



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 April 22, 2021

SUBJECT: Initial Study No. 7641 and Classified Conditional Use Permit Application No. 3651

Allow expansion of an existing pre-October 23, 2007 cattle feedlot to a total of 8,000 heads of cattle on an 88.77-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located at the southwest corner of West Annadale Avenue and South Chateau Fresno Avenue, easterly adjacent to the City of Fresno Wastewater Treatment Facility (2585 S. Chateau Fresno, Fresno, CA) (Sup. Dist. 1) (APN 327-200-10).

OWNER: Michael H. and Nora Bottasso

APPLICANT: Gerrit Roeloffs

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative/Negative Declaration prepared for Initial Study (IS) No. 7641; and
- Approve Classified Conditional Use Permit Application No. 3651 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. Applicant's Operational Statement
7. Summary of Initial Study No. 7641
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	88.77 acres	No change
Project Site	N/A	N/A
Structural Improvements	Shade structures, accessory structures, residential structures	Calf hutches and additional corral shade structures.
Nearest Residence	Approximately 725 feet south	No change
Surrounding Development	Agricultural and minimal residential. Directly west is the Fresno Wastewater Treatment Facility	No change
Operational Features	Feedlot Operation	An increase in cattle heads for the existing feedlot operation
Employees	Nine	Fourteen
Customers	No customers	No change
Traffic Trips	55.8 trips per day	36.2 trips per day
Lighting	Outdoor lighting	No change

Criteria	Existing	Proposed
Hours of Operation	Employee shifts between 6:00 AM to 5:00 PM	No change

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7641 was prepared for the subject application 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 (Exhibit 8) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration was adopted on March 12, 2021

PUBLIC NOTICE:

Notices were sent to 7 property owners within 1320 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 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 a Classified Conditional Use Permit Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

Review of available records indicate that a cattle operation existed on the subject parcel prior to adoption of the ordinance that established Section 869 of the Fresno County Zoning Ordinance for “Regulations for the Siting and Operation of Commercial Cattle Dairy/Feedlot Facilities”, which was adopted on October 23, 2007. As stated, the existing cattle operation was in operation prior to October 23, 2007 and is subject to Section 869.2 for an increase of cattle capacity over 500 heads of cattle that requires the proposal to be considered under the Conditional Use Permit procedure.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 Front Yard: 35 feet	No change	Y

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Side Yard: 20 feet Rear Yard: 20 feet		
Parking	No requirements	No change	Y
Lot Coverage	No requirements	No change	Y
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 change	Y
Wall Requirements	No requirement unless a swimming pool is present	No change	Y
Septic Replacement Area	100% replacement area	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: All proposed improvements and any structures with no permit records constructed after 1958 will require building permits.

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

For informational purposes, FID's Lower Dry Creek Canal No. 150 run westerly along the south side of North Avenue approximately 80 feet south of the subject property. Should this project include any street and/or utility improvements along North Avenue, Chateau Fresno, or in the vicinity of this canal, FID requires it review and approve all plans.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis Finding 1:

Based on the submitted site plan, the proposed shade structures and calf hutches will be located outside of setbacks established by the underlying zone district. The project proposal will be expected to follow and comply with all development standards for the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Additional review of the proposed improvements will occur during the building permit review. No concerns were expressed by

reviewing agencies and departments. Staff finds that the subject parcel is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

None

Conclusion Finding 1:

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	No private road frontage	No change
Public Road Frontage	Yes	Annadale Avenue and Chateau Fresno Avenue	No change
Direct Access to Public Road	Yes	Access points on Annadale Avenue and Chateau Fresno Avenue	No change
Road ADT		Annadale Avenue: 50 VPD Chateau Fresno Avenue: 400 VPD	No change
Road Classification		Annadale Avenue: Local Road Chateau Fresno Avenue: Local Road	No change
Road Width		Annadale Avenue: 60 feet Chateau Fresno Avenue: 100 feet	No change
Road Surface		Annadale Avenue: Paved Chateau Fresno Avenue: Paved	No change
Traffic Trips		56 trip	36
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		None required	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: Chateau Fresno Avenue a road shared with the City of Fresno with existing 100 feet of road right-of-way. Pavement width is 23.9 feet with dirt shoulders. ADT of Chateau Fresno Avenue is 400 VPD, with PCI of 68.5. Roadway is in fair condition. Chateau Fresno Avenue is classified as a local road in the County’s General Plan requiring 60 feet of road right-of-way.

Annadale Avenue is a County maintained road with 40 feet of road right-of-way. Pavement width is 12.3 feet. ADT of Annadale Avenue is 50 VPD, with PCI of 29. Roadway is in poor condition. Annadale is classified as a local road in the County’s General Plan requiring 60 feet of road right-of-way.

An encroachment permit is required from the Road Maintenance and Operations Division for any work performed in County road right-of-way.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis Finding 2:

Per the Applicant, the proposed feedlot operation will produce less traffic trips compared to current operations. According to the Applicant, the current use is a dairy operation consisting of animals from one day old to five years old. The current operation requires delivery of various feed to maintain operations along with exporting of milk produced from the site. The proposed use will convert the dairy operation to a calf ranch (cattle feedlot), which will result in a reduction of trips due to requiring a different diet consisting of a much smaller volume of food. Review of the proposed traffic generation was conducted by both the Design Division and the Road Maintenance and Operations Division. The proposed traffic numbers did not exceed thresholds of the County to require additional analysis of traffic related impacts associated to the proposed operation. No right-of-way improvements were required. Based on the estimated traffic generated from the proposed use, it has been determined that Chateau Fresno Avenue and Annadale Avenue are adequate to accommodate traffic generated by the proposed use.

Recommended Conditions of Approval:

None

Conclusion Finding 2:

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	159.04 acres	Orchard	AE-20	Approximately 3,230

Surrounding Parcels				
				feet
South	158.14 acres	Field Crops and Single-Family Residence	AE-20	Approximately 2,390 feet
East	552.50 acres	City of Fresno (Fresno Wastewater Treatment Facility)	PI (City of Fresno)	N/A
West	45 acres	Poultry and Vineyard	AE-20	Approximately 1,245 feet
	80 acres	Orchard	AE-20	Approximately 4,190 feet

Reviewing Agency/Department Comments:

Central Valley Regional Water Quality Control Board: The subject facility is currently enrolled under the Waste Discharge Requirements General Order for Existing Milk Cow Dairies (Dairy General Order) through the Regional Water Quality Control Board. Per the operational statement, there is currently no milking operation at the subject facility, therefore under such circumstances, rescission of coverage under the Dairy General Order should be requested and the discharger should obtain coverage under “Waste Discharge Requirements General Order for Confined Bovine Feeding Operations”. **This shall be included as a Mitigation Measure.**

San Joaquin Valley Air Pollution Control District: The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM 10 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).

Rule 4102 (Nuisance) – This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4550 (Conservation Management Practices) – The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas.

Rule 4570 (Confined Animal Facilities) – District Rule 4570 was adopted by the District’s Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570. Therefore, a Rule 4570 application shall also be submitted to the District.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis Finding 3:

The project site is located in a predominantly agricultural area. Located directly east of the project site is the City of Fresno Wastewater Treatment Facility. Properties to the north, south,

and west are utilized mainly for agricultural use with single-family residences pocketed throughout the area.

The project site is currently improved with an existing cattle operation that was in operation prior to the current Zoning Standards being in place requiring a CUP to operate. Per Section 869 of the Fresno County Zoning Ordinance, an expansion of an existing cattle operation exceeding a capacity of 500 cattle is subject to the provisions and standards of the CUP process. The current proposal will expand the operation from 2,500 heads of cattle to 8,000 heads of cattle.

Potential environmental impacts were analyzed with Initial Study No. 7641 with the project being determined to have a less than significant impact with implementation of mitigation measures associated with Aesthetics, Hydrology and Water Quality, Cultural Resources and Tribal Cultural Resources.

Comments provided by the Central Valley Regional Water Quality Control Board, and San Joaquin Valley Air Pollution Control District will be implemented with the project to address all standards and regulations that ensure that the project will not have an adverse effect on abutting property and the surrounding area.

Based on the environmental analysis provided in the prepared Initial Study (Exhibit 7) and comments submitted by reviewing agencies and departments, staff believes the proposal will not have an adverse effect upon surrounding properties.

A Notice of Intent to Adopt a Mitigated Negative Declaration published March 12, 2021 and a Notice of Public Hearing sent to surrounding property owners and special interest groups a minimum of 10-days prior to the Planning Commission hearing did not result in any comments received from the public.

