commissioner Nakamura.

VOTING: YES: Commissioners Aalto, Nakamura, Annand, Bauernfeind, Broten, Koligian, Sharp, Davis

NO: None

Absent: Commissioner Liddell

*Donald Livingston*



DONALD LIVINGSTON  
Director of Planning - Secretary  
Fresno County Planning Commission

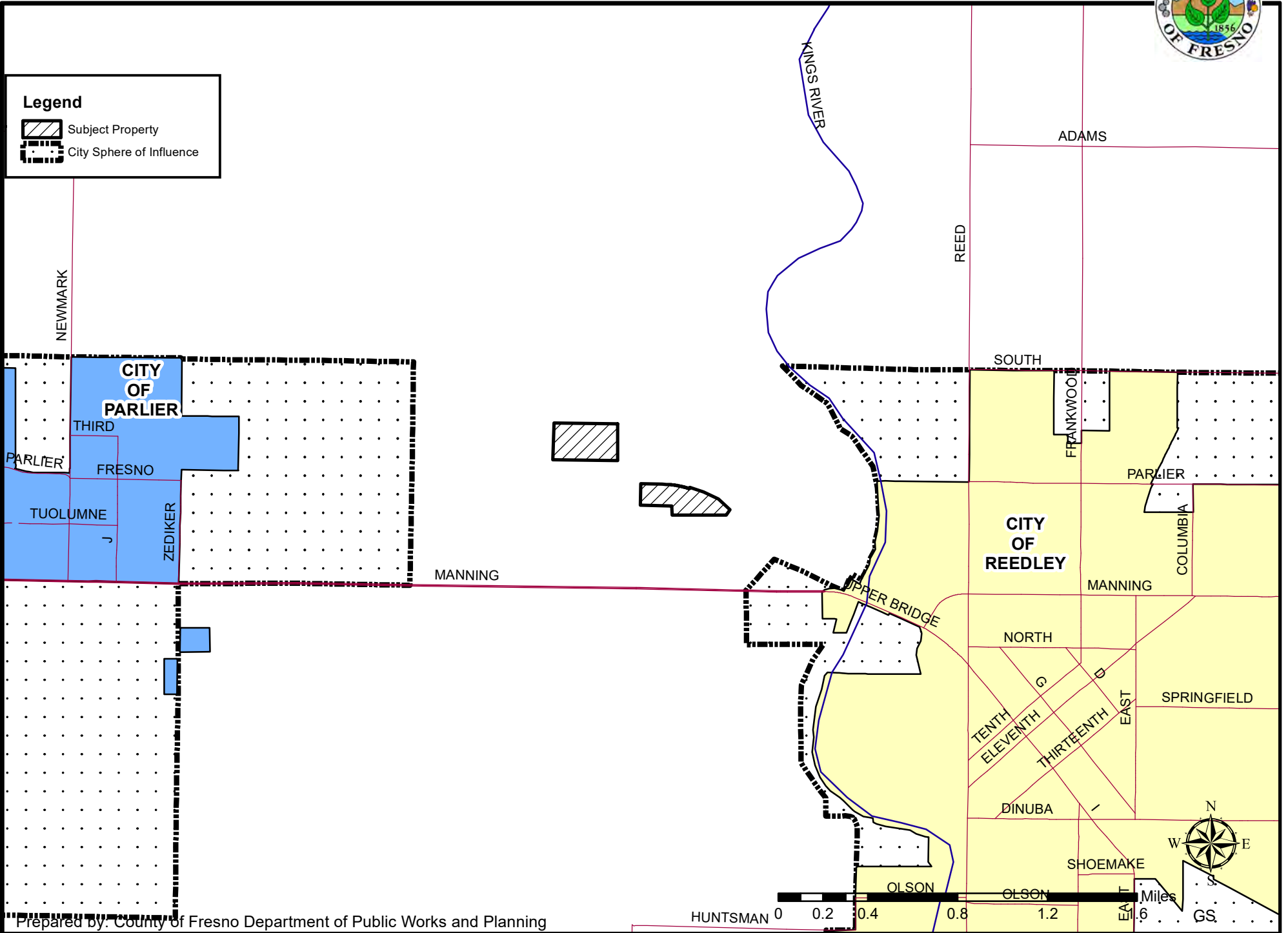
PARCEL #: 363-050-42  
DATED: March 9, 1977  
RES: 7135  
CU: 1434  
Dist: 4  
CM:jg:tg

# LOCATION MAP

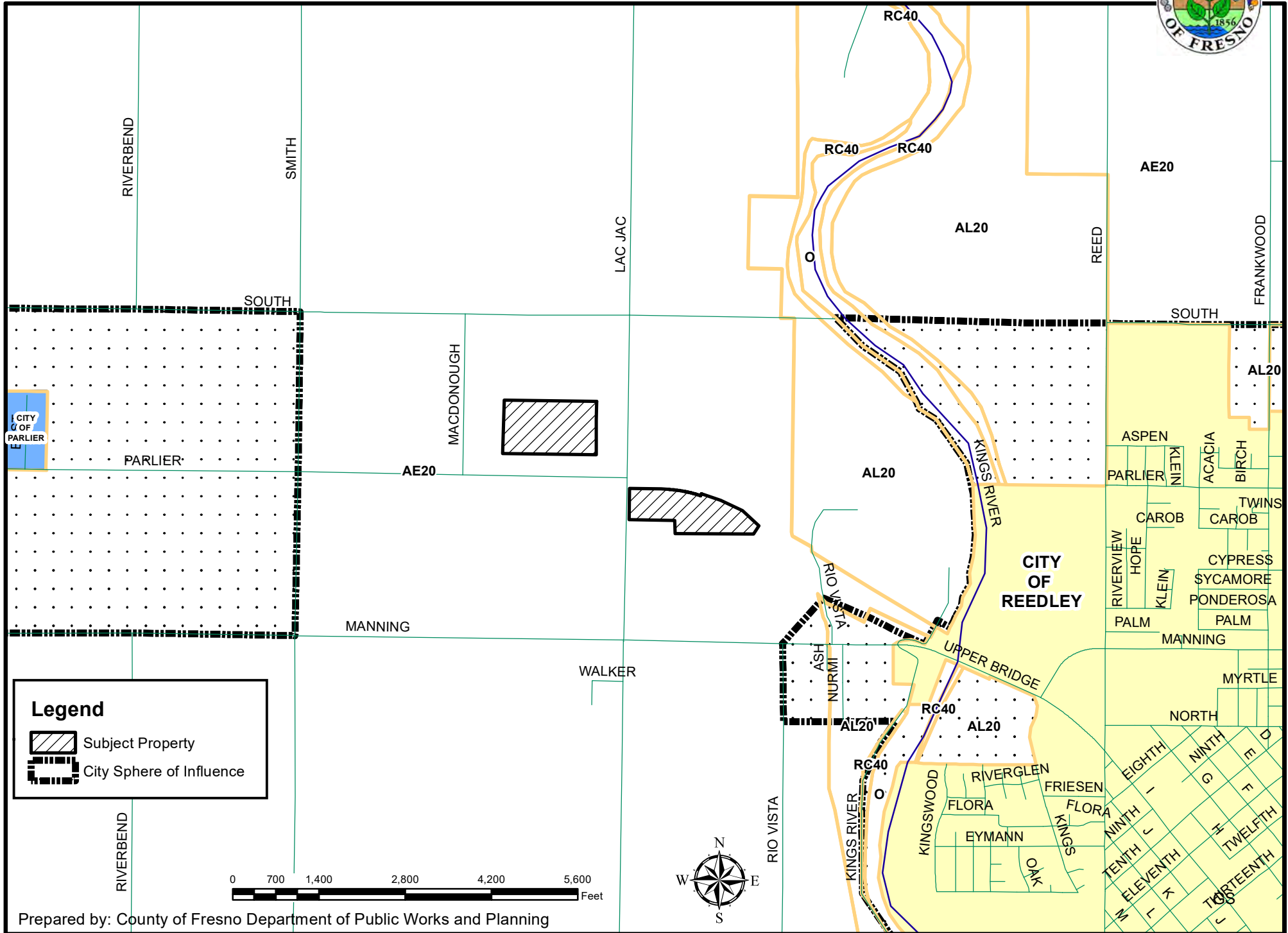


### Legend

-  Subject Property
-  City Sphere of Influence

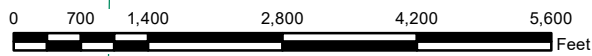


# EXISTING ZONING MAP

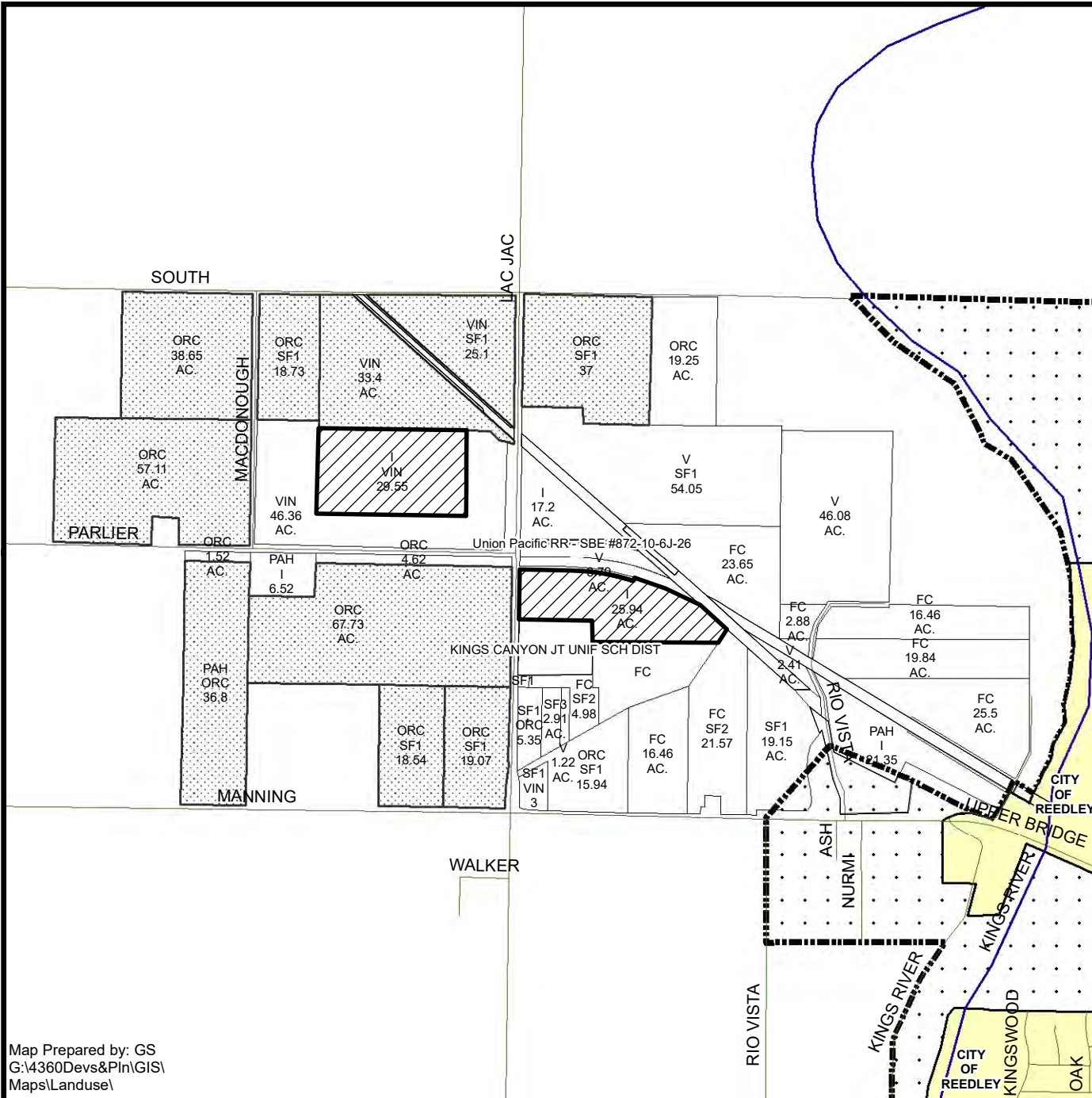


**Legend**

- Subject Property
- City Sphere of Influence



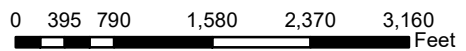
# EXISTING LAND USE MAP



LEGEND	
FC - FIELD CROP	
I - INDUSTRIAL	
ORC - ORCHARD	
PAH - PACKING HOUSE	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	
VIN - VINEYARD	

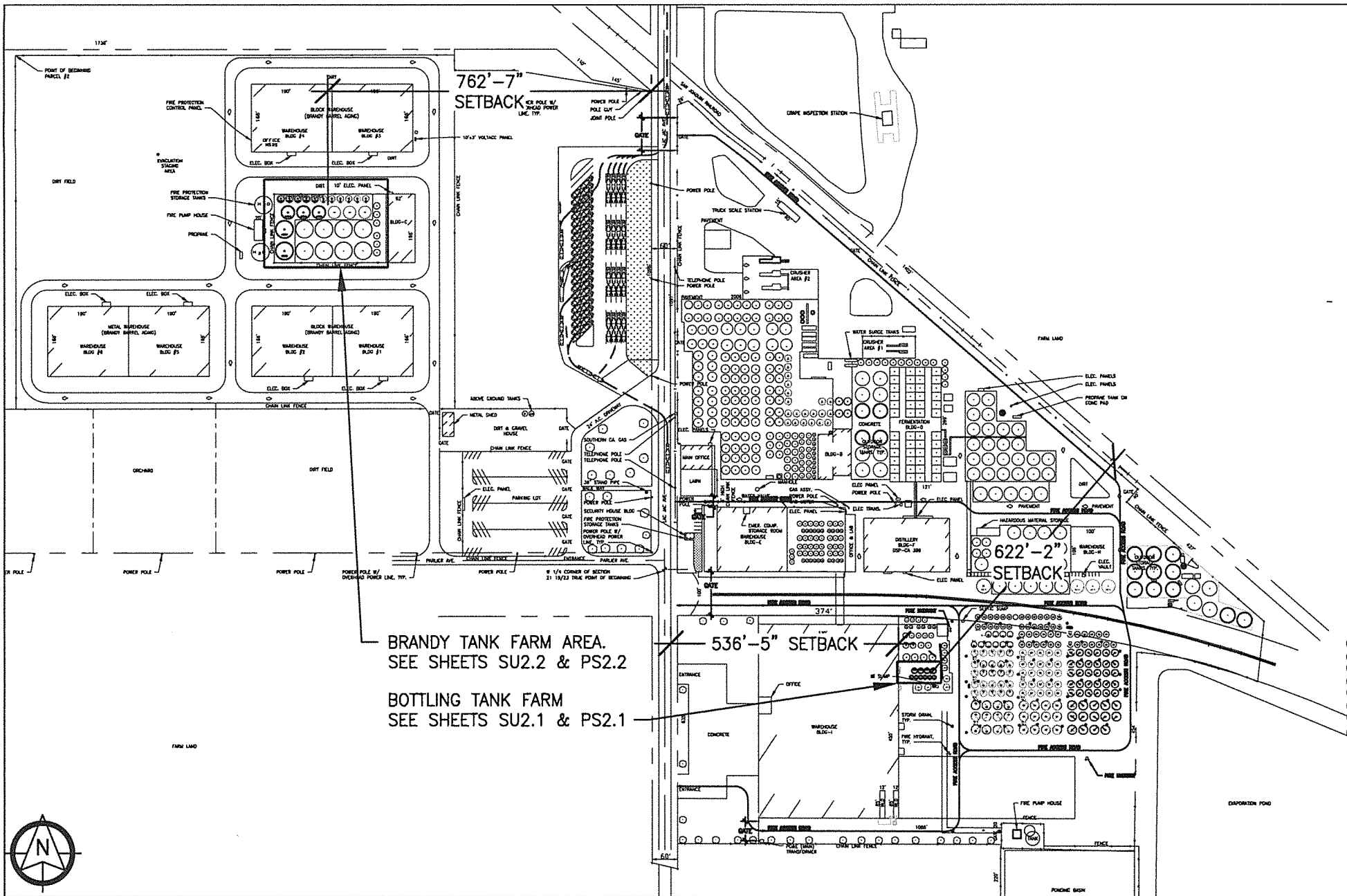
**Legend**

- Subject Property
- Ag Contract Parcels
- City of Reedley Sphere of Influence



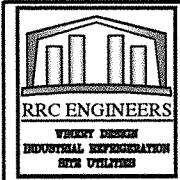
Department of Public Works and Planning  
Development Services Division

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



BRANDY TANK FARM AREA.  
SEE SHEETS SU2.2 & PS2.2

BOTTLING TANK FARM  
SEE SHEETS SU2.1 & PS2.1



TIMOTHY G RYAN & ASSOCIATES INC. DBA:  
**RYAN - REVERA CONSULTING**  
MECHANICAL ENGINEERS  
14 Hatton Ave  
(831) 288-6221

Spreckels, California 93962  
timr@rrc-engineers.com  
rodr@rrc-engineers.com

**O'NEILL VINTNERS & DISTILLERS**  
8418 S. LAC JAC AVE.  
PARLIER, CA 93648-9708  
**BOTTLING & BRANDY TANK YARDS -  
SITE PLAN**

DATE: 02/03/20  
SCALE: 1" = 300'-0"  
DRAWN: RR  
JOB: 20190073

SHEET  
**SP1**



# NEW BOTTLING & BRANDY TANK YARD ADDITIONS UNDERGROUND PERMIT FOR: O'NEILL VINTNERS AND DISTILLERS

## 8418 S. LAC JAC AVE. PARLIER, CALIFORNIA

### SHEET INDEX:

<b>TITLE</b>	
TO.1	TITLE SHEET
<b>PROCESS STRUCTURE</b>	
PS0.1	LEGEND, NOTES, & SPECS - PROCESS STRUCTURE
PS2.1	BOTTLING TANK FARM SLAB/FOUNDATION & PIPE RACK PLAN - PROCESS STRUCTURE
PS2.2	BRANDY TANK FARM SLAB/FOUNDATION & PIPE RACK PLAN - PROCESS STRUCTURE
PS6.1	DETAILS - PROCESS STRUCTURE
<b>SITE UTILITIES</b>	
SU0.1	LEGEND, NOTES, & SPECS - SITE UTILITIES
SU2.1	BOTTLING TANK FARM PLAN - SITE UTILITIES
SU2.2	BRANDY TANK FARM PLAN - SITE UTILITIES
<b>BOTTLING TANK &amp; CATWALK LAYOUT</b>	
6025-000	BOTTLING TANK & CATWALK LAYOUT
<b>7.5K WINE TANK</b>	
6026-000	09'-1" x 16'-0" 7.5K GALLONS WINE STORAGE TANK
<b>15K WINE TANK</b>	
6024-000	012'-9" x 16'-0" 15K GALLONS WINE STORAGE TANK
<b>46K BRANDY TANK</b>	
6031-000	016'-0" x 30'-0" 46.2K GALLONS BRANDY STORAGE TANK
<b>175K BRANDY TANK</b>	
6032-000	030'-6" x 32'-0" 175K GALLONS BRANDY STORAGE TANK
<b>278K BRANDY TANK</b>	
6033-000	041'-0" x 28'-0" 278K GALLONS BRANDY STORAGE TANK
<b>CATWALK SUPPORTS FOR 278K BRANDY TANKS</b>	
6038-000	CATWALK SUPPORT FOOTINGS FOR 278K BRANDY TANKS

### CONSULTANTS:

**OWNER:**  
O'NEILL VINTNERS AND DISTILLERS  
8481 S. LAC JAC AVE.  
PARLIER, CA 93648  
CONTACT: MATTHEW S. TOWERS  
PHONE: (559) 638-3544  
FAX: (559) 638-6272  
EMAIL: mtowers@oneillwine.com

**FACILITY REPRESENTATIVE**  
O'NEILL VINTNERS AND DISTILLERS  
8418 S. LAC JAC AVE.  
PARLIER, CA 93648  
CONTACT: RON CASTILLO  
PHONE: (559) 638-3544  
EMAIL: rcastillo@oneillwine.com

**MECHANICAL ENGINEER**  
RYAN-REVERA CONSULTING  
MECHANICAL ENGINEERS  
1156 ABBOTT STREET, SUITE 3  
SALINAS, CA 93901  
CONTACT: RICK RANSOM  
PHONE: (831) 288-6221 ext. 1  
EMAIL: timr@rrc-engineers.com

**STRUCTURAL ENGINEER:**  
BROOKS RANSOM ASSOCIATES  
7415 N. PALM AVE., SUITE 100  
FRESNO, CA 93711  
CONTACT: RICK RANSOM  
PHONE: (559) 449-8444  
EMAIL: rick@brooksransom.com

### CONTRACTORS:

**CONCRETE & UNDERGROUND CONTRACTOR:**  
ANDERSON-LITFIN, INC  
1385 VENTURE LAND  
TURLOCK CA 95380  
LIC# 389720  
PHONE: (209) 667-4141  
FAX: (209) 667-5267

**WELDING CONTRACTOR**  
JAMES MARK WELDING  
60 WEST PARLIER AVE.  
FRESNO, CA 93706

**TANK MANUFACTURER**  
SANITARY STAINLESS WELDING  
2250 S. EAST AVENUE, SUITE 101B  
FRESNO, CA 93706  
GEORGE ROGERS  
PHONE: (559) 233-7116

**SPECIAL INSPECTOR:**  
TECHNICON ENGINEERING  
4539 N. BRAWLEY AVE. #108  
FRESNO, CA 93722  
PHONE: (559) 276-9311

### PROJECT DATA:

WINERY CAPACITY IMPROVEMENT PROJECT.

**JOB ADDRESS:**  
8418 S. LAC JAC AVENUE  
PARLIER, CA 93648

**ZONE:**  
AE 20

**SEISMIC ZONE:**  
SDS = .437

**ASSESSOR'S PARCEL NUMBER:**  
363-06-155, 363-05-121, 363-06-132

**PROPOSED USE:**

- (N) 105,000 GAL. BOTTLING STORAGE TANKS
- (N) DRAINAGE SYSTEMS FOR STORAGE YARDS TIED INTO (E) SYSTEMS
- (4) 15,000 GAL. WINE TANKS
- (4) 15,000 GAL. WINE TANKS
- INSTALLATION OF BRANDY TANKS:
  - (5) 46,200 GAL. BRANDY TANKS
  - (3) 175,000 GAL. BRANDY TANKS
  - (2) 278,000 GAL. BRANDY TANKS
- UNDERGROUND DRAIN PIPING

**OCCUPANCY:**  
U

**CONSTRUCTION TYPE:**  
V-B

**BUILDING AREA:**  
N/A

**SITE AREA:** CONSTRUCTION SITE AREA:  
0.067 acres (2,958 SQ. FT., NEW BOTTLING TANKS)  
0.27 acres (12,137 SQ. FT. NEW BRANDY TANKS)

**LOT COVERAGE:**  
N/A

**PARKING REQUIREMENTS:**

- (E) EXISTING Parking stalls : 172
- (E) EXISTING Handicap parking stalls : 1
- (E) EXISTING Visitor Parking stalls : 3
- (E) EXISTING Handicap parking stall : 1

**FIRE SPRINKLERS:**  
N/A

**OCCUPANT LOAD:**  
N/A

**GRADING PERMIT:**  
N/A

### STATEMENT OF SPECIAL INSPECTIONS:

- IN ACCORDANCE WITH 2016 C.B.C. SECTIONS 110 AND 1704.2, THE OWNER SHALL EMPLOY A SPECIAL INSPECTOR WHO SHALL PROVIDE PERIODIC INSPECTION DURING INSTRUCTION ON THE FOLLOWING TYPES OF WORK:
  - A. SHOP & FIELD WELDING
- SPECIAL INSPECTIONS REQUIRED BY THIS CODE ARE NOT REQUIRED WHERE THE WORK IS DONE ON THE PREMISE OF A FABRICATOR REGISTERED AND APPROVED TO PERFORM SUCH WORK WITHOUT SPECIAL INSPECTION. APPROVAL SHALL BE BASED UPON REVIEW OF THE FABRICATOR'S WRITTEN PROCEDURAL AND QUALITY CONTROL MANUALS AND PERIODIC AUDITING OF FABRICATION PRACTICES BY AN APPROVED INSPECTION AGENCY.
- SPECIAL INSPECTOR'S BACKGROUND AND QUALIFICATIONS SHALL BE FORWARDED TO THE ENFORCEMENT AGENCY FOR APPROVAL AT LEAST 3 DAYS BEFORE ANY INSPECTIONS ARE MADE.
- INSPECTORS SHALL SUBMIT THEIR REPORTS DIRECTLY TO THE ENFORCEMENT AGENCY WITH COPIES TO THE STRUCTURAL ENGINEER, GENERAL CONTRACTOR AND OWNER.
- APPROVAL BY THE INSPECTOR DOES NOT MEAN APPROVAL OF FAILURE TO COMPLY WITH THE PLANS OR SPECIFICATIONS, ANY WORK TO BE DONE OR ANY MATTER RELATIVE THERETO THAT IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
- THE ENGINEER IN GENERAL RESPONSIBLE CHARGE IS REQUIRED TO OBSERVE THE CONSTRUCTION AT SIGNIFICANT STAGES OF PROGRESS, THE CONTRACTOR SHALL COORDINATE EFFORTS IN SUCH A WAY THAT THESE SITE VISITS CAN BE ACCOMMODATED.
- TESTING IS REQUIRED AS NOTED IN THESE PLANS.

### SITE DESIGN PARAMETERS

**SOIL SITE CLASS:** D

**SOIL BEARING CAPACITY:** 3500 PSF  
TECHNICON ENGINEERING SERVICES #23773.001

**SEISMIC IMPORTANCE FACTOR:** 1.25

**GLOBAL POSITIONING COORDINATES:**  
LAT= 36.612 DEGREES  
LON=-119.482

**SEISMIC:**  
Ss=.457 S1=.215  
Sds=.437 Sd1=.283  
F0=1.435 Fv=1.97

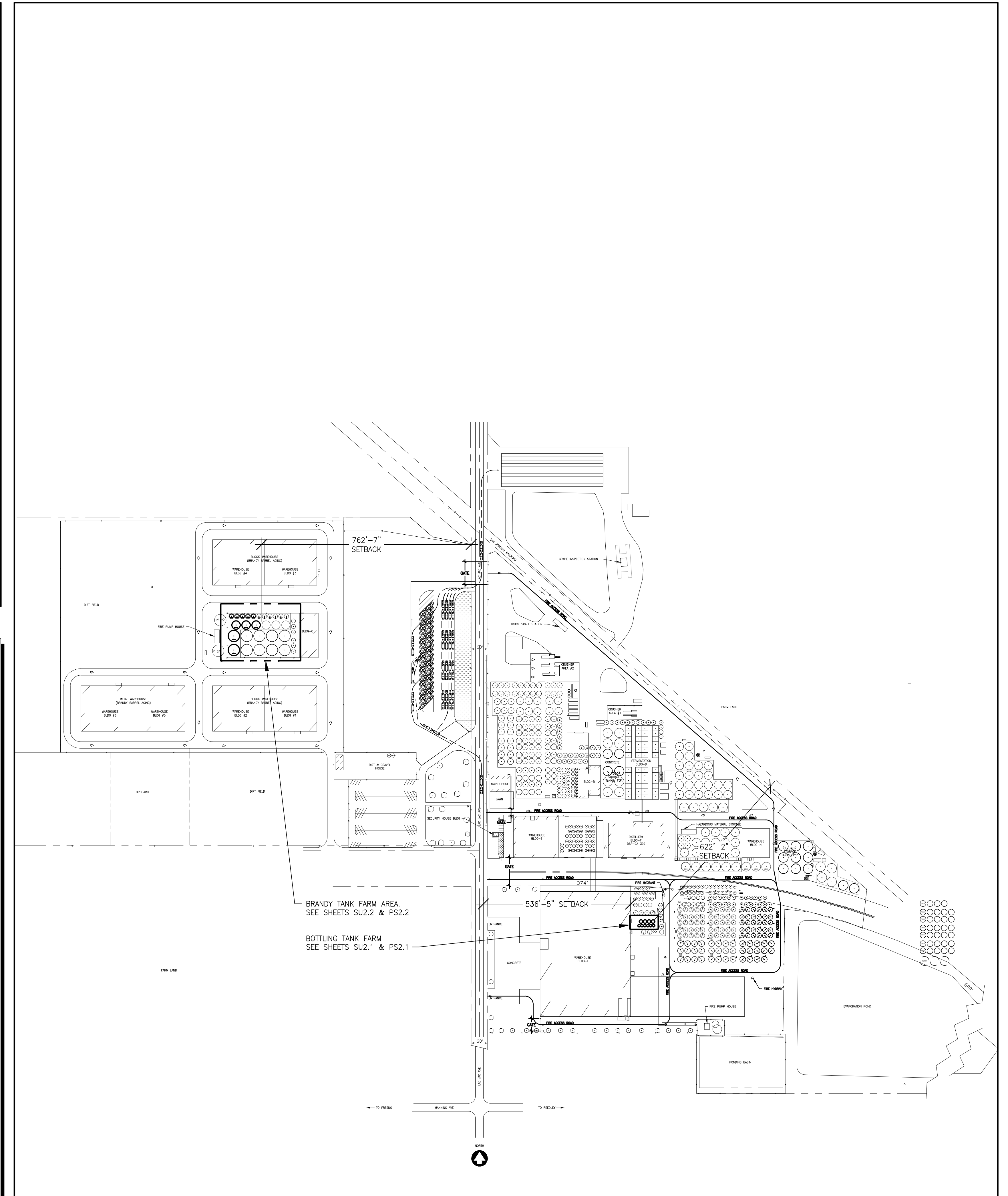
**SEISMIC DESIGN CATEGORY:** D

### COMPLIANCE NOTES:

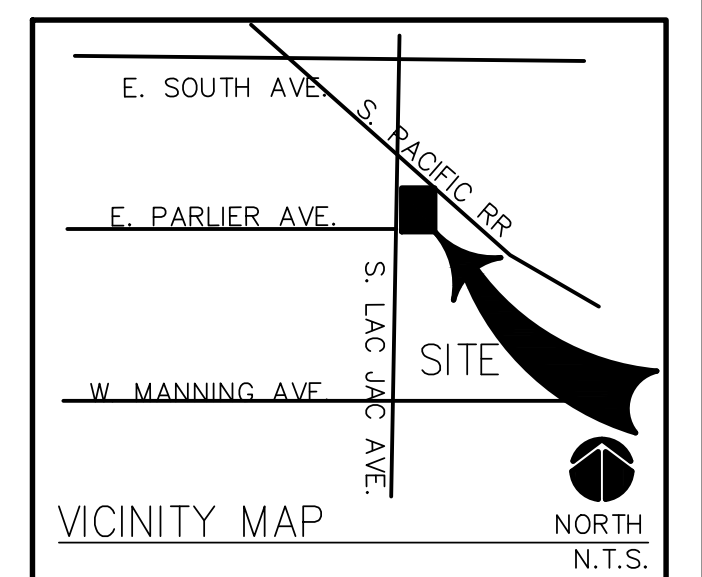
THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF: THE 2016 CALIFORNIA BUILDING, MECHANICAL, PLUMBING, AND ELECTRICAL CODES. THIS PROJECT SHALL ALSO COMPLY WITH CALIFORNIA ADMINISTRATIVE CODE AND THE FRESNO COUNTY ORDINANCE CODE TITLE 15.

### GENERAL NOTES:

- CODE: ALL MATERIAL AND WORKMANSHIP SHALL CONFORM TO THE CALIFORNIA BUILDING CODE (C.B.C.), 2016 EDITION, ALONG WITH THE LATEST ADOPTED EDITIONS OF THE PLUMBING, MECHANICAL, ELECTRICAL, FIRE, HEALTH AND OTHER APPLICABLE CODES AND GOVERNMENT STANDARDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONSTRUCT ALL PARTS OF THIS PROJECT PER THESE CODES AND APPLICABLE GOVERNMENT STANDARDS. THESE PLANS IN NO WAY ARE INTENDED TO RELIEVE THE GENERAL CONTRACTOR OR THE SUBCONTRACTORS FROM THE RESPONSIBILITY OF KNOWLEDGE OF CODE, BIDDING PER CODE AND/OR BUILDING TO CODE. THE GENERAL CONTRACTOR SHALL NOTIFY THE ENGINEER OF ALL ITEMS CONTAINED IN THE DRAWINGS THAT, IN HIS OPINION, DO NOT MEET CODE REQUIREMENTS. IT IS RECOMMENDED THAT THE GENERAL CONTRACTOR INFORM HIS SUBCONTRACTORS OF THEIR (MUTUAL) RESPONSIBILITY AS LICENSED CONTRACTORS TO BID AND CONSTRUCT PER THESE DOCUMENTS AND PER CODE REQUIREMENTS. CONFLICTS MUST BE BROUGHT TO THE ENGINEER'S ATTENTION DURING THE BID/PRICING PHASE OF THE PROJECT. AFTER CONTRACTS ARE SIGNED, NO EXTRA PAYMENTS WILL BE MADE, AUTHORIZED OR CERTIFIED FOR ITEMS REQUIRED UNDER THE APPLICABLE BUILDING CODES, WHETHER OR NOT THEY ARE SHOWN IN THESE DRAWINGS.
- AGREEMENT WITH DRAWING CONVENTION AND LEVEL OF DETAILING: THE CONTRACTOR AGREES, BY PROCEEDING WITH CONSTRUCTION AND USING THESE CONSTRUCTION DOCUMENTS, THAT HE/SHE HAS REVIEWED THEM IN DETAIL, UNDERSTANDS THEM AND AGREES THAT THE DRAWING CONVENTIONS EMPLOYED, THE AMOUNT OF DETAILING AND LEVEL OF DETAILING ARE APPROPRIATE TO ALLOW HIS/HER CONSTRUCTION OF THE PROJECT.
- DIMENSIONS: THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES. DO NOT SCALE THE DRAWINGS. FIELD VERIFY ALL DIMENSIONS. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE. LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE. DRAWINGS WITH LATEST DATE IN THE TITLE BLOCK COLUMN OR ON "REVISIONS" COLUMN TAKE PRECEDENCE OVER PREVIOUSLY PRINTED DRAWINGS. IN THE CASE OF CONFLICT BETWEEN THE DRAWINGS AND SPECIFICATIONS, THE DRAWINGS SHALL GOVERN IN MATTERS OF QUANTITY AND THE SPECIFICATIONS SHALL GOVERN IN MATTERS OF QUALITY. IN CASE OF CONFLICT WITHIN THE DRAWINGS INVOLVING QUANTITIES, THE GREATER QUANTITY AND THE HIGHER QUALITY SHALL BE FURNISHED. IT IS THE RESPONSIBILITY OF ALL CONTRACTORS TO MAINTAIN THE MOST UP TO DATE CONSTRUCTION DOCUMENTS AS THEY PERTAIN TO THEIR TRADES.
- TEMPORARY BRACING/SAFETY: THE DESIGN ADEQUACY AND SAFETY OF THE ERECTION BRACING, SHORING AND TEMPORARY SUPPORTS IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. OBSERVATION VISITS TO THE JOB SITE BY PERSONNEL FROM THIS OFFICE SHALL NOT INCLUDE INSPECTION OR APPROVAL OF ABOVE ITEMS. JOB SITE SAFETY, SAFETY TRAINING AND OSHA REQUIRED PROVISIONS ARE THE CONTRACTOR'S RESPONSIBILITY. THE ENGINEER HAS MADE NO PROVISION IN THESE DOCUMENTS FOR CONSTRUCTION TECHNIQUE OR OSHA REQUIREMENTS DURING CONSTRUCTION.
- SUPERINTENDENT: THE OWNER AND THE GENERAL CONTRACTOR, BY THEIR MUTUAL CONTRACT FOR CONSTRUCTION, SHALL PROVIDE FOR AND INSURE THAT THERE IS A FULL TIME, QUALIFIED SUPERINTENDENT AT THE JOB SITE AT ALL TIMES DURING CONSTRUCTION AND UNTIL FINAL WALK THROUGH OR UNTIL THE ENGINEER AND OWNER AGREE, IN WRITING, THAT NO ON SITE SUPERVISION IS REQUIRED OF THE GENERAL CONTRACTOR.
- UTILITIES: UTILITY, UNDERGROUND, ETC., ARE TO BE COORDINATED WITH P.G.&E., ETC. AS REQUIRED. VERIFY ALL UTILITY DATA AND LOCATIONS PRIOR TO COMMENCING ANY WORK. THE LOCATIONS OF THE UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON THE BEST INFORMATION AVAILABLE. THE CONTRACTOR SHALL COOPERATE WITH ALL UTILITY COMPANIES AND OTHER CONTRACTORS WORKING WITHIN THE LIMITS OF CONSTRUCTION. THE CONTRACTOR SHALL TELEPHONE UNDERGROUND SERVICE ALERT (USA) BEFORE BEGINNING ANY UNDERGROUND WORK. (800-442-2444). THE CONTRACTOR IS TO BE AWARE OF THE POSSIBILITY OF UNKNOWN UNDERGROUND ITEMS AND TO EXERCISE CARE.
- OTHER DRAWINGS AND REPORTS RELATED TO THIS PROJECT: THE ENGINEER WILL COMMUNICATE ONLY WITH THE PROJECT SUPERINTENDENT/PROJECT MANAGER. ALL PERSONS WORKING FROM THESE DRAWINGS SHALL BE CHARGED WITH KNOWLEDGE, THROUGH THE PROJECT SUPERINTENDENT, OF THE EXISTENCE AND CONTENT OF MODIFIED OR REVISED DRAWINGS, DETAILS, AND ALL OTHER RELATED DRAWINGS AND DOCUMENTS AS MIGHT AFFECT THEIR WORK.
- CHANGES FROM THE APPROVED PLANS DURING THE COURSE OF CONSTRUCTION SHALL CAUSE CONSTRUCTION TO BE SUSPENDED UNTIL SUCH TIME AS THE PLANS CAN BE AMENDED BY THE DESIGNER AND SUBMITTED TO THE COUNTY FOR REVIEW AND APPROVAL. [CBC 107]
- DRAWINGS PRODUCED BY SUB CONSULTANTS HAVE BEEN REVIEWED BY ENGINEER OF RECORD AND HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING.



**WORK LOCATION & SETBACK SITE PLAN**  
SCALE: 1" = 200'-0"



### WASTE MANAGEMENT PLAN:

- CONTRACTOR SHALL PROVIDE WASTE MANAGEMENT PLAN IN ACCORDING TO LOCAL COUNTY REQUIREMENTS.
- CONTRACTOR SHALL FULFILL AND COMPLETE THE WASTE MANAGEMENT PLAN PRIOR TO OCCUPANCY/FINISH OF THE PROJECT.

REVISIONS DATE BY DESCRIPTION

11/22/19	RR	CONDITIONAL USE PERMIT SET
----------	----	----------------------------

**REGISTERED PROFESSIONAL ENGINEER**  
CUP  
11/22/19  
MECHANICAL ENGINEER  
STATE OF CALIFORNIA

**RYAN - REVERA CONSULTING**  
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**O'NEILL VINTNERS AND DISTILLERS**  
8418 S. LAC JAC AVE.  
PARLIER, CA 93648-9708  
NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

TITLE SHEET  
DATE: NOV. 22, 2019  
SCALE: AS NOTED  
DRAWN: RR  
JOB: 20190073  
SHEET  
**T0.1**

**STEEL NOTES:**

- MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE LATEST EDITION OF THE "SPECIFICATION FOR STRUCTURAL STEEL BUILDING" PUBLISHED BY THE A.I.S.C. (AMERICAN INSTITUTE OF STEEL CONSTRUCTION) & A.W.S. (AMERICAN WELDING SOCIETY).
- ALL WELDING OF STRUCTURAL STEEL MEMBERS SHALL BE DONE BY CURRENTLY CERTIFIED WELDERS AND DONE IN CONFORMANCE WITH THE A.I.S.C. AND A.W.S.
- FILLER METAL AND WELDING FLUX: E70XX IN ACCORDANCE WITH A.W.S. D1.1-2004.
- ALL BUTT WELDS SHALL BE COMPLETE PENETRATION WELDS.
- ALL STEEL MEMBERS AND THEIR CONNECTIONS, EXPOSED TO EARTH OR WEATHER SHALL BE HOT DIPPED GALVANIZED, UNLESS NOTED OTHERWISE.
- ALL STRUCTURAL AND MISCELLANEOUS STEEL SHALL CONFORM TO THE FOLLOWING A.I.S.C. STANDARDS:
  - W (WIDE FLANGE) AND WT SHAPES SHALL BE A.S.T.M. A992 (Fy=50 ksi, Fu=65 ksi)
  - M, MT, S AND ST SHAPES SHALL BE A.S.T.M. A36 (Fy=36 ksi, Fu=58 ksi)
  - CHANNELS, ANGLES, PLATES AND MISC. SHALL BE A.S.T.M. A36. (Fy=36 ksi, Fu=58 ksi)
  - HP SHAPES SHALL BE A.S.T.M. A572 (Fy=50 ksi, Fu=65 ksi)
  - RECTANGULAR AND SQUARE HSS (HOLLOW STRUCTURAL SHAPES) SHALL BE A.S.T.M. A500 GRADE B (Fy=46 ksi, Fu=58 ksi)
  - ROUND HSS (HOLLOW STRUCTURAL SHAPES) SHALL BE A.S.T.M. A500 GRADE B (Fy=42 ksi, Fu=58 ksi)
  - PIPE SHALL CONFORM TO A.S.T.M. A53 GRADE B (Fy=35 ksi, Fu=60 ksi)
- ALL ENDS OF EXPOSED STRUCTURAL SHAPES & HOLLOW STRUCTURAL SHAPED STEEL MEMBERS SHALL HAVE 1/4" CAP PLATE WITH PARTIAL PENETRATION WELDS, U.O.N., GRIND SMOOTH, A.E.S.
- ALL STEEL BEAMS SHALL HAVE INSTALLED STANDARD MILL TOLERANCE UP, TYP., U.I.N.O.
- PRIMER: AS DIRECTED BY OWNER.

**PROCESS STRUCTURE SPECIFICATIONS**

- SCOPE:** CONTRACTOR SHALL CONSTRUCT THE WINE TANK CONCRETE SLAB, WINE TANK FOUNDATIONS, & THE PIPE SUPPORT RACKS AS INDICATED ON THE DRAWINGS & THESE SPECIFICATIONS.
- CODES:** THIS WORK SHALL CONFORM TO ALL LOCAL CODES, 2016 CALIFORNIA BUILDING CODE & ANY LOCAL CODE REQUIREMENTS.
- SITE VERIFICATION:** CHECK ALL DIMENSIONS IN RELATION TO SITE CONDITIONS BEFORE STARTING WORK. CONTRACTOR SHALL EXAMINE THE SITE OF WORK AND, AFTER INVESTIGATION, TO DETERMINE THE CHARACTER OF THE MATERIALS TO BE ENCOUNTERED AND THE EXISTING CONDITIONS AFFECTING THE WORK PRIOR TO BID SUBMISSION.
- SAFETY:** DURING THE CONSTRUCTION PHASE THE CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF THE BUILDING AND PERSONNEL. PROVIDE ADEQUATE SHORING AND/OR BRACING IN ACCORDANCE WITH THE APPROPRIATE LOCAL, STATE, AND NATIONAL SAFETY CODES.
- COORDINATION:** COORDINATE WITH GENERAL CONTRACTOR AND ALL OTHER TRADES.
- FEES:** CONTRACTOR SHALL PAY ALL FEES IN CONNECTION WITH THIS WORK. CONNECTION CHARGES SHALL BE REIMBURSED BY OWNER.
- GUARANTEE:** ALL WORKMANSHIP, EQUIPMENT AND MATERIALS SHALL BE GUARANTEED FOR ONE YEAR AFTER DATE OF ACCEPTANCE.
- SUBMITTALS:** WITHIN 15 DAYS AFTER SIGNING A CONTRACT, PROVIDE SUBMITTALS ON ALL PLUMBING EQUIPMENT.
- CLEANING:** SITE SHALL BE THOROUGHLY CLEANED AND FREE OF CONSTRUCTION DEBRIS.
- FOOTINGS:** SHALL BE BUILT AS DETAILED ON THE DRAWINGS. THE FOUNDATION IS BASED ON THE GEOTECHNICAL REPORT PREPARED BY TECHNICON ENGINEERING SERVICES, INC. DATED APRIL 27, 2007 PROJECT NO. TES 18975-001 AND UPDATED REPORT DATED FEBRUARY 12, 2014 PROJECT NO. TES 23773-001. THE FOOTINGS HAVE BEEN DESIGNED FOR AN ALLOWABLE SOIL BEARING PRESSURE OF 3325B + 6455D PSF (DL+LL) & 4990B + 9685D (DL + EL). FOOTINGS SHALL BEAR 24" MIN. INTO FIRM UNDISTURBED ORIGINAL SOIL OR ENGINEERED FILL.

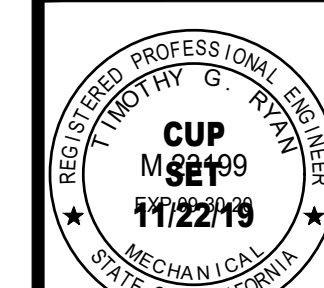
**CONCRETE NOTES:**

- THE QUALITY, DESIGN AND PLACEMENT OF CONCRETE SHALL BE IN ACCORDANCE WITH THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE (C.B.C.), EXCEPT ITEMS NOT SPECIFICALLY COVERED THEREIN SHALL ALSO CONFORM TO ACI 318, LATEST EDITION, MAXIMUM SLUMP SHALL BE 4 1/2 INCHES.
- CONCRETE SHALL BE PLACED IN ACCORDANCE W/ ACI-301. STRUCTURAL REINFORCEMENT AND EMBEDMENT SHALL NOT DISTURB THE PLACEMENT OF THE CONCRETE.
- FORMS FOR PERMANENTLY EXPOSED SURFACES SHALL PRODUCE A SMOOTH, EVEN, LEVEL FINISH WITHOUT FINIS. DESIGN OF FORM WORK SHALL TAKE INTO CONSIDERATION THE REQUIREMENTS OF ACI 318-11 SECTION 6.1.5.
- CONCRETE ELEVATIONS SHALL MATCH THE DRAWINGS TRUE WITH MAX. VARIATION OF 1/8" IN 10'-0".
- U.O.N., ALL EXPOSED EDGES OF CONCRETE SURFACES SHALL RECEIVE A 3/4" MINIMUM CHAMFER OR A 1/2" MINIMUM TOOLED RADIUS & THE TOP OF ALL EXPOSED FOOTINGS, PIERS AND COLUMNS. CONC SHALL RECEIVE A SMOOTH TROWELED FINISH. PATCH IMPERFECTIONS, & PROTECT CONC. FROM PREMATURE DRYING.
- REBAR SHALL BE DEFORMED BARS CONFORMING TO ASTM A615-68.
  - #4 (13 MM) AND SMALLER ..... GRADE 40 (GRADE 300)
  - #5 (16 MM) AND LARGER ..... GRADE 60 (GRADE 420)
- REBAR SHALL BE PLACED IN THE MAX. LENGTH POSSIBLE AND SHALL LAP 40 DIAMETER SPLICES IN CONCRETE (72 DIAMETERS AT SPLICES IN CONCRETE MASONRY PER CBC 2108.2) UN. SPLICES SHALL BE STAGGERED AND BARS MAYBE WIRED TOGETHER AT SPLICES. ALL STEEL SHALL BE HELD RIGID IN PLACE W/ APPROVED METAL DEVICES.
- REBAR FACE TO CONC FACE COVERAGE:
  - CONC SLAB ON GRADE: 1 1/2" MIN.
  - CONC SURFACE AGAINST EARTH: 3" MIN.
  - CONC POURED AGAINST FORMS: 2" MIN.
  - ALL OTHERS: SEE DETAILS
- ALL WELDING OF REINFORCING STEEL SHALL BE WITH LOW HYDROGEN ELECTRODES UNLESS OTHERWISE NOTED. WELDING OF REINFORCING ALLOWED ONLY WHERE DETAILED ON THE DRAWINGS AND SHALL BE IN ACCORDANCE WITH SPECIFICATIONS PER ACI 318-11 SECTION 3.5.2 AND 12.14.3.
- UNLESS NOTED OTHERWISE, ALL CONCRETE SHALL HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH IN 28 DAYS AS FOLLOWS:
  - FOOTINGS, STEMWALLS & PIERS ..... 3000 PSI
  - SLABS ON GRADE ..... 3000 PSI
- DESIGN IS BASED ON 2500 PSI W/ NO SPECIAL INSPECTION REQUIRED PER CBC SECTION 1704.4
- ANCHORS:**
  - ANCHOR BOLTS SHALL CONFORM TO ASTM A307 W/ A BOLT HEAD OR AND EQUAL DEFORMITY AT THE EMBEDDED END AS DETAILED IN THE DRAWINGS UN. ANCHOR BOLTS SHALL BE HELD RIGID IN PLACE DURING CONC POURS.
  - EPOXY ANCHORS SHALL BE HILTI HIT-HY 200 ADHESIVE ANCHORS W/ F1554 GRADE 36 STEEL RODS UN ON PLANS.
- WHERE GROUT IS SPECIFIED ON THE DRAWINGS USE A HIGH STRENGTH, NON SHRINK, NON-METALLIC GROUT. USE MASTERBUILDERS "MASTERFLOW 713 GROUT" OR APPROVED SUBSTITUTE.

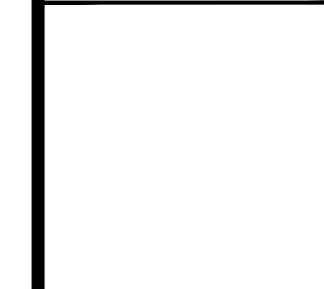
**PROCESS STRUCTURE ABBREVIATIONS**

ABBRV.	IDENTIFICATION	ABBRV.	IDENTIFICATION
ALUM	ALUMINUM	L	STRUT ANGLE SHAPE
ARCH	ARCHITECTURAL	LAM	LAMINATED
AB	ANCHOR BOLT	LB	POUND
ABV	ABOVE	LLH	LONG LEG HORIZONTAL
ADDL	ADDITIONAL	LLV	LONG LEG VERTICAL
ALT	ALTERNATE	LT	LIGHT
BEL	BELOW	MAX	MAXIMUM
BLDG	BUILDING	MB	MACHINE BOLT
BLKG	BLOCKING	MECH	MECHANICAL
BM	BEAM	MEZZ	MEZZANINE
BOT	BOTTOM	MFR	MANUFACTURER
BOUND	BOUNDARY	MIN	MINIMUM
BRDG	BRIDGING	MTL	METAL
BRG	BEARING	(N)	NEW
BTWN	BETWEEN	NIC	NOT IN CONTRACT
C	STRUCTURAL CHANNEL SHAPE	NO / #	NUMBER
CJ	CONTROL JOINT	NOM	NOMINAL
CJP	COMPLETE JOINT PENETRATION	NS	NEAR SIDE
☉	CENTER LINE	NIS	NOT TO SCALE
CLG	CEILING	OD	OUTSIDE DIAMETER
CLR	CLEAR	OPNG	OPENING
COL	COLUMN	OPP	OPPOSITE
CONC	CONCRETE	OPT	OPTIONAL
CONN	CONNECTION	PERP	PERPENDICULAR
CONT	CONTINUOUS	PERIM	PERIMETER
CTR	CENTER	☐	PLATE
CTRD	CENTERED	PLY	PLYWOOD
CTSK	COUNTERSINK	PT	POINT
DBL	DOUBLE	P.T.	PRESSURE TREATED
DIA	DIAMETER	REF	REFERENCE
DIM	DIMENSION	REQD	REQUIRED
DIST	DISTANCE	RFP	ROOF FRAMING PLAN
DN	DOWN	RO	ROUGH / ROUGH OPENING
DO	DITTO	R/RAD	RADIUS
DWG	DRAWING	S.A.D.	SEE ARCHITECTURAL DRAWINGS
DWL	DOWEL	SCHD	SCHEDULE
EA	EACH	SHT	SHEET
EB	EXPANSION BOLT	SHTG	SHEATHING
EF	EACH FACE	SIM	SIMILAR
EJ	EXPANSION JOINT	S.M.D.	SEE MECHANICAL DRAWINGS
ELECT	ELECTRICAL	SSL	SHORT SLOTTED HOLE
ELEV	ELEVATION	SOG	SLAB ON GRADE
EMBED	EMBEDMENT OR EMBEDDED	SPEC	SPECIFICATION
EN	EDGE NAIL	SQ	SQUARE
EQ	EQUAL	SPEC	SPECIFICATION
EQUIV	EQUIVALENT	SS	STAINLESS STEEL
ES	EACH SIDE	STAG	STAGGER (ED)
EW	EACH WAY	STD	STANDARD
(E)	EXISTING	STIFF	STIFFENER
EXP	EXPANSION	STL	STEEL
FAB	FABRICATE	STRUCT	STRUCTURAL
FFP	FLOOR FRAMING PLAN	SYMM	SYMMETRICAL
FIN	FINISH	TA	ALUMINUM STRUCT TUBE SHAPE
FFE	FINISHED FLOOR ELEVATION	T&B	TOP & BOTTOM
FL	FLANGE / FLOW LINE	T&G	TONGUE AND GROOVE
FLR	FLOOR	THK	THICK
FNDN	FOUNDATION	THRD	THREADED
FOC	FACE OF CONCRETE	TOC	TOP OF CONCRETE
FOS	FACE OF STUD	TRTD	TREATED
FP	FULL PENETRATION	TS	HSS STRUCT TUBE SHAPE
FRMG	FRAMING	TYP	TYPICAL
FS	FAR SIDE	U.O.N.	UNLESS OTHERWISE NOTED
FT	FOOT	VERT	VERTICAL
FTG	FOOTING	VSH	VERTICAL SLOTTED HOLE
FW	FILLET WELD	W	WIDE FLANGE SHAPE
(F)	FUTURE	W/	WITH
GA	GAUGE	W/O	WITHOUT
GALV	GALVANIZED	WP	WATERPROOF
GR	GRADE	W.P.	WORKING POINT
GSN	GENERAL STRUCTURAL NOTES	WT.	WEIGHT
HDR	HEADER	WT	STRUCT TEE SHAPE
HORIZ	HORIZONTAL	WWF	WELDED WIRE FABRIC
HSB	HORIZONTAL SLOTTED HOLE		
HSMB	HIGH STRENGTH MACHINE BOLT		
HT	HEIGHT		
I	I BEAM SHAPE		
ID	INSIDE DIAMETER		
INTM	INTERMEDIATE (MITTANT)		
IN	INCH		
INCL	INCLUDES(ING)		
INT	INTERIOR		
JT	JOINT		

REVISIONS	DATE	BY	DESCRIPTION
1	11/22/19	RR	CONDITIONAL USE PERMIT SET



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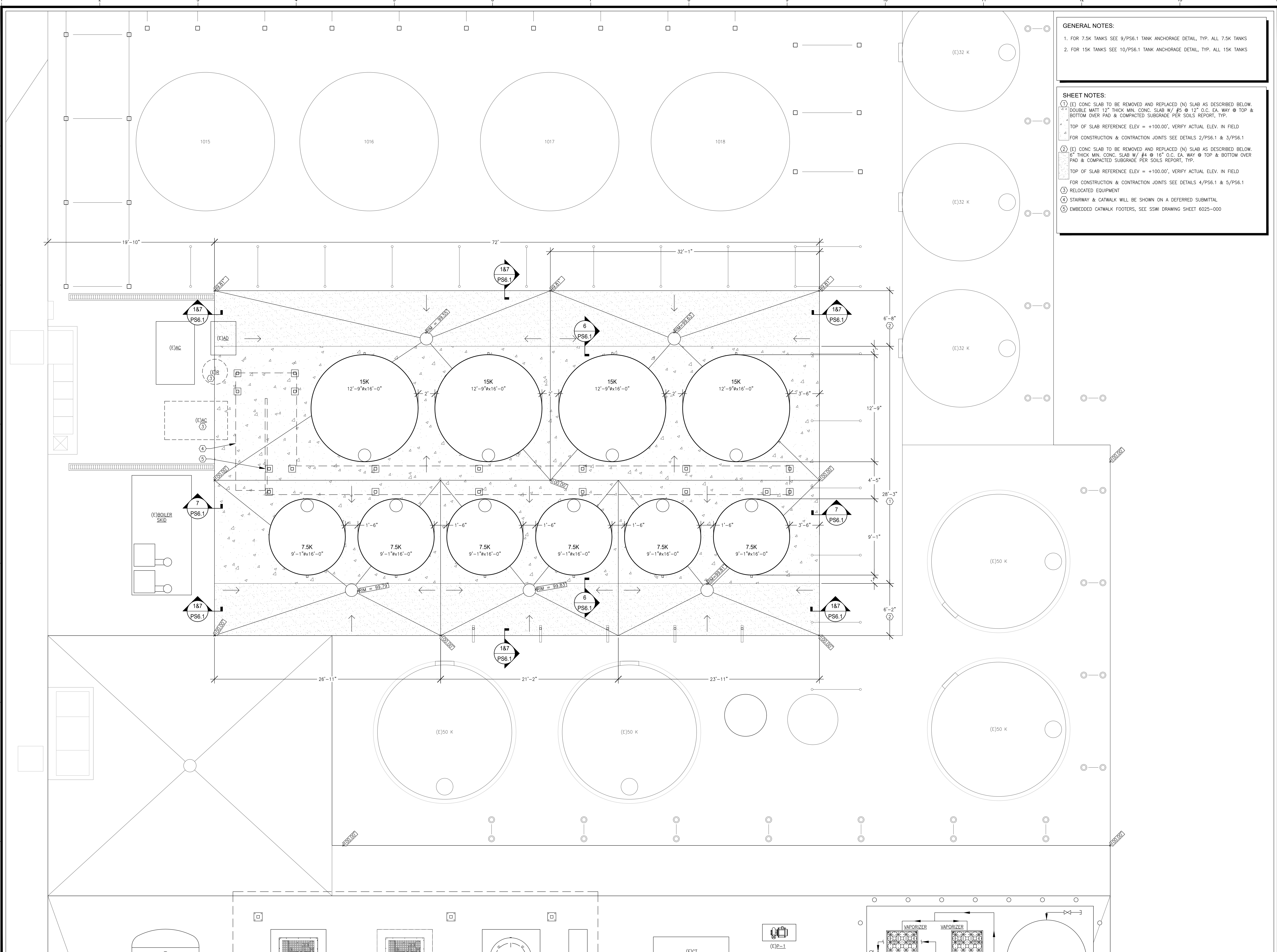


