

County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 March 24, 2022

SUBJECT: Initial Study No. 8142 and Classified Conditional Use Permit

Application No. 3722

Amend Classified Conditional Use Permit Application No. 3404 to allow expansion of a commercial nut processing operation on a 19.72-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre

minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of N. Siskiyou Avenue

approximately 870 feet north of its intersection with W. Olive Avenue and is located approximately 1.4 miles north of the city limits of the City of Kerman (1750 N. Siskiyou Ave.) (APN: 015-315-

25S) (Sup. Dist. 1).

OWNER: Navdep Singh Sran

APPLICANT: Frank J. Rodriguez

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) No. 8141; and
- Approve Classified Conditional Use Permit Application No. 3722 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 Application No. 8142
- 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) Zone District	No change
Parcel Size	19.72 acres	No change
Project Site	19.72-acre parcel	19.72-acre parcel
Structural Improvements	Approximately 75,800 square-foot facility and associated improvements and proposed 28,082 square-foot building (Phase 2)	52,000 square-foot building (Phase 2 and 3), a 52,000 square-foot building (Phase 4), and a 90,000 square-foot shop building (Phase 5).
Nearest Residence	Approximately 230 feet north	No change
Surrounding Development	Rural Residential and Agricultural	No change
Operational Features	Commercial nut processing facility	No change in operational capacity, the proposal is to increase storage capacity
Employees	10-12 year-round employees (currently at 8) and 20 seasonal employees	No change

Criteria	Existing	Proposed
Customers	No customers visit site	No change
Traffic Trips	Approximately 37 trips per day	No change
Lighting	Outdoor lighting	No change
Hours of Operation	Seasonal processing from August thru October from 8:00 AM to 5:00 PM	No change

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8142 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 publication date: February 18, 2022

PUBLIC NOTICE:

Notices were sent to 15 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 Application may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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

BACKGROUND INFORMATION:

The existing commercial agricultural processing facility was approved by the Planning Commission via approval of Classified Conditional Use Permit Application No. 3335 on October 21, 2011 and approval of Classified Conditional Use Permit Application No. 3404 by the Planning Commission on June 19, 2014.

Classified Conditional Use Permit No. 3335 allowed a 31,250 square-foot processing and storage building, a 4,893 square-foot office and other associated improvements.

Classified Conditional Use Permit No. 3404 requested to allow expansion of the previously approved processing facility to allow the addition of a 72,650 square-foot to the existing processing and storage building.

<u>Finding 1</u>: 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 Side Yard: 20 feet Rear Yard: 20 feet	No change	Y
Parking	Two parking spaces for every one employee	No change	Y
Lot Coverage	No requirement	No change	Υ
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within 40 feet of any dwelling or other building used for human habitation	No change	Y
Wall Requirements	Wall requirement if pool is present	No change	Y
Septic Replacement Area	100% replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet	No change	Y
	Disposal Field: 100 feet Seepage Pit: 150 feet		

Reviewing Agency/Department Comments Regarding Site Adequacy:

Site Plan Review Section of the Department of Public Works and Planning: Any proposed work within the County road right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.

An asphalt concrete driveway approach 24 to 35 feet in width should be provided where the access road ties into the public road serving this site.

Any proposed or existing gate(s) that provide(s) initial access to the site should be setback a minimum of 20 feet (or the length of the longest vehicle to initially enter the site whichever is greater) from the edge of the ultimate right-of-way.

The site layout shall be designed to allow onsite turn around so vehicles entering the site are able to leave in a forward motion.

Required onsite parking shall be one (1) parking space for every (2) employees, one (1) for every salesperson, and adequate parking area for trucks operated by the facility.

Parking spaces shall be a minimum of 9 feet by 18 feet with 29 feet of clear backing space.

The parking spaces for the physically disabled shall be located 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.

All outdoor lighting shall be hooded and directed downward so as not to shine toward public roads or the surrounding properties. **This shall be included as a Mitigation Measure.**

Forty-five (45) degree corner cut-offs shall be maintained to allow clear visual views of vehicular traffic accessing the County right-of-way.

Any proposed sign(s) shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Zoning Section of the Department of Public Works and Planning: All proposed structures and site improvements will require building permits.

A Site Plan Review (SPR) Application shall be submitted for approval in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of Building Permits. **This shall be included as a Condition of Approval.**

Development Engineering Section of the Department of Public Works and Planning: According to FEMA FIRM Panel 1525H, the parcel is not subject to flooding from the 100-year storm.

According to the U.S.G.S. Quad Map, a canal traverses the subject property. Any improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency.

An engineered grading and drainage plan is required to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The grading and drainage plan should provide calculations of the required basin storage capacity and the basin design storage capacity for verification purposes.

Any additional storm water 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.

A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with the State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.

Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet by 9 feet, and backing distance must be a minimum of 29 feet for 90 degree parking stalls. Also 5 feet should be provided beyond the last

stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.

Any existing or 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.

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.

If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Siskiyou Avenue.

Any work done within the County road 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.

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

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.

Finding 1 Analysis:

Review of the amended site plan indicates that the existing facility will be expanded to include additional storage space extending from the existing structure and a shop building to house farming equipment located towards the rear of the property. The proposed structures would be subject to the development standards of the underlying zone district. In addition, under the Section 855 of the Fresno County Zoning Ordinance, the Applicant is required to receive approval of a Site Plan Review Application. The previously approved CUP as a condition of approval required that the project be subject to a Site Plan Review Application. This project would require that the Applicant submit and revise their previously approved site plan review application. Adherence of Fresno County Development Standards for the project would be further reviewed and approved through the Site Plan Review application. Therefore, with approval of a subsequent Site Plan Review Application, the subject parcel is determined to be adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Finding 1 Conclusion:

Finding 1 can be made.

<u>Finding 2</u>: 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	N/A
Public Road Frontage	Yes	Frontage along N. Siskiyou Avenue	No change
Direct Access to Public Road	Yes	Driveway access along N. Siskiyou Avenue	No change
Road ADT		300 ADT	No change
Road Classification		Local	No change
Road Width		60 feet	No change
Road Surface		Paved Asphalt	No change
Traffic Trips		Approximately 37 trips per day	No change
Traffic Impact Study (TIS) Prepared	No	No TIS required	N/A
Road Improvements Requir	red	N/A	None required

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

Road Maintenance and Operations Division of the Department of Public Works and Planning: Siskiyou Avenue is classified as a Local Road in the Fresno County General Plan with a recommended right-of-way width of 60 feet. Records indicate that the existing right-of-way show a right-of-way width for Siskiyou Avenue at 60 feet.

The Applicant will be required to contain additional storm water runoff associated with development in on-site retention areas. Any retention facilities greater than 18 inches in depth will require fencing to preclude public access.

An encroachment permit is needed from the Road Maintenance and Operations division for any work done within the road right-of-way of the County of Fresno.

The above comments provided by reviewing Agencies and Department 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.

Finding 2 Analysis:

The project has been reviewed by the Road Maintenance and Operations Division and the Design Division. Review of the submitted operational statement indicated no large change in operational capacity where an increase in the number of employees or delivery traffic would occur. Based on this information, both the Road Maintenance and Operations Division and the Design Division did not express concern for Siskiyou Avenue as a result of the project.

Therefore, it has been determined that Siskiyou Avenue is adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None

Finding 2 Conclusion:

Finding 2 can be made.

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

Surrou	ınding Parcels			
	Size:	Use:	Zoning:	Nearest Residence:
North	19.72 acres	Orchard and Single-Family Residential	AE-20	Approximately 230 feet
South	39.43 acres	Field Crops and Single- Family Residential	AE-20	Approximately 700 feet
East	49.11 acres	Orchard	AE-20	N/A
West	20 acres	Vineyard and Single-Family Residential	AE-20	Approximately 650 feet

Reviewing Agency/Department Comments:

Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store 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. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.

The proposed project may result in significant short-term localized noise impacts due to farm processing equipment and equipment maintenance, the use shall comply with the Fresno County Noise Ordinance. Noise-generating activities should be limited to daytime hours.

It is recommended that the Applicant consider having the existing septic tank systems pumped and have the tanks and leech fields evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

New sewage disposal systems shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.

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.

State Water Resources Control Board: The project will serve 25 or more people at least 60 days out of the year and would meet the definition of a transient non-community water system. A permit from the State Water Resources Control Board, Division of Drinking Water is required.