Recommended Conditions of Approval:

None

Conclusion Finding 3:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: The County may allow a discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:</p> <ul style="list-style-type: none"> a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban 	<p>Criteria “a”: The subject site is already operating as an existing cattle operation, with the proposal requesting expansion of the facility to have additional cattle onsite. The use is an agricultural use suited for the agriculturally designated area that includes the subject site.</p> <p>Criteria “b”: The project site is not in agricultural production and currently is in use as a cattle operation. The project will not be sited on productive agricultural land.</p>

Relevant Policies:	Consistency/Considerations:
<p>areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics:</p> <ul style="list-style-type: none"> b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity. 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. d. A probable workforce should be located nearby or be readily available. e. For proposed agricultural commercial center uses, the following additional criteria shall apply: <ul style="list-style-type: none"> 1. Commercial uses should be clustered in centers instead of single uses. 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 residential commercial center of designated commercial area of any city or unincorporated community. 3. New commercial uses should be located within or adjacent to existing centers. 4. Sites should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one-quarter 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 	<p>Criteria “c”: Review of the estimated water usage by the State Water Resource Control Board, the Water and Natural Resources Division, and the Regional Water Quality Control Board indicated that the operational characteristics of the use would not have a detrimental impact on water resources.</p> <p>Criteria “d”: The subject site is already improved with a cattle operation with employee housing present. The City of Fresno is located within proximity of the site and can be considered a probable workforce located nearby and readily available.</p> <p>Criteria “e”: The project proposal is not for an agricultural commercial center and is not subject to Criteria “e”.</p> <p>Criteria “f”: The project is not a value-added agricultural processing facility and will not be subject to Criteria “f”.</p> <p>Criteria “g”: The project is not proposing a church or school and therefore would not be subject to Criteria “g”.</p>

Relevant Policies:	Consistency/Considerations:
<p>activities, exclusive of caretakers' residences.</p> <p>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>g. For proposed churches and schools, the evaluation under Criteria LU-A.3a shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</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.

The subject parcel is enrolled in the Williamson Act Program under Contract No. 5654. As such, the Applicant must submit a Statement of Intended Use (SIU) for review by Policy Planning staff. A signed and notarized SIU was provided to Policy Planning staff and determined that the proposed CUP is in compliance with the provisions of the Williamson Act for land enrolled in the program.

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

Analysis Finding 4:

As identified by the Policy Planning Section, the subject parcel is enrolled in the Williamson Act Program and is required to receive confirmation that the project proposal is compliant with the provisions of the Williamson Act. Review of the submitted Statement of Intended Use by Policy Planning Staff indicated that the project proposal is consistent with the provisions of the Williamson Act program and satisfies requirements of the Policy Planning Section.

Review and analysis of relevant General Plan Policies determined that the project is consistent with the identified policies and not in conflict with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Conclusion Finding 4:

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.

Analysis Finding 5:

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were developed to address the specific impacts of the proposed project and were designed to address the public health, safety and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgment agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Conclusion Finding 5:

Based on staff's analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare. 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 Application can be made. Staff therefore recommends approval of Classified Conditional Use Permit Application No. 3651, 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. 7641; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3651, 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 Application No. 3651; 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:im
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**Mitigation Monitoring and Reporting Program
Initial Study No. 7641
Classified Conditional Use Permit Application No. 3651
(Including Conditions of Approval and Project Notes)**

Mitigation Measures						
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/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.	Hydrology and Water Quality	The subject facility is currently enrolled under the Waste Discharge Requirements General Order for Existing Milk Cow Dairies (Dairy General Order) through the Regional Water Quality Control Board. Per the operational statement, there is currently no milking operation at the subject facility, therefore under such circumstances, rescission of coverage under the Dairy General Order should be requested and the discharger should obtain coverage under "Waste Discharge Requirements General Order for Confined Bovine Feeding Operations".	Applicant/Regional Water Quality Control Board	Applicant/PW&P	Ongoing	
Conditions of Approval						
1.	Development of the property shall be in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement as approved by the Planning Commission.					

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

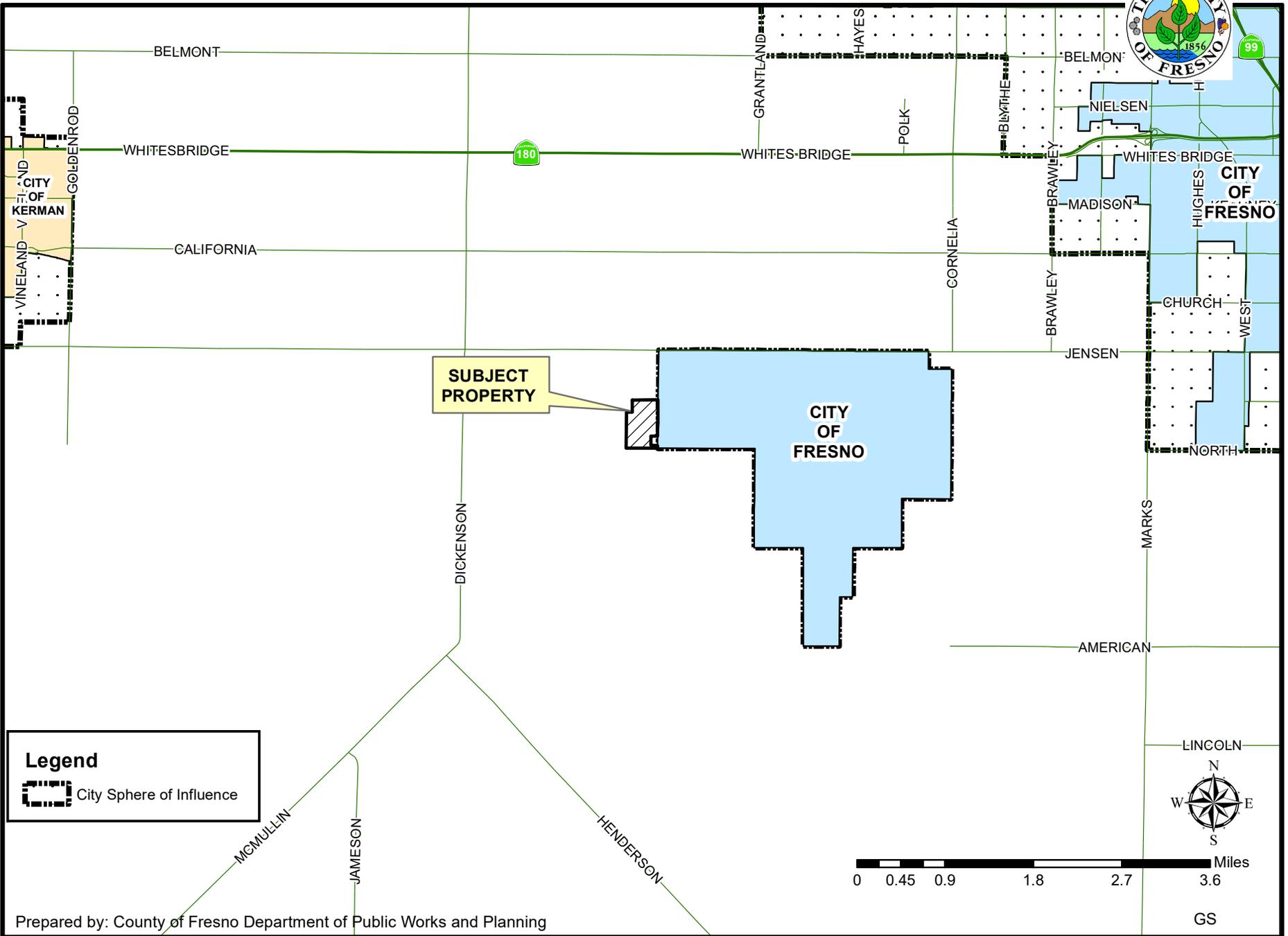
Notes

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

1.	All proposed improvements and any structures with no permit records constructed after 1958 will require building permits.
2.	FID's Lower Dry Creek Canal No. 150 runs westerly along the south side of North Avenue approximately 80 feet south of the subject property. Should this project include any street and or utility improvements along North Avenue, Chateau Fresno Avenue or in the vicinity of this canal, FID requires it review and approve all plans.
3.	An encroachment permit is required from the Road Maintenance and Operations Division for any work performed in County road right-of-way.
4.	<p>The San Joaquin Valley Air Pollution Control District (SJVAPCD) provide the following comments:</p> <ol style="list-style-type: none"> 1. The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM 10 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). 2. Rule 4102 (Nuisance) – This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action. 3. Rule 4550 (Conservation Management Practices) – The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas. 4. Rule 4570 (Confined Animal Facilities) – District Rule 4570 was adopted by the District's Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570. Therefore, a Rule 4570 application shall also be submitted to the District.