**O'NEILL VINTNERS AND DISTILLERS**  
 8418 S. LAC JAC AVE.  
 PARLIER, CA 93648-9708  
 NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

LEGEND, NOTES, & SPECS - PROCESS STRUCTURE

DATE: NOV. 22, 2019  
 SCALE: NTS  
 DRAWN: RR  
 JOB: 20190073  
 SHEET

**PS0.1**



**GENERAL NOTES:**

- FOR 7.5K TANKS SEE 9/PS6.1 TANK ANCHORAGE DETAIL, TYP. ALL 7.5K TANKS
- FOR 15K TANKS SEE 10/PS6.1 TANK ANCHORAGE DETAIL, TYP. ALL 15K TANKS

**SHEET NOTES:**

- (E) CONC. SLAB TO BE REMOVED AND REPLACED (N) SLAB AS DESCRIBED BELOW.  
DOUBLE MATT 12" THICK MIN. CONC. SLAB W/ #5 @ 12" O.C. EA. WAY @ TOP & BOTTOM OVER PAD & COMPACTED SUBGRADE PER SOILS REPORT, TYP.  
TOP OF SLAB REFERENCE ELEV = +100.00', VERIFY ACTUAL ELEV. IN FIELD  
FOR CONSTRUCTION & CONTRACTION JOINTS SEE DETAILS 2/PS6.1 & 3/PS6.1
- (E) CONC. SLAB TO BE REMOVED AND REPLACED (N) SLAB AS DESCRIBED BELOW.  
6" THICK MIN. CONC. SLAB W/ #4 @ 16" O.C. EA. WAY @ TOP & BOTTOM OVER PAD & COMPACTED SUBGRADE PER SOILS REPORT, TYP.  
TOP OF SLAB REFERENCE ELEV = +100.00', VERIFY ACTUAL ELEV. IN FIELD  
FOR CONSTRUCTION & CONTRACTION JOINTS SEE DETAILS 4/PS6.1 & 5/PS6.1
- RELOCATED EQUIPMENT
- STAIRWAY & CATWALK WILL BE SHOWN ON A DEFERRED SUBMITTAL
- EMBEDDED CATWALK FOOTERS, SEE SSW DRAWING SHEET 6025-000

REVISIONS	DATE	BY	DESCRIPTION
1	11/22/19	RR	CONDITIONAL USE PERMIT SET

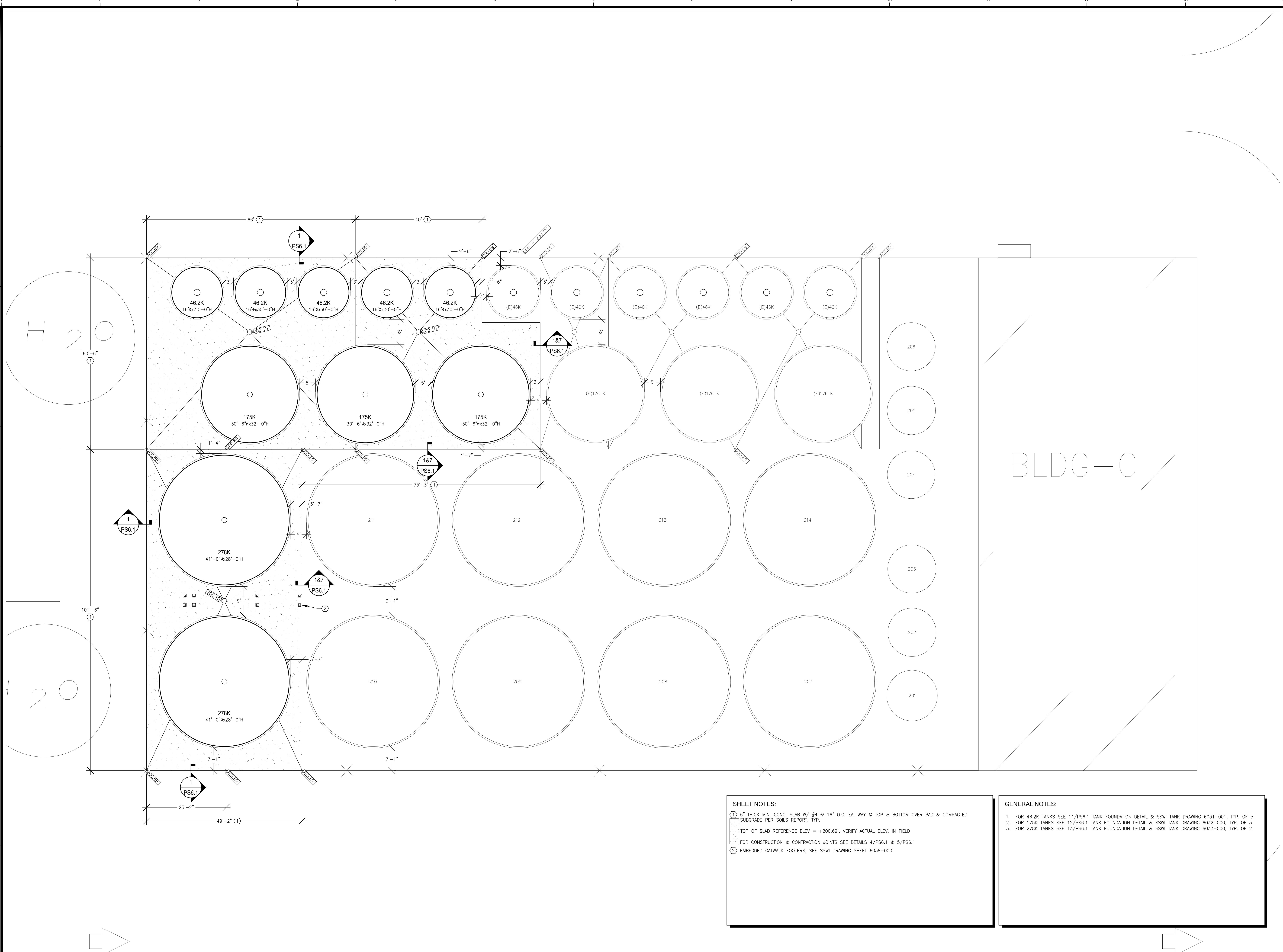
REGISTERED PROFESSIONAL ENGINEER  
MECHANICAL  
STATE OF CALIFORNIA  
CIP  
11/22/19

**RYAN - REVERA CONSULTING**  
MECHANICAL ENGINEERS  
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**O'NEILL VINTNERS AND DISTILLERS**  
FARM  
8418 S. LAC JAC AVE.  
PARLIER, CA 93648-9708  
NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

BOTTLING TANK FARM  
SLAB/FOUNDATION & PIPE RACK PLAN  
DATE: NOV. 22, 2019  
SCALE: AS NOTED  
DRAWN: RR  
JOB: 20190073  
SHEET

**BOTTLING TANK FARM SLAB/FOUNDATION & PIPE RACK PLAN - PROCESS STRUCTURE**  
SCALE: 1/4" = 1'-0"



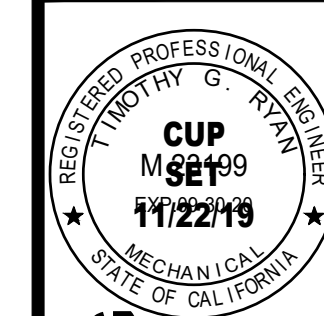
**SHEET NOTES:**

- 1. 6" THICK MIN. CONC. SLAB W/ #4 @ 16" O.C. EA. WAY @ TOP & BOTTOM OVER PAD & COMPACTED SUBGRADE PER SOILS REPORT, TYP.
- 2. TOP OF SLAB REFERENCE ELEV = +200.69', VERIFY ACTUAL ELEV. IN FIELD
- 3. FOR CONSTRUCTION & CONTRACTION JOINTS SEE DETAILS 4/PS6.1 & 5/PS6.1
- 4. EMBEDDED CATWALK FOOTERS, SEE SSWI DRAWING SHEET 6038-000

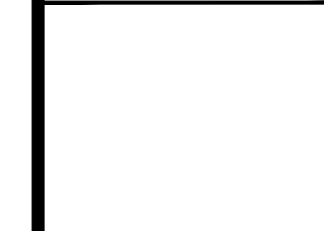
**GENERAL NOTES:**

- 1. FOR 46.2K TANKS SEE 11/PS6.1 TANK FOUNDATION DETAIL & SSWI TANK DRAWING 6031-001, TYP. OF 5
- 2. FOR 175K TANKS SEE 12/PS6.1 TANK FOUNDATION DETAIL & SSWI TANK DRAWING 6032-000, TYP. OF 3
- 3. FOR 278K TANKS SEE 13/PS6.1 TANK FOUNDATION DETAIL & SSWI TANK DRAWING 6033-000, TYP. OF 2

REVISIONS DATE	BY	DESCRIPTION
11/22/19	RR	CONDITIONAL USE PERMIT SET

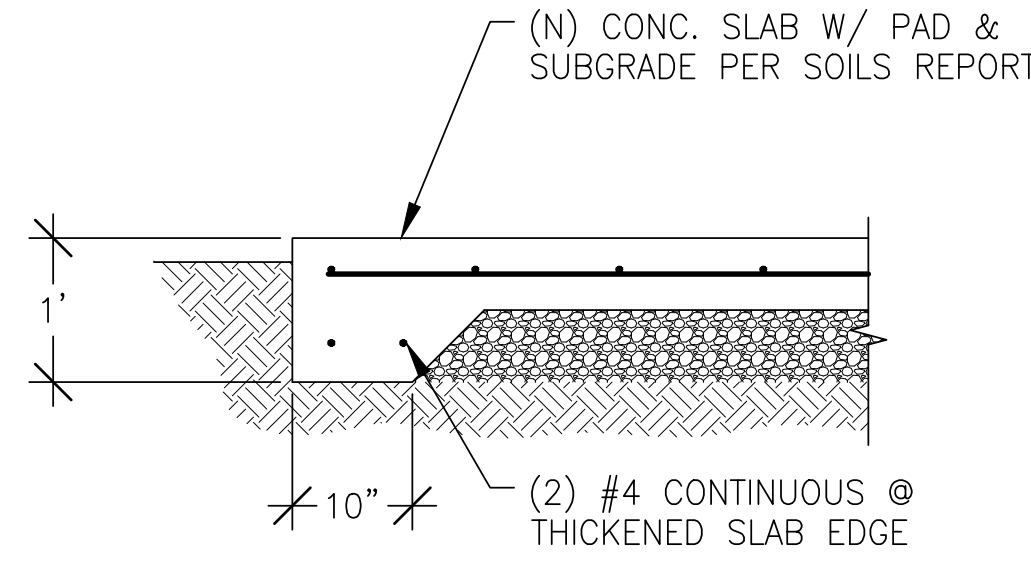


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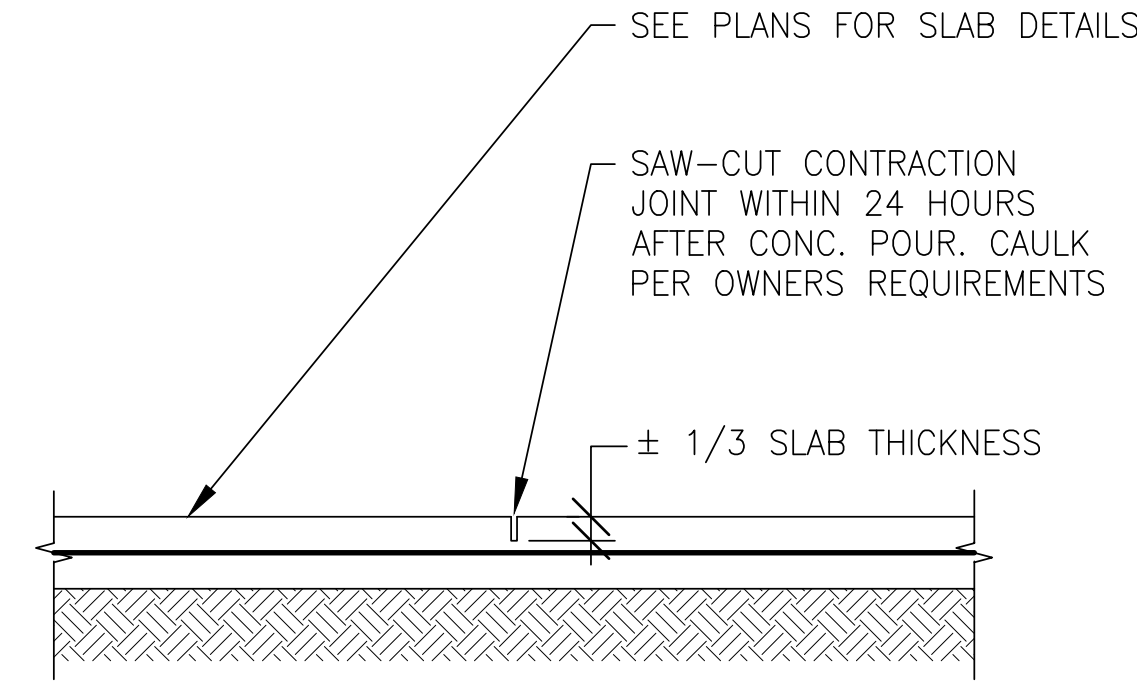


**O'NEILL VINTNERS AND DISTILLERS**  
8418 S. LAC JAC AVE.  
PARLIER, CA 93648-9708  
NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

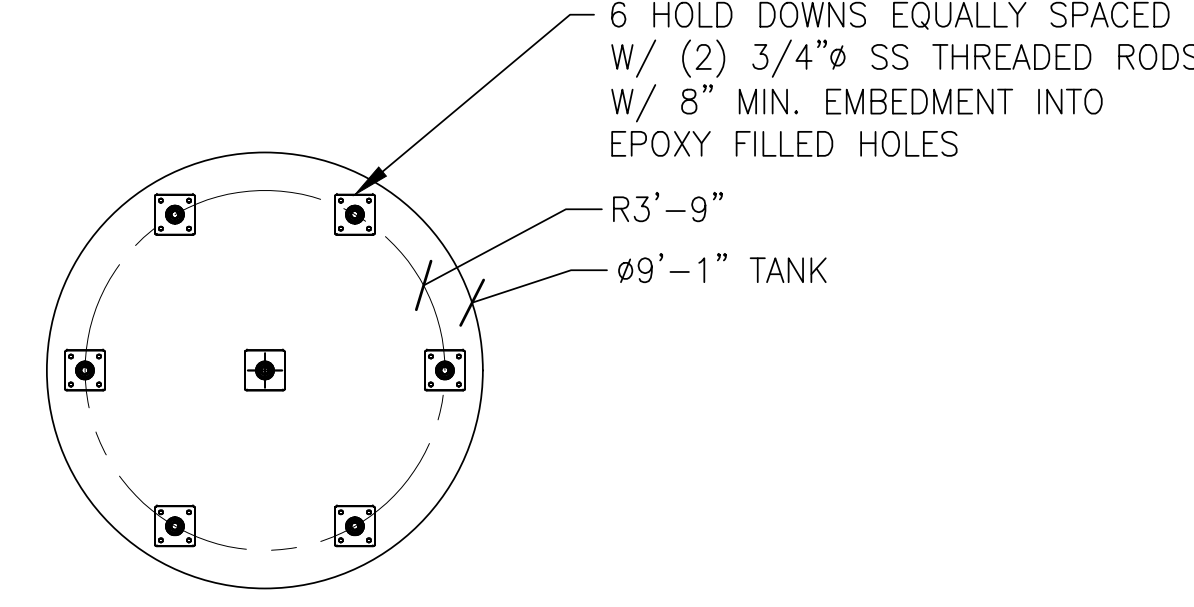
BRANDY TANK FARM  
SLAB/FOUNDATION & PIPE RACK PLAN  
DATE: NOV. 22, 2019  
SCALE: AS NOTED  
DRAWN: RR  
JOB: 20190073  
SHEET



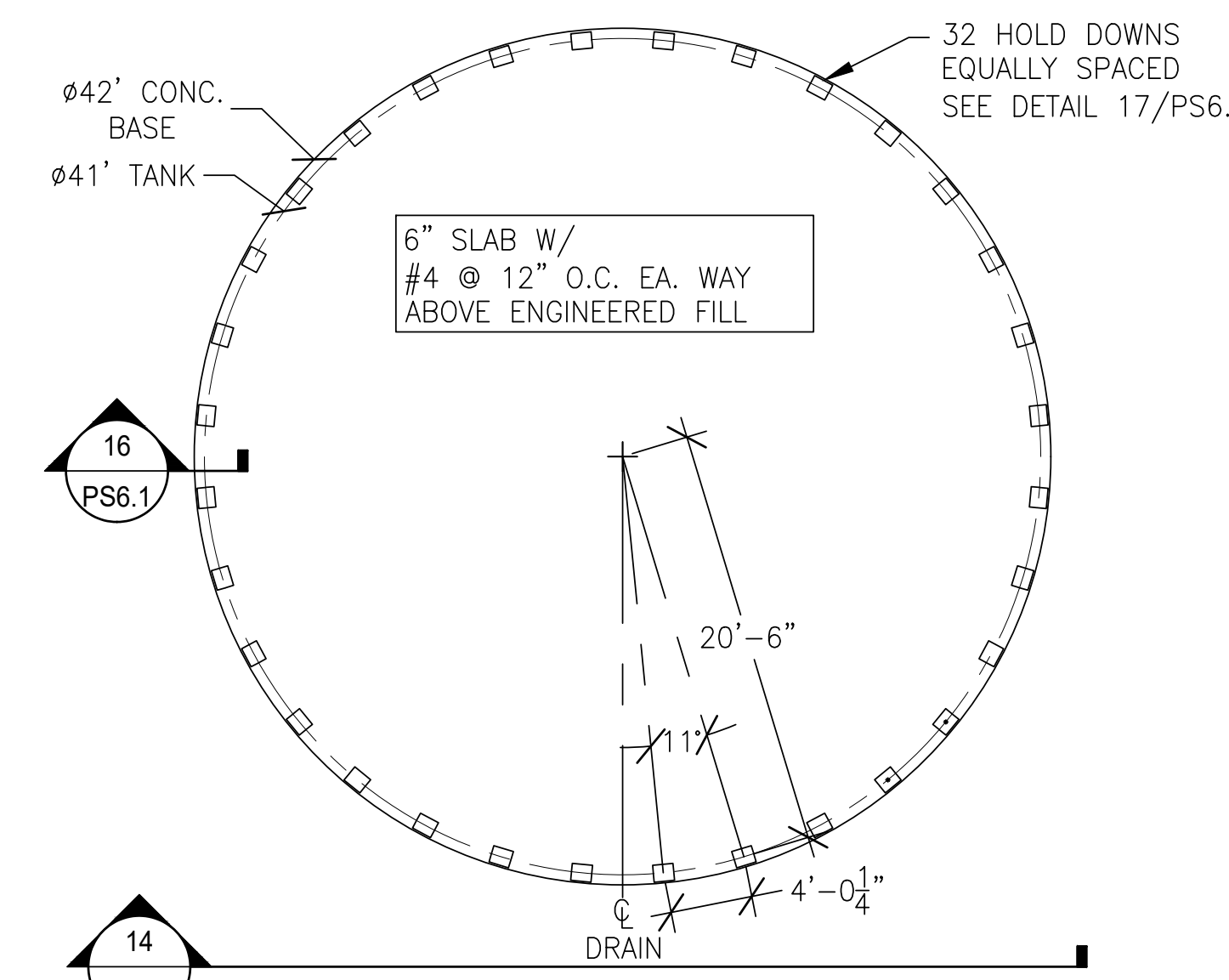
**1 THICKEND SLAB EDGE**  
SCALE: 3/4" = 1'-0"



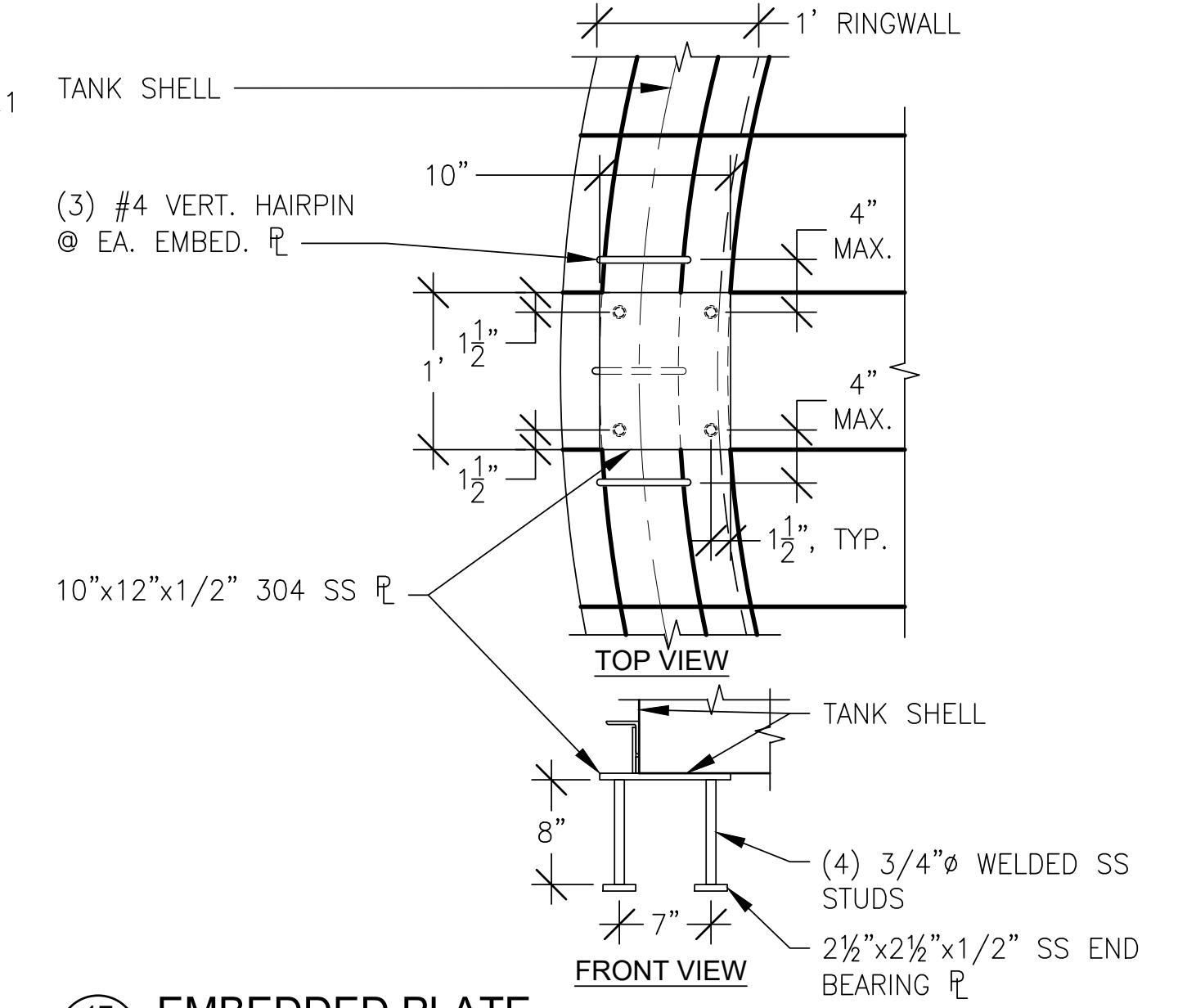
**5 CONTRACTION JOINT (6" SLAB)**  
SCALE: 3/4" = 1'-0"



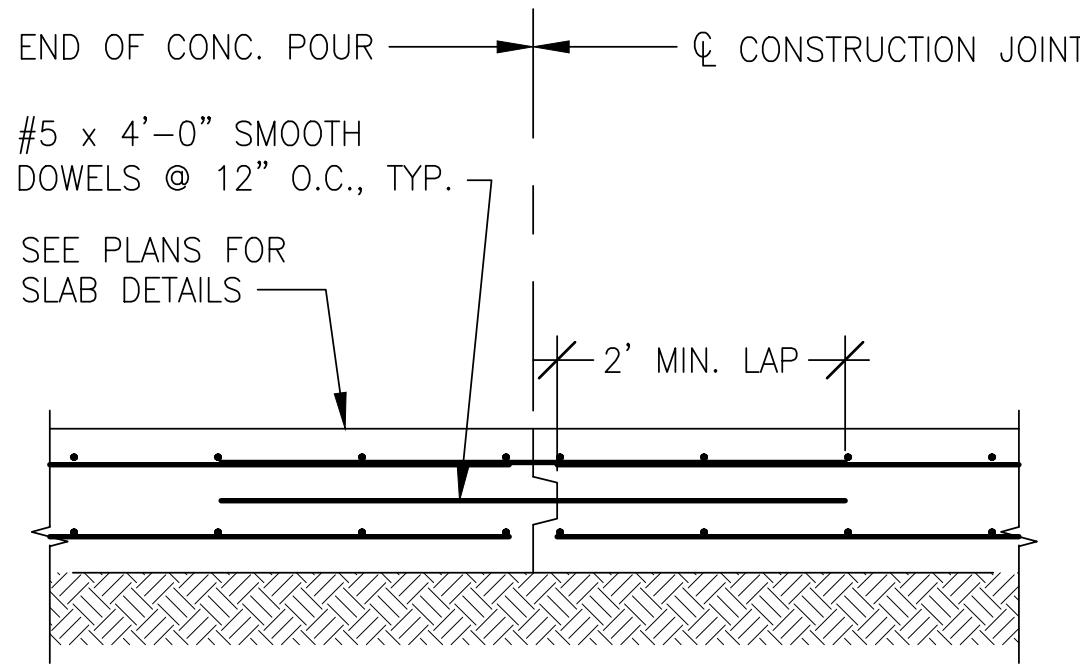
**9 7.5K TANK ANCHOR TO SLAB**  
SCALE: 1/4" = 1'-0"



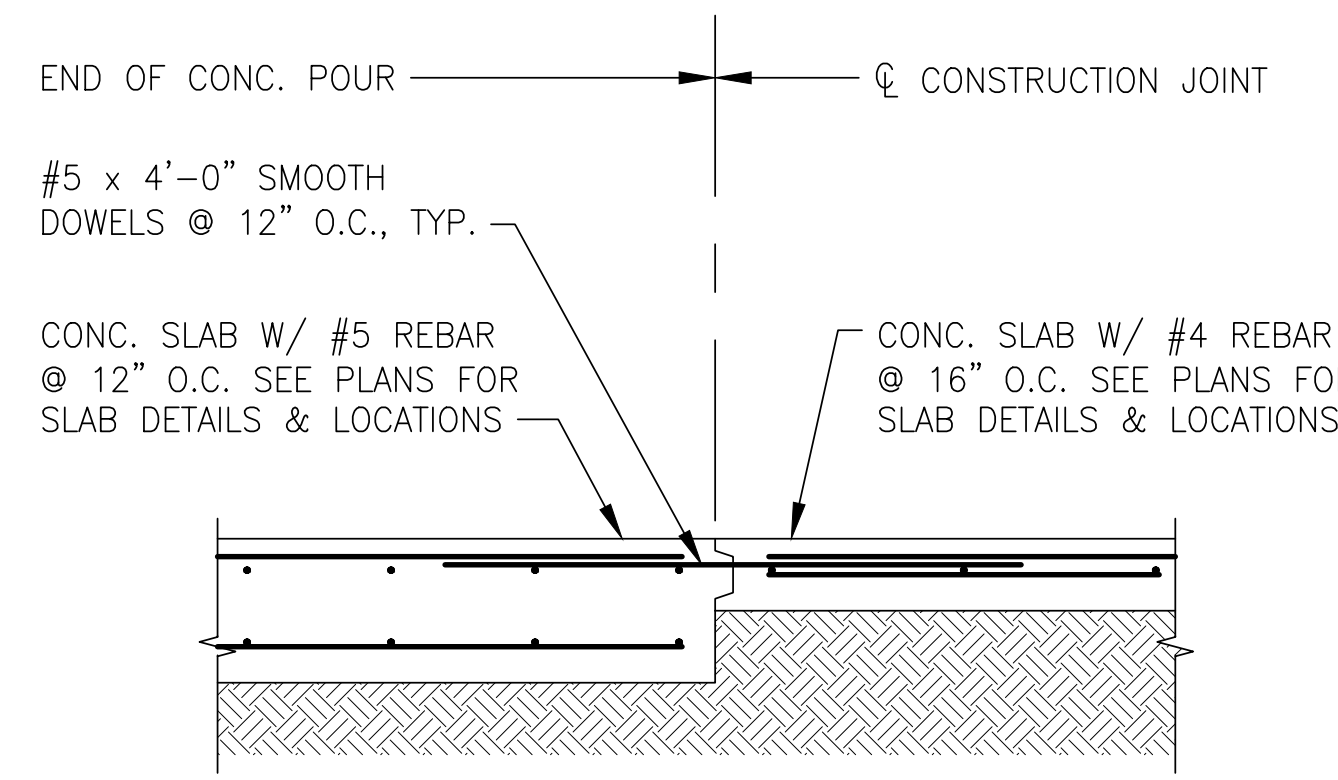
**13 278K TANK FOUNDATION**  
SCALE: 1/8" = 1'-0"



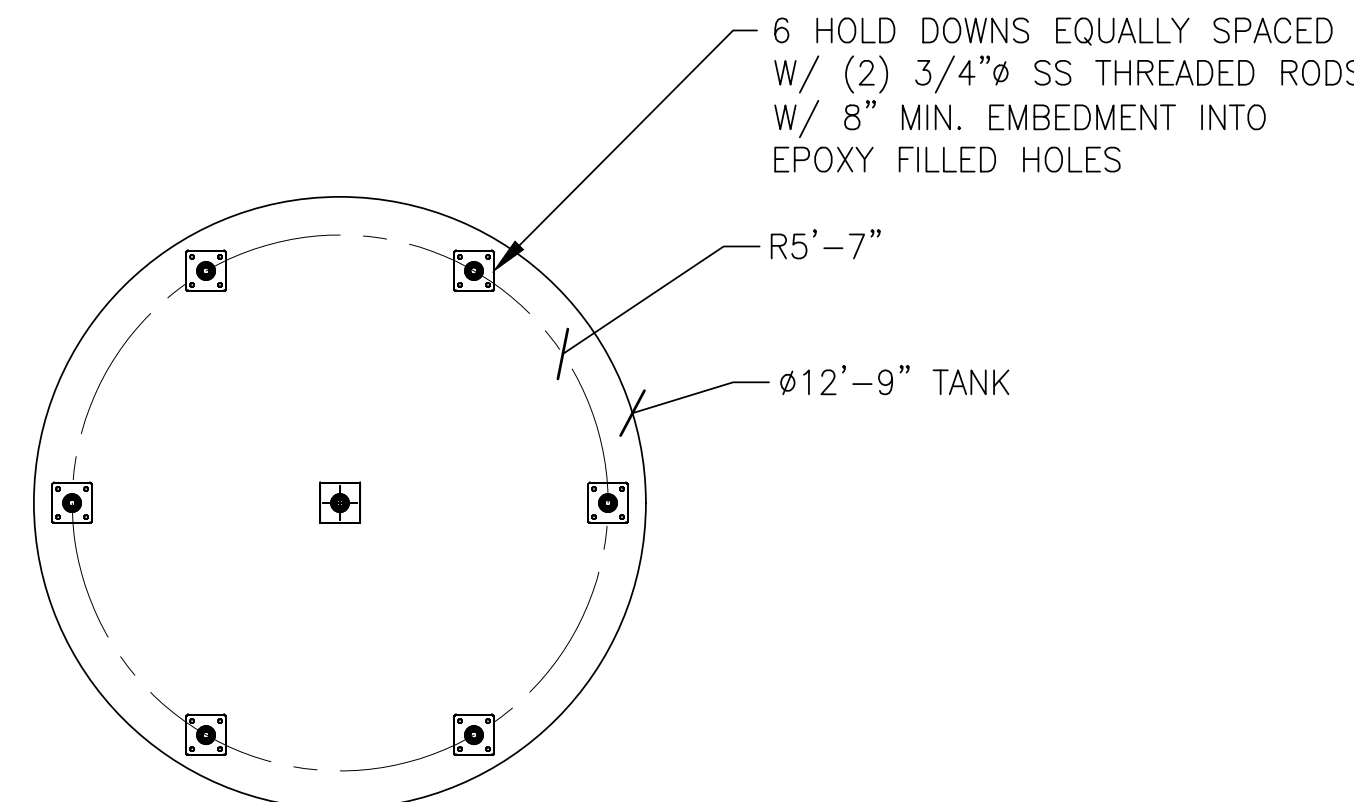
**17 EMBEDDED PLATE**  
SCALE: 1" = 1'-0"



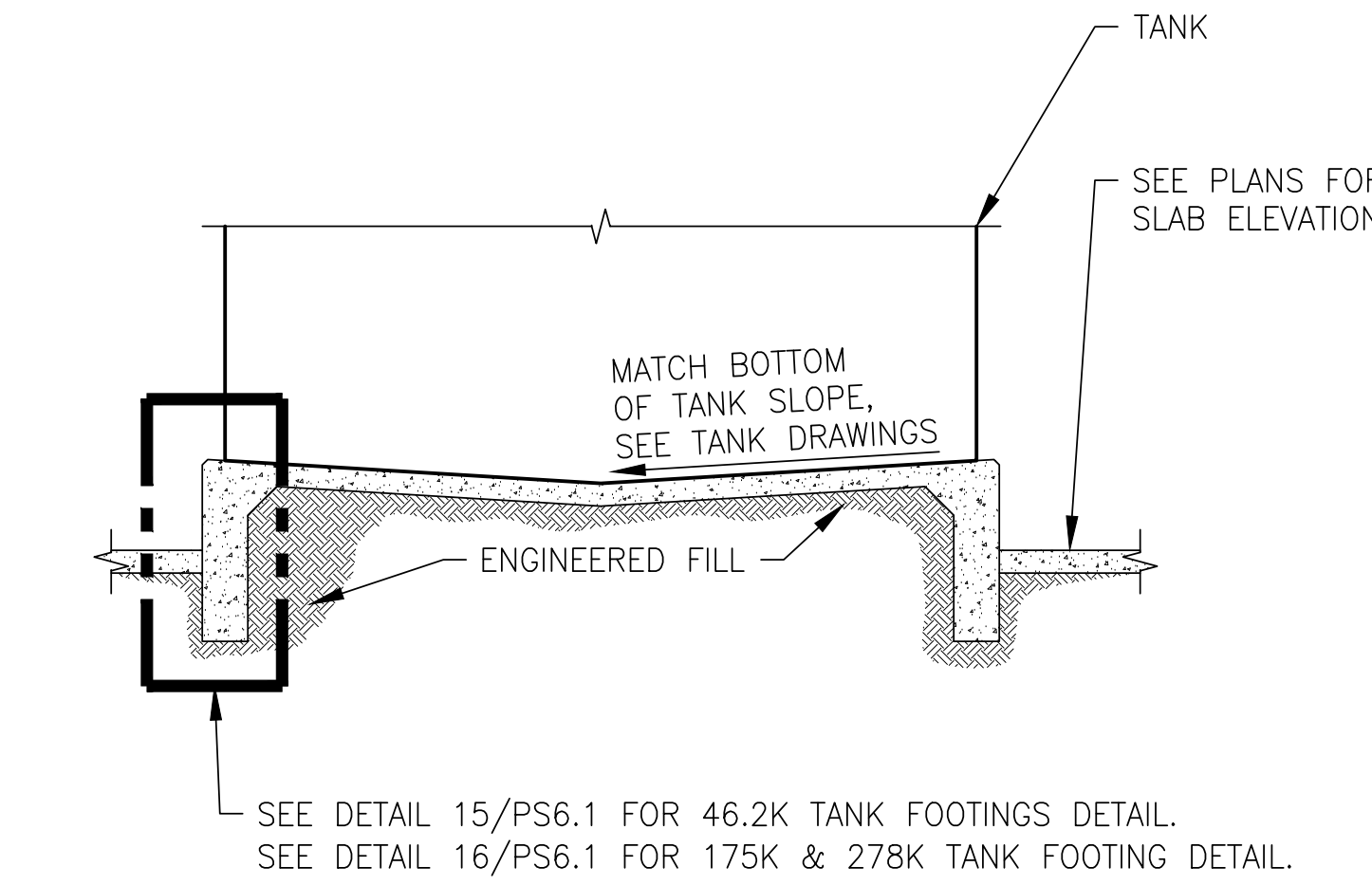
**2 CONSTRUCTION JOINT (12" SLAB)**  
SCALE: 3/4" = 1'-0"



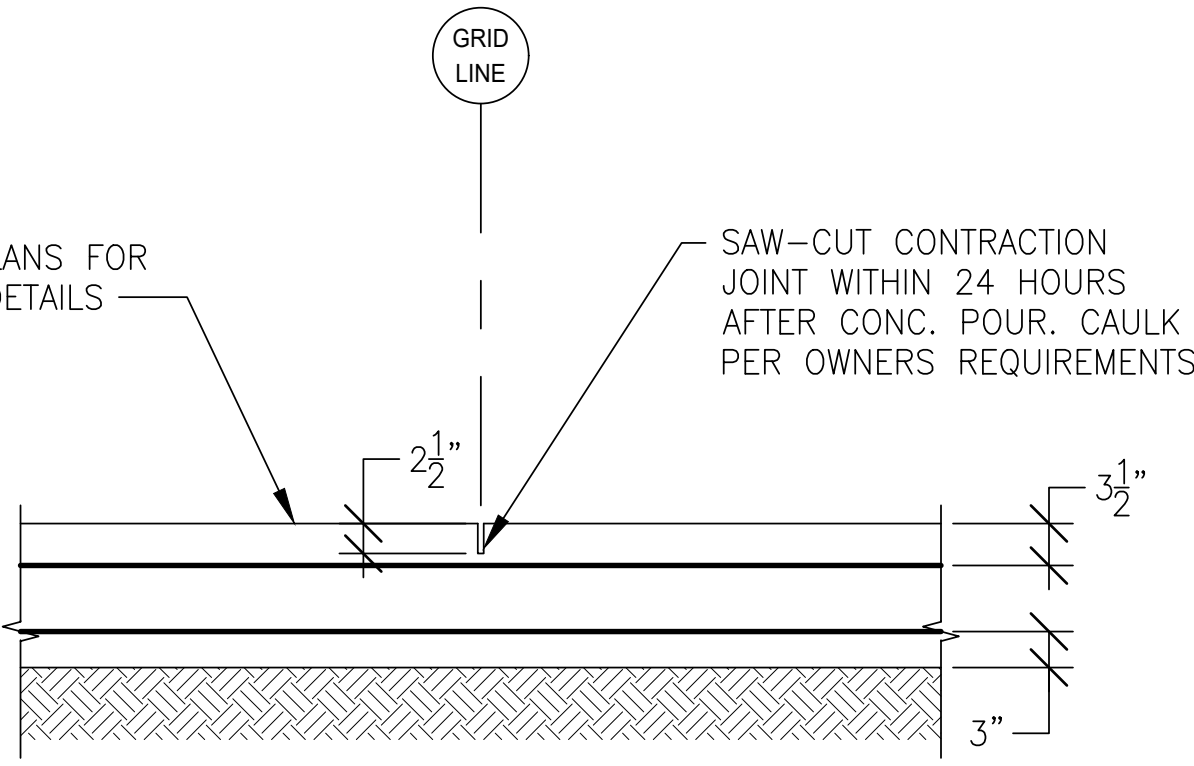
**6 CONSTRUCTION JOINT @ DIFF SLAB THICKNESS**  
SCALE: 3/4" = 1'-0"



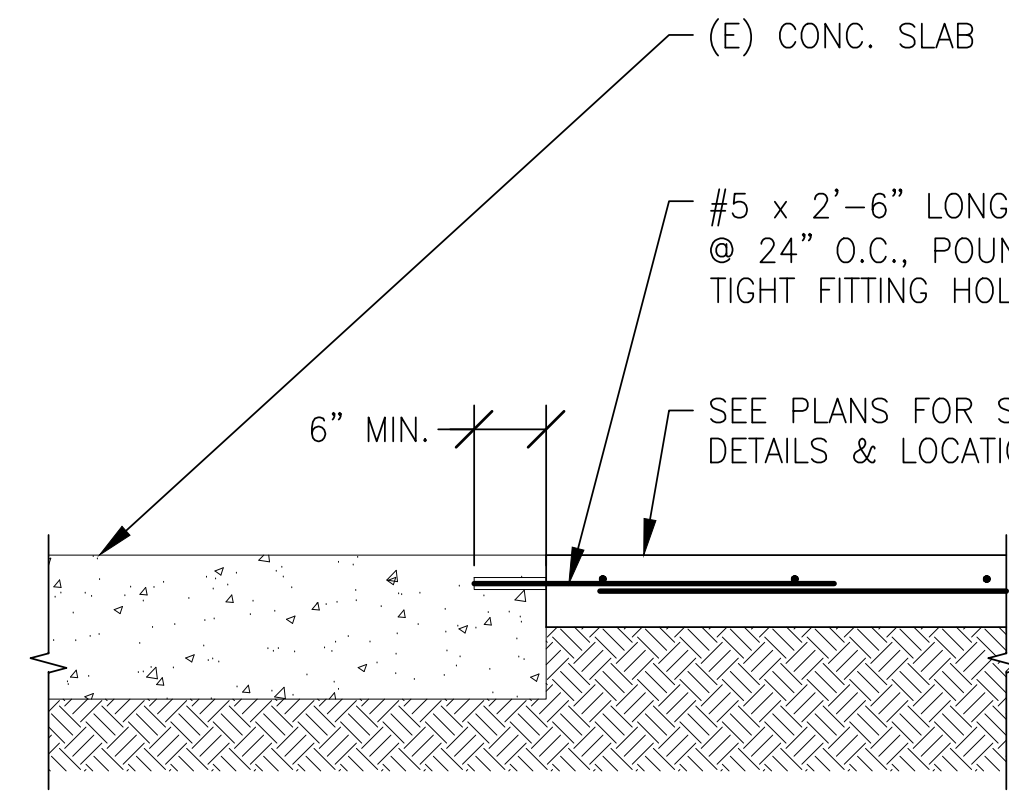
**10 15K TANK ANCHOR TO SLAB**  
SCALE: 1/4" = 1'-0"



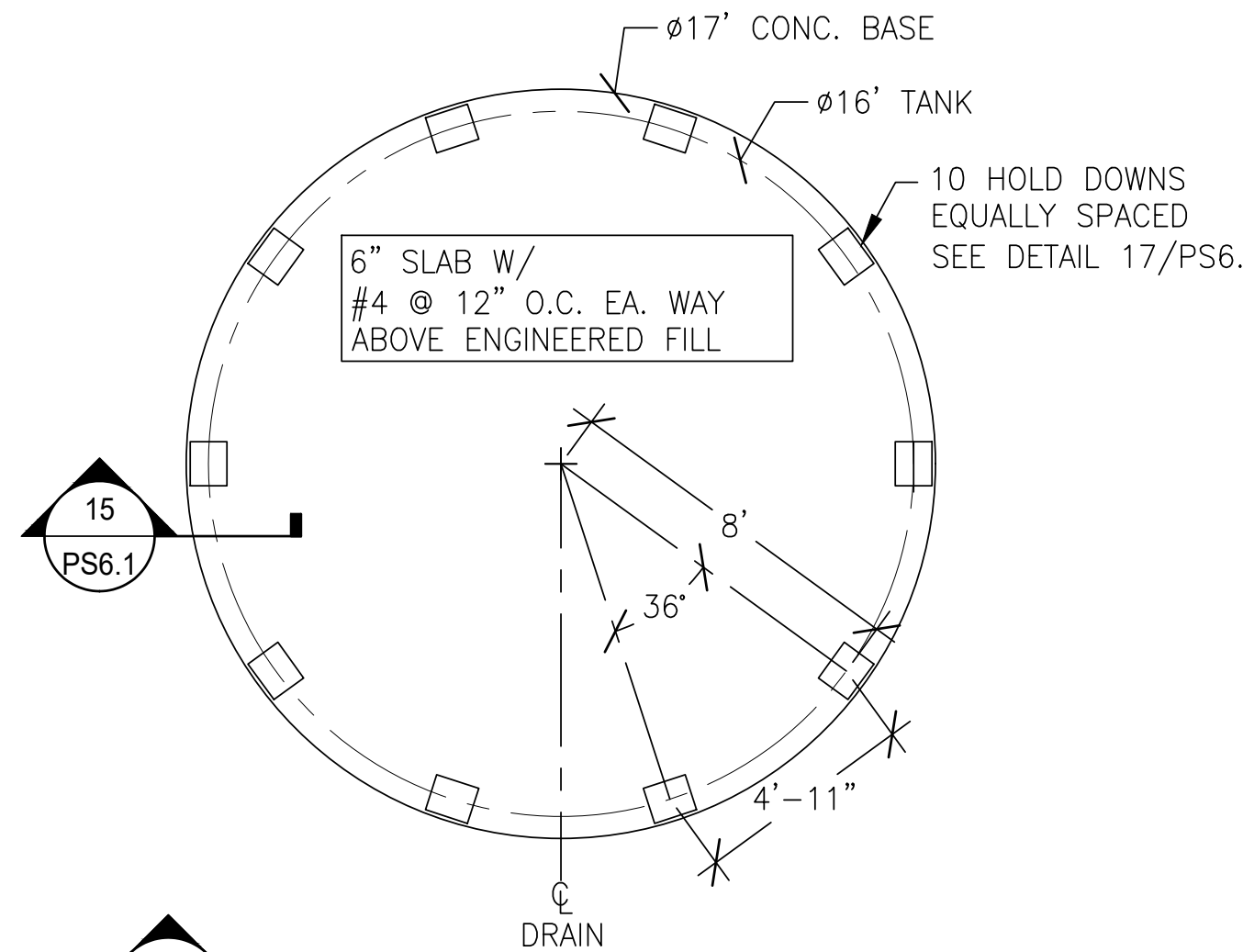
**14 TANK FOUNDATION SECTION**  
SCALE: NTS



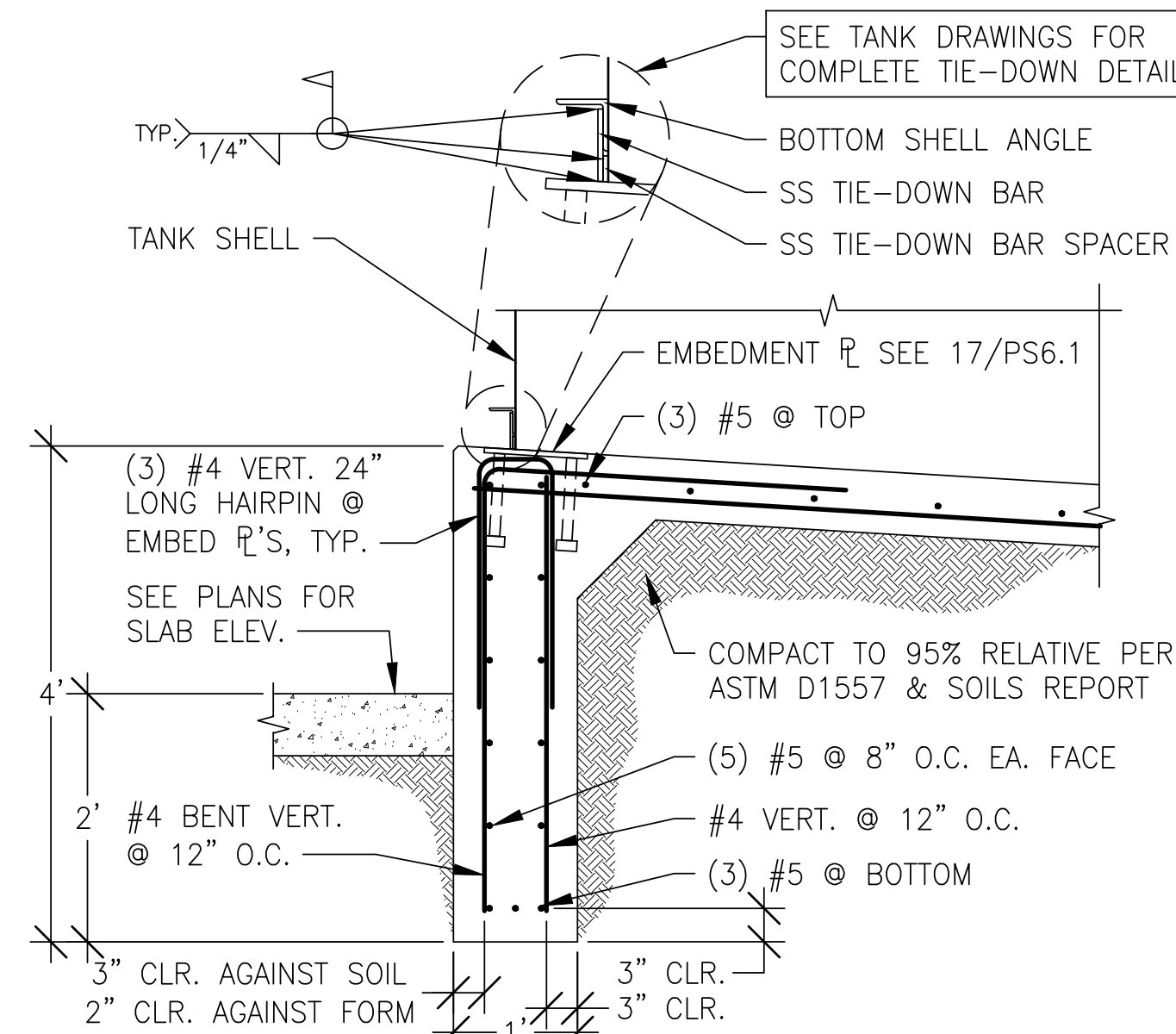
**3 CONSTRUCTION JOINT (12" SLAB)**  
SCALE: 3/4" = 1'-0"



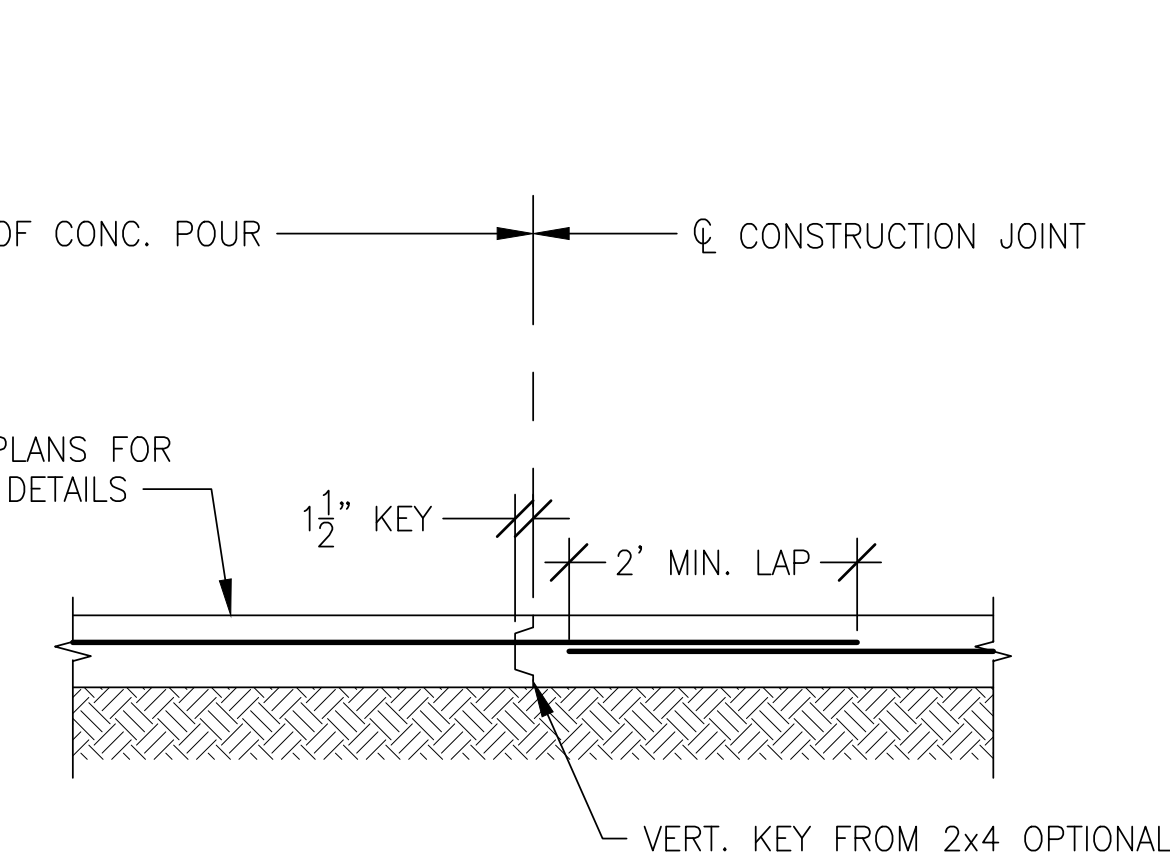
**7 CONSTRUCTION JOINT @ (E) SLAB**  
SCALE: 3/4" = 1'-0"



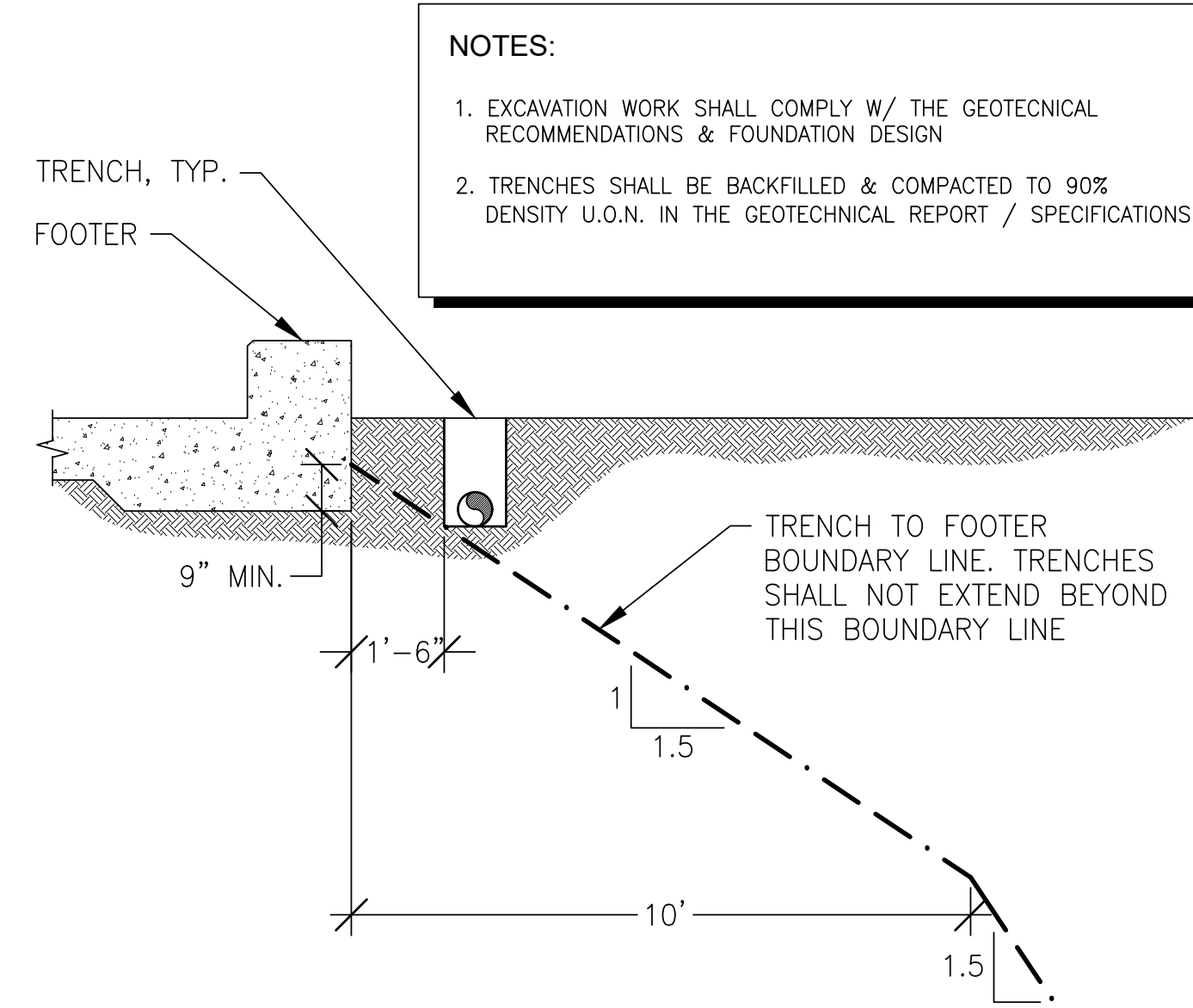
**11 46.2K TANK FOUNDATION**  
SCALE: 1/4" = 1'-0"