North Central Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety. Prior to receiving North Central Fire Protection District (NCFPD) conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant's responsibility to deliver a set of plans to the NCFPD.

San Joaquin Valley Air Pollution Control District: District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources: Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology. This project may be subject to District Rule 2010 and Rule 2201 and may require District permits. Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct must be issued to the Project proponent by the District.

District Rule 9510 – Indirect Source Review: The purpose of District Rule 9510 is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developments to pay a fee used to fund projects to achieve off-site emissions reductions. Per District Rule 9510 (Indirect Source Review) Section 4.4.3, a development project on a facility whose primary functions are subject to District Rule 2201 or District Rule 2010 are exempt from the requirements of the rule. The District has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project.

District Regulation VIII (Fugitive PM10 Prohibitions): The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.

The Project may also be subject to 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 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.

Finding 3 Analysis:

Comments submitted by the Department of Public Health, Environmental Health Division, the North Central Fire Protection District, the State Water Resources Control Board, and the San Joaquin Valley Air Pollution Control District indicate that the project will be subject to mandatory compliance with regulatory agencies. These requirements would be pursued by the regulatory agency and would ensure that the project would not result in adverse impacts on adjacent properties. Therefore, with the project's mandatory compliance, the project will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made.

<u>Finding 4</u>: That the proposed development is consistent with the General Plan.

Relevant Policies:

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:

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.

Criteria "b": The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.

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

Consistency/Considerations:

Criteria "a": The subject parcel is already improved with a commercial agricultural processing facility and intends to expand the facility with additional indoor storage space. The project would allow expansion of the facility and continued service to the surrounding agricultural community.

Criteria "b": With consideration of the existing agricultural processing facility, the subject site is already reduced in agricultural productivity when compared to the surrounding parcels. The project would be consistent in expanded the use on an already reduced productive agricultural land.

Criteria "c": Review by the State Water Resources Control Board and the Water and Natural Resources Division indicated that the project would not have a detrimental impact on water resources.

Criteria "d": The subject parcel is located north of the City of Kerman where an expected workforce would be available.

Relevant Policies:

properties within at least one quarter (1/4) mile radius.

Criteria "d": A probable workforce should be located nearby or be readily available.

Criteria "e": For proposed agricultural commercial center uses the following additional criteria shall apply:

Criteria "e.1": Commercial uses should be clustered in centers instead of single uses.

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 residential commercial center or designated commercial area of any city or unincorporated community.

Criteria "e.3": New commercial uses should be located within or adjacent to existing centers.

Criteria "e.4": Sites should be located on a major road serving the surrounding area.

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.

Criteria "f": 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": 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

Consistency/Considerations:

Criteria "e": The subject use does not propose an agricultural commercial center.

Criteria "f": The project site intends to increase their storage capacity with no minimal increase to their processing ability. With minimal change to their processing ability, employee numbers and operational requirements will not change and would not require additional service requirements from the nearest city.

Criteria "g": The project is not requesting the allowed use of a church or school.

Criteria "h": The project anticipates expansion of an already permitted use and does not need to be assessed under criteria "h".

	<u> </u>
Relevant Policies: be no larger than needed to serve the surrounding agricultural community.	Consistency/Considerations:
Criteria "h": 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.	
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.	The prepared Initial Study determined that the expansion of the agricultural processing facility would not result in a significant impact and did not require mitigation resulting from the anticipated agricultural land conversion.
General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake water supply evaluation. The evaluation shall include the following:	It was determined by the Water and Natural Resources Division that the project site is not located within a water short area and would not be subject to a water supply evaluation.
Criteria "a": A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.	
Criteria "b": A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in 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.	

Relevant Policies:	Consistency/Considerations:
Criteria "c": A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.	
Policy HS-G.1: The county shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.	The project and continued operation of the existing use would be subject to the Fresno County Noise Ordinance.
Policy HS-G.8: The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, "Land Use Compatibility for Community Noise Environments".	The Department of Public Health, Environmental Health Division has reviewed the project and indicated that the project is required to comply with the Fresno County Noise Ordinance. No additional noise evaluations were required.

Reviewing Agency Comments:

Policy Planning Section of the 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:

Based on the above analysis of identified relevant General Plan Policies, the project would be consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Finding 4 Conclusion:

Finding 4 can be made.

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

Finding 5 Analysis:

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 acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

Finding 5 Conclusion:

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. 3722, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for the project based on Initial Study No. 8142 and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3722, 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. 3722; 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:jr

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EXHIBIT 1

Classified Conditional Use Permit Application No. 3722 Mitigation Monitoring and Reporting Program Initial Study No. 8142

(Including Conditions of Approval and Project Notes)

		Mitigation Measures	acitotac molami	W. isolinois	
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
	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
	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.
		Conditions of Approval			
	Developmen Operational this applicati	Development and operation shall be substantial conformance with the approved Site Plans, Floor Plans, Elevation Drawings and Operational Statement. Previous Conditions of Approval associated with past applications shall be adhered to, unless modified by this application (CUP 3722).	d Site Plans, Floor I applications shall be	Plans, Elevation Drawi e adhered to, unless m	ngs and odified by
	A Site Plan F Ordinance pr	A Site Plan Review (SPR) Application shall be submitted for approval in accordance with Section 874 of the Fresno County Zoning Ordinance prior to issuance of Building Permits.	lance with Section 8	374 of the Fresno Cou	nty Zoning
EASU pprova	JRE – Measure sp al reference recom	"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.	identified in the environn	nental document.	
		Notes			

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

The Site Plan Review Section of the Department of Public Works and Planning provide the following comments:

		Notes
	Ą.	Any proposed work within the County road right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.
	мi	An asphalt concrete driveway approach 24 to 35 feet in width should be provided where the access road ties into the public road serving this site.
	ပ	Any proposed or existing gate(s) that provide(s) initial access to the site should be setback a minimum of 20 feet (or the length of the longest vehicle to initially enter the site whichever is greater) from the edge of the ultimate right-of-way.
	o.	The site layout shall be designed to allow onsite turn around so vehicles entering the site are able to leave in a forward motion.
	ш	Required onsite parking shall be one (1) parking space for every (2) employees, one (1) for every salesperson, and adequate parking area for trucks operated by the facility.
	щ	Parking spaces shall be a minimum of 9 feet by 18 feet with 29 feet of clear backing space.
	ග් 	The parking spaces for the physically disabled shall be located 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.
	Ϊ	Forty-five (45) degree corner cut-offs shall be maintained to allow clear visual views of vehicular traffic accessing the County right-of-way.
	<u>-</u>	Any proposed sign(s) shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.
2.	All pro	All proposed structures and site improvements will require building permits.
છ	The De	The Development Engineering Section of the Department of Public Works and Planning provide the following comments:
	₹	According to the U.S.G.S. Quad Map, a canal traverses the subject property. Any improvements constructed within or near a canal should be coordinated with the owners of the canal/appropriate agency.
	ത്	An engineered grading and drainage plan is required to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The grading and drainage plan should provide calculations of the required basin storage capacity and the basin design storage capacity for verification purposes.
	ပ	Any additional storm water 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.
	Ο.	A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with the State

	Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.
	 E. Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18 feet by 9 feet, and backing distance must be a minimum of 29 feet for 90 degree parking stalls. Also 5 feet should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall be in compliance with ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.
	F. Any existing or proposed driveway should be set back a minimum of 10 feet from the property line.
	G. 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.
	H. 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.
	 If not already present, a 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Siskiyou Avenue.
	 Any work done within the County road 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.
	K. A grading permit is required for any grading proposed with this application.
4	The Road Maintenance and Operations Division of the Department of Public Works and Planning provide the following comments:
	A. The Applicant will be required to contain additional storm water runoff associated with development in on-site retention areas. Any retention facilities greater than 18 inches in depth will require fencing to preclude public access.
	B. An encroachment permit is needed from the Road Maintenance and Operations division for any work done within the road right-of-way of the County of Fresno.
5.	The Department of Public Health, Environmental Health Division provide the following comments:
	 A. Facilities proposing to use and/or store 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. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.

Notes
has reviewed the information provided and has determined that the primary functions of this Project are subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). As a result, District Rule 9510 requirements and related fees do not apply to the Project.
C. District Regulation VIII (Fugitive PM10 Prohibitions): The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.
D. The Project may also be subject to 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).