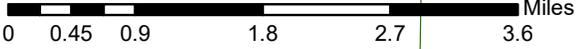
LOCATION MAP

CUP 3651



Legend

City Sphere of Influence



CUP 3651
STR 19-14/19

EXISTING ZONING MAP

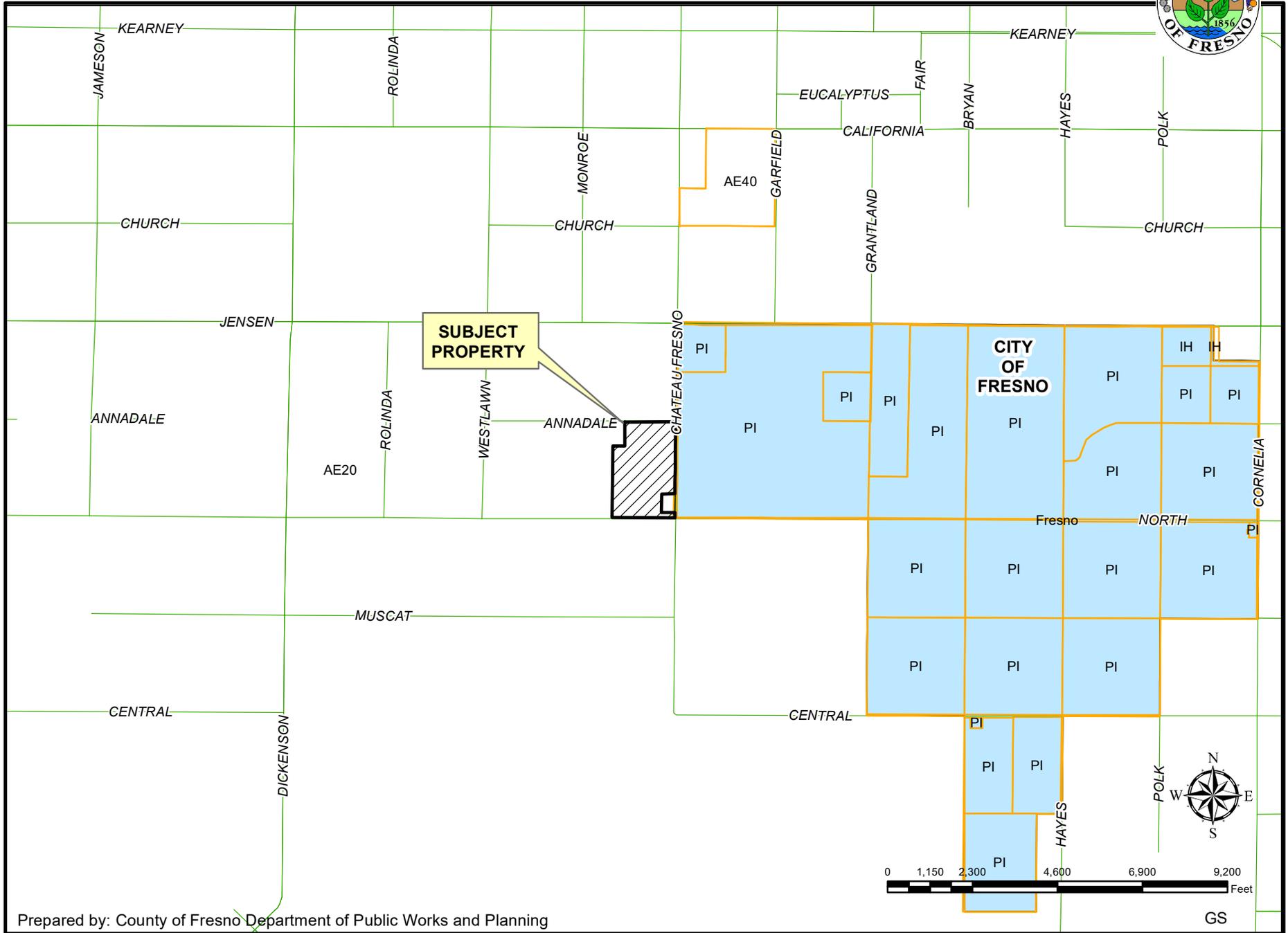
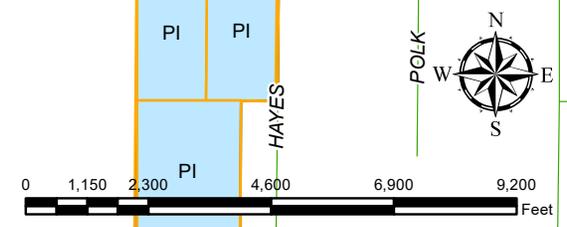
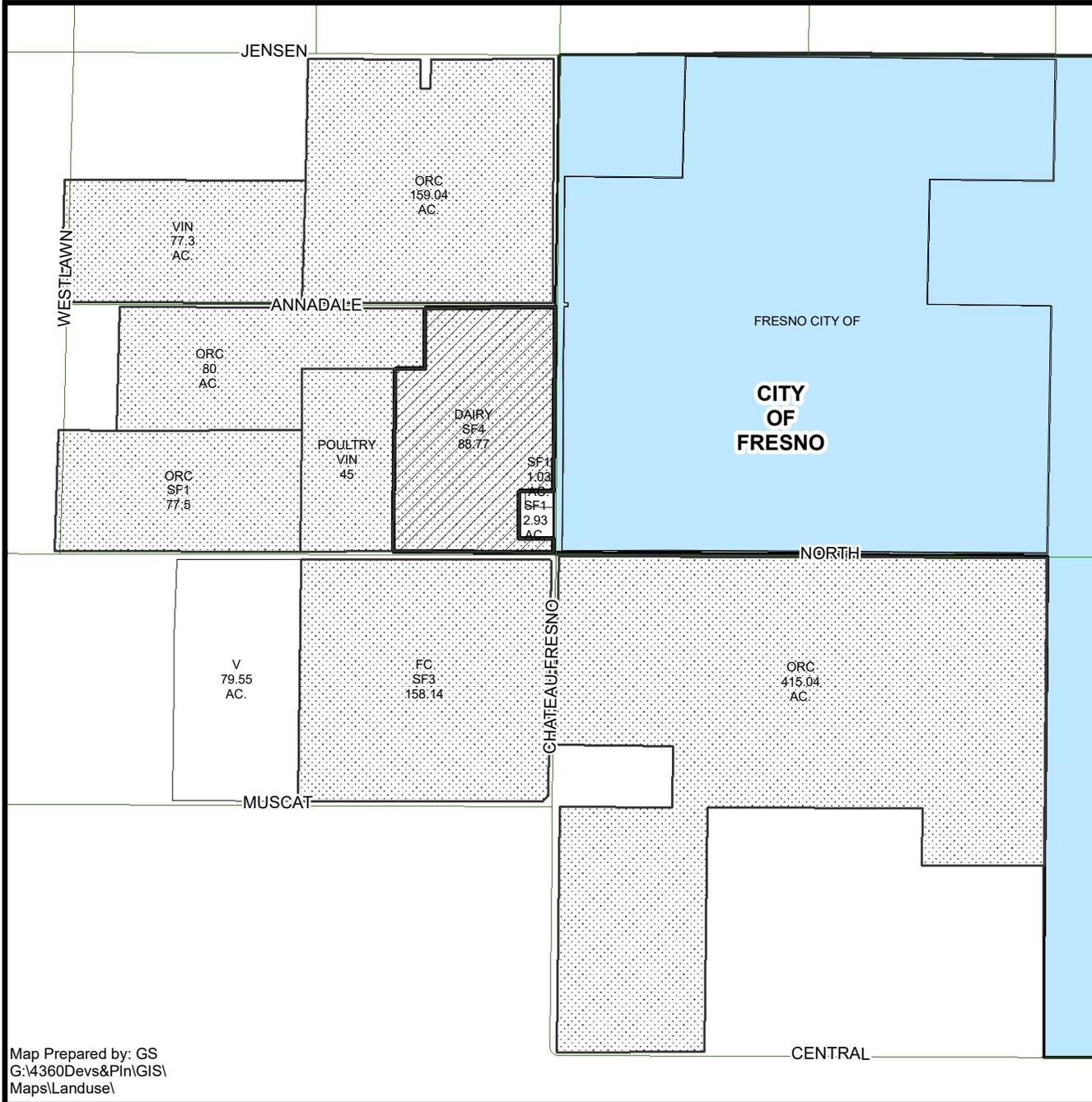