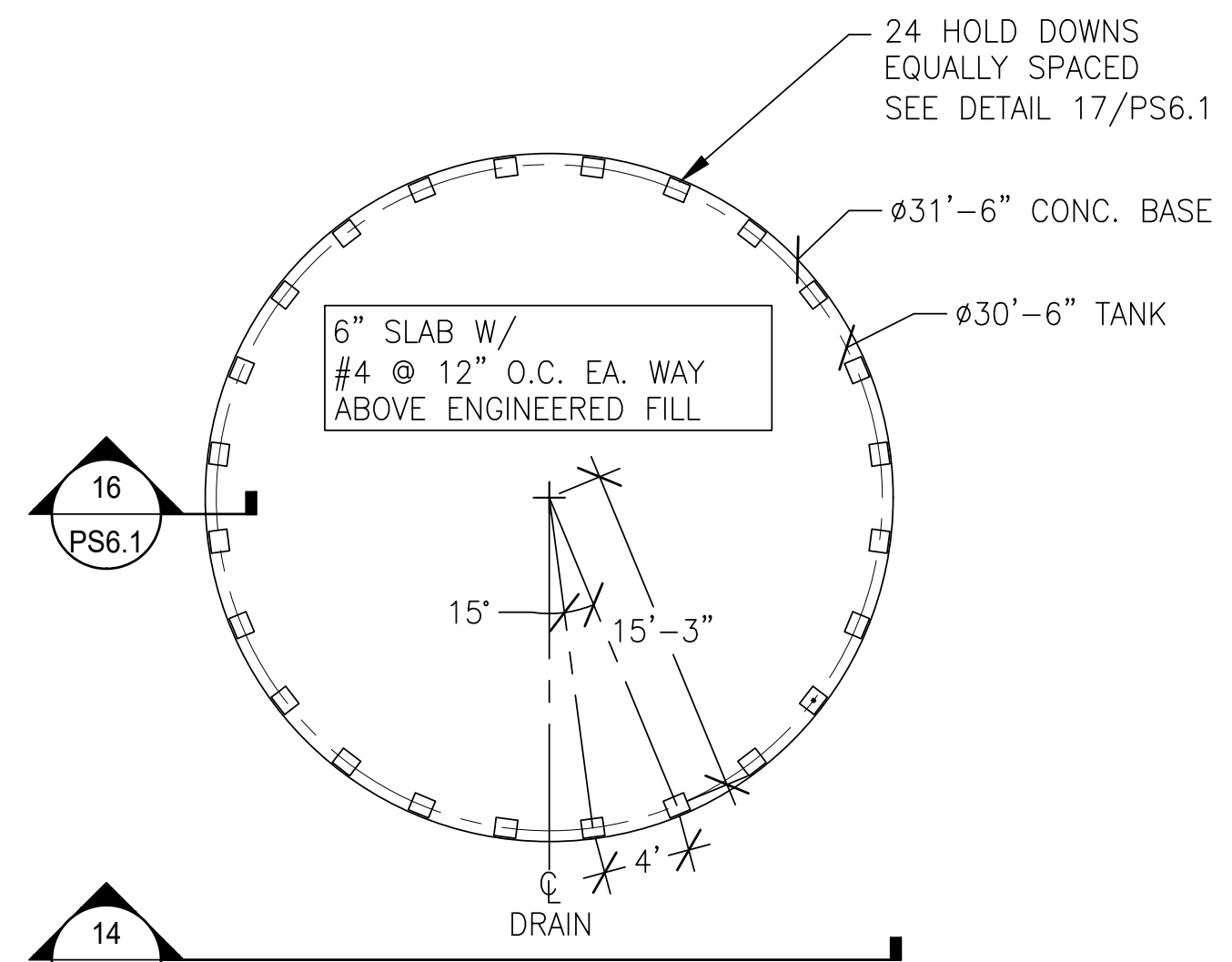
**15 46.2K TANK FOUNDATION RINGWALL FOOTING**  
SCALE: 3/4" = 1'-0"



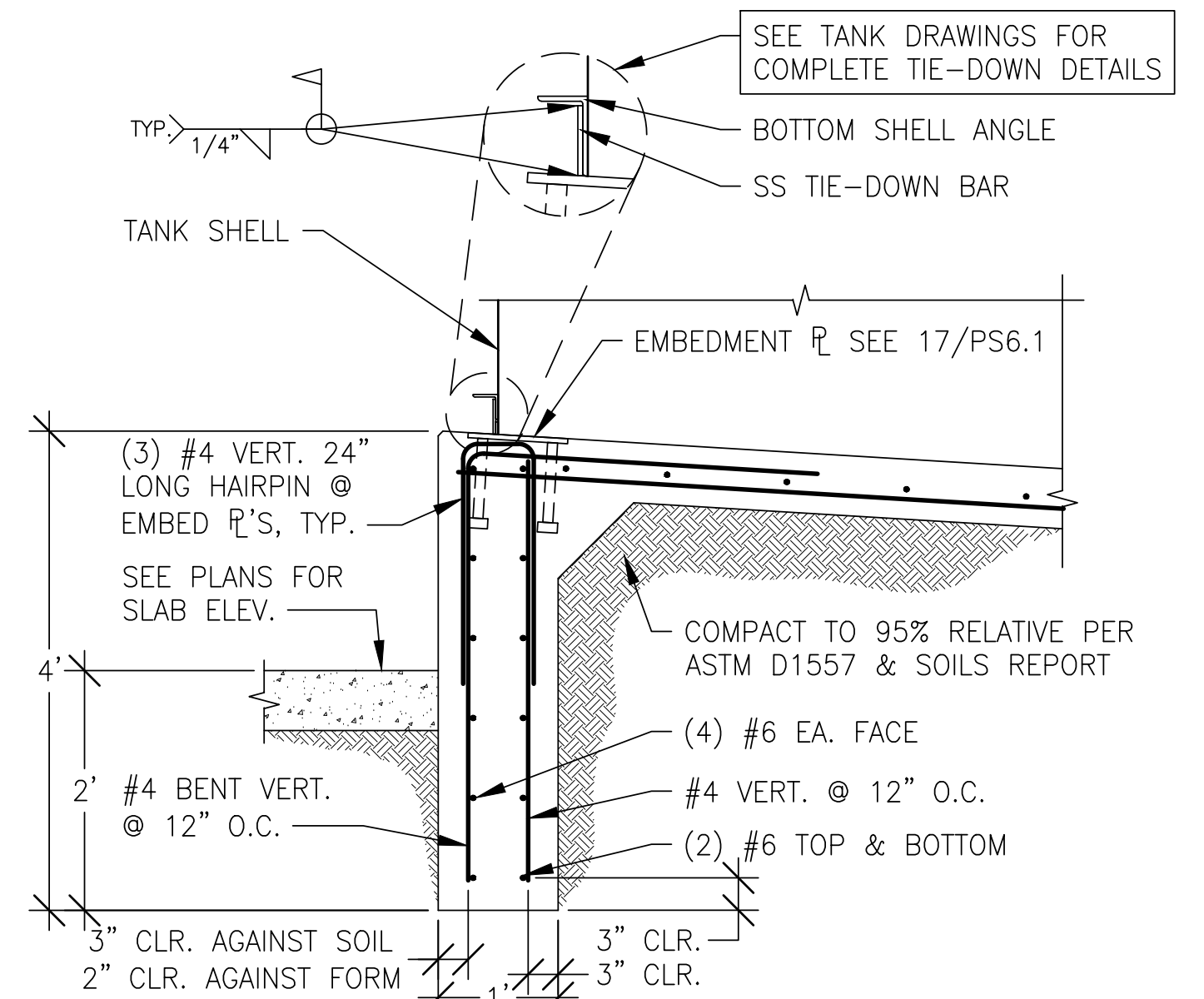
**4 CONSTRUCTION JOINT (6" SLAB)**  
SCALE: 3/4" = 1'-0"



**8 TRENCH FOOTER BOUNDARY**  
SCALE: 3/8" = 1'-0"



**12 175K TANK FOUNDATION**  
SCALE: 1/8" = 1'-0"



**16 175K & 278K TANK FOUNDATION RINGWALL FOOTING**  
SCALE: 3/4" = 1'-0"

REVISIONS DATE BY DESCRIPTION  
11/22/19 RR CONDITIONAL USE PERMIT SET

REGISTERED PROFESSIONAL MECHANICAL ENGINEER  
**CUP**  
11/22/19  
MECHANICAL  
STATE OF CALIFORNIA

**RYAN - REVERA CONSULTING**  
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**O'NEILL VINTNERS AND DISTILLERS**  
8418 S. LAC JAC AVE.  
PARLIER, CA 93648-9708  
NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

DATE: NOV. 22, 2019  
SCALE: AS NOTED  
DRAWN: RR  
JOB: 20190073  
SHEET

**PS6.1**

**SITE PLUMBING SPECIFICATIONS**

- SCOPE:** FURNISH & INSTALL PLUMBING SYSTEMS, INCLUDING ALL LABOR, EQUIPMENT, MATERIALS AND
- COORDINATION:** COORDINATE WITH GENERAL CONTRACTOR AND ALL OTHER TRADES.
- CODES:** THIS WORK SHALL CONFORM TO ALL LOCAL CODES, 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA ENERGY CODE, 2016 CALIFORNIA MECHANICAL CODE, AND 2016 CALIFORNIA PLUMBING CODE.
- FEES:** CONTRACTOR SHALL PAY ALL FEES IN CONNECTION WITH THIS WORK. CONNECTION CHARGES SHALL BE REIMBURSED BY OWNER.
- DRAWINGS:** DRAWINGS ARE SCHEMATIC & DIAGRAMMATIC. ALL EQUIPMENT LOCATIONS SHALL BE VERIFIED IN THE FIELD AND APPROVED BY OWNER.
- MAINTENANCE:** ALL EQUIPMENT SHALL BE ACCESSIBLE FOR MAINTENANCE.
- GUARANTEE:** ALL WORKMANSHIP, EQUIPMENT AND MATERIALS SHALL BE GUARANTEED FOR ONE YEAR AFTER DATE OF ACCEPTANCE.
- TESTING, ADJUSTING, AND CLEANING:** TEST ALL PIPING, CLEAN OUTS, ETC. AS LISTED BELOW AND PROVIDE THE OWNER WITH CERTIFIED COPIES OF TEST RESULTS. THE INSPECTION AUTHORITY HAVING JURISDICTION AND THE SUPERVISING OWNER REPRESENTATIVE SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO PERFORMANCE OF ALL TESTS SO THAT THEY MAY BE WITNESSED. ALL WATER PIPING SHALL BE TESTED TO 100 PSIG WITH POTABLE WATER AND HELD FOR 2 HOURS WITHOUT DROP IN PRESSURE BEFORE IT IS COVERED AND CONCEALED. EQUIPMENT AND PERSONNEL SHALL BE PROTECTED FROM THIS TEST PRESSURE. ALL PARTS OF THE DRAINAGE SYSTEM SHALL BE TESTED HYDRAULICALLY BY FILLING A STANDPIPE 10' HIGH WITH WATER. PIPING MAY BE TESTED IN SECTIONS BUT SHALL BE SUBJECTED TO A HEAD NOT LESS THAN 10 FEET. STAND PIPE INSTALLED FOR A HEAD TEST SHALL BE 2 INCH MINIMUM. TEST PRESSURE SHALL BE HELD FOR 15 MINUTES BEFORE INSPECTION STARTS AND WATER LEVEL SHALL REMAIN STATIONARY FOR NOT LESS THAN 1 HOUR.
- VERIFICATION OF EXISTING CONDITIONS:** CONTRACTOR SHALL EXAMINE THE SITE OF WORK AND, AFTER INVESTIGATION, TO DETERMINE THE CHARACTER OF THE MATERIALS TO BE ENCOUNTERED AND THE EXISTING CONDITIONS AFFECTING THE WORK PRIOR TO BID SUBMISSION.
- EXCAVATION AND BACKFILLING:** EXCAVATION SHALL BE UNCLASSIFIED AND SHALL INCLUDE THE REMOVAL OF ALL BURIED OBSTRUCTIONS WITHIN THE AREA TO BE EXCAVATED. TRENCH TO REQUIRED DEPTHS. TRENCH TO BE FREE OF WATER. TAMP BOTTOM OF TRENCH. EXCAVATE BELL HOLES SO PIPE SHALL REST FOR ENTIRE LENGTH ON SOLID GROUND. REMOVE ALL ROCKS AND TAMP AND COMPACT 1/2" TO 1 1/2" BROKEN STONE OR GRAVEL SAND ON BOTTOM OF TRENCH BEFORE LAYING PIPE. INSTALLED PIPING TO BE TESTED, INSPECTED AND APPROVED FOR BACKFILL MATERIAL. MATERIAL: IMPORTED SANDY SOIL IN LAYERS NOT EXCEEDING 8". FOR FIRST 2'-0" MOISTEN AND MACHINE TAMP TO ORIGINAL CONDITION. NATIVE BACKFILL ALLOWED AFTER FIRST 2'-0". BACKFILL SHALL BE COMPACTED TO A DENSITY OF 90% AS DETERMINED BY THE LABORATORY TEST PROCEDURE IN ASTM D1557.
- MATERIALS:** PROCESS WASTE DRAIN PIPING: SDR 26 PVC, WITH SOLVENT WELD FITTINGS.
- CLEANOUTS:** ALL REQUIRED CLEANOUTS SHALL BE INSTALLED PER SECTION 707.0 AND 719.0 OF THE CALIFORNIA PLUMBING CODE CPC 2016.

DRAINS					
MARK	TYPE	MAKE & MODEL	MIN. BRANCH SIZE		REMARKS
			W	V	
			IN	IN	
DB-1	DRAIN BOX	-	6	-	1

1. 18" CAST IRON HEAVY DUTY GRATE & FRAME RING SET IN PIPE BOX. H20 RATED

**SITE UTILITIES LEGEND**

SYMBOL	ABBRV.	IDENTIFICATION	ABBRV.	IDENTIFICATION
	CA	COMPRESSED AIR	AD	ACCESS DOOR
	CD	CONDENSATE DRAIN	F	DEGREES FAHRENHEIT
	CW	COLD WATER (DOMESTIC)	AFF	ABOVE FINISH FLOOR
	F	FIRE LINE	BHP	BRAKE HORSEPOWER
	FDC	FIRE DEPARTMENT CONNECTION LINE	BLDG	BUILDING
	FM	FORCED MAIN	BTU	BRITISH THERMAL UNIT
	G	GAS (PRESSURE < 14" W.C.)	CFH	CUBIC FEET PER HOUR
	HPC	HIGH PRESSURE GAS (PRESSURE > 5PSI)	CI	CAST IRON
	HW	HOT WATER	CONC	CONCRETE
	HWR	HOT WATER RETURN	CONT	CONTINUED
	IW	INDUSTRIAL WASTE (BELOW GROUND)	DWGS	DRAWINGS
	MPG	MEDIUM PRESSURE GAS (15"WC - 5PSI)	(E)	EXISTING
	SD	STORM DRAIN	EAT	ENTERING AIR TEMPERATURE
	SS	SANITARY SEWER	ELEV	ELEVATION INVERT
	W	SOIL OR WASTE (BELOW GROUND)	EQUIP	EQUIPMENT
	V	VENT	EW	ENTERING WATER TEMPERATURE
		ANGLE VALVE	(F)	FUTURE
		ANGLE VALVE DOWN	FFE	FINISHED FLOOR ELEVATION
	BV	BALL VALVE	FS	FLOOR SINK
		BALANCE VALVE	FS	FLOOR SINK
		BUTTERFLY VALVE	FT	FEET
		CAP (SCREWED)	FT HD	FEET HEAD
	CHVA	CHECK VALVE	FTR	FLUE THROUGH ROOF
	FCO/GCO	FLOOR CLEAN OUT / GRADE CLEAN OUT	GPM	GALLONS PER MINUTE
		CONCENTRIC REDUCER	GALV	GALVANIZED
	DCBP	DOUBLE CHECK BACKFLOW PREVENTER	HP	HORSEPOWER
		ELBOW DOWN	IE	INVERT ELEVATION
	FC	FLEXIBLE CONNECTION	INV	INVERT
	FD	FLOOR DRAIN	LAT	LEAVING AIR TEMPERATURE
	FS	FLOOR SINK	LBS	POUNDS
	FDC	FIRE DEPARTMENT CONNECTION	LWT	LEAVING WATER TEMPERATURE
	FH	FIRE HYDRANT	MBH	1000 BTU PER HOUR
		GAS COCK	MCP	MECHANICAL CONTROL PANEL
	GPR	GAS PRESSURE REGULATOR	(N)	NEW
		GATE VALVE	NO	NORMALLY OPEN
		GATE VALVE ON RISER	NTS	NOT TO SCALE
	GV	GLOBE VALVE	PD	PRESSURE DROP
	HB	HOSE BIBB	PSI	POUNDS PER SQUARE INCH
	POC	POINT OF CONNECTION	SOV	SHUT-OFF VALVE
		PRESSURE REGULATING VALVE	SS	STAINLESS STEEL
		RISER	TDH	TOTAL DYNAMIC HEAD
	RPBP	REDUCE PRESS BACKFLOW PREVENTER	TYP	TYPICAL
		SHUT OFF VALVE IN BOX	W/	WITH
		SHUT OFF VALVE W/ HAND WHEEL	WC	WATER COLUMN
		STRAINER		
		TEE DOWN		
	TP	TRAP PRIMER		
	WCO	WALL CLEAN OUT		
	WHA	WATER HAMMER ARRESTOR		

REVISIONS	DATE	BY	DESCRIPTION
1	11/22/19	RR	CONDITIONAL USE PERMIT SET



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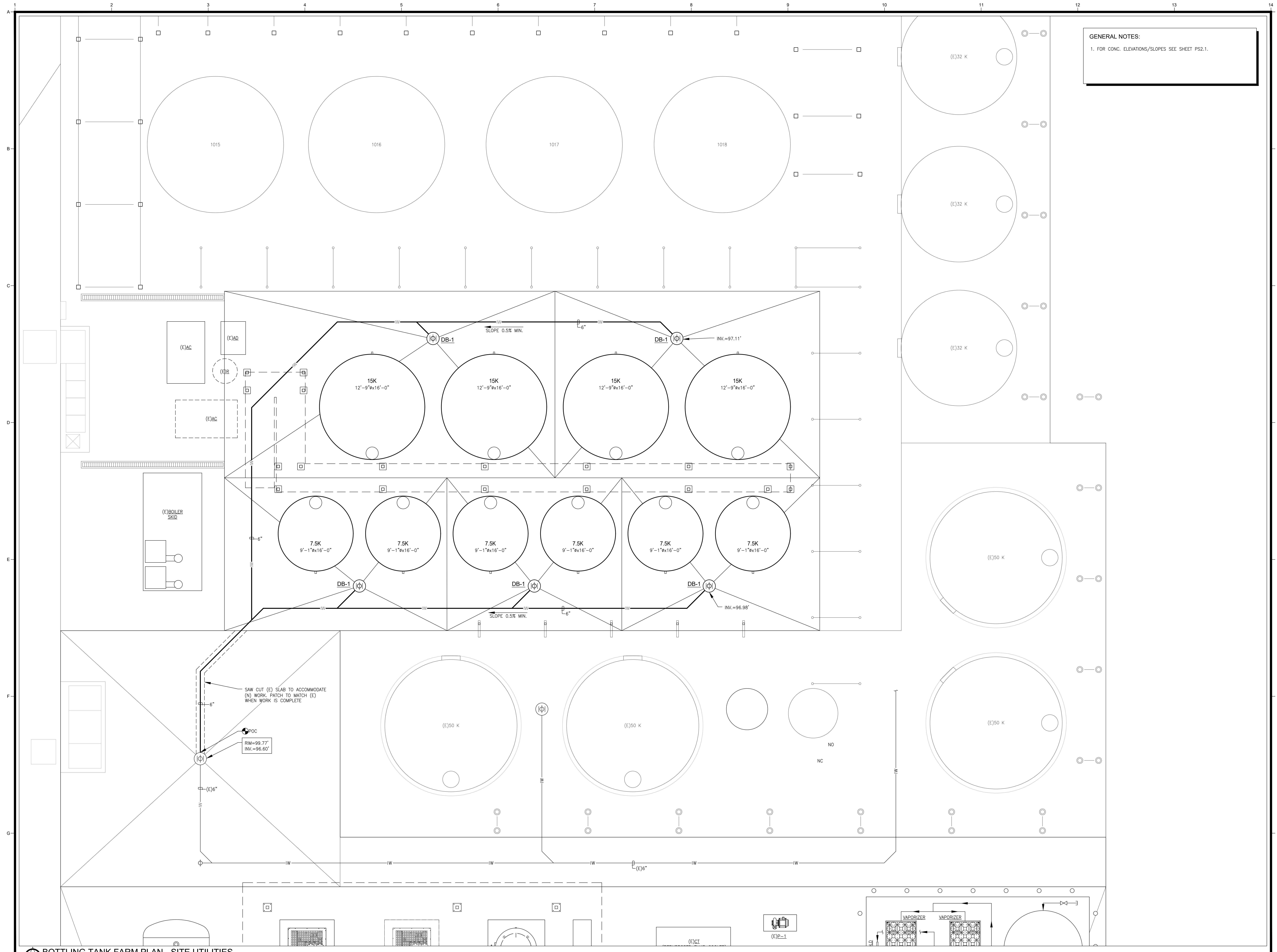


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 NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

LEGEND, NOTES, & SPECS - SITE UTILITIES

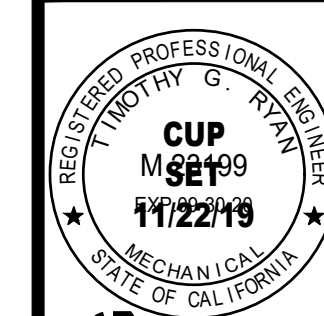
DATE: NOV. 22, 2019  
 SCALE: NTS  
 DRAWN: RR  
 JOB: 20190073  
 SHEET

**SU0.1**

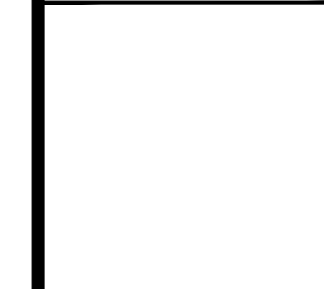


**GENERAL NOTES:**  
 1. FOR CONC. ELEVATIONS/SLOPES SEE SHEET PS2.1.

REVISIONS DATE	BY	DESCRIPTION
11/22/19	RR	CONDITIONAL USE PERMIT SET

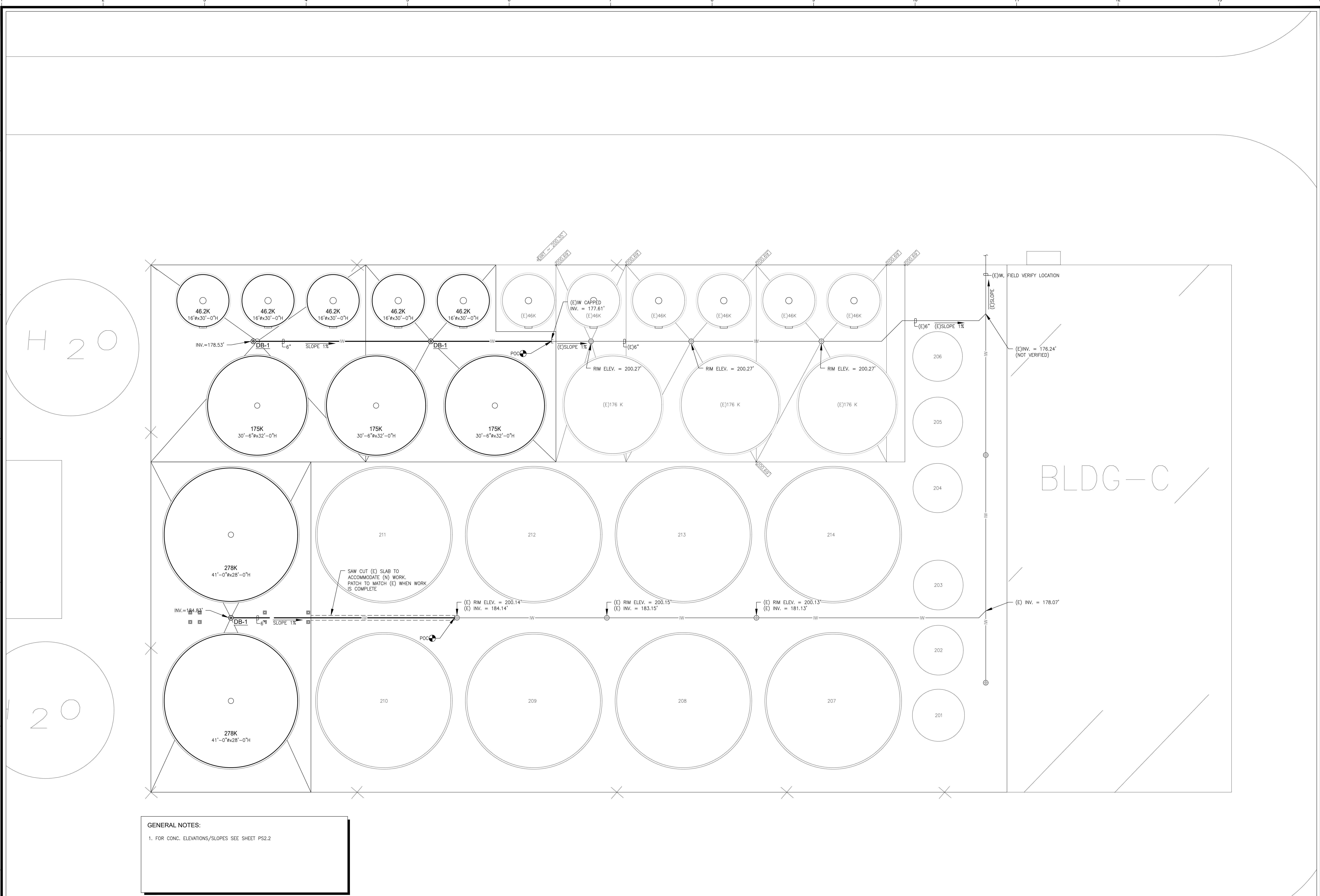


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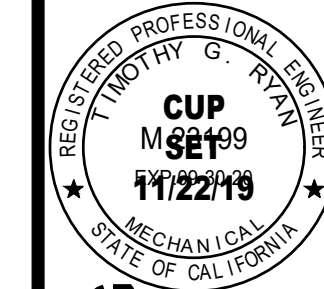
**O'NEILL VINTNERS AND DISTILLERS**  
 8418 S. LAC JAC AVE.  
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**NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1**

BOTTLING TANK FARM PLAN - SITE UTILITIES  
 DATE: NOV. 22, 2019  
 SCALE: AS NOTED  
 DRAWN: RR  
 JOB: 20190073  
 SHEET

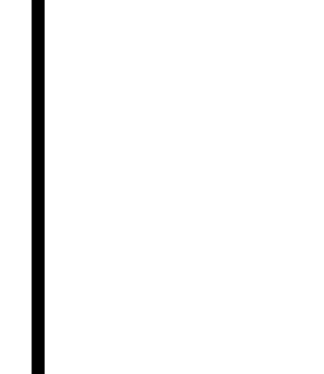


**GENERAL NOTES:**  
 1. FOR CONC. ELEVATIONS/SLOPES SEE SHEET PS2.2

REVISIONS DATE	BY	DESCRIPTION
11/22/19	RR	CONDITIONAL USE PERMIT SET



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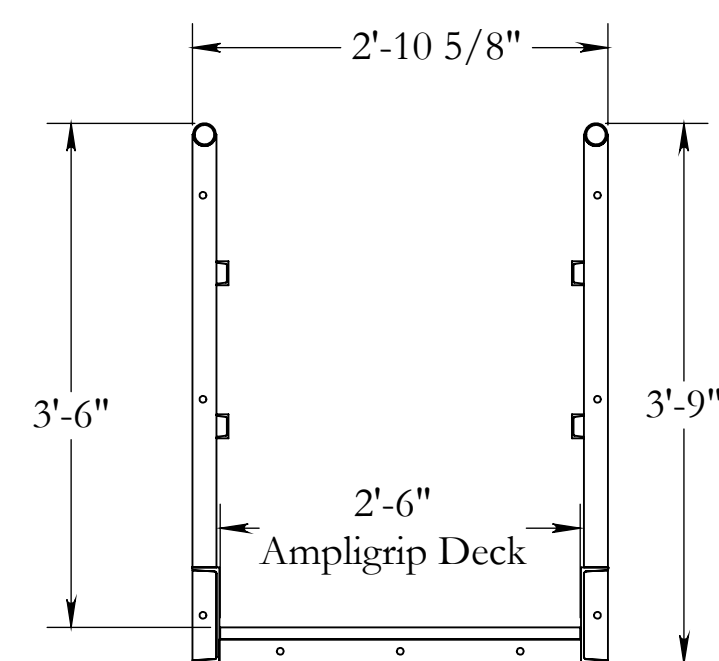
**O'NEILL VINTNERS AND DISTILLERS**  
 8418 S. LAC JAC AVE.  
 PARLIER, CA 93648-9708  
 NEW BOTTLING TANK YARD ADDITION UNDERGROUND PERMIT SET 1

BRANDY TANK FARM PLAN - SITE UTILITIES  
 DATE: NOV. 22, 2019  
 SCALE: AS NOTED  
 DRAWN: RR  
 JOB: 20190073  
 SHEET

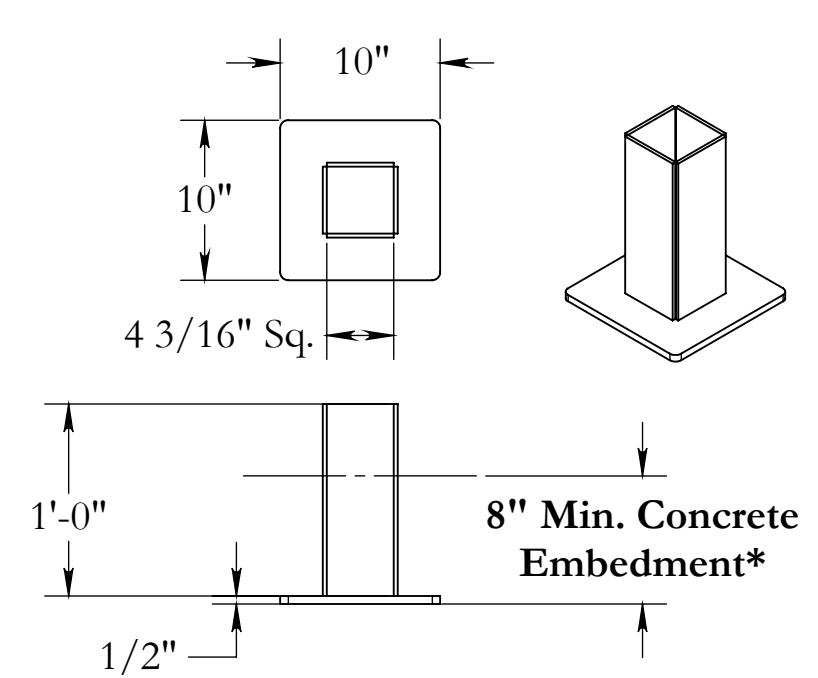
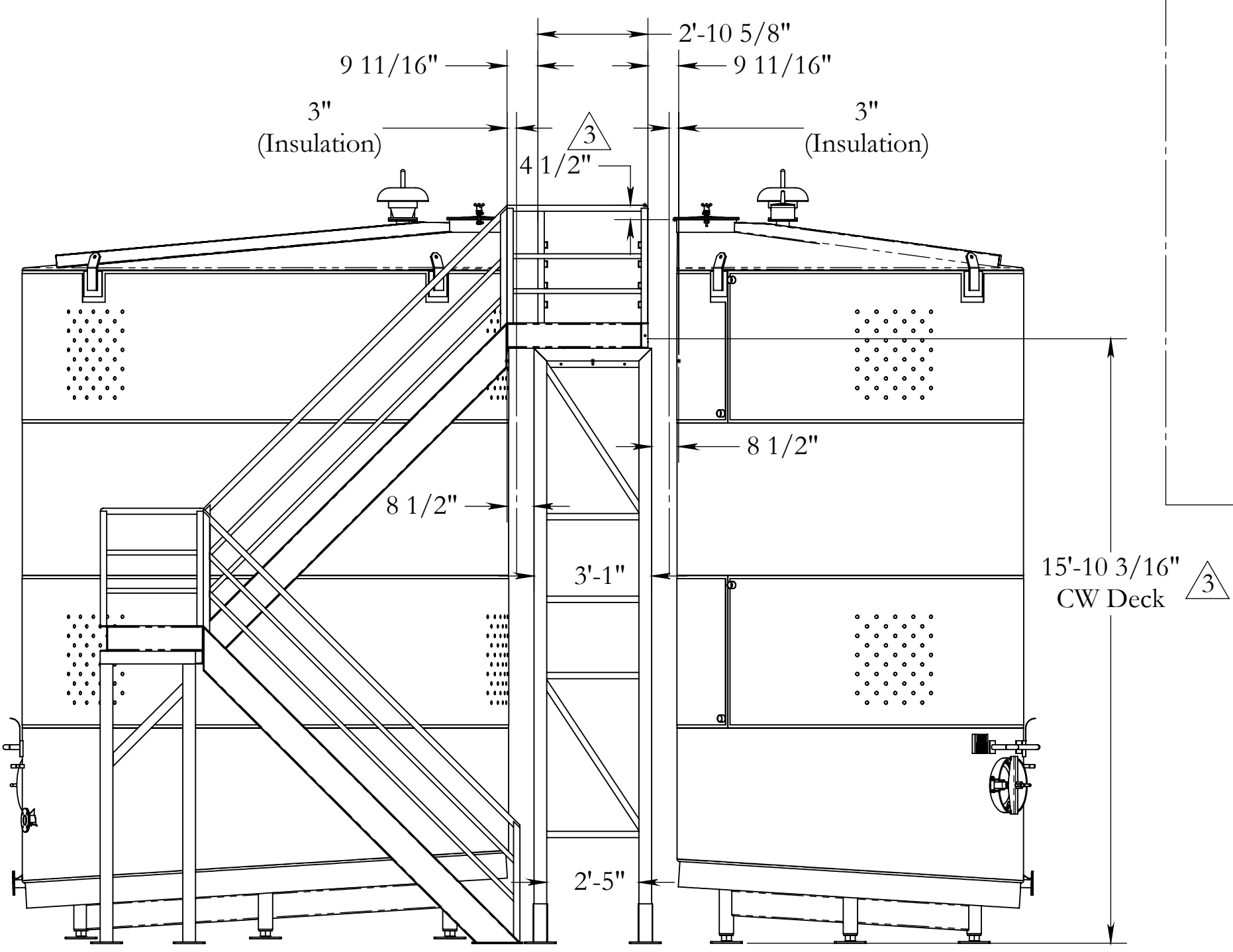
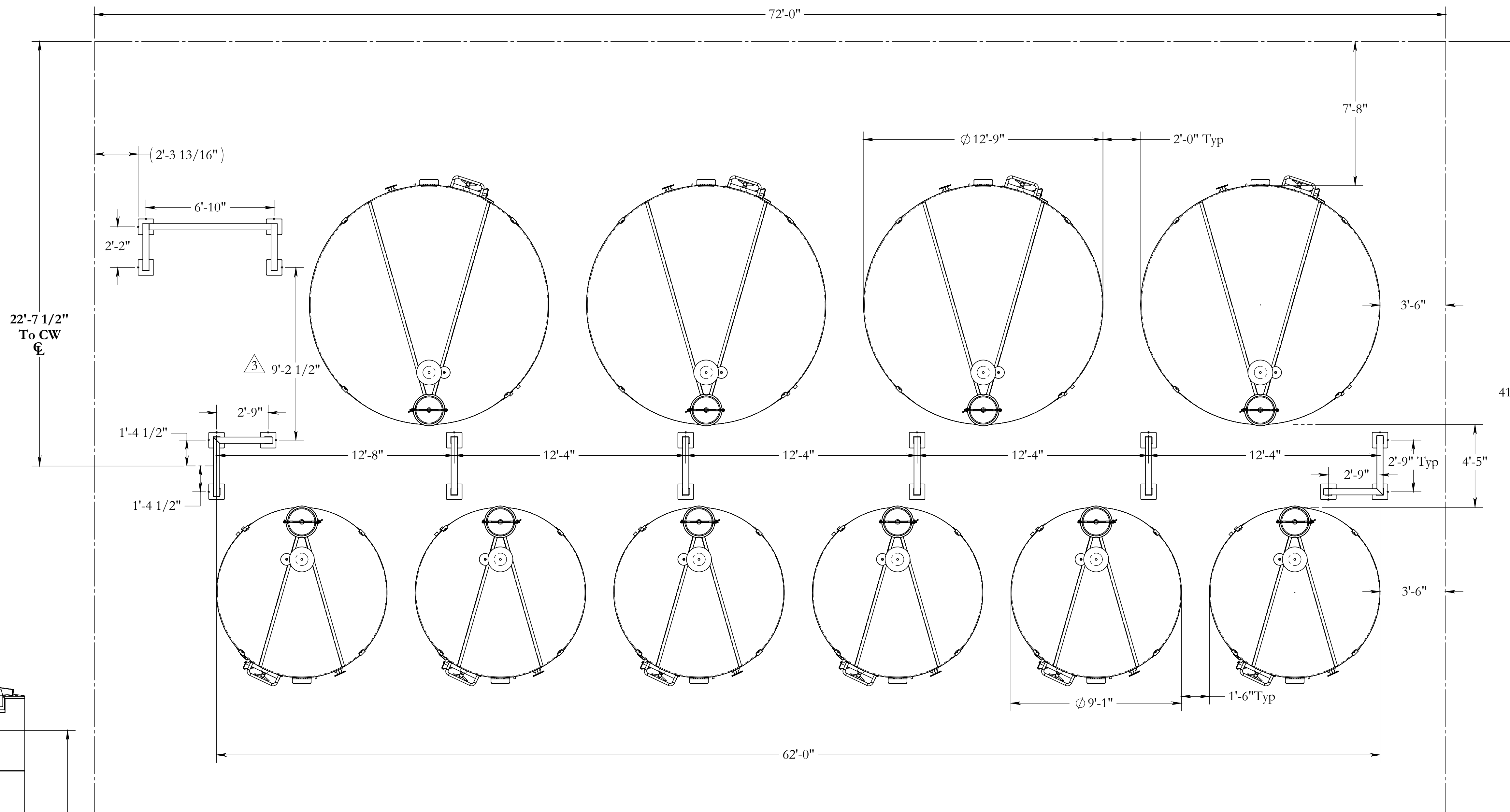
**SU2.2**



REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	2	Added concrete pad outline and footing details	11/12/2019
B6, B7, C6	3	Height to CW deck was 15'-4 3/16"; adjusted placement of switchback landing - 9'-2 1/2" was 9'-0"; handrail was 1 1/2" below manway rim, now 4 1/2" above;	11/20/2019



Typical Catwalk Section  
SCALE 1 : 16



Typical Height Adjustable Footing Socket (18) Req'd  
SCALE 1 : 12

\*ALL SUBMERGED ALUMINUM MUST RECEIVE THIN COAT OF MASTIC, TYP

-Catwalk, Stairways and Supports are Aluminum.  
-Tanks and Tank Bases are 304SS.

**CUSTOMER APPROVAL ONLY**  
This drawing must be signed and returned within 5 working days of receipt, any delay could result in the delay of the production start date.  
**CUSTOMER SIGN HERE DATED**

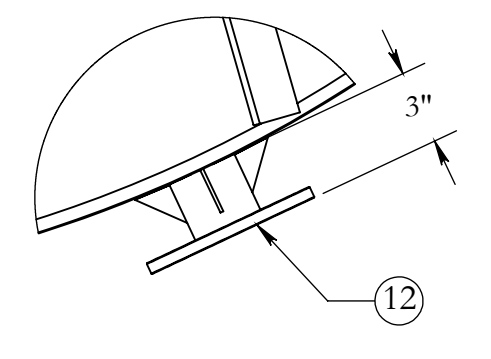
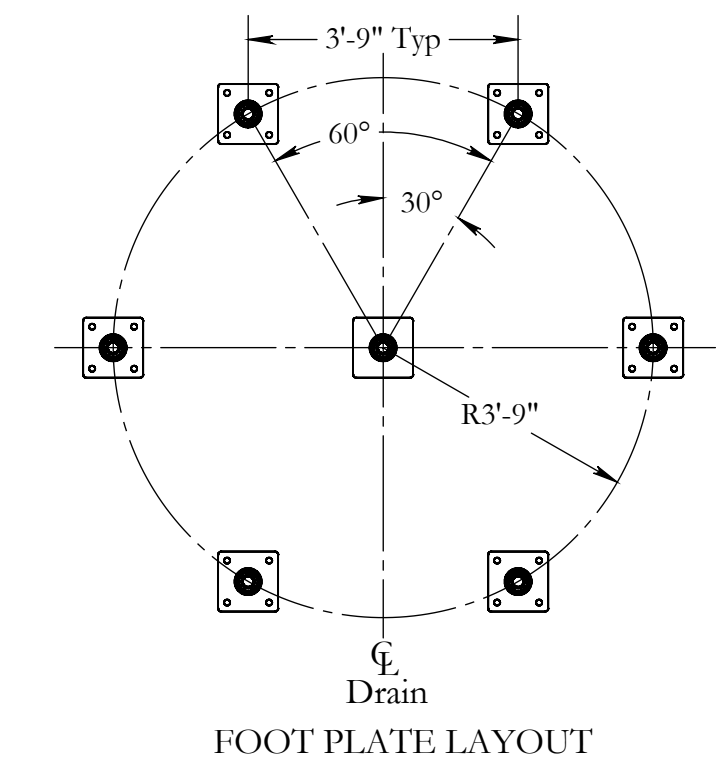
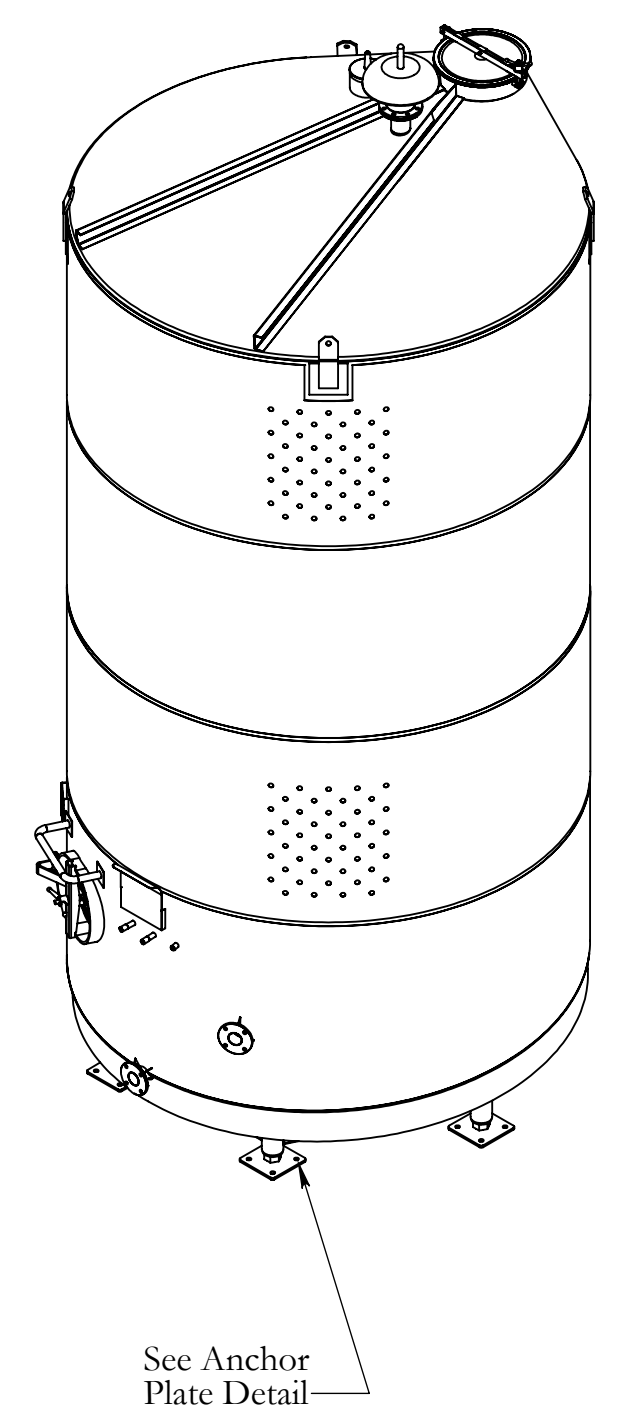
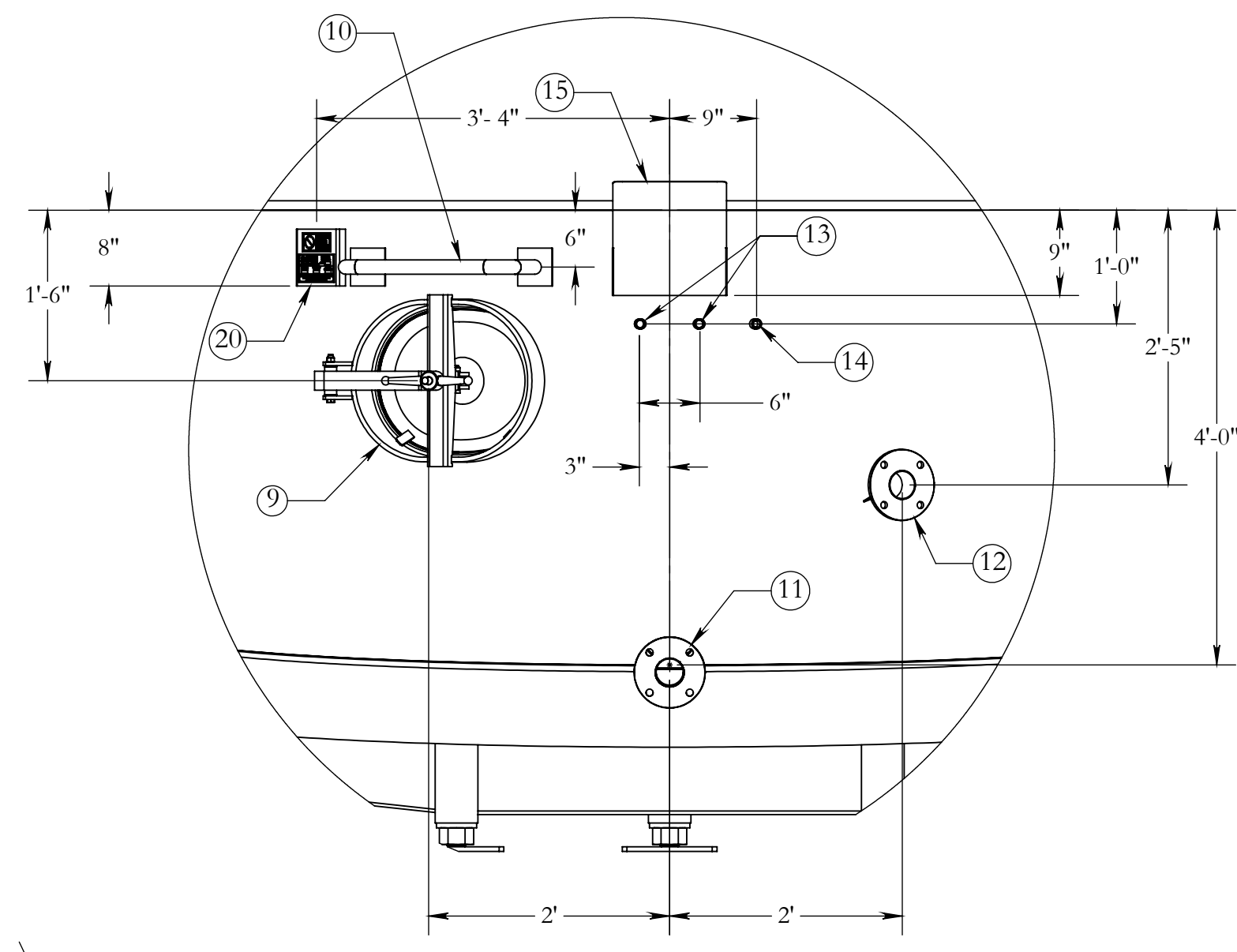
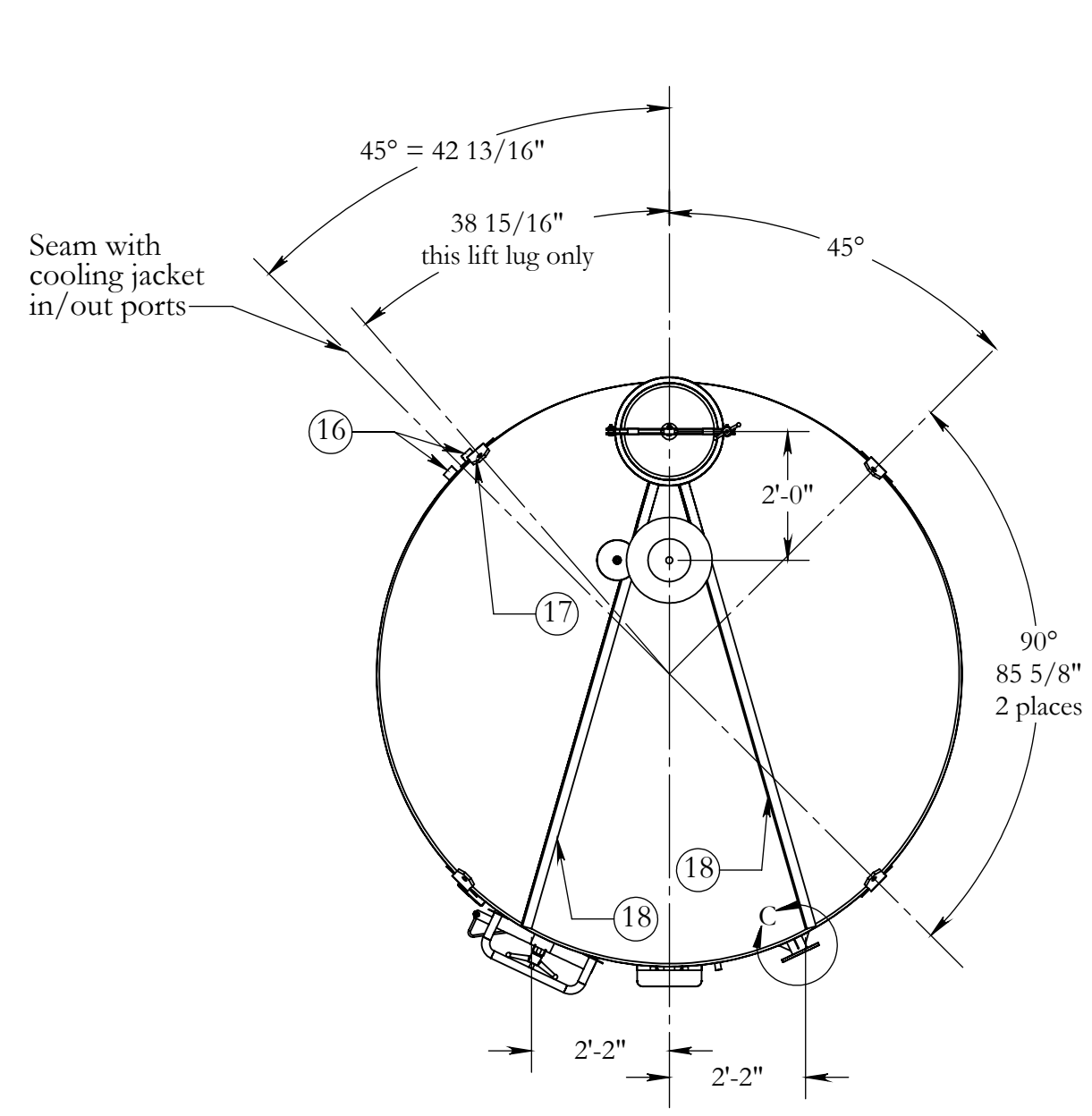
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Approved	Date	Drawn by	Revised
	11/7/2019	PAJ	Rev 3
Customer			
O'NEILL VINTNERS & DISTILLERS 8418 Lac Jac, Parlier, CA 93648			
Description			Sheet number of
Bottling Tank & CW Layout			
Drawing number			
SSW 2550 S. East Avenue - Suite 101 B Fresno, CA 93706			6025-000

DO NOT SCALE THIS DRAWING

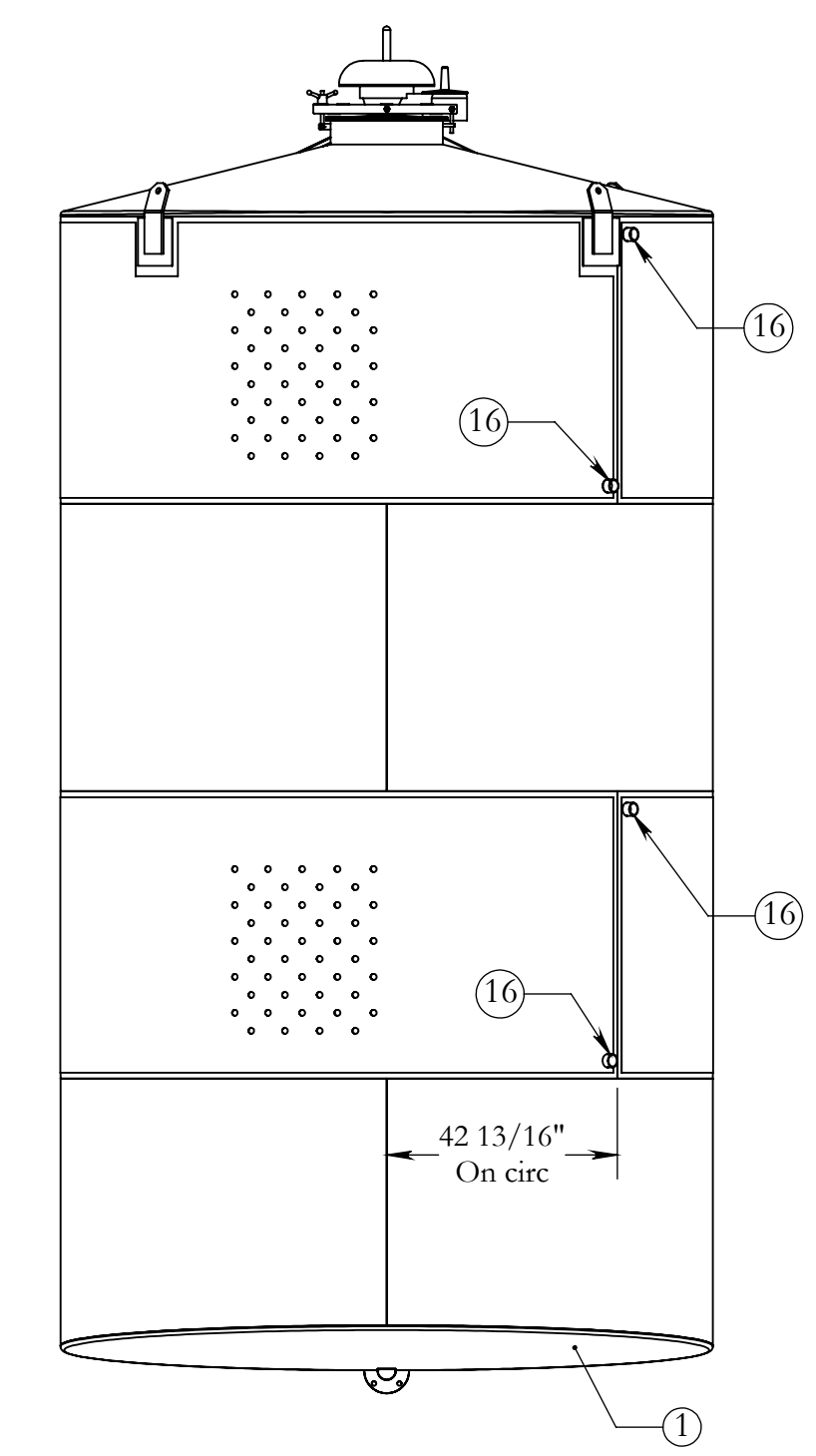
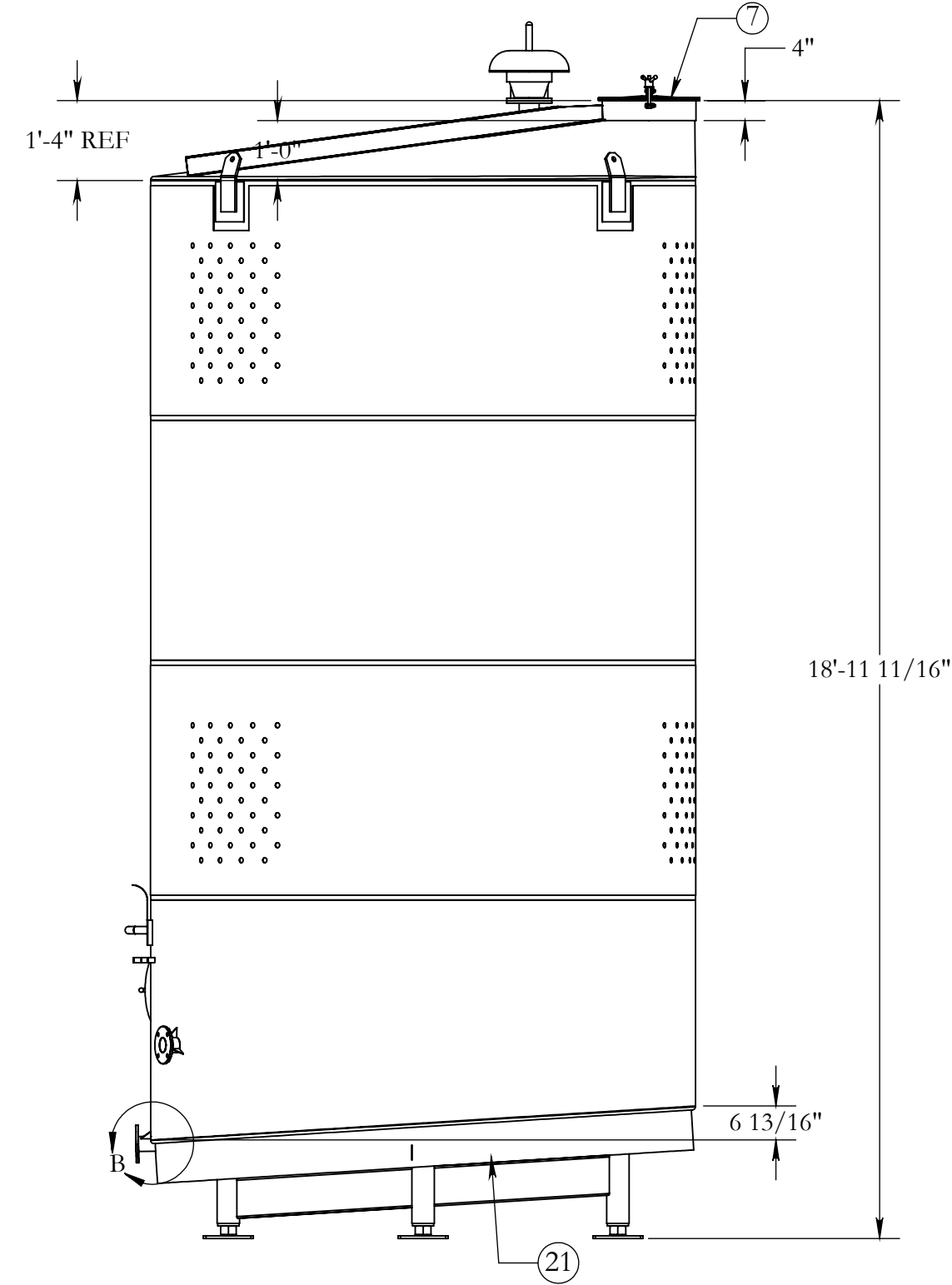
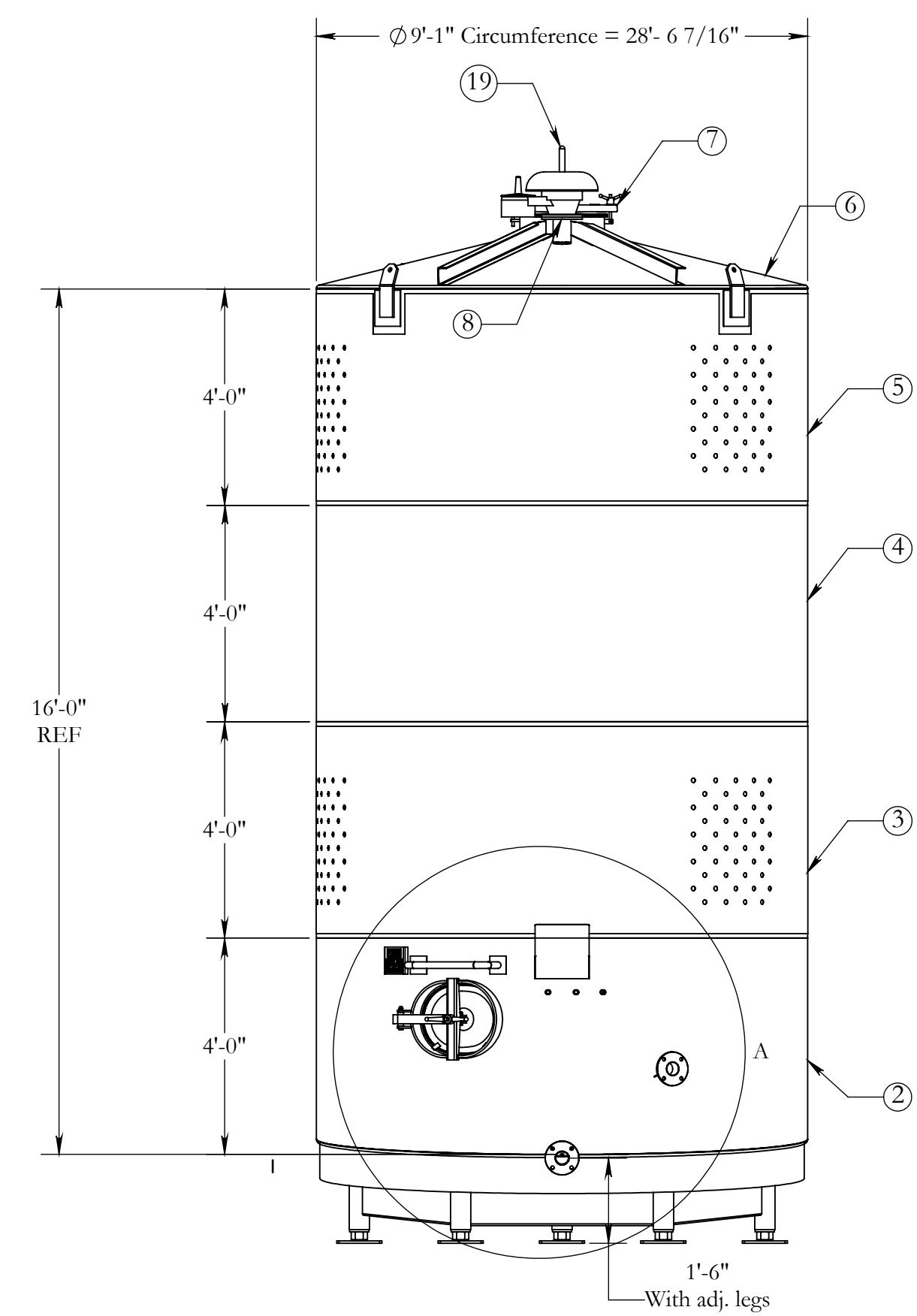
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**CUSTOMER SIGN HERE** \_\_\_\_\_ **DATED** \_\_\_\_\_