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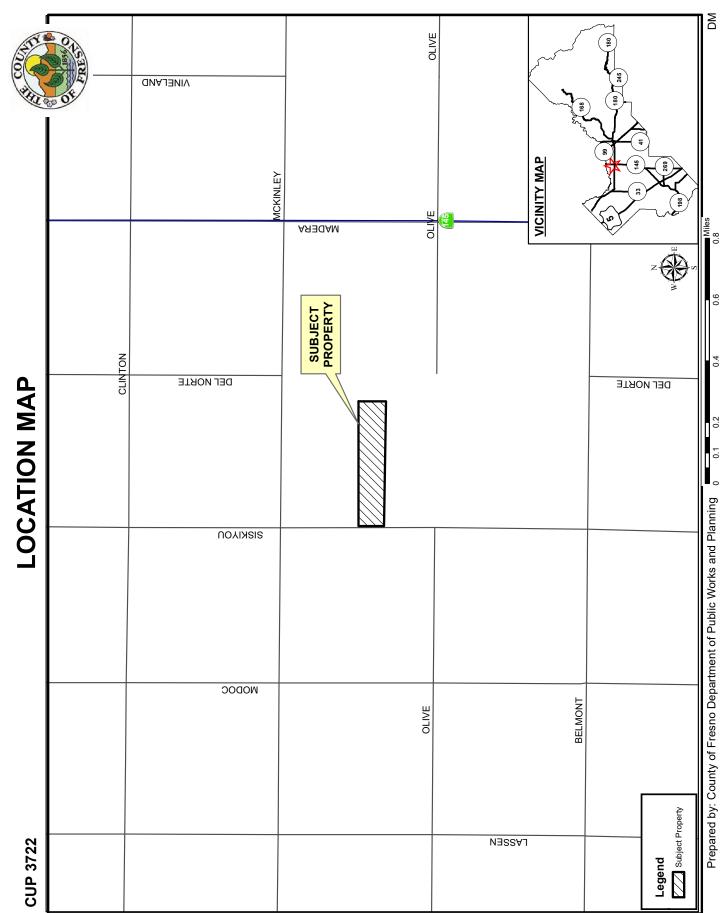