EXHIBIT 3



EXISTING LAND USE MAP

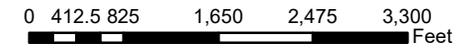
CUP 3651



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

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

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

EXHIBIT 4

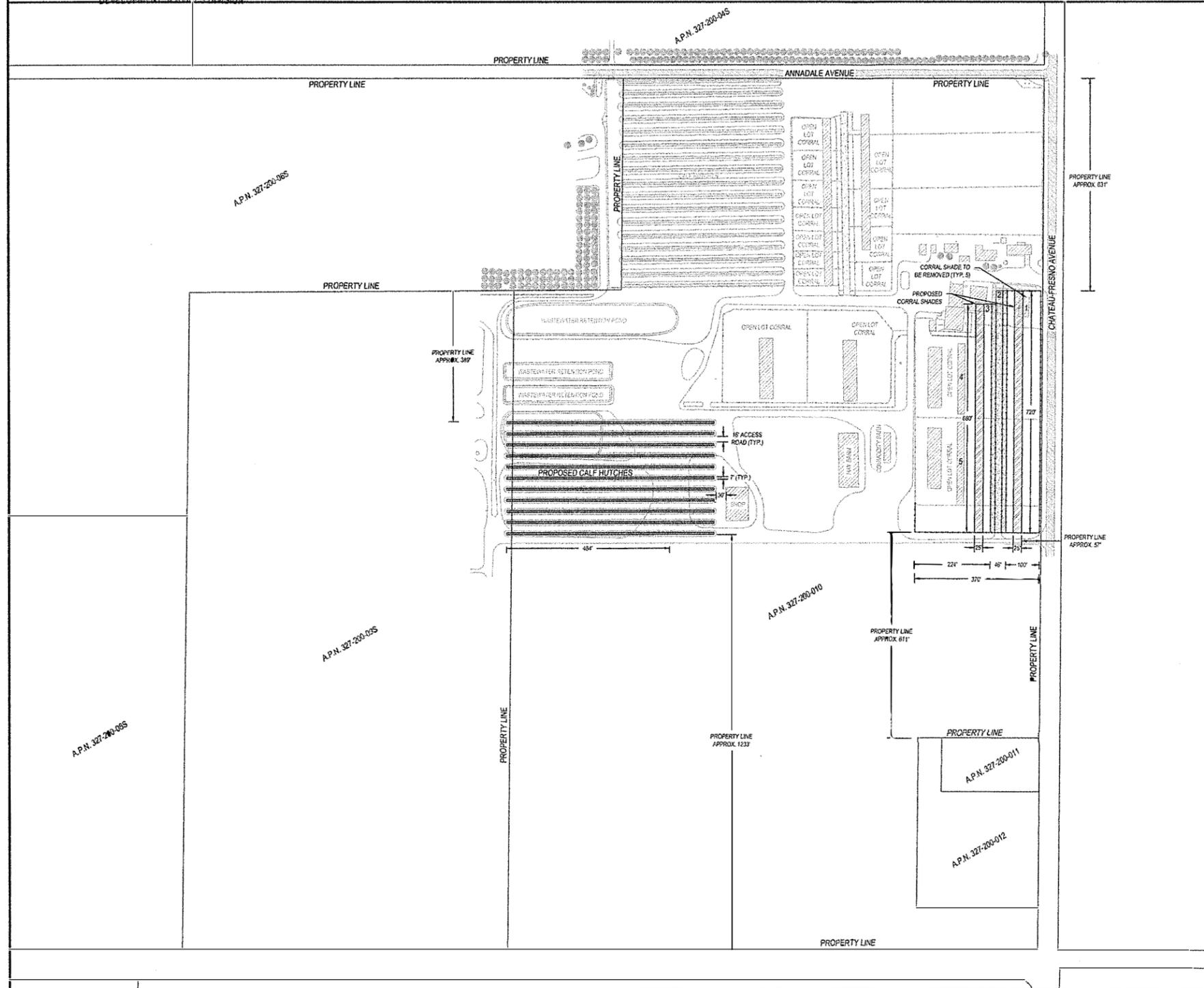
EXHIBIT 5

RECEIVED
COUNTY OF FRESNO

MAY 16 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

KISS CATTLE, LLC PROPOSED PLOT PLAN

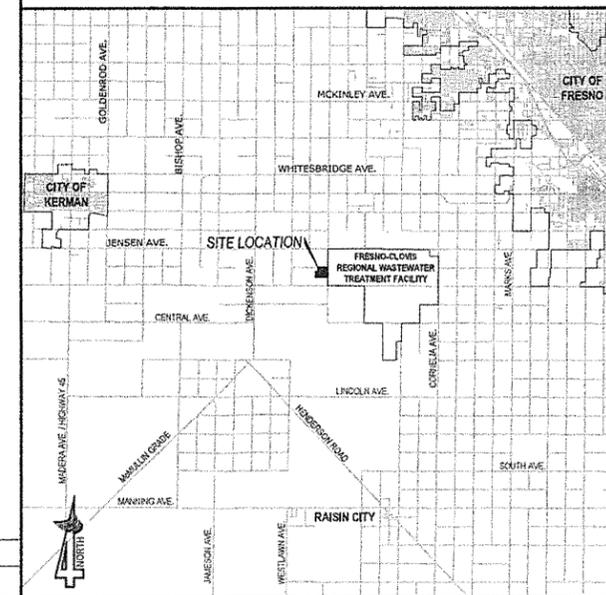


OWNER: GERRIT ROELOFFS
ADDRESS: 2585 S CHATEAU-FRESNO, FRESNO, CA 93706
COUNTY: FRESNO COUNTY
A.P.N.: 327-200-010

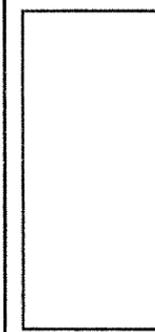
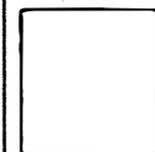
EXHIBIT 5

LEGEND

- PROPERTY LINE
- EXISTING FENCELINE
- PROPOSED FENCELINE
- EXISTING ROAD/PAVEMENT
- EXISTING CONCRETE
- PROPOSED CONCRETE
- EXISTING SHADE/STRUCTURE
- PROPOSED SHADE/STRUCTURE



REVISIONS	DATE	BY	DESCRIPTION



PREPARED BY: **4CREKS**

258 S. CHATEAU FRESNO
FRESNO, CA 93702
TEL: 558.802.3002
FAX: 558.802.2175

DRN: MDR
DWN: CGM

CONSTRUCTION PLAN
KISS CATTLE, LLC
2585 S CHATEAU-FRESNO
FRESNO, CA 93706

**FACILITY MODIFICATIONS
PROPOSED PLOT PLAN**

PLOT DATE:	Apr 09, 2019
JOB NO.:	15070
FILE NAME:	15070 - COUNTY FP
SCALE:	SEE SHEET
SHEET NO.:	1 OF 3

EXHIBIT 5

PROPOSED PLOT PLAN

SCALE: 1" = 150'