**SSWI** FRESNO, CA 559-233-7116  
 SANITARY STAINLESS WELDING, INC. JOB NO. 6026  
 MAX TANK PRESSURE 0 MAX JACKET PRESSURE 100 YEAR OF PRODUCTION 2019  
 DIMPLE JACKET FOR AQUEOUS SERVICE ONLY - IF PPM MAX TANK MUST BE VENTED TO ATMOSPHERE.  
**DANGER! CONFINED SPACE ENTER BY PERMIT ONLY**



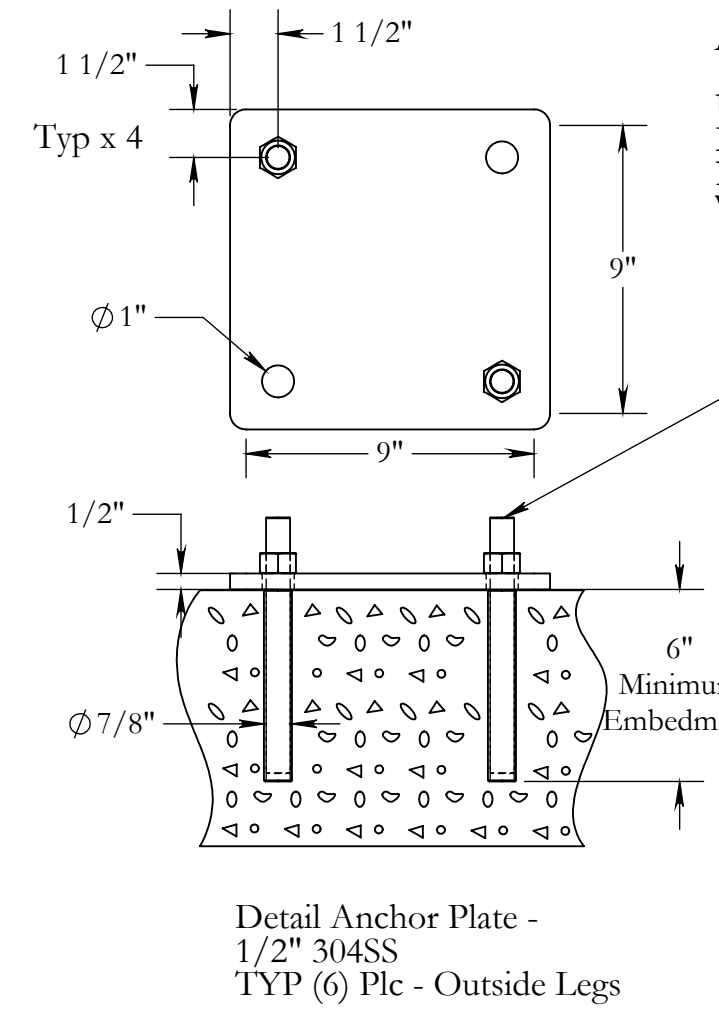
DETAIL C  
SCALE 1 : 8

Horizontal dim's are on circumference of tank  
**NOTE: GRAB BAR (ITEM 10) TO BE SHIPPED LOOSE.**  
 DETAIL A  
 SCALE 1 : 16



Back view with base removed

- (6) - TANKS TOTAL REQ'D
- (3) - LEFT HAND JACKETS ONLY (AS SHOWN)
- (3) - RIGHT HAND JACKETS ONLY



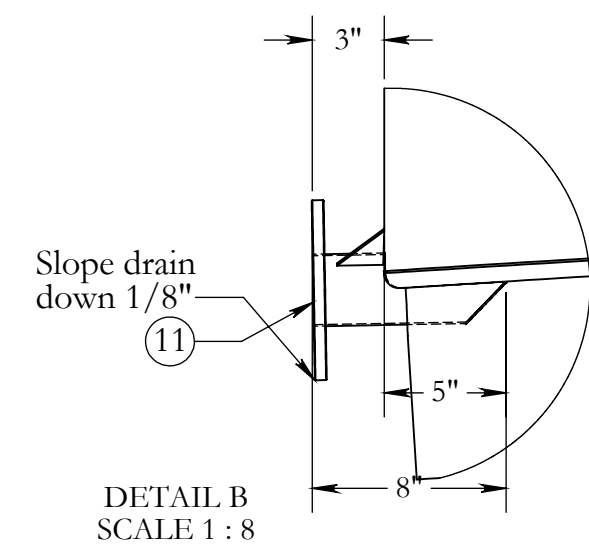
**ANCHORING TANK BASES:**  
 USE TWO (2) HILTI HAS-R SS 3/4 ANCHOR + HIT-RE 500 V3 EPOXY PER OUTSIDE LEG ONLY (12 PER TANK) WITH MINIMUM OF 6" EMBEDMENT

Hilti HAS-R SS 3/4" + HIT-RE 500 V3 Epoxy or Equivalent

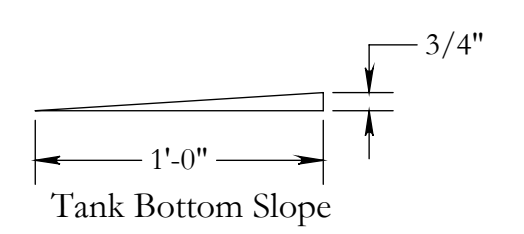
Detail Anchor Plate - 1/2" 304SS  
 TYP (6) Plc - Outside Legs

**Approximate weights**  
 Tank 3,750 lbs  
 Base 1,650 lbs  
 Total tank & base weight 5,400 lbs

25	4	5/8" SS flat washers - Not shown	Vent
24	8	5/8" SS lock washers - Not shown	Vent
23	8	5/8"-11 NC SS hex nut - Not shown	Vent
22	4	5/8"-11 NC x 2 1/2" hchs - 304 SS - Not shown	Vent
21	1	Tank base - 304 SS	
20	1	SSWI nameplate/warning signboard - 304 SS per detail	
19	8	4" Protectoseal - Alum Vent w/1/2 oz. Pressure & Vacuum w/1/8" FF white nitrile flange gasket	
18	2	Rafters - 10 ga 304 SS x 4" x 1" flange	
17	4	Lift lugs - 1/2" x 4" #7 - 304 SS w/10 ga 304 SS doublers x 8" x 8"	
16	4	Cooling jacket in/out ports - 1 1/2" 304 FNPT half coupling	
15	1	Temp hood - 12 ga 304 SS	
14	1	Sample port - 1/2" fnpt coupling - 304 SS	
13	2	Thermo well - 1/2" fnpt x 12" - 304 SS	
12	1	Racking port - 3" x 125# SO tube flange with Ø 3" x .065w 304 SS tube	
11	1	Full bottom drain - 3" x 125# SO tube flange with Ø 3" x .065w 304 SS tube	
10	1	Grab bar - 304 SS (To be shipped loose)	
9	1	1620 In/out swing manway - 304 SS	
8	1	Vent port - 4" x 125# SO tube flange with Ø 4" x .065w 304 SS tube	
7	1	Top manway - Ø 18" - 304 SS	
6	1	Truncated top - 10 ga 304 SS 2b x 12" high	
5	1	Top jacketed band - 12 ga x 48" w/18 ga jacket x 46" - 304 SS	
4	1	Shell band - 12 ga 304 SS x 48"	
3	1	Jacketed shell band - 12 ga x 48" w/18 ga x 46" 304 SS jacket - 304 SS	
2	1	Bottom shell band - 12 ga 304 SS x 48" tapered	
1	1	Tank floor - 10 ga 304 SS	

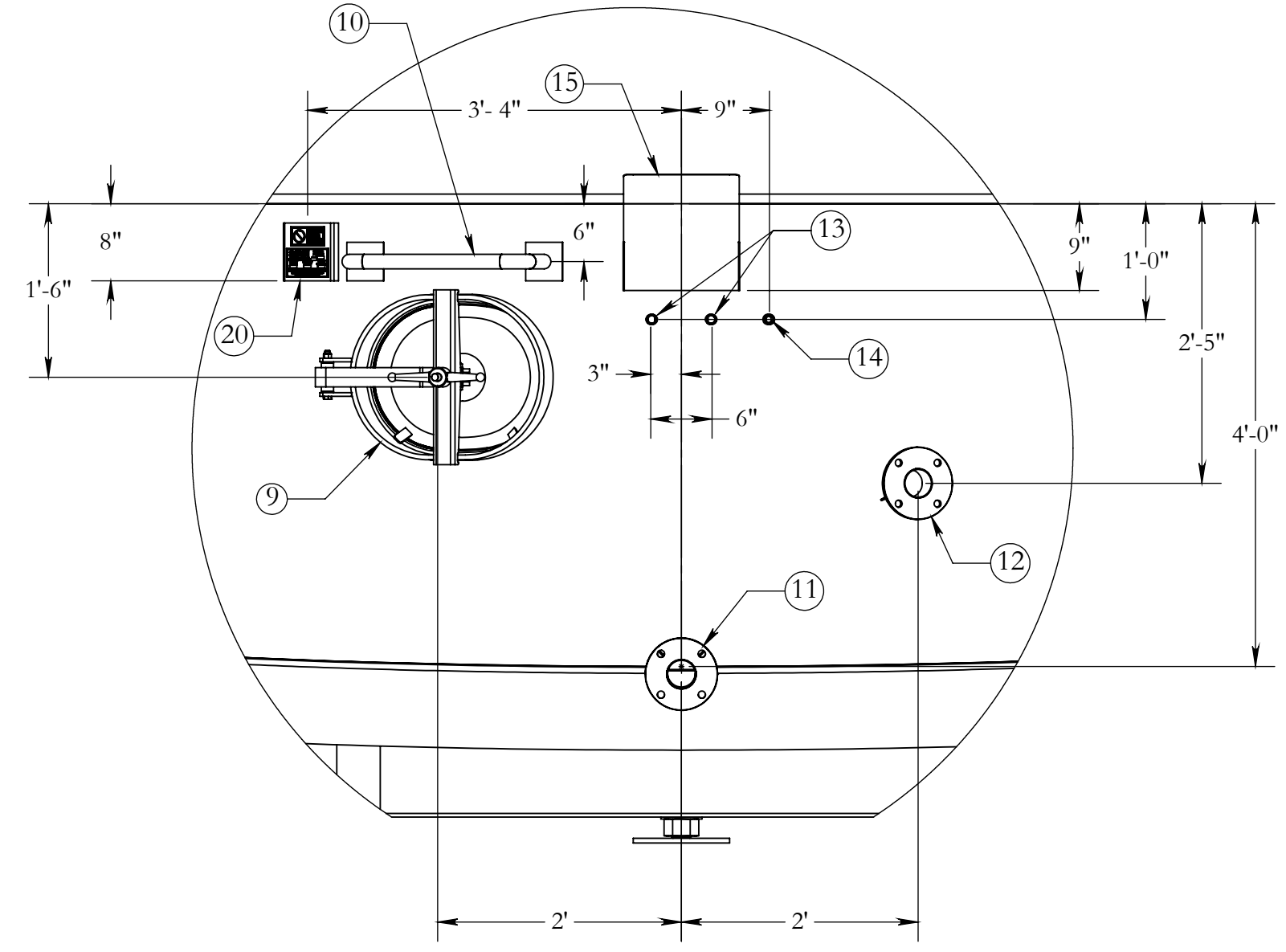
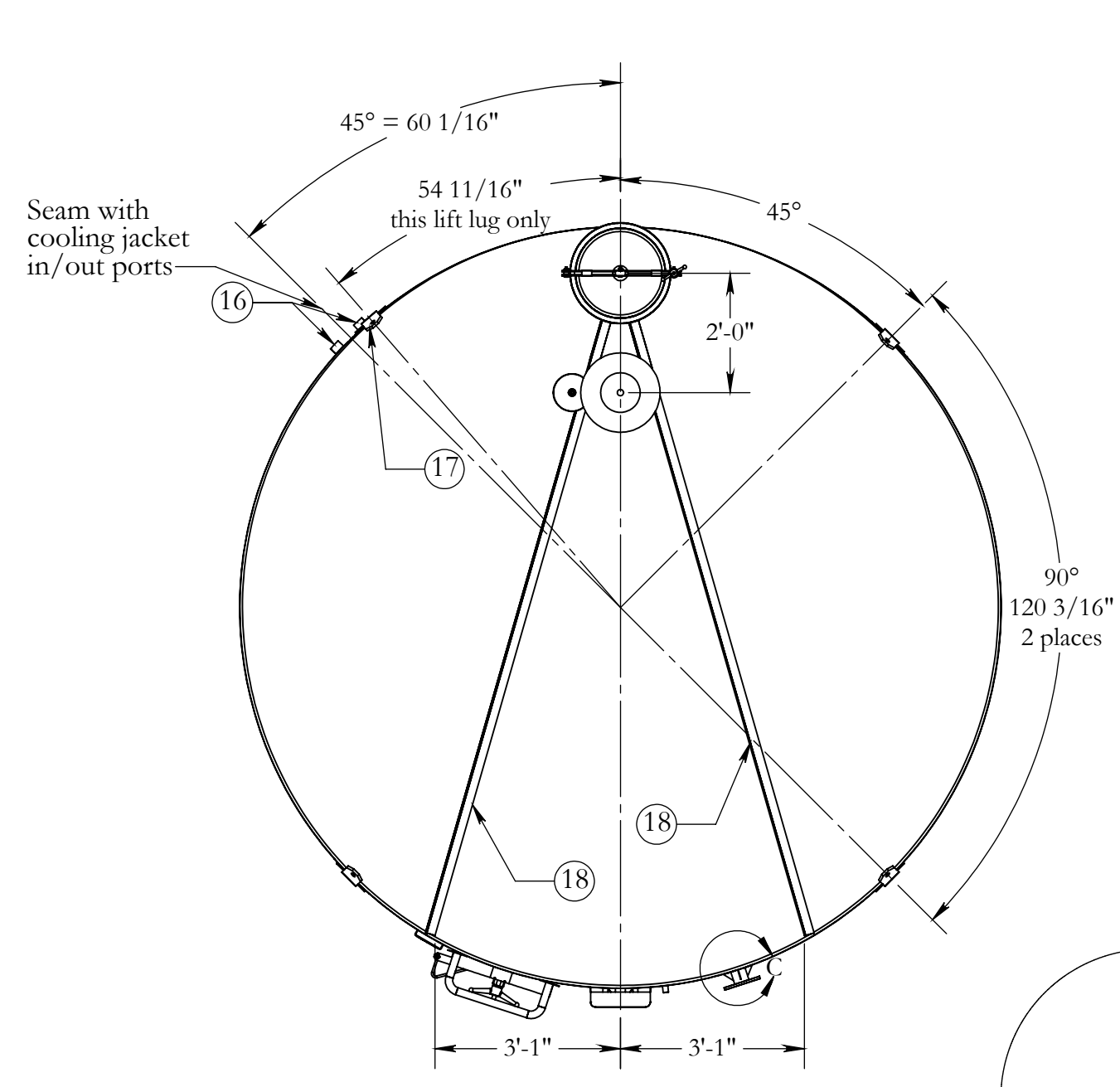


DETAIL B  
SCALE 1 : 8

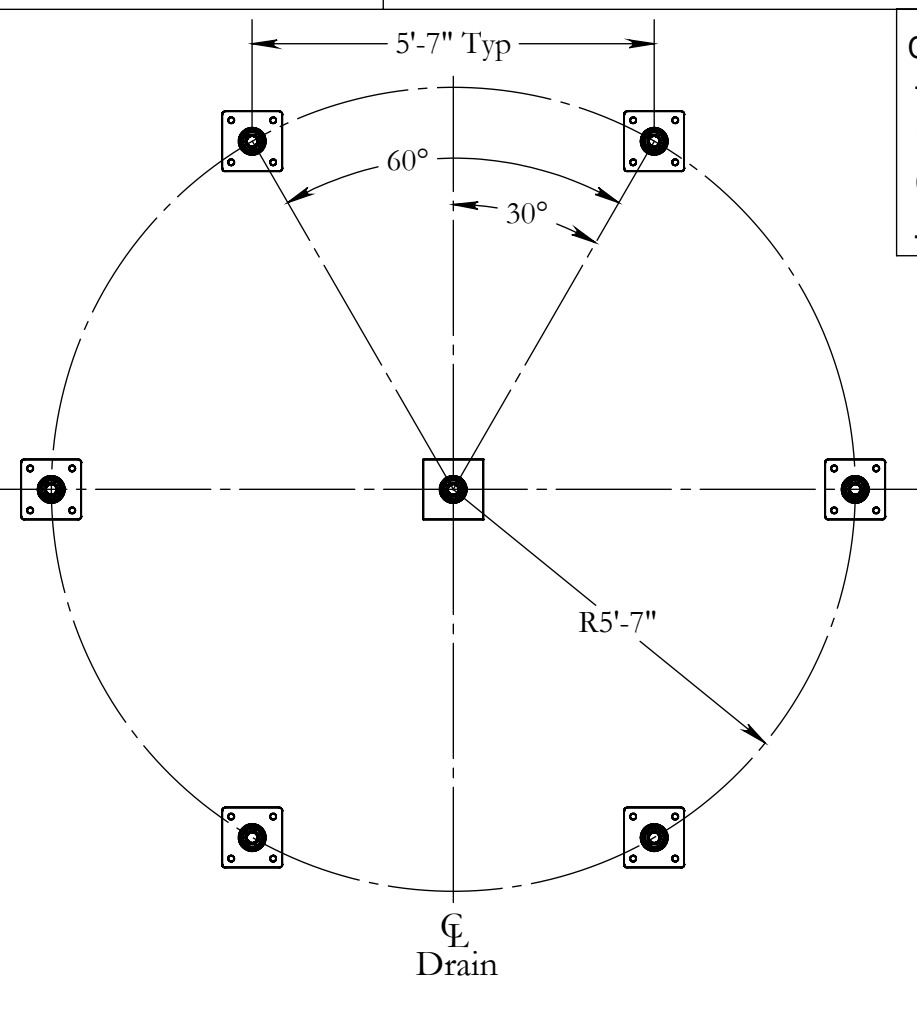
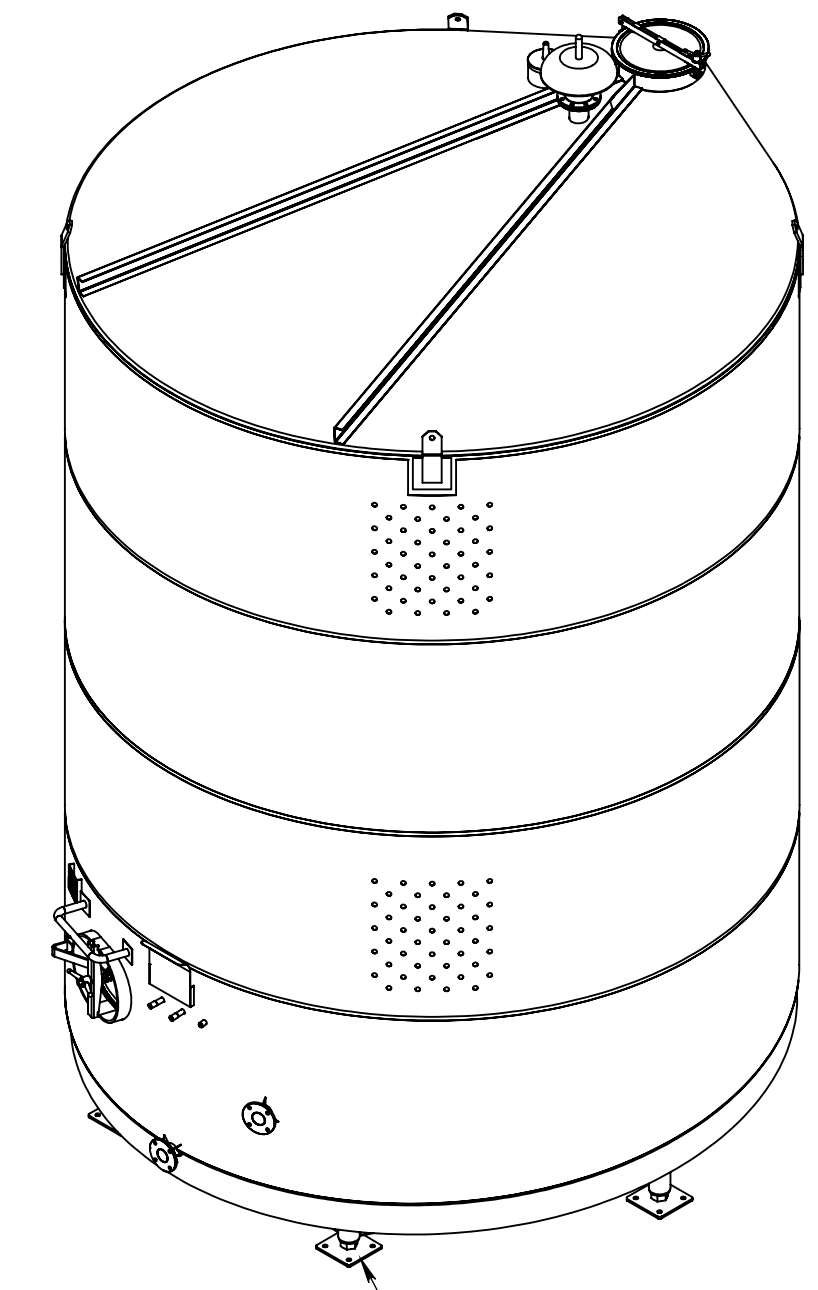
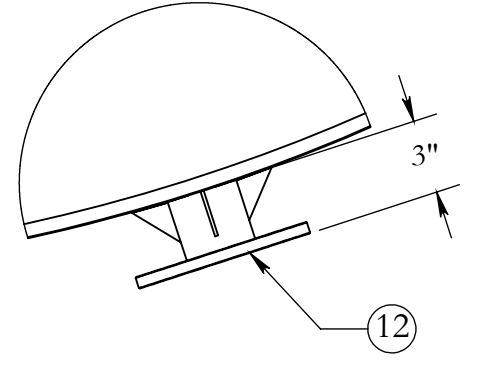


DO NOT SCALE THIS DRAWING

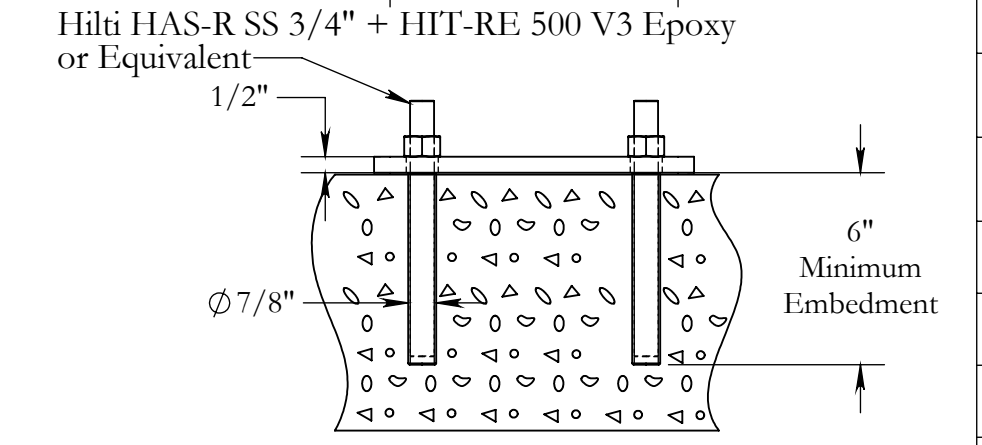
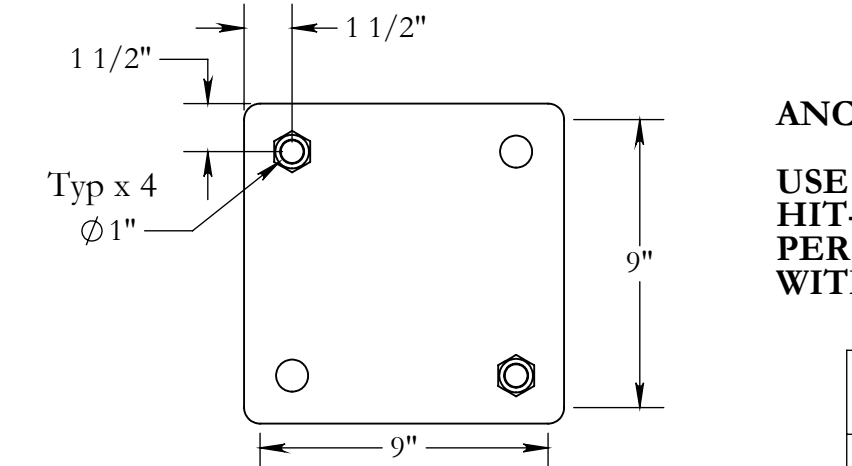
**SSWI** 2250 S. East Avenue - Suite 101B Fresno, CA 93706  
 Approved Date 10/22/2019 Drawn by PAJ Revised REV 1  
 Customer **O'NEILL VINTNERS & DISTILLERS** 8418 LAC JAC AVE., PARLIER, CA 93648  
 Description Ø 9'-1" X 16'-0" X 7,500 GALLON TANK Sheet number of  
 Drawing number 6026-000



DETAIL A  
 SCALE 1 : 16



FOOT PLATE LAYOUT

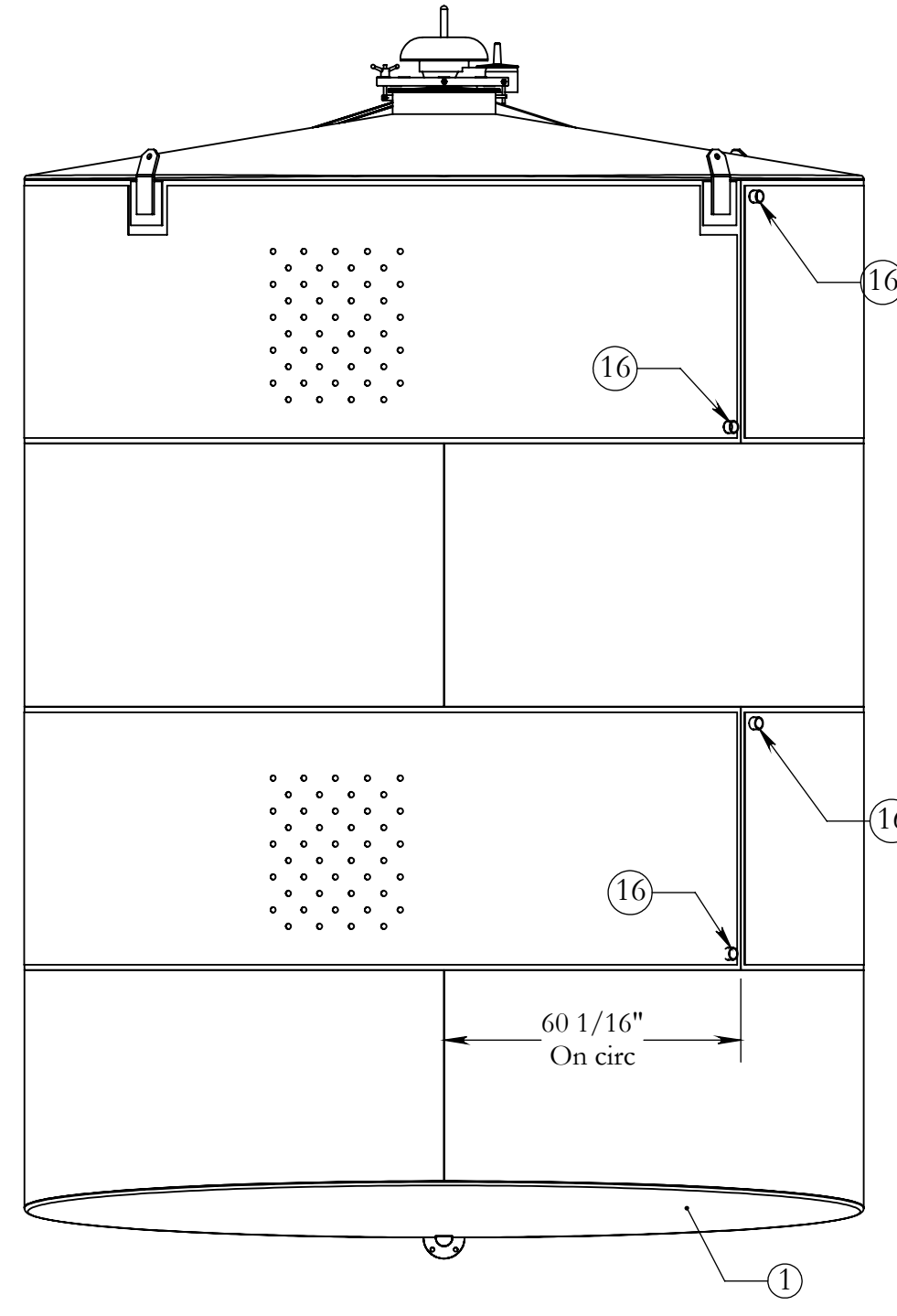
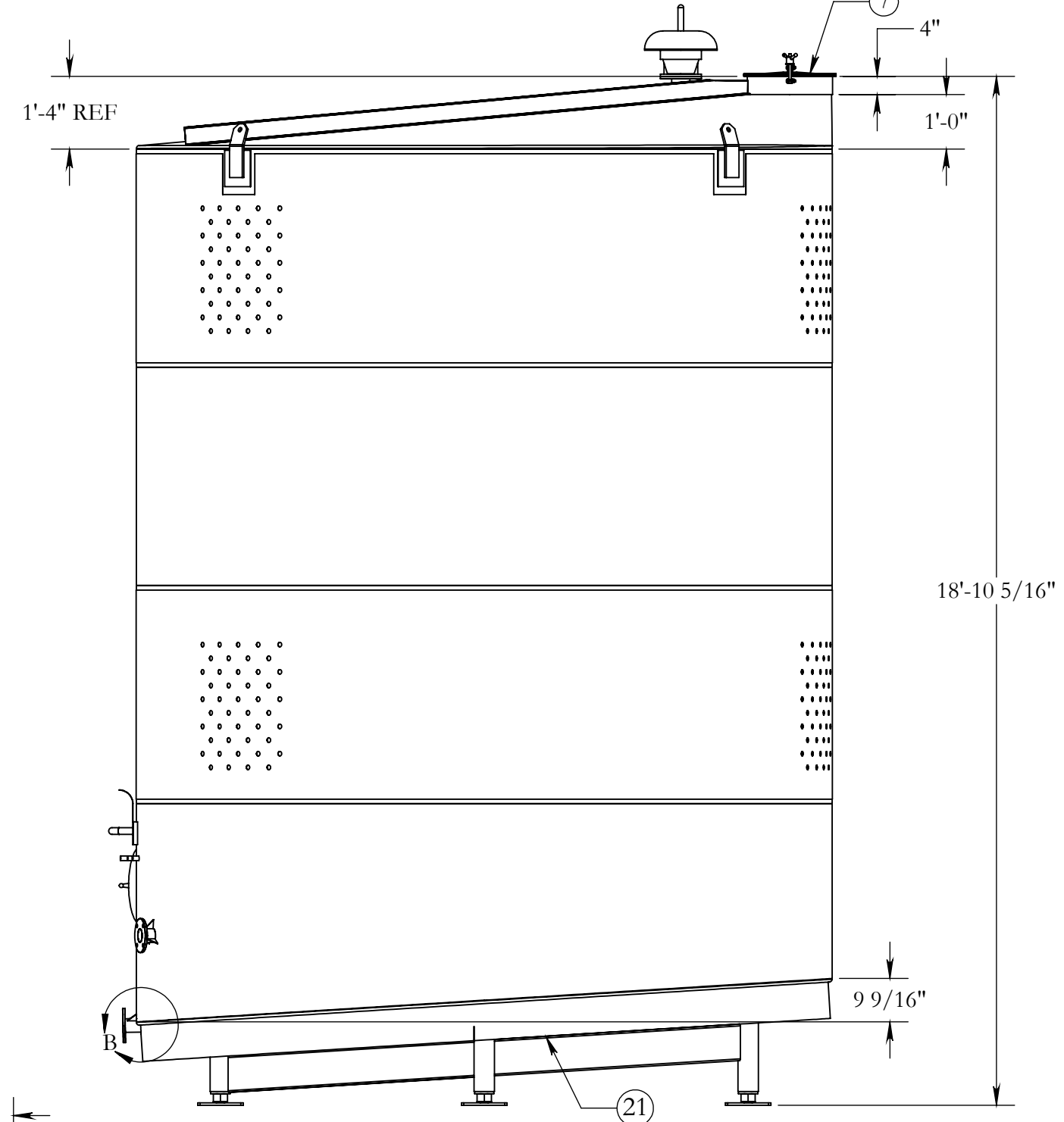
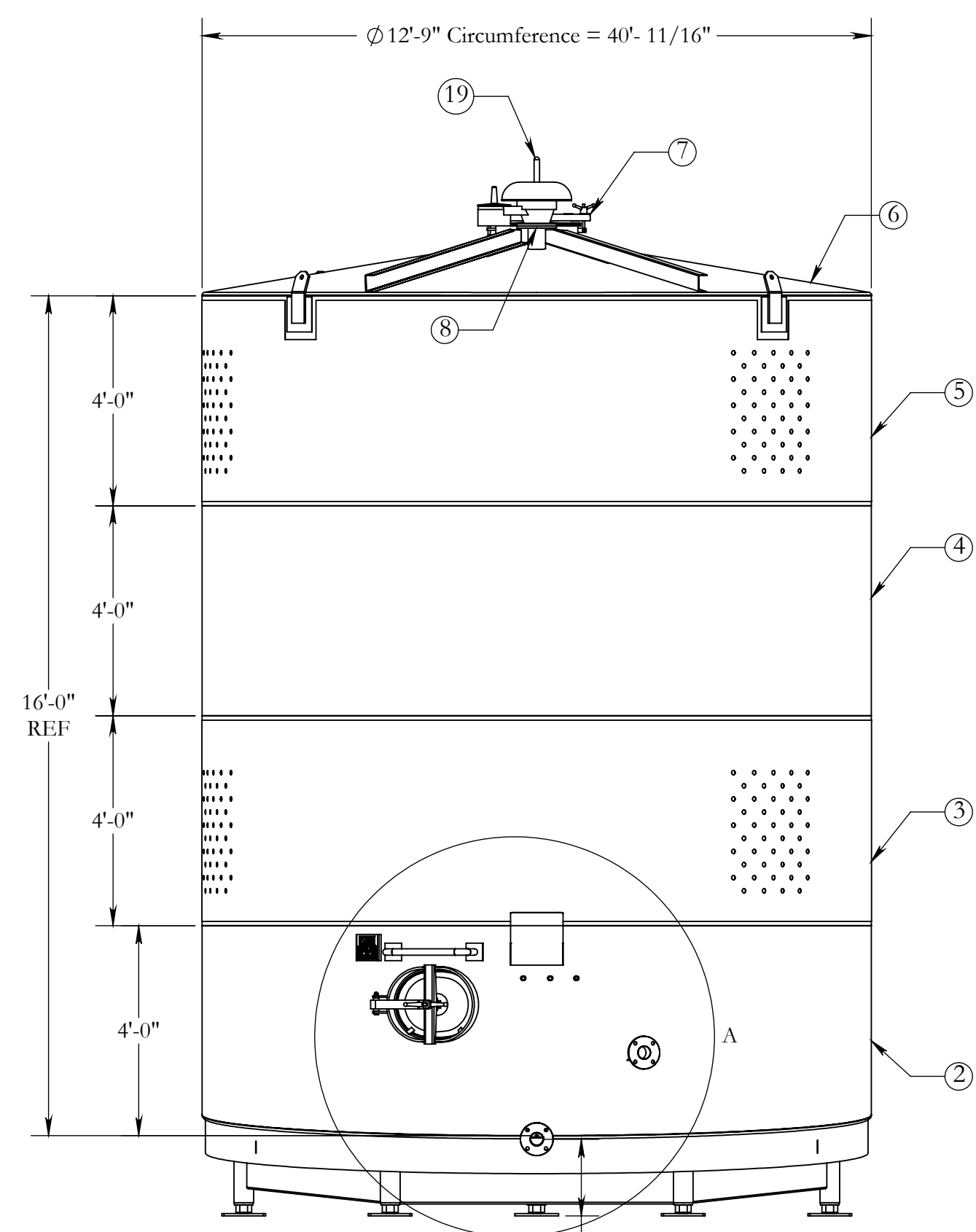


Detail Anchor Plate - 1/2" 304SS  
 TYP (6) Plc - Outside Legs

**ANCHORING TANK BASES:**  
 USE TWO (2) HILTI HAS-R SS 3/4 ANCHOR + HIT-RE 500 V3 EPOXY PER OUTSIDE LEG ONLY (12 PER TANK) WITH MINIMUM OF 6" EMBEDMENT

**CUSTOMER APPROVAL ONLY**  
 This drawing must be signed and returned within 5 working days of receipt, any delay could result in the delay of the production start date  
 CUSTOMER SIGN HERE DATED

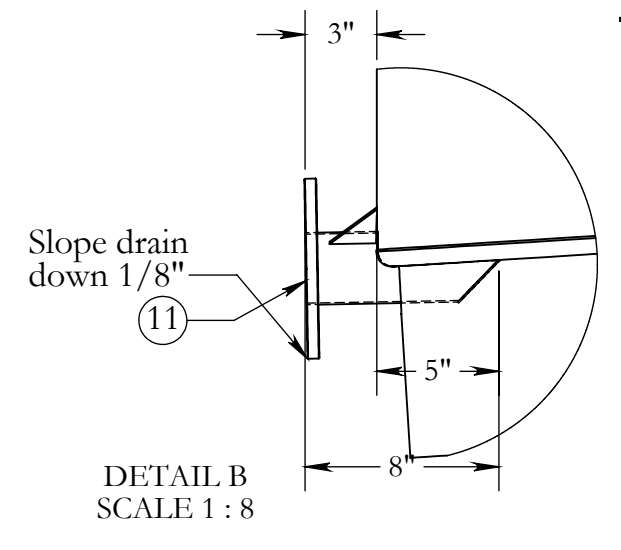
**SSW** FRESNO, CA 559-233-7116  
 SANITARY STAINLESS WELDING, INC. JOB NO. 6024  
 MAX TANK PRESSURE 0 MAX JACKET PRESSURE 100 YEAR OF PRODUCTION 2019  
 DIMPLE JACKET FOR AQUEOUS SERVICE ONLY - IFSP MAX TANK MUST BE TESTED TO 1.5X DESIGN PRESSURE  
**DANGER! CONFINED SPACE ENTER BY PERMIT ONLY**



Back view with base removed

**Approximate weights**  
 Tank 5,450 lbs  
 Base 2,350 lbs  
 Total tank & base weight 7,800 lbs

- (4) - TANKS REQ'D
- (2) - LEFT HAND JACKETS ONLY (AS SHOWN)
- (2) - RIGHT HAND JACKETS ONLY



DETAIL B  
 SCALE 1 : 8

25	4	5/8" SS flat washers - Not shown	Vent
24	8	5/8" SS lock washers - Not shown	Vent
23	8	5/8"-11 NC SS hex nut - Not shown	Vent
22	4	5/8"-11 NC x 2 1/2" hhcs - 304 SS - Not shown	Vent
21	1	Tank base - 304 SS	
20	1	SSWI nameplate/warning signboard - 304 SS per detail	
19	8	4" Protectoseal - Alum Vent w/1/2 oz. Pressure & Vacuum w/1/8" FF white nitrile flange gasket	
18	2	Rafters - 10 ga 304 SS x 4" x 1 1/4" flange	
17	4	Lift lugs - 1/2" x 4" #7 - 304 SS w/10 ga 304 SS doublers x 8" x 8"	
16	4	Cooling jacket in/out ports - 1 1/2" 304 FNPT half coupling	
15	1	Temp hood - 12 ga 304 SS	
14	1	Sample port - 1/2" fnpt coupling - 304 SS	
13	2	Thermo well - 1/2" fnpt x 12" - 304 SS	
12	1	Racking port - 3" x 125# SO tube flange with Ø 3" x .065w 304 SS tube	
11	1	Full bottom drain - 3" x 125# SO tube flange with Ø 3" x .065w 304 SS tube	
10	1	Grab bar - 304 SS (To be shipped loose)	
9	1	1620 In/out swing manway - 304 SS	
8	1	Vent port - 4" x 125# SO tube flange with Ø 4" x .065w 304 SS tube	
7	1	Top manway - Ø 18" - 304 SS	
6	1	Truncated top - 10 ga 304 SS 2b x 12" high	
5	1	Top jacketed band - 12 ga x 48" w/18 ga jacket x 46" - 304 SS	
4	1	Shell band - 12 ga 304 SS x 48"	
3	1	Jacketed shell band - 12 ga x 48" w/18 ga x 46" 304 SS jacket - 304 SS	
2	1	Bottom shell band - 12 ga 304 SS x 48" tapered	
1	1	Tank floor - 10 ga 304 SS	

**ITEM QTY DESCRIPTION DETAIL**

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Approved Date 10/22/2019 Drawn by PAJ Revised REV 1

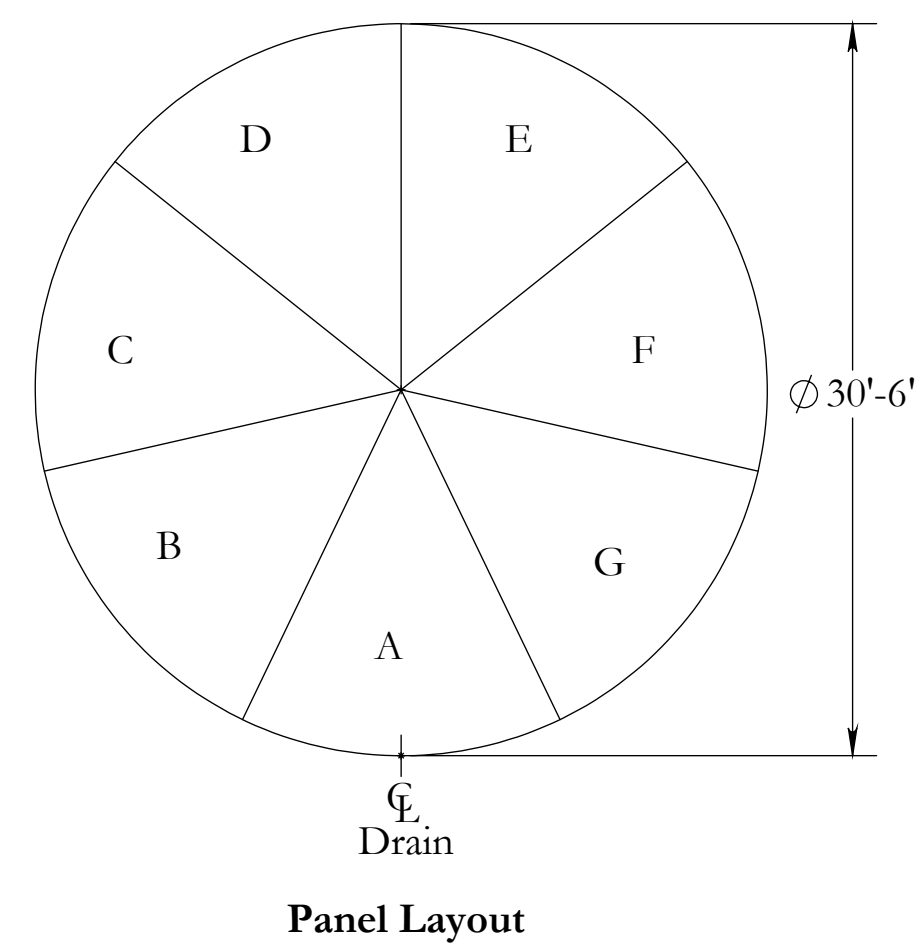
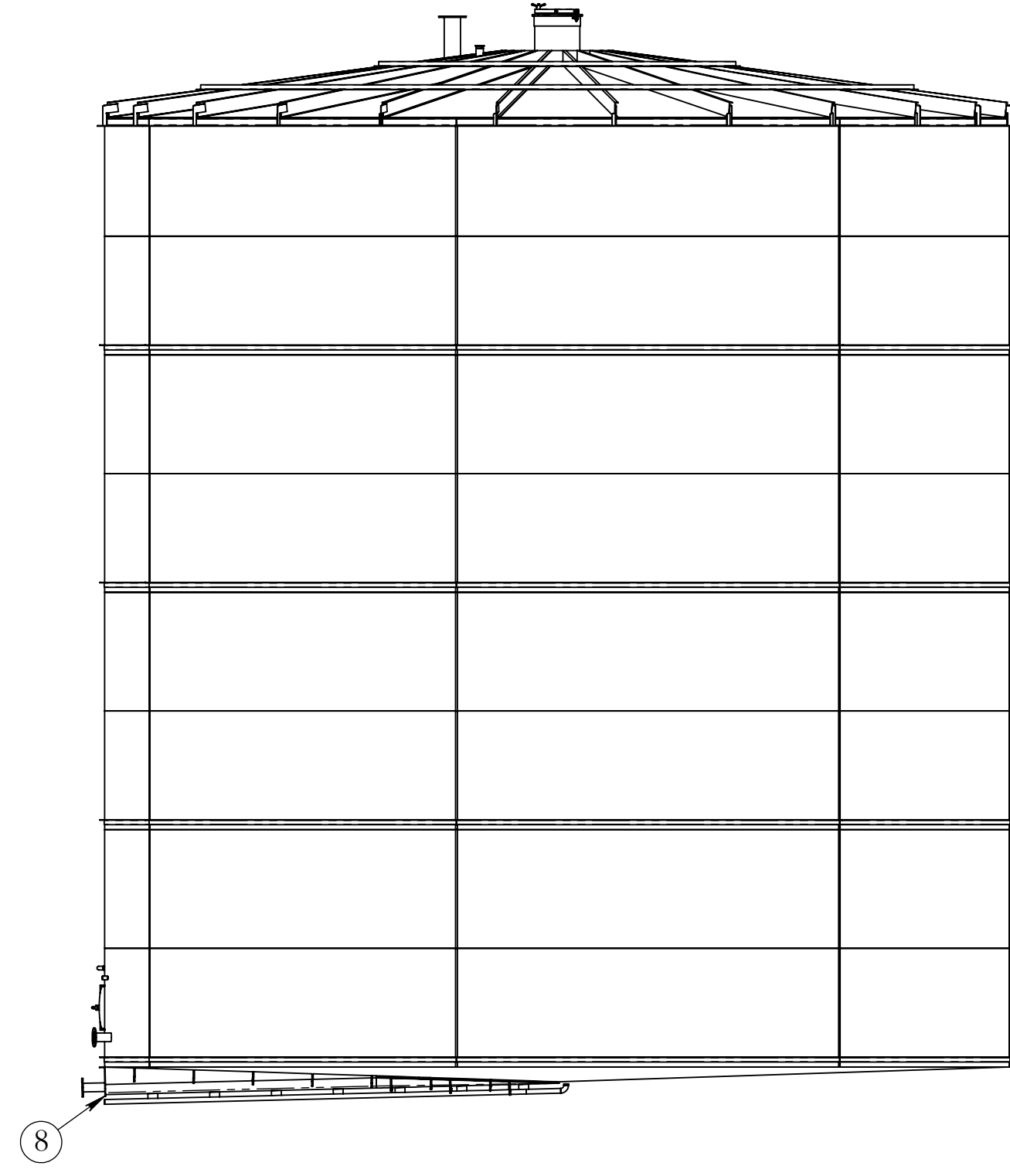
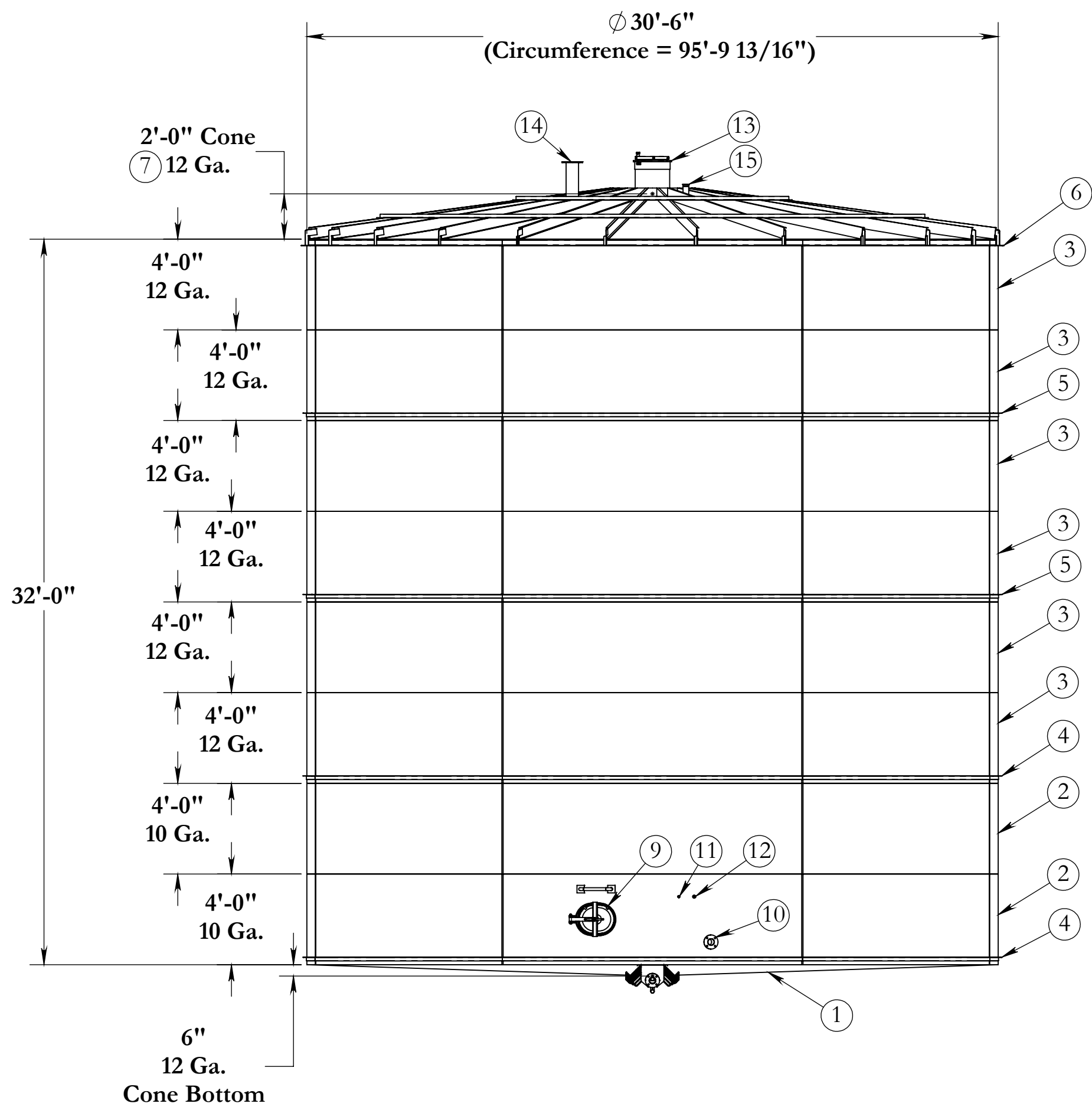
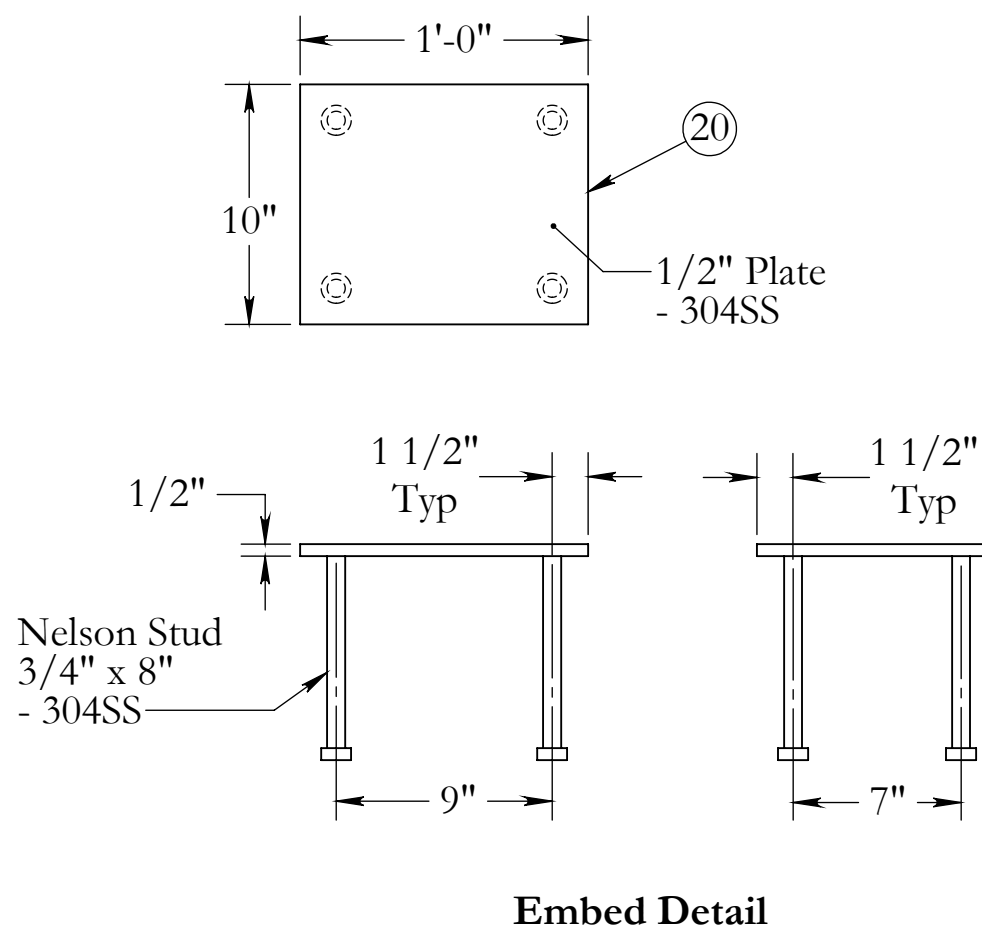
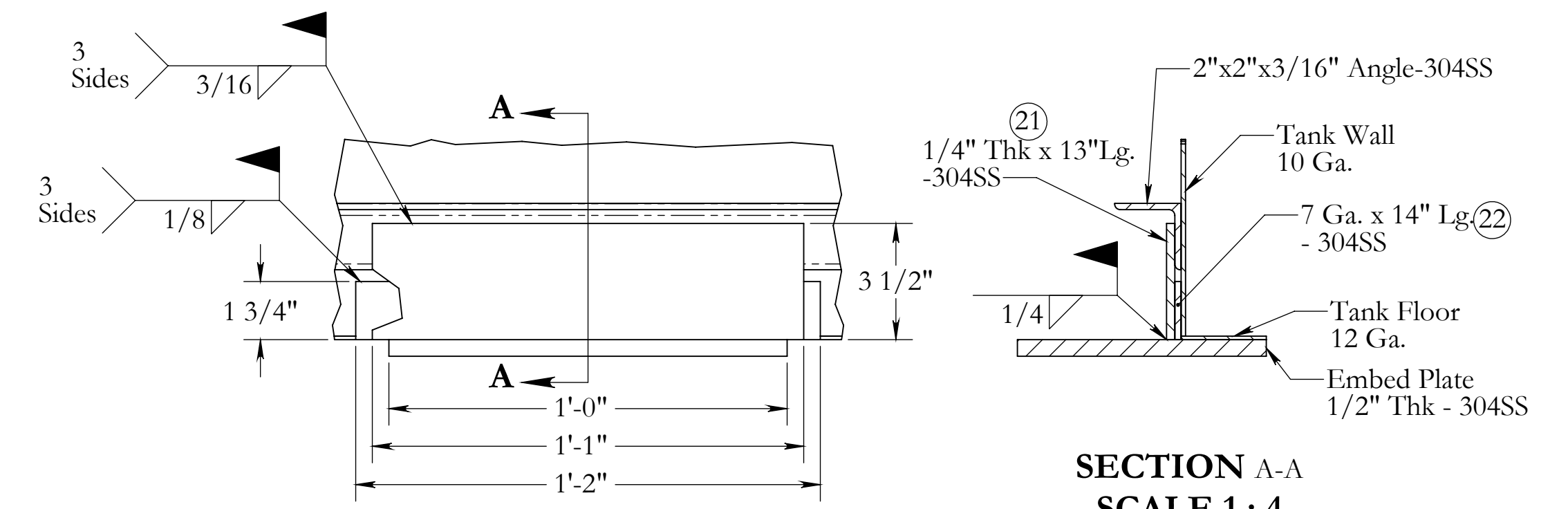
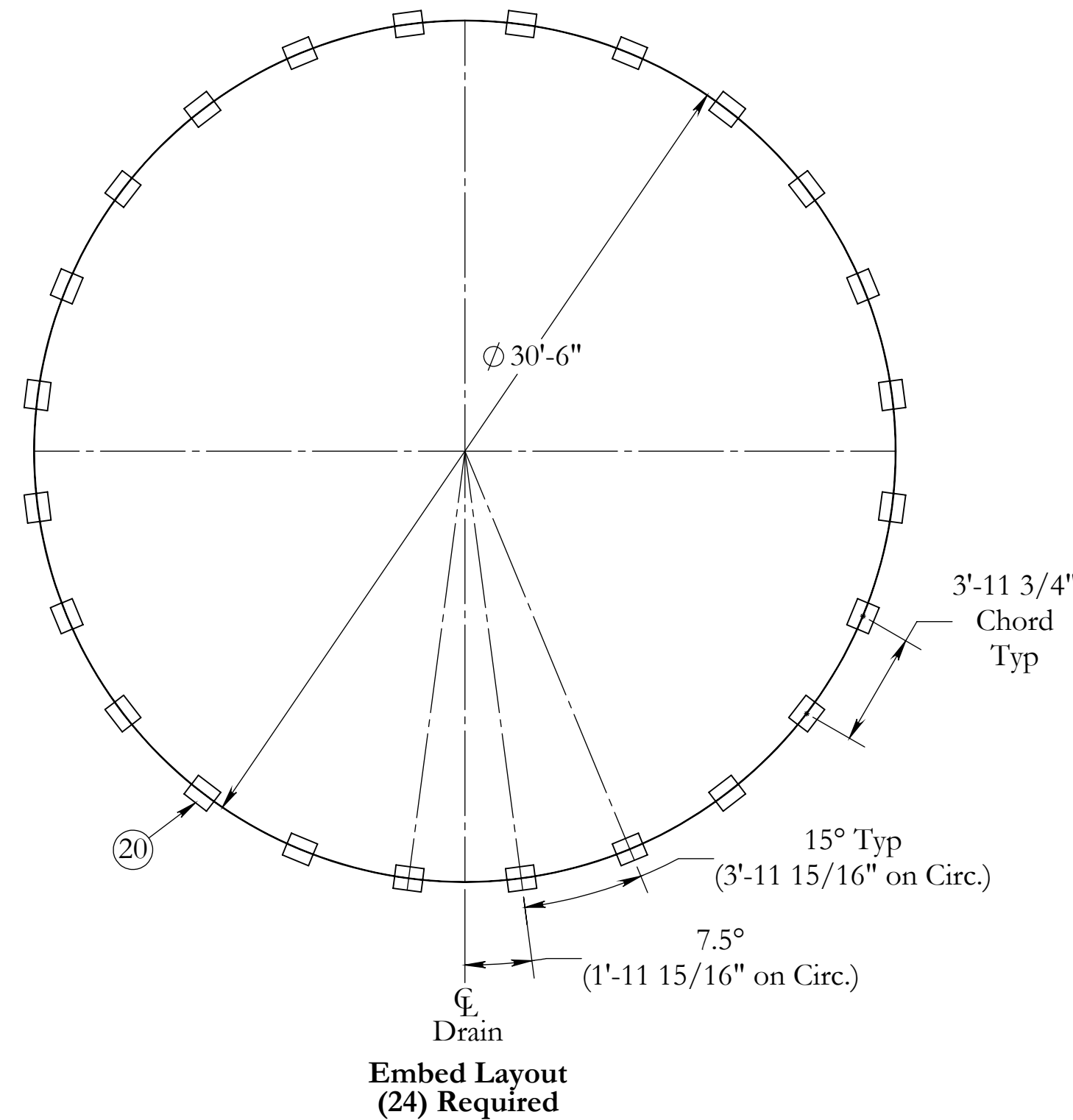
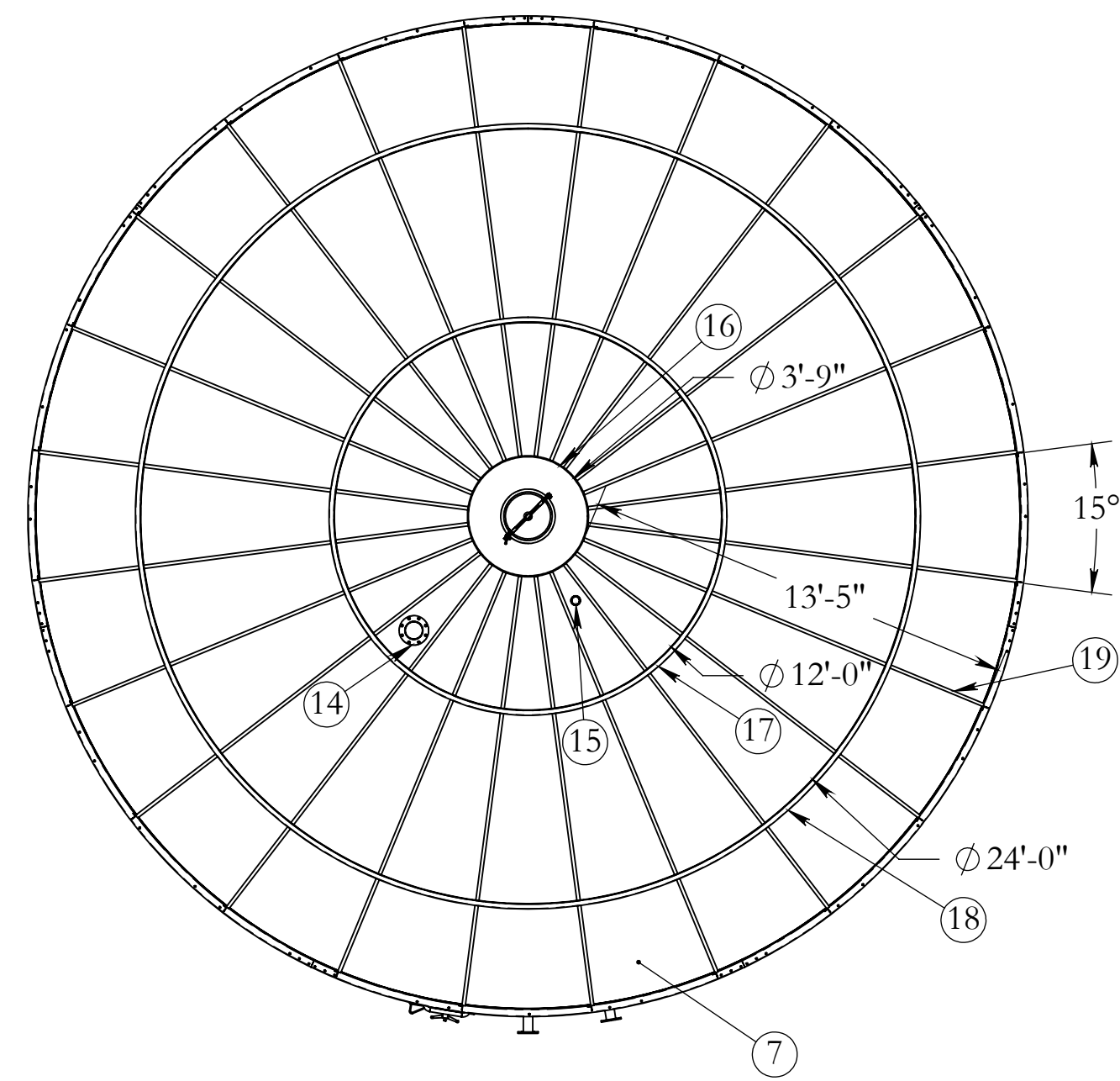
Customer **O'NEILL VINTNERS & DISTILLERS**  
 8418 LAC JAC AVE., PARLIER, CA 93648

