



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 January 24, 2019

SUBJECT: Initial Study Application No. 7513 and Classified Conditional Use Permit Application No. 3622

Allow a commercial establishment for the storage and sale of gypsum and anhydrate (agricultural mineral soil supplements) on a portion of a 645.05-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. This site will receive approximately 220,000 tons per year of gypsum and anhydrate via existing rail spurs, store these materials on a 2.5-acre area of land, and truck these minerals to local clients.

LOCATION: The project site is located on the north side of W. Whitesbridge Avenue (SR 180), at the northwest corner of its intersection with N. San Mateo Avenue, approximately 2.5 miles southeast of the nearest city limits of the City of Mendota (29400 W. Whitesbridge Avenue) (Sup. Dist. 1) (APN 019-070-61S).

**OWNER/
APPLICANT:** Meyers Farming, LLC
Superior Soil Supplements, LLC

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

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RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7513; and
- Approve Classified Conditional Use Permit No. 3622 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan and Floorplan
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 7513
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	645.05 acres	No change
Structural Improvements	<ul style="list-style-type: none">• Structures relating to the historic Spreckles Sugar Facility, which is no longer in operation• Existing rail spurs that connect to the San Joaquin Valley Railroad• In the Applicant's lease area, there is an unpermitted 7,000 square-foot metal structure	A 200 square-foot mobile office
Nearest Residence	Over 1,000 feet south of the proposed operation, directly across State Route 180 from the subject parcel	No change
Surrounding Development	Agricultural and Residential	No change
Operational Features	N/A	The Applicant will unload gypsum and anhydrate from rail cars into a storage pile, then

Criteria	Existing	Proposed
		load trucks with these materials, and deliverer them to local application sites.
Employees	N/A	Three employees
Traffic Trips	N/A	The maximum number of trips per day is 50 two-way truck trips and 5 two-way employee trips.
Lighting	N/A	Mobile lighting equipment may be used, and lighting may be installed on the exterior of the existing 7,000 square-foot metal structure or the 200 square-foot mobile office. A Mitigation Measure requires that these lights be hooded and downturned so as not to shine on adjacent properties or public streets.
Hours of Operation	N/A	Typically Monday through Friday, 5 am to 5 pm Expanded hours on weekdays, and operation on weekends may occur as necessary to accommodate shipments of the materials. Shipments will arrive a maximum of 36 times per year.

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

ENVIRONMENTAL ANALYSIS:

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: December 21, 2018.

PUBLIC NOTICE:

Notices were sent to 25 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

The subject parcel was originally zoned A-1 (Agricultural), and was then rezoned to AE-20 (Exclusive Agricultural) on August 31, 1976. The subject property was historically used for the Spreckles Sugar Facility, a permitted use that expired in 2016. The structures used for this facility still remain, but only one is located within the area of the property that will be used for the proposed operation. The other existing structures are located to the south and east of that area, and provide a buffer between the proposed operation and surrounding land uses, which will lessen any noise, dust, or aesthetic impacts of the proposed operation.

Existing private asphalt roads on the subject parcel connect the project area to County- and State-maintained roadways. State Route 180 (SR 180) runs adjacent to the southern boundary of the subject parcel, the Fresno Slough is located nearby to the west of the subject property, and an existing rail spur connects the property to the San Joaquin Valley Railroad. This property was identified as an ideal location for the proposed gypsum/anhydrate operation by the Applicant because of existing rail spurs with easy access to the railroad, the proximity to SR 180 and SR 33, and the limited amount of construction required to operate on this site. In the absence of an operational sugar facility, the proposed gypsum/anhydrate operation can make use of the on-site improvements, and the railroad will provide a more efficient means of transporting the agricultural supplements from Nevada to the Central Valley than trucks, which is Superior Soil Supplements’ current means of transportation.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Street Side: 35 feet Interior Side: 20 feet Rear: 20 feet	Front (south): Approx. 1,000 feet Street Side (east): Approx. 2,500 feet Side (west): Approx. 2,600 feet Rear (north): Approx. 3,000 feet	Yes
Parking	There must be at least one parking space for each truck used for the operation, and one parking space for each sales person permanently employed.	An existing parking lot includes 97 striped parking spaces, which is more than sufficient to serve the proposed operation. Five additional spaces have been proposed just south of the office trailer.	Yes
Lot Coverage	No requirement	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Space Between Buildings	No requirement	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	N/A	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No on-site water wells will be used for the proposed operation.	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: Permit records were not located for the existing 7,000 square-foot building. Permits for this structure must be acquired within 90 days of the effective date of approval. Additionally, permits must be acquired prior to the commencement of operation. **This comment shall be included as a Condition of Approval.**

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to U.S.G.S. Quad Maps, there are existing natural drainage channels traversing the subject parcel. Easements may be required by the appropriate agency. *Staff review indicates that the proposed operation is located on a small portion of the subject property (approximately 16.5 acres including the existing rail spurs and circulation areas), and will not conflict with any natural drainage channels.*

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: There shall be at least one parking space for each truck operated as a part of the proposed operation, and one parking space for each employee that makes frequent trips to the project site. *Staff finds that there is adequate space available to meet this requirement based on the size of the parcel, the existing parking lot that accommodates up to 97 vehicles, and the five proposed parking spaces indicated on the site plan.* **This comment shall be included as a Project Note.**

Any proposed driveway shall be a minimum of 24 feet and a maximum of 35 feet in width, as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. *There is an existing paved driveway that meets these requirements. No additional driveways would be approved as a part of this project.*

Internal access roads shall comply with required widths of the Fire District for emergency apparatus. **This comment shall be included as a Project Note.**

Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet, or the length of the longest vehicle to enter the site, whichever is greater. **This comment shall be included as a Project Note.**

A dust palliative is required on all unpaved parking and circulation areas. **This comment shall be included as a Project Note.**

All proposed signs require submittal to the Department of Public Works and Planning permit counter to verify compliance with the Zoning Ordinance. Off-site advertising for commercial uses is prohibited in the AE (Exclusive Agriculture) Zone District. **This comment shall be included as a Project Note.**

Analysis:

Staff’s review of the site plan has confirmed that the proposed improvements will satisfy the setback and development requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. Based on the above information, staff believes that the subject parcel is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

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

Conclusion:

Finding 1 can be made.

Finding 2: *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use*

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	San Mateo Avenue and State Route 180	No change
Direct Access to Public Road	Yes	San Mateo Avenue and State Route 180	Access will be taken from San Mateo Avenue.
Road ADT		San Mateo Avenue: 700	The proposed use will result in a maximum of 50 two-way truck trips, and 5 two-way employee trips per day as a result of the proposed operation
Road Classification		San Mateo Avenue: Local Road	No change
Road Width		San Mateo Avenue: 32.3 feet	No change

Road Surface	San Mateo Avenue: Paved, Very Poor Condition	The surface of the portion of San Mateo Avenue that is in very poor condition and will directly serve the proposed use will be improved prior to operation as a Mitigation Measure.	
Traffic Trips	Unknown	A maximum of 55 two-way traffic trips per day	
Traffic Impact Study (TIS) Prepared	No	N/A	It was determined by the Department of Public Works and Planning Design Division that the project will not have a significant impact on traffic because of the limited number and distribution of vehicle trips that will result from this operation.
Road Improvements Required	N/A	Due to the very poor condition of San Mateo Avenue, proposed circulation patterns, and frequency of heavy truck trips to result from the proposed operation (up to 50 two-way trips per day), the Applicant is required to apply a 2-inch asphalt overlay on the portion of San Mateo Avenue between the facility entrance and State Route 180 (approximately 0.32 mile).	

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: San Mateo Avenue is classified as a Local road with an existing 30-foot right-of-way west of the section line along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way west of the section line along the parcel frontage is 30 feet. *No additional right-of-way is required.*

San Mateo is a County-maintained road. Records indicate that the section of San Mateo Avenue from SR 180 to 0.32 mile north of SR 180 has an ADT of 700, pavement width of 32.3 feet, structural section of 0.41 feet AC, and is in very poor condition. The section from 0.32 mile north of SR 180 to 2.43 miles north of SR 180 has an ADT of 700, pavement width of 19.6 feet, structural section of 0.33 feet AC, and is in fair condition.

SR 180 is not a County-maintained road near the subject parcel; it is under the jurisdiction of the California Department of Transportation.

Any work done within the right-of-way to improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This comment shall be included as a Project Note.**

Ten-foot by ten-foot corner cutoffs shall be improved for sight distance purposes at the existing driveway onto San Mateo Avenue, if not already improved. **This comment shall be included as a Project Note.**

California Department of Transportation: Based on the trip generation, trip distribution, the existing left turn pocket, and the intersection street lights, the intersection of SR 180/San Mateo Avenue will not need to be analyzed, nor require any mitigation.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Due to the very poor condition of the portion of San Mateo Avenue that will be utilized by the proposed operation, a Mitigation Measure will require the following: A 2-inch asphalt overlay shall be applied to the entire width (32.3 feet) of San Mateo Avenue, between State Route 180 and 0.32 mile north of State Route 180. This overlay must properly tie into the surface of State Route 180 and the existing overlay 0.32 mile north of SR 180. Re-striping and other road improvements will be required by the Road Maintenance and Operations Division to ensure safety and usability. **This requirement has been incorporated as a mandatory Mitigation Measure.**

Analysis:

With the incorporation of the above Mitigation Measure and Project Notes, staff believes that the roads in proximity to the subject parcel will be adequate to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	318.19 acres	Orchard/Grazing	AE-20	N/A
West	165.49 acres	Field Crop/Recreation	AE-20	N/A
	92.00 acres	Ponding Basins		

Surrounding Parcels				
South	There are 24 parcels ranging from 1.00-22.12 acres in size used for single-family residential and grazing land uses. There are a total of 40 permitted, single-family residences on these parcels.		AE-20	Approximately 180 feet from the southern property line and 1,250 feet from the proposed operation
East	490.06 acres	Grazing	AE-20	N/A
	152.69 acres	Field Crop		

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: The potential adverse impacts caused by this project could include (but are not limited to) water quality degradation, odors, and vectors. This Division concurs with the information pertaining to environmental health in Initial Study No. 7513 and the proposed Mitigated Negative Declaration.

Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. The Environmental Health Division can provide additional information on the proper labeling, storage and handling of hazardous wastes. **This comment shall be included as a Project Note.**

A spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity (storage capacity refers to the aggregate capacity of all aboveground tanks and containers at a tank facility). **This comment shall be included as a Condition of Approval.**

The Applicant should contact the local Fire Authority concerning construction and installation requirements for aboveground storage tanks. **This comment shall be included as a Project Note.**

The Applicant should be advised of the State of California Public Resources Code, Division 30 - Waste Management: Chapter 16 - Waste Tires, and Chapter 19 - Tire Hauler Registration, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the Local Waste Tire Enforcement Unit, Fresno County Department of Public Health, Environmental Health Division at (559) 600-3271 for additional information. **This comment shall be included as a Project Note.**

The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance. **This comment shall be included as a Project Note.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: The site in question is located in Flood Hazard Zone A per FIRM Panel 2025H and is subject to flooding from the 100-year storm. The storage of bulk materials must comply with Ordinance Code Chapter 15.48 (Flood Hazard Areas). The following is required to comply with the flood hazard ordinance:

- The storage site must be protected from flood water by either a watertight barrier taller than the Base Flood Elevation (BFE) or by elevating the storage site to an elevation above the BFE.
- In either case, an elevation certificate establishing the BFE and the minimum pad elevation prepared by a licensed land surveyor is required.
- An engineered grading plan and permit, and a geotechnical report will be required.
- The material used to elevate the site must come from within the flood zone. No net import of material into the flood zone is allowed. If compacted earth is used to create a barrier around the site, this material must also come from within the flood zone.
- Any unpermitted structures built in the flood zone must comply with the flood zone ordinance either by being elevated above the BFE or through appropriate flood proofing.

These specific requirements for adhering to the Flood Hazard Ordinance will be included as a Project Note.

Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. **This comment shall be included as a Project Note.**

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

Fresno County Fire Protection District: This property shall be annexed into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. **This comment shall be included as a Project Note.**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments.

Fresno County Department of Agriculture: No comments.

Analysis:

The proposed operation is located on the southeast corner of a large, 645.05-acre parcel, with the Fresno Slough to the west, agriculture to the north, grazing land to the east, and residential housing across State Route 180 (SR 180) to the south. To protect nearby waterways and prevent environmental degradation in a 100-year flood situation, the project site will either be elevated or surrounded by a water-tight barrier. Additionally, runoff onto adjacent properties, including the nearby waterway is not allowed according to Fresno County policy. Adherence to Mitigation Measures, Conditions of Approval, and relevant Project Notes will prevent this nearby waterway from being negatively impacted by the proposed project.

The operation is over one half-mile from the northern boundary of the subject parcel, and is therefore unlikely to impact the agricultural operation to the north. Water will be obtained from this northerly adjacent parcel, but only infrequent trips will be necessary to fill the mobile water tank.