VICINITY MAP

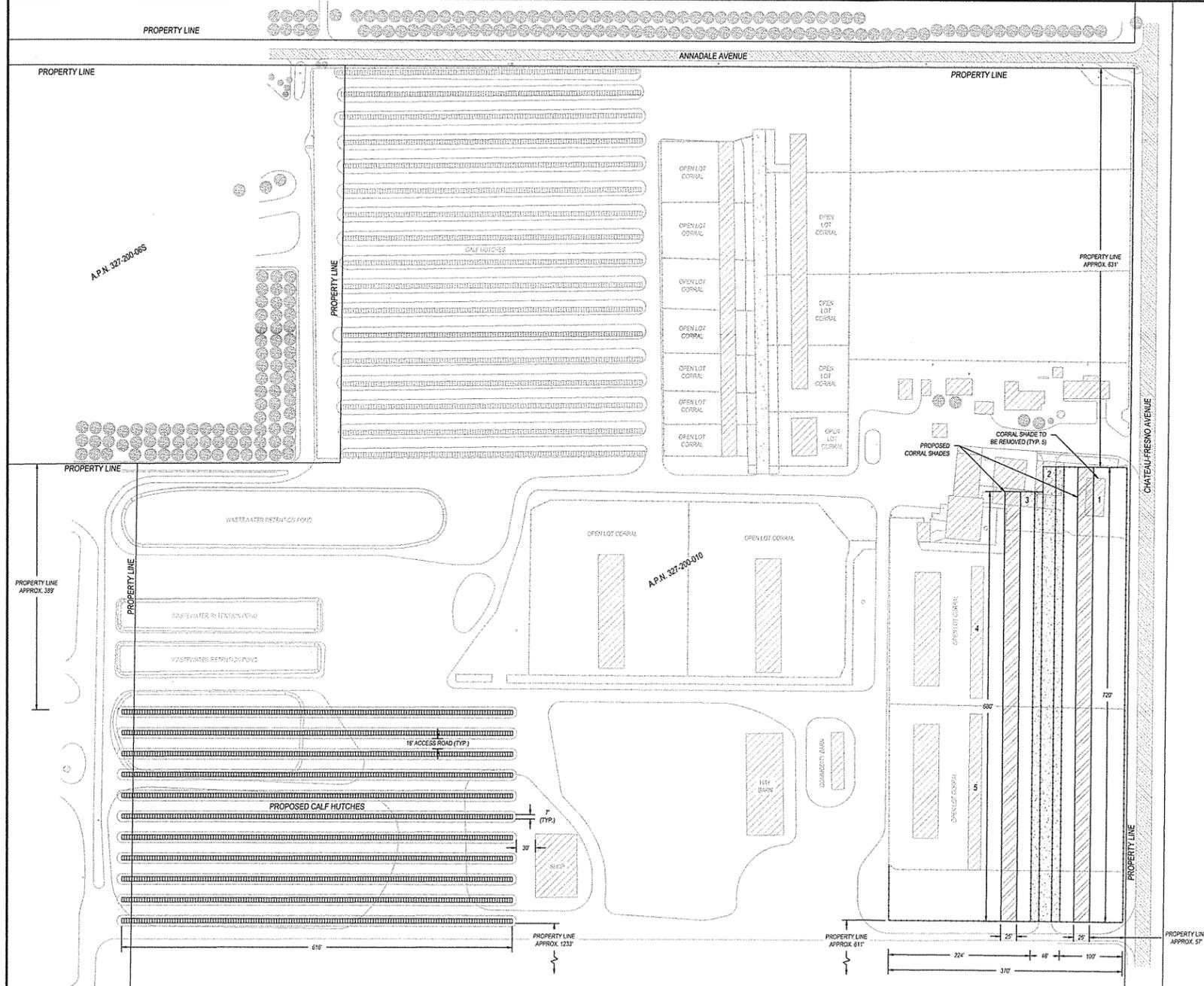
SCALE: 1" = 2 MI.

RECEIVED
COUNTY OF FRESNO

MAY 16 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

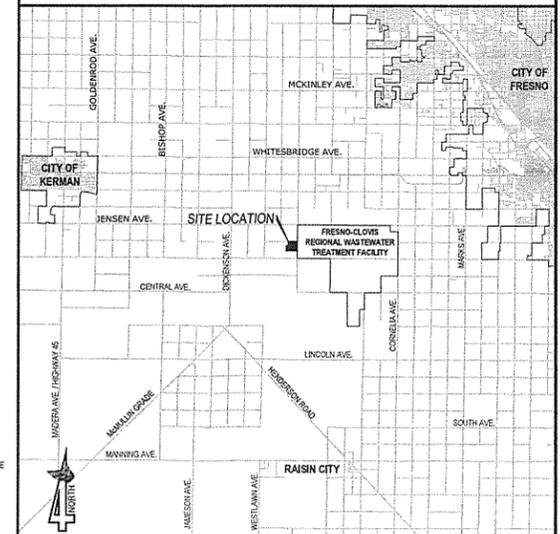
KISS CATTLE, LLC PROPOSED SITE PLAN



OWNER GERRIT ROELOFFS
 ADDRESS 2585 S CHATEAU-FRESNO
 FRESNO, CA 93706
 COUNTY FRESNO COUNTY
 A.P.N. 327-200-010



- LEGEND**
- PROPERTY LINE
 - - - EXISTING FENCELINE
 - - - PROPOSED FENCELINE
 - ▨ EXISTING ROAD/PAVEMENT
 - ▨ EXISTING CONCRETE
 - ▨ PROPOSED CONCRETE
 - ▨ EXISTING SHADE/STRUCTURE
 - ▨ PROPOSED SHADE/STRUCTURE



PROPOSED SITE PLAN

SCALE: 1" = 80'

VICINITY MAP

SCALE: 1" = 2 MI.

EXHIBIT 5 Page 2

REVISIONS	DATE	BY	DESCRIPTION

201 S. SANTA FE, STE. A
 VISALIA, CA 93281
 TEL: 559.802.2022
 FAX: 559.802.2075

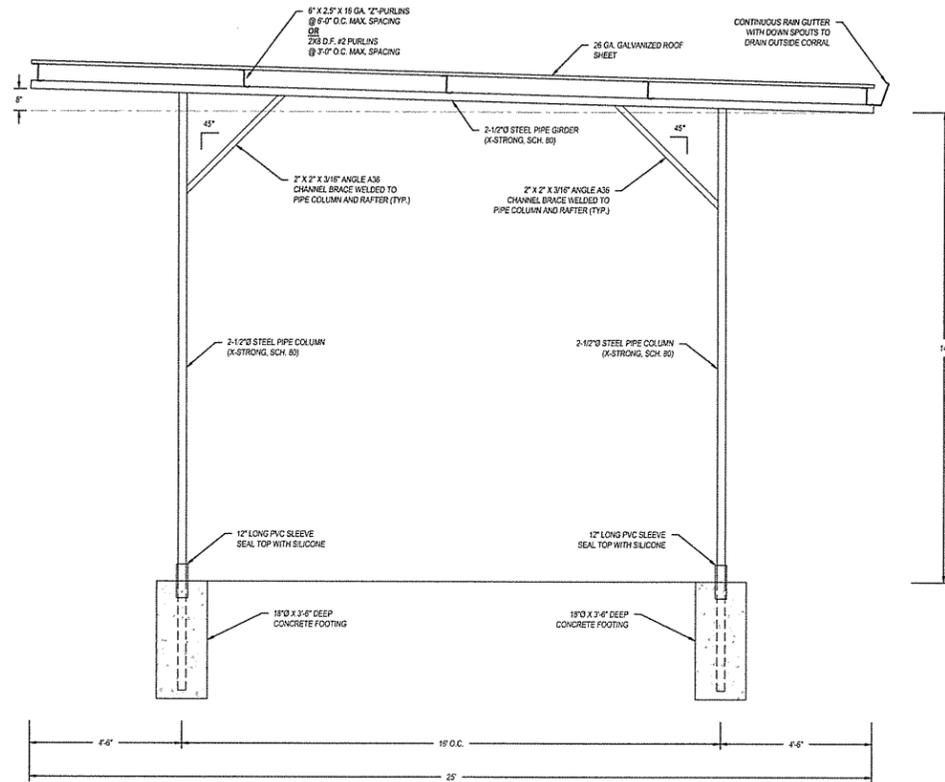
PREPARED BY: **4CREEPS** DRAWN BY: CGM CHECK BY: JDCR