EXHIBIT 2

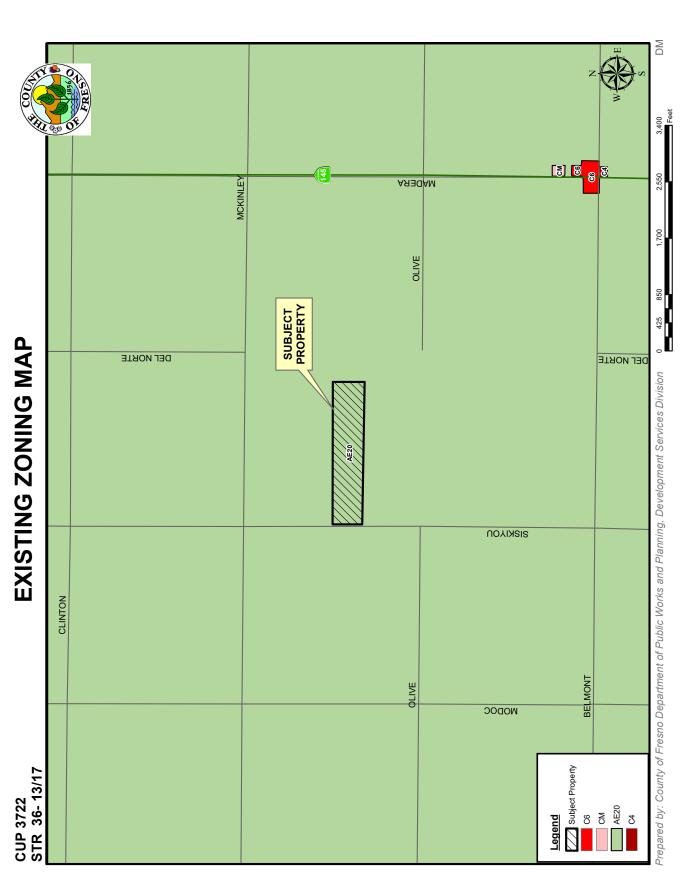
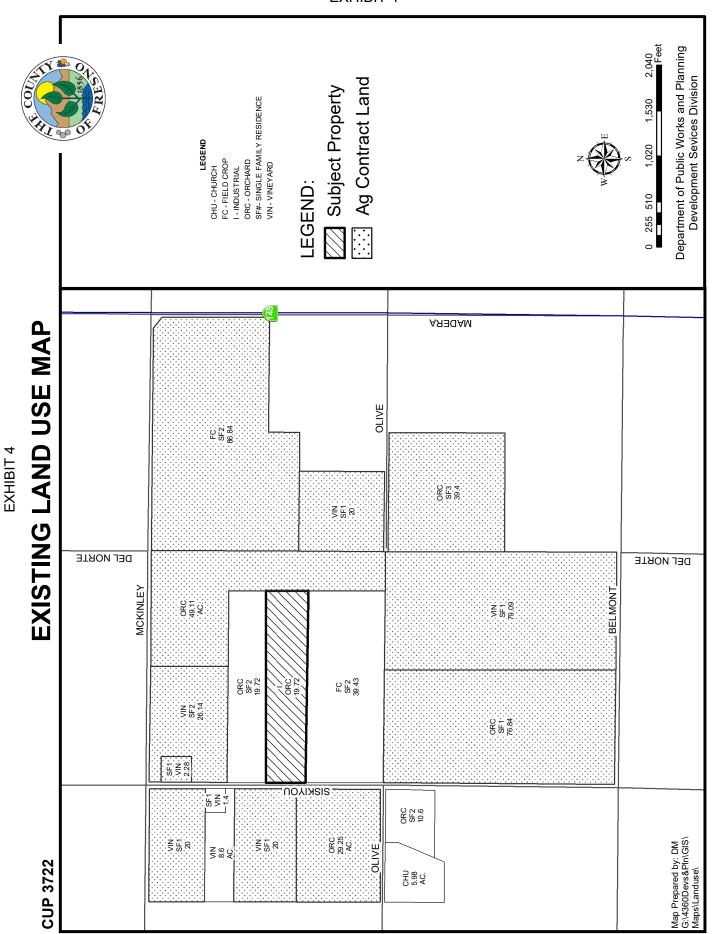
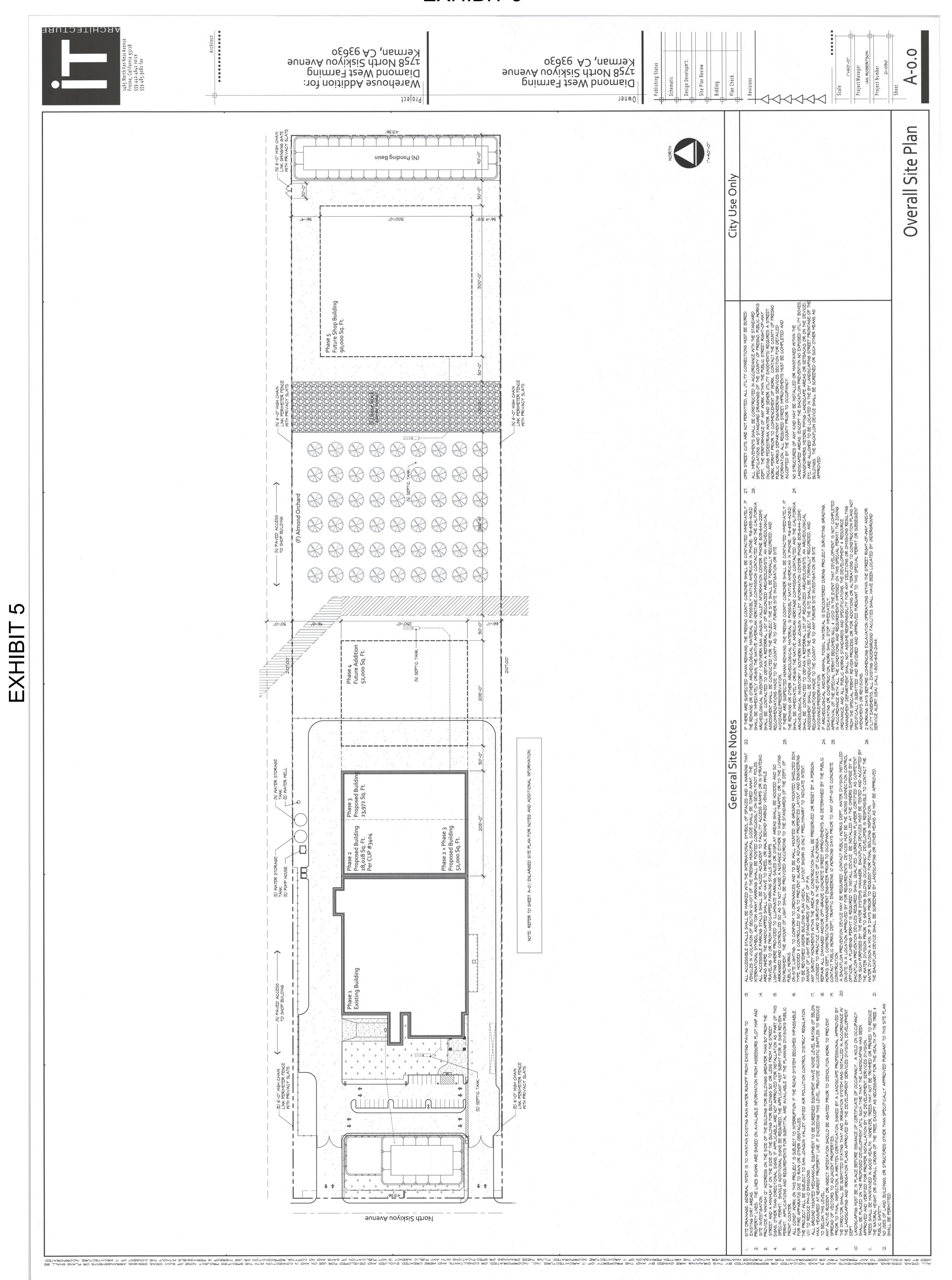
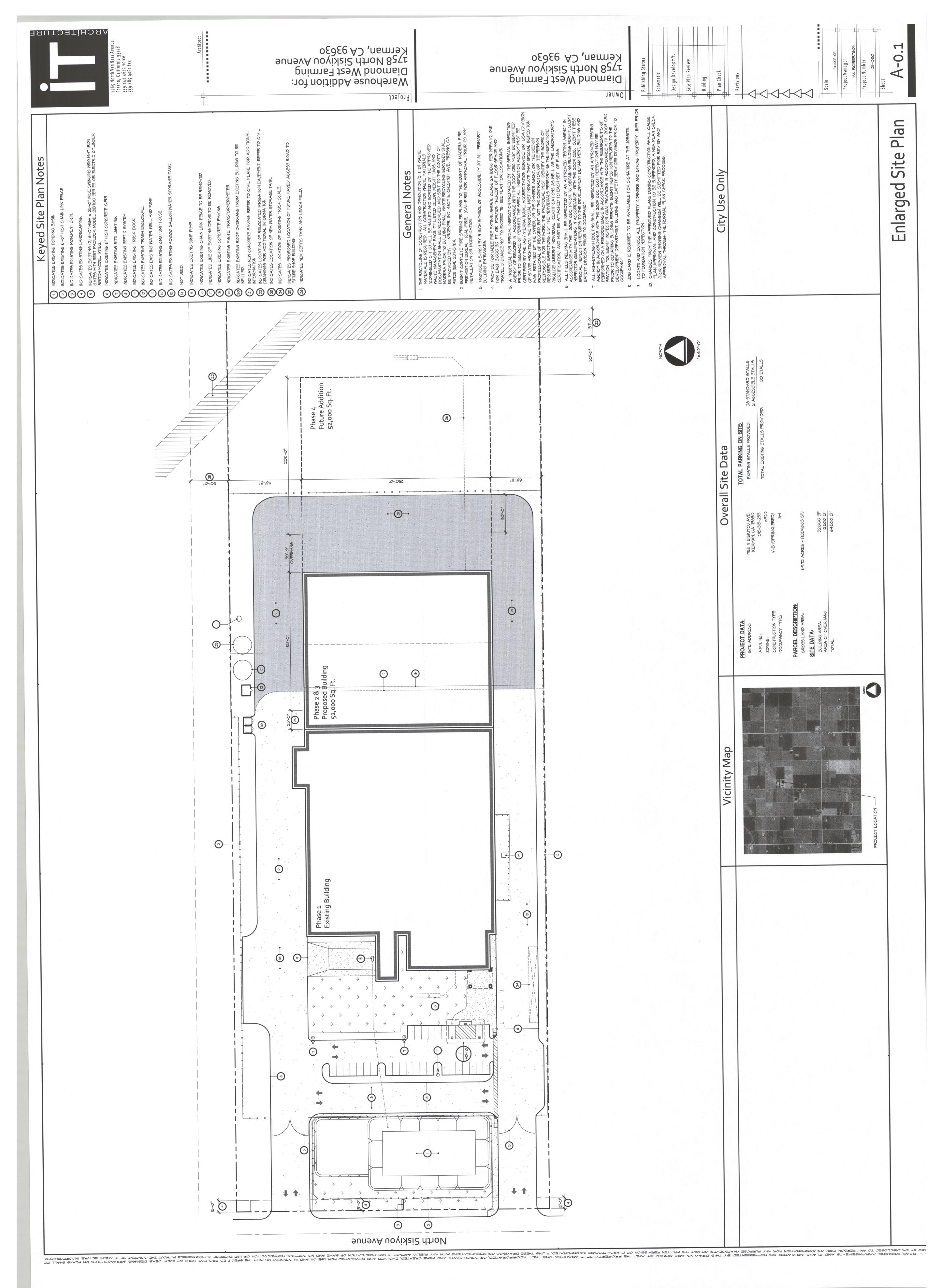
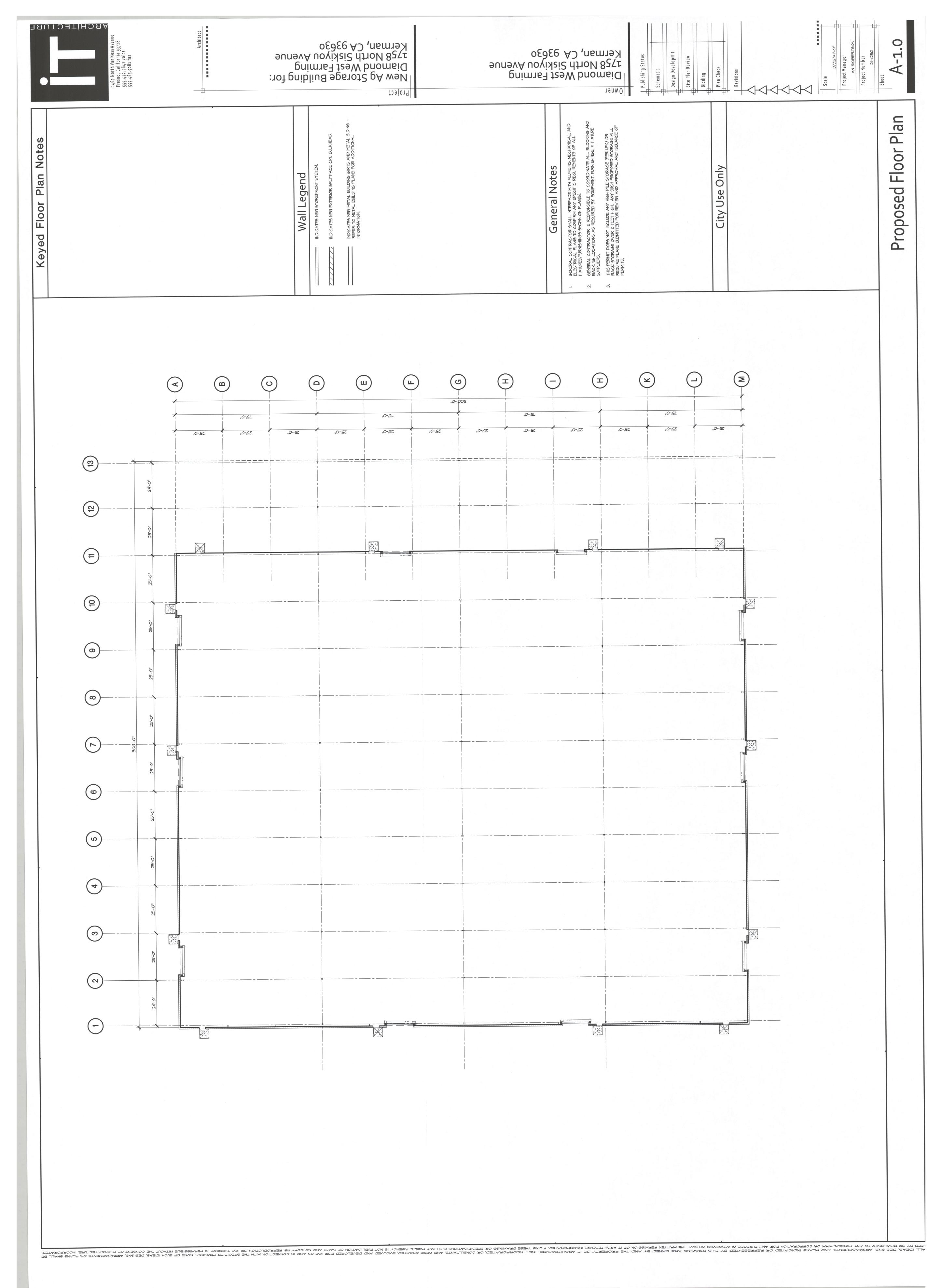