The operation is more than one quarter-mile from the easterly adjacent grazing land. However, all trucks entering or exiting the subject parcel will use San Mateo Avenue, which runs between the subject parcel and the parcel to the east. All trucks/trailers loaded with gypsum or anhydrate shall either be covered with a tarp or sprayed with a sufficient amount of water to ensure that the trucks do not create dust-related nuisances or spill during the transportation of these materials. **This shall be included as a Condition of Approval.** With the inclusion of this condition, the easterly adjacent parcel will not be negatively impacted by the proposed project.

State Route 180 runs along the southern boundary of the subject parcel, and directly south of this roadway are several residences. The proximity of the residences to SR 180 means that there is a high level of ambient traffic noise in this residential area. The operation of equipment and trucks will be over 1,000 feet from these residences. There will be noise resulting from the coupling and uncoupling of train cars, which will occur a maximum of 36 times per year. Existing on-site structures will help mitigate noise and dust concerns. The proposed operation will also include the usage of water to dampen the outside of the gypsum/anhydrate piles and a dust screen on the western side of the stockpiles. The location of the operation and the dust suppression measures that the Applicant has incorporated in the operational statement will minimize the air quality and noise impacts to nearby residents. Additionally, the San Joaquin Air Pollution Control District monitors the amount of dust created by operations, and the County of Fresno has an adopted Noise Ordinance that dictates the acceptable levels of noise in the County. This project will be subject to all relevant policies set forth by the Air Pollution Control District and the Fresno County Noise Ordinance.

Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission. **A Site Plan Review (SPR) has been included as a Condition of Approval for the proposed development.** Conditions of the SPR may include, but not be limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of light.

In conclusion, staff believes that the proposal will not have an adverse impact on surrounding properties.

Recommended Conditions of Approval:

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

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>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 listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <p>A. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p>	<p>The proposed use will provide soil supplements for agricultural use to nearby farmers, and will therefore support agricultural production in the area.</p> <p>The proximity of these services to agricultural operations is necessary to efficiently serve them, therefore it would not be as effective to locate the proposed use in an urbanized area. This site was chosen for its proximity to an existing railroad, which can efficiently transport gypsum and anhydrate from mines in Nevada.</p> <p>The proposed use will utilize water from a well located on an adjacent property. Given the limited amount of water use proposed by the Applicant, no consulting agencies have indicated that this use could have a detrimental impact on water</p>

<p>B. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter-mile radius.</p> <p>C. A probable workforce should be located nearby or be readily available.</p>	<p>resources, including the State Water Quality Control Board. Traffic and access impacts were determined to be less than significant with mitigation.</p> <p>The project is located approximately three miles southeast of Mendota, which could provide a probable workforce for the proposed operation.</p>
<p>Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>The proposed operation will not lead to further development in the area, which could encroach into the surrounding land that is suitable for agricultural uses. The portion of the property that will be used for this operation has been previously used for the Spreckles Sugar Factory operation, and is not categorized as Farmland in the 2014 California Department of Conservation’s Important Farmland Map. Additionally, the proposed use will not be detrimental to surrounding agricultural uses, as discussed in Finding 3.</p>
<p>Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The proposed gypsum/anhydrate storage and loading area is over 1,000 feet from neighboring properties. However, it is directly adjacent to an on-site farming operation. A dust screen is proposed between the gypsum/anhydrate storage and the existing agricultural operation to ensure that the agricultural use is not negatively impacted.</p>
<p>Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>The project area is categorized as “Urban and Built Up Land” in the California Department of Conservation’s 2014 Important Farmland Map. There is prime farmland near the project area, but the proposed project does not include any development in this area, nor will it lead to the conversion of surrounding farmland in the future. With the incorporation of dust screens and the required covering/wetting of haul trucks, surrounding agricultural operations will not be impacted.</p>
<p>Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The proposed project will use water from an existing well on an adjacent property. No new wells will be drilled, and the water consumption of other water users in Fresno County will not be impacted. Fresno County’s Water and Natural Resources Division had no concerns regarding the proposed project.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is not subject to a Williamson Act Contract.

Analysis:

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

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on factors cited in the analysis, staff believes that the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3622, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7513; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3622, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3622; 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.

Mitigation Monitoring and Reporting Program
Initial Study Application No. 7513/Classified Conditional Use Permit Application No. 3622
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine upward or toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Biological Resources	For the initial date(s) of ground disturbance and substantial activity, a qualified biologist shall be present to ensure that no special-status species are present on site which could be disturbed by the proposed activity. A memorandum from this biologist shall be provided to the County confirming that they were present during this time. If special-status species are detected or suspected of being present at this time, all activity shall cease and the Applicant must consult with the U.S. Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) to ensure that all species-specific guidelines are followed.	Applicant	Applicant/PW&P	At the onset of construction; compliance must be demonstrated prior to operation
3.	Biological Resources	All project-related vehicles shall observe a 20-mph speed limit within the boundaries of the subject parcel. Traffic shall not deviate from the circulation demonstrated in the site plan.	Applicant	Applicant	During construction and operation
4.	Biological Resources	All construction shall occur during daylight hours, and at the close of each working day, any excavated, steep-walled holes or trenches of more than two feet deep shall be covered (with plywood or similar material) or provided with at least one "escape ramp" of earth fill or wooden planks to prevent inadvertent entrapment. Before any such holes or trenches are filled, they must be thoroughly inspected for trapped animals.	Applicant	Applicant	During construction and operation
5.	Biological Resources	All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the site overnight should be thoroughly inspected for kit foxes before they are moved, buried or capped. If a kit fox is discovered in one of these structures, USFWS shall be	Applicant	Applicant	During construction and operation

EXHIBIT 1

		consulted immediately. If necessary, the structure may be moved once to remove it from the path of construction activity; it shall only be moved once and it shall only be done under the direct supervision of a qualified biologist.			
6.	Biological Resources	All trash and food items shall be discarded into closed containers and properly disposed of at the end of each workday.	Applicant	Applicant	During construction and operation
7.	Biological Resources	No dogs, cats, or other pets shall be allowed on the project site.	Applicant	Applicant	During construction and operation
8.	Biological Resources	If a special-status reptile is found in the work area during construction, work in that area shall cease until the creature moves off the site of their own accord.	Applicant	Applicant	During construction and operation
9.	Biological Resources	If construction activities are scheduled during the breeding bird season, from February 15th through September 15th, a pre-construction survey for nesting birds shall be conducted within the project footprint with a 500-foot buffer area surrounding the project footprint. Construction activities may not take place within 250 feet of an active bird nest or within 500 feet of an active raptor nest. This distance may only be reduced if a biological monitor determines that the activities are not affecting the breeding success of the nesting birds.	Applicant	Applicant/PW&P	Prior to construction
10.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
11.	Hydrology and Water Quality	The outdoor storage of bulk materials shall comply with Fresno County Ordinance Code Chapter 15.48, Flood Hazard Areas, through the construction of a watertight barrier taller than the Base Flood Elevation (BFE) or by elevating the storage site to an elevation above the BFE.	Applicant	Applicant/PW&P	Compliance must be demonstrated prior to operation

12.	Transportation and Traffic	A 2-inch asphalt overlay must be applied to the entire width (32.3 feet) of San Mateo Avenue, between State Route 180 and 0.32 mile north of State Route 180. This overlay must properly tie into the surface of State Route 180 and the existing overlay north of the stretch of San Mateo Avenue used to access the proposed facility. Re-striping and other road improvements will be required by the Road Maintenance and Operations Division to ensure safety and usability.	Applicant	Applicant/PW&P	Compliance must be demonstrated prior to operation
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Conditions of Approval

1.	Permit records were not located for the existing 7,000 square-foot building. Permits for this structure must be acquired within 90 days of the effective date of approval. Additionally, permits must be acquired prior to the commencement of operation.
2.	A spill prevention control and countermeasure plan (SPCC) is required for aboveground petroleum storage tanks with greater than or equal to 1,320 gallons of storage capacity (storage capacity refers to the aggregate capacity of all aboveground tanks and containers at a tank facility).
3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
4.	All trucks/trailers loaded with gypsum or anhydrate shall either be covered with a tarp or sprayed with a sufficient amount of water to ensure that the trucks do not create dust-related nuisances or spill during the transportation of these materials.
5.	Development of the property shall be in accordance with the Site Plan, Floor Plans, Elevations and Operational Statement approved by the Commission.

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

Notes

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

1.	Plans, permits and inspections are required for all on-site improvements, including the office trailer.
2.	Internal access roads shall comply with required widths of the Fire District for emergency apparatus.
3.	Any proposed gate that provides initial access to this site shall be set back from the edge of the road right-of-way a minimum of 20 feet, or the length of the longest vehicle to enter the site, whichever is greater.
4.	A dust palliative is required on all unpaved parking and circulation areas.
5.	All proposed signs require submittal to the Department of Public Works and Planning permit counter to verify compliance with the

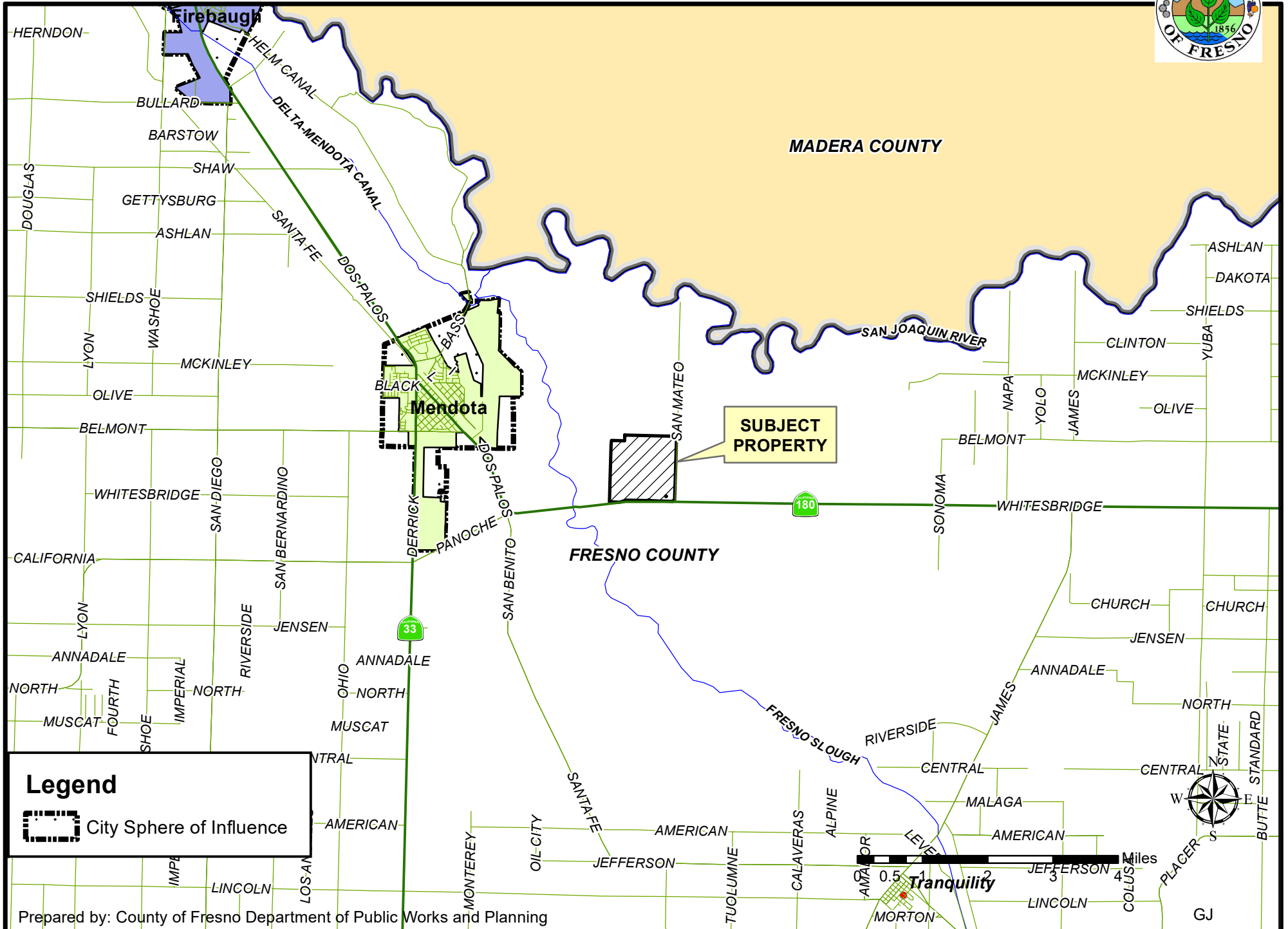
	Zoning Ordinance. Off-site advertising for commercial uses is prohibited in the AE (Exclusive Agricultural) Zone District.
6.	There shall be at least one parking space for each truck operated as a part of the proposed operation, and one parking space for each employee that makes frequent trips to the project site.
7.	Any work done within the right-of-way to improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
8.	Ten-foot by ten-foot corner cutoffs shall be improved for sight distance purposes at the existing driveway onto San Mateo Avenue, if not already improved.
9.	Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. The Environmental Health Division can provide additional information on the proper labeling, storage and handling of hazardous wastes.
10.	The Applicant should contact the local Fire Authority concerning construction and installation requirements for aboveground storage tanks.
11.	The Applicant should be advised of the State of California Public Resources Code, Division 30 - Waste Management: Chapter 16 - Waste Tires, and Chapter 19 - Tire Hauler Registration, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the Local Waste Tire Enforcement Unit, Fresno County Department of Public Health, Environmental Health Division at (559) 600-3271 for additional information.
12.	The use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance.
13.	<p>The site in question is located in Flood Hazard Zone A per FIRM Panel 2025H, and is subject to flooding from the 100-year storm. The storage of bulk materials must comply with Ordinance Code Chapter 15.48 (Flood Hazard Areas). The following is required to comply with the flood hazard ordinance:</p> <ul style="list-style-type: none"> • The storage site must be protected from flood water, by either a watertight barrier taller than the Base Flood Elevation (BFE) or by elevating the storage site to an elevation above the BFE. • In either case, an elevation certificate establishing the BFE and the minimum pad elevation prepared by a licensed land surveyor is required. • An engineered grading plan and permit, and a geotechnical report will be required. • The material used to elevate the site must come from within the flood zone. No net import of material into the flood zone is allowed. If compacted earth is used to create a barrier around the site, this material must also come from within the flood zone. • Any unpermitted structures built in the flood zone must comply with the flood zone ordinance either by being elevated above the BFE or through appropriate flood proofing.
14.	Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.