CONSTRUCTION PLAN
 KISS CATTLE, LLC
 2585 S CHATEAU-FRESNO
 FRESNO, CA 93706

FACILITY MODIFICATIONS
 PROPOSED SITE PLAN

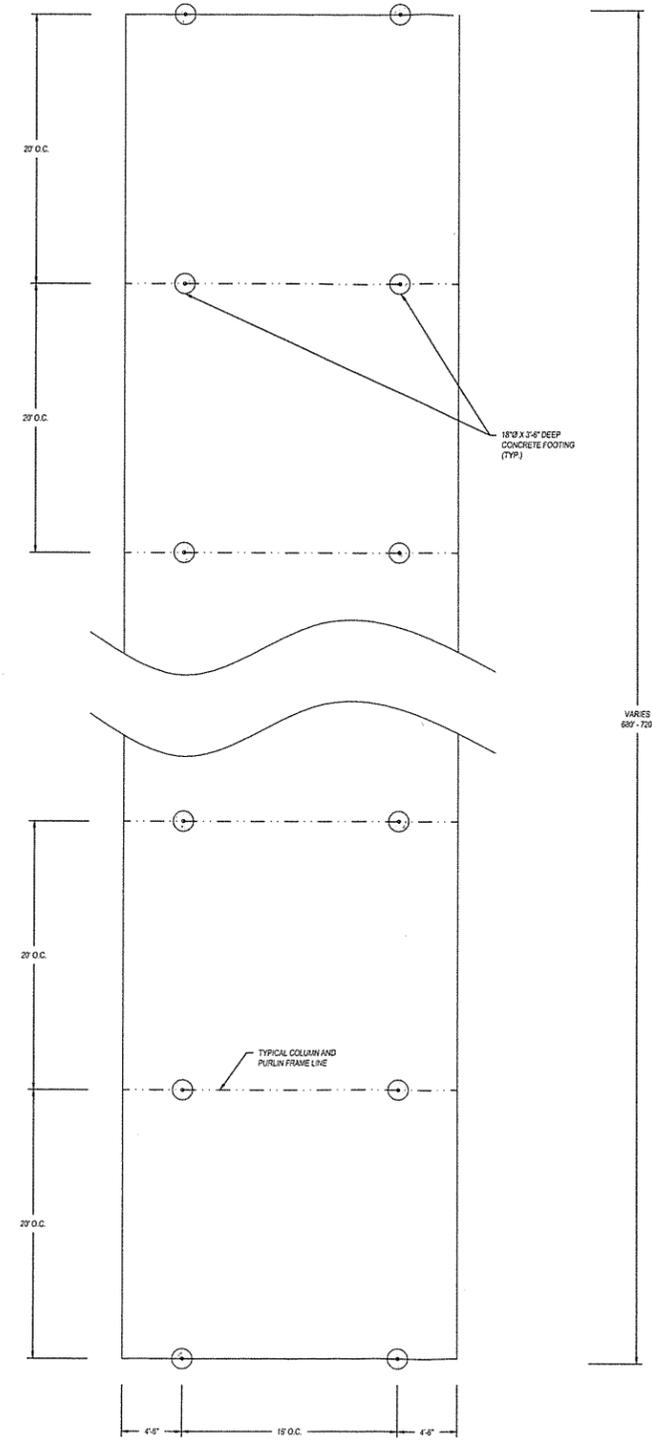
PLOT DATE: Apr 09, 2019
 JOB NO.: 19070
 FILE NAME: 19070 - COUNTY SP
 SCALE: SEE SHEET
 SHEET NO.: 2 OF 3

RECEIVED
 COUNTY OF FRESNO
 MAY 16 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION



1 CORRAL SHADE - ELEVATION

SCALE: 1" = 2'

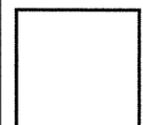
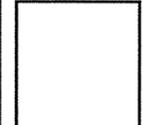
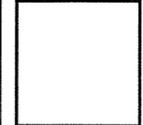


2 CORRAL SHADE - PLAN VIEW

SCALE: 1" = 5'

EXHIBIT 5 Page 3

REVISIONS	DATE	BY	DESCRIPTION



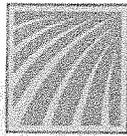
24 S. SANTA FE, STE. A
 VISALIA, CA 93292
 TEL: 559.862.2622
 FAX: 559.862.2670

PREPARED BY: **ACREEKS**
 DRAWN BY: COLI
 CHECK BY: JUDR

CONSTRUCTION PLAN
KISS CATTLE, LLC
 2585 S CHATEAU/FRESNO
 FRESNO, CA 93706

FACILITY MODIFICATIONS
 CORRAL SHADE PLAN & ELEVATION

PLOT DATE: Apr 08, 2019
JOB NO.: 19070
FILE NAME: CORRAL SHADE
SCALE: AS SHOWN
SHEET NO.: 1 OF 3



Innovative Ag Services, LLC
1201 Delta View Road, Suite 5 Hanford, CA 93230
Office (559) 587-2800 Fax (559) 587-2801

RECEIVED
COUNTY OF FRESNO

MAY 16 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Operational Statement Questions

Facility Name: Kiss Cattle, LLC

County: Fresno County

1. Describe in detail the nature of the operation and on what is being proposed to do.

Raising of cattle from new born until +/- 15 months old.

No Milking on this site!

2. How many cattle are on site? 2500 +/-

Will the proposal increase the number of cattle? Yes If so by how many? 3500 head

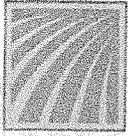
3. Operational time limits: 6:00am - 5:00pm, 7 days per week

4. Number of customers or visitors: per day: 0 visit hours: 0

5. Number of employees 9. Will proposal increase the number? Yes

Hours/shifts employees work:

6:00am to 5:00pm with different shifts running.



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6. Service and delivery vehicles? 1 number per day: 2

7. Road access to the site: (*public or private*) Public

8. Number of parking spaces on site: Unmarked on dirt

9. Are any goods to be sold on-site? No
If so, are goods grown or produced on-site or at some other location? _____

10. What equipment is used on the entire site?

The equipment used on site consists of 1-loader, 1-forklift,
and 1-tractor scraper.

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

The hay is stored in the barn. The milk is stored in the parlor.

12. Does the use cause an unsightly appearance? No

13. List any solid or liquid wastes to be produced on site. Describe how its stored, stored location, estimated volume, how is it hauled, where is it disposed and how often.

Liquid cow manure is stored in ponds.
Dry cow manure is stored in corrals.

14. Estimated volume of water to be used (gallons per day) 160.000 gallons per day

Source of water? Well



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

N/A

16. Will all existing buildings continue to be used or will new buildings be constructed?

No new buildings will be added.

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

All existing buildings will be used in the operation.

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

Outdoor lighting will be used. No sound system will be used on this facility.

19. Landscaping or fencing proposed?

Fencing will be used to hold the cattle (see map).

20. Add any additional information that will provide a clear understanding of the project or operation.

This operation is a calf ranch.

21. Identify all Owners.

Gerrit Roeloffs



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Gerrit Roeloffs

APPLICATION NOS.: Initial Study No. 7641 and Classified Conditional Use Permit Application No. 3651

DESCRIPTION: Allow expansion of an existing pre-October 23, 2007 cattle feedlot to a total of 8,000 heads of cattle on an 88.77-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located at the southwest corner of West Annadale Avenue and South Chateau Fresno Avenue, easterly adjacent to the City of Fresno Wastewater Treatment Facility (APN 327-200-10) (2585 S. Chateau Fresno, Fresno, CA).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure OS-2 of the Fresno County General Plan there are no scenic roadways or highways located near or fronting the project site. The project site is located in an agricultural area with the Fresno Wastewater Treatment Facility located directly east of the project site. There were no scenic vistas of scenic resources identified on or near the project site. Additionally, the project site is already improved with a feedlot. Based on the no identified scenic vista or resource and the presence of the existing feedlot, the project will have a less than significant impact resulting from the proposed expansion.

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

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is already improved with a cattle feedlot. New development associated with the proposal includes the construction of calf hutches and corral shades. The surrounding area is utilized mainly for agricultural purposes with single family residential units located throughout the area. It should also be noted that directly east of the project site is the City of Fresno Wastewater Treatment Facility. In considering the existing nature of the feedlot and development associated with the proposal, a less than significant impact is seen. Increased development of the site will degrade the visual character of the site, but due to the agricultural nature of the operation and surrounding development, the project is not considered to be substantially degrading the visual character of the 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:

Per the Applicant's Operational Statement, the operation utilizes outdoor lighting. A Mitigation Measure will be implemented to reduce glare that would be produced from the utilization of outdoor lighting.

* **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 Farmlands Map, the project site is designated Confined Animal Agriculture. The subject parcel is subject to the Williamson Act Program under Contract No. 5654. The Policy Planning Section of the Department of Public Works and Planning has reviewed the proposal and required that a Statement of Intended Use be submitted for review and approval. Review of the submitted Statement of Intended Use, the project complies with the requirements and provisions of the Williamson Act.