Description Ø 12'-9" X 16'-0" X 15,000 GALLON TANK Sheet number of

**SSW** 2250 S. East Avenue - Suite 101B Fresno, CA 93706 Drawing number 6024-000



REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	1	Initial Release	10/31/2019



Tank Approx. Wt.: 26,500 lbs.  
 Tank Capacity: 175,000 gal.

(3) Tanks		
Item	Qty	Description
22	24	Tie-Down Spacers - 7 Ga. x 1 3/4"x14" - 304SS
21	24	Tie-Downs - 1/4" plate x 3 1/2"x13" - 304SS
20	24	Embeds - 1/2" Plate w/ SS Nelson Studs per detail
19	24	Roof Rafters - 10 Ga. 6"x1 1/4" formed channel w/ 7 Ga. Tie-Downs - 304SS
18	1	Rafter Angle Outer - 2"x2"x3/16" - 304SS
17	1	Rafter Angle Inner - 2"x2"x3/16" - 304SS
16	1	Compression Ring - 3/8" x 6" flatbar - 304SS
15	1	Level Sensor Port - Ø3" TC - 304SS
14	1	Vent Port - 6" Flanged Pipe - 304SS
13	1	Top Manway - SSWI Std. 18" w/ safety grate and extension - 304SS
12	1	Thermowell - 18"Lg. w/ 1/2" FNPT Coupling - 304SS
11	1	Sample Port - 1/2" half-coupling - 304SS
10	1	Rack Port - 3" Flanged Pipe - 304SS
9	1	Manway - SSWI Std. 1620 w/ grab bar - 304SS
8	1	Drain Trough Assy w/ 3" Flanged Pipe Outlet - 304SS
7	1	Tank Cone Top - 12 Ga. 304SS
6	1	Chime Ring - 3"x3"x1/4" angle - 304SS
5	2	Tank Angles - Mid - 2"x2"x3/16" angle - 304SS
4	2	Tank Angles - Rigging - 2"x2"x3/16" angle - 304SS
3	6	Tank Bands - 12 Ga. 304SS
2	2	Tank Bands - 10 Ga. 304SS
1	1	Tank Floor - 12 Ga. 304SS

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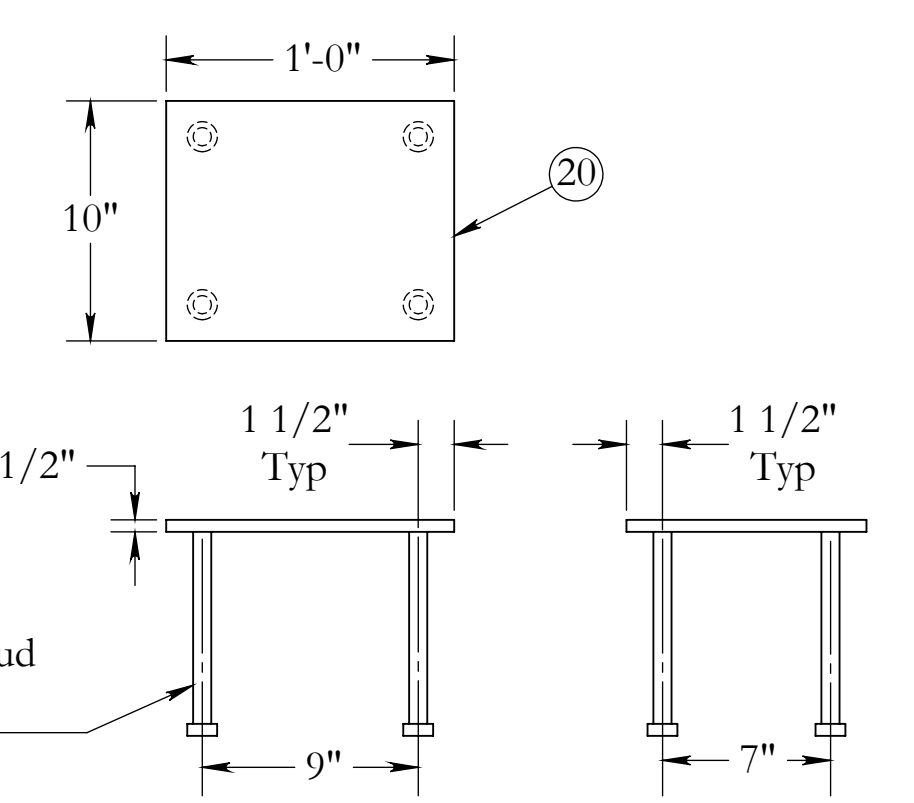
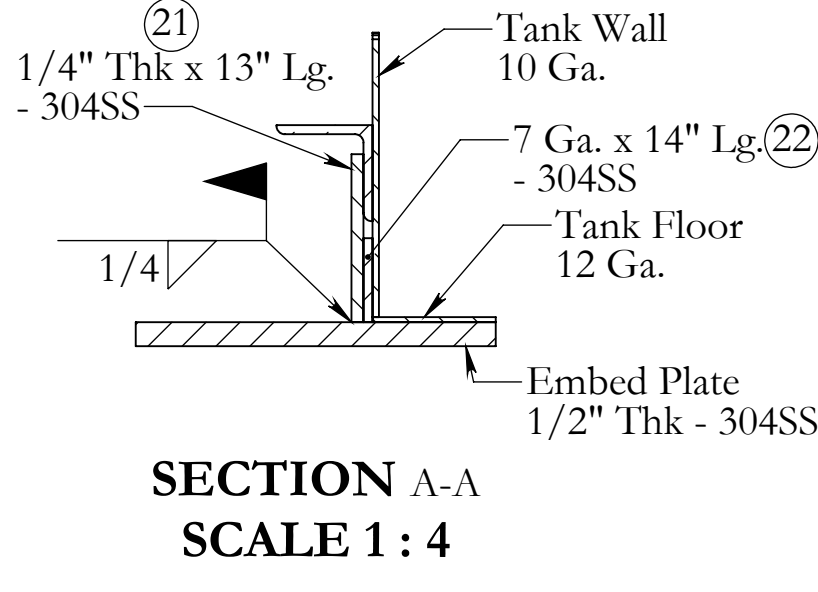
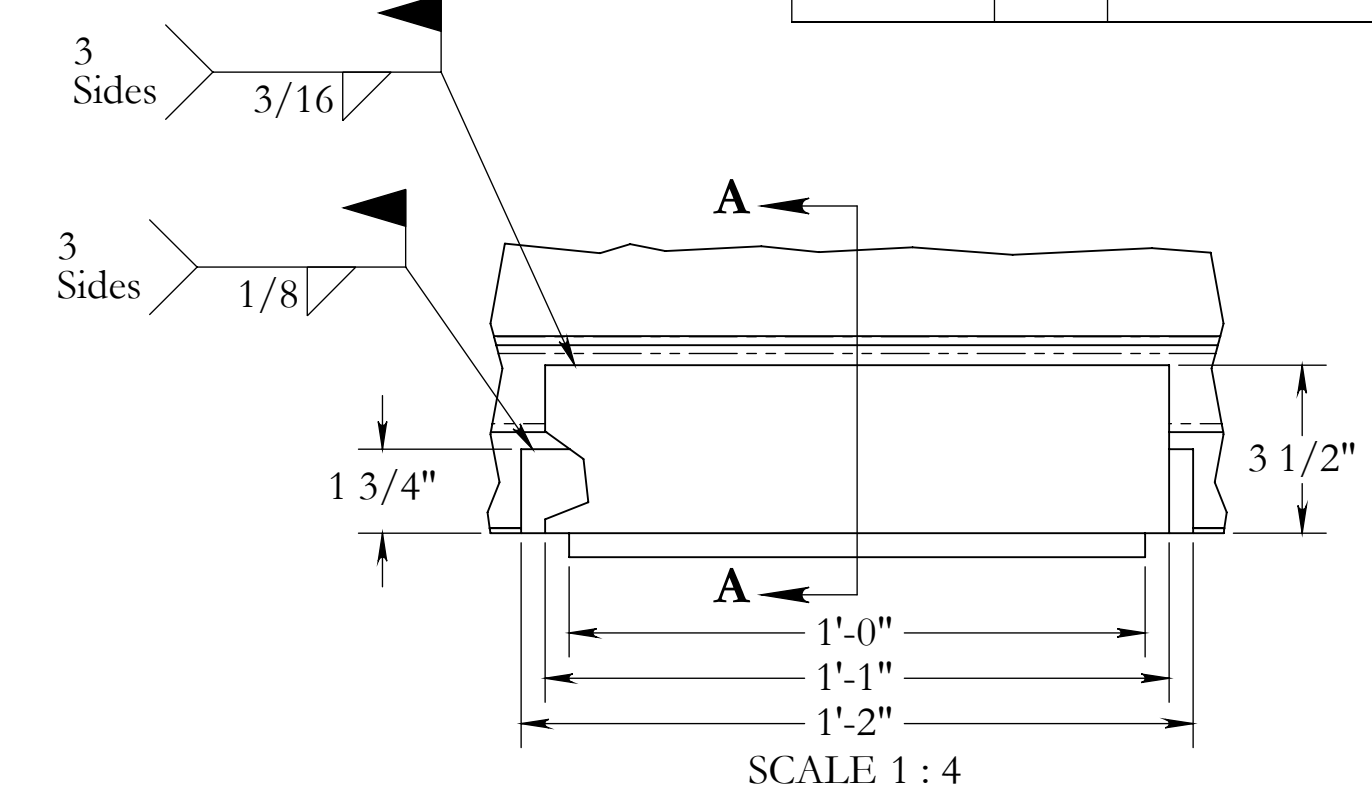
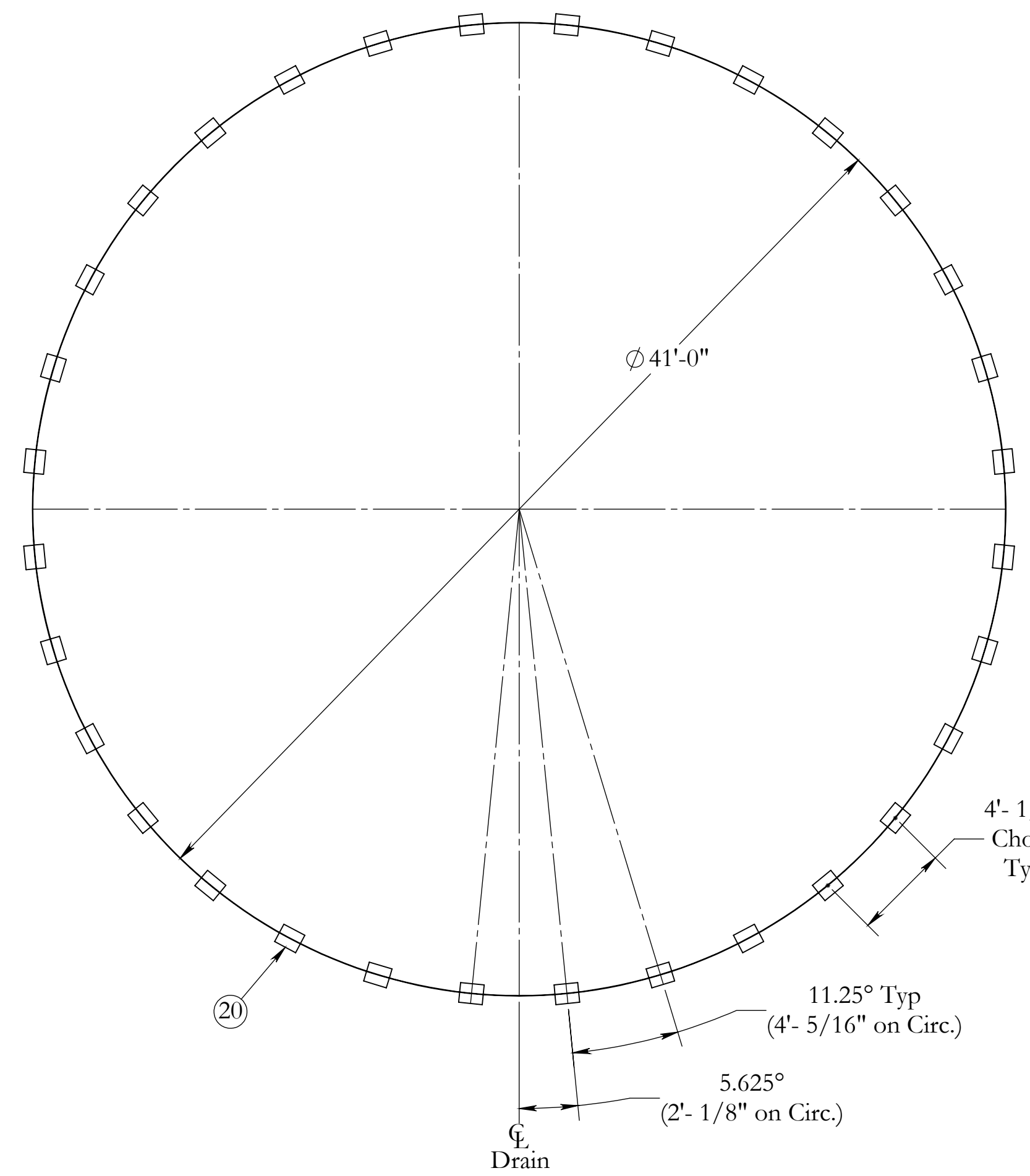
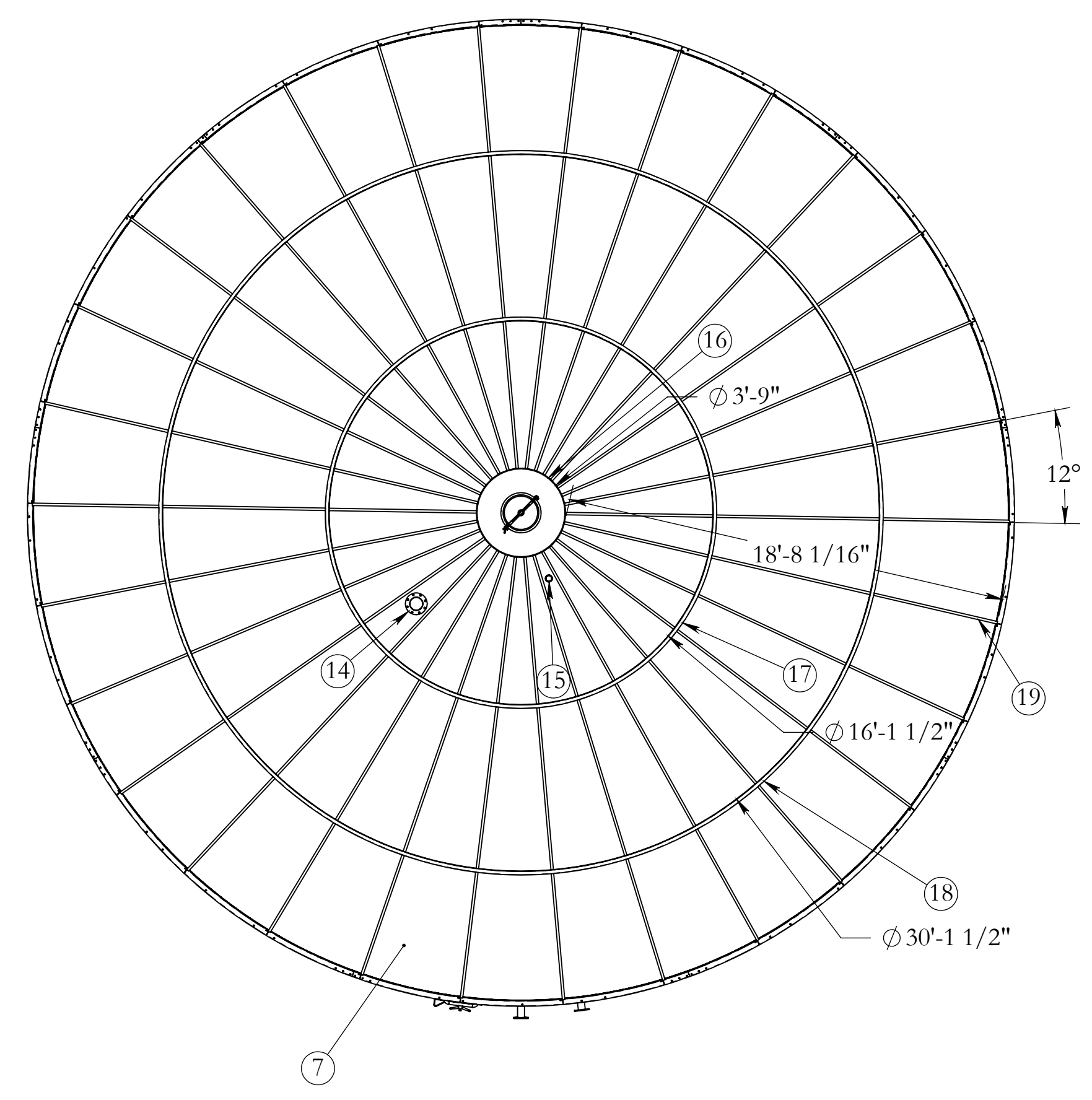
Approved	Date	Drawn by	Revised
	10/31/2019	PAJ	Rev 1
Customer	O'Neill Vintners & Distillers		
	8418 Lac Jac, Parlier, CA 93648		
Description	Ø30'-6" x 32'-0" SSH - 304 SS Liquid Storage Tank 175K Gallons	Sheet number of	
		Drawing number	6032-000

**SSWI** SANITARY STAINLESS WELDING, INC.  
 FRESNO, CA 559-233-7116  
 JOB NO: 6032

MAX TANK PRESSURE	MAX JACKET PRESSURE	YEAR OF PRODUCTION
0	N/A	2019

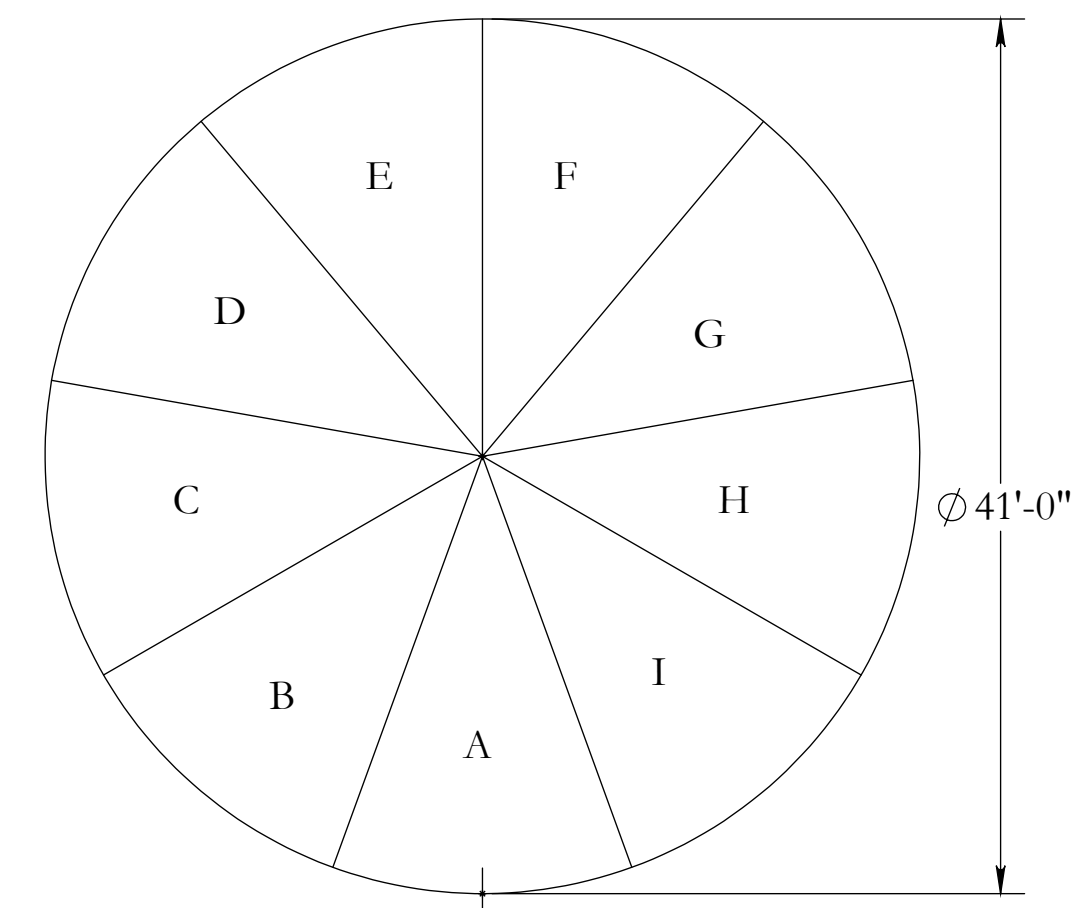
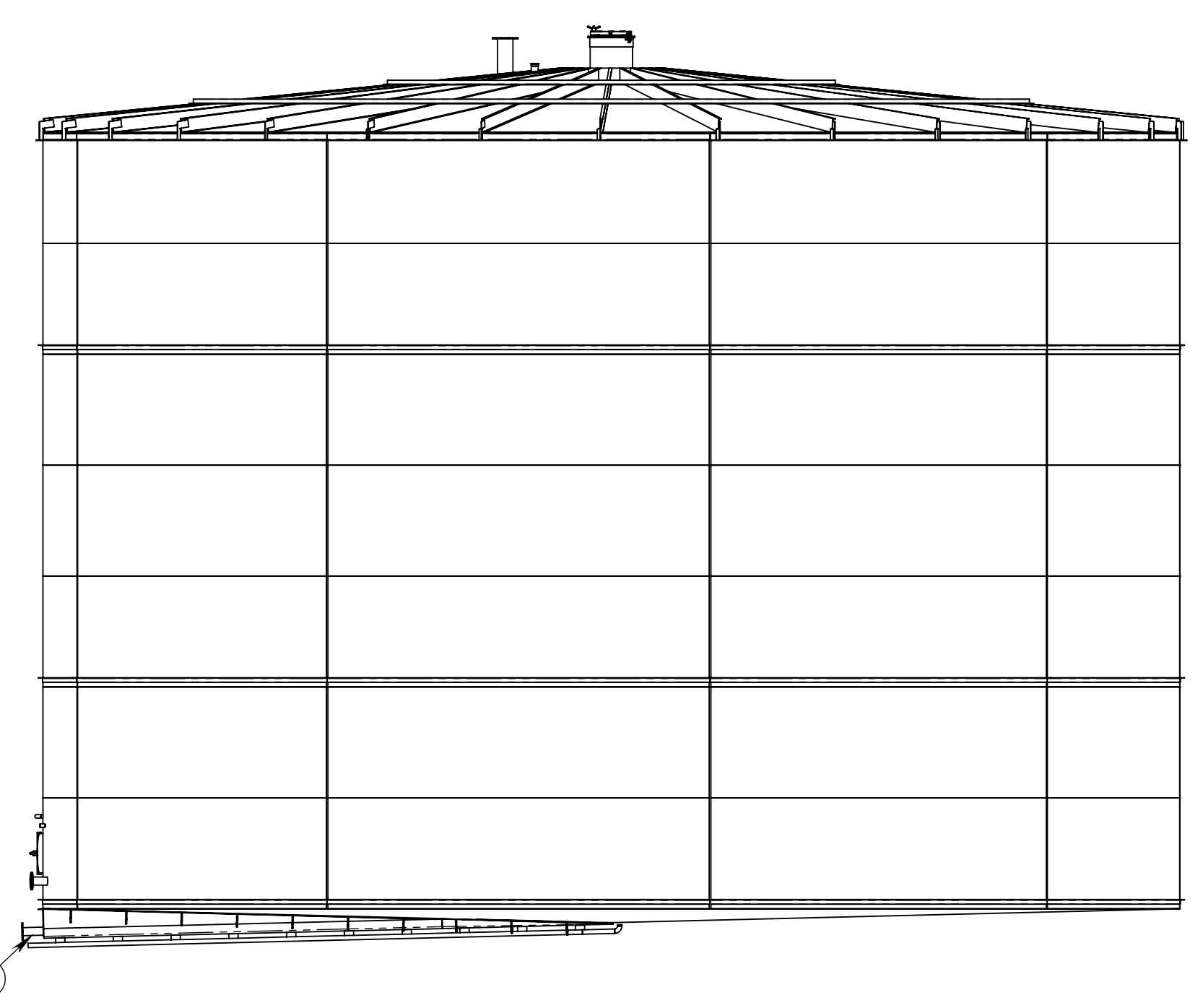
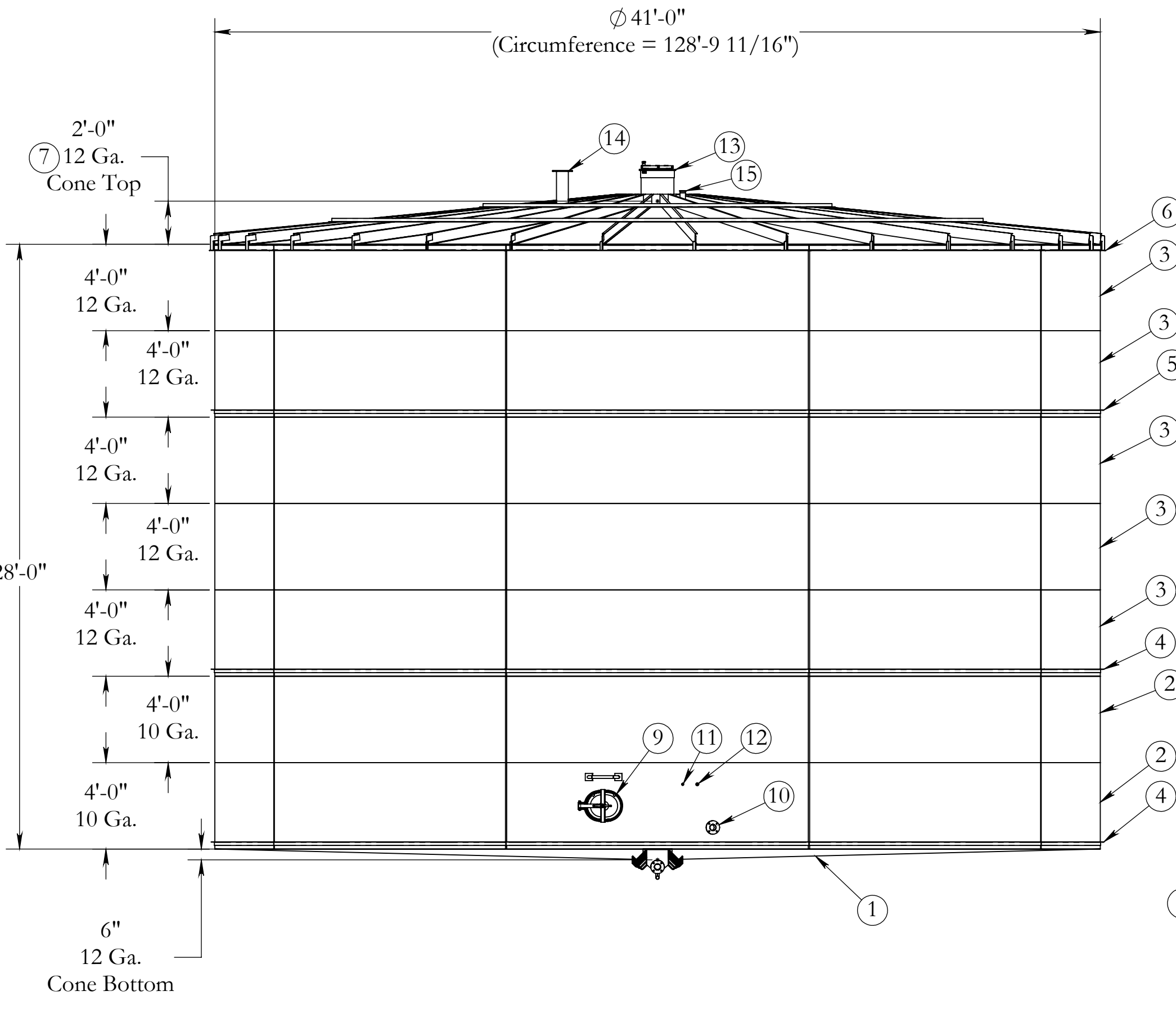
DIMPLE JACKET FOR AQUEOUS SERVICE ONLY @ 18PF MAX TANK MUST BE VENTED TO ATMOSPHERE  
 DANGER! CONFINED SPACE ENTER BY PERMIT ONLY  
 DO NOT SCALE THIS DRAWING

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	1	Initial Release	10/31/2019



**(2) Tanks**

Item	Qty	Description
22	32	Tie-Down Spacers - 7 Ga. 1 3/4"x14" - 304SS
21	32	Tie-Downs - 1/4" plate x 3 1/2"x13" - 304SS
20	32	Embeds - 1/2" Plate w/ SS Nelson Studs per detail
19	30	Roof Rafters - 10 Ga. 6" x 1 1/4" formed channel w/ 7 Ga. Tie-Downs - 304SS
18	1	Rafter Angle Outer - 2"x2"x3/16" - 304SS
17	1	Rafter Angle Inner - 2"x2"x3/16" - 304SS
16	1	Compression Ring - 3/8" x 6" flatbar - 304SS
15	1	Level Sensor Port - Ø3" TC - 304SS
14	1	Vent Port - 6" Flanged Pipe - 304SS
13	1	Top Manway - SSWI Std. 18" w/ safety grate and extension - 304SS
12	1	Thermowell - 18" Lg. w/ 1/2" FNPT Coupling - 304SS
11	1	Sample Port - 1/2" half-coupling - 304SS
10	1	Rack Port - 3" Flanged Pipe - 304SS
9	1	Manway - SSWI Std. 1620 w/ grab bar - 304SS
8	1	Drain Trough Assy w/ 3" Flanged Pipe Outlet - 304SS
7	1	Tank Cone Top - 12 Ga. 304SS
6	1	Chime Ring - 3"x3"x1/4" angle - 304SS
5	1	Tank Angle - Mid - 2"x2"x3/16" angle - 304SS
4	2	Tank Angles - Rigging - 2"x2"x3/16" angle - 304SS
3	5	Tank Bands - 12 Ga. 304SS
2	2	Tank Bands - 10 Ga. 304SS
1	1	Tank Floor - 12 Ga. 304SS



Tank Approx. Wt.: 36,600 lbs

Tank Capacity: 278,000 gal.

**SSWI** SANITARY STAINLESS WELDING, INC.  
 FRESNO, CA 559-233-7116  
 JOB NO: 6033

MAX TANK PRESSURE: 0  
 MAX JACKET PRESSURE: N/A  
 YEAR OF PRODUCTION: 2019

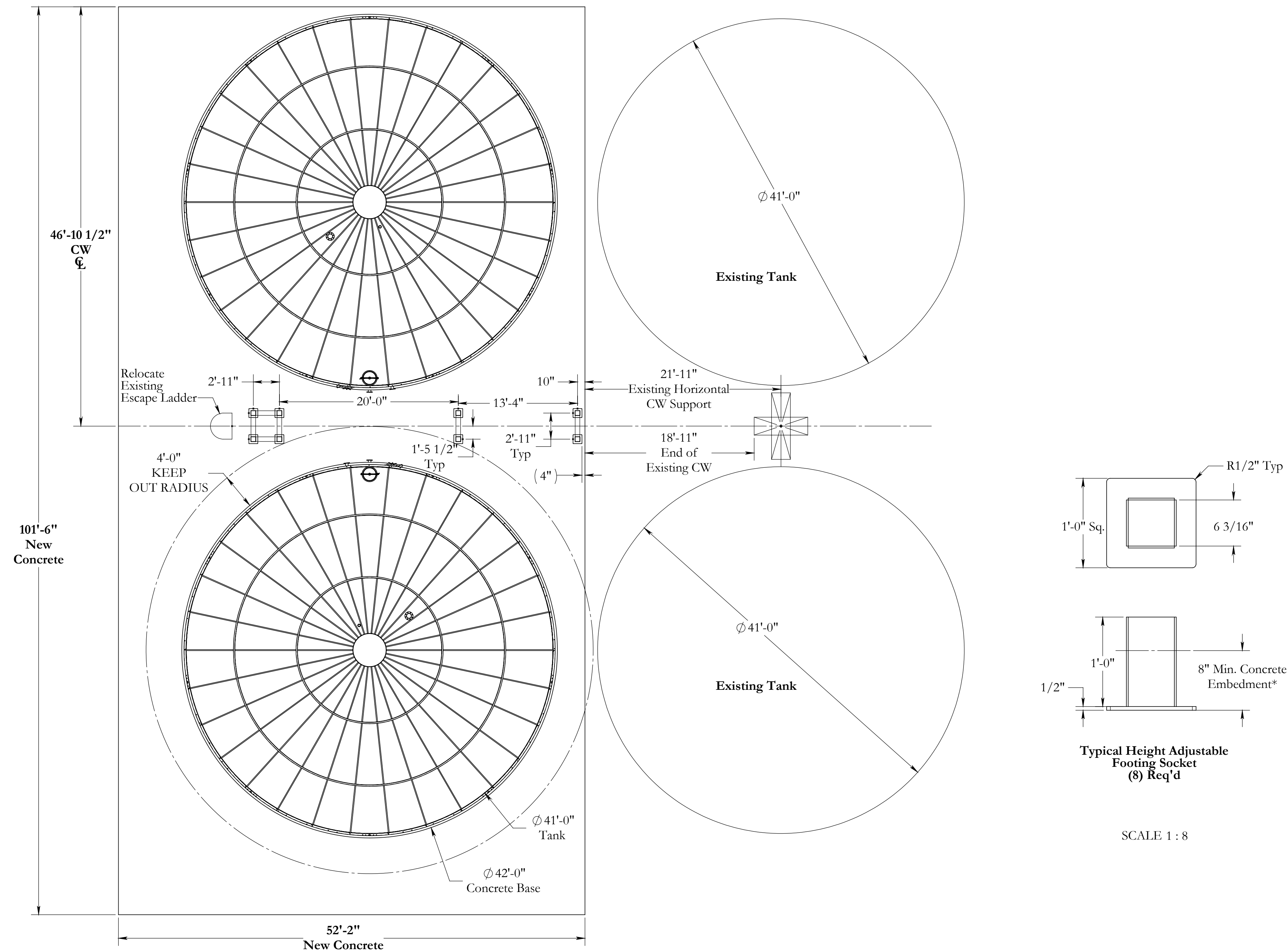
DIMPLE JACKET FOR AQUEOUS SERVICE ONLY @ 180°F MAX  
 TANK MUST BE VENTED TO ATMOSPHERE  
**DANGER! CONFINED SPACE  
 ENTER BY PERMIT ONLY**

**NOTICE:**  
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 Call (559) 233-7116 for written permission

Approved	Date	Drawn by	Revised
	10/31/2019	PAJ	Rev 1
Customer	O'Neil Vintners & Distillers		
	8418 Lac Jac, Parlier, CA 93648		
Description	Ø41'-0" x 28'-0" SSH - 304 SS Liquid Storage Tank 278K Gallons		Sheet number of
			Drawing number
	2550 S. East Avenue - Suite 101 B Fresno, CA 93706		6033-000

DO NOT SCALE THIS DRAWING


REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	1	Initial Release	11/20/2019



**\*ALL SUBMERGED ALUMINUM MUST RECEIVE THIN COATING OF MASTIC, TYP**

**CUSTOMER APPROVAL ONLY**  
 This drawing must be signed and returned within 5 working days of receipt, any delay could result in the delay of the production start date.  
**CUSTOMER SIGN HERE** **DATED**

**NOTICE:**  
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 Call (559) 233-7116 for written permission

Approved	Date	Drawn by	Revised
	11/13/2019	PAJ	Rev 1
Customer	O'NEILL VINTNERS & DISTILLERS 8418 Lac Jac, Parlier, CA 93648		
Description	CW Support Footings for New 278k Tanks		Sheet number of
 2550 S. East Avenue - Suite 101 B Fresno, CA 93706			Drawing number 6038-000

DO NOT SCALE THIS DRAWING



1. **Nature of Operation** – O’Neill Vintners & Distillers is proposing the addition of approximately ~105K gallons of insulated stainless-steel tanks, and ~1.3m gallons of stainless-steel tanks within the *existing winery footprint*. The additional cooperage would consist of tanks to be used for bulk wine storage. Tank additions will consist of approximately six (6) 7,500 gallon tanks, four (4) 15,000 gallon tanks, five (5) 46,000 gallon tanks, three (3) 175,000 gallon tanks, and two (2) 278,000 gallon tanks or some combination of tanks to exceed 1.3m gallons. The increase of tanks allows for more efficient operation allowing a reduction in tank transfers and tank cleanings.
2. **Operational Time Limits** – The primary operational time use of the tanks would be year around
  - a. **Bulk wine shipping** – Bulk shipping occurs 24 hours/day Monday thru Friday. Bulk shipping is consistent throughout the year
  - b. **Wine Bottling** – Wine bottling takes place regularly throughout the year, Monday thru Sunday, for 12 hours each day
3. **Number of Customers or Visitors** – No change from current operation. Majority of capacity would be utilized by existing customer base. Additionally, the winery is not open to the public thereby limiting the number of visitors to the winery.
4. **Number of Employees** – Current number of Employees = 205; 150 Seasonal Employees. Seasonal Employees generally work from August thru December.
  - a. Employees work one of three shifts – 7:00a.m. to 3:00p.m.; 3:00p.m. – 11:00p.m.; 11:00p.m. – 7:00a.m. The number of employees is generally spread equally over each shift.
  - b. At final completion the additional tanks will not create additional jobs but rather improve the efficiency of our overall operation by reducing the number of tank washes and movements.
5. **Service and Delivery Vehicles** – The tank expansion will not impact service and delivery vehicles.
6. **Access to Site** – Access to the subject site will occur off of South Lac Jac Avenue via the existing driveway for the main winery and the one driveway accessing the operation on the Westside of Lac Jac Avenue.
7. **Number of Parking Spaces for employees, customers, and service/delivery vehicles** – The project site is in conjunction with the existing winery. There is adequate parking in the existing parking lot with 177 parking spaces, including handicap spaces, for employees and customers. Service and delivery trucks will be handled within existing winery footprint and operations. All circulation surfaces are cement or pavement.
8. **Are any goods to be sold on-site?** - Not applicable. Added storage will not result in the sales of goods sold on site.
9. **What equipment is used?** – The equipment used in relation to the expansion includes existing portable electric transfer pumps and hoses and refrigeration equipment.



10. **What supplies or materials are used and how are they stored?** – The supplies to be used in conjunction with the new tanks are HD Cleaner and Citric Acid, both tank cleaning solutions already in use at the facility. The HD cleaner is received in bulk 650-gallon totes and the citric acid is received in powder form in 50lb bags which is generally ordered by the pallet. All cleaning solutions are stored in existing warehouses on the winery premises.
11. **Does the use cause any unsightly appearance?** – The tank expansions will not result in any unsightly appearance. There will be no unfavorable noises, glare nor odor associated with the new tanks. Tanks are generally made of stainless steel and insulated with 3”-6” of polyurethane foam. Tanks east of existing bottling warehouse and West of process building on West side of Lac Jac Ave. Generally, not visible from public roads.
12. **List any solid or liquid wastes to be produced**
  - a. ***Liquid waste*** – Liquid waste associated with the tank farm expansion is the water associated with periodic tank rinsing and other equipment and cellar cleaning. At completion of the project, daily average (based on annual estimate) of approximately 12,000 gallons tank rinse water will be captured in the winery’s adjacent agricultural land which is comprised of 490 acres
  - b. ***Solid waste*** – There will be no additional solid waste associated with the project as the project doesn’t increase capacity or change our existing operation.
13. **Estimated Volume of water to be used** – Estimate and annual reduction in water by ~1 million gallons as the project will allow for more efficient storage of volume in correctly sized tanks. All water to be provided by existing wells located within the existing winery facility.
14. **Describe any proposed advertising including size, appearance, and placement** – Not applicable
15. **Will existing buildings be used or will new buildings be constructed?** – Not applicable, no additional buildings need for this project.
16. **Explain which buildings or what portion of buildings will be used in the operation.** - Tanks to be built outdoors and not inside.
17. **Will any outdoor lighting or an outdoor sound amplification system be used** – Lighting will be added on each tank and throughout the cellar. All lighting will be hooded and/or directed down away from Lac Jac Ave.
18. **Landscaping or fencing proposed.** – There is no landscaping required for this project. The area is already enclosed, and no additional fencing is required.
19. **Any other information that will provide a clear understanding of the project or operation.** – Construction of the project will require access to the site during various phases of development to the following:
  - a. Concrete contractors
  - b. Stainless steel tank fabricators
  - c. Process pipe fabricators
20. **Identify all Owners and/or Board Members for each application submitted.** – O’Neill Vintners and Distillers is a privately owned company owned by Jeff O’Neill – President. Matthew Towers is the Chief Operating Officer.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Matthew S. Towers obo O'Neill Vintners & Distillers
- APPLICATION NOS: Initial Study Application No. 6889 and Classified Conditional Use Permit Application No. 3479
- DESCRIPTION: Allow an expansion to an existing winery that will increase the total processing capacity by 12.5 million gallons, and includes 159 stainless steel tanks and related processing equipment, on a 5.5-acre portion of a 25.94-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project is located on the northeast corner of the intersection of E. Parlier and S. Lac Jac Avenues, approximately 0.75 miles west of the nearest city limits of the City of Reedley (8418 S. Lac Jac Ave) (SUP. DIST.: 4) (APN Nos: 363-061-32 & 45).

### I. AESTHETICS

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*The project is located in an industrial and agricultural area that has no scenic vistas or other scenic resources which could be impacted by site development. The project site is not located in the area of a state scenic highway. The proposed project would result in the development of*

#### 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

*structures similar to what currently exists and would involve similar equipment to be constructed immediately south of existing tanks, and immediately east of the existing warehouse, minimizing the overall visual impact of the expansion.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*The project will utilize outdoor lighting that has the potential of generating new sources of light and glare in the area. Lighting will be added on each tank and throughout the cellar. To mitigate any potential impacts for these new sources of lighting, a mitigation measure has been included requiring all lighting to be hooded and to be directed from adjacent properties and public streets.*

\* **Mitigation Measure**

AES-1. *All lighting shall be hooded and directed toward the proposed and existing tanks and warehouse, so not to shine towards adjacent properties and public streets.*

**II. AGRICULTURAL RESOURCES**

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use; or**
- B. Would the project conflict with existing agricultural zoning or Williamson Act contracts;**

FINDING: NO IMPACT

*The project site is mapped as “Urban and Built-up Land” by the California Department of Conservation Farmland Mapping and Monitoring Program. Therefore, no prime, unique, or farmland of statewide importance will be converted to non-agricultural use. The subject site is not under a Williamson Act contract. Further, the County Agriculture Commissioner expressed no concerns with the project.*

- C. Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?**

**D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

FINDING: NO IMPACT

*There is no forest land, timberland, or timberland zoned Timberland Production in the vicinity of the proposed project.*

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

FINDING: NO IMPACT

*The proposed project expands an existing value-added agricultural use, which will increase the demand for more grapes to be grown, thereby decreasing the risk of conversion of other farmland to non-agricultural uses.*

**III. AIR QUALITY**

*The analysis in this section is based on the Air Quality and Greenhouse Gas Analysis Report prepared by FirstCarbon Solutions (2014) and included in its entirety as Appendix A.*

**A. Would the project conflict with or obstruct implementation of the applicable air quality plan?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*The CEQA Guidelines indicate that a significant impact would occur if the proposed project would conflict with or obstruct implementation of the applicable air quality plan. The Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) does not provide specific guidance on analyzing conformity with the Air Quality Plan (AQP). Therefore, this document proposes the following criteria for determining project consistency with the current AQPs:*

- 1. Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs? This measure is determined by comparison to the regional and localized thresholds identified by the District for Regional and Local Air Pollutants.*

2. *Will the project conform to the assumptions in the AQPs?*
3. *Will the project comply with applicable control measures in the AQPs?*

*The use of the criteria listed above is a standard approach for CEQA analysis of projects in the SJVAPCD's jurisdiction, as well as within other air districts, for the following reasons:*

- *Significant contribution to existing or new exceedances of the air quality standards would be inconsistent with the goal of attaining the air quality standards.*
- *AQP emissions inventories and attainment modeling are based on growth assumptions for the area within the air district's jurisdiction.*
- *AQPs rely on a set of air district-initiated control measures as well as implementation of federal and state measures to reduce emissions within their jurisdictions, with the goal of attaining the air quality standards.*

*AQPs are plans for reaching attainment of air quality standards. The assumptions, inputs, and control measures are analyzed to determine if the Air Basin can reach attainment for the ambient air quality standards. In order to show attainment of the standards, the SJVAPCD analyzes the growth projections in the valley, contributing factors in air pollutant emissions and formations, and existing and future emissions controls. The SJVAPCD then formulates a control strategy to reach attainment.*

### **Contribution to Air Quality Violations**

*A measure of determining if the project is consistent with the air quality plans is if the project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. Because of the region's nonattainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, if project-generated emissions of either of the ozone precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub>, or PM<sub>2.5</sub> would exceed the SJVAPCD's significance thresholds and were not included in the plan's growth forecast, then the project may be considered to conflict with the attainment plans.*

*As shown in Impact 3b below, the project would not result in carbon monoxide (CO) hotspots that would violate CO standards. Therefore, the project would not contribute to CO air quality violations. As discussed in Impact 3c below, emissions of ROG, NO<sub>x</sub>, CO, sulfur dioxide (SO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> associated with the operation of the project would not exceed*

*the SJVAPCD's significance thresholds. Therefore, the project would not conflict with or obstruct implementation of the regional air quality plan.*

### **Consistency with Assumptions in AQPs**

*The primary way of determining consistency with the AQP's assumptions is determining consistency with the applicable General Plan to ensure that the project's population density and land use are consistent with the growth assumptions used in the AQPs for the air basin. The project is consistent with the Fresno County General Plan and does not require a general plan amendment. Therefore, the project is consistent with the assumptions of the AQPs and would have a less than significant impact for this criterion.*

### **Control Measures**

*The AQP contains a number of control measures, which are enforceable requirements through the adoption of rules and regulations. The project will comply with all of the SJVAPCD's applicable rules and regulations. Therefore, the project complies with this criterion and would have a less than significant impact for this criterion.*

## **B. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation;**

### **FINDING: LESS THAN SIGNIFICANT IMPACT**

*Air pollutant emissions have regional effects and localized effects. This analysis assesses the regional effects of the project's criteria pollutant emissions in comparison to SJVAPCD thresholds of significance for short-term construction activities and long-term operation of the project. Localized emissions from project construction and operation are also assessed using concentration-based thresholds compared with ambient air quality standards or significance thresholds.*

*The primary pollutants of concern during project construction and operation are ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The SJVAPCD's current GAMAQI, adopted in 2002, contains thresholds for ROG and NO<sub>x</sub>; however, pending completion of an update to the GAMAQI, the SJVAPCD recommends using thresholds for PM<sub>10</sub>, and PM<sub>2.5</sub> based on Rule 2201 New Source Review offset thresholds.*

*Ozone is a secondary pollutant that can be formed miles away from the source of emissions through reactions of ROG and NO<sub>x</sub> emissions in the presence of sunlight. Therefore, ROG and NO<sub>x</sub> are termed ozone precursors. The Air Basin often exceeds the state and national ozone standards. Therefore, if the project emits a substantial quantity of ozone precursors, the project may contribute to an exceedance of the ozone*

standard. The Air Basin also exceeds air quality standards for PM<sub>10</sub>, and PM<sub>2.5</sub>; therefore, substantial project emissions may contribute to an exceedance for these pollutants. The SJVAPCD has defined substantial contribution of operational and construction emissions through its thresholds of significance as follows:

- 10 tons per year ROG
- 10 tons per year NO<sub>x</sub>
- 15 tons per year PM<sub>10</sub>
- 15 tons per year PM<sub>2.5</sub>

The Draft 2014 GAMAQI contains significance thresholds for CO (100 tons per year) and SO<sub>x</sub> (27 tons per year). SO<sub>2</sub> and CO are not included in the regional analysis because these pollutants are in attainment and the SJVAPCD has not issued final significance thresholds for these pollutants. Additionally, as shown in the output files contained in Appendix A, only minor amounts of sulfur dioxide are emitted during construction and operation, well below the SJVAPCD Draft GAMAQI thresholds.