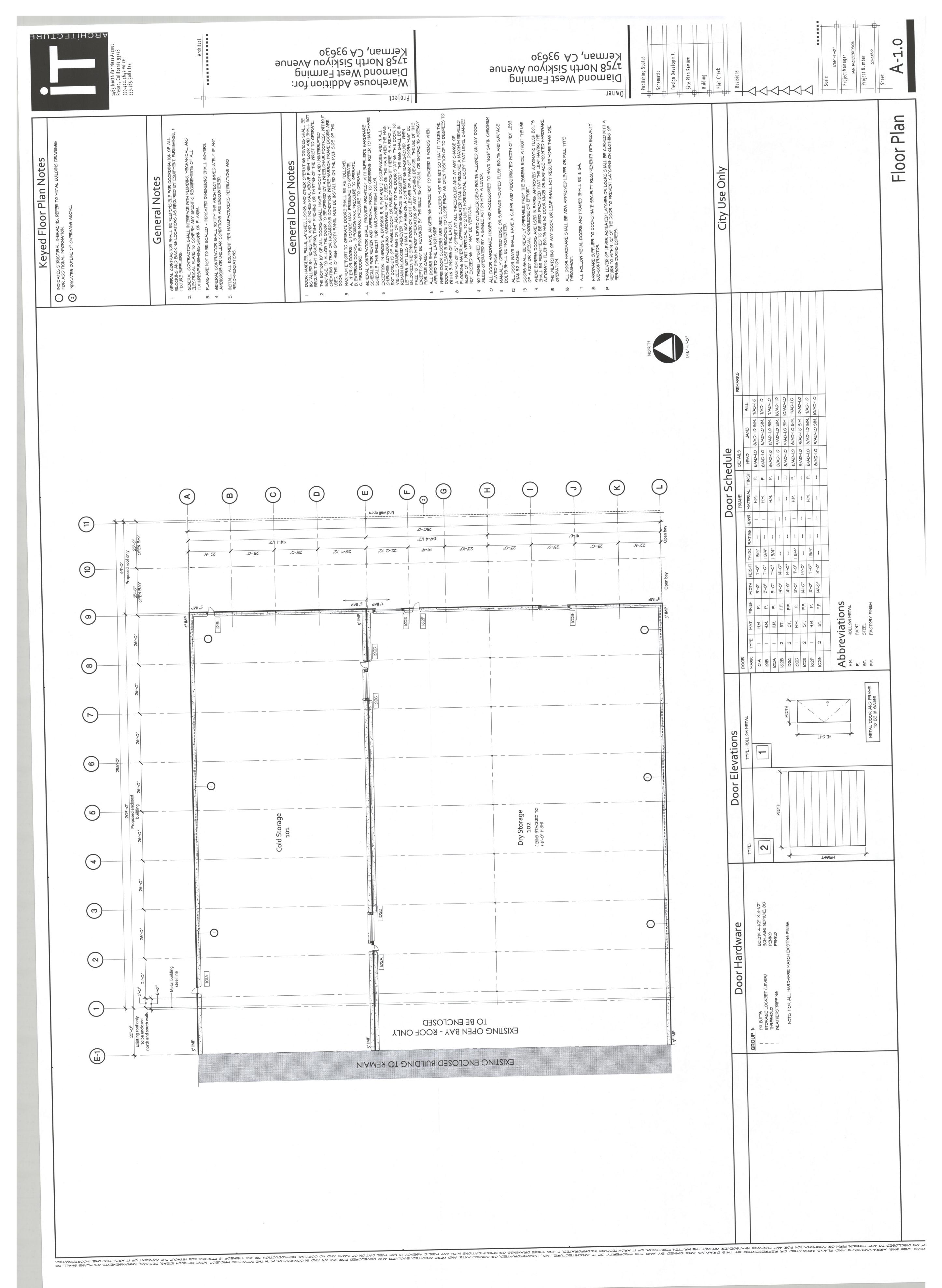
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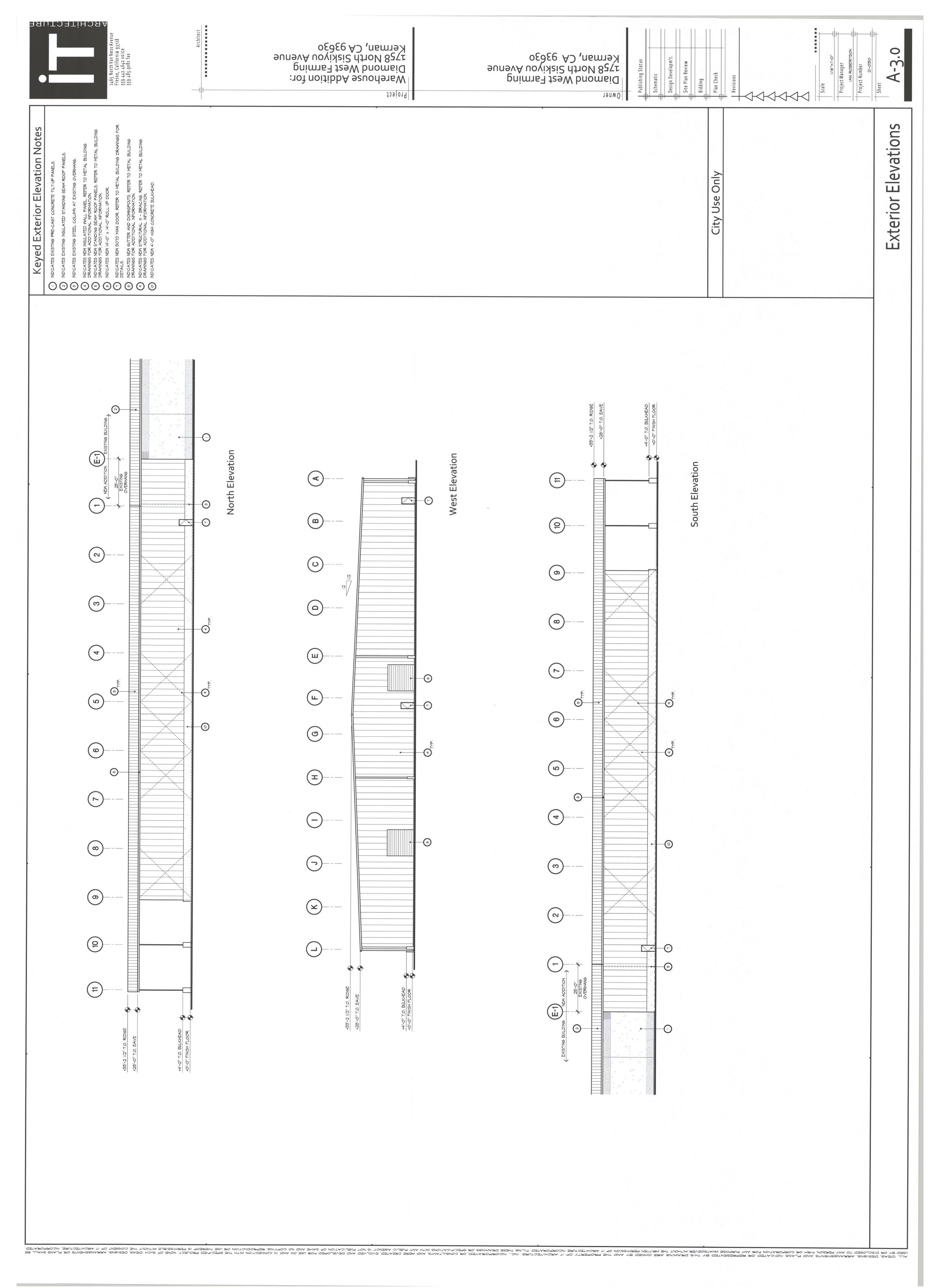