15.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
16.	This property shall be annexed into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
17.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.

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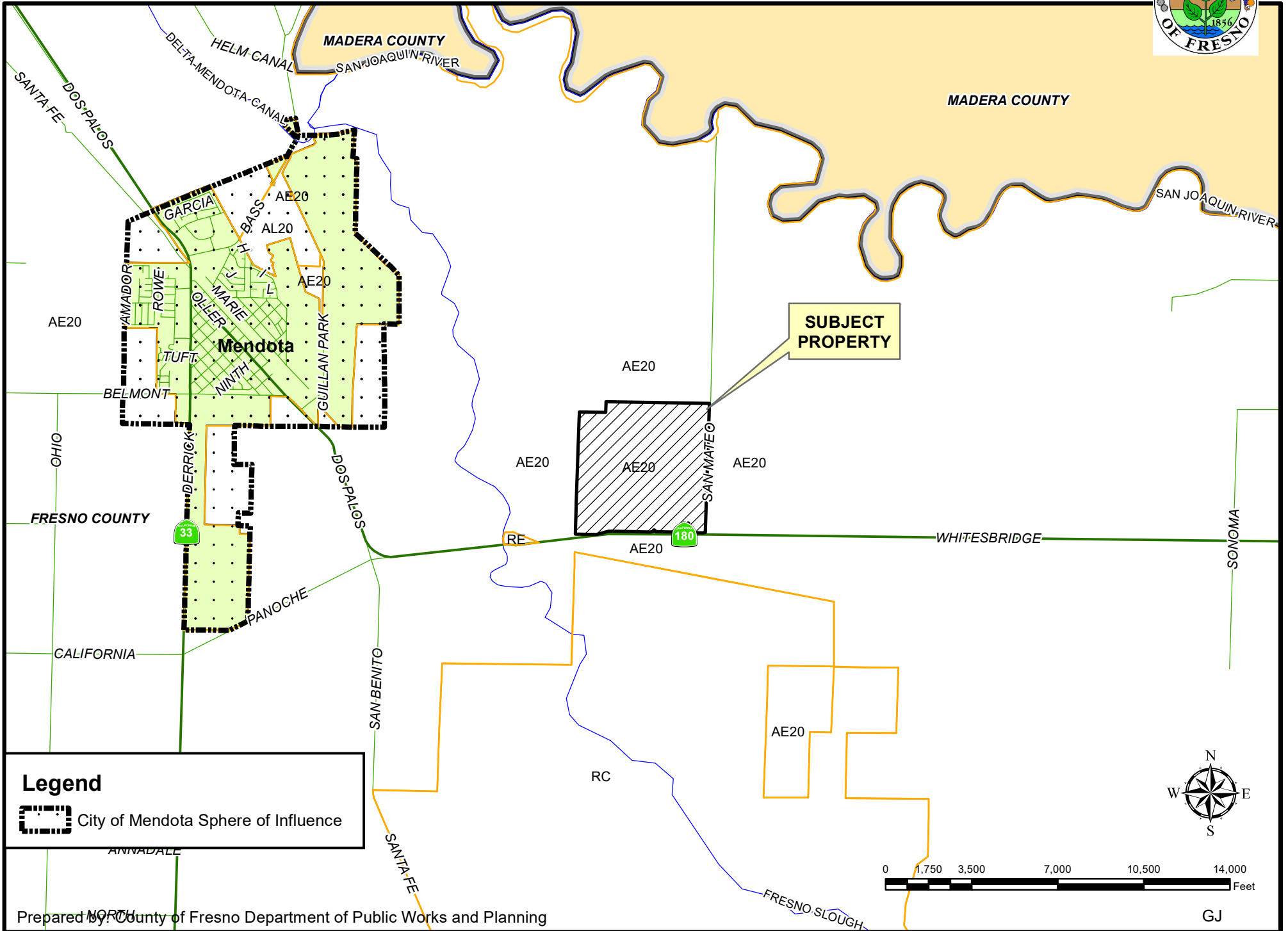
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LOCATION MAP



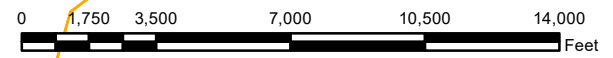
Legend
 City Sphere of Influence

EXISTING ZONING MAP

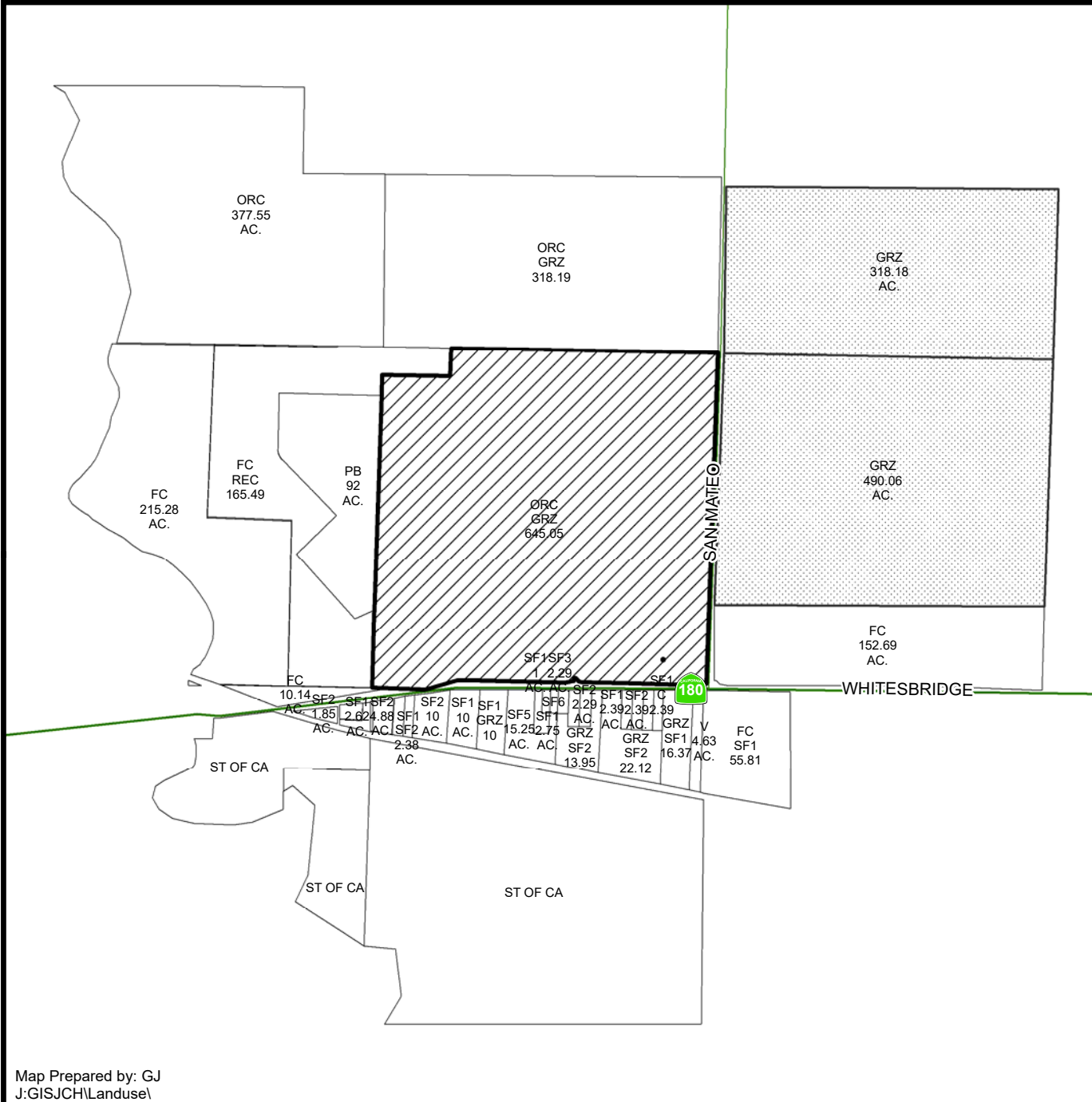


Legend

 City of Mendota Sphere of Influence



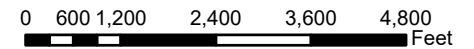
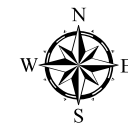
EXISTING LAND USE MAP



LEGEND	
C	COMMERCIAL
FC	FIELD CROP
GRZ	GRAZING
ORC	ORCHARD
PONDING BASIN	
REC	RECREATION
SF#	SINGLE FAMILY RESIDENCE
V	VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

SUPERIOR SOIL SUPPLEMENTS, LLC MENDOTA TRANSLOADING YARD SITE PLAN

FOR
CONDITIONAL USE PERMIT
MENDOTA, CA

PROJECT AUTHORITY

APPLICANT
SUPERIOR SOIL SUPPLEMENTS, LLC
TIM HILL
12100 WILSHIRE BLVD, STE 800
LOS ANGELES, CA 90025
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thill@gatehouse-partners.com

CIVIL ENGINEER
ROBISON ENGINEERING COMPANY, INC.
RYAN SWITZER, PE
846 VICTORIAN AVE, STE 20
SPARKS, NV 89431
(775) 852-2251 x 725
(775) 852-9736 FAX
rswitzer@robisoneng.com

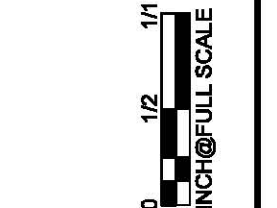
SHEET LIST

T1 TITLE SHEET
C1 SITE PLAN
C2 ACCESS PLAN
C3 GENERAL FLOOR PLANS

PROJECT SUMMARY

ADDRESS: 29400 WEST WHITEBRIDGE AVE MENDOTA, CA 93840
COUNTY: FRESNO, CALIFORNIA
ASSESSORS' PARCEL: 019070615
SITE DESCRIPTION: A PORTION OF SECTION 3, T14S-R15E, MDM
AREA: 645 ACRES
FEMA FLOOD ZONE: A PER FIRM 06019C2025H