**Regional Pollutant Analysis  
Construction Emissions**

The project involves site preparation, grading, building construction, paving, and architectural coating for a 100,000-square-foot warehouse; and grading and building construction of 159 storage tanks. The construction of the project was assumed to begin in 2015 and be complete in 2020. Analysis of the project was modeled in CalEEMod 2013.2.2. Construction emissions associated with the project are shown in Table 1. For detailed modeling files, please refer to Appendix A. As shown in Table 1, the emissions are below the significance thresholds and, therefore, are less than significant on a project-level basis.

**Table 1: Construction Air Pollutant Emissions by Year**

Source (Year)	Emissions (tons per year)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Warehouse Construction (2015)	0.327	2.742	0.374	0.259
Tank Construction (2015)	0.055	0.529	0.041	0.033
<b>Total 2015</b>	<b>0.382</b>	<b>3.271</b>	<b>0.415</b>	<b>0.292</b>





## Stationary Sources

The project would add an additional 12.5 million gallons of wine storage to the existing facility. According to the 2013 Emissions Inventory prepared by the SJVAPCD, the only emissions generated by the wine storage tanks are volatile organic compounds (VOCs) also known as reactive organic gases (ROGs). Based on the existing emissions limit of 0.79 pounds of VOC per 1,000 gallons of throughput, the project would generate 9,875 pounds of VOCs or 4.94 tons of VOCs.

Operational emissions are shown in Table 2; the emissions are below the adopted and recommended SJVAPCD significance thresholds and, therefore, would result in less than significant impacts. The project would include the addition of stationary sources under the permitting authority of the SJVAPCD. Pursuant to SJVAPCD guidelines, the stationary sources are considered separately to determine significance. The emissions would be less than the 10 tons per year SJVAPCD threshold for ROGs/VOCs, however, as a Title V facility, the project would be subject to offset requirements. The stationary impacts would be less than significant.

**Table 2: 2016 Operational Air Pollutant Emissions for All Phases**

Source (Year)	Emissions (tons per year)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Non-Stationary Sources</b>				
Area (from warehouse building)	0.46	0.00	0.000	0.000
Energy (from warehouse building)	0.01	0.093	0.00	0.007
Mobile (Employees)	0.04	0.079	0.129	0.034
Mobile (Trucks)	0.12	2.20	0.19	0.074
<b>Total</b>	<b>0.64</b>	<b>2.37</b>	<b>0.32</b>	<b>0.12</b>
Significance threshold	10	10	15	15
Exceed threshold – significant impact?	No	No	No	No
<b>Stationary Sources</b>				
Wine Storage Tanks	4.94	0	0	0
Significance threshold	10	10	15	15
Exceed threshold – significant impact?	No	No	No	No
Notes: ROG = reactive organic gases PM <sub>10</sub> and PM <sub>2.5</sub> = particulate matter Source: Appendix A. <span style="float: right;">NO<sub>x</sub> = nitrogen oxides</span>				

### **Localized Pollutant Analysis**

*The SJVAPCD has requested that projects analyze the potential to generate or substantially contribute to a localized exceedance of criteria pollutants. A significant impact would result if the change in the NO<sub>2</sub>, SO<sub>2</sub> or CO pollutant impacts from the addition of the project plus the background concentrations of these pollutants contributed by other local and regional emission sources exceeds the most restrictive ambient air quality standards. In locations that already exceed standards for these pollutants, significance is based on a significant impact level (SIL) that represents the amount that is considered a cumulatively considerable contribution to an existing violation of an air quality standard. Although the Air Basin has not violated the national ambient air quality standards or PM<sub>10</sub> in the past 5 years, it has violated the state standard for PM<sub>10</sub> during the past several years. The Air Basin also exceeds both the national and state PM<sub>2.5</sub> air standards. However, the SJVAPCD has not adopted local significance thresholds specifically for either PM<sub>10</sub> or PM<sub>2.5</sub>. For PM<sub>10</sub> and PM<sub>2.5</sub>, a significant impact would occur if the net change in PM<sub>10</sub> or PM<sub>2.5</sub> exceeds the respective SILs.*

*The SJVAPCD has provided guidance for screening localized impacts in its 2014 Draft Guidance document that establishes a screening threshold of 100 pounds per day of any criteria pollutant. If a project exceeds 100 pounds per day of any criteria pollutant, then ambient air quality modeling would be necessary. If the project does not exceed 100 pounds per day of any criteria pollutant, then it can be assumed that it would not cause a violation of an ambient air quality standard.*

### **Construction: Localized Concentrations of PM<sub>10</sub>, PM<sub>2.5</sub>, CO, and NO<sub>2</sub>**

*Local construction impacts would be short-term in nature lasting only during the duration of construction. Because of the short duration and limited amount of construction anticipated for the project, application of best management practices through compliance with Regulation VIII Fugitive Dust Prohibitions to minimize construction emissions, localized construction concentrations are considered less than significant. It should also be noted that the on-site construction emissions would be less than the SJVAPCD threshold of 100 pounds per day for each of the criteria pollutants, as shown in Table 3 below. Therefore, based on the SJVAPCD's 2014 Draft Guidance document, the construction emissions would not cause an ambient air quality standard violation. Impacts would be less than significant.*

### **Operation: Localized Concentrations of PM<sub>10</sub>, PM<sub>2.5</sub>, CO, and NO<sub>2</sub>**

*Localized impacts could occur in areas with a single large source of emissions such as a power plant or with multiple sources concentrated in a small area such as a distribution center. Operational modeling of on-site emissions for the project indicates that the project would not exceed 100*



*fair certainty that the effect a project has on any given intersection would not cause a potential CO hotspot. Therefore, the SJVAPCD has established in both its 2002 and Draft 2014 GAMAQI that if all project-affected intersections are negative for both of the following criteria, then the project can be said to have no potential to create a violation of the CO standards:*

- A traffic study for the project indicates that the Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity will be reduced to LOS E or F; or*
- A traffic study indicates that the project will substantially worsen an already existing LOS F on one or more streets or at one or more intersections in the project vicinity.*

*If either of the criteria can be associated with any intersection affected by the project, a CO Protocol Analysis must be prepared to determine significance.*

*The Traffic Impact Study prepared by TJKM Transportation Engineers for the project showed that no intersections would meet the screening criteria; therefore, the project would not cause a violation of the CO standards.*

**C. Would the project 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 cumulative air quality analysis prepared for the project follows guidance from the SJVAPCD. In general, to result in a less than significant impact, the following must be true:*

- 1. Regional analysis: emissions of nonattainment pollutants must be below the SJVAPCD's regional significance thresholds. This is an approach recommended by the SJVAPCD in its GAMAQI.*
- 2. Summary of projections: the project must be consistent with current air AQPs including control measures and regulations. This is an approach consistent with Section 15130(b) of the CEQA Guidelines.*
- 3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the nonattainment pollutants. This approach correlates the significance of the regional*

*analysis with health effects, consistent with the court decision, Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184, 1219-20.*

### *Step 1: Regional Analysis*

*If an area is in nonattainment for a criteria pollutant, then the background concentration of that pollutant has historically exceeded the ambient air quality standard. It follows that if a project exceeds the regional threshold for that nonattainment pollutant, then it would result in a cumulatively considerable net increase of that pollutant and result in a significant cumulative impact.*

*The Air Basin is in nonattainment for PM<sub>10</sub>, PM<sub>2.5</sub>, and ozone. Therefore, if the project exceeds the regional thresholds for PM<sub>10</sub> or PM<sub>2.5</sub>, then it contributes to a cumulatively considerable impact for those pollutants. If the project exceeds the regional threshold for NOX or ROG, then it follows that the project would contribute to a cumulatively considerable impact for ozone.*

*Regional emissions include those generated from all on-site and off-site activities. Regional significance thresholds have been established by the SJVAPCD because emissions from projects in the Air Basin can potentially contribute to the existing emission burden and possibly affect the attainment and maintenance of ambient air quality standards. Projects within the Air Basin region with regional emissions in excess of any of the thresholds presented previously are considered to have a significant regional air quality impact.*

*The criteria pollutant emissions analysis, as shown in impact 3b, assessed whether the project would exceed the SJVAPCD's thresholds of significance. As shown in Table 1 and Table 2, criteria pollutant emissions would not exceed any threshold of significance during project construction or operation. Therefore, the combination of unmitigated project emissions with the criteria pollutants from other sources within the Air Basin would not cumulatively contribute to a significant impact according to this criterion.*

### *Step 2: Plan Approach*

*Section 15130(b) of the CEQA Guidelines states the following:*

*The following elements are necessary to an adequate discussion of significant cumulative impacts: 1) Either: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted*

*general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.*

*In accordance with CEQA Guidelines 15130(b), this analysis of cumulative impacts is based on a summary of projections analysis. This analysis considers the current CEQA Guidelines, which includes the recent amendments approved by the Natural Resources Agency and effective on March 18, 2010. The Air Basin is in nonattainment for ozone and particulate matter ( $PM_{10}$  and  $PM_{2.5}$ ), which means that concentrations of these pollutants currently exceed the applicable ambient air quality standards.*

*Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The geographic scope for cumulative criteria pollution from air quality impacts is the Air Basin, because that is the area in which the air pollutants generated by the sources within the Air Basin circulate and are often trapped. The SJVAPCD is required to prepare and maintain air quality attainment plans and a State Implementation Plan to document the strategies and measures to be undertaken to reach attainment of ambient air quality standards. While the SJVAPCD does not have direct authority over land use decisions, it is recognized that changes in land use and circulation planning would help the Air Basin achieve clean air mandates. The SJVAPCD evaluated emissions from land uses and transportation in the entire Air Basin when it developed its attainment plans.*

*In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program.*

*The 2007 8-Hour Ozone Plan contains measures to achieve reductions in emissions of ozone precursors and sets plans towards attainment of ambient ozone standards by 2023. The 2012  $PM_{2.5}$  Plan requires fewer reductions than the Ozone Plan, so the Ozone Plan is considered the applicable plan. As discussed in AIR-1, the project is consistent with all applicable control measures in the air quality attainment plans. The project would be required to comply with any SJVAPCD rules and regulations that may pertain to implementation of the AQPs. Therefore, impacts would be less than significant with regard to compliance with control measures and regulations.*

### Step 3: Cumulative Health Impacts

*The Air Basin is in nonattainment for ozone, PM<sub>10</sub> and PM<sub>2.5</sub>, which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and the infirm). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience health effects.*

*The regional analysis of construction and operational emissions, as indicated in impact discussion 3b indicates that the project would not exceed the SJVAPCD's significance thresholds and the project is consistent with the applicable AQPs. Therefore, the project would not result in significant cumulative health impacts from nonattainment pollutants and impacts would be less than significant.*

#### **D. Would the project expose sensitive receptors to substantial pollutant concentrations?**

##### **FINDING: LESS THAN SIGNIFICANT IMPACT**

*Those individuals who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The SJVAPCD considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools.*

*The closest sensitive receptors are located at Riverview Elementary School, 213 feet south from the nearest loading dock of the project site.*

##### *Impacts to Onsite Workers*

*A variety of state and national programs protect workers from safety hazards, including high air pollutant concentrations (California OSHA and CDC 2012). Onsite workers are not required to be addressed through the health risk assessment process. A document published by the California Air Pollution Control Officers Association (CAPCOA 2009), Health Risk Assessments for Proposed Land Use Projects, indicates that on-site receptors are included in risk assessments if they are persons not employed by the project. Persons not employed by the project would not remain on-site for any significant period. Therefore, a health risk assessment for on-site workers is not required or recommended.*

**Construction: ROG**

*During the application of architectural coatings (painting), ROG is emitted. The amount emitted is dependent on the amount of ROG in the paint. ROG emissions are typically an indoor air quality health hazard concern and not an outdoor air quality health hazard concern. Therefore, exposure of ROG during architectural coatings is a less than significant health impact.*

*Three types of asphalt are typically used in paving: asphalt cements, cutback asphalts, and emulsified asphalts. However, SJVAPCD Rule 4641 prohibits the use of the following types of asphalt: rapid cure cutback asphalt; medium cure cutback asphalt; slow cure asphalt that contains more than one-half (0.5) percent of organic compounds that evaporate at 500 degrees Fahrenheit (°F) or lower; and emulsified asphalt containing organic compounds, in excess of 3 percent by volume, that evaporate at 500°F or lower. An exception to this is medium cure asphalt when the National Weather Service official forecast of the high temperature for the 24-hour period following application is below 50°F.*

*The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Other effects include respiratory tract symptoms and pulmonary function changes. The studies were based on occupational exposure of fumes. Residents are not in the immediate vicinity of the fumes; therefore, they would not be subjected to concentrations high enough to evoke a negative response. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley reduce ROG emissions from asphalt and exposure. The impact to nearby sensitive receptors from ROG during construction is less than significant.*

**Operation: ROG**

*During operation, ROG would be emitted primarily from motor vehicles. Direct exposure to ROG from project motor vehicles would not result in health effects, because the ROG would be distributed across miles and miles of roadway and in the air. The concentrations would not be great enough to result in direct health effects.*

**Construction: NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>**

*As discussed in Impact 3b, emissions during construction would not exceed the significance thresholds and would not be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard.*



**Operation: PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>2</sub>**

*As discussed in Impact 3b, localized concentrations of PM<sub>10</sub>, PM<sub>2.5</sub>, CO, and NO<sub>2</sub> would not exceed the ambient air quality standards. Therefore, the project would not expose sensitive receptors to substantial criteria air pollutant concentrations during operation.*

**Construction: Toxic Air Contaminants**

*Although construction of the project would involve the use of diesel-fueled vehicles, construction risks were not analyzed because of the short duration of the construction phases. While operational emissions are ongoing, the construction phase emissions are short-term. The California Office of Environmental Health Hazard Assessment (OEHHA) provides exposure variants for 9-, 30-, and 70-year exposures in its Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2003). These exposures are chosen to coincide with the EPA's estimates of the average (9 years), high-end estimates (30 years) of residence time, and a typical lifetime (70 years). OEHHA states its support for the use of cancer potency factors for estimating cancer risk for these exposure durations. However, as the exposure duration decreases, the uncertainties introduced by applying cancer potency factors derived from very-long-term studies increases. Short-term high exposures are not necessarily equivalent to longer-term lower exposures even when the total dose is the same. OEHHA therefore does not support the use of current cancer potency factor to evaluate cancer risk for exposures of less than 9 years (refer to page 8-4 of OEHHA 2003).*

*In addition, guidance published by the CAPCOA (2009), Health Risk Assessments for Proposed Land Use Projects, does not include guidance for health risks from construction projects addressed in CEQA; risks near construction projects are expected to be included later when the toxic emissions from construction activities are better understood.*

*Construction phase risks would be considered acute health risks as opposed to cancer risks, which are long-term. OEHHA has yet to define acute risk factors for diesel particulates that would allow the calculation of a hazards risk index; thus, evaluation of this impact would be speculative and no further discussion is necessary.*

**Operation Toxic Air Contaminants**

*The ARB Air Quality and Land Use Handbook contains recommendations that will "help keep California's children and other vulnerable populations out of harm's way with respect to nearby sources of air pollution," (ARB 2005) including recommendations for distances between sensitive receptors and certain land uses. These recommendations are assessed as follows.*

- **Heavily traveled roads.** ARB recommends avoiding new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. Epidemiological studies indicate that the distance from the roadway and truck traffic densities were key factors in the correlation of health effects, particularly in children. Roads assessed in the traffic study do not exceed a volume of 100,000 vehicles per day.
- **Distribution centers.** ARB also recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center. There are no distribution centers within the vicinity of the project site.
- **Fueling stations.** ARB recommends avoiding new sensitive land uses within 300 feet of a large fueling station (a facility with a throughput of 3.6 million gallons per year or greater). A 50-foot separation is recommended for typical gas dispensing facilities. The proposed project does not include a fueling station.
- **Dry cleaning operations.** ARB recommends avoiding siting new sensitive land uses within 300 feet of any dry cleaning operation that uses perchloroethylene. For operations with two or more machines, ARB recommends a buffer of 500 feet. For operations with three or more machines, ARB recommends consultation with the local air district. The proposed project does not include dry cleaning operations.

The project would include warehouse uses (approximately 100,000 square feet) and would involve shipping and receiving of products for wine making and distilling that would generate 1,800 truck trips per year that generate diesel particulate matter (DPM), a toxic air contaminant. The SJVAPCD has a screening tool to determine if project impacts exceed the SJVAPCD threshold of 10 in one million probability of contracting cancer for the Maximally Exposed Individual (MEI). The screening tool requires information on the anticipated number of heavy-duty diesel trucks (HDDT) servicing the project site. The following assumptions were included in the modeling:

- 1,800 trucks per year (although the project site has additional loading docks located farther from the nearest sensitive receptors, all 1,800 trucks were assumed to idle at the nearest loading dock to provide a conservative estimate.
- Idling time of 15 minutes

- *In order to provide a worst-case scenario, 100 percent of the trucks [a total of 3,600 trips (coming and going)] were assumed to access the closest docks on S. Lac Jac Avenue.*
- *The analysis also included an additional 3,600 truck trips and modeled them traveling to the furthest docks on the site and traveling around the facility to the farthest exit. Thus, the modeling provides a conservative estimate.*

*Table 4 provides an estimate of the cancer risks to the Maximally Exposed Individual (MEI), who are the school receptors located south of the southern boundary of the project site. As shown in the table, the project would not exceed the SJVAPCD threshold of 10 in one million; therefore, the project would not expose sensitive receptors to substantial concentrations of DPM. Impacts would be less than significant.*

**Table 4: Cancer Risk from Project Operations**

<b>Project Year</b>	<b>Location</b>	<b>Cancer Risk (Risk per Million)</b>	<b>Significance Threshold (Risk per Million)</b>	<b>Exceed Threshold Of Significance</b>
2015	Riverview School - South of the Project Site	3.02	10	No
Notes: See output file in Appendix A. Project impacts were analyzed using 2015 emission factors to provide a worst-case scenario of potential impacts. Sources: FirstCarbon Solutions, 2014; SJVAPCD Health Risk Screening Tool, 2011.				

### *Valley Fever*

*Valley fever, or coccidioidomycosis, is an infection caused by inhalation of the spores of the fungus, Coccidioides immitis. The spores live in soil and can live for an extended time in harsh environmental conditions. Activities or conditions that increase the amount of fugitive dust contribute to greater exposure, and they include dust storms, grading, and recreational off-road activities.*

*By geographic region, hospitalizations for Valley fever in the San Joaquin Valley increased from 230 (6.9 per 100,000 population) in 2000 to 701 (17.7 per 100,000 population) in 2007. Within the region, Kern County reported the highest hospitalization rates, increasing from 121 (18.2 per 100,000 population) in 2000 to 285 (34.9 per 100,000 population) in 2007, and peaking in 2005 at 353 hospitalizations (45.8 per 100,000 population). The Centers for Disease Control and Prevention indicates that 752 of the*

8,657 persons (8.7 percent) hospitalized in California between 2000 and 2007 for Valley fever died (CDC 2009).

*Construction activities would generate fugitive dust. The project will minimize the generation of fugitive dust by complying with the SJVAPCD's Regulation VIII. Therefore, this regulation would reduce valley fever impacts to less than significant.*

#### *Naturally Occurring Asbestos*

*According to a map of areas where naturally occurring asbestos in California are likely to occur (U.S. Geological Survey 2011), there are no such areas in the project area. Therefore, development of the project is not anticipated to expose receptors to naturally occurring asbestos. Impacts would be less than significant.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

If the project were to result in a sensitive odor receptor being located in the vicinity of an undesirable odor generator, the impact would be considered significant. The SJVAPCD regulates odor sources through its nuisance rule, Rule 4102, but has no quantitative standards for odors. The GAMAQI provides screening distances for various facilities with the potential to produce odors, including food processing facilities. The GAMAQI does not have a screening distance for wineries and distilling facilities, however the screening distance for food processing facilities is 1 mile. The existing facility would have very similar operations with the proposed project, so the odor complaint history of the facility's odor complaints is an appropriate indicator of the potential for future odor issues. According to Public Records Request C-2014-10-90 with the SJVAPCD, no odor complaints have been filed for the facility in the last 3 years.

The expansion of the existing facility would have similar odors and controls to the existing facility, which has not generated odor complaints. This impact is considered less than significant.

#### **IV. BIOLOGICAL RESOURCES**

##### **A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS?**

FINDING: NO IMPACT

*The project site is highly disturbed and supports only scattered non-native plant species. The project site has been routinely disturbed over the years for agricultural production and to control weeds as the site has remained fallow for a number of years. As a result, the project site provides no suitable habitat for any special-status plant or wildlife species.*

- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS?**

FINDING: NO IMPACT

*There are no riparian habitats or other sensitive natural communities located within the project site itself. The project site is highly disturbed and soils found on the project site are heavily compacted.*

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

FINDING: NO IMPACT

*The US Fish and Wildlife Service's National Wetlands Inventory does not identify wetland waters of the U.S. within or adjacent to the project site. This condition precludes the potential to have any adverse effect.*

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

FINDING: NO IMPACT

*The project site has no aquatic habitat that can support native resident or migratory fish species. It is not located within any identified wildlife movement corridor and does not function as a wildlife nursery site. Surrounding land uses to the project site include the existing winery to the north and west, a Class 2 Surface Water Impoundment to the east and agricultural uses farther east, and institutional (school) and agricultural uses to the south.*

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

FINDING: NO IMPACT

*The parcel has historically been developed and used as a distillery and winery since 1900. The subject site is approximately 5.5-acres of a 25.94-acre parcel, and is currently vacant with no significant vegetation. The proposed project does not conflict with any of the Fresno County General Plan Goals or Policies, and would not result in the loss of sensitive wildlife habitat. There are no adopted habitat conservation plans, natural community conservations plans, or other approved local, regional, or state habitat conservation plans that are applicable to the project area.*

## **V. CULTURAL RESOURCES**

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**
- B. Would the project cause substantial adverse change in the significance of an archeological resource pursuant to §15064.5?**
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*The site is within an area designated for Agricultural uses in the Fresno County General Plan and is located within an area that has been historically developed with industrial uses. The site is not located in an area of moderate or high archeological sensitivity. Additionally, the site has been extensively disturbed.*

*However, in the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. A Mitigation Measure reflecting this requirement has been incorporated into the project.*

\* **Mitigation Measure**

*CUL-1. In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations as outlined in Public Resources Code Section 21083.2. Upon the County's approval of the recommended mitigation measures, the project developer shall implement said measures.*

**D. Would the project disturb any human remains, including those interred outside of formal cemeteries?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*There are no known burial sites within the project site. The project site contains an existing winery and distilling facility. In the highly unlikely event that human remains are encountered, Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94 and 5097.98 set forth specific procedures that must be followed to ensure that no further disturbance occurs in the area of the find, the County Coroner is notified to remove the remains, and the most likely tribal decedent is notified. As such, impacts would be less than significant.*

**VI. GEOLOGY AND SOILS**

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

**1. Rupture of a known earthquake fault?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*A review of the Alquist-Priolo Earthquake Fault Zoning Map and Regional Faults Map located in the Fresno County General Plan Background Report indicated that the project site is not located within or near an Alquist-Priolo Earthquake Fault Zone, and no mapped evidence of active or potentially active faulting was found for the site. Therefore, the project would not expose people or structures to potential substantial adverse effects involving the rupture of a known earthquake fault, and impacts would be less than significant.*

**2. Strong seismic ground shaking?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*According to the Fresno County General Plan Background Report, the project lies in an area where the probabilistic seismic hazard is between 0 and 20 percent. Therefore, the project site is in an area of low probability for exposure to strong ground shaking, and no anticipated geotechnical factors at this site exist that are unique and would necessitate special seismic consideration for design of the structures. In addition, prior to issuance of building permits, the project applicant shall provide documentation to the County of Fresno demonstrating that all project structures are designed in accordance with the California Building Standards Code. As such, ground-shaking impacts would be less than significant.*

**3. Seismic-related ground failure, including liquefaction?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*The potential for seismic-related ground failure (liquefaction, lateral spreading, and lurching) occurring on the project site is minimal because of the absence of high groundwater levels and saturated loose granular soil on the project site. The project site is not in an area identified by Fresno County as being susceptible to liquefaction. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on-site. Accordingly, potential ground failure hazards would be less than significant.*

**4. Landslides?**

FINDING: NO IMPACT

*Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief (slopes of no more than 3 percent), which precludes the possibility of landsliding on-site.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*Construction activities associated with the project would involve minimal grading and excavation activities. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the project site. The applicant shall employ appropriate sediment and erosion control best management practices to minimize the potential for erosion and sedimentation as part of a*



*Stormwater Pollution Prevention Plan (SWPPP) in accordance with the California National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with construction activity*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*As previously discussed in Section VI-A.3, the project site's liquefaction and landslide potential is low. The United States Department of Agriculture Natural Resources Conservation Service indicates that Hanford sandy loam underlies the project site. This soil is not susceptible to subsidence.*

- D. Would the project be located on expansive soils as defined in Table 18-1-B of the UBC (1994) creating substantial risks to life or property?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*The United States Department of Agriculture Natural Resources Conservation Service indicates that Hanford sandy loam underlies the project site. This soil has a low shrink-swell potential. The proposed project would implement all applicable requirements of the most recent California Building Standards Code, which provides criteria for the design of structures. Therefore, the development of the project would not expose persons or structures to hazards associated with shrinking and swelling of expansive soils. Impacts would be less than significant.*

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

FINDING: NO IMPACT

*The existing facility is served by a septic system in accordance with Fresno County's Building Code and Environmental Health Department requirements. The proposed project would not require an expansion in the existing system. No impacts would occur.*

## VII. GREENHOUSE GAS EMISSIONS

*The analysis in this section is based on the Air Quality and Greenhouse Gas Analysis Report prepared by FirstCarbon Solutions (2014) and included in its entirety as Appendix A.*

### A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT

*Section 15064.4(b) of the CEQA Guideline amendments for greenhouse gas emissions states that a lead agency may take into account the following three considerations in assessing the significance of impacts from greenhouse gas emissions.*

- **Consideration #1:** *The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.*
- **Consideration #2:** *Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*
- **Consideration #3:** *The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.*

*The County of Fresno has not adopted its own greenhouse gas thresholds, nor has it prepared a Climate Action Plan that can be used as a basis for determining project significance. The SJVAPCD has established a menu of performance standards, some of which depend on the existence of an adopted climate action plan or the establishment of Best Performance Standards (BPS). Since neither of the above currently exists for this type of project, this analysis adopts the following alternative threshold provided by SJVAPCD's 2009 report on addressing greenhouse gas emissions under CEQA: whether the project will reduce or mitigate greenhouse gas levels by 29 percent from business-as-usual levels compared with 2005 levels (SJVAPCD 2009b). This level of greenhouse*

gas reduction is based on the target established by ARB’s AB 32 Scoping Plan, approved in 2008. As mentioned in the Regulatory Environment section, this reduction level was revised in the Final Supplement to the Functional Equivalent Document, which was included in ARB’s 2011 re-approval of the Scoping Plan to reflect slower growth in emissions during the recession and lower future year projections. The new greenhouse gas reduction level for the State to reach 1990 emission levels by 2020 is now 21.7 percent from business as usual in 2020. This analysis uses the revised 21.7-percent reduction from business as usual as the basis of the threshold.

To determine significance, the analysis first will quantify project-related greenhouse gas emissions under a business-as-usual scenario, and then compare these emissions with those emissions that would occur when compliance with applicable regulatory measures is assumed. The standard and methodology is explained in further detail, below.

**Construction**

Greenhouse gas emissions generated during all phases of construction were combined and are shown in Table 5. The SJVAPCD does not have a recommendation for assessing the significance of construction related emissions. Any construction-related emissions would mostly occur prior to the year 2020, which is the year the State is required to reduce its greenhouse gas emissions to 1990 levels. Additionally, construction emissions would be temporary.

**Table 5: Construction Greenhouse Gas Emissions**

Phase	Total MTCO <sub>2</sub> e per year
2015	302.07
2016	262.63
2017	56.89
2018	55.89
2019	54.89
2020	53.63
<b>Total</b>	<b>786</b>

Note:  
 Due to rounding, total MTCO<sub>2</sub>e may be marginally different from CalEEMod output.  
 MTCO<sub>2</sub>e = metric tons of carbon dioxide equivalents  
 Source: CalEEMod output (Appendix A).

**Operation**

Operational or long-term emissions occur over the life of the project. Sources of emissions may include motor vehicles and trucks, energy usage, water usage, waste generation, and area sources such as

landscaping activities. Operational GHG emissions associated with the project were estimated using CalEEMod 2013.2.2.

### **Business-as-Usual Operational Emissions**

Operational emissions under the business-as-usual scenario were modeled using CalEEMod 2013.2.2. Modeling assumptions for the year 2005 were used to represent 2020 business as usual conditions (without the benefit of regulations adopted to reduce GHG emissions). The ARB and SJVAPCD guidance recommend using regulatory conditions in 2002–2004 in the baseline scenario to represent conditions as if regulations had not been adopted to allow the effect of projected growth on achieving reduction targets to be clearly defined. CalEEMod defaults were used for project energy usage, water usage, waste generation, and area sources (architectural coating, consumer products, and landscaping). The vehicle fleet mix was revised to reflect the employee fleet mix of light duty vehicles and the increase in heavy-duty diesel trucks. The year 2020 was chosen because it is the AB 32 target year. Results of this analysis are presented below in Table 6.

### **2020 Operational Emissions**

Operational emissions for the year 2020 were modeled using CalEEMod. CalEEMod assumes compliance with some, but not all, applicable rules and regulations regarding energy efficiency, vehicle fuel efficiency, renewable energy usage, and other greenhouse gas reduction policies, as described in the CalEEMod User's Guide (SCAQMD 2011).

In addition to these rules and regulations, the project would incorporate the following design features that would further reduce greenhouse gas emissions:

- Compliance with 2013 Title 24 Standards (30 percent more efficient than 2008 standard)
- Compliance with California Green Building Code

Greenhouse gas reductions from some design features can be quantified in CalEEMod. Note that CalEEMod nominally treats these design elements and conditions as “mitigation measures,” despite their inclusion in the project description. Therefore, reported operational emissions are considered to represent unmitigated project conditions. Full assumptions and model outputs are provided in Appendix A. Results of this analysis are presented in Table 6.

**Table 6: Project Operational Greenhouse Gases in 2020**

Source	Emissions (MTCO <sub>2</sub> e) per year		
	2020 Business as Usual	2020 (with Regulation)	Percent Reduction (%)
Area (Warehouse Building)	0.02	0.02	0
Energy (Warehouse Building)	450.69	296.17	34.23
Water (Warehouse Building)	21.34	16.45	22.91
Waste (Warehouse Building)	42.76	21.38	50.0
Mobile (Employees)	155.65	105.78	32.04
Mobile (Trucks)	645.82	544.89	15.63
<b>Total</b>	<b>1,316.28</b>	<b>1,037.93</b>	<b>25.19</b>
Significance Threshold			21.7
Are emissions significant?			No
Notes: MTCO <sub>2</sub> e = metric tons of carbon dioxide equivalents Source of business as usual emissions: CalEEMod output for the year 2005 (Appendix A). Source of 2020 emissions: CalEEMod output for the year 2020 (Appendix A).			

*As shown in Table 6, the project has a reduction of 25.19 percent from 2020 Business as Usual to the year 2020 with Regulations and Design features incorporated. This is above the 21.7-percent reduction required to exceed the amount needed to demonstrate consistency with AB 32 targets. The ARB originally identified a reduction of 29 percent from business as usual as needed to achieve AB 32 targets. The 2008 recession and slower growth in the years since 2008 have reduced the growth forecasted for 2020 and the amount needed to be reduced to achieve 1990 levels as required by AB 32. The reductions from regulatory measures alone are adequate to exceed the 21.7 percent reduction threshold. The impact is less than significant.*

**B. Would the project 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 County of Fresno has not adopted a GHG reduction plan. In addition, the County has not completed the greenhouse gas inventory, benchmarking, and goal-setting process required to identify a reduction target and to take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97. The SJVAPCD*

*has adopted a Climate Action Plan, but it has not developed BPS for land use projects that, if adopted, would automatically allow a project to be determined as less than significant without performing a quantitative analysis. Therefore, the SJVAPCD Climate Action Plan is not applicable to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with ARB's adopted Scoping Plan. This is to be achieved by showing that project emissions are at least 21.7 percent lower than the business as usual scenario pursuant to SJVAPCD guidance and is consistent with the Scoping Plan.*

**Scoping Plan**

*The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for an “ambitious but achievable” reduction in California’s GHG emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from 2008 levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020. As stated earlier, the ARB has updated its emission inventory forecasts and now estimates a reduction of 21.7 percent is required from business as usual in 2020.*

*The Scoping Plan contains a variety of strategies to reduce the State’s emissions. As shown in Table 7, the strategies are not applicable to the project.*

**Table 7: Scoping Plan Reduction Measures Consistency Analysis**

<b>Scoping Plan Reduction Measure</b>	<b>Consistency/Applicability Determination</b>
<p>1. California Cap-and-Trade Program Linked to Western Climate Initiative. Implement a broad-based California Cap-and-Trade program to provide a firm limit on emissions. Link the California cap-and-trade program with other Western Climate Initiative Partner programs to create a regional market system to achieve greater environmental and economic benefits for California. Ensure California’s program meets all applicable AB 32 requirements for market-based mechanisms.</p>	<p><b>Not applicable.</b> Although the cap-and-trade system has begun, products or services (such as electricity) would be covered and the cost of the cap-and-trade system would be transferred to the consumers.</p>

**Table 7 (cont.): Scoping Plan Reduction Measures Consistency Analysis**

<b>Scoping Plan Reduction Measure</b>	<b>Consistency/Applicability Determination</b>
<p>2. California Light-Duty Vehicle Greenhouse Gas Standards. Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.</p>	<p><b>Consistent.</b> This is a statewide measure that cannot be implemented by a project applicant or lead agency. However, the standards would be applicable to the light-duty vehicles that would access the project site.</p>
<p>3. Energy Efficiency. Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.</p>	<p><b>Consistent.</b> This is a measure for the State to increase its energy efficiency standards in new buildings. The project is required to build to the new standards and would increase its energy efficiency through compliance.</p>
<p>4. Renewable Portfolio Standard. Achieve 33 percent renewable energy mix statewide. Renewable energy sources include (but are not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.</p>	<p><b>Consistent.</b> This is a statewide measure that cannot be implemented by a project applicant or lead agency. PG&amp;E obtains 19 percent of its power supply from renewable sources such as geothermal. It is required to increase this percentage to 33 percent by the year 2020 pursuant to various regulations. The project would purchase power that consists of a greater amount of renewable sources that will assist the utility in achieving the mandate.</p>
<p>5. Low Carbon Fuel Standard. Develop and adopt the Low Carbon Fuel Standard.</p>	<p><b>Consistent.</b> This is a statewide measure that cannot be implemented by a project applicant or lead agency. When this measure is initiated, the standard would be applicable to the fuel used by vehicles that would access the project site.</p>
<p>6. Regional Transportation-Related Greenhouse Gas Targets. Develop regional greenhouse gas emissions reduction targets for passenger vehicles. This measure refers to SB 375.</p>	<p><b>Not Applicable.</b> SB 375 has no requirements that apply to light industrial projects such as this project.</p>

**Table 7 (cont.): Scoping Plan Reduction Measures Consistency Analysis**

<b>Scoping Plan Reduction Measure</b>	<b>Consistency/Applicability Determination</b>
7. Vehicle Efficiency Measures. Implement light-duty vehicle efficiency measures.	<b>Consistent.</b> When this measure is initiated, the standards would be applicable to the light-duty vehicles that would access the project site.
8. Goods Movement. Implement adopted regulations for the use of shore power for ships at berth. Improve efficiency in goods movement activities.	<b>Not applicable.</b> The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
9. Million Solar Roofs Program. Install 3,000 MW of solar-electric capacity under California’s existing solar programs.	<b>Not Applicable.</b> This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs.
10. Medium/Heavy-Duty Vehicles. Adopt medium and heavy-duty vehicle efficiency measures.	<b>Consistent.</b> This is a statewide measure that cannot be implemented by a project applicant or lead agency. The standards phase-in over model years 2014 through 2018 are applicable to the vehicles that access the project site.
11. Industrial Emissions. Require assessment of large industrial sources to determine whether individual sources within a facility can cost-effectively reduce greenhouse gas emissions and provide other pollution reduction co-benefits. Reduce greenhouse gas emissions from fugitive emissions from oil and gas extraction and gas transmission. Adopt and implement regulations to control fugitive methane emissions and reduce flaring at refineries.	<b>Not applicable.</b> This measure would apply to the direct greenhouse gas emissions at major industrial facilities emitting more than 500,000 MTCO <sub>2</sub> e per year. Furthermore, the project is not a major industrial facility.
12. High Speed Rail. Support implementation of a high-speed rail system.	<b>Not applicable.</b> This is a statewide measure that cannot be implemented by a project applicant or lead agency.
13. Green Building Strategy. Expand the use of green building practices to reduce the carbon footprint of California’s new and existing inventory of buildings.	<b>Not Applicable.</b> The project would not construct buildings subject to the standards.



**Table 7 (cont.): Scoping Plan Reduction Measures Consistency Analysis**

Scoping Plan Reduction Measure	Consistency/Applicability Determination
14. High Global Warming Potential Gases. Adopt measures to reduce high global warming potential gases.	<b>Not applicable.</b> This measure is applicable to the high global warming potential gases that would be used by sources with large equipment (such as in air conditioning and commercial refrigerators) that are not part of this industrial project.
15. Recycling and Waste. Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero-waste.	<b>Not applicable.</b> The project is an industrial facility with limited household/office waste.
16. Sustainable Forests. Preserve forest sequestration and encourage the use of forest biomass for sustainable energy generation.	<b>Not applicable.</b> The project site is not forested; therefore, no preservation is possible.
17. Water. Continue efficiency programs and use cleaner energy sources to move and treat water.	<b>Consistent.</b> The project would comply with Green Building Code regulations and would implement required water conservation features, if any.
18. Agriculture. In the near-term, encourage investment in manure digesters and at the five-year Scoping Plan update determine if the program should be made mandatory by 2020.	<b>Not applicable.</b> The project site is not designated or in use for agriculture purposes. No grazing, feedlot, or other agricultural activities that generate manure occur on-site or are proposed to be implemented by the project.
Source of ARB Scoping Plan Reduction Measure: California Air Resources Board 2008. Source of Project Consistency or Applicability: FirstCarbon Solutions.	

*As shown above, the project is consistent with the ARB Scoping Plan, which identified the reductions necessary to achieve the AB 32 goals. As such, the project is also consistent with AB 32. The impact would be less than significant.*

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

- A. Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**
- B. Would the project 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?**

- C. Would the project 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 project was reviewed by the Environmental Health Division of the Department of Community Health. The online Hazardous Materials Business Plan/CalARP (RMP) submittal and site plan shall be updated prior to occupancy. All hazardous materials shall be handled in compliance with the requirements of the California Health and Safety Code.*

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

FINDING: NO IMPACT

*The project site is not listed on the Hazardous Waste and Substances Site List (Cortese List) which is maintained by the California Department of Toxic Substances Control. The closest site listed is the Selma Treating Company property located at 1735 Dockery Avenue, Selma, California, which is approximately 7.55 miles southwest of the project site.*

- E. Would 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 for people residing or working in the project area?**

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

FINDING: NO IMPACT

*The project site is not within an airport land use plan or in the vicinity of a public or private airport or airstrip. The nearest airports are the Reedley Municipal Airport, and the Reedley College Airport, 4.32 and 1.15 miles, respectively, from the project site.*

- G. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

FINDING: NO IMPACT

*The project will not impair the implementation of or physically interfere with an adopted emergency response plan.*

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

FINDING: NO IMPACT

*According to County records, the project site is not located within a wildland area and is not subject to wildland fires.*

**IX. HYDROLOGY AND WATER QUALITY**

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*The expansion of the processing capacity of the winery is covered by Waste Discharge Requirements Order R5-2014-0045 and Cease and Desist Order No. R5-2014-0046. Current and proposed operations capture the wastewater onsite and then apply it to the winery's adjacent agricultural land. There are currently four parcels totaling approximately 156 acres of irrigated land. An additional 189 acres have been purchased or are being purchased to expand the area for land application of wastewater in the future. The discharger will use a double crop plan with field crops such as Sudan grass and winter forage to improve crop uptake of waste constituents.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*All water used by the facility is derived from on-site groundwater wells. The facility currently uses 35 to 40 million gallons of water per year. The project would require up to 7 million gallons of water per year. The facility does not have any limitations to their groundwater use from its wells. Accordingly, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.*

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*No streams or rivers were identified on the subject parcel. The applicant shall adhere to the grading and drainage requirements of the Fresno County Ordinance.*

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

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

*Development of the project would require minor grading and construction activities that would disturb more than 1 acre. During these activities, there would be the potential for surface water to carry sediment from on-site erosion and small quantities of pollutants into the stormwater system and local waterways. Small quantities of pollutants have the potential to enter the storm drainage system, thereby potentially degrading water quality.*

*The NPDES stormwater permitting program regulates stormwater quality from construction sites. Under the NPDES permitting program, the preparation and implementation of SWPPPs are required for construction activities that disturb more than 1 acre in area. The SWPPP must identify potential sources of pollution that are reasonably expected to affect the quality of stormwater discharges as well as identify and implement BMPs that ensure the reduction of these pollutants during stormwater discharges to the maximum extent practicable. The Applicant shall provide evidence to the County of Fresno demonstrating that the Regional Water Quality Control Board has approved the Stormwater Pollution Prevention Plan prior to issuance of the grading permit or building permit (whichever occurs first). Notes on this requirement will be included in the project staff report.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*The expansion of the processing capacity of the winery is covered by Waste Discharge Requirements Order R5-2014-0045 and Cease and Desist Order No. R5-2014-0046. The discharger has complied with*

*requirements of the Order to prepare and submit a work plan and time schedule for the installation and sampling of a Vadose Zone Monitoring System; a Nutrient and Wastewater Management Plan; and a Solids Management Plan. Adherence to these plans and the load limits of constituents of concern discussed in the Order will maintain the water quality above current water quality objectives so as to not unreasonably affect beneficial uses.*

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

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

FINDING: NO IMPACT

*The project site is not located within a 100-year floodplain.*

**I. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

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

FINDING: NO IMPACT

*A 1986 Friant Dam uncontrolled release resulted in the release of 3,000 cfs, with no major flooding in the area. It is expected that future failures would not expose the project to significant loss, injury, or death. The project site is not located near an inland body of water, precluding it from possibility of seiche inundation. The project site is located more than 100 miles from the Pacific Ocean, precluding it from tsunami inundation. The project is not located within an area of steep slopes, precluding it from mudflow inundation.*

**X. LAND USE AND PLANNING**

**A. Would the project physically divide an established community?**

FINDING: NO IMPACT

*The site will not physically divide an established community. The proposal is located in an agricultural area and is an expansion to existing operations within the footprint of the current winery facility.*

- B. Would the project conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

FINDING: NO IMPACT

*The proposed project is an expansion of an existing winery located in the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) which is a conditionally allowed use in the Zoning Ordinance. The winery operation and application of treated wastewater to irrigate alfalfa and other crops is agricultural in nature, and therefore conditionally compatible with the Agriculture land use designation.*

- C. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

FINDING: NO IMPACT

*The project will not conflict with any habitat conservation plan or natural community conservation plan. The project site is located in a historically developed area which has undergone ground disturbance.*

## **XI. MINERAL RESOURCES**

- A. Would the project 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?**
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

FINDING: NO IMPACT

*No mineral resource impacts were identified in the analysis. The project does not propose mineral extraction and would not result in the loss of a locally-important mineral resource recovery site.*

## **XII. NOISE**

- A. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*According to the County's Noise Ordinance, noise from construction activity is exempt from the County's noise performance standards provided that all noise producing construction activities are limited to the daytime hours between 6:00 a.m. and 9:00 p.m., Monday through Friday, and between 7:00 a.m. and 5:00 p.m. on Saturday and Sunday. Therefore, restrictions on the permissible hours of construction, as well as implementation of the following mitigation measures, would ensure compliance with County Construction Noise Standards (including construction BMPs and restrictions on permissible hours of construction) and would reduce potential impacts to a less than significant level.*

**\* Mitigation Measures**

- NOI-1 The applicant shall ensure that the construction contractor contracted to perform the work complies with all local sound control and noise level rules, regulations, and ordinances that apply to any work performed pursuant to the contract.*
- NOI-2 Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated without a muffler.*
- NOI-3 The use of loud sound signals shall be avoided in favor of light warnings except those required by safety laws for the protection of personnel.*
- NOI-4 During all construction phases of the project, the applicant shall ensure that its construction contractor limits all on-site, noise-producing activities to the hours of 6:00 a.m. to 9:00 p.m., Monday through Friday, and to the hours of 7:00 a.m. to 5:00 p.m. on Saturday and Sunday.*
- NOI-5 The applicant shall ensure that its construction contractor implements appropriate additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying the adjacent school and nearby residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources if needed.*
- NOI-6 If, based on complaints from noise sensitive receivers and resulting investigations by the Department of Public Health, Environmental Health Division, it is determined the applicant is failing to adequately control noise levels occurring at the facility in compliance with the Fresno County Noise Control Ordinance Code, then the operators shall be required to provide additional mitigation measures to meet the requirements of the Fresno County Noise Ordinance.*

- B. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?**
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*Although the winery expansion will include additional equipment capable of producing noise, the project is not anticipated to produce an overall significant increase in noise or ground borne vibration levels. The workers on site should not be exposed to any severe noises in excess of current operation conditions.*

- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*During the construction phase, it is anticipated that there will be periodic increases in ambient noise levels. However, with implementation of the mitigation measures listed in Section XII-A the proposed project will not have a significant impact on sensitive receptors in the area.*

- E. If the project is located within an airport land use plan, or 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?**
- F. If the project is located within the vicinity of a private airstrip would the project expose people residing or working in the project area to excessive noise levels?**

FINDING: NO IMPACT

*The project site is 4.32 miles from the Reedley Municipal Airport and 1.15 miles from the Reedley College Airport. At these distances, the project would not expose people working in the area to excessive noise levels from the airstrip.*



### **XIII. POPULATION AND HOUSING**

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

FINDING: NO IMPACT

*The project will neither construct nor displace housing, and will not otherwise induce population growth.*

### **XIV. PUBLIC SERVICES**

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts?**

#### **1. Fire protection**

FINDING: NO IMPACT

*The project was reviewed by the Fresno County Fire Protection District, who indicated that the use would be subject to a number of California Fire Code requirements, including access and availability of on-site water for fire flow. The Fire Protection District did not express any concerns related to the proposal.*

#### **2. Police protection**

#### **3. Schools**

#### **4. Parks**

#### **5. Other public facilities?**

FINDING: NO IMPACT

*The nature of the proposed use will not impact schools, parks or other public facilities. As an industrial property within an industrially-developed area, no impacts on provision of police services were identified.*

## XV. RECREATION

- A. **Would the project increase the use of existing neighborhood and regional parks?**
- B. **Would the project include recreational facilities which might have an adverse physical effect on the environment?**

FINDING: NO IMPACT

*Development of the project will neither impact existing neighborhood or regional parks, nor include or require the expansion of recreational facilities.*

## XVI. TRANSPORTATION/CIRCULATION

- A. **Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system?**

FINDING: NO IMPACT

*The proposed project is in compliance with the Transportation and Circulation Element of the Fresno County General Plan, and does not conflict with any other applicable plan, ordinance or policy.*

- B. **Would the project exceed the established level of service standards?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*General Plan Policy TR-A.2 calls for Level of Service C on the roads near the vicinity of the project site. The Traffic Impact Analysis completed by TJKM Transportation Consultants finds that the Cumulative (2035) plus Project Conditions will result in a level of service of C or better. Therefore, the project will not conflict with established Level of Service Standards.*

- C. **Would the project result in a change in air traffic patterns that results in substantial safety risks?**

FINDING: NO IMPACT

*The project site is located 4.32 miles northeast of the Reedley Municipal Airport and 1.15 miles from the Reedley College Airport. In addition, the warehouse height and storage tanks would have a maximum height of 35 feet above grade pursuant to the municipal code. These characteristics preclude the possibility of the proposed project altering air traffic patterns.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*The proposed project does not propose to alter existing roadway designs within the project area; as such, the existing roadway system has been designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features.*

**E. Would the project result in inadequate emergency access?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*No facilities are proposed as part of the project that would change emergency access to the project site or that would affect access to nearby uses. Because no changes in emergency access or access to nearby uses would occur as a result of the project, there would be no impact associated with emergency vehicle access.*

**F. Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities?**

FINDING: NO IMPACT

*The project site is located in a rural area where alternative transportation is not commonly used. No new facilities are proposed that would increase hazards or create barriers for pedestrians or bicyclists. Because the project would not affect pedestrian or bicycle facilities, or the potential hazards of using such facilities, there would be no impacts associated with pedestrian and bicycle hazards.*

**XVII. UTILITIES AND SERVICE SYSTEMS**

**A. Would the project exceed wastewater treatment requirements of the Central Valley Regional Water Quality Control Board?**

**B. Would the project require or result in the construction of new water or wastewater treatment facilities which could cause significant environmental effects?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*Per Section IX.A, HYDROLOGY AND WATER QUALITY, the applicant will be required to adhere to the RWQCB's Waste Discharge Requirements.*

- C. Would the project require or result in the construction of new storm water drainage facilities which could cause significant environmental effects?**

FINDING: LESS THAN SIGNIFICANT IMPACT

*The applicant shall submit an engineered grading and drainage plan showing how runoff generated by the proposed development and paved parking is handled without adversely impacting adjacent properties, per County Standards. The grading and drainage plan shall be reviewed and approved by the Development Engineering section.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*Per Section IX.B, HYDROLOGY AND WATER QUALITY, additional water for the proposed project will be produced by the applicant's existing wells. No new water entitlements are proposed.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*Per Section IX.A, HYDROLOGY AND WATER QUALITY, the applicant will be required to adhere to the RWQCB's Waste Discharge Requirements.*

- F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*Solid waste associated with the proposed facility expansion consists primarily of grape pomace and stems, which are removed from the site by third-party contractors for recycling. The remainder of solid waste and recycling services is provided by third party contractors.*

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

*The proposed expansion is taking place within the footprint of a historically developed winery on land that has been extensively disturbed. No sensitive habitats, species, or archeological or historical resources were identified with regards to this project. However, Mitigation Measure CUL-1 was included to address cultural resources, in the event that during grading activity, unanticipated resources are unearthed.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT

*The applicant will be required to adhere to the permitting requirements, and rules and regulations set forth by the Regional Water Quality Control Board and the San Joaquin Air Pollution Control District. If the applicant adheres to these requirements cumulative impacts are not expected to be significant. Projects completed in the past have implemented mitigation as necessary. Future projects would similarly be required to mitigate potential impacts. Accordingly, the project would not otherwise combine with impacts of related development to add considerably to any cumulative impacts in the region, and impacts would be considered less than significant.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The proposed project will neither directly nor indirectly cause substantial adverse effects on human beings. Air quality, greenhouse gases, aesthetics and/or noise are the only potential factors through which the*

*project could have adverse effects on human beings. However, all potential effects of the proposed project related to these factors are identified as less than significant or less than significant with the implementation of mitigation. Reasonable mitigation measures including AES-1, and NOI-1 through NOI-6 have been included to reduce any potential adverse effects on human beings.*

*For all other potential factors the project would have either less than significant impact or no impact.*

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3479, 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 agricultural resources, biological resources, cultural resources, noise, land use and planning, mineral resources, population and housing, and recreation.

Potential impacts related to geology and soils, hazards and hazardous materials, public services, transportation and circulation, and utilities and service systems have been determined to be less than significant. Potential impacts to aesthetics relating to lighting and hydrologic resources relating to groundwater quality and quantity have been determined to be less than significant with the identified mitigation measures and compliance with the provisions of the California Regional Water Quality Control Board. Potential impacts related to air quality have been determined to be less than significant with compliance with the rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California or on the County's website at <http://www.co.fresno.ca.us/departementpage.aspx?id=10542>

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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 25, 2020

**SUBJECT:** Initial Study Application No. 7814 and Classified Conditional Use Permit Application No. 3672

Allow a commercial plant nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST. 1) (APN 505-050-19).

**OWNER:** Hutcheson Family Trust  
**APPLICANT:** Riverside Nursery

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

David Randall, Senior Planner  
(559) 600-4050

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7814; and
- Approve Classified Conditional Use Permit (CUP) No. 3672 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 Plans/Floor Plans/Elevations
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 7814
8. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	18.5 acres	No change
Project Site	<ul style="list-style-type: none"> <li>• Grow yard</li> <li>• Single-family residence with detached garage</li> <li>• Shop building</li> <li>• Well and pump</li> <li>• Water holding tank</li> </ul>	Allow a commercial plant nursery on an 18.5-acre parcel
Related Structural Improvements	<ul style="list-style-type: none"> <li>• Single-family residence</li> <li>• Shop buildings (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Plant sale area</li> <li>• 516 square-foot office trailer</li> <li>• 208 square-foot restroom</li> <li>• Customer/employee parking</li> <li>• Access drive off Chateau Fresno</li> </ul>
Nearest Residence	Approximately 860 feet from the nearest property line	No change
Surrounding Development	Orchard, vineyards, single-family residences	No change
Operational Features	<ul style="list-style-type: none"> <li>• A grow yard on an 18.5-acre parcel to propagate plants for sale</li> </ul>	Operate a full-service retail and wholesale plant nursery, growing 85 percent of plants,



Criteria	Existing	Proposed
		with onsite selling of bulk soils, bark and fertilizer purchased from outside suppliers.
Employees	N/A	No change
Customers or Visitors	N/A	No change
Traffic Trips	N/A	<ul style="list-style-type: none"> <li>• 60 one-way daily customer trips (30 round trips) on weekdays</li> <li>• 100 one-way daily customer trips (50 round trips) on weekends</li> <li>• 12 one-way daily employee trips (6 round trips)</li> <li>• Up to 6 service and delivery vehicle trips weekly (3 round trips)</li> </ul>
Lighting	N/A	<ul style="list-style-type: none"> <li>• Outdoor security lighting</li> </ul>
Hours of Operation	N/A	<ul style="list-style-type: none"> <li>• 7:30 am to 4:00 pm (Monday through Friday) except holidays</li> <li>• Weekends seasonally</li> </ul>

**EXISTING VIOLATION: None.**

**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 22, 2020

**PUBLIC NOTICE:**

Notices were sent to 8 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

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

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

**BACKGROUND INFORMATION:**

On December 8, 2016, the Planning Commission approved Classified Conditional Use Permit (CUP) No. 3527 which allowed a commercial plant nursery with related facilities on the subject 18.5-acre property. Related to this approval, the existing improvements on the property included a grow yard to propagate plants for sale, a water well, a shop building and a single-family residence with garage.

Prior to the approval of CUP No. 3527, the Applicant was using the property exclusively as a grow yard for Riverside Nursery, a retail nursery he owned and operated in the City of Fresno. As a result of the High-Speed Rail project, the Riverside Nursery had to be relocated, and through the approval of CUP No. 3527, the Applicant combined the grow yard and the retail nursery on the subject property. CUP No. 3527 expired on December 8, 2018 due to the project failing to make substantial development within the two-year life of the Use Permit. The Applicant still maintains the grow yard as a by-right use in the AE-20 Zone District.

The subject application (CUP No. 3672) proposes to allow a commercial plant nursery on the property. This proposal, like CUP No. 3527, will maintain the grow yard and will utilize a two-acre portion of the property as a sales area to sell plants grown on site, and fertilizers, potting soils, and pest control products purchased from outside vendors. A 516 square-foot trailer with built-in restroom will be installed as a sales office and a detached restroom will be provided for customers. Both structures will connect to an onsite well and a new septic system. The proposed improvements will also connect to a new access drive off Chateau Fresno Avenue. Existing improvements (shop building, single-family residence) will remain intact and be used by the proposed nursery.

As a point of note, the California Department of Toxic Substances Control (CDTSC) reviewed the Initial Study (IS) prepared for the project during the public comment period and suggested that the potential for site activities to result in the release of hazardous wastes/substances be evaluated in the Hazards and Hazardous Materials Section of the Initial Study. The changes have been included as Mitigation Measures in **bold/underline** in Section IX. A. B. C. HAZARDS AND HAZARDOUS MATERIALS of Initial Study No. 7814 (Exhibit 7).

**REQUIRED CUP FINDINGS:**

*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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Front (south property line): 592 feet Side (east property line): 434 feet Street Side (west property line): 184 feet	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		Rear (north property line): 608 feet	
Parking	One (1) space for every two employees	13 parking spaces (three required)	Yes
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	12 feet	N/A
Wall Requirements	No requirement	None required	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	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.

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

**Finding 1 Analysis:**

Review of the site plan associated with this application shows that the proposed improvements satisfy the minimum building setback requirements of the AE-20 Zone District. The proposed office trailer and the restroom building will be set back approximately 608 feet from the north property line (20 feet required), 592 feet from the south property line (35 feet required along Shaw Avenue), 434 feet from the east property line (20 feet required), and 184 feet from the west property line (35 feet required along Chateau Fresno Avenue).

Regarding off-street parking, the County Zoning Ordinance for the AE-20 Zone District requires one (1) parking space for every two (2) employees. According to the Site Plan Review Unit of the Fresno County Department of Public Works and Planning, the project requires three (3) parking spaces for employees, including one handicapped-accessible space. The Applicant-submitted project Site Plan (Exhibit 5) depicts 13 parking spaces (including one handicapped-accessible space) which meets the requirement. Ten parking spaces out of 13, including a gravel area for overflow parking, will be used by customers.