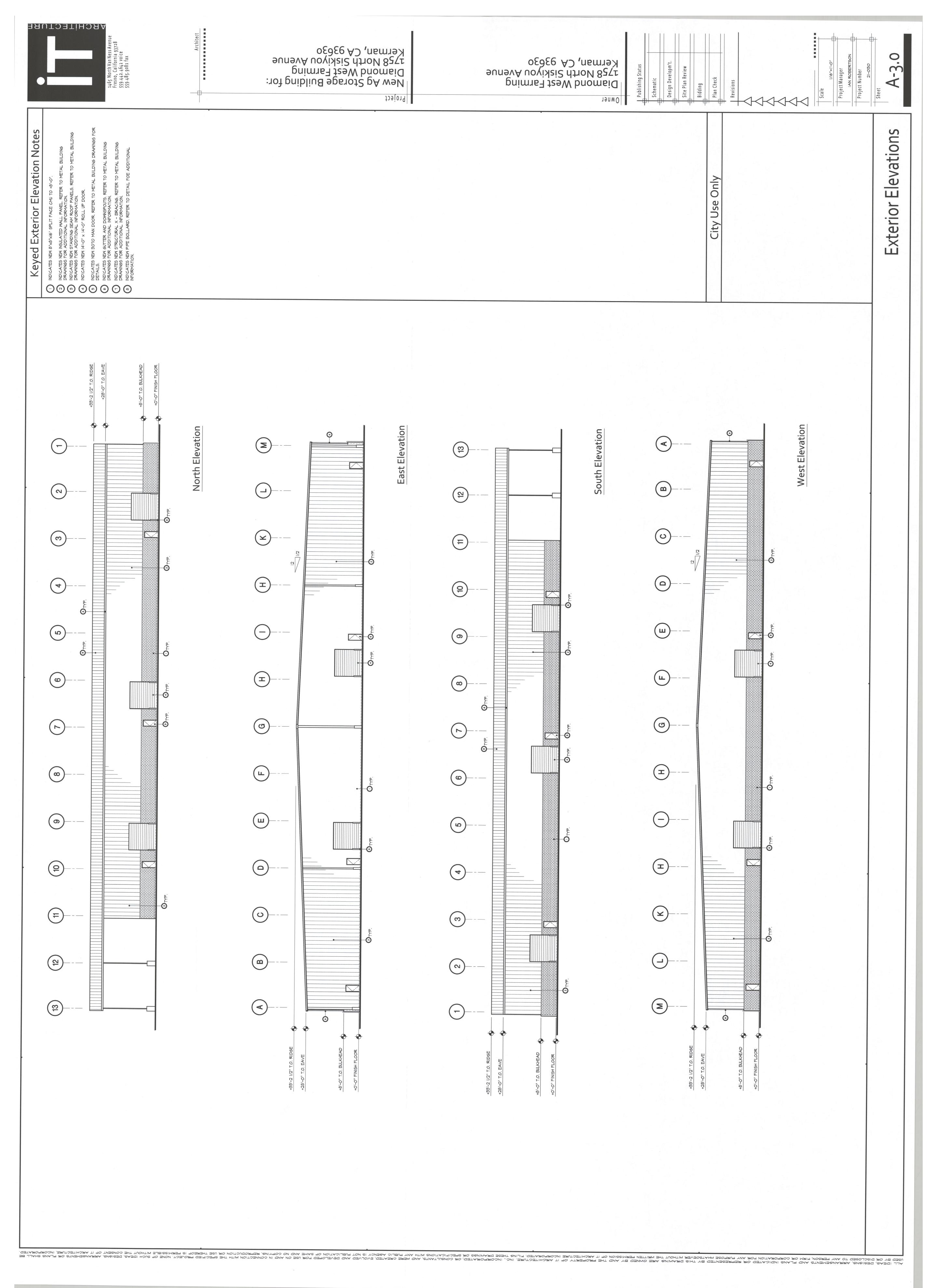


EXHIBIT 6

DIAMOND WEST ALMOND - 1758 N. SISKIYOU AVE. - KERMAN, CA. 93630

OPERATIONAL STATEMENT

JULY 23, 2021

Development Services Division STATEMENT FOR 2220 Tulare Street, Sixth Floor Fresno, Ca. 93721 SUBJECT: OPERATIONAL

APN 105-315-25S 1750 N. SISKIYOU AVE. KERMAN, 93630

CURRENT CUP # 3404 approved April 4, 2013

To whom it may concern:

Diamond West Farming Company, Inc. is proposing an expansion to the existing almond processing and storage building previously approved under CUP # 3404 which approved a total area of 103,900 sq. ft. of which only 75,872 sq. ft were built under building permit dated April 05, 2013.

For purposes of clarity we will identify the existing building areas as phase 1. Phase 2 is the 28,028 sq. ft. area that was shown as future addition under CUP 3404 and we are proposing to build now. Phase 3 is an area of 36472 sq. ft. which we are proposing to build in conjunction with phase 2. Additionally we are proposing a future phase 4 of 52,000 sq. ft to be added on the east end of phase 3, and at the rear of the property phase 5 which is a 90,000 sq. ft. farm shop and equipment storage for all our farms.

The new phase 2, 3 and future 4 addition will be used for storage of the processed almonds. No additional processing is proposed. Portions of the new additions will be used for cold storage and the balance for dry storage of almond inventory produced here at our facility. Presently, we are storing this product along the exterior perimeter of our building so the indoor storage will allow production management greater flexibility in addressing food defense, pest control, quality control, and product flow concerns. Product will be primarily stored in 2000 lb. bins (4'x4'x5').

Hours of processing will remain from August through October, Monday – Friday from 8:00 am to 4:00 pm. Product will continue to be delivered via truck (approximately 111 trips) containing 24 bins (4'x4'x5' each). After processing packaged goods will ship out via truck in bulk bins of approximately 2000 lb. and 25-50 lb. boxes. These deliveries are conducted year 'round.

As we have adapted to more mechanical and automated tasking, we are able to maintain a smaller work force. We will have 8 year-round permanent employees and we add 20 seasonal employees from August through October. We have 30 standard parking stalls and 2 handicap stalls. One service delivery per day by semi-truck trailer. All access to site is from North Siskiyou Ave. We maintain two electric forklifts which circulate in and outside the building areas.

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All our processing which produces limited noise is conducted within the enclosed building areas. No new processing equipment is proposed in the new building areas. Water use is limited to restroom and break-room areas and some incidental equipment cleaning but no constant use. We are proposing to install an additional water tank to supplement the existing water supply for fire sprinkler system and required fire hydrants.

The exterior of the new addition will be factory pre-finished insulated wall and roof panels. The look will be very similar to our existing tilt-up construction with matching colors and trim profiles.

The future farm shop building will be used year-round for minor service and maintenance of all of our farm equipment including tractors, loaders, sweepers, sprayer rigs, harvesters, ...etc. Interior storage of our equipment has become a necessity due to weather protection of this evermore sophisticated machinery as well as theft and vandalism in the fields. The shop building perimeter will have an 8' high masonry wainscot and prefinished steel panels on the walls to color match the rest of our buildings. Hours of operation will mainly be week-days 5:00 am to 3:00 pm as the weather permits during the different field tasks. The shop building is completely separate from the almond processing areas and we will construct a paved access road along our northern property line on the adjacent property which we also own.

As shown on the attached site plan, we will be constructing a ponding basin at the very east end of the property for drainage of all the new proposed phases of construction. Additional water tanks and onsite fire hydrants will be added as needed for fire protection.

Our processing and storage areas are completely fenced with 6' tall chain link fencing with privacy slats. We plan to extend this through-out the property perimeter. The front of our facility includes a very ornate wrought iron automatic entry gate system and well-manicured landscaped areas.