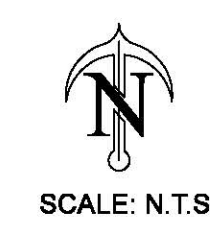
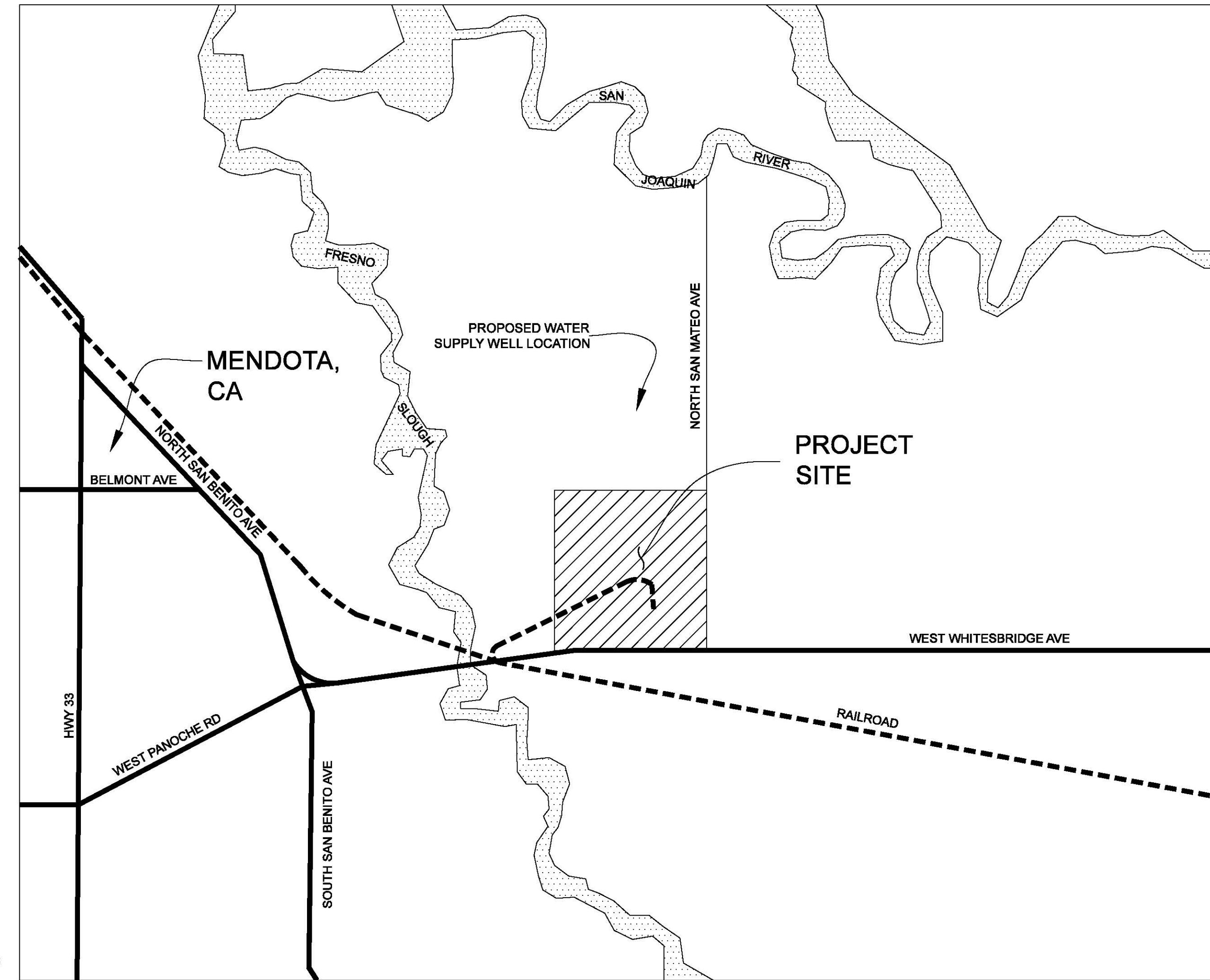
CONDITIONAL USE PERMIT
MENDOTA TRANSLOADING YARD SITE PLAN
SHEET T1
TITLE SHEET
FRESNO COUNTY
PROJECT NO. 1792-03.001
CALIFORNIA



PREPARED FOR:
SUPERIOR SOIL SUPPLEMENTS, LLC
12100 WILSHIRE BLVD, STE 800
LOS ANGELES, CA 90025
(626) 788-3977
DRAWN: RMS
DATE: 2018-08-24

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CONSTRUCTION

VICINITY MAP



Know what's below.
Call before you dig.

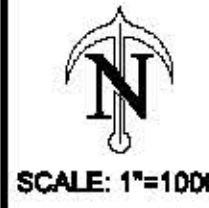
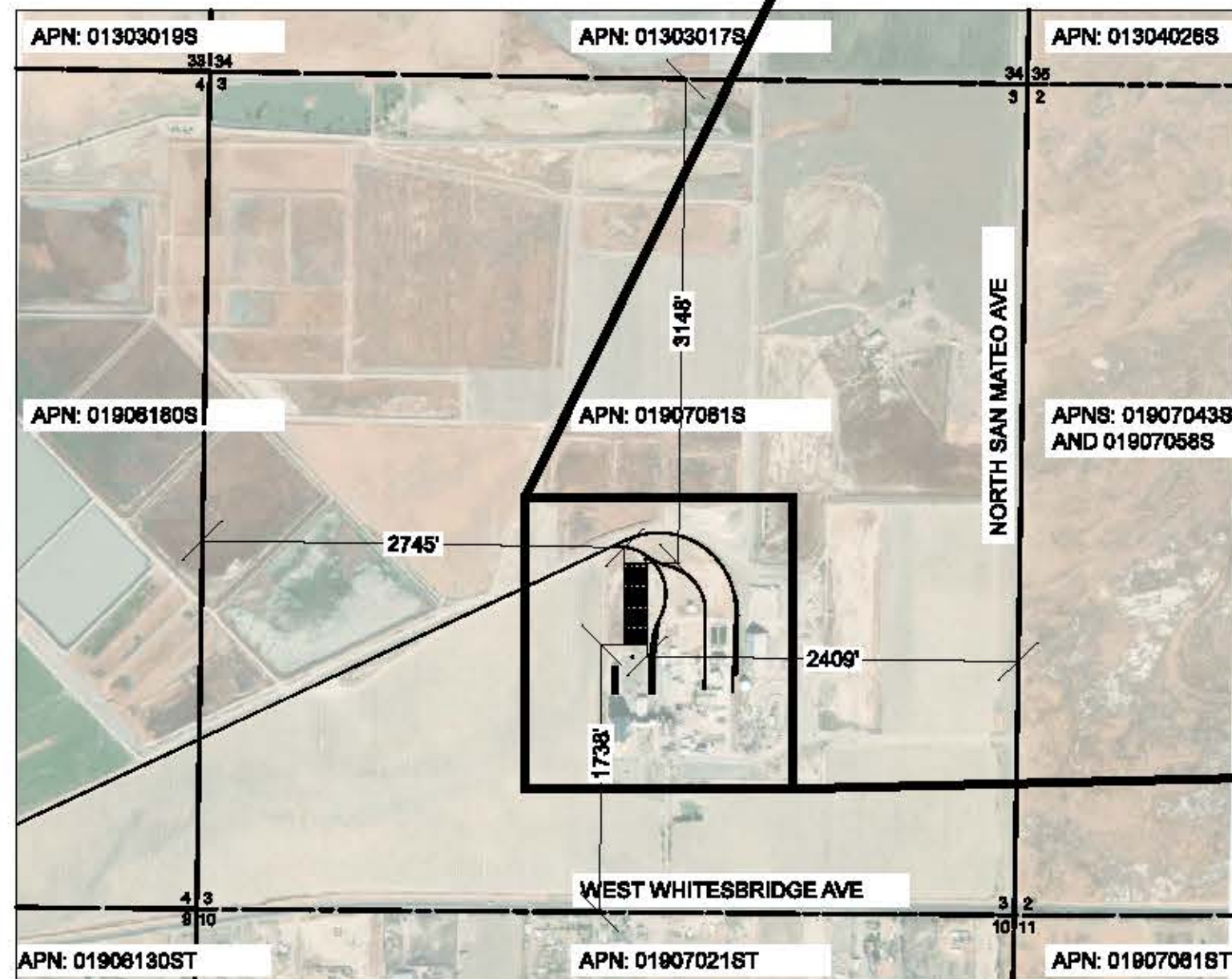
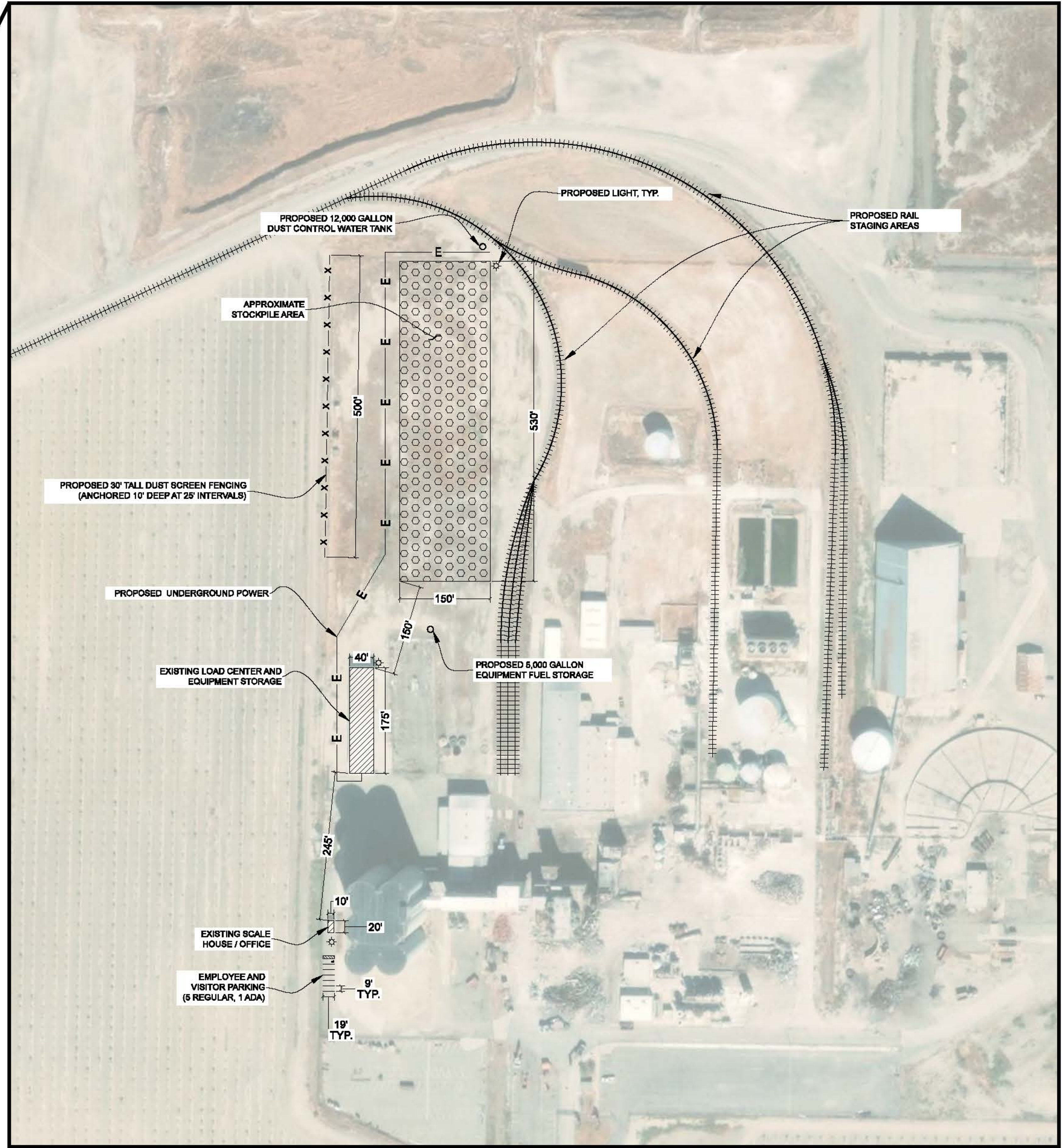
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REFERENCES	
NO	DESCRIPTION
1	FOR CLIENT REVIEW
2	FOR CUP SUBMITTAL

DATE	BY	CHK'D
2018-08-23	RMS	NER
2018-08-24	RMS	NER

NO	DESCRIPTION
1	REVISIONS
1	SHEET
	T1

- NOTES:
1. THIS MAP IS PREPARED TO ILLUSTRATE FEATURES FOR ARCHITECTURAL AND ENGINEERING PLANNING AND DESIGN ONLY. NO INFORMATION SHALL BE CONSTRUED TO REPRESENT A FORMAL SURVEY OF THE SUBJECT PROPERTY, OR TO RENDER ANY OPINION THEREON.
 2. LIGHTING INFORMATION: 300W LED SHOEBOX POLE LIGH FIXTURES (39,000LM 5,700K OUTDOOR LOT LIGHT AC100-277V)
 3. EXISTING SITE FENCING AND GATES ARE STANDARD 8' HIGH CHAIN LINK.