Based on the above information, staff finds that the subject property is adequate in size to accommodate the subject 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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	<ul style="list-style-type: none"> <li>• West Shaw; fair condition</li> <li>• North Chateau Fresno; good condition</li> </ul>	No change
Direct Access to Public Road	Yes	West Shaw and North Chateau Fresno	No change
Road ADT (Average Daily Traffic)		<ul style="list-style-type: none"> <li>• West Shaw: 6,500</li> <li>• North Chateau Fresno: 200</li> </ul>	No change
Road Classification		<ul style="list-style-type: none"> <li>• West Shaw: Arterial</li> <li>• North Chateau Fresno: Local</li> </ul>	No change
Road Width		<ul style="list-style-type: none"> <li>• West Shaw: 39.7 feet</li> <li>• North Chateau Fresno: 18.4 feet</li> </ul>	No change
Road Surface		<ul style="list-style-type: none"> <li>• West Shaw: asphalt concrete</li> <li>• North Chateau Fresno: asphalt concrete</li> </ul>	No change
Traffic Trips		N/A	<ul style="list-style-type: none"> <li>• 60 one-way daily customer trips (30 round trips) on weekdays</li> <li>• 100 one-way daily customers trips (50 round trips) on weekends</li> <li>• 12 one-way daily employee trips (6 round trips)</li> <li>• Up to 6 service and delivery vehicle trips weekly (3 round trips)</li> </ul>

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by the Design or Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning
Road Improvements Required		<ul style="list-style-type: none"> <li>• West Shaw; fair condition</li> <li>• North Chateau Fresno; good condition</li> </ul>	No road improvement required

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: Shaw Avenue is classified as an Arterial road and requires an ultimate road right-of-way of 106 feet (53 feet each side of the section line). Currently, there is 40 feet of right-of-way north of the section line. An additional 13 feet shall be required to satisfy the ultimate road right-of-way along Shaw Avenue. Chateau Fresno Avenue is classified as a Local road and requires an ultimate road right-of-way of 60 feet (30 feet each side of the section line). Currently, there is 30 feet of right-of-way east of the section line. No additional right-of-way is required along Chateau Fresno Avenue.

An encroachment permit shall be required from the RMO Division for any work performed in the County road right-of-way. Any proposed entrance gate that provides initial access to the 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 entering the site and shall not swing outward. The first 100 feet of the unpaved or gravel-surfaced access road along Chateau Fresno shall be graded and asphalt concrete paved or treated with dust palliative. A 10-foot by 10-foot corner cutoff at the driveway approach should be provided to sustain sight distance visibility for vehicles exiting the site.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An asphalt concrete driveway approach shall be provided where the project site access road connects to the County road serving this parcel.

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

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

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

**Finding 2 Analysis:**

The project site is located on the northeastern corner of the West Shaw and North Chateau Fresno Avenue intersection. There currently exist accesses to the site off both roads. The access drive off West Shaw Avenue leads to the single-family residence and shop building, and the access drive off North Chateau Fresno leads to a grow yard on the property. Nursery customer will access the proposed two-acre sales area via a new access drive off Chateau

Fresno Avenue feeding into the customer/employee parking area, sales office and restroom facility.

Per the Applicant’s Operational Statement, operation of the nursery will generate approximately 60 one-way customer trips (30 round trips) on weekdays, 100 one-way customer trips (50 round trips) on weekends, 12 one-way daily employee trips (6 round trips) and 6 service and delivery vehicle trips (3 round trips) weekly. The project review by the Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reveals that employee and customer counts do not trip the County’s threshold for a Traffic Impact Study (TIS). As such, no TIS was required for the project.

Per the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning, West Shaw Avenue from Chateau Fresno Avenue to Garfield Avenue has an Average Daily Traffic of 6,500, pavement width of 39.7 feet and is in fair condition. Likewise, Chateau Fresno Avenue from Shaw Avenue to Barstow Avenue has an Average Daily Traffic of 200, pavement width of 18.4 feet and is in good condition.

No additional right-of-way along West Shaw is required for the project at this time. The project will generate less than significant traffic outside peak hours and will take access to the property from North Chateau Fresno Avenue. This road currently meets the ultimate road right-of-way of 60 feet required of a Local road.

Based on the above information, and with adherence to the Project Notes, staff believes Chateau Fresno Avenue will remain adequate to accommodate the traffic generated by the proposal.

**Recommended Conditions of Approval:**

*None proposed for this finding.*

**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*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	18.78 acres	Orchards; Single-Family Residence	AE-20	*860 feet
South	31.88 acres	Orchards; Single-Family Residence	AE-20	*1,722 feet
East	19.39 acres	Orchards; Single-Family Residence	AE-20	*522 feet
West	78.18 acres	Vineyards	AE-20	None

\*Measured from Nearest Property Line

### **Reviewing Agency/Department Comments:**

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.

State Water Resources Control Board, Division of Drinking Water: No water from the onsite well shall be used to provide water to any member of the public. Drinking water shall be supplied for employees through water bottles.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: A dust palliative shall be required on all unpaved parking and circulation areas.

The above-noted requirements have been included as Conditions of Approval.

Fresno County Department of Public Health, Environmental Health Division (Health Department): 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 electronically 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 to remove any underground storage tank found during construction. Any abandoned water wells or septic systems not intended for use by the project, shall be properly destroyed. Permit(s) shall be obtained from the Health Department to destroy water well(s) prior to commencement of work. The existing septic tanks should be pumped, and the tank and leach fields be evaluated by a licensed contractor if not serviced and/or maintained within the last five years.

Zoning Section of the Fresno County Department of Public Works and Planning: Building permits and inspections shall be required for the office trailer and patrons' restroom and shall connect to the onsite well and septic systems.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: One ADA (American Disability Act) stall shall be provided for the physically disabled, be served by an access aisle 96 inches wide, minimum, and be designated van accessible. The ADA stall shall be concrete, or asphalt concrete paved and shall 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. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. Any proposed landscape improvement area of 500 square feet or more shall comply with the California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO), with the submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015 and be approved prior to the issuance of building permits. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

North Central Fire Protection District (NCFPD): The project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public

Safety and shall receive Conditions of Approval for the project from NCFPD prior to the issuance of building permits by the County.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher shall be required for any grading proposed with this application. Any additional runoff generated by the proposed development cannot be drained across property lines or into the County road right-of-way, and must be retained on site, per County Standards.

Fresno Irrigation District (FID): FID's Active Herndon No. 39 runs 1,260 feet north and Flume No. 49 and Alex Pond No. 167 run 1,300 feet north of the project site. Plans for any development near these facilities shall require FID's review and approval. Thornton No. 328 Pipeline runs along the east side of the project site. This is an active pipeline and shall be treated as such.

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

Water and Natural Resources and Design Divisions of the Fresno County Department of Public Works and Planning: Water supply is adequate to support the project.

North Kings Groundwater Sustainability Area (NKGSA): The project will not result in any increased demand on the groundwater resources.

San Joaquin Valley Air Pollution Control District; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife: No response

### **Finding 3 Analysis:**

The project site is in use as the Applicant's grow yard to propagate plants for sale and is developed with a single-family residence and a shop building with related improvements. The surrounding parcels are planted in orchard and vineyard with single-family residences.

Upon project development, new improvements on a two-acre portion of an 18.5-acre subject parcel regarded as a sales area will include a 516 square-foot office trailer, a 208 square-foot restroom for customers, off-street parking and connects to a new access drive off Chateau Fresno Avenue. These improvements, set back approximately 300 feet from Chateau Fresno Avenue, will be less visible from the surrounding parcels due to the existing landscaping along Chateau Fresno Avenue, plants within the sales and grow area, and orchards on the adjacent easterly and northerly parcels.

The Initial Study prepared for this project identified potential impact to aesthetics. Regarding aesthetics, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. This requirement has been included as a Mitigation Measure (Exhibit 1).

Potential impacts related to agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and public services have been determined to be less than significant. The project will acknowledge the Right-to-Farm Ordinance regarding the inconveniences associated with normal farm activities in the area; require a Grading Permit/Voucher for site grading and evaluation of the existing septic system; use/store hazardous materials/hazardous wastes according to the California Health and Safety Code; require permits to remove abandoned wells and to provide bottled water to employees; require consultation with



Fresno Irrigation District (FID) regarding any development near FID’s facilities; and comply with the California Code of Regulations Title 24 - Fire Code and California Code of Regulations Title 19 – Public Safety. These requirements have been included as Conditions of Approval and Project Notes and will be addressed prior to the issuance of building permits and/or occupancy.

The subject parcel is not located in an area of moderate or high sensitivity to archaeological finds. Pursuant to Assembly Bill (AB) 52, the project 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.

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

**Recommended Conditions of Approval:**

*See Mitigation Measure, 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*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: 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>Concerning Policy LU-A.3, Criteria a. b. c. d., the proposed nursery is an allowed use on the subject parcel designated for agriculture and will serve the horticultural needs of the area communities. Furthermore, the nursery will not have adverse effects on agricultural land; is not located in a water-short area to have detrimental impact on groundwater resources; and can be provided with adequate workforce from the nearest city, City of Fresno, and other smaller communities. The project is consistent with this policy.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>d. Criteria LU-A.3. d. states that a probable workforce should be located nearby or readily available.</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>Concerning Policy LU-A.12, LU-A.13 and LU-A. 14, the proposed plant nursery is a compatible use to agriculture, will not convert property to a non-agricultural use, and requires no separation from surrounding orchards and vineyards. The project is consistent with 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 within an area of the County defined as being a water-short area. The non-potable water consumption by the grow yard and restroom will be approximately 3,100 gallons per day. Potable water consumption by employees will be via bottled water.</p> <p>The State Water Resources Control Board Division of Drinking Water, Water and Natural Resources Division of the Fresno County Department of Public Works and Planning, and North Kings GSA expressed no concerns regarding adequacy and sustainability of the water supply for the project. The project is consistent with this policy.</p>

**Reviewing Agency/Department 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

**Finding 4 Analysis:**

As discussed above in General Plan Consistency/Considerations, the subject proposal

meets the intent of Policy LU-A.3 in that it will adequately serve the horticultural needs of the surrounding communities, will use minimum water to have no impact on groundwater resources, and will have adequate workforce available from a nearby city, the City of Fresno.

Regarding consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed plant nursery is a compatible use to agriculture with discretionary land use approval, requires no separation from the adjacent agricultural fields and will have no effect on productivity of agricultural land.

Regarding consistency with Policy PF-C.17, the project will use limited groundwater (3,100 gallons per day) to provide for the proposed office trailer, restroom, and grow area.

Based on the above information, staff believes the proposed nursery 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.

**Finding 5 Analysis:**

The project will comply with the Conditions of Approval as discussed above in Finding 2 and 3 of this report and 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 all outdoor lighting shall be hooded to minimize glare on adjacent roads/properties, a right-to-farm notice shall be recorded regarding inconvenience associated with farming in the project area, and dust palliatives shall be applied on all unpaved surfaces to minimize creation of dust by vehicles. Additional conditions deemed necessary to protect public health, safety and general welfare and included as Project Notes require that site grading shall be performed according to the County Ordinance Code to protect adjacent properties from flooding hazards, hazardous materials shall be used/handled according to the State and Local Ordinances, and all proposed improvements shall be subject to building and fire codes and require building permits and inspections from the County.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 5 can be made.

**PUBLIC COMMENT:**

None.

**SUMMARY 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. 3672, 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. 7814; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3672, 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. 3672; 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

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**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7814/Classified Conditional Use Permit Application No. 3672**  
**(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
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.	Hazards and Hazardous Materials	If buildings or other structures are to be demolished on any project sites included in the proposed project, prior to the issuance of building permits, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos-containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead-Based Paint, Termiticides, and Electrical Transformers <a href="https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf">https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf</a> .	Applicant	Applicant/Dept. of Toxic Substances Control (DTSC)	As noted
3.	Hazards and Hazardous Materials	If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, prior to the issuance of building permits, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material <a href="https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf">https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf</a> .	Applicant	Applicant/DTSC	As noted
4.	Hazards and Hazardous Materials	If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, prior to the issuance of building permits, the	Applicant	Applicant/DTSC	As noted

		current and former agricultural lands shall be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) ( <a href="https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf">https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf</a> ).			
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**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.
2.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies and discomfort associated with normal farm activities surrounding the proposed development.
3.	As required by the State Water Resources Control Board, Division of Drinking Water, no water from the onsite well (besides providing for plantation and in public toilet) shall be used to provide water to any member of the public. Drinking water shall be supplied for employees through water bottles.
4.	A dust palliative shall be required on all unpaved parking and circulation areas.
5.	Items 3, 4, 5 and 7 of the Project Notes shall be completed prior to the issuance of building permits or granting occupancy to the use.

\*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.

**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 are required for the office trailer and restroom connecting to the onsite well and septic system. 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.	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: <ul style="list-style-type: none"> <li>• One ADA (American Disability Act) stall shall be provided for the physically disabled, be served by an access aisle 96 inches wide, minimum, and be designated van accessible.</li> <li>• The ADA stall shall be concrete or asphalt concrete paved and shall 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.</li> </ul>

**Project Notes**

	<ul style="list-style-type: none"><li>• A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li><li>• Any proposed landscape improvement area of 500 square feet or more shall comply with the California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWEL0), with the submittal of Landscape and Irrigation plans per the Governor’s Drought Executive Order of 2015 and be approved prior to the issuance of building permits.</li><li>• All proposed signs shall require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</li></ul>
4.	<p>To address site development impacts resulting from the project, the Road Maintenance and Operations (RMO) Division requires the following:</p> <ul style="list-style-type: none"><li>• An encroachment permit from RMO for any work performed in the County road right-of-way.</li><li>• Any proposed entrance gate that provides initial access to the 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 entering the site and shall not swing outward.</li><li>• The first 100 feet of the unpaved or gravel-surfaced access road along Chateau Fresno shall be graded and asphalt concrete paved or treated with dust palliative.</li><li>• A 10-foot by 10-foot corner cutoff at the driveway approach should be provided to sustain sight distance visibility for vehicles exiting the site.</li></ul>
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"><li>• A grading permit or voucher shall be required for any grading proposed with this application.</li><li>• Any additional runoff generated by the proposed development of this site cannot be drained across property lines or into the County road right-of-way, and must be retained on site per County Standards.</li><li>• An asphalt concrete driveway approach shall be provided where the project site access road connects to the County road serving this parcel.</li></ul>
6.	<p>To address public health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan electronically pursuant to the HSC, Division 20, Chapter 6.95.</li><li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</li><li>• An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank found during construction.</li></ul>

**Project Notes**

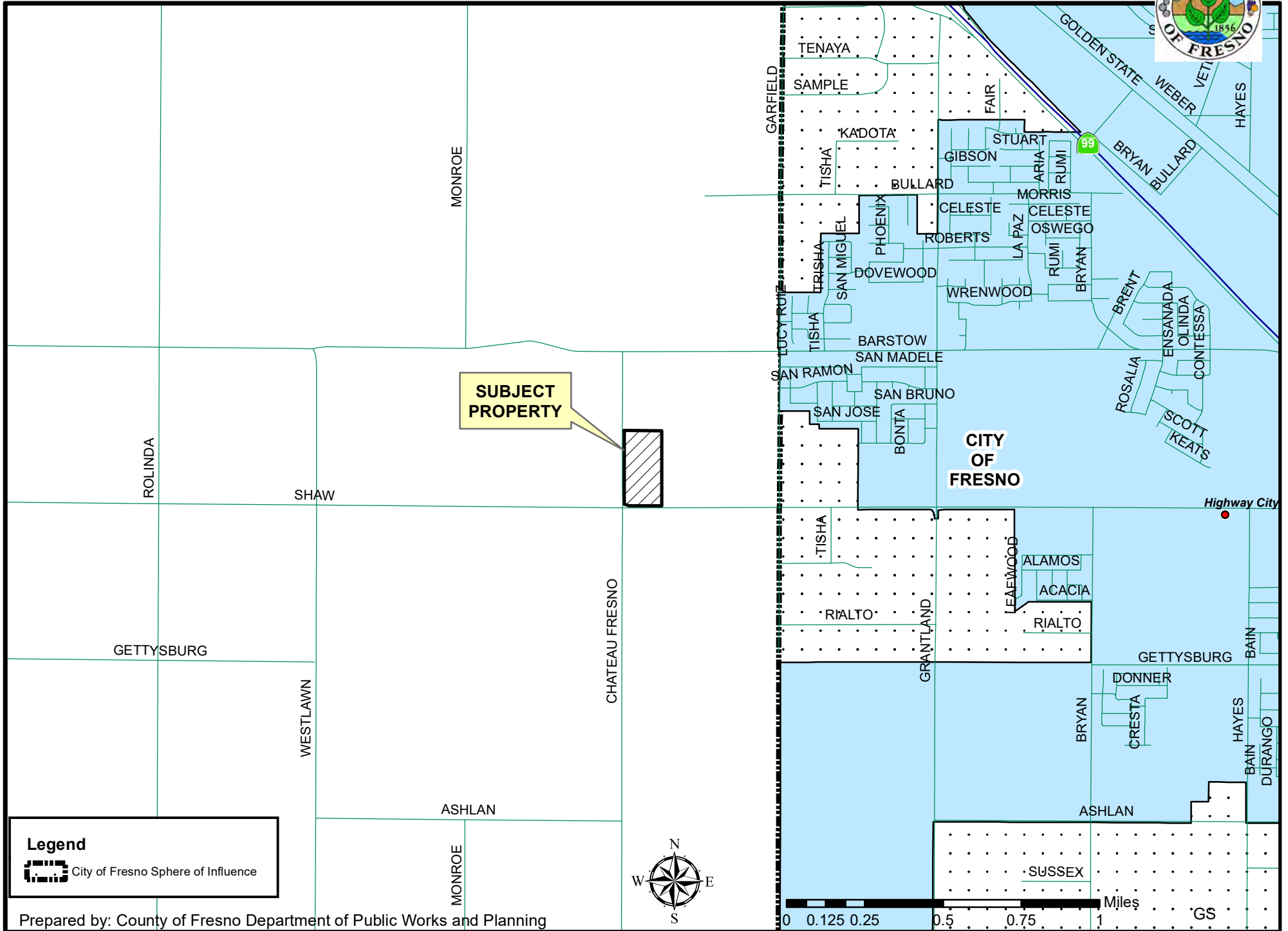
	<ul style="list-style-type: none"><li>• Any abandoned water wells or septic systems not intended for use by the project shall be properly destroyed. Permit(s) shall be obtained from the Health Department to destroy water well(s) prior to commencement of work.</li><li>• The existing septic tanks should be pumped, and the tank and leach fields be evaluated by a licensed contractor if not serviced and/or maintained within the last five years.</li></ul>
7.	The project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety and shall receive Conditions of Approval for the project from North Central Fire Protection District (NCFPD) prior to the issuance of building permits by the County. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to NCFPD.
8.	Fresno Irrigation District’s Active Herndon No. 39 runs 1,260 feet and Flume No. 49 and Alex Pond No. 167 run 1,300 feet north of the project site. Plans for any development near these facilities shall require FID’s review and approval.
9.	Thornton No. 328 Pipeline runs along the east side of the project site. This is an active pipeline and shall be treated as such.

EA:ksn

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# LOCATION MAP

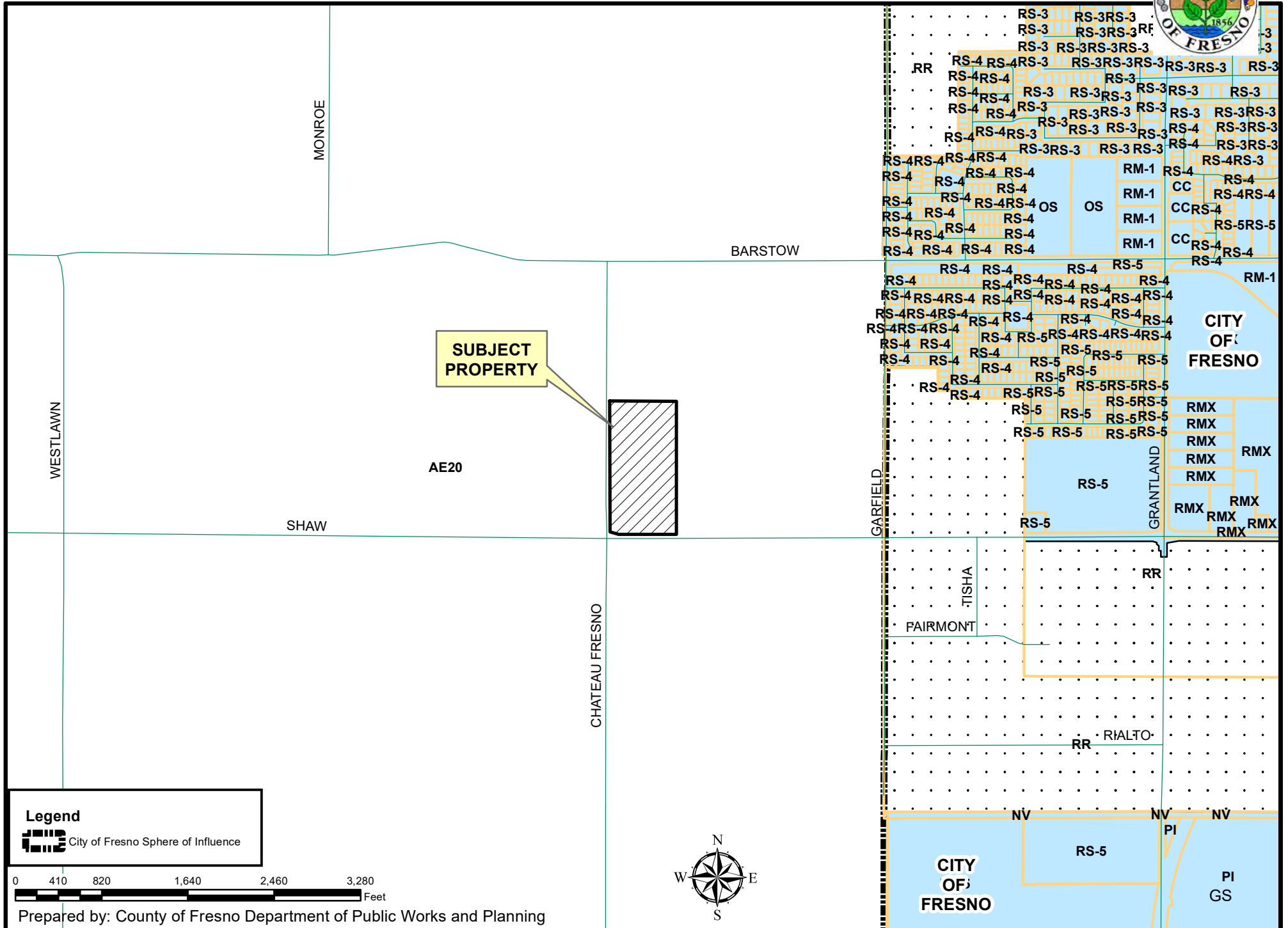


**SUBJECT  
PROPERTY**

**Legend**


City of Fresno Sphere of Influence

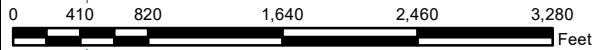
# EXISTING ZONING MAP



**SUBJECT  
PROPERTY**

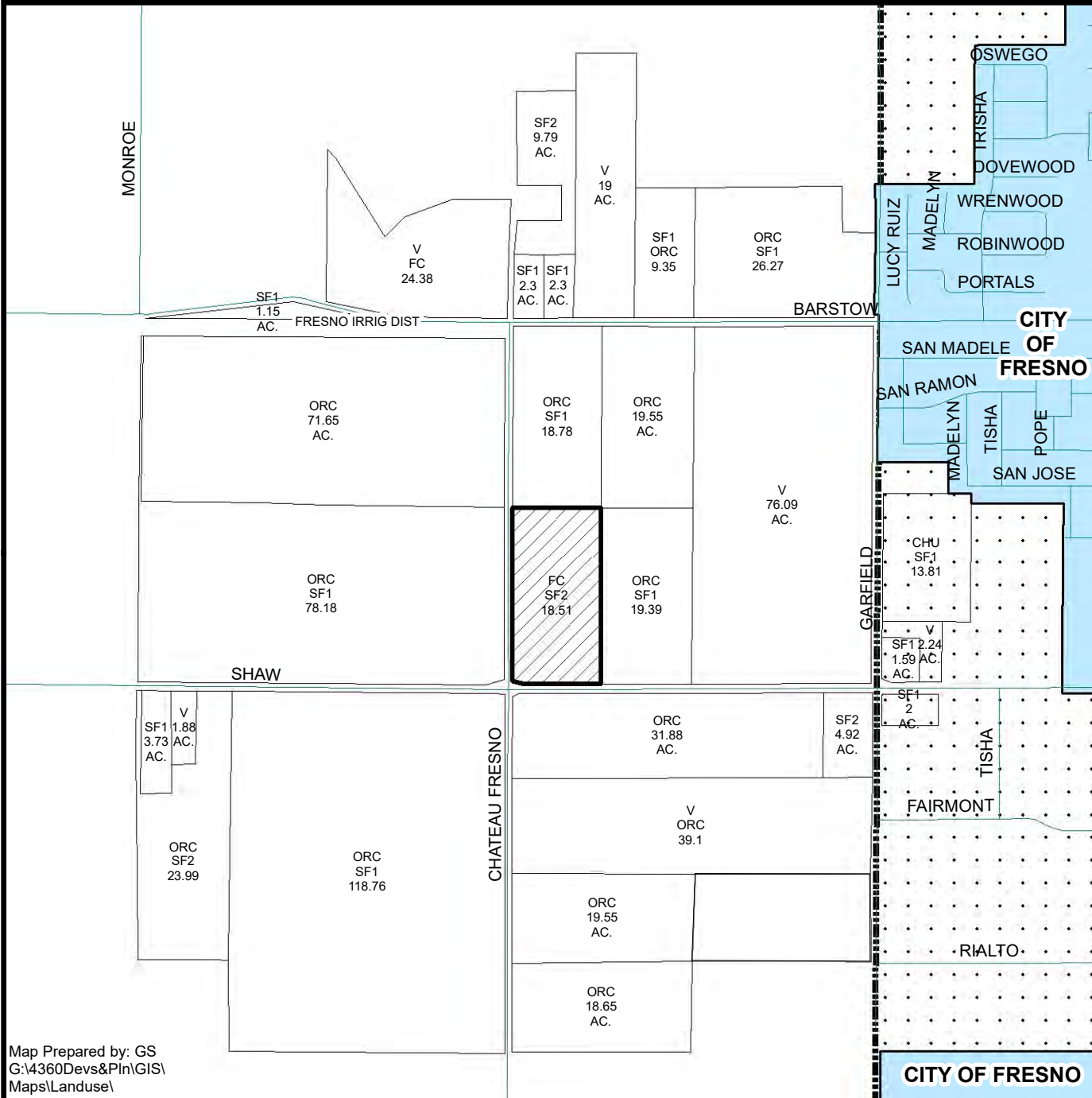
AE20

**Legend**  
 City of Fresno Sphere of Influence





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

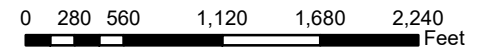
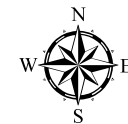
# EXISTING LAND USE MAP



LEGEND	
CHU	- CHURCH
FC	- FIELD CROP
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

## Legend

-  Subject Property
-  City of Fresno Sphere of Influence

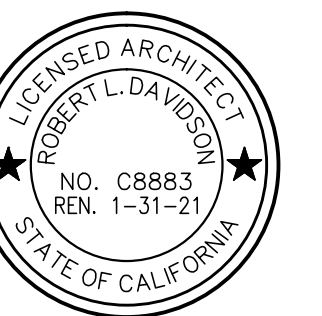
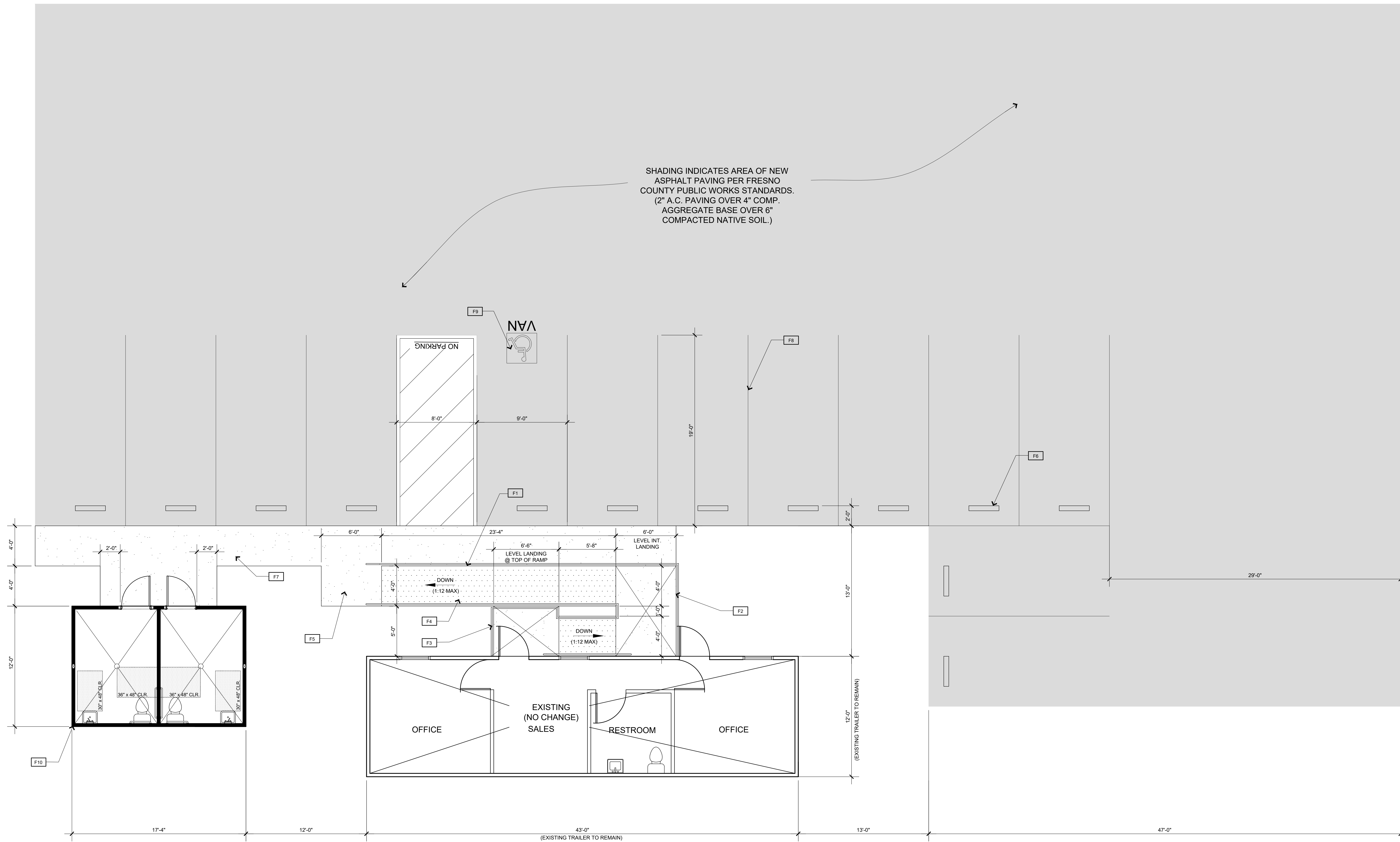


Map Prepared by: GS  
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 Maps\Landuse\

Department of Public Works and Planning  
 Development Services Division







PROPOSED  
RIVERSIDE NURSERY  
7864 WEST SHAW  
FRESNO, CA  
FOR:  
MITCH HUTCHESON

NO.	DATE:	ISSUE:
03.02.2020		CITY COMMENTS

SHEET TITLE:

ENLARGED  
SITE PLAN

SCALE: 1/4" = 1'-0"  
SHEET NO.

A-101





## OPERATIONAL STATEMENT

1. Riverside Nursery operated a commercial nursery on Golden State Avenue just north of Shaw for over 35 years. Unfortunately, the California High Speed Rail (CHSR) condemned the Golden State nursery site and forced Riverside to close its business. Riverside also operated a grow yard on the northeast corner of Shaw and Chateau Fresno and used the grow yard to store excess inventory and propagate plants for sale at the nursery. During the negotiation with the CHSR, Riverside explored the possibility of moving the nursery operation to the grow yard site and acquired a CUP (CUP 3527) from the County based on a full scale transition of the business. CHSR had indicated that it would pay for the majority of the required site improvements (estimated to be in seven figures), so the economic risk to Riverside in moving was relatively low. However, CHSR at some point determined that it was unwilling or unable to pay for the improvements as previously indicated it would making the full scale move of the nursery site economically infeasible based on the remote location of the grow yard and the uncertainty whether customers would travel to the new site. Despite Riverside's decision to not move the business to the grow yard site, CHSR did not purchase all of Riverside's inventory existing at the Golden State or grow yard site. So, Riverside transported the inventory to the grow yard for storage.

Riverside now plans to drastically reduce the intensity of its intended operations at the grow yard site. Riverside now plans to utilize a small portion of land, approximately 2 acres of the 18.5 acre site, and current infrastructure of the growing grounds as a sales yard for the inventory left from the displacement and future products it produces. The scope of business will be significantly less than what was originally proposed. The main focus of the business will be to sell plants currently produced on site (both retail and wholesale) along with a small category of complimentary products, such as planter mixes and fertilizers.

2. Riverside will be open to the public from 7:30 am to 4:00 pm Monday through Friday and weekends seasonally, with exceptions for major Holidays.
3. Riverside's daily customer count averages around 10 to 30 customers per day. However, in the peak growing seasons, there may be more customers (up to 50) on a weekend day.
4. Riverside employs between 3 and 6 employees, depending on the season. Most employees work from 7:30 am - 4:00 pm. One family member will live on-site as a caretaker.
5. Riverside has approximately 3 service and delivery vehicles that will be used some days.

**CUP 3672**

**RECEIVED**  
COUNTY OF FRESNO  
**JUN 09 2020**

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION



6. Presently, access to the existing house on the site is off Shaw Avenue, and access to the remainder of the site is through a driveway entering from Chateau Fresno on the western border of the property. For the proposed operation, Riverside will need to access the site from Chateau Fresno.
7. Riverside would need approximately 20 informal parking stalls for employees and customers. All of the stalls will be unpaved on a large open gravel area.
8. Riverside will be operated as a wholesale Nursery open to the public. Approximately 85 percent of the products sold will be produced on-site; the balance of products (including bulk soils, bark, fertilizers,) will be purchased from outside sources.
9. Riverside uses tractors and skip loaders to load bulk products.
10. Other than the plant material grown on site, Riverside stores a small amount of outdoor landscape items, including, fertilizers, potting soil, pest control products etc. These items are stored in the normal course of inventory predominantly in the packaging provided from the manufacturer.
11. The operation of the nursery and storage of inventory do not cause an unsightly appearance, glare or odor. However, certain activities such as the loading of bulk products may produce minimal dust.
12. The only wastes produced would be recyclable green waste.
13. The quantity of water is not more than what is currently being used. Presently, the site is utilized for a wholesale grow yard, which is serviced by an on-site well with a 3,000 gallon storage tank. The water from this well will only be used to water plants and provide water to flush the toilets provided on-site for employees and customers. No water from the well will be used to provide water to any member of the public. It is estimated that approximately 3,000 gallons/day is used to water the plants on-site, depending on the time of year. An additional 50-100 gallons/day is used by the toilets. Drinking water is supplied for employees only through a water cooler with 5-gallon water bottles located inside the business trailer, which is not accessible by the public.
14. A small 4' x 8' marquee sign is already installed along Shaw Avenue and should be sufficient for future advertising.

15. We currently have a 55' x 100' metal shop building on-site which we use for storage, not accessible to the public. We also have a 40' x 12' trailer that we will use for a sales office.
16. Riverside will use the trailer described in response # 15 above as a sales office.
17. Riverside will have outdoor lighting for security at night.
18. A chain link fence currently surrounds the property, which will be kept for security purposes.
19. See #1 above.
20. Mitch Hutcheson, James Hutcheson, Angela Hutcheson



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Riverside Nursery
- APPLICATION NOS.: Initial Study Application No. 7814 and Classified Conditional Use Permit Application No. 3672
- DESCRIPTION: Allow commercial plant nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST: 1) (APN 505-050-19).

### 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 subject parcel is zoned for agricultural uses and partially improved with a grow yard, a single-family residence and a shop building. The surrounding parcels are improved with orchard and vineyard with single-family residences. The parcel fronts on Shaw and Chateau-Fresno Avenues neither of which are identified as scenic drives in the County General Plan. There are no scenic vistas or scenic resources, rock outcroppings, or historic buildings 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:

As noted above, the subject parcel contains a grow yard, a single-family residence and a shop building all of which are owned by the Applicant. Surrounding parcels are improved with orchard and vineyard with single-family residences.

The subject proposal will utilize a two-acre portion of an 18.5-acre parcel as a sales area for the sale of plants, trees, shrubs (both retail sale and wholesale) grown on the parcel along with related agricultural products. A 516 square-foot trailer with customer/employees parking will be used as a sales office and be connected to a new drive access off Chateau-Fresno Avenue. The trailer will be set back approximately 300 feet from Chateaus Fresno Avenue and will not be notably visible from the surrounding parcels. Its visibility will be blocked by existing landscaping along Chateaus Fresno Avenue, including foliage in the sales area, and orchard on adjacent parcels to the east and north of the proposal. The project will have a less than significant visual impact on the surrounding area.

- 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:

To minimize any light and glare impact on the surrounding area resulting from outdoor lighting for security at night, 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?

FINDING: NO IMPACT:

Per the Fresno County 2016 Important Farmlands Map, the parcel contains Unique Farmland and Farmland of Local Importance. The subject proposal involves raising and selling of nursery stock and would not convert the parcel to a non-agricultural use.

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

FINDING: NO IMPACT:

The subject parcel is not under a Williamson Act Contract and the proposed use is compatible with the agricultural zoning on the property.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- 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 subject parcel is inactive farmland. The proposed use is allowed on land designated for agriculture and will not convert the property to non-agricultural uses.

Per the comments provided by the Fresno County Agricultural Commissioner's Office, a Condition of Approval would require that the applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniencies 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 installation of a 516 square-foot trailer as a sales office on the property will generate insignificant amount of short-term construction emissions. Long-term operational emissions will also be insignificant because the project will generate limited, sporadic customer trips to the site. As such, the air quality impacts resulting from the construction or operation of the proposed facility would be less than significant.

The San Joaquin Valley Air Pollution Control District (Air District) expressed no concerns with the project. As such, 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:

Construction or operation of the proposed project 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?

FINDING: NO IMPACT:

Approximately one-half of the subject property has been pre-disturbed with the existing grow yard and related improvements (single-family residence and a shop building) and the other one-half has been disturbed with prior farming operations. The surrounding parcels currently improved with orchard and vineyards which also have been disturbed with on-going farming activities. The project site and the surrounding area do not provide habitat for state or federally listed species.

The project was routed to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service for comments. Neither agency expressed concerns that the project would affect any candidate, sensitive, or special-status species.

- 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:

There are no natural sources of water on the project site. The site contains no riparian features, wetlands or waters under the jurisdiction of the United States. The nearest canal, Herndon No. 39, operated by Fresno Irrigation District is located approximately 1,260 feet north of the project site and will not be impacted by this proposal.

- 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 exist on the project site. Also, the project is not located in a migratory wildlife corridor. No impact would occur.

- 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 located within an area covered by the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). This HCP applies only to PG&E's activities and will not impact the subject proposal.

## V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or

- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

The project site has been historically farmed and is not in an area determined to be highly or moderately sensitive to archeological finds. No impact on any archeological resources would occur from this proposal.

## VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Limited construction activity due to the installation of a 480 square-foot trailer will not result in inefficient, wasteful, or unnecessary energy use. The impact would be less than significant.

- 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?
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 zero to 20 percent. The project development will



adhere 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. However, the impact would be less than significant with a Project Note requiring that a Grading Permit or Voucher shall be obtained for site grading for the project.

#### 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. To ensure the weight-bearing capacity of the soils, a soil compaction report may be required prior to the issuance of building permits for the installation of a trailer on the property.

#### 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. Still the project development 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:

Any new onsite septic system on the property would require permits from the Fresno County Department of Public Works and Planning.

Per the Fresno County Department of Public Health, Environmental Health Division review of the project, a Project Note would require that the applicant consider having the existing septic tanks pumped and have the tank and leach fields evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years.

- 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 Greenhouse Gas (GHG) Emissions. Due to limited construction activity resulting from installation of a trailer on the property, the project related construction emissions would be less than significant.

Regarding operation related GHG emissions, the project would generate 10 to 30 customer trips per day. Due to the limited, sporadic traffic trips to the site spread over different hours of a day, the project-related operational emissions would 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project proposes to sell plants (both retail and wholesale) produced on-site along with complimentary products such as fertilizers, potting soils and pest control products. The complimentary products, which are minor hazardous materials, are expected to be shipped to the location by the manufacturers and may be sold to the consumers in its original packaging.

**Upon reviewing the subject Initial Study No. 7814 during public review period, the California Department of Toxic Substances Control (CDTSC) indicated that the project site activities can potentially result in the release of hazardous wastes/substances and recommended that steps shall be taken to reduce the impact. As such, prior to the issuance of building permits, the project will be adhering to the following recommendation made by CDTSC and noted below as mitigation measures in bold/underline.**

\* **Mitigation Measures**

1. **If buildings or other structures are to be demolished on any project sites included in the proposed project, prior to the issuance of building permits, surveys shall be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals shall be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings shall be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead\\_Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf)).**
2. **If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, prior to the issuance of building permits, proper sampling shall be conducted to ensure that the imported soil is free of contamination and the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).**
3. **If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, prior to the issuance of building permits, the current and former agricultural lands shall be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural**

**Properties (Third Revision) (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).**

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and requires 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. Furthermore, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan to the Health Department and all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

The nearest school (Herndon-Barstow Elementary School) is approximately 1.2 miles northeast of the project site. Given the distance and the implementation of the above-noted requirements included as Project Notes, the project impact on school facilities 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.

- 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 eleven miles east 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 SIGNIFICANT IMPACT:

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

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the subject proposal, a Project Note would require that in an effort to protect groundwater, the applicant shall obtain a permit from the Health Department to destroy all abandoned water wells or septic systems on the parcel within the project area.

Per the State Water Resources Control Board, Division of Drinking Water review of the proposal, the project will be subject to the following Conditions of Approval: 1) No water from the onsite well shall be used to provide water to any member of the public; and 2) drinking water shall be supplied for employees through water bottles.

The Regional Water Quality Control Board, Central Valley Region also reviewed the proposal and expressed no concerns with the project.

- 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 not located within an area of the county defined as being a water short area. The existing grow yard on the property is serviced by an onsite well with a 3,000 gallons storage tank. Water consumption between the grow yard and the subject proposal would be approximately 3,100 gallons per day. The well will provide water to plants and

any required restroom facility on the property. Drinking water will be supplied for employees through water bottles.

The Natural Resources and Geology section of the County reviewed the subject proposal and identified no adverse impacts to the water supply. The project was also reviewed by the North Kings Groundwater Sustainability Area (NKGSA) and require that NKGSA should be notified if water demand for the project increases significantly beyond 3,000 gallons of water per day.

- 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:

According to the United States Geological Survey Quad Maps, no natural drainage channel runs through the project site. The Fresno Irrigation District (FID) Active Herndon No. 39 runs 1,260 feet and Flume No. 49 and Alex Pond No. 167 run 1,300 feet north of the project site. A Project Note would require that plans for any development near these facilities shall require FID's review and approval. Likewise, Thornton No. 328 Pipeline runs along the east side of the project site. FID shows this pipeline as active and requires it to be treated as such.

Development of the project 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. A Project Note would require that any additional runoff generated by the proposed development of this site cannot be drained across property lines, or into the County road right-of-way, and must be retained on-site.

- 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 1545H.

- 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 such plan. The project is located within the North Kings Groundwater Sustainability Area (NKGSA). See discussion in Section X. B. above for comments from NKGSA.

## 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 2,050 feet 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 the 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. b. c. d., the siting of the proposed plant nursery for retail and wholesale operations on the subject property is appropriate which is an agricultural land within an agricultural area; the nursery will not convert the land to a non-agricultural use; is not located in a water-short area and will use limited water; and can be provided with adequate workforce from the City of Fresno.

Concerning Policy LU-A.12, LU-A.13 and LU-A. 14, the proposed nursery is a use compatible to agricultural uses and requires no separation from surrounding agricultural fields. Regarding Policy PF-C.17, the project will be using limited, 3,100 gallons per day water.

## 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; 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: NO IMPACT:

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

## 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 involves no housing. As such, no increase in population would occur.

## 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 North Central Fire Protection District (NCFPD), the project shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety, and upon County approval of the project and prior to the issuance of the building permits, the applicant shall submit approved plans for NCFPD approval. This requirement will be included as a Project Note.

2. Police protection?

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

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

## XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

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

FINDING: NO IMPACT:

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Located approximately 2,050 feet west of the City of Fresno along Shaw Avenue, the project site is designated as Arterial in the County General Plan. The project area is rural in nature where roadways are not provided with bicycle or pedestrian facilities. However, a portion of Shaw Avenue between Grantland and Dickenson Avenues is planned for bikeway per Rural Bikeway Plan in the Transportation and Circulation Element of the Fresno County General Plan.

According to the Applicant's Operational Statement, the project would generate up to 60 one-way traffic trips (30 round trips) on weekdays and up to a maximum of 100 one-way traffic trips (50 round trips) on weekends. Additionally, there could be up to 12 one-way daily trips (6 round trips) from employees and up to 6 service and delivery vehicle strips (3 round trips) on certain days of the week.

The Design Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and expressed no concerns related to traffic nor required a Traffic Impact Study for the project.

- 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 is less than one-half mile from the City of Fresno urban improvements. It is reasonable to expect that the project will serve those residing in the immediate vicinity which will help reduce total vehicle miles travelled to other similar facilities in the area the closest of which is approximately 2.8 miles southeast of the proposal. The subject proposal is not inconsistent with the above-noted section of 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 would result in no change to the existing roadway designs within the project area, which were designed in accordance with Fresno County roadway standards to avoid roadway hazards and other traffic-related hazardous features.

Per the Fresno County Road Maintenance and Operations Division review of the proposal, a Project Note would require that an encroachment permit shall be obtained prior to any work conducted in the County road right-of-way.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

A paved drive access off Shaw Avenue serves a single-family residence and a gravel drive access off Chateau Fresno Avenue serves a grow yard on the property. With the addition of a third and new access to serve the proposed project, the project site will have adequate number of points of escape during an emergency. No concerns related to emergency access were raised by the North Central Fire Protection District upon its review of 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:

The subject parcel is not located in an area of moderate or high sensitivity to archaeological finds. 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. Staff received no response 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: LESS THAN SIGNIFICANT 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?
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

Solid wastes (mostly green waste) will be removed by regular trash collection service and such removal will not be in excess of State and local standards.

## 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. See discussion above in Section XV. A. 1. PUBLIC SERVICES.

## 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 project 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 will be mitigated by compliance with the Mitigation Measure listed in Sections I 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. 7814 prepared for Classified Conditional Use Permit Application No. 3672, 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, mineral resources, noise, 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, ~~hazards and hazardous materials~~, hydrology and water quality, land use and planning, public services, transportation and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and **hazards and hazardous materials** have been determined to be less than significant with the identified Mitigation Measures.

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

EA:  
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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7814	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
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): <b>Riverside Nursery</b>	Project Title: Classified Conditional Use Permit Application No. 3672		
Project Description: Allow commercial nursery on an 18.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the northeastern corner of the intersection of West Shaw and North Chateau Fresno Avenues, approximately 2,050 feet west of the nearest city limits of the City of Fresno (7864 W. Shaw Avenue, Fresno) (SUP. DIST: 1) (APN 505-050-19).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7814) prepared for Classified Conditional Use Permit Application No. 3672, 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, mineral resources, noise, 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, transportation and utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics and hazards and hazardous materials have been determined to be less than significant with the included Mitigation Measure.  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 22, 2020		Review Date Deadline: Planning Commission – June 25, 2020	
Date: May 22, 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. 6 June 25, 2020

**SUBJECT:** Initial Study Application No. 7798 and Classified Conditional Use Permit Application No. 3668

Amend Conditional Use Permit No. 2085 to allow expansion of an existing fertilizer operation on a 5.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the west side of South Lassen Avenue (State Route 269) approximately 4,480 feet south of its intersection with West Mount Whitney Avenue and is approximately 12.9 miles southeast of the nearest city limits of the City of San Joaquin (21929 S. Lassen Avenue, Five Points, CA) (Sup. Dist. 4) (APN 050-130-04S).

**OWNER:** Nutrien Ag Solutions, Inc. (AKA Western Farm Services)  
**APPLICANT:** Apco-Ettner, Inc.

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

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7798; and
- Approve Classified Conditional Use Permit Application No. 3668 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.



**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan and Floor Plan
6. Applicant's Operational Statement
7. Summary of Initial Study Application No.7798

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	5.02 acres	No change
Project Site	Fertilizer Operation	No change
Structural Improvements	Storage tanks, containment units, office, shop building, and storage buildings	Containment unit and storage tanks
Nearest Residence	Approximately 4,830 feet north of the project site	No change
Surrounding Development	Agriculture and agricultural supportive uses	No change
Operational Features	Fertilizer and pesticide products stored on site and delivered directly to customers	Increase in onsite storage of fertilizer and pesticides
Employees	27 employees	No change
Customers	Average of 10 customers a day	No change
Traffic Trips	Approximately 114 total trips (57 round trips) based on employees and delivery trucks	No change
Lighting	Site lighting for safety and security	Site lighting on new containment structure
Hours of Operation	7:00 AM to 5:00 PM	No change

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

**ENVIRONMENTAL ANALYSIS:**

Initial Study Application No. 7798 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: May 22, 2020

**PUBLIC NOTICE:**

Notices were sent to 6 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 Conditional Use Permit may be approved only if four Findings required by the Zoning Ordinance are made by the Commission.

**BACKGROUND INFORMATION:**

On October 18, 1984, the Fresno County Planning Commission approved Classified Conditional Use Permit Application No. 2085 (CUP No. 2085) which acknowledged and allowed the continued use and expansion of an agricultural chemical and fertilizer storage and application business on the subject parcel. Additional ministerial development permits are reflected in the current state of the project site. There are no pending violations at the site.

**REQUIRED FINDINGS:**

*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*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-20 Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 35 feet Side: 100 feet Rear: 189 feet	Y
Parking	25 parking spaces	No change	Y
Lot Coverage	No requirement	N/A	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Space Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation	No animal or fowl enclosure proposed	Y
Wall Requirements	No requirement	N/A	Y
Septic Replacement Area	100% 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 Fresno County Department of Public Works and Planning: A Site Plan Review application and approval will be required for all proposed improvements. **This shall be included as a Condition of Approval.**

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, permits are required for the installation of the additional storage tanks and associated facilities. **This shall be included as a Project Note.**

Permits are required for all electrical installations. **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.

**Finding 1 Analysis:**

Staff review of the submitted site plan shows that the proposed improvement will be located outside of the setbacks established by the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. No conflicts with the development standards of the zone district were identified, therefore staff finds that the site of the proposed use is adequate in size and shape to accommodate the proposed expansion of the existing 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*

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	The project is not accessed by a private road	No change
Public Road Frontage	Yes	The subject parcel fronts State Route 269 (South Lassen Avenue)	No change
Direct Access to Public Road	Yes	There are two access driveways that provide access to the site from State Route 269	No change
Road ADT		Per Caltrans: 2,600	No change
Road Classification		Per Caltrans: Minor Arterial	No change
Road Width		N/A	No change
Road Surface		Paved	No change
Traffic Trips		Approximately 67 round trips a day	No change
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		N/A	No change

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Highway 269 is not a County-maintained road at the subject parcel.

Driveways shall be set back a minimum of 10 feet from the side 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 the length of the longest truck entering the site and shall not swing outward. **This shall be included as a Project Note.**

For any unpaved or gravel-surface access driveway, the first 100 feet from the edge of the paved County road right-of-way must be graded and paved to prevent tracking mud and rocks onto the County roadway. **This shall be included as a Project Note.**

California Department of Transportation (Caltrans): Caltrans does not have concerns with the proposed expansion, as there is no proposed new access connection to State Route 269 (Lassen Avenue).

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

**Finding 2 Analysis:**

Per the Applicant’s Operational Statement, the existing fertilizer operation generates, on a daily basis, approximately 10 customers, 27 employees, and 30 delivery trucks. This amounts to a total of 67 round trips a day. Per the Applicant, the proposed expansion will not increase the amount of traffic trips produced. Per information from the California Department of Transportation (Caltrans), State Route 269 (South Lassen Avenue) is classified as a Minor Arterial. Based on comments received from Caltrans, there is no concerns with the proposal. As the project fronts State Route 269 and there are no expressed concerns from Caltrans to indicate that the proposed expansion would impact their right-of-way, staff believes that the streets and highways are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. In viewing the site in person, it might appear that there is a County unpaved road on the west end of the project. However, the fence line is pulled back from the edge of the property, providing a private path of access to the two gates in the West end of the fenced area.

**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*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	277.92 acres	Field Crops	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	N/A
South	148.49 acres 9.09 acres	Field Crops Field Crops	AE-20	N/A
South/West		Agricultural Operations Yard	AE-20	N/A
East	237.59 acres	Field Crops	AE-20	N/A
West	277.92 acres	Field Crops	AE-20	N/A

## **Reviewing Agency/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 2850H, the parcel is in Flood Zone X and is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly property line of the subject site. Easements may be required by the appropriate agency. **This shall be included as a Project Note.**

An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Project Note.**

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

Fresno County Department of Public Health, Environmental Health Division: If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. **This shall be included as a Project Note.**

The proposed construction project has the potential to expose nearby residences to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance. **This shall be included as a Project Note.**

In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor with the required permits. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill materials 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.**

The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck and trailer traffic from driving over, causing damage and possible failure of the septic system. **This shall be included as a Project Note.**

As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9: disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent. **This shall be included as a Project Note.**

State Water Resources Control Board: In order to operate and serve drinking water to the public, a drinking water permit is required from the State Water Resources Control Board. The fertilizer operation's current water supply is hauled/bottled water and is not an approved long-term solution for the provision of drinking water. Prior to building permits being issued, the fertilizer operation will be required to serve drinking water through one of the following options: 1) drill a well that produces compliant water, 2) construct a surface water treatment plant to treat

water from Westlands Water District, or 3) connect to another regulated public water system. The selected option will need to be approved and permitted by the Division of Drinking Water. **This shall be included as a Condition of Approval.**

Westlands Water District: Contact Underground Service Alert prior to construction. **This shall be included as a Project Note.**

Fresno County Fire Protection District: 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 project, the Applicant must submit construction plans to the County of Fresno Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD. **This shall be included as a Project Note.**

Project/Development, including Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential property, Commercial property, Industrial property, and/or Office Property, shall annex into Community Facilities District No. 2010-01 of FCFPD. **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.

### **Finding 3 Analysis:**

The subject parcel is located in an agricultural area, with limited development situated in the vicinity of the project site. The parcel is zoned for agricultural, but is utilized as a fertilizer mixing and storage facility. The facility was permitted through a past Conditional Use Permit. The current proposal requests to expand the existing operation to include a new storage tank farm and containment unit. Adjacent parcels to the north, west, south, and east are utilized for agricultural production. Aerial images also suggest that an agricultural supportive use is located directly southeast of the project site.

In considering the proposed expansion, the increased impacts associated with hazardous materials were analyzed in the Initial Study prepared for the project. Mitigation Measures recommended by the Department of Public Health will be implemented to reduce impacts resulting from the increased handling of hazardous materials and determined to be less than significant.

Based on the above information and analysis conducted in the Initial Study, staff believes the proposal will not have an adverse effect upon surrounding properties.

### **Recommended Conditions of Approval:**

*No new conditions are recommended; existing Conditions of the original CUP still apply.*

### **Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <p>Criteria “a”: The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>Criteria “b”: the use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</p> <p>Criteria “c”: The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4)-mile radius.</p> <p>Criteria “d”: A probable workforce should be located nearby or readily available.</p> <p>Criteria “e”: For proposed agricultural commercial center uses, the following additional criteria shall apply:</p> <p>Criteria “e.1”: Commercial uses should be clustered in centers instead of single uses.</p> <p>Criteria “e.2”: To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural commercial center or designated commercial area of any city of unincorporated community.</p>	<p>The existing fertilizer operation was allowed to continue operation through approval of Classified Conditional Use Permit Application No. 2085 (CUP No. 2085). The current proposal requests to amend CUP No. 2085 to allow expansion of the existing facility.</p> <p>Regarding Criteria “a”, the use provides fertilizer and pesticide products for the surrounding agricultural area. The use has been existing since approval of CUP No. 2085 in 1969. The operation is located in close proximity of agricultural operations, which are the intended customer base of the operation.</p> <p>In regard to Criteria “b”, permit records indicate that the existing operation has been in use since approval of CUP No. 2085 in 1969. Those records also indicate that the use has been in operation past the CUP approval. Therefore, the project site is not located on productive agricultural land.</p> <p>In regard to Criteria “c”, reviewing agencies and departments indicated that water resources of the area are sufficient to support the proposed expansion.</p> <p>Concerning Criteria “d”, the subject parcel is located approximately 12.9 miles southeast of the nearest city limits of the City of San Joaquin. Although a probable workforce is not located in close proximity of the subject site, the site fronts State Route 269 which allows quick access of the site from outlying cities and communities.</p> <p>Regarding Criteria “e”, the subject site is not being considered for an agricultural commercial center, therefore Criteria “e” is not relevant for the project.</p> <p>In regard to Criteria “f” the subject site is not a value-added agricultural processing facility.</p> <p>In regard to Criteria “g” the project proposal is not for a proposed church or school.</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Criteria “e.3”: New commercial uses should be located within or adjacent to existing centers.</p> <p>Criteria “e.4”: Sites should be located on major roads serving the surrounding area.</p> <p>Criteria “e.5”: Commercial centers should not encompass more than one quarter (1/4)-mile of road frontage, or one eighth (1/8)-mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers’ residences.</p> <p>Criteria “f”: For proposed value-added agricultural processing facilities, the evaluation under criteria “a”, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services.</p> <p>Criteria “g”: For proposed churches and schools, the evaluation under criteria LU-A.3.a shall include consideration of the size of the facility. Such facilities should be no larger than needed to service the surrounding agricultural community.</p> <p>Criteria “h”: When approving a discretionary permit for an existing commercial use, the criteria listed shall apply except for LU-A.3.b, e.2, e.4, and e.5.</p>	<p>Regarding Criteria “h”, the proposal is requesting to amend an existing commercial use already approved under a discretionary permit. The project has been determined to be consistent with relevant identified policies.</p>

**Reviewing Agency Comments:**

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

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

**Finding 4 Analysis:**

There are no conflicts or inconsistencies with the project and the Fresno County General Plan, based on the analysis above.