We look forward to a positive response from your agency.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Frank J. Rodriguez

APPLICATION NOS.: Initial Study No. 8142 and Classified Conditional Use Permit

Application No. 3722

DESCRIPTION: Amend Classified Conditional Use Permit Application No.

3404 to allow expansion of a commercial nut processing operation on a 19.72-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of N. Siskiyou

Avenue approximately 870 feet north of its intersection with W. Olive Avenue and is located approximately 1.4 miles north of the city limits of the City of Kerman (1750 N. Siskiyou Avenue) (APN 015-315-25S) (Sup. Dist. 1).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

The subject property is located in a mainly agricultural area. The subject site is currently improved with an existing nut processing facility. There are no scenic vistas in vicinity of the project site that would be impacted by the project proposal.

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

FINDING: NO IMPACT:

Figure OS-2 of the Fresno County General Plan indicates that there are no designated scenic roads or highways fronting the project site. No other scenic resources were identified on the project site.

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: NO IMPACT:

The project proposal intends to expand an existing commercial nut processing facility. Expansion of the facility is proposed to be constructed towards the rear of the property and would not result in a substantial degradation of the existing visual character or quality of public views 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 WITH MITIGATION INCORPORATED:

Outdoor lighting could potentially be utilized for the proposed buildings. As there is a potential for new sources of light and glare, a mitigation measure will be implemented to ensure that new sources of light and glare resulting from the project does not adversely impact surrounding properties and 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the 2016 Fresno County Important Farmlands Map, the subject parcel contains land designated as Urban and Built-Up Land and Prime Farmland. The proposed expansion would further convert land designated for Prime Farmland towards the existing nut processing operation. Per the prepared Operational Statement, the proposed buildings

would be utilized mainly for storage of processed almonds. Conversion of Prime Farmland will occur as a result of the project, however, in considering the existing agricultural processing facility, the expansion of the facility can be seen as less than significant as encroachment of the use on Prime Farmland is confined to a parcel already approved for the processing operation with no further encroachment happening on other designated Prime Farmland parcels.

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

FINDING: NO IMPACT:

The existing nut processing facility was previously approved under the provisions of a Classified Conditional Use Permit. The Fresno County Zoning Ordinance allows agricultural value-added processing facilities under the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District subject to a Classified Conditional Use Permit. The subject parcel is not under 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 project size not zoned for forest land, timberland, or timberland zoned Timberland Production and would not result in the loss of forest land or timberland.

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 commercial nut processing facility. The additional conversion of Farmland within the subject parcel is not expected to exceed the parcel boundaries and would not result in further conversion.

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:

Based on comments received from the San Joaquin Valley Air Pollution Control District (SJVPACD), construction and operation emissions of criteria pollutants are not expected to exceed significance thresholds established by the SJVAPCD. District Rules and Regulations including District Rule 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review, District Regulation VIII – Fugitive PM10 Prohibitions may be applicable to the project. If any of the identified rules and regulations are applicable to the project, further review and permit with the SJVAPCD would occur. Based on the review conducted by the SJVAPCD for the project, the project would not obstruct implementation of the applicable Air Quality Plan and would result in less than significant criteria pollutant generation resulting form construction and operation of the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The nearest sensitive receptor is located approximately 330 feet north of the project site. As noted, comments from the SJVAPCD indicated that criteria pollutant generation resulting from the project would be less than significant. Per the Applicant's Operational Statement, storage capacity is anticipated to be increased, but processing capacity is to remain unchanged. Based on this information, once construction is completed, pollutant and emission generation is unlikely to substantially increase where a significant impact is to occur.

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:

Per the California Natural Diversity Database, there are no reported occurrences of a special-status species on the project site. Aerial photographs of the project site indicate that the existing commercial nut processing facility is present with the remainder of the

subject parcel utilized for agricultural production. Surrounding parcels depict a mix of rural residential and agricultural uses. In consideration of the existing operation and uses established on the subject parcel and surrounding properties, special-status species are not likely to occur on the project site. No riparian habitat or other sensitive natural habitat was identified on the project site.

- 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 site?

FINDING: NO IMPACT:

Per the National Wetlands Inventory, a manmade canal traversers the subject parcel, however, the proposed expansion is located east of where the canal is located and would not be impacted by site development. The project would not substantially interfere with the movement of any native resident. There were not established native resident, wildlife corridor, or wildlife nursery site identified on the project site.

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

FINDING: NO IMPACT:

Reviewing Departments and Agencies did not express concern to indicate that the project conflicts with any local policies or ordinances protecting biological resources, and no conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approval local, regional, or State Habitat Conservation Plan was identified by reviewing agencies and departments.

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 currently improved with a commercial nut processing facility and orchards. Due to the existing ground-disturbance related to the built environmental and disturbance resulting from the farming operation, it is unlikely that cultural resources are present on the project site. However, mitigation measures are proposed to be implemented to ensure proper procedure is in place should a cultural or tribal cultural resource be unearthed during ground-disturbing activities resulting from 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, 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:

Development of the proposed structures are expected to meet current building code standards which will take into account state and local energy efficiency standards. The construction and operation are not expected to result in wasteful, inefficient, or unnecessary consumption of energy resources where a significant environmental impact could occur.

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:

Per the Earthquake Hazard Zone Application maintained by the California Department of Conservation, the project site is not located within an Earthquake Hazard Zone.

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

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on land designated as having a 0%-20% chance of reaching peak horizontal ground acceleration assuming a 10% probability of a seismic hazard in 50 years. In considering the lower chance of reaching peak horizontal ground acceleration and mandatory compliance of the development with the California Building Code, there are no adverse risks associated with the project related to strong seismic ground shaking or seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

The project site is located in a largely flat, agricultural area where no changes in elevation would indicate landslide hazard. Per Figure 9-6 of the FCGPBR, the project site is not located in any identified landslide hazard areas.

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

FINDING: NO IMPACT:

The project will result in the addition of impervious surface throughout the project site. The addition of impervious surface will result in the loss of topsoil. However, this loss in topsoil is not expected to result in any adverse impacts. The subject parcel is located in flat agricultural land when no changes in elevation or waterways would be occur where soil erosion could occur and result in significant impact.

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:

There was no geologic unit or unstable soil identified on the project site.

C. 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 Fresno County General Plan Background Report (FCGPBR), the project site is not located on areas with soils exhibiting moderately high to high expansion potential.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Proposal of additional wastewater disposal systems are included with this expansion. The permitting of a wastewater disposal system will be subject to Fresno County Local Area Management Program (LAMP) standards. LAMP standards will account for existing conditions of the project site. Therefore, with proper permitting of the proposed wastewater disposal system, the project would not result in a significant impact.

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

FINDING: NO IMPACT:

No unique paleontological resource or unique geologic feature was identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions related to construction of the project are expected. As noted in the Operational Statement, the project intends to increase indoor storage space for processed products with the processing capacity of the existing facility not changing. The proposed number of employees will remain unchanged where 8 year round employees and 20 seasonal employees will be present during operational hours. No substantial generation of greenhouse gas emissions are expected from the

operation and construction of the project, and therefore would not have a significant impact on the environment. No applicable plan, policy or regulation for the purpose of reducing greenhouse gas emissions was identified that would be in conflict with the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and provided comment. Comments indicate that the project would need to meet 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. Those requirements include preparation and submittal of a Hazardous Materials Business Plan be submitted to the Environmental Health Division. With the project's compliance of State and local handling and reporting requirements, the project would not create a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials, or foreseeable upset and accident conditions involving hazardous materials.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Per the NEPAssist database, the project site is not located on a listed hazardous materials site and would not create a significant hazard to the public or the environment.

E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project

result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan area and not 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?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that the project proposal impair or physically interfere with an adopted emergency response plan or emergency evacuation plan.

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

FINDING: NO IMPACT:

The project site is located in a mainly agricultural area and would not be susceptible to wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board (SWRCB) and the Water and Natural Resources Division have reviewed the project. The SWRCB indicated that the project meets their definition of a transient non-community water system and would require a permit from their agency. There were no expressed concerns made by the SWRCB to specify that the project would violate any water quality standard or waste discharge requirement that would substantially degrade surface or ground water quality. In addition, there were no comments expressed by the SWRCB to indicate that the project would result in substantial water usage where decreased groundwater supplies would occur or the impedance of groundwater recharge would occur.

The Water and Natural Resources Division in their comments stated that the proposed expansion would not have a significant impact on existing water levels in the area. Additionally, the subject parcel is not located in an area of the County defined as being water short.