ALL WITHIN SECTION 3, T14S-R15E, MDM

CONDITIONAL USE PERMIT
MENDOTA TRANSLADING YARD SITE PLAN
SHEET C1
SITE PLAN
FRESNO COUNTY
CALIFORNIA
PROJECT NO. 1792-03.01



PREPARED FOR:
Superior Soil Supplements, LLC
1210 WILSHIRE AVE STE 800
LOS ANGELES, CA 90026
(626) 798-3977
DRAWN: RMS
DATE: 2018-08-28

**PRELIMINARY
NOT FOR
CONSTRUCTION**

1 AERIAL IMAGERY PROVIDED BY ESRI WORLD IMAGE

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2	2018-08-28	RMS	NER	FOR CUP SUBMITTAL


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2	2018-08-28	RMS	NER	FOR CUP SUBMITTAL

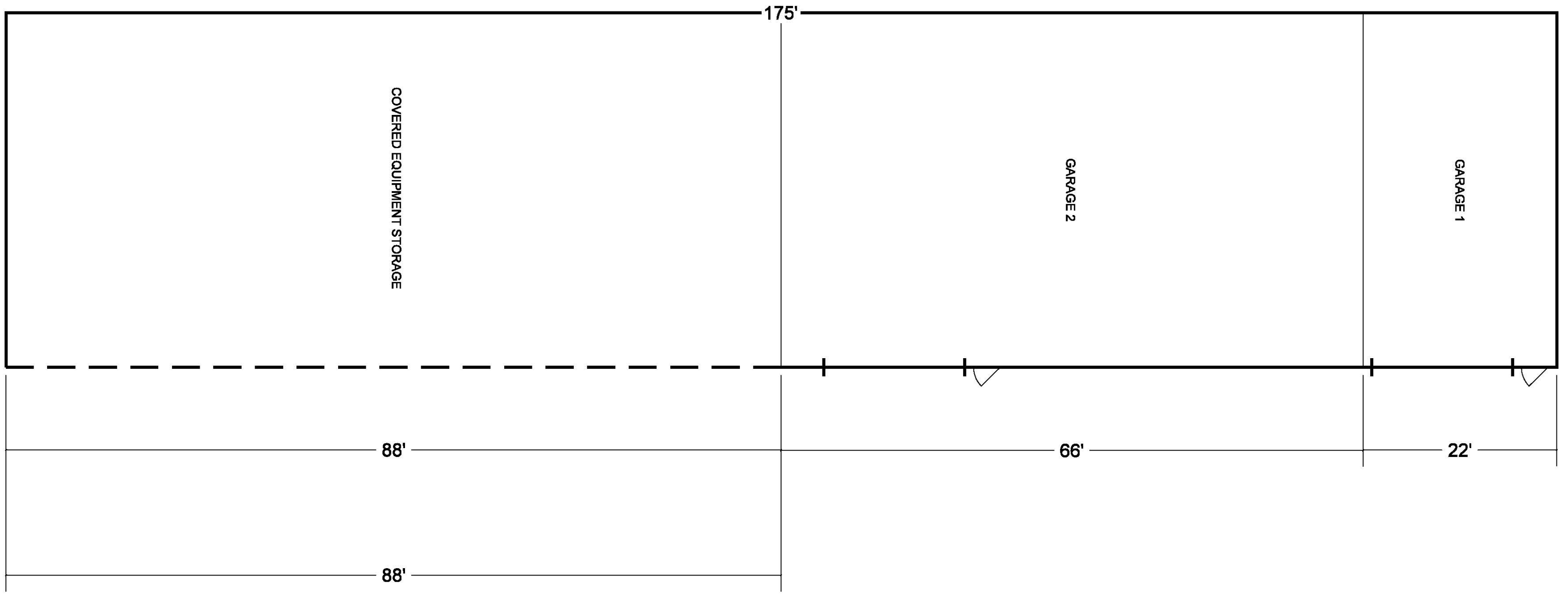
NO REVISIONS

SHEET
C1

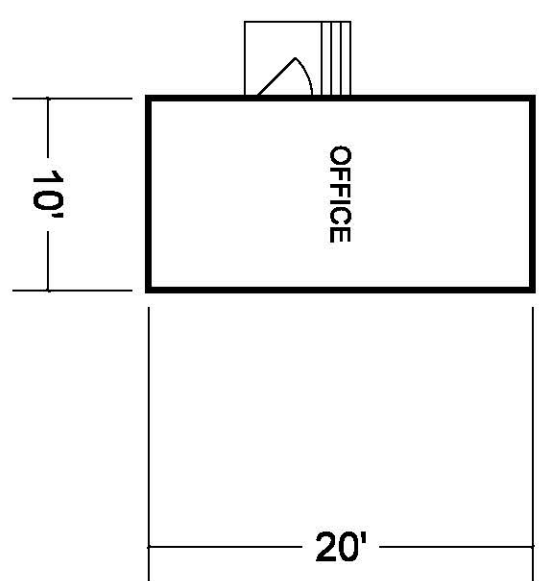
SCALE: 1"=100'




C2	NO	DESCRIPTION	DATE	BY	CHK'D					PRELIMINARY NOT FOR CONSTRUCTION	 <small>MS VICTORIANO AVILA JR. REGISTERED CIVIL ENGINEER www.robinsonea.com</small> PREPARED FOR: SUPERIOR SOIL SUPPLEMENTS, LLC <small>12100 WILSHIRE BLVD, STE 800 LOS ANGELES, CA 90025 (626) 788-3977</small>	<small>0 1/2 1/1</small> <small>INCH@FULL SCALE</small>	CONDITIONAL USE PERMIT MENDOTA TRANSLOADING YARD SITE PLAN SHEET C2 ACCESS PLAN <small>FRESNO COUNTY CALIFORNIA</small> PROJECT NO. 1-702-03.001
	P1	FOR CLIENT REVIEW	2018-08-22	RMS	NER	1	AERIAL IMAGERY PROVIDED BY ESRI WORLD IMAGE						
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F1-1
 C3
 SCALE: 1" = 12'
LOAD CENTER AND EQUIPMENT STORAGE FLOOR PLAN



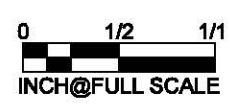
F1-2
 C3
 SCALE: 1" = 4'
SCALE HOUSE / OFFICE FLOOR PLAN

NO	DESCRIPTION	DATE	BY	CHK'D	1	AERIAL IMAGERY PROVIDED BY ESRI WORLD IMAGE
	FOR CLIENT REVIEW	2018-08-22	RMS	NER	2	
1	FOR CUP SUBMITTAL	2018-08-24	RMS	NER	3	
					4	
					5	
					6	

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CONSTRUCTION**



PREPARED FOR:
**SUPERIOR SOIL
 SUPPLEMENTS, LLC**
 12100 WILSHIRE BLVD, STE 800
 LOS ANGELES, CA 90025
 (626) 788-3977



CONDITIONAL USE PERMIT
MENDOTA TRANSLOADING YARD SITE PLAN
 SHEET C3
 GENERAL FLOOR PLANS
 FRESNO COUNTY CALIFORNIA
 PROJECT NO. 1-702-03.001



OPERATIONAL STATEMENT
Superior Soil Supplements, LLC

**Mendota Transloading Yard
CUP Operations Statement
Pre-Application Number 39514**

Prepared By:

Valerie Rosenkrantz – Managing Consultant

TRINITY CONSULTANTS, INC.
also known as Insight Environmental Consultants

5500 Ming Avenue, Suite 140
Bakersfield, CA 93309
661-282-2200

December 13 2018

Project 180505.0193



TABLE OF CONTENTS

1. PROJECT SUMMARY	1
2. PROJECT LOCATION	2
3. OPERATIONAL STATEMENT	4
3.1.1. Nature of Operations.....	4
3.1.2. Operational Time Limits.....	5
3.1.3. Number of Customers.....	5
3.1.4. Number of Employees/Trips.....	6
3.1.5. Service and Delivery Vehicles.....	6
3.1.6. Access to the Site.....	6
3.1.7. Number of Parking Spaces.....	7
3.1.8. Goods Sales.....	7
3.1.9. Equipment.....	7
3.1.10. Supplies/Materials.....	7
3.1.11. Does the Use Cause an Unsightly Appearance.....	7
3.1.12. Solid or Liquid Wastes to be Produced.....	9
3.1.13. Estimated Volume of Water to be Used (Gallons/Day).....	9
3.1.14. Described Any Proposed Advertising.....	10
3.1.15. Will Existing Buildings Be Used? Will New Buildings Be Constructed?.....	10
3.1.16. Building Uses in Operations.....	10
3.1.17. Outdoor Lighted and Sound Amplification.....	11
3.1.18. Landscaping and Fencing.....	11
3.1.19. Identify all Owners, Officers and/or Board Members.....	11
3.1.20. Construction Process.....	11
3.1.21. Approvals and Permits.....	11
APPENDIX A: SITE PHOTOGRAPHS	A-1
APPENDIX B: GRANT DEED	B-1

LIST OF FIGURES

Figure 2-1. Regional Location.....	2
Figure 2-2. Project Location.....	3
Figure 2-3. Assessor’s Map	3
Figure 3-1. Proposed Site Plan.....	5
Figure 3-2. Proposed Truck Circulation On-Site	6
Figure 3-3. View of Existing Site from SR 180 / W. Whitesbridge Avenue.....	8
Figure 3-4. View of Storage Pile Area Looking South at Storage Silos.....	8
Figure 3-5. Location of Off-Site Well	9
Figure 3-6. View of Existing Trailer for Office/Scale House.....	10

1. PROJECT SUMMARY

- Project Title:** Mendota Transloading Yard Project
- Project Location:** 29400 W. Whitesbridge Avenue, Mendota, Fresno County, CA 93640
Portion of Assessor Parcel Number 019-070-61S
- Entitlements:** Conditional Use Permit Application Package, Pre-Application Number 39514
- Lead Agency:** Fresno County Public Works and Planning
2220 Tulare Street Fresno, CA 93721
- General Plan:** Agriculture **Zoning:** Agriculture (AE-20)

Superior Soil Supplements, LLC (Superior) is proposing to use a portion of the existing Spreckels Sugar Company facility in Mendota, Fresno County. The project would allow the transloading (receive by rail, store, and truck out) of approximately 220,000 tons per year of gypsum and anhydrite (Mendota Transloading Yard Project). The gypsum and anhydrite will be shipped in separate railcars and stored in unique piles in the storage area.

The remainder of this report addresses Fresno County’s pre-application review No. 39514 requests: Section 2 presents the project location details; and Section 3 presents the operations statement.

2. PROJECT LOCATION

The Mendota Transloading Yard Project would be located at the Old Spreckels Sugar Plant at 29400 West Whitesbridge Avenue in Mendota, California 93640. The proposed site is approximately 2.5 miles southeast of the town of Mendota in western Fresno County. It is located at Section 3, Township 14S, Range 15E, Mount Diablo Base & Meridian (36 degrees 44'41.92" N, 120 degrees 19'45.69"W) at an elevation of 163 feet. The regional and project locations of the proposed project are shown in Figures 2-1 and 2-2. The Mendota Transloading Yard Project would be within a portion of Assessor Parcel Number (APN) 019-070-61S. Figure 2-3 shows the assessor's parcel map.

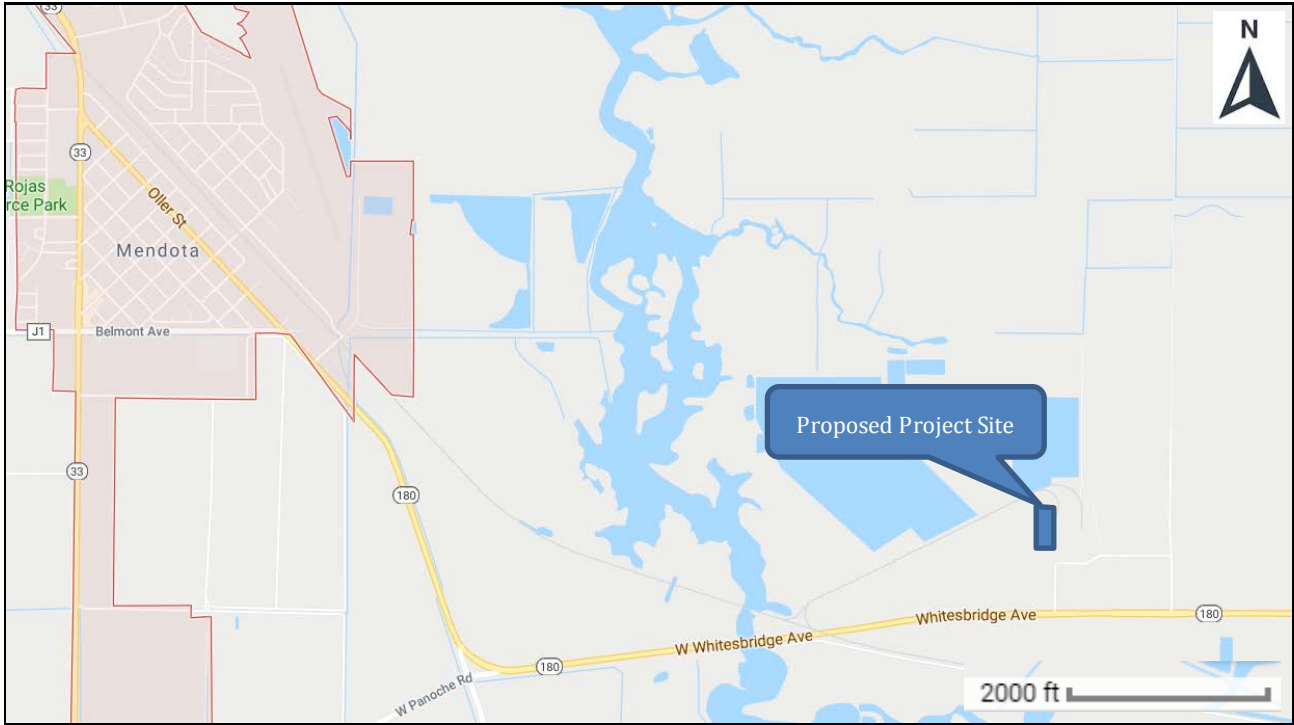
West Whitesbridge Avenue is also known as State Route 180, is a paved roadway, and would be the primary access to the project, with site ingress and egress from San Mateo Avenue. Photographs of the proposed project site are provided in Appendix A.