**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/Department Comments:**

Comments received from reviewing Agencies and Departments have been analyzed and were germane and included in the corresponding analysis of findings. Any comments that have been determined to be included as Mitigation Measures, Conditions of Approval and Projects 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 Departments. 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 roadway 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 conformity 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 Classified Conditional Use Permit can be made. That the Initial Study, Mitigation Measures and Proposed Mitigated Negative Declaration are accurate and sufficient; therefore it is recommended that the Mitigated Negative Declaration be adopted, and proposed Amendment to the Conditional Use Permit be approved, subject to the recommended Conditions in Exhibit 1.

## **PLANNING COMMISSION MOTIONS:**

### **Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7798; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3668, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3668; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:ksn

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**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7798  
Classified Conditional Use Permit Application No. 3668  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
3.	Hazards and Hazardous Materials	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their Hazardous Materials Business Plan and site map:</p> <ul style="list-style-type: none"> <li>a. There is a 100% or more increase in the quantities of a previously-disclosed material</li> <li>b. The facility begins handling a previously-undisclosed material at or above the Hazardous Materials Business Plan threshold amounts</li> <li>c. There is a change in the site map</li> </ul> <p>The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency.</p>	Applicant	Applicant/Department of Public Health, Environmental Health Division (EHD)	Ongoing
4.	Hazards and Hazardous Materials	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.	Applicant	Applicant/EHD	Ongoing

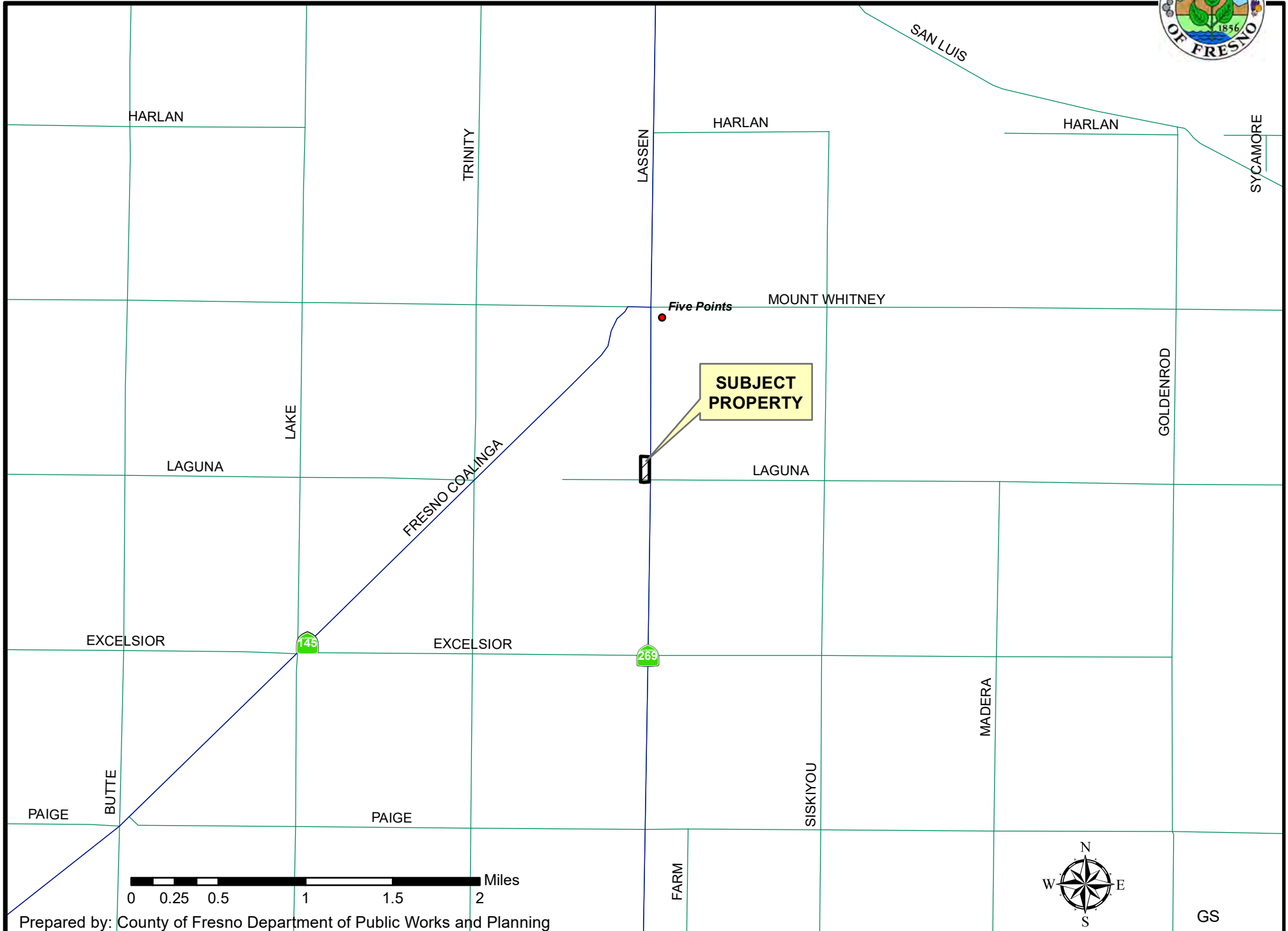
5.	Hazards and Hazardous Materials	Prior to construction permits being issued, a hazardous material spill prevention and response plan shall be developed and approved by the Fresno County Health Department to provide site response should an event of spillage occur with the liquid fertilizers and pesticides stored on site.	Applicant	Applicant/PW&P/EHD	Ongoing
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review application and approval will be required for all proposed improvements.				
3.	In order to operate and serve drinking water to the public, a drinking water permit is required from the State Water Resources Control Board. The fertilizer operation's current water supply is hauled/bottle water and is not an approved long-term solution for the provision of drinking water. Prior to building permits being issued, the fertilizer operation will be required serve drinking water through one of the following options: 1) drill a well that produces compliant water, 2) construct a surface water treatment plant to treat water from Westlands Water District, or 3) connect to another regulated public water system. The selected option will need to be approved and permitted by the Division of Drinking Water.				

\*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.

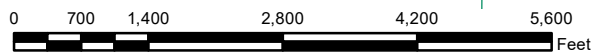
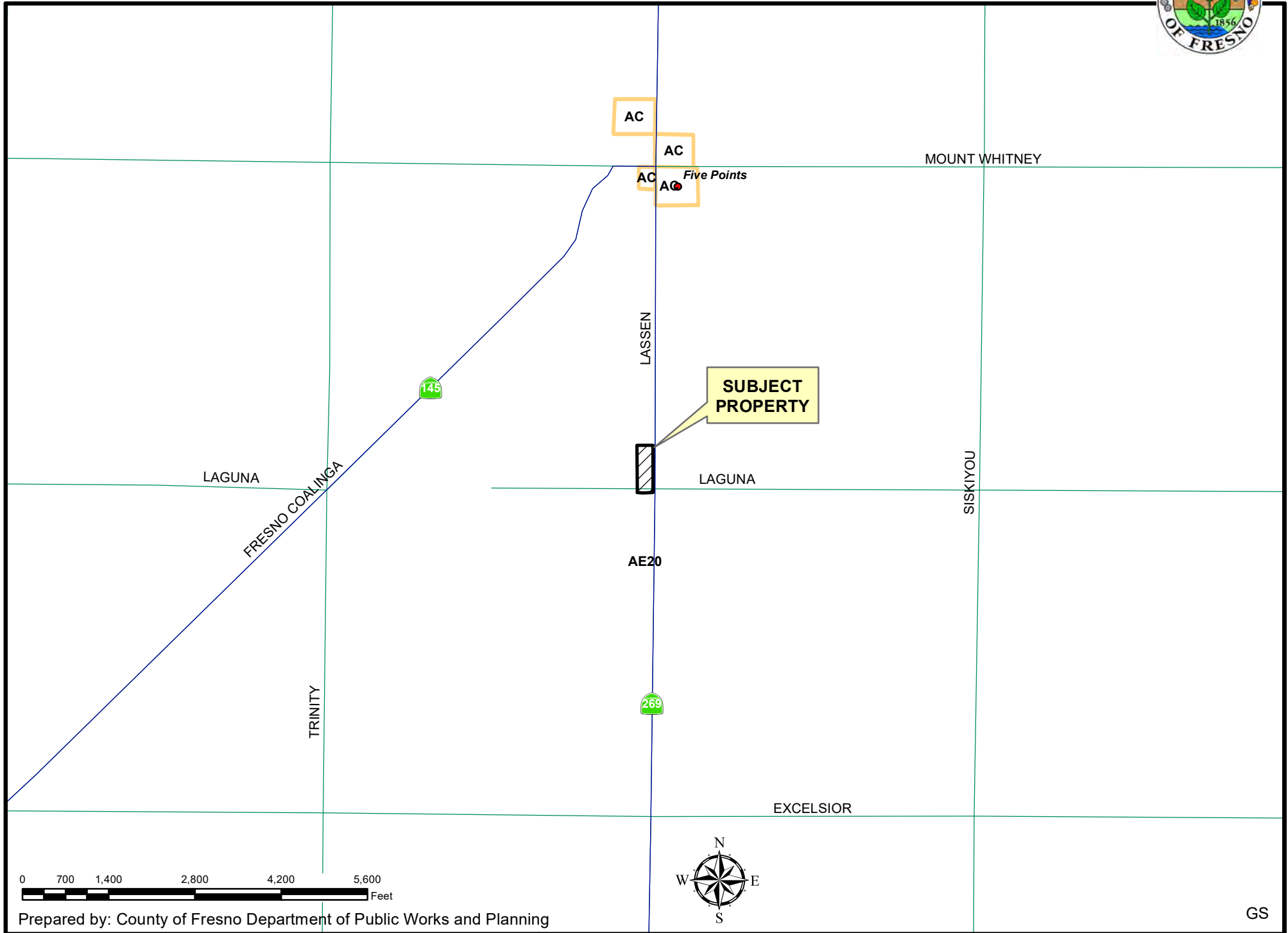
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	If approved, permits are required for the installation of the additional storage tanks and associated facilities.
2.	Permits are required for all electrical installations.
3.	Driveways shall be set back a minimum of 10 feet from the side 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 or length of the longest truck entering the site and shall not swing outward.
5.	For any unpaved or gravel-surface access driveway, the first 100 feet from the edge of the paved County road right-of-way must be graded and paved to prevent tracking mud and rocks onto the County roadway.
6.	According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly property line of the subject site. Easements may be required by the appropriate agency.
7.	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.

<b>Notes</b>	
8.	A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application.
9.	If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
10.	The proposed construction project has the potential to expose nearby residences to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.
11.	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 with the required permits. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil. 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 materials for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
12.	The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck and trailer traffic from driving over, causing damage and possible failure of the septic system.
13.	As per California Plumbing Code Appendix H: access to septic tanks shall be maintained; and Section 6.9: disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.
14.	Contact Underground Service Alert prior to construction.
15.	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 project, the Applicant must submit construction plans to the County of Fresno 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.
16.	Project/Development, including Single-Family Residential (SFR) property of three (3) or more lots, Multi-Family Residential property, Commercial property, Industrial property, and/or Office property, shall annex into Community Facilities District No. 2010-01 of FCFPD.
17.	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.

# LOCATION MAP

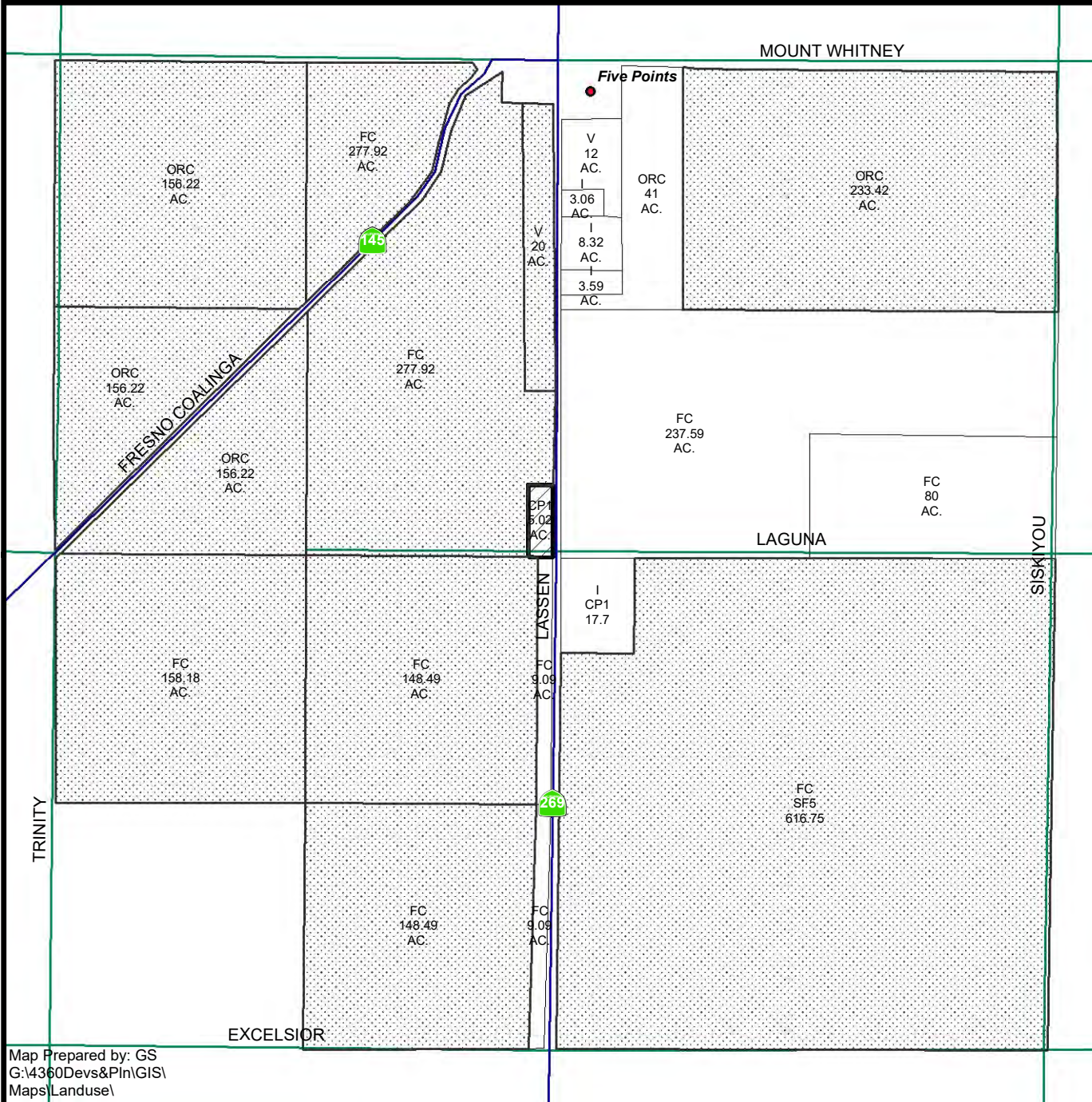


# EXISTING ZONING MAP





# EXISTING LAND USE MAP

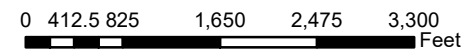


LEGEND	
CP#	OFFICE COMM./PROF
FC	FIELD CROP
I	INDUSTRIAL
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
V	VACANT

**LEGEND:**

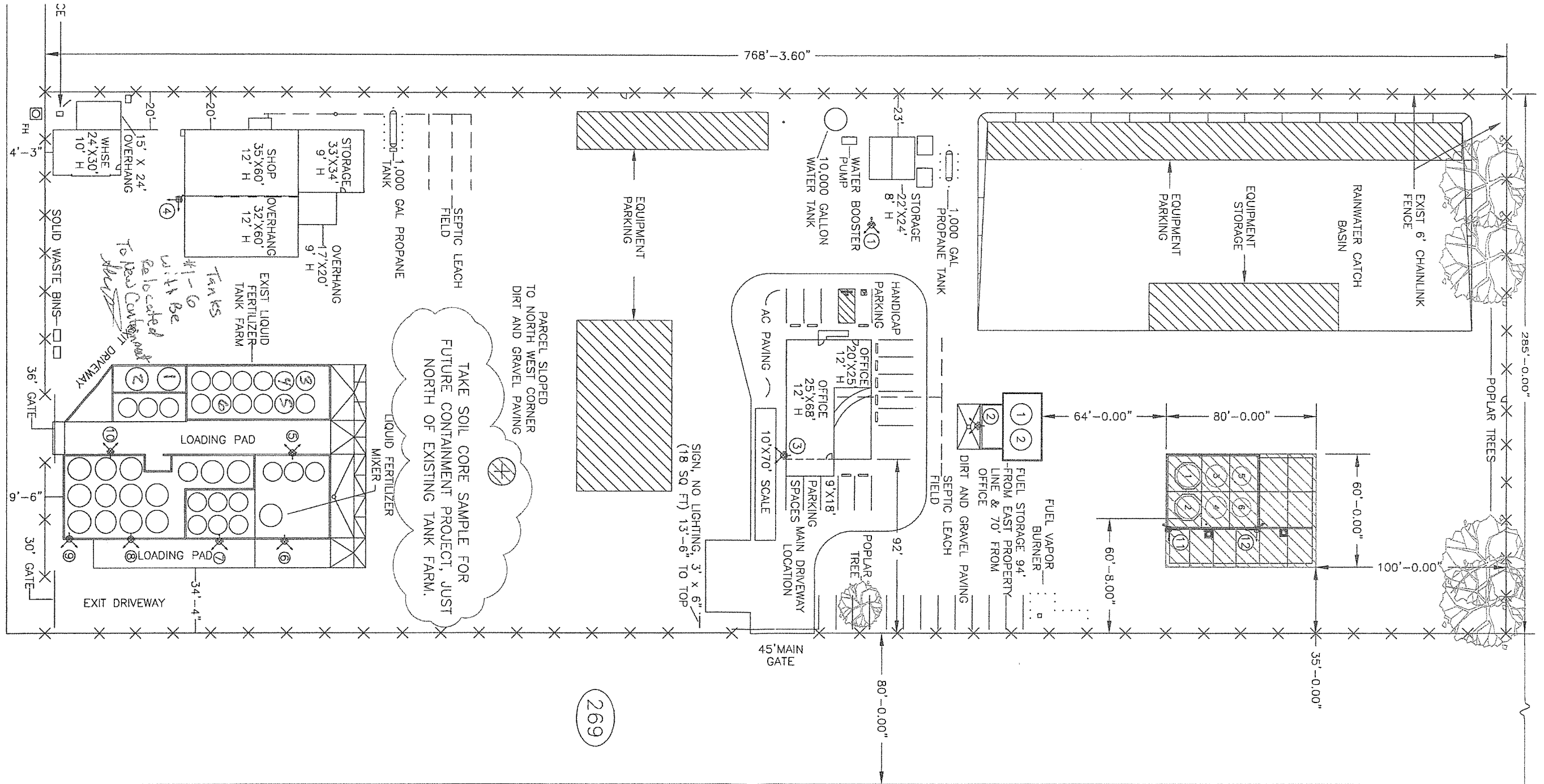
Subject Property

Ag Contract Land



Department of Public Works and Planning  
Development Services Division

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



S LASSEN AVE  
 FIVE POINTS, CA 93624  
 2 MILES NORTH

**1.0 Site Preparation**  
Based on Geotechnical Report by BSK ASSOCIATES, Date 12/27/18,  
Project Number G18-318-10F

1.1 It is recommended that the containment structure be over-excavated to at least 12 inches below preconstruction site grades, to a minimum depth of 1 foot below proposed foundations, to at least 12 inches below existing improvements to be removed, or to the depth required to remove any fill soils (if any), whichever is greater. The area of over-excavation should include the entire footprint of the containment structure and a maximum of five (5) feet beyond the containment structure, from approval of the bottom of the over-excavation by a representative of BSK Associates, the exposed bottom should be scarified to a depth of 4 inches, moisture conditioned to 4% above optimum moisture content and compacted to a minimum of 90 percent relative compaction prior to fill placement.

1.2 It is recommended that the concrete drive area planned adjacent to the containment structure be over-excavated to at least 12 inches below preconstruction site grades, to at least 12 inches below improvements to be removed, 12 inches below the bottom of the proposed aggregate base, or to the depth required to remove fill soil (if any), whichever is greater. The area of over-excavation should include the entire footprint of the planned drive area and a minimum of three (3) feet beyond the drive area. The upper 12 inches of aggregate base for the aggregate base for the drive area should be compacted to at least 95 percent relative compaction. Upon approval of the bottom of the over-excavation by a representative of BSK Associates, the exposed bottom should be scarified to a depth of 8 inches, moisture conditioned to slightly above 4% moisture content and compacted to a minimum of 90 percent relative compaction prior to fill placement.

1.3 It is recommended that extra care be taken by the contractor to ensure that the horizontal and vertical extent of the over-excavation and compaction conform to the site preparation recommendations presented in this report. BSK Associates is not responsible for measuring and verifying the horizontal and vertical extent of over-excavation and compaction. The contractor should verify in writing to the owner and BSK Associates that the horizontal and vertical over-excavation limits were completed in conformance with the recommendations of the report, the project plans, and the specifications (to the greatest extent applicable). It is recommended that this verification be performed by a Licensed Surveyor. The verification should be provided prior to requesting post certification from BSK Associates or excavating for foundations.

1.4 If soil or unstable soils are encountered during excavation or compaction operations, BSK Associates should be notified as these soil conditions can be examined and additional recommendations provided, as considered appropriate.

1.5 Final grading shall produce a flat rocky a slab on grade which is smooth, planar, and resistant to rutting. Both the finished pad (before the aggregate base is placed) and the aggregate base shall be proof rolled and shall not show more than one-half (1/2) inch under the wheels of a fully loaded concrete truck or equivalent. If depressions more than one-half (1/2) inch show, the contractor shall perform remedial grading to achieve this requirement.

1.6 The containment structure and concrete drive area should be underlain by a minimum of 8 inches of Concrete Class 2 aggregate base. The aggregate base should be compacted to a dry density of at least 95 percent of the maximum dry density as determined by ASTM Test Method D1557.

1.7 All fill required to bring the site to final grade should be placed as engineered fill. In addition, all native soil over-excavated should be compacted as required fill.

1.8 The contractor is responsible for the disposal of concrete, asphaltic concrete, soil, spoils, etc. that must be exported from the site. Individuals, facilities, agencies, etc. may require analytical testing and other assessments of these materials to determine if these materials are acceptable for the intended use by the receiving party. The Contractor is responsible to perform the tests, assessments, etc. necessary to determine the appropriate method of disposal. In addition, the Contractor is responsible for all costs to dispose of these materials in a legal manner.

**2.0 Engineered Fill**

2.1 Silty sand, Expansion Index (EI) <20, will be suitable for use as fill material below the recommended aggregate base to support the structural loads, provided they are free of organic (less than 3 percent by weight), roots, debris, and particles larger than 3 inches in any dimension, moisture conditioned to slightly above optimum, and compacted to 95% relative compaction. The existing asphalt pavement materials are not suitable for use as engineered fill. If soil other than those contained in this report are encountered, BSK Associates should be notified to provide alternate recommendations.

2.2 The compatibility of the native soils is dependent upon the moisture content, subsurface conditions, degree of mixing, type of equipment, as well as other factors. The evaluation of such factors was beyond the scope of this report, therefore, we recommend that they be evaluated by the Contractor, during preparation of bids and construction of the project.

2.3 Imported fill soil, if required for the project, should be non-corrosive, non-expansive and granular in nature and contain enough fine grained material (border) to allow cutting "nest" locking trenches with the following acceptance criteria recommendations:

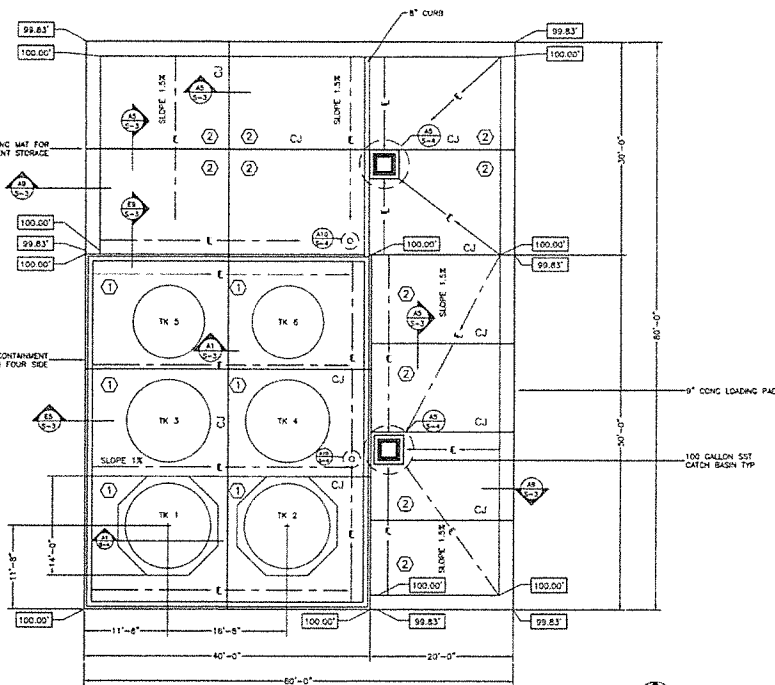
Percent Passing 3-inch Sieve	100
Percent Passing No. 4 Sieve	65 - 100
Percent Passing No. 20 Sieve	20 - 40
Expansion Index (ASTM D4929)	Less than 20
Organics	Maximum 3% by dry weight
Soil Reactivity	Greater than 2,000 ohm-cm
Sulfides	Less than 1,000 mg/kg
Chlorides	Less than 300 mg/kg

Prior to being transported to the site, the imported material shall be certified by the Contractor and the Supplier (to the satisfaction of the Owner and BSK Associates) that the soils do not contain any environmental contaminants regulated by local, state or federal agencies have jurisdiction. In addition, BSK Associates should be requested to sample and test the material to determine compliance with the above geotechnical criteria. Contractors should provide a minimum of 7 working days to complete the testing.

2.4 Native and imported engineered fill soil should be placed in loose lifts approximately 8 inches thick or less, moisture-conditioned to slightly above optimum moisture content and compacted to a dry density of at least 95 percent of the maximum dry density as determined by ASTM Test Method D1557. The upper 12 inches of engineered fill below aggregate base for the aggregate base for the drive area should be compacted to a dry density of at least 95 percent of the maximum dry density as determined by ASTM Test Method D1557. Additional fill should not be placed if the previous fill did not meet the required dry density or if soil conditions are not stable.

(continued on DWG S-2)

NO	STATUS	TYPE	DA INCHES	HEIGHT INCHES	MATERIAL STORED	VOLUME GALLONS	WT LBS/CY	WT TOTAL	TANK DEAD WT LBS	TOTAL TANK WT LBS	PART NO
1	NEW	FG CONE	144"	228"	VAFAM	15,963	11.7	186,767	5,500	191,767	-
2	NEW	FG CONE	144"	228"	VAFAM	15,963	11.7	186,767	5,500	191,767	-
3	NEW	POLY	141"	243"	OIL	15,500	7.11	110,250	4,000	114,250	-
4	NEW	POLY	141"	243"	OIL	15,500	7.11	110,250	4,000	114,250	-
5	NEW	POLY	120"	149"	OIL	6,500	7.11	46,215	2,500	48,715	-
6	NEW	POLY	120"	149"	OIL	6,500	7.11	46,215	2,500	48,715	-



**FOUNDATION SCHEDULE**

- ① 15" THICK MIN CONCRETE MAT FOUNDATION W/ #5 @ 9" OC EW @ BTM & #4 @ 12" OC EW @ TOP.
- ② 9" THICK CONCRETE MAT FOUNDATION W/ #4 @ 12" OC EW CTR'D IN MAT.
- CJ CONTROL JOINT - SEE A1 & A5/S-3

- NOTE:
1. COORDINATE FINISHED ELEV AND STRUCTURE LOCATION WITH OWNER BEFORE CONSTRUCTION.
  2. SEE DWG S-4 FOR TANK PEDESTAL LOCATION AND ELEV.

DESCRIPTION OF VERIFICATION AND INSPECTION WORK	INSPECTION FREQUENCY
1. VERIFY MATERIALS BELOW FOOTINGS ARE ADEQUATE TO ACHIEVE THE DESIGN BEARING CAPACITY.	- PERIODIC
2. VERIFY EXCAVATIONS ARE EXTENDED TO PROPER DEPTH AND HAVE REACHED PROPER MATERIAL.	- PERIODIC
3. PERFORM CLASSIFICATION AND TESTING OF CONTROLLED FILL MATERIALS.	- PERIODIC
4. VERIFY USE OF PROPER MATERIALS, DENSITIES AND LIFT THICKNESS DURING PLACEMENT AND COMPACTION OF CONTROLLED FILL.	- CONTINUOUS
5. PRIOR TO PLACEMENT OF CONTROLLED FILL OBSERVE SUBGRADE AND VERIFY THAT THE SITE HAS BEEN PREPARED PROPERLY.	- PERIODIC

DESCRIPTION OF VERIFICATION AND INSPECTION WORK	INSPECTION FREQUENCY	REFERENCE STANDARD
1. INSPECTION OF REINFORCING STEEL AND PLACEMENT.	PERIODIC	ACI 318; EN 20, 25.2, 26.5, 26.61-26.6.3
2. INSPECT SOLTS TO BE INSTALLED IN CONCRETE PRIOR TO AND DURING PLACEMENT OF CONCRETE.	PERIODIC	ACI 318; CH 17.8.2
3. VERIFYING USE OF APPROVED DESIGN MIX.	PERIODIC	ACI 318; CH 19, 26.4.3, 26.4.4
4. PRIOR TO CONCRETE PLACEMENT, FABRICATE SPECIMENS FOR STRENGTH TESTS, PERFORM SLUMP AND AIR CONTENT TESTS, AND DETERMINE THE AIR TEMPERATURE OF THE CONCRETE.	CONTINUOUS	ASTM C 173; ASTM C 31; CH 26.4.26.12
5. INSPECTION OF CONCRETE PLACEMENT FOR PROPER APPLICATION TECHNIQUES.	CONTINUOUS	ACI 318; CH 26.3.3-26.5.5

**BASIS OF DESIGN: CBS 2016 OR PER LOCAL JURISDICTION AND AMENDMENTS**

- A. DESIGN LOADS:
  - (1) ROOF LOAD.....NA
  - (2) FLOOR LOAD.....NA
- B. DEAD LOAD.....WEIGHT OF TANKS
- C. CONCENTRATED LOADS.....NONE
- D. WIND LOAD:
  - (1) CATEGORY = .....E
  - (2) WIND EXPOSURE CATEGORY = .....E
  - (3) WIND SPEED = .....110 MPH
- E. SEISMIC LOAD:
  - (1) RISK CATEGORY = I (CBC TABLE 1604.5)
    - S<sub>s</sub> = 1.175
    - S<sub>1</sub> = 0.399
    - S<sub>0.1</sub> = 0.807
    - SD<sub>1</sub> = 0.425
  - (2) SITE CLASS = D
  - (3) BASIC SEISMIC-FORCE-RESISTING SYSTEM = FLAT BOTTOM TANKS

Drawings Prepared by  
S & R SPECIALTY EQUIPMENT CO INC  
P.O. BOX 505 - 830 JEPSEN AVE  
CORCORAN, CA 93212  
(559) 992-4191 FAX (559) 992-8341

Drawing Title  
NUTRIEN AD SOLUTIONS, FIVE POINTS, CA  
CONTAINMENT STRUCTURE AND TANK FOUNDATION

Desig	Designed	Project No	1602
Drawn	T.C.	Scale	1/8" = 1'-0"
Checked		Drawing No	
Reviewed			
Date	2/14/19		

S-1

RECEIVED  
COUNTY OF FRESNO  
JAN 23 2020

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

RECEIVED  
COUNTY OF FRESNO  
JAN 23 2020  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

**OPERATIONAL STATEMENT for  
Nutrien AG Solutions, Five Point, CA**

August 26, 2019

1. Retail Fertilizer and Pesticide Applicator - increase liquid fertilizer and pesticide storage.
2. Operational time: Monday thru Friday 7:00 AM to 5:00 PM.
3. Average 10 customer per day.
4. Number of employees: current: 27, future: no change, average 40-50 hours/ week, no caretaker on site.
5. Thirty delivery trucks, making deliveries throughout the day.
6. Access to the site: Public road, Lassen AVE.
7. Twenty-five parking spaces for employees and customer. The parking spaces are asphalt and gravel/dirt.
8. All goods are delivered to the customer. Some products are blended on site and others are manufactured at other locations.
9. Fertilizer and Pesticide storage tanks, liquid fertilizer blender and liquid tankers for delivery.
10. Fertilizer and Pesticide are storage in tanks constructed of steel, stainless steel, Polyethene and fiberglass. Two-hundred-and-fifty-gallon tote tanks are used for the delivery of small quantities.
11. The use causes no noise, glare, dust or odor.
12. The only solid waste produced is cardboard and garbage generated by the office and shop operation. The solid waste is collected in the solid waste bins and removed by the contracted solid waste collection service.
13. Approximately 20,000 gallons of water is used per day for liquid fertilizer blending and equipment wash down.
14. There will be no proposed changes in advertising. An existing 3' x 6' sign is located on the East edge of the parcel next to the main entrance gate.

15. Existing buildings will remain and a new concrete containment structure for the storage of liquid fertilizers and pesticides will be constructed. The containment structure will not be covered.
16. The new containment structure will be used to store liquid fertilizer and pesticides that are presently stored in the existing tank farm.
17. Outdoor lighting will be used for normal operations of the new containment structure during winter hours and evening for safety and security purposes.
18. Existing landscaping and a 6' chain link fence will remain.



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Apco – Ettner, Inc.
- APPLICATION NOS.: Initial Study Application No. 7798 and Classified Conditional Use Permit Application No. 3668
- DESCRIPTION: Amend CUP 2085 to allow expansion of an existing fertilizer operation on a 5.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the west side of South Lassen Avenue (State Route 269) approximately 4,480 feet south of its nearest intersection with West Mount Whitney Avenue and is approximately 12.9 miles southeast of the nearest city limits of the City of San Joaquin (APN: 050-130-04S) (21929 S. Lassen Avenue, Five Points, CA).

### I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: NO IMPACT:

Per Figure OS-2 of the Fresno County General Plan, the project site is not located along any identified scenic roadways. The proposed expansion will include construction and placement of new tanks and a containment unit. There are no identified scenic resources or vistas that would be damaged from the project proposal.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will include the construction and placement of new tanks and a containment unit. The proposed tanks and containment unit could potentially be seen from public right-of-way degrading the visual character or quality of public views of the site and its surrounding. The proposed improvements, however, will not have a significant impact on the existing visual character as the existing site is already improved with a fertilizer facility.

- 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 operation utilizes outdoor lighting for normal operations and will extend to the proposed containment unit and tanks for safety and security purposes. With the utilization of outdoor lighting, a mitigation measure will be implemented to reduce impacts outdoor lighting may have on adjacent properties and public right-of-way.

\* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

According to the 2016 Fresno County Important Farmland Map produced by the California Department of Conservation, the project site is designated as Urban and Built-Up Land. The project site is an existing fertilizer operation and proposes to expand the operation through the construction of a new containment unit and placement

of new tanks inside the containment unit. The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as the site is not designated for Farmland. The project does not conflict with existing zoning for agricultural use as the use is allowed per Section 816.3-I of the Fresno County Zoning Ordinance, subject to a Conditional Use Permit.

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

FINDING: NO IMPACT:

The project site is not zoned or located in forest land, timberland, or timberland zoned Timberland Production. The project proposal will not result in the loss of forest land or convert forest land to non-forest use.

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

FINDING: NO IMPACT:

The project proposes to expand an existing fertilizer operation and will not result in conversion of farmland to non-agricultural use or forest land to non-forest use. The existing fertilizer operation is supportive of agricultural uses and the expansion is confined to the existing project site therefore, no direct conversion of farmland to non-agricultural use will occur. The project site is not located in forest land, therefore no conversion of forest land to non-forest use will occur.

### III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) was notified of the subject application and given an opportunity to provide comment. SJVAPCD did not express concerns to indicate that the proposed expansion would conflict with or obstruct implementation of an applicable Air Quality Plan. Additionally, no concerns were



received to indicate that the project would result in a cumulatively considerable net increase of any criteria pollutants. Construction of the project proposal could increase generation of criteria pollutants. The increased generation resulting from construction will be temporary and will not be a permanent increase of criteria pollutant generation. Therefore, a less than significant impact will occur from the temporary generation resulting from construction.

- 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: NO IMPACT:

The closest sensitive receptor is a commercial/professional site located directly southeast of the project site. Per the Applicant's Operational Statement, the use does not generate odors or substantial pollutant concentrations. The proposed improvements are located in the northern portion of the project site away from the existing tank farm. The proposal will not expose sensitive receptors to substantial pollutant concentrations or result in other emissions that would adversely affect 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the California Natural Diversity Database (CNDDDB) there are two reported occurrences that encompass the project site. The Tricolored Blackbird and Crotch Bumblebee have been reported as occurring in the project vicinity. According to the California Department of Fish and Wildlife (CDFW), the Crotch Bumblebee is listed as Candidate Endangered and the Tricolored Blackbird is designated Threatened. The last reported date of the Crotch Bumblebee is April 22, 1964 and the last reported date of the Tricolored Blackbird is April 29, 1907. Both species are presumed extant in the area. The CNDDDB also indicates that the project site is located in the Tricolored Blackbird's range and predicted habitat.

The Tricolored Blackbird per the CDFW Species Account, states that the Tricolored Blackbird prefer to locate nests about 1.5 meters above water or ground in freshwater marshes and up to 2 meters in the canopies of willows and other riparian trees. They are rarely built on the ground. Basic requirements for breeding sites are open accessible water, a protected nesting substrate, including either flooded, thorny or spiny

vegetation; and a suitable foraging space providing adequate insect prey within a few kilometers of the nesting colony. More recently as habitat availability in the Central Valley has changed, the Tricolored Blackbird has been observed nesting in silage and grain fields near dairies. Preferred foraging habitats of the Tricolored Blackbird include crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields, as well as annual grasslands, cattle feedlots, and dairies. The Tricolored Blackbird also forage in remnant native habitats, including wet and dry vernal pools and other seasonal wetlands, riparian scrub habitats, and open marsh borders. Vineyards, orchard, and row crops do not provide suitable nesting substrates or foraging habitats. Most Tricolored Blackbirds forage within 5 kilometers of their colony sites with proximity of suitable foraging habitats being extremely important for the establishment of colony sites. In reviewing aerial and site photographs, it does not appear the project site provides suitable nesting or foraging habitat for the Tricolored Blackbird. Based on the last known reported occurrence and no suitable habitat for the Tricolored Blackbird, it can be seen that the project proposal would not have a significant impact on the Tricolored Blackbird.

In "A Petition to the State of California Fish and Game Commission" dated October 16, 2018, the Crotch Bumblebee inhabits open grassland and scrub habitats and occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills through most of southwestern California. The species was historically common in the Central Valley of California, but now appears to be absent from most of it, especially in the center of its historic range. It is believed that the Crotch Bumblebee primarily nests underground like most other species of bumblebee. Based on the observations stated in the document, and considering the date of the reported occurrence, it suggests that the Crotch Bumblebee may not occur in the Central Valley since its last reported occurrence on April 22, 1964. The subject site has already been improved with the fertilizer operation and experiences human disturbance on a daily basis, which would deter the species from occupying the project site. Therefore, based on the above analysis, the project proposal will have little to no impact on the Crotch Bumblebee.

CDFW and the United States Fish and Wildlife Service (USFWS) were notified of the project proposal. No concerns were expressed by CDFW or USFWS to indicate that the project would have an impact on the identified listed species.

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

FINDING: NO IMPACT:

According to the National Wetlands Inventory, there are no wetlands or riparian habitats located on or near the project site. The project site is improved with an existing fertilizer operation and will not have an impact on wetlands or riparian habitats.

- 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 improved and fenced, with an established fertilizer operation. This implies that the site experiences human disturbance daily that would deter wildlife species from occupying or moving through the site. There are no migratory wildlife corridors or nursery sites identified on the project site. Therefore, the proposed expansion will not have an impact on movement of wildlife species or with any wildlife corridors or nursery sites.

- 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 U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Wildlife (CDFW) were notified of the subject application and given the opportunity to provide comments. Neither USFWS nor CDFW expressed concerns that the project proposal would conflict with any regional or state Habitat Conservation Plan or Natural Community Conservation Plan. There were no identified local policies, ordinances or Habitat Conservation Plans that conflict with the project proposal.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site has experienced substantial ground-disturbance due to the construction of improvements related to the existing fertilizer operation. There are no indications that historical resources or archaeological resources are located on the project site from past disturbance. A mitigation measure will be implemented to address cultural resources in the event that they are unearthed during ground-disturbing activities related to the current expansion proposal.

\* **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 Archaeologist 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: NO IMPACT:

Proposed improvements will be subject to the most current building code standards which take into consideration energy efficiency. The project will not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Reviewing agencies and departments did not express concern to indicate that the project proposal would 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?

FINDING: NO IMPACT:

According to Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR) and the Earthquake Hazard Zone Application by the California Department of Conservation, the subject parcel is not located on or near an identified earthquake hazard zone.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is located in area identified as being subject to probabilistic seismic hazards with peak horizontal ground acceleration of 20% to 40%. Although the project site is located in an area that would be subject to a higher probabilistic seismic hazard, the proposed improvements will be built to current building code standards, which take into account safety standards for seismic activity. Per the FCGPBR, hazards associated from seismic-related ground failure including liquefaction and settlement are not expected to occur on the project site as most areas in the valley contain soil types not conducive to liquefaction due to either being too coarse or too high in clay content. Additionally, settlement of sufficient magnitude to cause significant structural damage is normally associated with rapidly deposited alluvial soils, or improperly founded or poorly compacted fills. As stated, project development will be subject to the current building code, which requires compliance with grading standards to ensure safe development of the site. A less than significant impact is seen due to the potential of hazards, but with compliance to building code standards, safe development of the site is ensured.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in identified landslide hazard areas. The project site is located in flat agricultural utilized land and is located by area that would be highly susceptible to landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposed new development on the site in the form of new tanks and a containment unit. Development of the site is focused on an approximately 4,800 square-foot area of the project site, which will result in the loss of 4,800 square feet of

topsoil. The project will not result in substantial soil erosion and the loss of topsoil will not have an adverse impact on the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on or near area of deep subsidence. There are no geologic units or soils that were identified as being unstable and as a result of the project would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Reviewing agencies and departments did not express concerns to indicate that the project would result in the identified scenarios. Although the project is located in areas identified with deep subsidence, the project proposal is not expected to significantly increase water consumption that would lead to a hazardous situation in terms of subsidence. Therefore, the project will have a less than significant impact.

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

FINDING: NO IMPACT:

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

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The project site has already been improved with a septic system and does not propose any additional septic improvements with the subject application. There are no known paleontological or geologic resources on the project site or identified during project review. As no new septic system or improvement to the existing system is proposed and no identified paleontological or geologic resource, the project will have no impact.

## 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 subject application is proposing to expand its operation through the construction of additional tanks and a containment unit to contain the new tanks. The increase in capacity may generate an increase in greenhouse gas emissions through operation of the facility and increased mobile sources, but the increase will not have a significant impact on the environment. The San Joaquin Valley Air Pollution Control District was notified of the subject application and did not express concerns that GHG emission increases would have a significant impact on the environment and did not indicate that the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

### VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Fresno County Department of Public Health, Environmental Health Division (EHD) has reviewed the subject application. EHD states that the facility is listed as a Large Hazardous Materials Handler. Mitigation recommended by EHD will be implemented to address the proposed expansion which includes the update of a Hazardous Materials Business Plan and the handling of hazardous waste in accordance with State regulations. The Westlands Water District has requested that a hazardous material spill prevention and response plan be provided so that in the event of a spillage, that situation is addressed by an established plan. With the incorporation of recommended mitigation measures, there will be a less than significant impact from the project's hazardous material handling and it will not create a significant hazard to the public or environment.

\* **Mitigation Measure(s)**

1. *Within 30 days of the occurrence of any of the following events, the applicant/operators shall update their Hazardous Materials Business Plan and site map:*

- a. *There is a 100% or more increase in the quantities of a previously disclosed material;*
- b. *The facility begins handling a previously undisclosed material at or above the Hazardous Materials Business Plan threshold amounts;*
- c. *There is a change in the site map.*

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

2. *All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.*
3. *Prior to construction permits being issued, a hazardous material spill prevention and response plan shall be developed and approved by the Fresno County Health Department to provide site response should an event of spillage, occur with the liquid fertilizers and pesticides stored on-site.*

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

FINDING: NO IMPACT:

There are no existing or proposed schools within one-quarter mile of the project site, therefore although the project handles hazardous materials, the project will not have an impact on schools.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to the Department of Public Health, Environmental Health Division the project site is listed as a Large Hazardous Materials Handler per the Fresno County Environmental Health Division Database. As discussed previously, the applicant/operators of the subject operation will be required to update their Hazardous Materials Business Plan and provide a hazardous material spill prevention and response plan that address all new aspects of the operation. With implementation of discussed mitigation measures, the project will have a less than significant impact and would not create a significant hazard to the public or environment.

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



FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the subject expansion to indicate that the proposal will impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is located in a sparsely populated area with the majority of uses being related to agricultural use. The project does not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division reviewed the subject application and determined that the existing water supply is adequate to support the proposed expansion. The Westlands Water District did not express concerns with the proposed expansion. The State Water Resources Control Board (SWRCB) requires that an approved long-term solution for the provision of drinking water be established with the project proposal. The source of drinking water will need to be approved and permitted by the SWRCB. Based on comments received by reviewing agencies and departments, the project will be subject to establishment of a more permanent water supply and that the water supply of the area is adequate to support the expansion. The project will not violate any water quality standards or waste discharge requirements. The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?

FINDING: NO IMPACT:

According to United States Geological Survey (USGS) Quad Maps, there are existing drainage channels near the southern property line of the subject site. The proposed project site is located in the northern portion of the subject parcel avoiding impacts to the identified drainage channel.

1. Result in substantial erosion or siltation on- or off-site?
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will include the construction of an additional 4,800 square feet of impervious surface to the site. The additional impervious surface will result in an increase in the amount of surface runoff, which can result in erosion or siltation. The project will be subject to grading permits and 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. Therefore, a less than significant impact will occur as the building footprint of the expansion will result in only a slight increase of surface runoff. Additionally, the project will be subject to a grading permit that will ensure compliance with local and state standards.

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Fresno County standards, drainage resulting from surface runoff should be contained to the project site. Additionally, an Engineered Grading and Drainage Plan may be required by the Development Engineering Section to address how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The Applicant has indicated on their site plan that there is a rainwater catch basin available to capture runoff to avoid impacting adjacent properties. Stormwater best management practices will be implemented during construction.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2850J, the project site is located in land designated as Zone X, Area of Minimal Flood Hazard and is therefore not subject to flooding from the 100-year storm.

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

FINDING: NO IMPACT:

According to Figure 9-7 and 9-8 of the Fresno County General Plan Background Report, the project site is not located in a 100-year flood inundation area or dam failure flood inundation area. There are no bodies of water located near the project site to indicate increased risk due to tsunami or seiche.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concerns to indicate that the project would 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?

FINDING: NO IMPACT:

The project will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Policy Planning Section of the Department of Public Works and Planning has reviewed the subject application and per the Fresno County General Plan, the subject site is designated Agricultural. The Policy Planning Section has identified the following policies from the Agriculture and Land Use Element of the General Plan that related to the subject proposal. General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria. Criteria “a” states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria “b” states

that the use should not be sited on productive agricultural lands if less productive land is available in the vicinity. Criteria "c" states that the operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius. Criteria "d" states a probable workforce should be located nearby or readily available. Criteria "e" states for proposed agricultural commercial center uses the following additional criteria shall apply: Criteria "e.1" states commercial uses should be clustered in centers instead of single uses; Criteria "e.2" states to minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community; Criteria "e.3" states new commercial uses should be located within or adjacent to existing centers; Criteria "e.4" states that sites should be located on major roads serving the surrounding areas; Criteria "e.5" states that commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences. Criteria "f" states for proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services. Criteria "g" states that for proposed churches and schools, the evaluation under criteria LU-A.3.a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community. Criteria "h" states when approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3.b, e.2, e.4 and e.5.

Regarding Criteria "a", the project proposal is sited on an existing fertilizer operation. The use will not change, as the proposal is requesting to expand the existing use to allow additional capacity for the operation. The established use is agriculturally supportive in nature. Per the Applicant's Operational Statement, all goods are delivered to the customer, therefore, the use would be better suited being located near their customer base. Additionally, with the presence of hazardous materials, the site is better suited to be located in a more isolated setting reducing exposure to sensitive receptors. There is no conflict with Criteria "a" as the use has been established and the use cannot be located more efficiently within urban areas. Regarding Criteria "b", the use has been established with a fertilizer operation, with County records showing establishment of the use since October 18, 1984 with the approval of Conditional Use Permit Application No. 2085 that allowed the fertilizer operation. As the project site has not been utilized for agricultural purposes since the approval date of CUP 2085, the proposal is not in conflict with Criteria "b". In regard to Criteria "c", the project proposal was reviewed by the Water and Natural Resources Division, the State Water Resources Control Board, and the Westside Subbasin Groundwater Sustainability Agency. The Water and Natural Resources Division determined that the existing water supply is adequate to support the proposed expansion. The State Water Resources Control Board requires that a reliable source of drinking water be established, which will be required for project approval. There was no indication from reviewing agencies and departments to indicate that the proposed expansion would have a detrimental impact on water resources. Regarding

Criteria “d” the subject site is located along approximately 12.9 miles southwest from the City of San Joaquin and approximately 14 miles north of the City of Huron. The project site fronts State Route 269 (Lassen Avenue) which serves as a north and south thoroughfare for communities and incorporated cities in between State Route 41 and Interstate 5. Although the project site is not located near a population center, due to its location along a thoroughfare that has access to population centers, the project is seen as being consistent with Criteria “d”. In regard to Criteria “e”, the project proposal is not considered a commercial center and is considered an agricultural supportive operation, therefore the project proposal is not subject to Criteria “e”. Regarding Criteria “f” and “g”, the project proposal is not a value-added agricultural use nor is it a school and church proposal, therefore the project is not subject to Criteria “f” and “g”.

## 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 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near identified mineral resource locations.

## XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has determined that the proposed construction has the potential to expose nearby resident to elevated noise levels and that consideration should be given to the Fresno County Noise Ordinance. The proposed construction is expected to temporarily increase noise levels to a certain extent but is not likely to have a significant impact due to the temporary nature of construction. Operation of the facility after construction is completed is not expected to drastically increase noise levels when compared to the existing facility operation.

- 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:

The project site is not located on or within two miles of a private airstrip, airport land use plan area, or public airport.

#### XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

The project site is located on an existing fertilizer operation and will not induce substantial unplanned population growth and will not displace substantial numbers of existing people or housing.

#### XV. PUBLIC SERVICES

Would the project:

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

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the application and did not express concerns to indicate that the project would require the provision of new or physically-altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

- 2. Police protection;

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern to indicate that the project would result in the provision of new or physically-altered governmental facilities in order to, maintain acceptable service ratios, response times, or other performance objectives.

#### XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The proposed expansion will not increase the use of existing neighborhood and regional parks or other recreational facilities that will result in substantial physical deterioration of the facility and will not require the construction or expansion of recreational facilities.

#### XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Trip Generation and Distribution Study was conducted by the Applicant and was reviewed by the Design Division for traffic impacts the project may have. The study concluded that the existing operation produces approximately thirty trips during operation. The proposed expansion will not increase the amount of trips produced from the operation. The Design Division concluded that the project does not meet or exceed thresholds for trip generation and distribution, therefore the operation and the proposed

expansion does not conflict with a program, plan, ordinance, or policy addressing the County's circulation system. Pursuant to CEQA Guidelines Section 15064.3 Subdivision (b), the submitted Trip Generation and Distribution Study was considered under traffic trips generated by the project operation and expansion and not under vehicle miles traveled. It was determined that the project would not have a significant impact on County roads. The project will not increase existing trips and would not be in conflict or be inconsistent with CEQA Guidelines Section 15064.3 Subdivision (b).

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

FINDING: NO IMPACT:

There is no proposal of additional site access features that would cause a substantial hazard. Reviewing agencies and departments did not express concerns with the design of the expansion to indicate that the project would substantially increase hazards, nor were there any concerns expressed to indicate that the project proposal would result in inadequate emergency access.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Participating California Native American Tribes were notified of the subject application and were given the opportunity to enter consultation with the County of Fresno. No notified participating Native American Tribes expressed concerns with the project proposal. The subject project site has already been improved with a fertilizer operation and has experienced ground-disturbance from said improvements. Although ground-



disturbance has already occurred on the project site, a mitigation measure will be implemented in the event that cultural resources are unearthed during ground-disturbing activities.

\* **Mitigation Measure(s)**

1. See Section V.A., B., C., Mitigation Measure 1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board has determined that a more reliable drinking water supply be established on the project site. Based on comments from the Water and Natural Resources Division, water resources of the area are sufficient to supply to project site. Therefore, establishment of a more reliable drinking water facility, through drilling of a well or establishing a public water system will be required prior to building permits. This requirement and indication that water supplies for the area are adequate to support the expansion, the project will not have a significant impact on the environment.

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

FINDING: NO IMPACT:

The project proposal does not include expansion of the existing wastewater treatment system on site. The existing system is adequate in capacity to service the operation after expansion.

- 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:

Reviewing agencies and departments did not express concerns with the project to indicate that the proposed expansion will result in the generation of solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. The subject operation is subject to federal, state, and local management and reduction statutes and will continue to comply with those statutes and regulations.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

According to the 2007 Fire Hazard Severity Zones in LRA Map produced by the California Department of Forestry and Fire Protection, the project site is not located within a State Responsibility Area (SRA) and is not located within an area identified as a fire hazard severity zone.

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 proposal is to allow an existing fertilizer operation to expand storage capacity of the operation. Although the analysis did identify listed species that have been reported as occurring on or near the project site, due to the current existence of the operation and daily human disturbance, it is unlikely that the listed species occur on the project site nor will they be affected by the project. The project does not have the potential to degrade the quality of the environment or threaten to eliminate a plant or animal community.

- 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:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

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

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effects on human beings, either directly or indirectly.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3668, 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 Agricultural and Forestry Resources, Energy, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

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

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

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# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 7 June 25, 2020

**SUBJECT:** Revision to the 2020 Planning Commission Hearing Calendar

**STAFF CONTACT:** Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

Consider and adopt the proposed 2020 Revised Planning Commission Hearing Calendar.

### EXHIBITS:

1. 2020 (Draft) Revised Planning Commission Hearing Calendar

### ANALYSIS/DISCUSSION:

On August 29, 2020, the Planning Commission adopted its 2020 Planning Commission Hearing Calendar, providing for 18 hearing dates. Since that time, the Board of Supervisors Chamber has become unavailable for the July 16, 2020, hearing dates. The Board of Supervisors Chamber will be available for use on July 23, 2020, should the Commission wish to change the hearing date for July. An alternative to changing the hearing date would be to cancel the July hearing and consolidate the agenda items on other hearing dates.

Attached as Exhibit 1 is a Draft Revised Calendar with the current meeting dates and the proposed new Planning Commission Hearing date noted. Staff has already coordinated with the Clerk of the Board's Office to ensure that the Board Chamber is available for the recommended alternative hearing date.

### PLANNING COMMISSION MOTIONS:

#### **Recommended Motion** (Approval Action)

- Move to adopt the 2020 Draft Revised Planning Commission Calendar as proposed; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### **Alternative Motion** (Denial Action)

- Move to reject the 2020 Draft Revised Planning Commission Calendar as proposed; or

- Move to modify the 2020 Draft Revised Planning Commission Calendar (specify changes);  
and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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# FRESNO COUNTY PUBLIC WORKS AND PLANNING 2020 PLANNING COMMISSION HEARING CALENDAR

PC Planning Commission Hearing     ● Holiday  
BOS Board of Supervisors

JANUARY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 ●	2	3	4
5	6	7 BOS	8	9 PC	10	11
12	13	14	15	16	17	18
19	20 ●	21 BOS	22	23 PC	24	25
26	27	28	29	30	31	

FEBRUARY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 BOS	5	6	7	8
9	10	11	12	13 PC	14	15
16	17 ●	18	19	20	21	22
23	24	25 BOS	26	27	28	29

MARCH						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10 BOS	11	12 PC	13	14
15	16	17	18	19	20	21
22	23	24 BOS	25	26 PC	27	28
29	30	31 ●				

APRIL						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9 PC	10	11
12	13	14 BOS	15	16	17	18
19	20	21	22	23 PC	24	25
26	27	28 BOS	29	30		

MAY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12 BOS	13	14 PC	15	16
17	18	19	20	21	22	23
24	25 ●	26 BOS	27	28	29	30
31						

JUNE						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9 BOS	10	11 PC	12	13
14	15	16	17	18	19	20
21	22	23 BOS	24	25 PC	26	27
28	29	30				

JULY						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3 ●	4
5	6	7 BOS	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23 PC	24	25
26	27	28	29	30	31	

AUGUST						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 BOS	5	6	7	8
9	10	11	12	13 PC	14	15
16	17	18 BOS	19	20	21	22
23	24	25	26	27 PC	28	29
30	31					

SEPTEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 BOS	2	3	4	5
6	7 ●	8	9	10 PC	11	12
13	14 BOS	15 BOS	16 BOS	17 BOS	18 BOS	19
20	21	22 BOS	23	24	25	26
27	28	29	30			

OCTOBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 BOS	7	8 PC	9	10
11	12	13	14	15	16	17
18	19	20 BOS	21	22 PC	23	24
25	26	27	28	29	30	31

NOVEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 BOS	4	5	6	7
8	9	10	11 ●	12	13	14
15	16	17 BOS	18	19 PC	20	21
22	23	24	25	26 ●	27 ●	28
29	30					

DECEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10 PC	11	12
13	14	15 BOS	16	17	18	19
20	21	22	23	24	25 ●	26
27	28	29	30	31		

EXHIBIT 1