- 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 located in area zoned for forest land, timberland, or timberland zoned Timberland Production and will not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: NO IMPACT:

The subject project site is already improved with a feedlot operation. The expansion will not result in the conversion of Farmland to non-agricultural use as the facility is agricultural in nature and has not resulted in conversion of additional land during its existence. The project will not result in the conversion of forest land to non-forest use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has established thresholds for criteria pollutants which are 10 tons per year for Reactive Organic Gasses (ROG), Nitrogen Oxides (NOx), 100 tons per year for Carbon Monoxide (CO), 27 tons per year for Sulfur Dioxide (SO₂), and 15 tons per year for PM 2.5 and PM 10. An Air Quality Analysis prepared for the proposed expansion determined that an increase in criteria pollutants would occur from construction and operation, but not exceed thresholds established by SJVAPCD. The SJVAPCD has reviewed the modeling and results of the Air Quality Analysis and did not express concern with the determinations made in the analysis to indicate that the project will conflict with or obstruct implementation of the applicable Air Quality Plan or result in a cumulatively considerable increase in criteria pollutants.

- 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:

The SJVAPCD has reviewed the application and determined that the project is subject to Rule 4102 of the SJVAPCD for nuisance abatement should the project create a public nuisance. The subject application is for a cattle feedlot which will produce odors that could adversely affect a substantial number of people. Surrounding properties and uses indicate that minimal sensitive receptors would be affected by the proposed expansion. Therefore, a less than significant impact is seen as there is minimal sensitive receptors located in close proximity of the project site that could be adversely impacted by the project proposal and if a nuisance were to be reported to the SJVAPCD, the operator would be required to address nuisance or be subject to District enforcement action. A Health Risk Assessment (HRA) was also conducted by the applicant to determine adverse impacts the operation could have on sensitive receptors. The HRA concluded that the operation will not exceed thresholds established by the SJVAPCD. The SJVAPCD has reviewed the application and did not express concern to indicate that the project would result in adverse impacts related to odors or pollutant concentrations that would adversely impact a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to the California Natural Diversity Database, the project site is not located within any reported occurrence areas of a candidate, sensitive, or special state species. Neither the California Department of Fish and Wildlife (CDFW) nor the U.S. Fish and Wildlife Service (USFWS) express concerns with the project to indicate and adverse effect on candidate, sensitive, or special-status species. There were no riparian habitats or other sensitive natural communities identified on or near the project site that could be affected by the proposal. The subject parcel is already improved with a cattle feedlot, therefore it is unlikely that a special status species would occupy the site and there is no indication of a riparian habitat or other sensitive natural community.

- 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, the subject site is located near an identified Lake. Upon further investigation, the identified lake is the City of Fresno Wastewater Treatment Facility located directly east of the project site. Although identified as a lake, the wastewater treatment facility is a manmade facility and is not considered a protected wetland. The project proposal will be confined to the subject parcel and have no effect on the treatment facility located directly east of the project site.

- 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:

There are no identified migratory wildlife corridor or native wildlife nursery site located on the project site. The project site is already improved with a cattle feedlot operation and the project proposal will not interfere substantially with the movement of any native resident or species.

- 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:

There were no identified policies, ordinances, or plans that the project proposal would conflict with. CDFW and USFWS did not express any concerns with the proposal to

indicate that the project would conflict with any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project proposal does include the provision of ground disturbance on an already disturbed site from the existing improvements related to the operating cattle feedlot. With the presence of the existing operation, the presence of cultural resources is not likely, but a mitigation measure will be implemented in the event that resources are unearthed during ground-disturbance related to the project 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 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.*

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed structures involved with the proposal will be subject to the current building code, which take into account energy efficiency. An increase in energy consumption is expected with the provision of new structures, but is not expected to result in wasteful, inefficient, or unnecessary consumption of energy resources. The project will be subject to the current standards when applying for a building permit and will be subject to the most current state and local plans for renewable energy or energy efficiency, therefore, the project will not conflict with or obstruct state or local plans for renewable energy and 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 9-2 and 9-3 of the Fresno County General Plan Background Report (FCGPBR) and the Earthquake Hazard Zone Application by the California Department of Conservation, the project site is not located on or near identified earthquake hazard zones.

- 2. Strong seismic ground shaking?
- 3. Seismic-related ground failure, including liquefaction?

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located on or near areas identified as being in a probabilistic seismic hazard area with peak horizontal ground acceleration. Therefore, the project is not subject to strong seismic ground shaking or seismic-related ground failure that would adversely affect the site.

- 4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located within areas of the County that are subject to landslide hazards. The subject property is located in a considerably flat area that is utilized for agricultural operations and a wastewater treatment facility located directly east of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 and 7-4 of the FCGPBR, the project site is not located in identified erosion hazard areas throughout Fresno County. The proposed improvements throughout the site will result in a minimal loss of topsoil. The subject site is located on flat agricultural land and will not result in substantial soil erosion and will have a less than significant impact on the environment due to the minimal loss of topsoil.

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

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site that would become unstable as a result of the project. Additionally, the subject site has already been improved with a cattle feedlot operation and the proposed expansion is not expected to adversely effect the underlying soil conditions of the site.

- 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:

Figure 7-1 of the FCGPBR depicts identified expansive soil areas throughout Fresno County. The project site is not located in any identified expansive soil areas depicted in Figure 7-1.

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the proposal does not include the provision of additional septic systems or alternative wastewater disposal systems. As there is no proposal of additional septic systems or alternative wastewater disposal systems, no impact is seen.

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

FINDING: NO IMPACT:

There were no unique paleontological or unique geologic resource identified on the project site or being affected by the project proposal.

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 estimated greenhouse gas emissions for project operation is 14.7 metric tons a year of CH₄, 0.17 metric tons a year of N₂O, and 3,866.18 metric tons a year of CO₂ emissions. Review of the estimated emissions did not raise concern with reviewing agencies and departments. Under the guidelines for greenhouse gas emissions provided by the San Joaquin Valley Air Pollution Control District (SJVAPCD), a less than significant impact can be seen if best practice standards are implemented or if a 29% reduction in emissions compared to the business as usual baseline period is attained. Although best practice standards and a percentage reduction were not identified, the SJVAPCD reviewed the analysis conducted by the Applicant and did not raise concern to indicate that greenhouse gas emissions resulting from the proposed expansion will generate emissions that may have a significant impact on the environment or that the expansion will conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gasses.

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: NO IMPACT:

The proposed expansion of the existing use is not expected to create a significant hazard to the public or environment as the use does not transport, use, or dispose hazardous materials. The proposed expansion would not create a significant hazard to the public or the environment through upset or accident conditions involving release of hazardous materials into the environment. The proposed expansion will result in the increase in waste produced from the cattle. A Waste Management Plan (WMP) has been provided by the Applicant detailing the waste generated by the existing use and increase resulting from the expansion, and treatment of waste. The concluded that the existing wastewater storage capacity can efficiently handle the proposed expansion,

therefore it can be seen that wastewater produced from the project is properly handled and would not create hazardous conditions to the public or environment.

- 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 a one-quarter mile of the project site. For reference, the Houghton-Kearney K-8 School is located approximately 10,355 feet northwest of the project site. The project would not emit hazardous emissions or handle hazardous materials that would affect any school site.

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

FINDING: NO IMPACT:

According to the NEPAassist database, there are no listed hazardous materials site located within a half-mile radius of the subject site. The subject site is not a listed hazardous materials site therefore the project would not result or create a significant hazard to the public or the environment.

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

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or 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 project to indicate the project resulting in impairment of implementation or physically interfering with an adopted emergency response plan or emergency evacuation plan. The project site is located in an agricultural region and also abuts the City of Fresno Wastewater Treatment Facility. The project will not result in exposure of people 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 WITH MITIGATION INCORPORATED:

Review of the application by the State Water Resources Control Board, Regional Water Quality Control Board, and the Water and Natural Resources Division did not produce any concerns to indicate that the project would result in violation of water quality standards or waste discharge requirements. The project will result in an increase in waste discharge or water usage and will include the usage of wastewater storage ponds. A Waste Management Plan, also reviewed by the listed agencies and departments, concluded that existing improvements related to waste and wastewater management have the capacity to service the proposed expansion. The Regional Water Quality Control Board noted that existing permits for the facility will need to be changed to reflect their current operation of a Bovine Feeding Operation. No reviewing agency or department indicated that the expansion would substantially decrease groundwater supplies or interfere with groundwater recharge. Per the Regional Water Quality Control Board, the existing operation is currently operating under a waste discharge permit for dairy operations and based on the proposal, should rescind the current permit and apply for the waste discharge permit for bovine feeding operations. This requirement shall be included as a mitigation measure to ensure that the operation does not violate waste discharge requirements and meet requirements set forth by the Regional Water Quality Control Board.