Figure 2-1. Regional Location



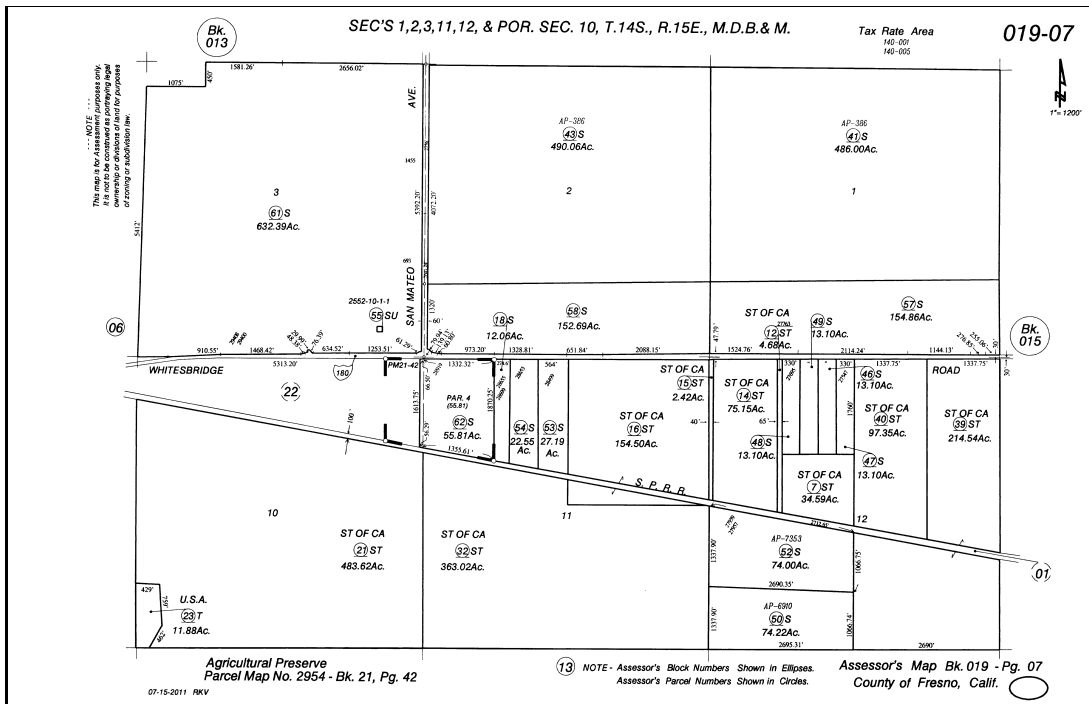
Source: Google Earth, 2018

Figure 2-2. Project Location



Source: Google Maps, 2018

Figure 2-3. Assessor's Map



3. OPERATIONAL STATEMENT

The project is a gypsum and anhydrite transloading operations within the Old Spreckels Sugar Plant, previously approved as CUPs 2652 and 2073 by Fresno County in 1994 and before. The Spreckels operation ceased its operations and cancelled its permits in 2016.

3.1.1. Nature of Operations

The purpose of the proposed Mendota Transloading Yard Project would be to allow the use of a portion of the Speckles Sugar plant property, under lease from the current property owners, for transloading the naturally-occurring minerals gypsum and anhydrite for use by the local agricultural community as soil supplements. The Mendota Transloading Yard Project is estimated to receive approximately 220,000 tons per year of gypsum and anhydrite by train (from Empire Mining Co., LLC in Nevada), transload with mobile excavators to an approximately 2.5-acre storage pile, and then truck out to the market. The gypsum and anhydrite will be shipped in separate railcars and stored in unique piles in the storage area.

The Mendota Transloading Yard Project would include dust control during transfer with water cannons, installation of a dust screen to block dust from being blown west to the adjacent farm fields, and a water truck for dust suppression in areas other than where the water cannons are operating. Water for the proposed dust control will be purchased from an off-site well approximately 5,700 feet north from the proposed operation and trucked via private farm road to the proposed on-site 12,000 gallon water storage tank.

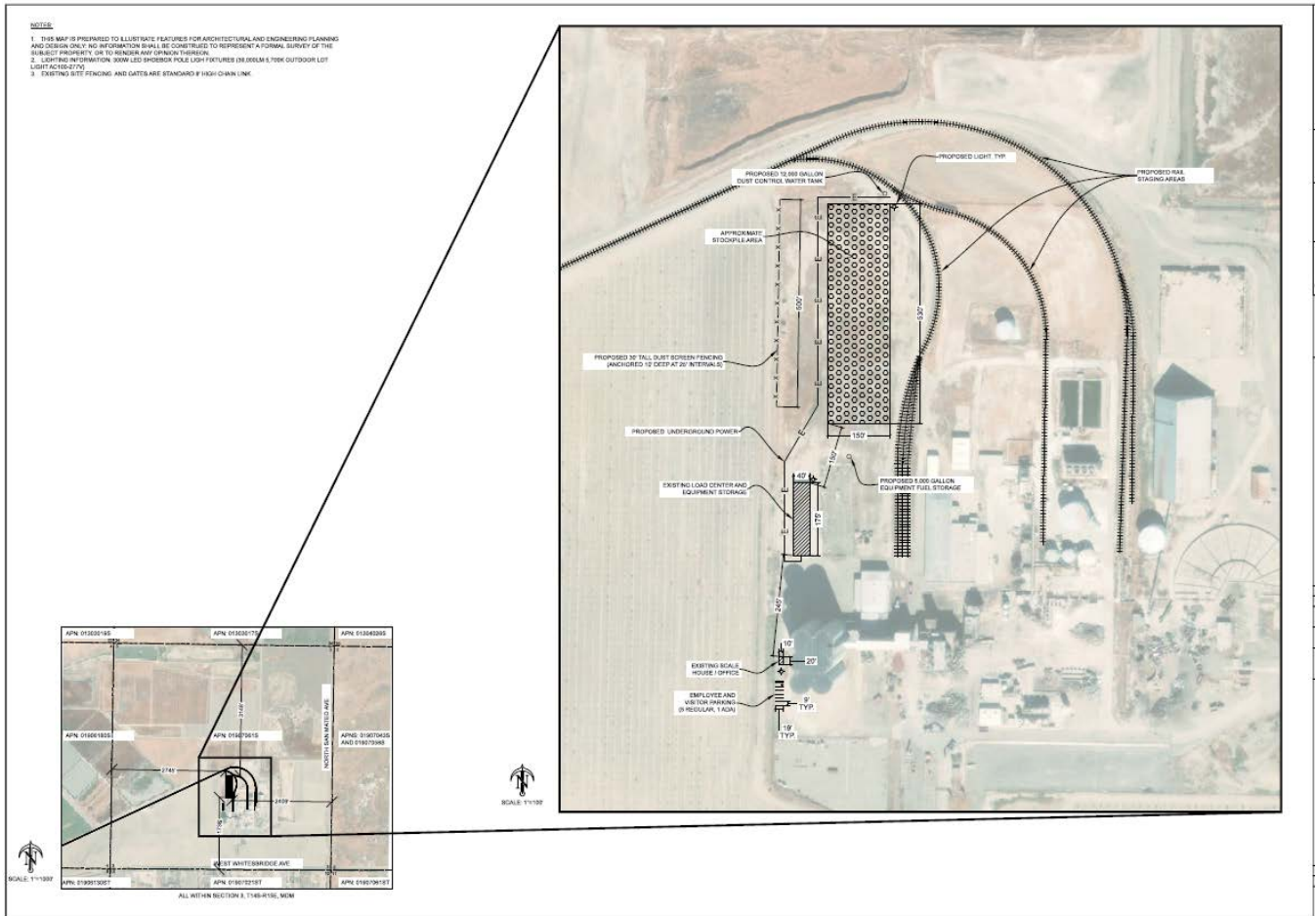
The Mendota Transloading Yard Project would include the installation of the following: 1) a 500 feet long and 30 feet high dust screen; 2) a 5,000 gallon fuel storage tank; and 3) a 12,000 gallon water storage tank. The Mendota Transloading Yard Project would include the use of the existing in-ground truck scale, trailer/office/scale house, and an existing shop/storage building. The Mendota Transloading Yard Project would include the following mobile equipment: excavator for unloading train, loader for stockpiling and loading customer trucks, a stacker/conveyor (possible), two (2) water cannons, and one (1) 4000-gallon water truck.

The trains will deliver the materials in 92-railcar units. At approximately 100 tons per railcar, each rail delivery would carry 9,200 tons. At an estimated 220,000 tons per year, there would be a maximum of 36 rail deliveries per year. The trains would deliver anytime during a 24-hour period, seven days per week, based on when there is availability to pass through the tracks. The trucks would load five days a week, typically for 36 trips per day. At most, 50 trucks would be loaded on any given day.

The Mendota Transloading Yard Project would not mix or package the materials. This would be solely a transloading operation. This project would use the existing facility infrastructure:

- The existing site access from San Mateo Avenue and existing on-site circulation.
- Existing truck scale
- Existing trailer serving as an office/scale house
- Existing shop/storage building
- Existing railroad tracks
- Existing power service on site

Figure 3-1. Proposed Site Plan



3.1.2. Operational Time Limits

Regular operating hours would generally include one shift per day, five days per week: 5:00 a.m. until 5:00 p.m. (and when necessary, Saturday and Sunday). Occasionally, operating hours maybe expanded to accommodate particular customer deliveries. When required for unloading the train, if it arrives outside normal operating hours, an extra shift may be assigned to receive the train and begin the unloading process.

3.1.3. Number of Customers

The Mendota Transloading Yard facility would not be a retail facility and would therefore have with no retail customers visiting. The facility would be controlled with perimeter fencing to discourage trespassing. Only materials deliveries, distribution trucks, and employees would be accessing the Mendota Transloading Yard facility.

3.1.4. Number of Employees/Trips

The Mendota Transloading Yard Facility would employ three (3) year-round employees. The five day per week shift would span from 5:00 a.m. through 5:00 p.m., and when necessary, Saturday and Sunday.

3.1.5. Service and Delivery Vehicles

At an average of 36 trucks per day and a maximum of 50 trucks per day, the haul trucks carrying gypsum/anhydrite off-site for distribution to farming customers within a 100-mile radius would be belt trailers, walking floors (self-unloading) or something comparable. Almost all the trailers would be covered; those without coverage would be sprayed down before exit.

3.1.6. Access to the Site

The Mendota Transloading Yard Project would be located on West Whitesbridge Avenue, approximately 2.5 miles southeast of Mendota in western Fresno County. The main project entrance is located from San Mateo Avenue and intersects with West Whitesbridge Avenue, also known as SR 180, and is a paved road.

Regional traffic would access West Whitesbridge Avenue, which connects to regional routes to the east and west. The internal traffic circulation pattern is show in Figure 3-2.

Figure 3-2. Proposed Truck Circulation On-Site



3.1.7. Number of Parking Spaces

The project would include use of existing on-site parking spaces (5 regular, 1 handicap) near the existing on-site scale (see Figure 3-1).

3.1.8. Goods Sales

The proposed project is a gypsum and anhydrite transloading facility. No sales would occur on site. The Mendota Transloading Yard Project would approximately receive 220,000 tons per year of gypsum and anhydrite by train (from Empire Mining Co., LLC in Nevada), transload with mobile equipment to an approximately 2.5-acre storage pile, and then truck out to the market.

3.1.9. Equipment

The project would include the following mobile equipment which will remain in place on site at all times:

- One excavator for unloading train,
- One loader for stockpiling and loading customer trucks,
- A mobile trailer/office/scale house (tied down),
- A stacker/conveyor (possible),
- Two water cannons, and
- One 4000-gallon water truck.

3.1.10. Supplies/Materials

The project would include the following supplies and materials:

- Raw materials – incoming gypsum and anhydrite;
- Dust suppression water treatment;
- Equipment maintenance - lubricating oil, gear oil, hydraulic oil;
- Natural Gas or Propane; and
- Office supplies.

3.1.11. Does the Use Cause an Unsightly Appearance

The proposed outdoor storage piles of gypsum or anhydrite would include no more than 2.5 acres of surface area, a maximum height of 25 feet in a modified triangular pyramid shapes with a maximum of 50,000 tons stored in an outdoor piles. The addition of an outdoor storage piles would hardly change the visual character of the site. The land uses surrounding the proposed project site are as follows:

North – Railroad spur and agriculture

East – Railroad spur, existing Spreckels plant and agriculture

South – Agriculture, SR 180 and ag/residential

West – Agriculture

Figure 3-3 shows the street-level view of the proposed Mendota Transloading Yard Project site from SR 180, which is behind the existing silos and buildings. Figure 3-4 shows the view of the storage pile area looking south. These images show that the storage piles would not be easily visible behind the storage silos to the west and from over 1,500 feet away from SR 180, even when the storage pile is at its maximum storage height of 25 feet.

Figure 3-3. View of Existing Site from SR 180 / W. Whitesbridge Avenue



Source: Google Earth, 2018

Figure 3-4. View of Storage Pile Area Looking South at Storage Silos



Dust would be managed through (1) use of two on-site water cannons and a watering truck during materials transloading, and (2) installation of a dust screen. On-site lighting would be focused on the existing operations; 24-hour operations would be limited to train deliveries, if necessary (estimated to average two days per month).

All existing light is directed to on-site operations area. Any proposed project lighting would also be directed to on-site operations and would be attached to mobile equipment and office trailer. There would be no off-site glare. Gypsum and anhydrite are inert, organic materials and produce no distinct odor; the transloading facility would therefore not be a source of nuisance odors.

3.1.12. Solid or Liquid Wastes to be Produced

The gypsum and anhydrite transloading yard would have no materials processing and therefore would not generate a solid or liquid industrial waste stream. There could be a small waste stream from employee use of a porta-potty. The water used for dust suppression would be adsorbed into the gypsum and anhydrite to create a cake layer to reduce dust dispersion; there would be no water runoff off site from operations of the water cannons and water truck.

