



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 July 18, 2019

**SUBJECT:** Initial Study Application No. 7558 and Classified Conditional Use Permit Application No. 3628

Allow the assembly and storage of equipment for the post-harvest processing of agricultural products, provided such equipment is sold directly to the farmer or processor, on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the east side of Clovis Avenue, approximately 1,293 feet south of its nearest intersection with North Avenue, approximately 2.27 miles east of the nearest city limits of the City of Fresno (Sup. Dist. 4) (APN 331-030-58).

**OWNER:** Ian Burnett

**APPLICANT:** Don Pickett and Associates, Inc.

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

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7558; and
- Approve Classified Conditional Use Permit Application No. 3628 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan and Floor Plan
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7558
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	38.19 acres	No change
Project Site	N/A	An approximately 10.43-acre portion of the 38.19-acre parcel
Structural Improvements	Single-Family Residence and Pole Barn	50,040 square-foot office/warehouse building, 4,999 square-foot canopy structure, 300,000-gallon water tank, and storm water basin
Nearest Residence	Approximately 1,722 feet south of the existing residence	Approximately 1,001 feet south of the proposed structure
Surrounding Development	Agricultural and residential development	No change
Operational Features	N/A	Storage and assembly of agricultural harvest equipment

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Employees	N/A	Eight (8) full-time staff and an additional 15 seasonal and temporary employees
Customers	N/A	None on site
Traffic Trips	N/A	96 daily traffic trips
Lighting	Residential	Wall-pack lights spaced around the proposed building
Hours of Operation	N/A	Monday through Friday 8:00 AM to 5:00 PM during the off-season  Monday through Friday 6:00 AM to 6:00 PM during peak harvest season  Peak harvest season is approximately July 15 <sup>th</sup> through October 15 <sup>th</sup> .

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

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7558 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 8.

Notice of Intent of Mitigated Negative Declaration publication date: June 14, 2019

**PUBLIC NOTICE:**

Notices were sent to 13 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 CUP Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The proposal entails the construction of a 50,040 square-foot office/warehouse building and 4,999 square-foot canopy structure to be operated for the assembly and storage of equipment for the post-harvest processing of agricultural products, provided such equipment is sold directly to the farmer or processor. The Applicant’s Operational Statement indicates that the use relates to the use of cardboard, plastics, and expanded polystyrene (EPS) for assembly of the equipment. Additional improvements include a water storage tank for fire suppression and a storm water basin. The project site is located on an approximately 10.43-acre portion of the 38.19 acres and is located on the east side of Clovis Avenue approximately 1,293 feet south of its nearest intersection with North Avenue.

Research regarding the subject parcel shows that the parcel is in the same configuration as shown on 1971-72 Assessor Map Rolls. On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. Prior to the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance. Prior to August 31, 1976, the project site was zoned R-A (Single-Family Residential – Agricultural District) which has a 36,000 square-foot minimum lot size. Based on the size of the parcel as shown on the 1971-72 Assessor Map Rolls, and its past zoning, the lot has been determined to be legal. The Zone District of the subject parcel changed after approval of County-initiated Amendment Application No. 2870 on August 31, 1976 that rezoned the property from the R-A (Single-Family Residential – Agricultural District) to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, with the subject parcel also conforming to its current zoning.

Building permit records indicate that a mobile home permit was issued on October 4, 1985. The mobile home permit indicated that an existing single-family residence was present. Aerials of the project site from August 23, 2018 show that both the single-family residence and mobile home are still present on the project site.

The proposed Conditional Use Permit will be associated with an approximately 10.43-acre portion of the existing 38.19-acre property, with the single-family residence to remain north of the project site.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-20 Front: 35 feet Side: 20 feet Rear: 20 feet	Front: Approximately 70 feet Side: Approximately 332.58 feet Rear: Approximately 255 feet	Y
Parking	1 parking space per 2 employees	No retail floor space proposed. 49 parking	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
		spaces and 2 ADA Accessible spaces	
Lot Coverage	No requirements	No requirements	<b>Y</b>
Space Between Buildings	No requirements	No requirements	<b>Y</b>
Wall Requirements	No requirements	No requirements	<b>Y</b>
Septic Replacement Area	100 percent replacement	100 percent replacement	<b>Y</b>
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	Septic tank and disposal field approximately 550 feet from existing well	<b>Y</b>

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

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits, and inspections will be required for all onsite construction improvements. **This shall be included as a Project Note.**

Fresno Irrigation District: Fresno Irrigation District’s (FID) Goodrich No. 9 runs westerly and traverses the southern portion of the subject property, then crosses Clovis Avenue approximately 30 feet west of the subject property. Records do not show a recorded easement; however, FID does own an easement and the width is 30 feet.

- FID requires that the Applicant grant a 30-foot-wide exclusive easement to meet current FID standards. **This shall be included as a Project Note.**
- No trees will be allowed within FID’s exclusive easement; any trees to be planted around the pipeline shall maintain a distance of 15 feet from edge of pipe. **This shall be included as a Project Note.**
- All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or inactive FID and private structures must be removed within FID’s property/easement and the development project limits. **This shall be included as a Project Note.**
- No large earth-moving equipment (paddle wheel scrapers, grading, excavators, etc.) will be allowed within FID’s easement, and the grading contractor will be responsible for the repair of all damage to the pipeline caused by the contractor’s grading activities. **This shall be included as a Project Note.**
- FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited to, Sewer,

Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities. **This shall be included as a Project Note.**

- FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan, which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID. **This shall be included as a Project Note.**
- Footings of retaining walls shall not encroach onto FID property/easement areas. **This shall be included as a Project Note.**
- FID is concerned about the potential vibrations caused by construction efforts near existing District facilities, as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor must keep all large equipment, construction material, and soil stockpiles outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or the contractor will be responsible for all damage caused by construction activities. **This shall be included as a Project Note.**

Site Plan Review Section of the Fresno County Department of Public Works and Planning: The Site Plan Review Section will require that the Applicant apply for and receive approval of a Site Plan Review.

- Parking spaces shall be constructed in compliance with County and State standards. **This shall be included as a Project Note.**
- A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with State standards. **This shall be included as a Project Note.**
- The number of ADA stalls appears to be sufficient. There shall be a minimum of two (2) ADA stalls and one (1) of said stalls shall be van accessible. **This shall be included as a Project Note.**
- Back-up clearance and parking stall dimensions are not shown on the provided site plan. Back-up clearance shall be a minimum of 29 feet. Parking stall dimensions shall be a minimum of 18 feet by 9 feet. **This shall be included as a Project Note.**
- Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation Plans that shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to issuance of building permits. **This shall be included as a Project Note.**
- Any proposed driveway should 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. **This shall be included as a Project Note.**
- An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way. **This shall be included as a Project Note.**

- Internal access roads shall comply with required widths of the Fire District for emergency apparatus. **This shall be included as a Project Note.**
- The lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot per Section 816.5.E.2 of the Fresno County Zoning Ordinance. **This shall be included as a Project Note.**
- No building or structure erected in this District shall exceed thirty-five (35) feet in height per Section 816.5.D of the Fresno County Zoning Ordinance. **This shall be included as a Project Note.**
- A dust palliative is required on all parking and circulation areas. **This shall be included as a Project Note.**
- Outdoor lighting should be hooded and directed away from adjoining streets and properties. **This shall be included as a Project Note.**
- All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Offsite signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District. **This shall be included as a Project Note.**

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

#### **Analysis:**

Staff review of the submitted site plan shows that the project area will be located on an approximately 10.43-acre portion of the 38.19-acre parcel. The site plan indicates that chain-link fencing with privacy slats and barbed wire will provide security and screening of the use from adjacent parcels. The proposed buildings are located in excess of setback requirements and the proposed office/warehouse building is located approximately 500 feet from the existing residence. There are no concerns regarding the project's proximity to existing Fresno Irrigation District (FID) facilities located along the southern property line, as the proposed development will be located approximately 332 feet north of the FID facility. Based on the above analysis, staff believes that the project site is adequate in shape and size to accommodate the proposed use.

A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.

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

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

#### **Conclusion:**

Finding 1 can be made.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change
Public Road Frontage	Yes	Clovis Avenue	No change
Direct Access to Public Road	Yes	Approximately 15-foot dirt driveway access for the existing residence	Approximately 40-foot driveway access for the proposed use
Road ADT		3,500	No change
Road Classification		Clovis Avenue: Arterial	No change
Road Width		Northbound Clovis Avenue has 76 feet of right-of-way	No change
Road Surface		Paved asphalt	No change
Traffic Trips		Residential Traffic related to one single-family residence	Trip Generation Analysis produced by JLB Traffic Engineering, Inc. shows 96 daily trips
Traffic Impact Study (TIS) Prepared	No	N/A	Less than significant increase in traffic expected
Road Improvements		N/A	Deceleration/Acceleration lane along Northbound Clovis Avenue

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

Design Division of the Fresno County Department of Public Works and Planning: The updated site plan and analysis by JLB Traffic Engineering, Inc. shows that a Traffic Impact Study is not required.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The revised site plan reflecting one drive approach is acceptable to the Road Maintenance and Operations Division.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Clovis Avenue is classified as an Arterial road with an existing 76-foot right-of-way east of the section line along the parcel frontage, per Plat Book. According to Precise Plan Line



Serial No. 36, Sheet 8 of 19, the ultimate right-of-way width east of the section line along the parcel frontage is 76 feet.

Clovis Avenue is a County-maintained road. Records indicate this section of Clovis Avenue (northbound), from Central Avenue to North Avenue, has an ADT of 3,500, pavement width of 32.6 feet, structural section of 0.45 feet AC, 0.35 feet AB, and is in very good condition.

- Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. **This shall be included as a Project Note.**
- Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveways shall be utilized. **This shall be included as a Project Note.**
- Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. **This shall be included as a Project Note.**

According to FEMA FIRM Panels 2130H and 2140H, the parcel is not subject to flooding from the 100-year storm.