* **Mitigation Measure(s)**

- 1. *The subject facility is currently enrolled under the Waste Discharge Requirements General Order for Existing Milk Cow Dairies (Dairy General Order) through the Regional Water Quality Control Board. Per the operational statement, there is currently no milking operation at the subject facility, therefore under such circumstances, rescission of coverage under the Dairy General Order should be requested and the discharger should obtain coverage under "Waste Discharge Requirements General Order for Confined Bovine Feeding Operations".*
- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 1. Result in substantial erosion or siltation on- or off-site?

FINDING: NO IMPACT:

The expansion proposes to construct calf-hutches and shade corrals. The addition of the proposed structures are expected to have a minimal increase in impervious surfaces that would effect erosion and siltation of the site and is expected to have an effect on the drainage pattern of the site. The proposed improvements will be subject to current building code and grading standards to ensure compliance with County standards, therefore it can be seen that the project will not result in substantial erosion or siltation. Per the site plan, the operation is serviced by wastewater retention ponds and per the submitted Waste Management Plan, the increase in cattle will not exceed capacity of their existing facilities.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: NO IMPACT:

A Waste Management Plan (WMP) has been prepared for the subject expansion and indicates that the proposal will not exceed capacity of existing wastewater retention ponds servicing the operation. Review of the WMP indicates that the surface runoff will not result in flooding of the site and will not exceed the capacity of the retention ponds. Additional maintenance practices are also addressed in the WMP to ensure that the wastewater retention ponds do not fail.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel C2100H, the subject side is located in area designated Zone X, Area of Minimal Flood Hazard. Therefore, it can be seen that development under the project proposal will not impede or redirect flood flows.

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

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2100H, the subject site is located in area designated Zone X, Area of Minimal Flood Hazard and is not subject to flood hazards. There are no bodies of water located near the project site to indicate increased risk from a tsunami or seiche zone hazard.

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

FINDING: NO IMPACT:

Agency/department review of the proposal and supporting documents did not indicate the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Per the Regional Water Quality Control Board, the described project will be required to rescind their current discharge permit and update to reflect the existing operation. This requirement is included as a mitigation measure. Based on the review, the project will not conflict with or obstruct implementation of a water quality control plan of sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The subject application requests to expand an existing cattle feedlot operation. 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: NO IMPACT:

The subject parcel is enrolled in the Williamson Act Program. The proposed expansion was required under the provisions of the Williamson Act Program to submit a Statement of Intended Use for review and determination that the proposed use is compatible with the Williamson Act Program. A Statement of Intended Use was submitted and reviewed by the Policy Planning Section for compliance of the proposed CUP with provisions of the Williamson Act Program and it was determined that the proposed use is compliant with the Williamson Act Program.

Identified policies of the Fresno County General Plan allow by discretionary permit in areas designated agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural is subject to defined criteria. Review of those criteria does not indicate that the project conflicts with this policy and would not create a significant environmental impact.

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 and 7-8 of the Fresno County General Plan Background Report, the project is not located on or near identified mineral resource locations or principal mineral producing 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 subject operation is located in an agricultural area with the City of Fresno Wastewater Treatment Facility located directly east of the project site. The closest sensitive receptor to the project area is a single-family residence located approximately 720 feet south. Temporary increases in noise levels are expected from project construction and a permanent increase in noise levels will occur with the allowance of additional cattle on the operation. The Fresno County Noise Ordinance is in effect that requires operations to be in compliance with acceptable noise thresholds. The Department of Public Health, Environmental Health Division has reviewed the subject application and did not express concern with the proposed expansion in terms of the proposal having a significant increase on noise levels that would exceed thresholds of the adopted Fresno County Noise Ordinance. The increase in noise levels from temporary construction and permanent expansion of cattle is not likely to exceed thresholds of the Fresno County Noise Ordinance, therefore a less than significant impact is seen.

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

FINDING: NO IMPACT:

The subject property is not located within two miles of a private airstrip, airport land use plan, public airport, or public use 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 subject application proposes to expand an existing cattle feedlot operation to allow additional cattle and construct additional improvements. The project will not induce substantial population growth in the are nor will it displace numbers of existing people or housing necessitating construction of replacement 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;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - 5. Other public facilities?

FINDING: NO IMPACT:

Department and agency review of the subject application did not indicate that the project proposal will 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.

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

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the traffic generation associated with the proposed expansion appear to have little to no change compared to the existing operation. It was concluded that the expansion would not exceed thresholds for traffic generation where preparation of a Traffic Impact Study (TIS) is necessary. The project does not conflict with a program, plan, ordinance or policy addressing the circulation system.

Under CEQA Guidelines Section 15064.3 subdivision (b), the project was not required to prepare an in-depth analysis on Vehicle Miles Traveled (VMT). In reviewing the amount of traffic generation associated with the proposal, minimal traffic increases are to occur with the expansion. Review of the proposal with the Transportation Planning Section of the Design Division and the Road Maintenance and Operations Division did not indicate that the project would conflict with 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:

The submitted site plan does not change access points from public right-of-way and no concerns were expressed from the design and circulation of the site. Reviewing agencies and departments did not express concern with the site to indicate that the site design will 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:

Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the subject application and given the opportunity to enter into consultation with the County on the subject application. No cultural resources were identified on the subject site nor did any notified Native American Tribe express concern with the application to indicate the potential presence of a cultural resource. Therefore, although tribal cultural resources were not identified on the project site, a mitigation measure shall be implemented to ensure proper handling of a cultural resource, should any resource be discovered during ground-disturbing activities.

* **Mitigation Measure(s)**

- 1. See Section V. Cultural Resources Mitigation Measure No. 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?

FINDING: NO IMPACT:

The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. Per the prepared Waste Management Plan, the existing wastewater retention and treatment facilities have enough capacity to service the proposed expansion.

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

FINDING: NO IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board reviewed the subject application and did not express concern with the proposed expansion to suggest that available water supplies would not be able to serve the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The facility is currently serviced by private wastewater treatment facilities maintained by the operation. The prepared Waste Management Plan reviewed the wastewater capacity of the existing site and determined that the expansion will not exceed capacity of existing wastewater containment facilities. Per the Regional Water Quality Control Board (RWQCB), the current waste discharge permit with the RWQCB is filed under dairy operations. Based on the operational statement submitted by the Applicant, the operation should rescind their current waste discharge permit and refile under the cattle feedlot permit for waste discharge. This will ensure compliance of the operation with state regulations on waste dischargers. There are no new wastewater treatment facilities proposed for the subject 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

Per the Applicant, the anticipated amount of solid waste produced from the project will be one cubic yard per day. Review of the prepared Waste Management Plan and anticipated solid waste production by responsible agencies and departments did not indicate that the proposed expansion would generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. The project will comply with federal, state and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

According to the 2007 Fresno County Fire Hazard Severity Zones in LRA Map, published by the California Department of Forestry and Fire Protection, the subject site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

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 subject site is already developed with a cattle feedlot and the proposal is to expand the feedlot to allow additional cattle on the site. Due to the nature of the operation, fish and wildlife species habitat is not likely to be present on the site as there is constant human and cattle disturbance that would deter occupation of the site. No endangering or rare plant or animal has been identified on the project site. Therefore, the project does not have the potential to substantially degrade the quality of the environment.

- 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 WITH MITIGATION INCORPORATED:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, Hydrology and Water Quality, 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. 3651, 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, Biological Resources, Hazards and Hazardous Materials, Land Use Planning, Mineral Resources, Population and Housing, Public Services, Recreation and Wildfire.

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

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

TK

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7641	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Gerrit Roeloffs	Project Title: Classified Conditional Use Permit Application No. 3651		
Project Description: Allow expansion of an existing pre-October 23, 2007 cattle feedlot to a total of 8,000 heads of cattle on an 88.77-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located at the southwest corner of West Annadale Avenue and South Chateau Fresno Avenue, easterly adjacent to the City of Fresno Wastewater Treatment Facility (APN 327-200-10) (2585 S. Chateau Fresno, Fresno, CA).			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3651, 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, Biological Resources, Hazards and Hazardous Materials, Land Use Planning, Mineral Resources, Population and Housing, Public Services, Recreation and Wildfire. Potential impacts related to Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Noise, Transportation, Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources have determined to be less than significant with compliance with implementation of Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – March 12, 2021		Review Date Deadline: Planning Commission – April 22, 2021	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**