3.1.13. Estimated Volume of Water to be Used (Gallons/Day)

Water consumption at the Mendota Transloading Yard is estimated at up to 10,000 gallons per day and 3,000,000 gallons of water per year for dust suppression. The water would be purchased from the owners of an existing off-site water well located approximately one mile north of the proposed transloading operations on APN 013-030-17S and depicted in Figure 3-5. This purchased water would be trucked on-site via private farm road and stored in the proposed 12,000-gallon storage tank.

Figure 3-5. Location of Off-Site Well



3.1.14. Described Any Proposed Advertising

Signage has already been installed in compliance with County Code for the existing Spreckels plant displaying the facility name, address, and entry restrictions. The project signage is located at the main facility entrance on W. Whitesbridge Avenue.

3.1.15. Will Existing Buildings Be Used? Will New Buildings Be Constructed?

There are no proposed new, permanent buildings. The project would use existing facility scales, existing power, on-site roadways, and existing railroad spurs. The project will use an existing mobile trailer as an office/scale house, depicted in Figure 3-6 below. A permanent 30-foot high dust screen would be installed along 500 feet of the western operations boundary (adjacent to the storage pile) to reduce dust blowing onto the adjacent agricultural fields, as shown in Figure 3-1; it would be anchored every 25 feet with 40-foot poles sunken 10 feet underground.

The project would include a 5,000-gallon fuel storage tank and a 12,000-gallon water storage tank. The project would extend on-site power through underground conduits to install power access as shown in Figure 3-1. The project would use an outhouse for sanitation and truck in drinking water for employee use.

Figure 3-6. View of Existing Trailer for Office/Scale House



3.1.16. Building Uses in Operations

See response to Section 3.1.15 above.

3.1.17. Outdoor Lighted and Sound Amplification

There would be no new buildings and therefore no new permanent exterior lighting. Mobile equipment would be equipped with lighting for nighttime unloading and loading when necessary. There is no proposed sound amplification.

3.1.18. Landscaping and Fencing

The facility already has existing perimeter fencing and drought-tolerant landscaping with native species in compliance with Fresno County regulations. The Mendota Transloading Yard Project would not affect existing landscaping and fencing already approved under CUP 2652. As this is a transloading facility for soil supplements, all landscaping is limited to the exterior of the facility; no new landscaping is proposed.

3.1.19. Identify all Owners, Officers and/or Board Members

Superior Soil Supplements, LLC is the lessee of the project site. The owner of the project site and the adjoining farmland is Meyers Farming, LLC. A copy of the grant deed and legal description for the project site is included in Appendix B. Superior is manager-managed by Gatehouse Partners, LLC and E. Galen Stockton. Gatehouse Partners has three principals, Edward C. Roohan, Henry N. Millner, and Timothy A. Hill. The officers of Superior are:

Rick L. Dreo	President
E. Galen Stockton	Executive Vice President
Timothy A. Hill	Executive Vice President
Henry N. Millner	Executive Vice President and Treasurer
Edward C. Roohan	Executive Vice President and Secretary

3.1.20. Construction Process

The 30-foot high dust screen is the only permanent structure proposed for installation. Forty-foot poles would be installed every 25 feet in 6-inch diameter holes 10 feet deep. On-site installation would entail approximately 1 week of digging and installing foundations for the poles and then assembling the dust screen. The screen materials would be fabricated offsite and transported on-site via truck; anticipated shipping would be from within Fresno County.

The remaining proposed equipment is mobile, including the office trailer. Any supports for stable operations would include hand placed concrete blocks and tie downs for the mobile office trailer.

3.1.21. Approvals and Permits

The proposed project will require the following approvals and permits.

- Fresno County (Lead Agency) – Review for conformity with existing CUP and determine whether a CUP process triggered; complete Site Plan Review; comply with CEQA; approve the proposed project; and issue the building permits (where applicable).
- SJVAPCD (Responsible Agency) – Applicable rules and regulations.
- RWCQB (potential Responsible Agency) - Applicable rules and regulations (storm water).
- State Water Resources Control Board - Division of Drinking Water (potential Responsible Agency) – Applicable rules and regulations.

APPENDIX A: SITE PHOTOGRAPHS

Views from Project Site



At North Site Boundary Looking North



From North Site Boundary Looking into the Site



At South Site Boundary Looking South



From South Site Boundary Looking into the Site



From East Site Boundary Looking East



From East Site Boundary Looking into the Site



From West Site Boundary Looking West



From West Site Boundary Looking into the Site



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Superior Soil Supplements, LLC
- APPLICATION NOS.: Initial Study Application No. 7513 and Classified Conditional Use Permit Application No. 3622
- DESCRIPTION: Allow a commercial establishment for the storage and sale of gypsum and anhydrate (agricultural mineral soil supplements) on a portion of a 645.05-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. This site will receive approximately 220,000 tons per year of gypsum and anhydrate via existing rail spurs, store these materials on a 2.5-acre area of land, and truck these minerals to local clients.
- LOCATION: The project site is located on the north side of W. Whitesbridge Avenue (SR 180), at the northwest corner of its intersection with N. San Mateo Avenue, approximately 2.5 miles southeast of the nearest city limits of the City of Mendota (29400 W. Whitesbridge Avenue) (Sup. Dist. 1) (APN: 019-070-61S).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located in a flat area with no nearby scenic vistas, trees, outcroppings, historic buildings, or designated state scenic highways. The most notable aesthetic impact of this project will be the piles of gypsum and anhydrate, and the 30-foot-tall screen to be located on the western side of the material stockpiles. The stockpiles may reach up to 25 feet in height, and could cover up to 2.5 acres of the project site. However, these improvements will be located approximately 1,800 feet away from State

Route 180 (SR 180). The project will also include a 200 square-foot mobile office, and an existing 7,000 square-foot metal structure. These improvements will all be set back over 1,000 feet from SR 180, and will be shorter than the existing on-site improvements. These structure will be clearly subordinate to the many industrial structures already located on the property from its previous use as a sugar factory. As a result, the project will have an insignificant impact on the appearance of the property.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING POTENTIALLY SIGNIFICANT IMPACT:

Mobile lighting equipment will be used at night when gypsum and anhydrate are delivered via train, and must be unloaded. This is expected to occur an average of two nights per month. Mobile lighting may also be necessary for operation within their typical business hours (5am to 5pm) during certain times of the year. This lighting will be directed at the operation, and will not shine on neighboring properties or produce any glare. Due to the distance (approximately 0.5 mile) between the proposed operation and the adjacent parcels to the west and north, and the existing structures immediately to the south and east of the material storage area, the proposed mobile lighting around the gypsum and anhydrate piles is unlikely to impact any of the surrounding properties. The proposed mobile trailer is over 1,000 feet from SR 180, and any lighting on this structure would be the most likely to impact surrounding properties because it is closest to a parcel boundary and the least shielded by existing structures. To ensure a less than significant impact, adherence to the following mitigation measure will be required.

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project impact area is designated as “Urban and Built Up Land” in the California Department of Conservation’s 2014 Important Farmland Map. No land designated as prime, unique, or of statewide importance will be developed as a result of the proposed project. The parcel is designated as AE-20 (Exclusive Agricultural, 20-acre minimum parcel size), and is designated for agricultural use by the Fresno County General Plan. Land uses that support agricultural operations, such as agricultural chemical, fertilizer, and soil supplement distribution operations, are allowed in agricultural areas with approval of a discretionary use permit.

- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The proposed project is not in an area of forest land or timberland production.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

There is farmland that is actively cultivated to the west of the proposed project site. It is located on the same property as the proposed facility, and a 30-foot-tall dust screen will be erected between the proposed gypsum/anhydrite stockpiles and the agricultural operation to ensure that dust from the proposed stockpiles does not negatively impact the growth of the crops. The land directly to the north of the proposed operation (on the same parcel) is not currently engaged in agricultural cultivation, and is designated as “Vacant or Disturbed Land” by the California Department of Conservation. The “Prime Farmland” and “Farmland of Statewide Importance” to the south and east of the operation (located on the same parcel) is separated from the proposed operation by existing industrial structures. One existing private roadway on the parcel, which will be used by the proposed operation, crosses through this farmland. However, no new roads will be built through this area, and there is no current cultivation.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The County of Fresno is a non-attainment area for PM-2.5, PM-10, and Ozone. The proposed project will result in limited construction emissions, necessary for road improvements, and installation of the mobile office and dust screens. Heavy equipment will be operated to move gypsum/anhydrate, spray water, and perform other essential functions. The applicant estimates that an average of 36 (maximum of 50) haul trucks will deliver materials to farmers within a 100 mile radius of the project site each day. The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviewed the project and ~~expressed no concerns~~ **determined that the project was unlikely to exceed the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).** The project will be subject to the policies set forth by SJVAPCD, **including District Rule 2201 (New and Modified Stationary Source Review Rule) and/or District Rule 2010 (Permits Required)**, which could require emissions reduction or appropriate dust management measures **during construction or operation.** The applicant already proposes one large, permanent dust screen, the use of water to minimize dust from the stockpiles, and they plan to either use water or cloth screens on the haul trucks to minimize the amount of dust produced during delivery. With adherence to the policies of SJVAPCD, this project will have a less than significant impact on the air quality.

IV. BIOLOGICAL RESOURCES

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A biological assessment was performed for the project site, **and was reviewed by the U.S. Department of Fish and Wildlife Service (USFWS).** ~~and~~ **During this review,** it was determined that some special-status species are present or could be present in the project area. The San Joaquin coachwhip, coast horned lizard, burrowing owl, Swainson's hawk, mountain plover, western mastiff bat, western red bat, American Badger, ~~and~~ San Joaquin kit fox, **blunt-nosed leopard lizard, and giant garter snake** were determined to be "possibly" present ~~by a qualified biologist in their assessment of the site on October 24, 2018.~~ The loggerhead shrike was observed on the project site during the survey **on October 24, 2018.** Based on the required habitat and behavioral tendencies of the present and potentially present species, as well as the project description, the following mitigation measures will ensure that all impacts to these species are less than significant.

* **Mitigation Measure(s)**

1. *For the initial date(s) of ground disturbance and substantial activity, a qualified biologist shall be present to ensure that no special-status species are present on site which could be disturbed by the proposed activity. A memorandum from this biologist shall be provided to the County confirming that they were present during*

this time. If special-status species are detected or suspected of being present at this time, all activity shall cease and the applicant must consult with the U.S. Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) to ensure that all species-specific guidelines are followed.

- 2. All project-related vehicles shall observe a 20-mph speed limit within the boundaries of the subject parcel. Traffic shall not deviate from the circulation demonstrated in the site plan.*
 - 3. All construction shall occur during daylight hours, and at the close of each working day, any excavated, steep-walled holes or trenches of more than two feet deep shall be covered (with plywood or similar material) or provided with at least one "escape ramp" of earth fill or wooden planks to prevent inadvertent entrapment. Before any such holes or trenches are filled, they must be thoroughly inspected for trapped animals.*
 - 4. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the site overnight should be thoroughly inspected for kit foxes before they are moved, buried or capped. If a kit fox is discovered in one of these structures, USFWS shall be consulted immediately. If necessary, the structure may be moved once to remove it from the path of construction activity; it shall only be moved once and it shall only be done under the direct supervision of a qualified biologist.*
 - 5. All trash and food items shall be discarded into closed containers and properly disposed of at the end of each workday.*
 - 6. No dogs, cats, or other pets shall be allowed on the project site.*
 - 7. If a special-status reptile is found in the work area during construction, work in that area shall cease until the creature moves off the site of their own accord.*
 - 8. If construction activities are scheduled during the breeding bird season, from February 15th through September 15th, a pre-construction survey for nesting birds shall be conducted within the project footprint with a 500-foot buffer area surrounding the project footprint. Construction activities may not take place within 250 feet of an active bird nest or within 500 feet of an active raptor nest. This distance may only be reduced if a biological monitor determines that the activities are not affecting the breeding success of the nesting birds.*
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area does not include any riparian habitat, sensitive natural communities, or wetlands. The project is located on a developed portion of the subject parcel, which was once used for an industrial operation. There are no trees or foliage indicative of a riparian habitat on site. Additionally, the elevated rail spurs (approximately four feet tall) form a barrier between the artificially-flooded ponds to the north of the project site and the proposed operation. There are natural, freshwater, riverine, wetland habitats nearby; adherence to the County Flood Hazard Ordinance, which will either result in a watertight barrier surrounding the whole operation or the stockpile area being raised above the existing grade, will ensure that even in 100-year flood conditions, the project does not significantly impact these resources with runoff.

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

FINDING: NO IMPACT:

The project will not conflict with any local ordinances or conservation plans.

V. CULTURAL RESOURCES

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed project includes the following ground-disturbing activities: setting posts for the dust screen, tie downs for a mobile office, burying an electrical line, and the grading necessary to build a watertight earthen barrier or a raised storage area in compliance with the County Flood Hazard Ordinance. This soil will come from within the same flood zone that the project is situated in. The project is located in the same area of the parcel as an old sugar factory, so the ground has been disturbed and heavily trafficked in the past. The project is in an area of medium archaeological sensitivity according to the Fresno County General Plan Background Report (FCGPBR). The Southern San Joaquin Valley Information Center (SSJVIC) reviewed the project and reported that there were no known cultural resources present on site. Additionally, no tribes expressed concerns about archaeological resources when given the opportunity to review the proposed project. The following Mitigation Measure will ensure a less than significant impact to cultural resources if they are encountered during construction activities.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities related to this project, 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. GEOLOGY AND SOILS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County General Plan Background Report (FCGPBR) Figure 9-5, the project area's probability of experiencing a seismic hazard in 50 years, which would exceed peak ground acceleration, is 20-40%. Current building codes are designed to account for seismic hazard, and adherence to these codes will be required with building permits. Approximately 36 truck drivers and three employees will be on site during operation each day, but the truck drivers will only be there for the amount of time it takes to fill the haul trucks.

4. Landslides?

FINDING: NO IMPACT:

The proposed project is not located in an area of steep slopes (FCGPBR Figure 7-2). The topography of the area is quite flat, and the proposed project will not change this or increase the risk of loss, injury, or death due to landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is flat, and the proposed project will not increase the possibility of on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Additionally, all grading activities will be subject to the County's standard permitting review process.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Grading will be required for the proposed project to conform to the County Flood Hazard Ordinance, either through the construction of an earthen berm around the project site or to raise the stockpile area. Ultimately, this construction will prevent erosion from the project site. Additionally, all grading activities will require permits from the County, and this review process will reduce any erosion-causing activities to a less than significant impact.

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

According to the Fresno County General Plan (Figure 7-1), expansive soils are not a concern in or around the project area.

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

FINDING: NO IMPACT:

No new septic systems are proposed.

VII. GREENHOUSE GAS EMISSIONS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviewed the project and had no concerns regarding the proposal. It is required that the project adhere to all standards and reporting guidelines set forth by SJVAPCD.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Gypsum and anhydrate are not hazardous materials, and they will be the primary substances transported as a result of the proposed project. A 5,000-gallon fuel storage tank is being installed on site to provide fuel for operational equipment. Natural gas or propane will also be used on site. These substances are prevalent, and the use, storage, and transportation of these materials is not expected to have a significant impact on the environment when they are handled in accordance with state and local regulations.

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

FINDING: NO IMPACT:

The project area is approximately 3.38 miles from the nearest school in Mendota, CA.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would be located on an old beet sugar factory site. It will only utilize one existing structure, but the entire project will be within the vicinity of the old facility. As such, it is located on a hazardous waste (RCRA) site that has previously reported toxic releases (TRI) and air pollution (ICIS-AIR). The last reported toxic release was Ammonia in 2008. In the 1980's and 1990's, the facility also reported releases of Nitrate Compounds, Nitric Acid, Hydrochloric Acid, Chlorine, and Sodium Hydroxide. ICIS-AIR records indicate that the operation is permanently closed, so the major emissions once

produced on the property are no longer produced. Data from the National Emissions Inventory (NEI) further corroborates this conclusion, showing that Hazardous Air Pollutants (HAPs) dropped from 1,300.93 pounds in 2008 to 0.71 pounds in 2014. Volatile Organic Compounds (VOCs) dropped from 2,014.17 pounds in 2008 to 0.19 pounds in 2014. The facility is currently being monitored under the RCRA (Resource Conservation and Recovery Act), and is currently in compliance with these regulations.

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

FINDING: NO IMPACT:

The project does not fall within the land use plan of the nearest airport, Mendota Municipal.

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project is not in the vicinity of a private airstrip.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan; or

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project location is classified as having a moderate fire hazard. The Fresno County Fire Protection District and the Fresno County Sheriff's Department were provided the opportunity to comment on the proposed project and expressed no concerns. The proposed operation is set back over 1,000 feet from the nearest public roadway, State Route 180. This project will not conflict with an existing emergency response plan, and it will not expose people or structures to additional risk of loss.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality; or
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project will utilize up to 3,000,000 gallons of water per year for dust suppression. Spraying water on piles of gypsum and anhydrate forms a crust on the material, which keeps it in place. This water will be drawn from an off-site well on APN 013-030-17S. The project is not in a water-short portion of the County, and the anticipated water use will not have a significant impact on water quality.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or
- F. Would the project otherwise substantially degrade water quality; or
- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows; or
- I. Would the project expose persons or structures to levee or dam failure?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There are no permanent or intermittent streams or rivers running through the project area. The proposed project is located in a special flood hazard area, Zone A, which is within the 100-year floodplain. The area is not subject to flood due to levee or dam failure (FEMA). To comply with the County Flood Hazard Ordinance, steps must be taken to ensure that in a 100-year flood scenario, the large quantities of gypsum and anhydrate stored on site are not displaced. This will be achieved either through the construction of a watertight barrier of sufficient height around the project site, or by raising the stockpile area. Additionally, it is the applicant's responsibility to adhere to the requirements set forth by the California State Water Resources Control Board, which could mean obtaining an Industrial General Permit for their facility. With adherence to the following Mitigation Measure, the project will have a less than significant impact on erosion, flood hazards, and water quality.

* **Mitigation Measure(s)**

1. *The outdoor storage of bulk materials shall comply with Fresno County Ordinance Code Chapter 15.48, Flood Hazard Areas, through the construction of*

a watertight barrier taller than the Base Flood Elevation (BFE) or by elevating the storage site to an elevation above the BFE.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not in an area of steep slopes (FCGPBR), nor is it near a large body of water with risk for seiche or tsunami.

X. LAND USE AND PLANNING

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

FINDING: NO IMPACT:

The proposed project will not divide an established community; it will only allow the stockpiling and transportation of gypsum and anhydrate materials on the site of a closed beet sugar factory. The project site is in a rural area outside of the community of Mendota. No existing structures will be demolished, only a dust screen and mobile office will be installed, and no communities will be divided as a result of the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed operation is allowed on land reserved for agricultural uses by the Fresno County General Plan and in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District when a Conditional Use Permit is approved by the Planning Commission for such an operation. If the associated use permit is approved, the project will not conflict with any land use plans, policies or regulations.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no applicable Habitat Conservation Plans or Natural Community Conservation Plans for this geographic area.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or

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

FINDING: NO IMPACT:

The Fresno County General Plan Mineral Resources Location Map, Figure 7-7, indicates that the proposed project is not near any known mineral resources. If unknown mineral resources are present, the proposed project would not eliminate these resources or significantly affect their accessibility because no concrete or large structures are proposed.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Loading trucks with gypsum and anhydrate, unloading these materials from rail cars, and hitching/unhitching rail cars from trains will result in noise. All of this noise production will be concentrated in the area south of the existing rail spurs. The only nearby residential housing is approximately 2,000 feet south and west of the noise-producing area of the parcel and on the other side of SR 180. Between the area of noise production and this housing are also four existing structures, which will help muffle the sound. Rail deliveries will be made 92 train cars at a time, approximately 36 times per year. It is required that all operations adhere to the Fresno County Noise Ordinance, and this operation will be no exception. Trucks will be loaded from 5am to 5pm. Due to the distance from nearby residences, existing barriers between the operation and housing, infrequent rail deliveries, and mandatory adherence to the noise ordinance, it is determined that the facility will have a less than significant impact.

- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The operation may produce some vibration through the use of heavy equipment, however, the distance between the proposed operation and the edge of the subject parcel (approximately 1,000 feet) will make any vibration-related impacts insignificant.

- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The engines of operating machinery will create ambient noise, but are in excess of 1,000 feet from residential structures and the site is separated from the residences by a four-lane highway.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The nearest airport, Mendota Municipal, is approximately 2.6 miles northwest of the project site. It has a planning area with delineated sound contours, and the project is not located within this area. The airport's proximity to the project will not result in noise-related concerns.

XIII. POPULATION AND HOUSING

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

FINDING: NO IMPACT:

The proposed agricultural mineral soil supplement transloading facility will not induce population growth, eliminate existing housing, or displace anyone from their homes. Population and housing will not be impacted.

XIV. PUBLIC SERVICES

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project will not result in population growth or otherwise require the expansion or alteration of any public facilities.

XV. RECREATION

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

FINDING: NO IMPACT:

The proposed agricultural equipment facility will not affect the usage of parks or recreational facilities because it will not affect the population or demographics of the community. No new parks or recreational facilities will be required as a result of the proposed project.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The maximum number of trips per day is 50 two-way truck trips and 5 two-way employee trips. All vehicles will enter the facility from San Mateo Avenue, and will therefore use the 0.32-mile stretch of San Mateo Avenue between State Route 180 (SR 180) and the entrance to the facility. Caltrans has jurisdiction over SR 180, and has determined that the project will have a less than significant impact on the traffic congestion and condition of this roadway. San Mateo Avenue is a County-maintained road. The 0.32-mile stretch between SR 180 and the facility's entrance has an ADT of 700, pavement width of 32.3 feet, and is in very poor condition. The stretch of road north of this 0.32-mile section is in fair condition. Due to the relatively low number of daily traffic trips and the distribution of these trips, traffic impacts will be less than significant. However, the very poor condition of San Mateo Avenue and the weight of the trucks required to move large quantities of gypsum and anhydrate could further deteriorate a road already in poor condition. Therefore, the following mitigation measure is required to ensure that the integrity of this public road is not jeopardized by the proposed use.

* **Mitigation Measure(s)**

1. *A 2-inch asphalt overlay must be applied to the entire width (32.3 feet) of San Mateo Avenue, between State Route 180 and 0.32 miles north of State Route 180. This overlay must properly tie into the surface of State Route 180 and the existing overlay north of the stretch of San Mateo Avenue used to access the proposed facility. Re-striping and other road improvements will be required by the Road Maintenance and Operations Division to ensure safety and usability.*

C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The proposed project will not result in any tall structures or air hazards.

D. Would the project substantially increase traffic hazards due to design features?

FINDING: NO IMPACT:

The design of the proposed project is not conspicuous. The project site already hosts many structures much taller and larger than the proposed structures. Additionally, it will be set back approximately 1,000 feet from the nearest road.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The proposed project will not affect emergency access to any existing structures. The Fresno County Fire Protection District and Sheriff's Department expressed no concerns regarding the proposed project.

F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The proposed project will not inhibit the use of pedestrian facilities or the implementation of related plans, policies, or programs.

XVII. UTILITIES AND SERVICE SYSTEMS

A. Would the project exceed wastewater treatment requirements; or

B. Would the project require construction of or the expansion of new water or wastewater treatment facilities; or

C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No new water or wastewater facilities are proposed. Three employees and up to 50 truck drivers per day will use portable waste facilities.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant estimates that the operation will use up to 3,000,000 gallons of water per year for dust suppression purposes. Additional water usage will be negligible. This water will be drawn from an existing well on the northerly adjacent parcel (APN: 013-030-17S). No new entitlements or resources will be necessary.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No new facilities are proposed which would require wastewater treatment. Wastewater will be contained in portable sanitary facilities and serviced by the provider.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The only solid waste that will be produced on site is from office activities and the three employees. The limited quantities of solid waste produced will be taken off site and disposed of at an appropriate waste facility.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project does have potential to impact special-status species, wetland habitat, and cultural resources. However, through mitigation and project design, impacts to these resources will be less than significant.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulative impacts to roads, traffic, air quality, and public services were evaluated and determined to be less than significant with incorporation of mitigation and adherence to state and local policies.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any impacts to humans were determined to be less than significant as a result of location, project scope, and mandatory adherence to state and local policies.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3622, 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 Mineral Resources, Population and Housing, and Recreation.

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

Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Hydrology and Water Quality, and Transportation and Traffic have been determined to be less than significant with adherence to the listed Mitigation Measures.

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

DTC:

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7513	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Danielle Crider, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Applicant (Name): Superior Soil Supplements, LLC	Project Title: CUP 3622		
<p>Project Description:</p> <p>Allow a commercial establishment for the storage and sale of gypsum and anhydrate (agricultural mineral soil supplements) on a portion of a 645.05-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. This site will receive approximately 220,000 tons per year of gypsum and anhydrate via existing rail spurs, store these materials on a 2.5-acre area of land, and truck these minerals to local clients. The project site is located on the north side of W. Whitesbridge Avenue (SR 180), at the northwest corner of its intersection with N. San Mateo Avenue, approximately 2.5 miles southeast of the nearest city limits of the City of Mendota (29400 W. Whitesbridge Avenue) (Sup. Dist. 1) (APN: 019-070-61S).</p>			
<p>Justification for Negative Declaration:</p> <p>Based upon the Initial Study prepared for Conditional Use Permit Application No. 3622, 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 Mineral Resources, Population and Housing, and Recreation.</p> <p>Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Noise, Public Services, and Utilities and Service Systems have been determined to be less than significant.</p> <p>Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Hydrology and Water Quality, and Transportation and Traffic have been determined to be less than significant with adherence to the listed Mitigation Measures.</p> <p>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.</p>			
<p>FINDING:</p> <p>The proposed project will not have a significant impact on the environment.</p>			
Newspaper and Date of Publication: Fresno Business Journal – December 21, 2018		Review Date Deadline: Planning Commission – January 24, 2018	
Date: TBD	Type or Print Signature: Danielle Crider, Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**