- According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly line of the subject parcel. Easements may be required by the appropriate agency. **This shall be included as a Project Note.**
- Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. **This shall be included as a Project Note.**
- An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Project Note.**
- A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application. **This shall be included as a Project Note.**

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

#### **Analysis:**

A Trip Generation Analysis (TGA) completed by JLB Traffic Engineering, Inc. on March 11, 2019 was conducted to evaluate the potential traffic generation of the proposed project. The TGA estimated that the proposed project will generate a total of 96 daily trips, a total of 9 AM peak-hour trips, and a total of 10 PM peak-hour trips. Based on the estimated trip generation, the project will not exceed a level of significance requiring a Traffic Impact Study (TIS). The TGA was routed to the Design Division and Road Maintenance and Operations Division for

comment. Neither Division expressed concerns with the analysis and agreed that a TIS is not required.

The project proposes acceleration/deceleration lanes along the project frontage on Clovis Avenue, which will be built to County Standards. Improvements including the acceleration/deceleration lanes and proposed driveway will require Encroachment Permits, review, and inspections to verify that they are built to County Standards. Based on the Trip Generation Analysis completed for the project, review by responsible Departments and Agencies, and proposed improvements, staff believes that the section of Clovis Avenue at the project site is 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*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	17.63 acres	Orchard	AE-20	N/A
	20 acres	Orchard	AE-20	
South	18.35 acres	Vineyard	AE-20	Approximately 1,440 feet
East	80 acres	Orchard and Single-Family Residence	AE-20	Approximately 1,701 feet
West	32.66 acres	Orchard and Single-Family Residence	AE-20	Approximately 1,370 feet

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.96. The default State reporting thresholds that apply are:  $\geq 55$  gallons (liquids),  $\geq 500$  pounds (solids),  $\geq 200$  cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. **This shall be included as a Project Note.**

- All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes. **This shall be included as a Project Note.**
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance. **This shall be included as a Project Note.**
- In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with Federal, State, and Local government requirements. **This shall be included as a Project Note.**
- In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system. **This shall be included as a Project Note.**

Fresno County Department of Agriculture: The parcel is surrounded by agricultural operations. The Applicant should acknowledge the Fresno County Right-to-Farm Notice. The Fresno County Right-to-Farm Notice is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years. **This shall be included as a Condition of Approval.**

State Water Resources Control Board: The proposed development will have less than 25 employees and no visitors. The development does not meet the definition of a public water system and will not be regulated by the Division of Drinking Water.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant’s responsibility to deliver a minimum of three sets of plans to FCFPD. **This shall be included as a Project Note.**

Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. **This shall be included as a Project Note.**

Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. **This shall be included as a Project Note.**

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

**Analysis:**

The project site is located on an agricultural parcel that is currently being farmed with field crops. There is a single-family residence located on the subject parcel, which will remain on the parcel during project construction and operation. Surrounding land uses are mainly agricultural with single-family residences located throughout the area supporting the agricultural operations. If the proposal is approved, a 50,040 square-foot office/warehouse, a 300,000-gallon water storage tank, 4,999 square-foot canopy structure, and storm water drainage basin will be built and used for the assembly and storage of equipment for the post-harvest processing of agricultural products to be sold directly to the farmer or processor. Chain-link fencing with privacy slats is proposed around the vicinity of the project site. Landscaping along Clovis Avenue that fronts the subject parcel along with the chain-link fencing will screen most of the use from public right-of-way. The proposed elevations submitted by the Applicant indicate that architectural features along the proposed office/warehouse will be aesthetically pleasing.

Mitigation Measures related to site lighting have been addressed in the Initial Study prepared for the project and will reduce light and glare issues from the public right-of-way and properties in the vicinity of the project.

The Fresno County Department of Public Health, Fresno County Fire Protection District, and the Department of Agriculture have reviewed the project proposal and have provided requirements that further reduce the potential of adverse effects that the project could have on abutting properties and surrounding neighborhood.

Based on the analysis and consideration given to comments and requirements by various Departments and Agencies with regard to reducing the potential impact of the project on properties in the vicinity of the project area, staff believes the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:</p> <p>LU-A.3.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>LU-A.3.b: The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</p> <p>LU-A.3.c: The operational or physical characteristics of the use shall not have a detrimental impact on water resources of the use or management of surrounding properties within at least one quarter (1/4)-mile radius.</p> <p>LU-A.3.d: A probable workforce should be located nearby or be readily available.</p>	<p>With regard to Criteria “a”, the project will provide an agricultural-related service to the surrounding agricultural operations and throughout the County. As the products of the proposed project are sold directly to the farmer or processor, the proposal will reduce the amount of truck travel compared to if the project were located in a more urban area. No other type of operation similar to the project proposal was identified in a one-mile radius.</p> <p>With regard to Criteria “b”, according to the 2019 Fresno County Important Farmlands Map, the project site is located on land designated Prime Farmland. Properties in the immediate vicinity of the project site are designated Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. As only a portion of the prime farmland will be utilized towards the project, and considering that less productive farmlands are not located within the vicinity of the subject parcel, conflicts with Criteria “b” are less than significant.</p> <p>With regard to Criteria “c”, the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate that the project would have a detrimental impact on water resources.</p> <p>With regard to Criteria “d”, the project site is located approximately 2.27 miles east of the nearest city limits of the City of Fresno. Fresno is a large urban center with a workforce located nearby and readily available.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment from incompatible land uses.</p>	<p>With regard to Policy LU-A.12, the Fresno County Zoning Ordinance allows this type of use subject to a Classified Conditional Use Permit. Additionally, the project proposal is considered a use supportive of agricultural activities.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>Regarding Policy LU-A.13, the setback standards of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District will apply to the proposed buildings of the project. Based on submitted site plans, the proposed buildings will be located in excess of the zone district's setback standards. Additionally, the project proposes to include chain-link fencing with privacy slats along the perimeter of the project area that will act as a screened buffer and security measure. Considering the projects setbacks in excess of what is required and additional measures to buffer the project from agricultural operations, the project is consistent with Policy LU-A.13.</p>
<p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>With regard to Policy LU-A.14, the project site is not under Williamson Act Contract and reviewing agencies did not express concerns with regard to the conversion of actively-farmed agricultural land.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>PF-C.17.a: A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeological investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeological investigation shall be required.</p> <p>PF-C.17.b: A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within</p>	<p>In regard to Policy PF-C.17, the project has been reviewed by the Water and Natural Resources Division and the State Water Resources Control Board. The project is proposing to utilize a domestic well to service the proposal. Based on County records, the project site is not located in or near identified water-short areas. Neither the Water and Natural Resources Division nor the State Water Resources Control Board expressed concerns about the project that would indicate the need for a hydrogeological study.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>Fresno County. If use of groundwater is proposed, a hydrogeological investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeological investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigation.</p>	

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agricultural in the Fresno County General Plan and is not enrolled in the Williamson Act Program.

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

**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 the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3628, subject to the recommended Mitigation Measures, Conditions of Approval, and Project Notes.

## **PLANNING COMMISSION MOTIONS:**

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

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7558; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3628, 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. 3628; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

### **Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3600-3699\3628\SR\CUP 3628 Staff Report.docx



**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7558/Classified Conditional Use Permit Application No. 3628  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
1.	Aesthetics	All installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural and Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
3.	Energy	Idling of onsite equipment and vehicles will be avoided to the most possible extent to avoid wasteful and/or inefficient consumption of energy resources.	Applicant	Applicant	Ongoing
<b>Conditions of Approval</b>					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review (SPR) Application shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance prior to the issuance of Building Permits. Items to be addressed under the SPR may include, but are not limited to, design of parking and circulation, driveway, access, grading and drainage, fire protection and lighting.				
3.	The parcel is surrounded by agricultural operations. The owner shall sign a covenant acknowledging Fresno County's "Right to Farm" ordinances to ensure that any potential discomfort or risk to employees and customers associated with the existing agricultural nature of the surrounding area can be adequately considered prior to construction. The Fresno County Right-to-Farm Notice is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5				

**EXHIBIT 1**

(right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.

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

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Plans, permits, and inspections will be required for all onsite construction improvements.
2.	<p>Fresno Irrigation District's (FID) Goodrich No. 9 runs westerly and traverses the southern portion of the subject property, then crosses Clovis Avenue approximately 30 feet west of the subject property. Records do not show a recorded easement, however, FID does own an easement and the width is 30 feet.</p> <ul style="list-style-type: none"> <li>• FID requires that the Applicant grant a 30-foot-wide exclusive easement to meet current FID standards.</li> <li>• No trees will be allowed within FID's exclusive easement; any trees to be planted around the pipeline shall maintain a distance of 15 feet from edge of pipe.</li> <li>• All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or inactive FID and private structures must be removed within FID's property/easement and the development project limits.</li> <li>• No large earth-moving equipment (paddle wheel scrapers, grading, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by the contractor's grading activity.</li> <li>• FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities, including, but not limited to, Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.</li> <li>• FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan, which shows that the proposed development will not endanger the structural integrity of the Canal or result in the drainage patterns that could adversely affect FID.</li> <li>• Footings of retaining walls shall not encroach onto FID property/easement areas.</li> <li>• FID is concerned about the potential vibrations caused by construction efforts near existing District facilities, as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor must keep all large equipment, construction materials, and soil stockpiles outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or the contractor will be responsible for all damage caused by construction activities.</li> </ul>
3.	<p>Site Plan Review Section requirements:</p> <ul style="list-style-type: none"> <li>• Parking spaces shall be constructed in compliance with County and State standards.</li> <li>• A four (4)-foot path of travel for disabled persons shall be constructed and striped in accordance with State standards.</li> <li>• The number of ADA stalls appears to be sufficient. There shall be a minimum of two (2) ADA stalls and one (1) of said stalls shall be van accessible.</li> <li>• Back-up clearance and parking stall dimensions are not shown on the provided site plan. Back-up clearance shall be a minimum of 29 feet. Parking stall dimensions shall be a minimum of 18 feet by 9 feet.</li> <li>• Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of</li> </ul>

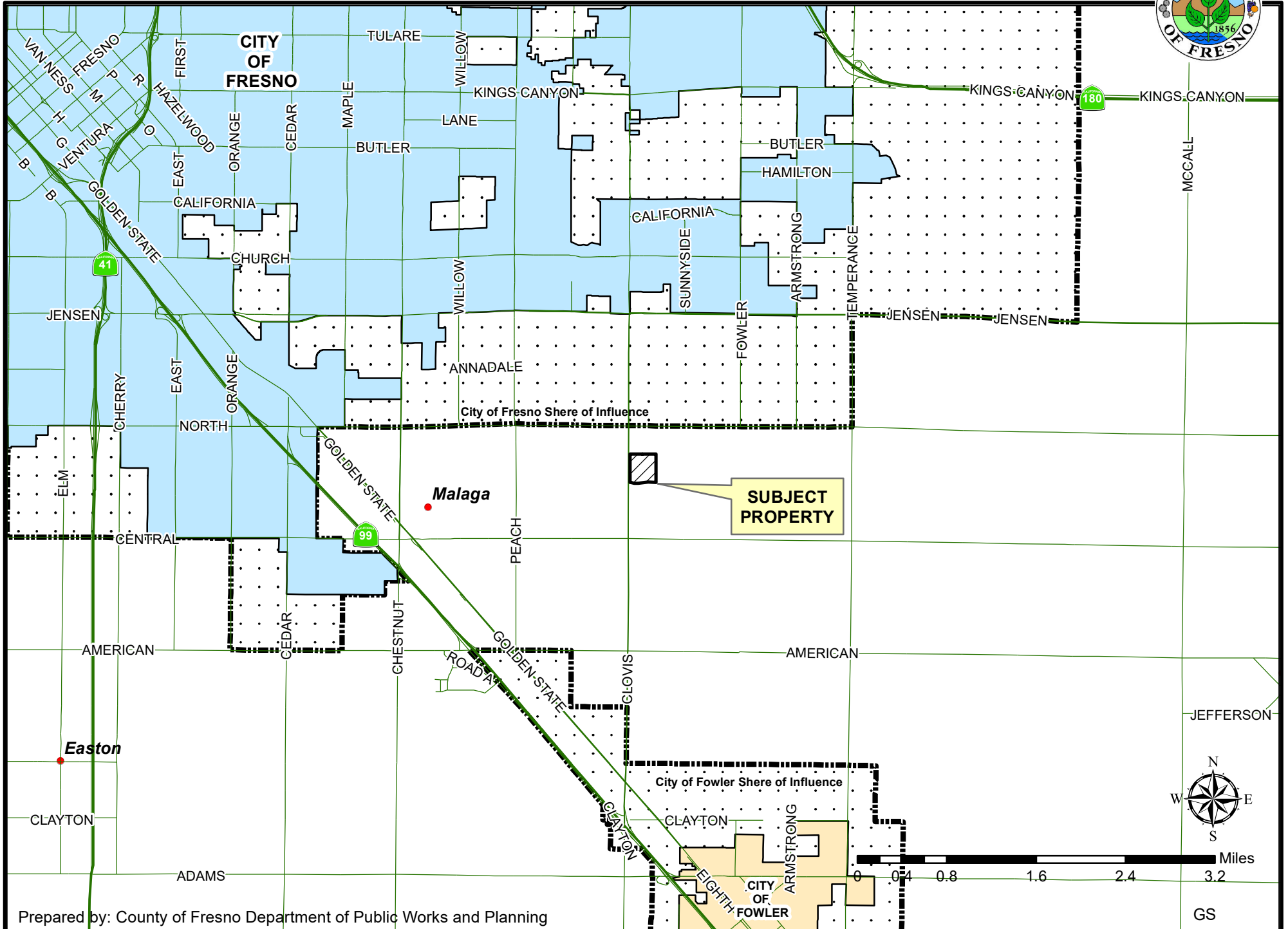
**Notes**

	<p>Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) and require submittal of Landscape and Irrigation Plans that shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to issuance of building permits.</p> <ul style="list-style-type: none"> <li>• Any proposed driveway should 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.</li> <li>• An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way.</li> <li>• Internal access roads shall comply with required widths of the Fire District for emergency apparatus.</li> <li>• The lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot, per Section 816.5.E.2 of the Fresno County Zoning Ordinance.</li> <li>• No building or structure erected in this District shall exceed thirty-five (35) feet in height, per Section 816.5.D of the Fresno County Zoning Ordinance.</li> <li>• A dust palliative should be required on all parking and circulation areas.</li> <li>• Outdoor lighting should be hooded and directed away from adjoining streets and properties.</li> <li>• All proposed signs require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Offsite signs are not allowed for commercial uses in the AE (Exclusive Agricultural) Zone District.</li> </ul>
4.	<p>Road Maintenance and Operations Division requirements:</p> <ul style="list-style-type: none"> <li>• Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</li> <li>• Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveways shall be utilized.</li> <li>• Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</li> </ul>
5.	<p>According to U.S.G.S. Quad Maps, there are existing natural drainage channels near the southerly line of the subject parcel. Easements may be required by the appropriate Agency.</p>
6.	<p>Development Engineering Section requirements:</p> <ul style="list-style-type: none"> <li>• Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.</li> <li>• An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.</li> <li>• 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.</li> </ul>

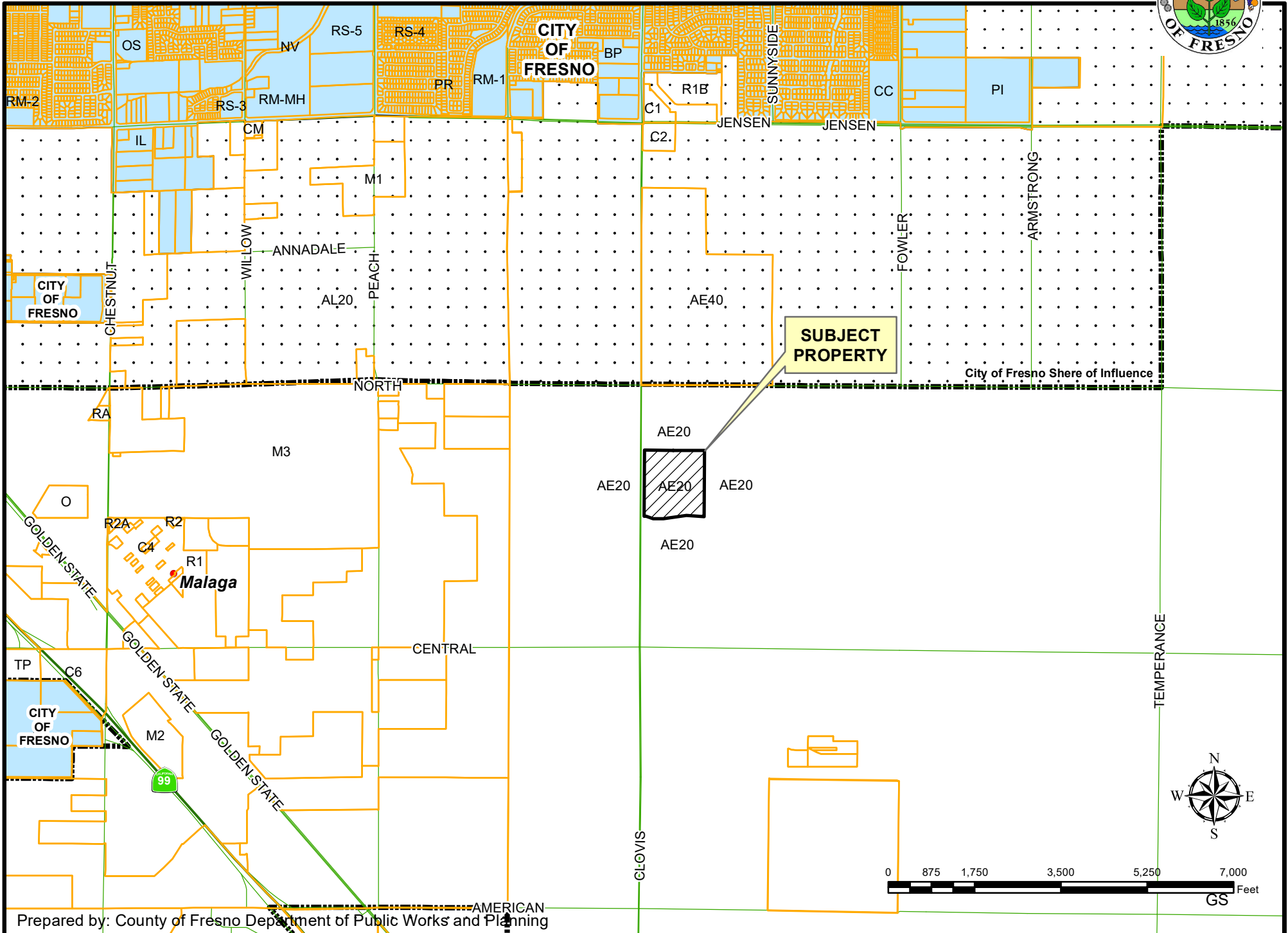
**Notes**

7.	<p>Fresno County Department of Public Health, Environmental Health Division requirements:</p> <ul style="list-style-type: none"><li>• Facilities proposing to use and/or store hazardous materials and/or hazardous waste 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 6.96. The default State reporting thresholds that apply are: <math>\geq 55</math> gallons (liquids), <math>\geq 500</math> pounds (solids), <math>\geq 200</math> cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.</li><li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.</li><li>• The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.</li><li>• In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with Federal, State, and Local Government requirements.</li><li>• In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions, which may affect the placement, location, and construction of the sewage disposal system.</li></ul>
8.	<p>Fresno County Fire Protection District requirements:</p> <ul style="list-style-type: none"><li>• The project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving your Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.</li><li>• Project/Development including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR) property, Commercial property, Industrial property, and/or Office property shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</li><li>• Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</li></ul>
9.	<p>The San Joaquin Valley Unified Air Pollution Control District (District) staff is available to meet with the Applicant to further discuss the regulatory requirements that are associated with this project. To identify District rules or regulations that apply to this project or to obtain information about District permit requirements, the Applicant is strongly encouraged to contact the District's Small Business Assistance Office (559) 230-5888. Current District rules can be found at <a href="http://www.valleyair.org/rules/1ruleslist.htm">www.valleyair.org/rules/1ruleslist.htm</a> .</p>

# LOCATION MAP



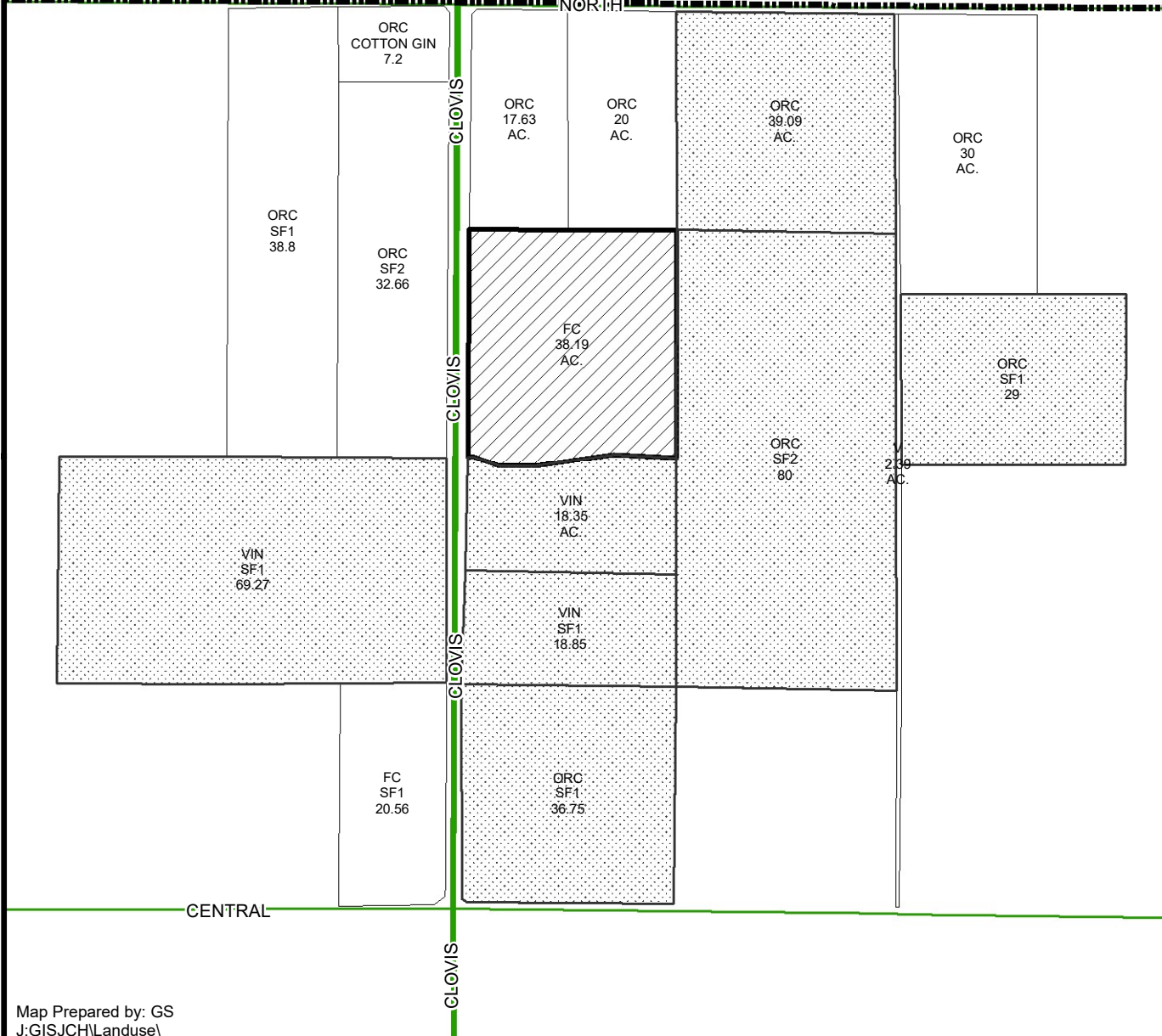
# EXISTING ZONING MAP



# EXISTING LAND USE MAP





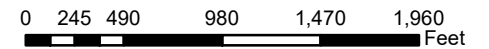
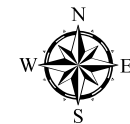
City of Fresno Sphere of Influence



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

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division

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**Project Location:**  
**3316 S. Clovis Ave.**  
**Fresno, CA 93725**

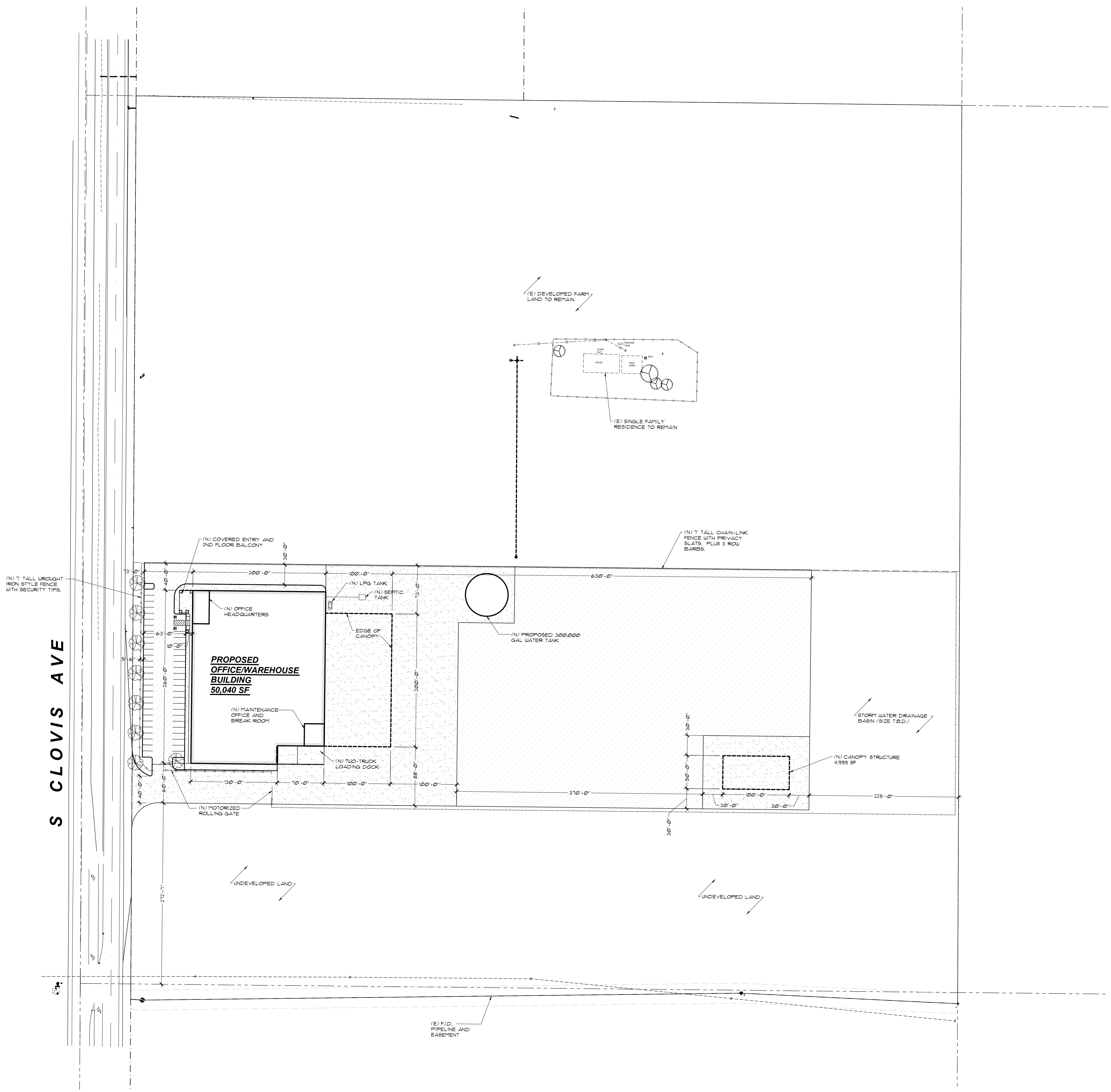
**Project Title:**  
**Proposed Building for**  
**IBS Supplies, Inc.**

**Project Status**  
 SPR --  
**Plan Check Date**  
 Revisions

Revisions	Date	By

Job No.:  
 BBB 17-68  
 Sheet No.:

**A-0.0**



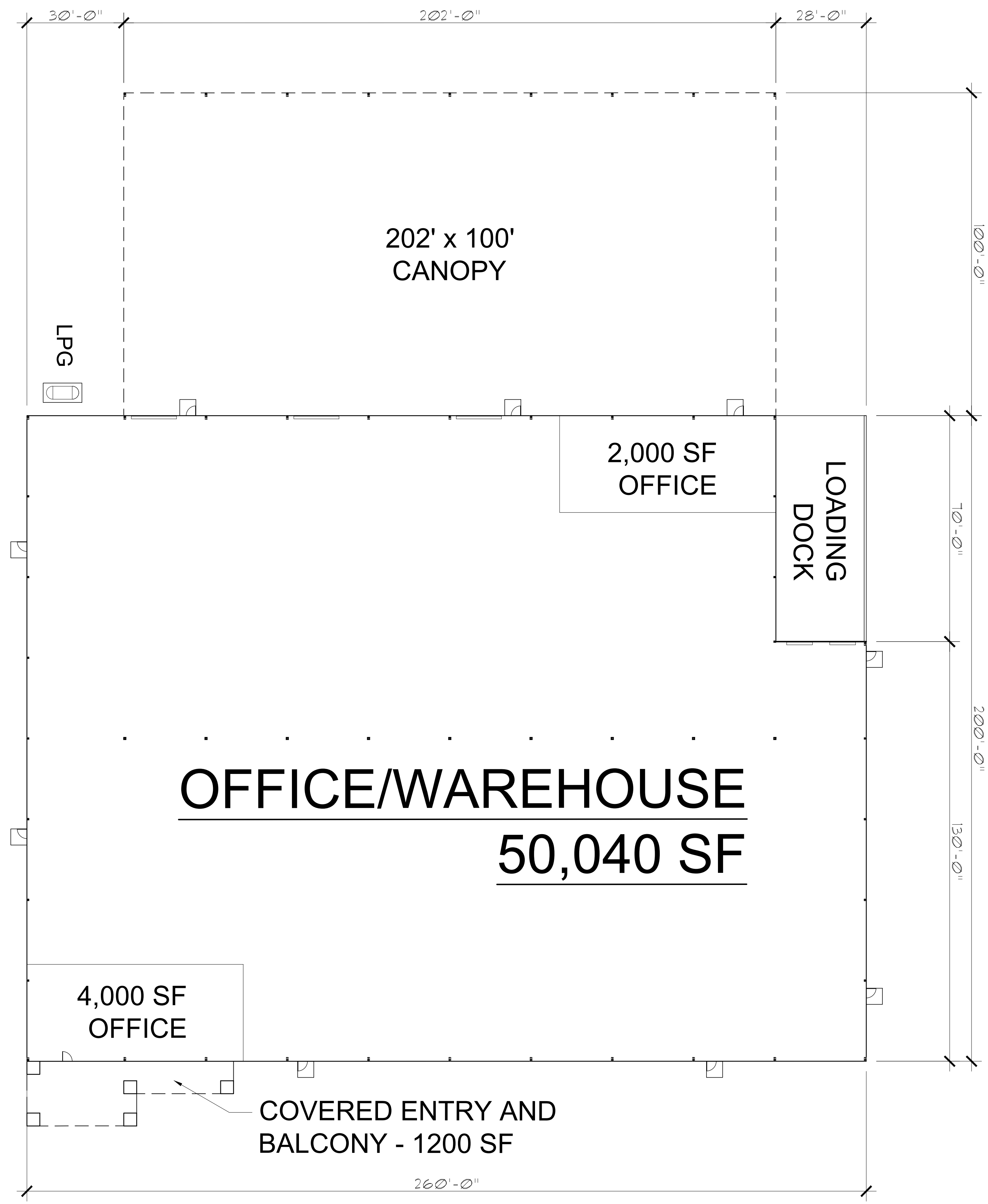
**S CLOVIS AVE**

Approvals:  
 Owner Initials: \_\_\_\_\_ Contractor Initials: \_\_\_\_\_

**CONCEPTUAL SITE PLAN 07/10/19**   
 SCALE: 1" = 20'

**EXHIBIT 5**





**CONCEPTUAL FLOOR PLAN 07/10/19** 

SCALE: 1" = 20'-0"

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**Project Location:**  
 3316 S. Clovis Ave.  
 Fresno, CA 93725

**Project Title:**  
 Proposed Building for  
 IBS Supplies, Inc.

Project Status	
SPR	--
Plan Check Date	
Revisions	
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Job No.:	BBB 17-68
Sheet No.:	

**A-1.0**

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**Project Location:**  
**3316 S. Clovis Ave.**  
**Fresno, CA 93725**

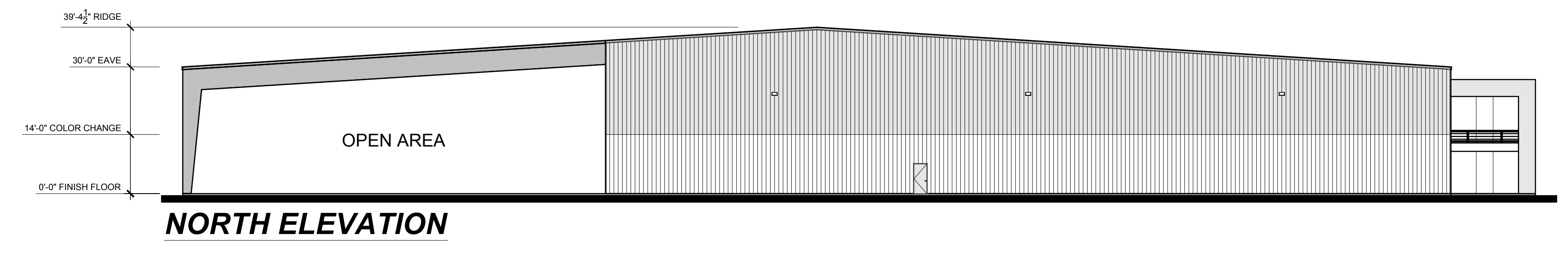
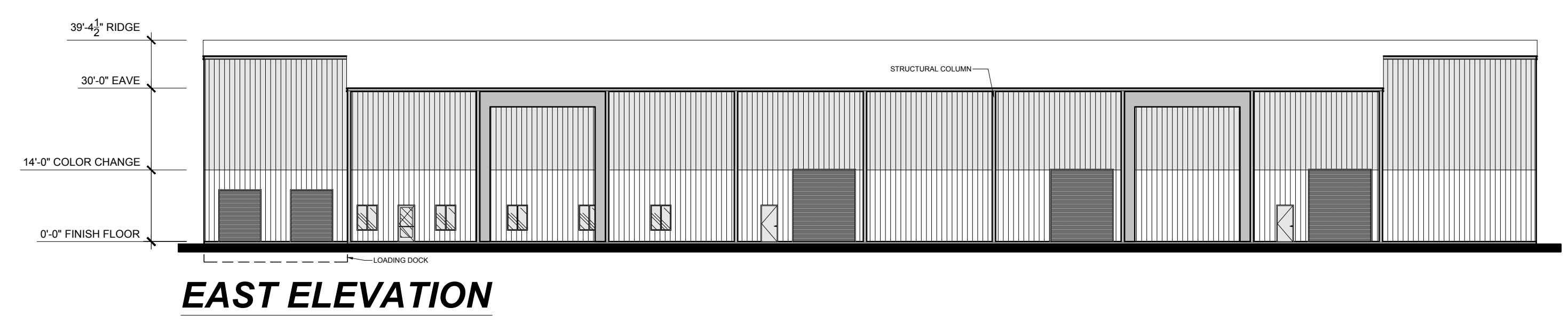
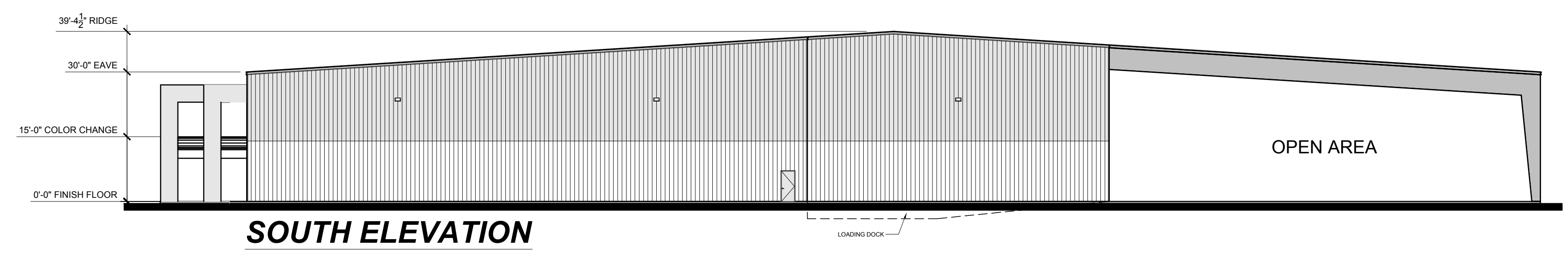
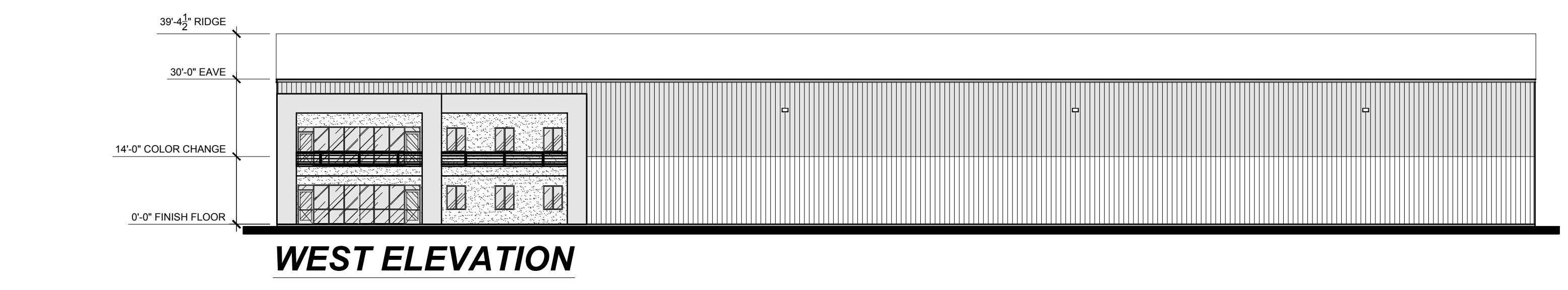
**Project Title:**  
**Proposed Building for**  
**IBS Supplies, Inc.**

**Project Status**

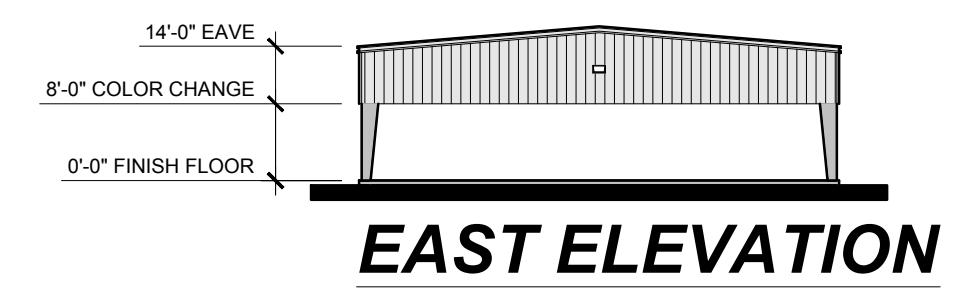
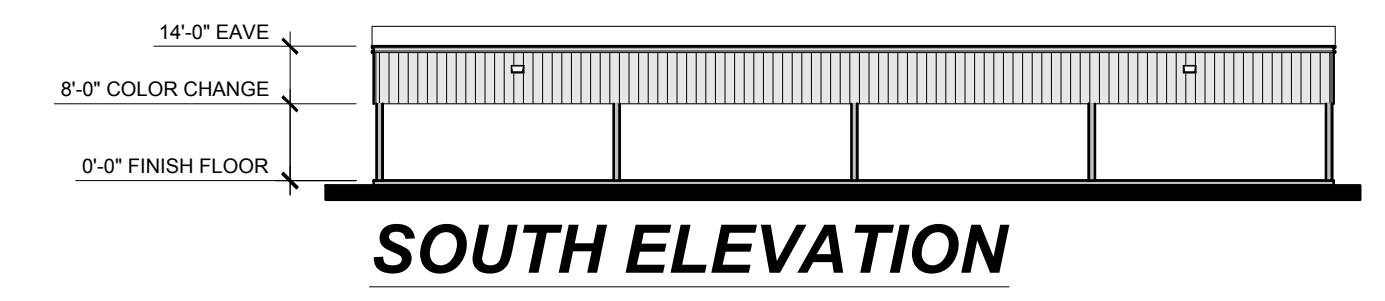
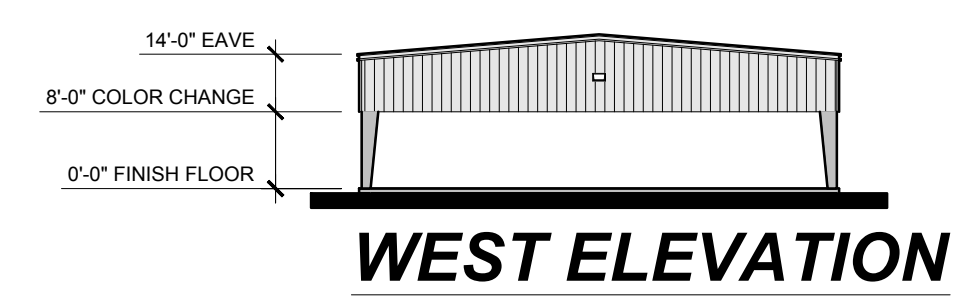
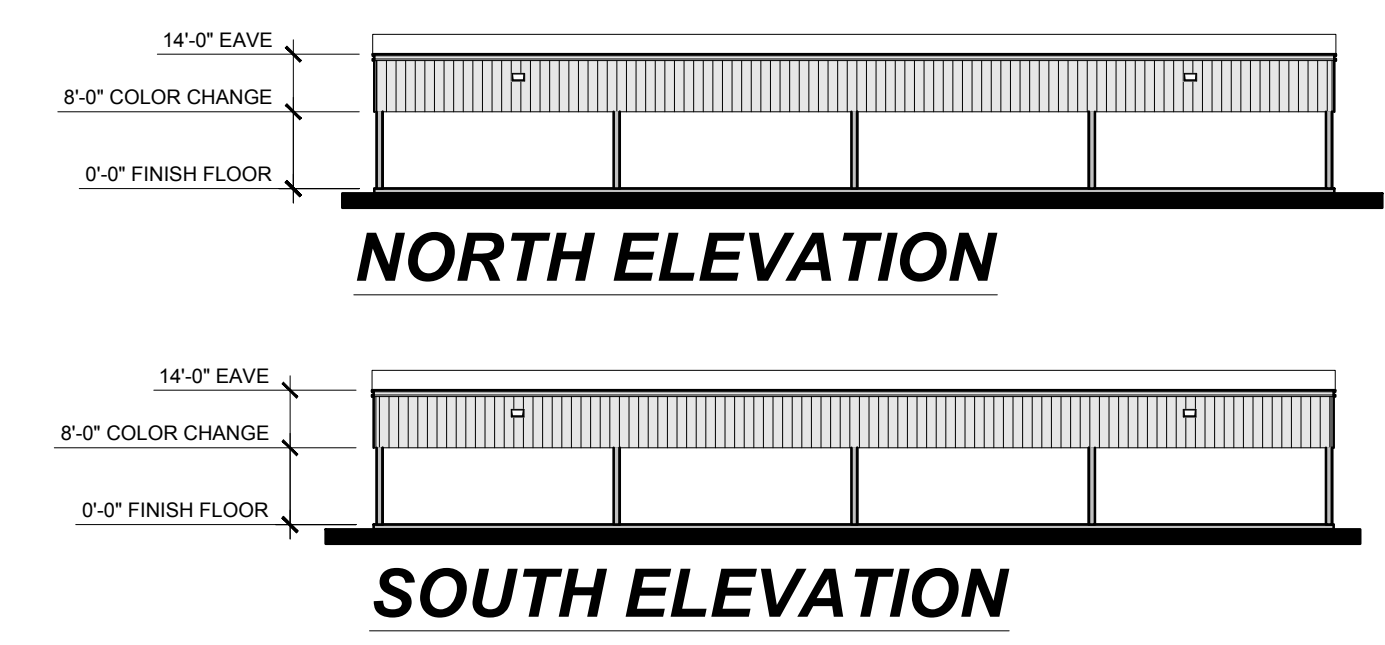
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**Job No.:**  
 BBB 17-68  
**Sheet No.:**

**A-2.0**



**WEST BUILDING**  
 SCALE: 1" = 20'-0"



**EAST BUILDING**  
 SCALE: 1" = 20'-0"

EXHIBIT 6

**CONCEPTUAL ELEVATION 07/10/19**



***DON PICKETT & ASSOCIATES, INC.***

DEVELOP • DESIGN • BUILD

January 16, 2019

Thomas Kobayashi  
County of Fresno  
Department of Public Works and Planning  
2220 Tulare Street, Ste. A  
Fresno, CA 93721

RE: Revised Operational Statement

Dear Mr. Kobayashi,

A proposed development in the County of Fresno is being submitted by Don Pickett & Associates, Inc. on behalf of IBS Supplies, Inc. The proposal pertains the following 38.19 acres of property:

Owner: Ian Burnett  
Site Address: 3316 S Clovis Ave, Fresno, CA 93725  
APN: 331-030-58  
Zoning: AE20

The nature of the proposed use will be for the storage and assembly of agricultural harvest equipment such as cardboard, EPS, and plastics, sold directly to farmers or processors to be used for the post-harvest processing of agricultural products, as allowed by Conditional Use Permit, under the Zoning Ordinance of the County of Fresno - Land Use and Planning, Section 816.3-W. The proposed development project will consist of a 50,000 s.f. warehouse facility with a 2,000 s.f. accessory administration office and approximately 2,000 s.f. managers office with employee break room. The warehouse and administration offices will be a single building of steel frame and metal panel construction. Operations will include truck delivery of aforementioned products that are manufactured off-site, storage and assembly of said products, and loading for delivery to local farmers or processors.

The proposed development does not anticipate customers or visitors to the facility. Additionally, the facility is not open to the general public and therefore not proposed as a commercial project. The majority of the site, approximately 22 acres of the 38.19 acres of land, will remain as a contract farmed agricultural operation and in production of lemon grass crops with an existing caretaker house, not part of this application. The proposed facility will occupy only a portion of the overall site, thereby reducing any cumulative effects and impacts to surrounding ag properties. The proposed facility will be located within the ag community, which will reduce the number of outside truck deliveries and improve transportation efficiency for the ag community.

**EXHIBIT 7**

The business employs 8 full-time staff and an additional 15 seasonal and temporary employees. The hours of operation are Monday through Friday, 8:00 am to 5:00 pm during the off season and Monday through Friday, 6:00 am to 6:00 pm during the peak season. The peak harvest season is typically three months out of the year, approximately July 15<sup>th</sup> through October 15<sup>th</sup> of each year. The proposed development will be designed in such a manner to have paved drive approaches from the public road direct to the site, with adequate paving for truck delivery traffic and circulation around the warehouse. Delivery vehicles range from 5-10 trucks per day during off-season and 30-40 trucks per day during the harvest seasons. Truck delivery staging will be performed completely on-site. The nature of the site will have adequate paved parking for all employees during busy seasons.

All product is prefabricated with labels pre-printed and pre-affixed off-site and palletized for storage and handling by fork-lift. The forklift will be of the propane powered type and maintained by an outsourced third-party maintenance company. The assembly of harvest equipment to be performed indoors and primarily by hand. During the peak season a hand operated folding device may be employed to facilitate efficiency.

Other than typical vehicle delivery traffic, no noise, glare, dust nor odors are anticipated for the proposed development and facility operations. No outside sound amplification system is proposed.

The site will be well secured with a chain-link fence and rolling gates, with drought-tolerant landscaping at the building frontage. Wall pack lights will be spaced around the proposed building for site lighting, and site security measures will be in place such as alarm systems and video recording devices.

If you have further questions, please give me a call at (559) 431-3535 or email [chris@donpickett.com](mailto:chris@donpickett.com)

Sincerely,

Christopher Preciado  
Don Pickett & Associates, Inc.



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Don Pickett and Associates
- APPLICATION NOS.: Initial Study Application No. 7558 and Classified Conditional Use Permit Application No. 3628
- DESCRIPTION: Allow the assembly and storage of equipment for the post-harvest processing of agricultural products to be sold directly to the farmer or processor on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the east side of Clovis Avenue approximately 1,293 feet south of its nearest intersection with North Avenue. The project site is located approximately 2.27 miles east of the nearest city limits of the City of Fresno. (APN: 331-030-58) (SUP. DIST. 4) (3316 S. Clovis Avenue, Fresno, CA)

### I. AESTHETICS

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

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

FINDING: NO IMPACT:

The project proposal would not have a substantial adverse effect on scenic vistas or scenic resources. The project site is located in a generally flat area that is utilized for agricultural and residential uses. The project site is not located near any identified historic building, State scenic highway, or scenic roadways.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application is proposing two new buildings. The proposal will not substantially degrade the existing visual character or quality of public views of the site and its surroundings, as the project is being designed to be aesthetically appealing with landscaping and front entrance design features.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant has stated that wall pack lights will be installed around the proposed building for site lighting and typical vehicle delivery traffic will be the only anticipated source of light glare. As a mitigation measure, all installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.

\* **Mitigation Measure(s)**

1. *All installed lights on the project site shall be hooded and directed downward away from public streets and adjacent properties to reduce glare.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County 2014 Important Farmland Map, the project site is located on Prime Farmland and has been actively farmed by the owners. The subject parcel is 38.19 acres and the proposal would designate approximately 10.43 acres for the project. The parcel does not have a Williamson Act Contract and does not conflict

with the existing zoning for agricultural use due to the Fresno County Zoning Ordinance allowing the proposed use subject to a Classified Conditional Use Permit. Although the proposal would be converting a portion of prime farmland to a non-crop use, the proposed use would support the surrounding agricultural community by providing an agricultural centered service. Therefore, although the land is designated Prime Farmland and is currently farmed, the site will serve as an agricultural supportive use and the loss of farmland is considered a less than significant impact.

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

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

FINDING: NO IMPACT:

The project site is not forest land, timberland or timberland zoned Timberland production and will not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed use of the parcel is supportive of agriculture and will not contribute to the conversion of land from agricultural or forest uses.

### III. AIR QUALITY

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

A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or

B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: NO IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reviewed the subject application and did not express any concerns with regard to conflicting or obstructing implementation of the applicable Air Quality Plan, or result in cumulatively considerable net increase of any criteria pollutant or result in a cumulatively considerable net increase of any criteria pollutant under Federal or State ambient air quality standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the project is not anticipated to generate dust or odors that would adversely impact a substantial number of people. The closest sensitive receptor is a single-family residence approximately 463 feet northeast of the proposed office and warehouse. The San Joaquin Valley Air Pollution Control District has reviewed the subject application and did not express any concerns with regard to pollutant concentrations or emissions that would adversely affect a substantial number of people. An increase of pollutant concentrations and emissions could occur during the construction of the project. Therefore, there will be a less than significant impact from the temporary increase of pollutant concentrations during construction, and a little to no impact from the operation of the project.

#### IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) were notified of the project proposal. Both the USFWS and CDFW did not express any concerns with regard to any special listed species. Additionally, according to the California Natural Diversity Database (CNDDDB), the project site is not located on or near any reported occurrence of a special status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

The project site is located near an identified riverine on the National Wetlands Inventory. Although the identified riverine is present, Fresno Irrigation District has identified the



riverine as an underground pipeline. The underground facility is located on the southern property line. As the riverine has been identified as an underground facility maintained by the Fresno Irrigation District, the project has established a setback from the pipeline to ensure that no impact is expected to the underground facility. There will be no impact to the identified riverine as it is a manmade underground pipeline and there are no other visible indicators that a wetland exists on the property.

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

FINDING: NO IMPACT:

The project will not interfere substantially with the movement of any native resident, migratory fish or wildlife species. Additionally, the project will not interfere with an established native resident or migratory wildlife corridor or impede the use of a native wildlife nursery site.

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

FINDING: NO IMPACT:

No Habitat Conservation Plan, Community Conservation Plan, or other approved local, regional or state Habitat Conservation Plan has been identified as being affected by the project proposal.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

No historical resource or archeological resource was identified on the project site. The Southern San Joaquin Valley Information Center recommended that an Archeological Survey Report be conducted for the project site. According to the Fresno County

General Plan, the project site is not located in an Archeological Sensitive Area. Additionally, the project site has been experiencing ground-disturbance on a regular basis by being actively farmed up until recent times. Due to these factors, staff does not believe that an archeological survey report is required, but a mitigation measure will be incorporated with the project to address any cultural resource that may be identified during construction of the project. 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.

\* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Mitigation Measure reducing the amount of idling of onsite vehicles and equipment to the most possible extent will be incorporated with the project to avoid wasteful and/or inefficient consumption of energy resources during construction and operation.

\* **Mitigation Measure(s)**

1. *Idling of onsite equipment and vehicles will be avoided to the most possible extent to avoid wasteful and/or inefficient consumption of energy resources.*

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

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project will be constructed to California Building Code standards that address energy efficiency.

## VII. GEOLOGY AND SOILS

Would the project:

A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to the Earthquake Zone Application administered by the California Department of Conservation and Figure 9-2 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near a rupture of a known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located in a probabilistic seismic hazard area and will be subject to a peak horizontal ground acceleration of 0% to 20%.

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in a landslide hazard. The project is situated in mostly flat land. Additionally, the project site is located away from identified fault zones and will not be affected by seismic-related ground failure including liquefaction.

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

FINDING: NO IMPACT:

According to Figure 7-3 and 7-4 of the FCGPBR, the project site is not located in identified erosion hazard areas. The Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application and did not express any concerns with regard to soil erosion and loss of topsoil.

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

FINDING: NO IMPACT:

No identified geologic unit or soil has been identified on the project site that would become unstable as a result of the project. The Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application and did not express any concerns with regard to a geologic unit or unstable soil.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the FCGPBR, the project site is not located on identified areas of expansive soils.

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

FINDING: LESS THAN SIGNIFICANT:

The Department of Public Health, Environmental Health Division (EHD), has reviewed the subject application and commented that the parcel appears to be able to accommodate the sewage disposal system and expansion area meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment systems (OWTS) policy and California Plumbing code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.

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

FINDING: NO IMPACT:

No unique paleontological resource or unique geologic resource has been identified on the subject parcel or in the surrounding area. The project should not indirectly or directly destroy a unique paleontological resource or unique geologic feature.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Greenhouse Gas Analysis prepared for the project by LSA on April 26, 2019, provides a description of existing regulatory framework, an assessment of project construction and operation-period greenhouse gas (GHG) emissions, and an evaluation of the project's compliance with adopted plans related to the reduction of GHG emissions. As no threshold of significance for GHG emissions has been adopted by the County of Fresno, thresholds established by the San Joaquin Valley Air Pollution Control District (SJVAPCD) in their adopted "Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA" was utilized in the analysis to determine if the project results in a significant impact. The adopted document analyzes project significance in a tiered approach. Those tiers are: the project is exempt from CEQA requirements; the project complies with an approved GHG emission reduction plan or GHG mitigation program; the project implements Best Performance Standards (BPS); or the project demonstrates that specific GHG emissions would be reduced or mitigated by at least 29 percent compared to Business-As-Usual (BAU), including GHG emission reductions achieved since the 2002-2004 baseline period. Analysis of GHG emissions related to construction determined that project construction would generate approximately 197 metric tons of CO<sub>2</sub>e.

Analysis of GHG emissions produced from the operation of the proposal concluded that the project will emit approximately 341.2 metric tons per year of CO<sub>2</sub>e. Based on the thresholds adopted by the SJVAPCD, an analysis was conducted to determine if the project would result in a 29 percent or more reduction in GHG emissions compared to BAU. The project's estimated annual GHG emissions are approximately 487.0 metric tons of CO<sub>2</sub>e under BAU conditions and 241.2 metric tons of CO<sub>2</sub>e in 2020 for project operations. This represents a 30 percent decrease in emissions, which exceeds the SJVAPCD reduction criteria of 29 percent reduction from BAU. Therefore, based on the analysis and conclusions discussed in the Greenhouse Gas Analysis prepared by LSA, the project will have a less than significant impact on greenhouse gas emissions and does not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and has included comments regarding hazardous materials and hazardous waste. 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 6.95m 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 handling in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

According to the NEPAAssist Report generated for the project site, the project site is not located on a listed hazardous materials site and will not create a significant hazard to the public or the environment.

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

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or private airstrip.

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

FINDING: NO IMPACT:

The Fresno County Fire Protection District and the Department of Public Health, Environmental Health Division did not express any concerns with regard to an adopted emergency response plan or emergency evacuation plan.

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

FINDING: NO IMPACT:

According to the California Department of Forestry and Fire Protection 2007 Fire Hazard Severity Zones Map, the project site is not located in a fire hazard severity zone. The project is not expected to expose people or structure, either directly or indirectly to wildland fires.

#### X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board, The Water and Natural Resources Division, the Department of Public Health, Environmental Health Division, and the Development Engineering Section of the Development Services and Capital Projects Division has reviewed the subject application. The State Water Resources Control Board and the Water and Natural Resources Division did not express any concerns regarding water quality standards or the availability of groundwater supplies, or the impediment of sustainable groundwater management.

The Department of Public Health, Environmental Health Division requires that in an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be

found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements.

With regard to discharge requirements, the Development Engineering Section of the Development Services and Capital Projects Division will require that 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.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
1. Result in substantial erosion or siltation on- or off-site;
  2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
  3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA, FIRM Panels 2130H and 2140H, the project location is not subject to flooding from the 100-year storm. An Engineered Grading and Drainage Plan may be required by the Development Engineering Section to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The Road Maintenance and Operations Division (RMO) of the Department of Public Works and Planning will require that additional drainage water generated by the covering of the site shall be stored on-site in a drainage pond. Capacity shall be based on 0.5 CA. Ponds deeper than 18 inches shall be fenced per County Standards. Based on requirements set forth by the Development Engineering Section and the Road Maintenance and Operations Division, the project will have a less than significant impact on drainage patterns and minimize potential of erosion and on or offsite flooding. The project will not impede or redirect flood flows.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA, FIRM Panels 2130H and 2140H, the project site is not located in a flood hazard zone from the 100-year storm. According to Figure 9-8 of the Fresno County General Plan Background Report, the project site is located in or near a Dam Failure Flood Inundation Zone. Based on requirements set forth by the Department of



Public Health, Environmental Health Division, the project will be subject to specific regulations with regard to hazardous materials and waste. Those requirements reference the California Code of Regulations (CCR) and the California Health and Safety Code (HSC). Based on those requirements, the risk of pollutants being released due to project inundation will be reduced.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project proposal and requires that in the event that a water well or septic system be abandoned, permits will be required and then the water well and/or septic system be destroyed by an appropriately licensed contractor. Additionally, prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements. No other concerns were expressed with reviewing agencies regarding conflicts or obstruction of implementation of a water quality control plan or sustainable groundwater management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Agricultural in the Fresno County General Plan. General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:

- a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban area or which requires

- location in a non-urban area because of unusual site requirements or operational characteristics.
- b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.
  - c. The operation or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4) mile radius.
  - d. A probably workforce should be located nearby or be readily available.

With regards to Criteria “a”, the project will provide an agricultural related service to the surrounding agricultural operations and throughout the County. As the products of the proposed project are sold directly to the farm or processor, the proposal will reduce the amount of traveling compared to if the project were to be located in a more urban area. No other type of operation similar to the project proposal is located within a one mile radius of the subject parcel. With regards to Criteria “b”, according to the 2016 Fresno County Important Farmlands Map, the project site is located on designated Prime Farmland. Properties in the immediate vicinity of the project site are designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. As only a portion of the prime farmland will be utilized towards the proposal and considering the proximity of less productive lands, the conflict with Criteria “b” is seen as less than significant. With regards to Criteria “c”, the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate that project could have a detrimental impact on water resource. With regards to Criteria “d”, the project site is located approximately 2.27 miles east of the nearest city limits of the City of Fresno. Fresno is a large urban center and has a probable workforce located nearby or readily available.

General Play Policy LU-A.12 states that in adopting land uses policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses. With regards to Policy LU-A.12, the Fresno County Zoning Ordinance allows this type of use subject to a Classified Conditional Use Permit. Additionally, the project proposal is considered a use supportive of agricultural activities.

General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. With regards to Policy LU-A.13, the setback standards provided by the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District will apply towards the project proposal. Additionally, the Applicant has provided chain-link fence along the perimeter of the project area to act as a security measure and buffer. Taking into consideration that the proposed buildings will be setback in excess of the required setbacks and that a chain-link fence is being proposed to provide a buffer, the project will not conflict with agricultural operations.

General Plan Policy LU-A.14 states that the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate. With regard to Policy LU-A.14, the project site is not under a Williamson Act Contract and reviewing

agencies did not express any concerns with regard to the conversion of agricultural land.

General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation should include the following:

- a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.
- b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in questions lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the project in question, those impacts shall be mitigated.

In regard to General Plan Policy PF-C.17, the project has been reviewed by the Water and Natural Resources Division and the State Water Resources Control Board. The project is proposing to utilize a domestic well to service the proposal. Based on County records, the project site is not located in or near identified water short areas. Both the Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate the need for a hydrogeologic study.

## XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in an identified Mineral Resource location.

## XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application and determined that the construction of the project has the potential to expose residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance. Per the Applicant’s Operational Statement, the project operation is not proposing an outside sound amplification system and assembly of harvest equipment will be performed indoors and primarily by hand. During peak season, a hand operated folding device may be employed to facilitate efficiency. Forklifts will be utilized for the handling of the products. Considering the aspects of the operation, a minor increase in noise may occur due to the operation of the project, but is lessened due to the limited use of forklifts and assembly of the products being conducted by hand.

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

FINDING: NO IMPACT:

The project is not located within two miles of a private airstrip or public airport.

#### XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not directly or indirectly induce substantial unplanned population growth. The project is proposed to be built on agricultural land and is not expected to displace people or housing.

## XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection;

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District (FCFPD) has reviewed the subject application and will require that the project comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving the FCFPD conditions of approval for the project, the Applicant must submit construction plans to the County of Fresno Public Works and Planning for review. Additionally, project/developments including: Single-Family Residential (SFR) property of three or more lots, Multi-Family Residential (MFR), Commercial property, Industrial property, and/or Office property shall annex into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as project notes.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No reviewing agency expressed any concerns with regard to the provision or construction of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objective for the listed public services.

## XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

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

## XVI. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Trip Generation Analysis (TGA) conducted by JLB Traffic Engineering, Inc. on March 11, 2019 was produced to evaluate potential traffic generation from the proposed project. The TGA states that out buildout, the proposed Project is estimated to generate a maximum of 96 daily trips, 9 AM peak hour trips and 10 PM peak hour trips. The TGA concludes that based on estimations the proposed project will not produce a significant change in traffic volumes to warrant the completion of a detailed traffic study. The Design Division reviewed the TGA and agreed with the conclusions made from the analysis. The Road Maintenance and Operations Division and the Development Engineering Section of the Development Services and Capital Projects Division also reviewed the project for potential impacts to roadways. No concern was brought forth from the reviewing departments.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The project site is located in an agricultural area and will supply agricultural operations with post-harvest supplies and equipment. By providing the service closer to agricultural operations, vehicle miles traveled are reduced compared to services that are located in urban areas.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The Road Maintenance and Operations Division and Design Division has reviewed the subject application and site plan for road access and design features and did not express concerns. The Fresno County Fire Protection District did not raise any concerns with regard to emergency access.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

Participating California Native American Tribes were notified of the subject application and given the opportunity to enter consultation with the County per Assembly Bill 52. Participating California Native American tribes expressed no concerns with regard to the project proposal and declined the opportunity to enter consultation with the County. As discussed in Section V. Cultural Resources A., B., and C., in the unlikely event that a cultural or tribal cultural resource is identified during the construction of the project, a mitigation measure will be incorporated to address the identification of the resource.

\* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C., Mitigation Measures.

## XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is proposing to construct a new wastewater treatment system, well, and require electrical power to service the proposed office and warehouse. No reviewing agency or department expressed concerns to indicate that the proposal would cause a significant impact. Building permits and inspections will occur to verify that new facilities are built to current building and health codes.

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

FINDING: NO IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concerns that would indicate that water supplies would not be sufficient to serve the project. The Applicant has indicated that the project will be served by an onsite domestic well for water use.

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

FINDING: NO IMPACT:

The project will be served by a proposed onsite wastewater treatment system. The Department of Public Health, Environmental Health Division has reviewed the subject application and has determined that the parcel appears to be able to accommodate the sewage disposal system and expansion area meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP) onsite wastewater treatment system (OWTS) policy and California Plumbing Code. As the project will be on a proposed private septic system, there will be no impact to wastewater treatment providers.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant, the project will produce solid waste in the amount typical of an office. The project is anticipated to be served by the solid waste hauler contracted for the area. No reviewing agency expressed any concerns with regard to the generation of solid waste or with compliance with federal, state and local management and reduction statutes and regulations related to solid waste.



## XX. WILDFIRE

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

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

FINDING: NO IMPACT:

According to the 2007 Fire Hazard Severity Zones in LRA Map by the California Department of Forestry and Fire Protection (Cal Fire), the project site is not located within a fire hazard severity zone and is not located in or near a state responsibility area.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Impacts to Cultural Resources and Tribal Cultural Resources will be less than significant with mitigation incorporated. There are no impacts to Biological Resources and reviewing agencies expressed no concern to the presence of wildlife species or plants. The project is not expected to substantially degrade the quality of the environment or substantially reduce the habitat of fish or wildlife species.

- B. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section I.D., Section V.A., B., and C., Section VI.A and B, and Section XVIII.A.1., and 2.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No substantial impacts on humans beings, either directly or indirectly, were identified in the project analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3628, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Biological Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Transportation, Utilities and Services Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have determined to be less than significant with compliance with the incorporated Mitigation Measures.

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

TK

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7558</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Don Pickett and Associates	Project Title: Classified Conditional Use Permit Application No. 3628		
Project Description: Allow the assembly and storage of equipment for the post-harvest processing of agricultural products provided such equipment is sold directly to the farmer or processor on a 38.19-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3628, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Biological Resources, Mineral Resources, Population and Housing, Recreation, and Wildfire.  Potential impacts related to Agricultural and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Waste, Hydrology and Water Quality, Land Use Planning, Noise, Public Services, Transportation, Utilities and Service Systems, have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have been determined to be less than significant with compliance with the incorporated 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.			
<b>DRAFT</b>			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 14, 2019		Review Date Deadline: Planning Commission – July 18, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

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**EXHIBIT 9**