With the project's mandatory compliance with regulatory requirements (permit from the SWRCB) and the above review by responsible agencies and departments, the project is not expected to result in a violation of water quality and waste discharge requirements, or substantially decrease groundwater supplies and would not impede 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?
 - 1. Result in substantial erosion or siltation on- or off-site;
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As identified in Section IV. *Biological Resources*, per the National Wetlands Inventory, a manmade canal traverses the subject parcel. There are no streams or rivers that would be affected by the proposed development. Drainage patterns of the project site would be altered dur to the inclusion of additional impervious surfaces. Review of the site plan indicates that additional surface runoff resulting from the project would be siphoned to the existing ponding basin towards the western portion of the subject site or the proposed ponding basin located on the eastern end of the parcel. The proposed ponding basin would be subject to review and permit from the Development Engineering Section. Reviewing agencies and departments did not express concern with the project to indicate that a significant impact related to erosion or siltation of the site could occur. Surface runoff would be directed to either the existing or proposed ponding basin and would not result flooding on- or offsite and would not exceed capacity of the drainage system where an additional source of polluted runoff would be created.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Per FEMA FIRM Panel C1525H, the subject property is not located in a flood hazard area, therefore the project would 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:

The subject property is not located in a flood hazard area and is not located near a body of water where a tsunami or seiche risk would be prevalent.

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 concern with the project to indicate a conflict or obstruction of a water quality control plan or sustainable management plan.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project proposed is expand an existing commercial agricultural processing facility. The subject parcel is located within a mainly agricultural area on the east side of N. Siskiyou Avenue. The project would 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:

General Plan LU-A.14 states that the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. This identified policy relates to the preservation of farmland. The proposed expansion of the existing commercial agricultural processing facility would convert additional farmland. Per the site plan, unused land would still be utilized for agricultural production. In addition, the use is considered supportive of the agricultural industry by providing a processing facility located in proximity of its customers. Therefore, the conversion of productive agricultural land with regard to the project is considered less than significant.

General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. This policy is adopted for the purpose of ensuring proper analysis and if necessary,

mitigation so that water supplies throughout Fresno County can service existing and future uses. The Water and Natural Resources Division has reviewed the proposal and indicated that the project would not substantially impact water resources in the area and that the subject site is not located in an area of the County defined as water short and did not require preparation of a water supply evaluation.

General Plan Policy HS-G.1 states that the County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses. General Plan Policy HS-G.8 states that the County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1 "Land Use Compatibility for Community Noise Environments". Both of the identified policies have been adopted to ensure noise levels for Fresno County residents do not exceed certain thresholds. The Fresno County Noise Ordinance provides thresholds for noise levels and is enforced by the Fresno County Department of Public Health, Environmental Health Division. Mandatory compliance with the Noise Ordinance is expected from this project. Therefore, noise levels are not expected to exceed established thresholds and no conflict with the above policies is seen.

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 in an identified mineral resource location.

Per Figure 7-8 of the FCGPBR, the project site is not located on a principal mineral producing location.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the project by the Fresno County Department of Public Health, Environmental Health Division, the project is expected to comply with the provisions of the Fresno County Noise Ordinance. Further comments by the Department of Public Health indicate that noise generated from the processing facility should be confined to daytime hours. Review of the Applicant's Operational Statement indicates that hours of processing from August through October will occur Monday through Friday from 8:00 AM to 4:00 PM. Temporary noise generation resulting from the project is expected. The resulting expansion would result in increased developed area and storage capacity. As the processing capacity does not change where a substantial increase in noise activity could occur, the project is expected to result in a less than significant impact.

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

FINDING: NO IMPACT:

The project is not located within vicinity of a private airstrip or airport land use plan. Further, the project site is not located within two miles of a 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 project intends to expand an existing commercial agricultural processing facility. The project would not induce unplanned population growth in the area. There are no residents or housing that would be displaced due to the project.

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:

Comments received from the North Central Fire Protection District did not indicate that any adverse impacts would occur to their 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 with the subject application to indicate any impacts to service ratios, response times, or other performance objectives would occur as a result of the project.

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 would not increase the use of existing neighborhood and regional parks where substantial physical deterioration would occur and not include or require the construction or expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

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

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement and with comparison to the existing operation, the number of employees for the operation will not change. The Road Maintenance and Operations Division and the Design Division did not express concern with the project to indicate a conflict with a program, plan, ordinance, or policy addressing the circulation system exists as a result of the project. As the project intends to expand and existing facility and there is no change in employee numbers, no impacts in terms of Vehicle Miles Traveled (VMT) was identified.

- 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 were no expressed concerns made by reviewing agencies and departments regarding hazardous design features or 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:
 - 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 project and given the opportunity to enter into consultation with the County on addressing potential tribal

cultural resources under the provisions of Assembly Bill 52 (AB52). No concerns were expressed by reviewing tribal governments. No tribal cultural resource was identified on the project or during past ground disturbance. Therefore, it is highly unlikely that a tribal cultural resource occurs on the project site. A mitigation measure shall be implemented to address cultural resources, should they be identified during ground-disturbing activities related to the project.

* Mitigation Measure(s)

1. See Section V, Cultural Resources 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Indicated on the submitted site plan, an additional ponding basin is proposed to account for additional surface runoff produced from proposed expansion activities. All construction and grading activities related to development of the ponding basin would be reviewed and permitted by the County and would ensure safe and standardized development would occur. Development of surface runoff facilities would not cause significant environmental effects.

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 State Water Resources Control Board and the Water and Natural Resources Division have reviewed the subject application and did not express concern with the project to indicate that there are insufficient water supplies for the project area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will result in the construction of an additional private septic system and will be subject to review and permit by the County of Fresno under their Local Area

Management Program (LAMP). This ensures that adequate capacity is established and safe development of the system is done.

- 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 have reviewed the proposed expansion and did not express concern with the project to indicate that a generation of solid waste in excess of State or local standards would occur, and no conflict with federal, state, and local management and reduction statutes and regulations would result from the project.

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:

Per the 2007 Fresno County Fire Hazard Severity in LRA Map, the project site is not located within a State Responsibility Area (SRA) and not located on land classified as very high fire hazard severity.

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 parcel is currently improved with an existing commercial agricultural processing facility. The remainder portion of the parcel is utilized for agricultural production. The project intends to expand the agricultural processing facility. Due to the existing processing facility and agricultural operation, the project is not expected to occupied by wildlife species and would not result in a drop of a wildlife species below self-sustaining levels.

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:

Aesthetics, Cultural Resources, and Tribal Cultural Resources were determined to have a less than significant impact with Mitigation Measures incorporated. Discussion of the projects impacts on their respective resources could be considered cumulative, but as noted, with the implementation of mitigation measures, would reduce the projects impact to a less than significant level.

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

FINDING: NO IMPACT:

Analysis of the project has determined that environmental effects resulting from the project would not cause substantial adverse effects on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3722, 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, Energy, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, and Utilities and Service Systems have been determined to

be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with recommended 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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EXHIBIT 8

File original and one convivuith:				Chaca Balay For County Clark Only					
File original and one copy with:			Space Below For County Clerk Only.						
Fresno County Clerk 2221 Kern Street									
Fresno, California 93721									
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10 0 172			DECLARATION E-						
			eet and P.O. Box):			City: Zip Code:		Zip Code:	
Fresno County 2220 Tulare St. Six			h Floor			Fresno	93721		
Agency Contact Person (Name and Title):				Area Code: Te		ephone Number:	Extension:		
Thomas Kobayashi Planner				559	600-4224		N/A		
Project Applicant/Sponsor (Name):				Project Title:					
Frank Rodriguez				Classified Conditional Use Permit Application No. 3722					
Project Description:									
Amend Classified Conditional Use Permit Application No. 3404 to allow expansion of a commercial nut processing operation on a 19.72-acre parcel in the									
AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.									
Justification for Negative Declaration:									
Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3722, 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, Energy, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with recommended Mitigation Measures.									
FINDING: The proposed project		e a significant imp	pact or						
Newspaper and Date of Publication:					Review Date Deadline:				
Fresno Business Journal – February 11, 2022				P	Planning Commission – March 24, 2022			22	
Date:	Type or Print Si	gnature:				mitted by (Signature):			
David Randall					Thomas Kobayashi				
Senior Planner					Planner				

State 15083, 15085

County Clerk File No.:_____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION