



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 5 April 22, 2021

**SUBJECT:** Classified Conditional Use Permit Application No. 3656 and Initial Study No. 7681

Allow the expansion of an existing fertilizer manufacturing plant on a 68.67-acre site and onto three contiguous parcels totaling 66.68 acres (135.35 acres total) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the southwest corner of W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue, Helm, CA) (Sup. Dist.: 1) (APN: 040-080-40S, 42S, 43S, 44S).

**OWNER/APPLICANT:** Jacob and Kimberly Evans

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7681; and
- Approve Classified Conditional Use Permit No. 3656 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/Floor Plan/Elevations
6. Applicant’s Operational Statement
7. Summary of Initial Study No. 7681
8. Conditions of Approval from Conditional Use Permit Nos. 2467, 3265, 3340 and 3523
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	68.67 acres	66.68 acres
Project Site	<p>A fertilizer manufacturing facility on a 68.67-acre site with the following improvements:</p> <ul style="list-style-type: none"> <li>• Office &amp; storage</li> <li>• Break room</li> <li>• Mixing/commodity room</li> <li>• Pellet room</li> <li>• Storage room</li> <li>• Mechanic/utility liquid room</li> <li>• Electrical room</li> <li>• Raw material storage</li> <li>• Fire pump house</li> <li>• Scale house</li> <li>• Liquid/fertilizer storage tanks</li> <li>• Pellet mill/processing room</li> <li>• Finished products storage &amp; packaging</li> </ul>	<p>Expansion of the facility on a 68.67-acre site and onto an additional 66.68 acres (135.35 acres total).</p> <p>Proposed Improvements on 68.67 acres include:</p> <ul style="list-style-type: none"> <li>• 20,750 Square-foot raw material storage 3</li> <li>• 36,950 square-foot feed processing and storage 2</li> <li>• 2,2500 square-foot raw material storage 4</li> <li>• 82,300 square-foot raw material storage</li> <li>• 103,130 square-foot raw material storage 6</li> <li>• 98,100 square-foot pelletized product storage 1</li> </ul>

Criteria	Existing	Proposed
	<ul style="list-style-type: none"> <li>• Feed processing and storage</li> <li>• Liquid fertilizer storage tanks</li> <li>• Fuel storage tanks</li> <li>• Fire storage tanks</li> <li>• Propane tanks</li> <li>• Conveyor machinery/ hammermill</li> <li>• Onsite parking</li> </ul>	<ul style="list-style-type: none"> <li>• 98,100 square-foot pelletized product storage 2</li> <li>• 20,000 square-foot two-story office</li> <li>• Strom Ponds</li> <li>• Product storage areas</li> <li>• Automobile parking with solar carport cover</li> <li>• Truck Parking</li> <li>• Entrance off Kamm Avenue</li> </ul> <p>Proposed Improvements on 66.68 acres include:</p> <ul style="list-style-type: none"> <li>• Strom Ponds</li> <li>• Product storage areas</li> </ul>
Related Structural Improvements	See above	See above
Nearest Residence	0.5-mile east of the project site	No change
Surrounding Development	Orchard, vineyards, single-family residences	No change
Operational Features	<p>The existing 68.67 acres agricultural fertilizer manufacturing facility receives solid and liquid chicken manure from poultry ranches to manufacture feed product, pelletized fertilizer, and liquid fertilizer.</p> <ul style="list-style-type: none"> <li>• To manufacture feed product, raw product is mixed, milled, heat treated, and finished product is stored.</li> <li>• To manufacture pelletized fertilizer, raw product is mixed with additives, pelletized and heat treated, and finished product is stored in "bunkers" and After tests, the material is either placed in 2,000 lb. totes which are pallets, bagged or sold in bulk. The</li> </ul>	<p>The 66.68 acres expansion to the facility entails the following:</p> <ul style="list-style-type: none"> <li>• No change to the current operational features or production capacity except to increase plant efficiency, improve storage conditions and enhance compliance with applicable regulations.</li> <li>• Within the existing 68.67 acres facility area, additional buildings (as noted above) will be constructed to allow operational and energy efficiencies.</li> <li>• Within the proposed 66.68 acres area, no buildings will be constructed, and the land will be utilized for raw product storage</li> </ul>

Criteria	Existing	Proposed
	<p>palletized totes and bags are moved to an inside storage area and buildings.</p> <ul style="list-style-type: none"> <li>Liquid fertilizer is manufactured from molasses and other additives that are delivered to the site by tanker or bulk material trucks. The ingredients for the liquid fertilizer are blended, heat treated and filtered and stored in large tanks until they are sold and shipped offsite by trucks</li> </ul>	
Employees	40 (Per the TIS scoping document)	May increase up to 100
Customers or Visitors	Two (2) per day	No change
Traffic Trips	Per the TIS scoping document, dated March 11, 2020 prepared by Peters Engineering Group	Per the TIS scoping document: <ul style="list-style-type: none"> <li>Zero new truck trips</li> <li>Up to 20 one-way trips (10 roundtrips) by employees</li> </ul>
Lighting	Building exteriors	Building exteriors
Hours of Operation	<ul style="list-style-type: none"> <li>7 am to 5 pm (day shift)</li> <li>10 pm to 6 am (night shift)</li> </ul>	No change

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

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7681 was prepared for the project by County Staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

A Notice of Intent to adopt a Mitigated Negative Declaration was published on March 12, 2021.

**PUBLIC NOTICE:**

Notices were sent to seven (7) property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government

Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Classified Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. The decision of the Planning Commission on a Classified Conditional Use Permit No. 3656 Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

On August 3, 1990, Conditional Use Permit No. 2467 (Environmental Assessment No. 3653) was approved to allow an agricultural fertilizer processing operation on a 20-acre portion of a 321.5-acre parcel.

On March 11, 2010, Conditional Use Permit No. 3265 (Initial Study No. 6079) was approved to allow the expansion of an existing 20-acre agricultural fertilizer processing operation by an additional 18.40 acres of processing and storage space on a 38.40-acre parcel.

On February 23, 2012, Conditional Use Permit No. 3340 (Initial Study No. 6442) was approved to allow the expansion of an existing 38.40-acre agricultural fertilizer processing operation by an additional 29.18 acres of storage and circulation area totaling 67.58-acre (68.67 acres gross).

On January 28, 2016, Conditional Use Permit No. 3523 was approved to allow increase in liquid fertilizer storage capacity with 50-foot-tall storage tanks for an existing agricultural fertilizer processing operation on a 68.67-acre parcel.

The subject Use Permit Application (CUP No. 3656) proposes to allow the expansion of an existing fertilizer manufacturing plant on a 68.67-acre parcel and onto three contiguous parcels totaling 66.68 acres. According to the Applicant's Operational Statement (Exhibit 6), the proposed expansion will not affect production capacity, but will increase plant efficiency, improve storage conditions, and improve the ability to comply with applicable regulations. There will be no buildings on the 66.68 acres expansion area which will be used for raw product storage and will be provided with a gravel service road and a new but previously approved access point onto W. Kamm Avenue. Within the existing facility, additional buildings will be added to allow operational and energy efficiencies.

The 66.68 acres site is enrolled in Williamson Act Program. A petition for Partial Cancellation of Williamson Act Contract No. 2093 was filed by the applicant with the Policy Planning Unit of the Development Services and Capital Projects Division. The Agricultural Land Conservation Committee (ALCC) considered the Williamson Act Cancellation (RLCC 1008) on April 7, 2021 and recommended approval of the Cancellation to the Board of Supervisors.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	<ul style="list-style-type: none"> <li>• Front (North property line): 186 feet</li> <li>• Side (East property line): 222 feet</li> <li>• Side (West property line): 716 feet</li> <li>• Rear (South Property line): 1,324 feet</li> </ul>	Yes
Parking	One parking space for every two permanent employees.	92 parking spaces in addition to the existing 43 spaces	Yes
Lot Coverage	No Requirement	No Requirement	N/A
Separation Between Buildings	40 feet between animal shelter and building for human occupancy	N/A	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	No change	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change to the existing water wells and no new well to be drilled	N/A

**Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 Zone District. Completion of a Site Plan Review is suggested to ensure adequate area for parking and circulation.

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

**Analysis Finding 1:**

Staff review of the Site Plan demonstrates that the proposed improvements meet minimum building setback requirements of the AE-20 Zone District. Also, the project site can be accommodating the proposed improvements. Regarding off-street parking, the Zoning Ordinance requires one parking space for every two permanent employees and one parking space for the disabled for every 25 standard parking spaces. As True Organic Products currently retains 65 permanent employees, 33 standard parking spaces including two parking spaces for the disabled are required for the operation. However, the site provides for 43

standard parking spaces, including two parking spaces for the disabled. Due to the proposed expansion of the facility the number of employees working on site may be as high as 100 requiring a minimum of 50 standard parking spaces including two parking spaces for the disabled. In addition to the existing 43 parking, the project will provide an additional 92 standard parking spaces including four (4) handicap spaces for the disabled. The project is provided with adequate number of parking for the existing operation and the proposed expansion. This proposal also provides for 14 onsite parking spaces for trucks to accommodate the operations.

**Recommended Conditions of Approval:**

*None.*

**Conclusion Finding 1:**

Based on the above information and with adherence to a Site Plan Review, which shall be required as a Condition of Approval, staff believes the site is adequate to accommodate the proposed use, required number of parking and necessary circulation areas.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Kamm Avenue; Excellent condition	No change
Direct Access to Public Road	Yes	Kamm Avenue	No change
Road ADT (Average Daily Traffic)		400	No change
Road Classification		Arterial	No change
Road Width		Kamm Avenue: 83 feet along the eastern 1,773.5 feet of the subject parcel (APN: 040-080-40S); 70 feet along the western 416 feet of the subject parcel (APN: 040-080-42S)	Additional 13 feet right-of-way for Kamm Avenue is required from the northern side of the western 416 feet of the subject parcel (APN: 040-080-42S)
Road Surface		Asphalt concrete paved; (pavement width: 24.7 feet)	No change
Traffic Trips		Per the TIS scoping document, dated March 11, 2020 prepared by Peters Engineering Group	Per the TIS scoping document: <ul style="list-style-type: none"> <li>• Zero new truck trips</li> <li>• Up to 20 one-way trips (10 roundtrips) by employees</li> </ul>

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Traffic Impact Study (TIS) Prepared	No	Traffic Impact Study (TIS), dated August 7, 2009, prepared by Peters Engineering Group.	No TIS required. Per the TIS Scope of Work approved by the County Design Divisions, Road Maintenance & Operations Division and California Department of Transportation, the project will not generate traffic volumes that exceed the thresholds described in Section 1.3 of the County Guidelines. Additionally, there are no known special circumstances with respect to traffic conditions near the project sites.
Road Improvements Required		Excellent condition	None required – road identified as being in excellent condition

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Kamm Avenue is classified as an arterial road in the County’s general plan requiring road right-of-way of 106 feet. Currently, there is 40 feet of right-of-way south of centerline on Kamm Avenue, requiring an additional 13 feet along parcel frontage (APN: 040-080-42S). This has been included as a Condition of Approval.

An encroachment permit is required for the proposed driveway approach at onto Kamm Avenue and for any work done in the county road right-of-way. No concerns expressed with the Traffic Index (TI) analysis prepared for the project.

Development Engineering Section of the Fresno County Department of Public Works and Planning: If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing and proposed driveways onto Kamm Avenue.

The above-noted requirements have been included as Project Notes.

California Department of Transportation and Design Division of the Fresno County Department of Public Works and Planning: No concerns expressed with the Traffic Impact Study Scope of Work prepared for the project and no TIS required.

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

**Analysis Finding 2:**

The 135.35-acre project site has road frontage on Kamm Avenue which is classified as arterial in the County General Plan. Kamm Avenue has pavement width of 21.9 feet and is in excellent condition. This application proposes one new access point onto Kamm Avenue, in addition to one existing and one approved access point authorized by prior land use proposals.



The portion of Kamm Avenue fronting the western 416 feet of the project site has a total existing right-of-way of 70 feet, with 30 feet north and 40 feet south of the section line. As the ultimate right-of-way for an arterial road is 53 feet south of section line, a Condition of Approval would require dedication of an additional 13 feet of right-of-way from the northern side of the western 416 feet of the subject parcel which abuts Kamm Avenue.

Per the Traffic Scope of Work (SOW) prepared for the subject proposal, a Traffic Impact study (TIS) was not required based on the low volumes of project trips and low traffic volumes on the adjacent streets. Additionally, the subject proposal including a warehousing facility at 16782 W. Kamm Avenue that was included in the SOW, will not generate traffic volumes that exceed the thresholds described in Section 1.3 of the County Guidelines, and there are no known special circumstances with respect to traffic conditions near the project sites. Furthermore, a Traffic Index (TI) analysis prepared for the project that focused on the anticipated effect of truck traffic resulting from the project on pavement in Kamm Avenue and included the road segments of Kamm Avenue west of State Route (SR) 145, and Kamm Avenue east of SR 145, found that the project would not cause TI to increase on the study road segments. The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, and California Department of Transportation concurred with the finding of SOW and the findings of TI Analysis and offered no comments.

**Recommended Conditions of Approval:**

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

**Conclusion Finding 2:**

Based on the above information relating to additional ROW and traffic analysis, staff believes Kamm Avenue will remain adequate in width and pavement to accommodate the traffic generated by this proposal.

*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:	639.92 acres	Fallowed	AE-20	None
South/West:	175 acres	Fallowed	AE-20	None
East:	318.18 acres	Solar farm	AE-20	None

**Reviewing Agency/Department Comments:**

California Regional Water Quality Control Board (RWQCB): To comply with the Regional Board’s requirement (as stated in the Applicant’s Operational Statement), the project proponent (True Organic) may need to submit a Report of Discharge with the Regional Board, as required by Section 13260 of the California Water Code. This requirement has been included as a Condition of Approval.

Southern San Joaquin Valley Information Center: An archeological survey of the project site

shall be performed by a professional archeologist. (Note: A survey was conducted, and its findings were included in the CULTURAL RESOURCES Section of Exhibit 7).

Fresno County Department of Public Health, Environmental Health Division: Onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. The location of the onsite sewage disposal area shall be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system. Access to septic tanks shall be maintained, and disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.

To protect groundwater, all abandoned water wells on the property shall be properly destroyed under permits and inspections from the Health Department. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. 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. Within 30 days of the occurrence of any of the following events the applicant/operators shall update online Hazardous Materials Business Plan (HMBP) and site map: 1) there is a 100 percent or more increase in the quantities of a previously-disclosed material; 2) the facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts; and 3) changes to building structures and/or hazardous materials/wastes storage areas. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank, if found during construction.

Should demolition of the existing structures find an active rodent or insect infestation, the infestation shall be abated prior to demolition of the structures to prevent the spread of vectors to adjacent properties. The San Joaquin Valley Air Pollution Control District be contacted if asbestos containing materials are encountered in the process of demolishing the existing structures. If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in the existing structures, then, prior to demolition and/or remodel work, the contractor should contact the following agencies for current regulations and requirements: 1) California Department of Public Health, Childhood Lead Poisoning Prevention Branch; 2) United States Environmental Protection Agency, Region 9; and 3) State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA). Further, any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional runoff generated by the proposed project shall not be drained across property lines and be retained onsite per County Standards. An engineered grading and drainage plan shall be approved, and a grading permit shall be obtained for any grading that has been done without a permit and any grading proposed with the subject proposal. Any proposed development within the Flood Zone-A (FEMA, FIRM Panel 2550H) shall require compliance with Title 15.48 of Fresno County Flood Ordinance.

The Fresno County Fire Protection District's (CalFire): The project shall comply with the California Code of Regulations Title 24 – Fire Code and after County approval, copies of the approved Site Plan shall be submitted to the CalFire for review and approval. The project shall annex into Communities Facilities District No. 2010-01 of the District.

The above-noted requirements have been included as Project Notes.

Site Plan Review Section of the of the Fresno County Department of Public Works and Planning: SPR requirements are noted in Exhibit 1 under Conditions of Approval and Project Notes.

State Water Resources Control Board, Division of Drinking Water; Central Valley Regional Water Quality Control Board; Fresno County Agricultural Commissioner's Office; North Fork Kings Groundwater Sustainability Agency; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife; Native American Heritage Commission; Santa Rosa Rancheria Tachi Yokut Tribe; Picayune Rancheria of the Chukchansi Indians; Dumna Wo Wah Tribal Government; Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments or responses on the proposal.

### **Analysis Finding 3:**

This proposal entails the expansion of an existing 68.67-acre agricultural fertilizer processing plant authorized by CUP No. 2467 and later modified/expanded by various Use Permits.

The project site is currently developed with buildings/structures and parking and circulation areas related to an existing fertilizer manufacturing facility. The proposed expansion of the facility would add additional buildings and structures and outdoor product storage areas and storm ponds. The project area consists of uncultivated land of large size with little or no improvements. The closest development is a photovoltaic facility to the east and a SFR also located to the east approximately one-half mile from the project site. The San Luis Drain is located approximately one-quarter of a mile southwest of the site.

Given the current setting of the area and the proposed buildings/structures to be comparable in height, design and construction to the existing onsite improvements, the project will have minimal impact on the visual character or quality of the surrounding area.

An Initial Study prepared for this project has identified potential impacts to aesthetics and cultural resources. To mitigate aesthetics impact, all outdoor lighting will be hooded and be directed downward to avoid glare on adjoining properties. To mitigate cultural resources impact, if artifacts are uncovered during the construction, all work will be stopped, and a qualified archeologist will be contacted to evaluate the finds. These requirements have been included as Mitigation Measures (Exhibit 1). To address the California Regional Water Quality Control Board concerns regarding impact on groundwater quality, a Condition of approval would require that the project may need to submit a Report of Discharge with the Regional Board, as required by Section 13260 of the California Water Code.

Potential impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, public services would be less than significant. The project will adhere to Air District rules and regulations, obtain permits for new sewage disposal system, handle hazardous materials according to local and state requirements, destroy onsite abandoned water wells under permit and inspections, comply with the California Code of Regulations Title 24 – Fire Code, and obtain Fresno County Fire Protection District's approval of the site plan prior to the issuance of building permits. These requirements have been included as Project Notes (Exhibit 1).

Pursuant to Assembly Bill (AB) 52, the project was routed to Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and

Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, the Table Mountain Rancheria (TMR), request to be informed in the unlikely event that cultural resources are identified on the site would be addressed with the Mitigation Measure included in the CULTURAL ANALYSIS section of this Exhibit 7.

**Recommended Conditions of Approval:**

*See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.*

**Conclusion Finding 3:**

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will have no adverse effect upon surrounding properties.

*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: County may allow agriculturally related uses by discretionary permit, subject to the following criteria.</p> <ol style="list-style-type: none"> <li>1. Criteria LU-A.3. a.: The use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</li> <li>2. Criteria LU-A.3. b.: The use shall not be sited on productive agricultural land if less productive land is available in the vicinity.</li> <li>3. Criteria LU-A.3. c.: The use shall not have a detrimental impact on water resources.</li> <li>4. Criteria LU-A.3. d.: A probable workforce should be located nearby or readily available.</li> </ol>	<p>Regarding Criteria a, this proposal entails expansion of an existing fertilizer processing facility authorized and expanded by various Use Permits (CUP Nos. 2467, 3265, 3340 and 3523). The facility is situated in a non-urban area due to its operational characteristics.</p> <p>Regarding Criteria b, the project site is not prime farmland. The site is classified as Farmland of Local Importance and Semi-Agricultural and Rural Commercial Land in the 2016 Fresno County Important Farmland Map.</p> <p>Regarding Criteria c, the site is not located in a water short area. The project will not increase water consumption by the existing facility.</p> <p>Regarding Criteria d, the project is located near Helm and the City of San Joaquin which can provide adequate workforce.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-</p>	<p>The subject proposal is an agriculture-related use located on a pre-disturbed non-prime farmland. The proposed improvements will maintain adequate distance from an existing photovoltaic power generating facility to the east and the future gen-tie line to the south/west. As the project site is not a</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>productive agricultural land, no specific mitigation measures for the preservation of agricultural land is required. No concerns in that regard were expressed by Agricultural Commissioner's Office. The project meets these policies.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The project site is not located in a water-short area of Fresno County. The project will not change the current groundwater usage of 35,000 gallons per day for the existing facility. No impact on groundwater resources would occur from the facility expansion. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning expressed no concerns related to the availability of water for the project. The project meets this policy.</p>
<p>General Plan Policy HS-B.1: County shall review project proposals to identify potential fire hazards and to evaluate effectiveness of preventive measures to reduce the risk to fire and property.</p>	<p>The project will adhere to the California Code of Regulations Title 24 – Fire Code and obtain District's approval prior to the issuance of building permits by the County. With adherence to this requirement, the project meets this policy.</p>
<p>General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>The proposal will handle all hazardous material and wastes in accordance with state and local laws as discussed in Section IX. A. of this report. The project meets this policy.</p>

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally related uses by discretionary permit subject to meeting certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural fields, and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and mitigation measures where appropriate. Policy PF-C.17 requires sustainable water supply for the project. Policy HS-B.1 requires identification of potential fire hazards and the application of preventive measures to reduce risk to life and property. Policy HS-F.1 requires handling of all hazardous materials/waste in accordance with applicable hazardous materials and waste management laws and regulations.

**Analysis Finding 4:**

The project meets the intent of Policy LU-A.3 as discussed above in General Plan Consistency/ Consideration. Concerning this policy, the existing fertilizer manufacturing plant established in 1990 has received several land use entitlements to allow for the expansion of the facility as described in the "Background Information." All previous Conditional Use Permits has resulted in the determination that the use met the above-specified criteria. The current proposal, which seeks to expand the use by adding additional storage areas will not change the basic nature of the operation or result in a significantly more intense use.

Regarding consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the project is a compatible use pursuant to Policy LU-A.3. and the proposed improvements will maintain adequate distance from surrounding improvements and uncultivated land. Regarding consistency with Policy PF-C.17 and Policy HS-B.1 the project will not result in an increase in groundwater consumption and will comply with all applicable fire code requirements. Regarding Policy HS-F.1, the project will comply with all laws related to the handling of hazardous wastes.

**Recommended Conditions of Approval:**

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

**Conclusion Finding 4:**

Based on the above information, and with adherence to the Mitigations Measures, Conditions and Project Notes, staff believes that the proposed Classified Conditional Use Permit will not have an adverse effect upon surrounding properties and is consistent with the General Plan. Finding 4 can be made.

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

**Reviewing Agency/Department Comments:**

Refer to the Reviewing Agency/Department Comments in Findings 1-4 of this report.

**Analysis Finding 5:**

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

**Recommended Conditions of Approval:**

*None.*

**Conclusion Finding 5:**

Based on the above information, the proposed mitigation measures and conditions of approval are necessary to protect the public health, safety, and general welfare. Finding 5 can be made.

**PUBLIC COMMENT:**

None.

**SUMMARY CONCLUSION:**

Staff believes that the proposed expansion to an existing fertilizer manufacturing facility is consistent with the Fresno County General Plan and will have less than significant impacts on the surrounding properties.

**SUMMARY RECOMMENDATION:**

Based on the factors cited in the analysis, all the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of Mitigated Negative Declaration prepared for Initial Study No. 7681, and approval of Classified Conditional Use Permit No. 3656, subject to the recommended mitigation measures and conditions of approval.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7681; and
- Move to determine the required Findings can be made as noted in the staff report and move to approve Classified Conditional Use Permit No. 3656, 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. 3656; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

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

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7681; Classified Conditional Use Permit Application No. 3656**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning (PW&P)	As noted
*2.	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	As noted

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.
2.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but not limited to the design of parking and circulation areas, access, on-site grading and drainage, right-of-way dedication, fire protection, landscaping, signage and lighting.
3.	All Conditions of prior Conditional Use Permit Nos. 2467, 3265, 3340 and 3523 shall remain in full force and effect except as modified with or superseded by approved conditions of CUP No. 3656.
4.	<p>The portion of Kamm Avenue fronting the western 416 feet of the project site (APN: 040-080-42S) has a total existing right-of-way of 70 feet, with 30 feet north and 40 feet south of the section line. Kamm Avenue is classified as an Arterial requiring an ultimate road right of way of 53 feet south of the section line. The owner of the property shall record a document irrevocably offering the 13 feet as future right-of-way from the northern side of the western 416 feet of the subject parcel which abuts Kamm Avenue.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>
5.	To comply with the California Regional Water Quality Control Board Waste Discharge requirements, the project proponent (True Organic) may need to submit a Report of Discharge with the Regional Board, as required by Section 13260 of the California Water Code.
<b>Project Notes</b>	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Construction plans, building permits and inspections will be required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>To address site development impacts resulting from the project, the Site Plan Review Unit of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• All parking stalls along the property line adjacent to West Kamm Avenue shall be setback a minimal of twenty feet per county standards.</li> <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 Operation Division.</li> <li>• If only the driveway is to be paved, the first 100 feet of the edge of the ultimate right-of-way shall be concrete or asphalt.</li> <li>• Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.</li> <li>• Internal access roads shall comply with required widths by the Fire District for emergency apparatus.</li> <li>• A dust palliative shall be required on all parking and circulation areas.</li> </ul>

- Any proposed gate that provides initial access to this site shall be setback from the edge of the road right-of-way a minimum of 20 feet or the length of the longest vehicle to enter the site, whichever is greater.
- Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) Unit for review and approval prior to the issuance of Building Permits.
- All proposed signs, require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Note: These requirements will be addressed through Site Plan Review.

4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> <li>• Any additional runoff generated by the proposed project shall not be drained across property lines and be retained onsite per County Standards.</li> <li>• An engineered grading and drainage plan shall be approved.</li> <li>• A grading permit shall be obtained for any grading that has been done without a permit and any grading proposed with this application.</li> <li>• Per FEMA, FIRM Panel 2550H, portions of the parcel and proposed structures are within Flood Zone A and subject to flooding from the 100-year storm. Any proposed development within the Flood Zone will require compliance with Title 15.48 of Fresno County Flood Ordinance.</li> <li>• A 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at the existing and proposed driveways onto Kamm Avenue.</li> </ul>
	<p>To address site development impacts resulting from the project, the Road Maintenance and Operations Division of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> <li>• An encroachment permit shall be obtained for the proposed drive approach onto Kamm Avenue.</li> <li>• An encroachment permit shall be obtained for any work performed in the County road right-of-way.</li> </ul>

6.	<p>To address public safety impacts resulting from the project, the Fresno County Fire Protection District requires the following:</p> <ul style="list-style-type: none"><li>• The project shall comply with the California Code of Regulations Title 24 – Fire Code</li><li>• Subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval.</li><li>• The project shall annex into Communities Facilities District No. 2010-01 of the District.</li></ul>
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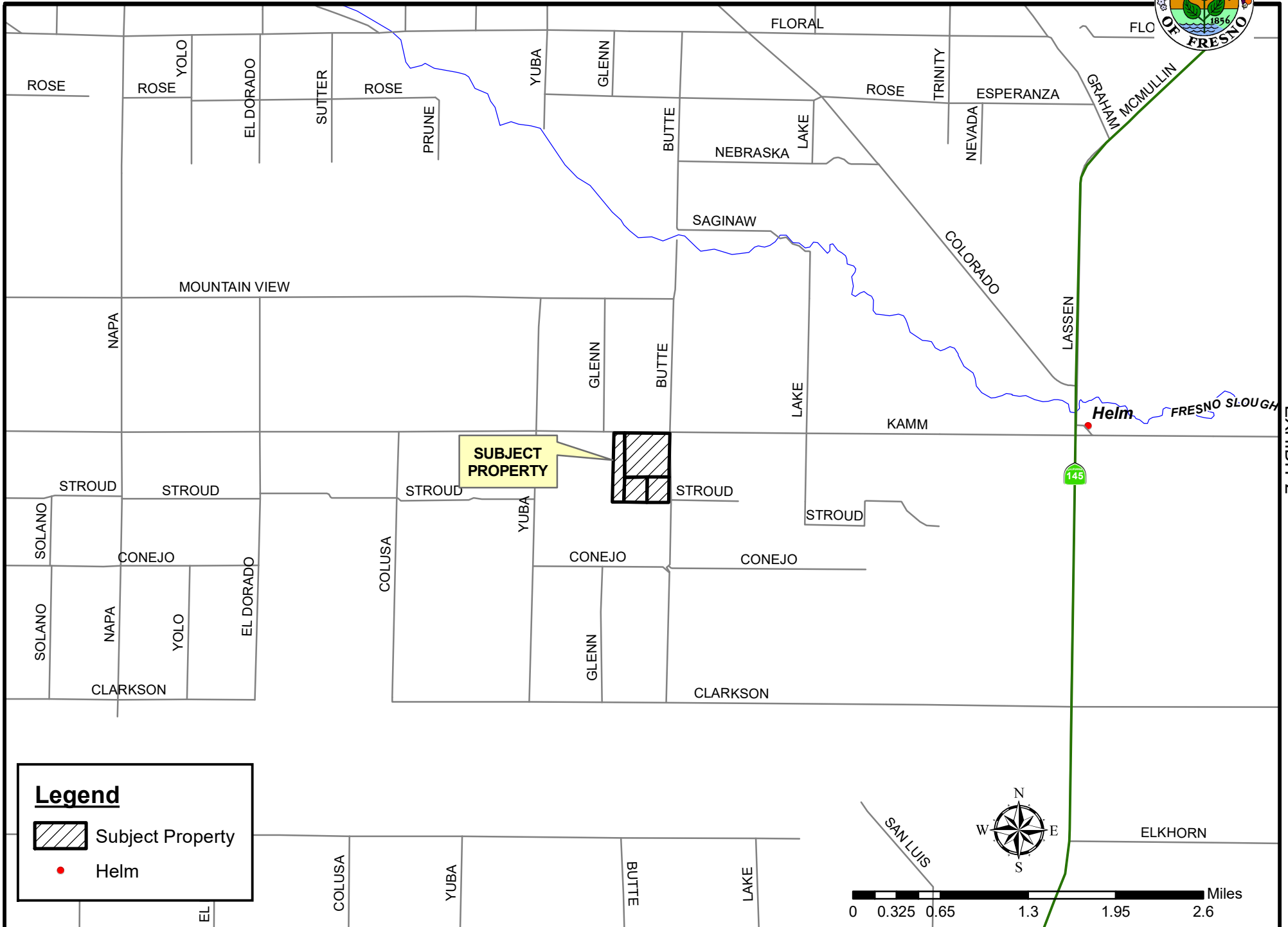
\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

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# LOCATION MAP

CUP 3656



**Legend**



-  Subject Property
-  Helm





EXHIBIT 3  
**EXISTING ZONING MAP**

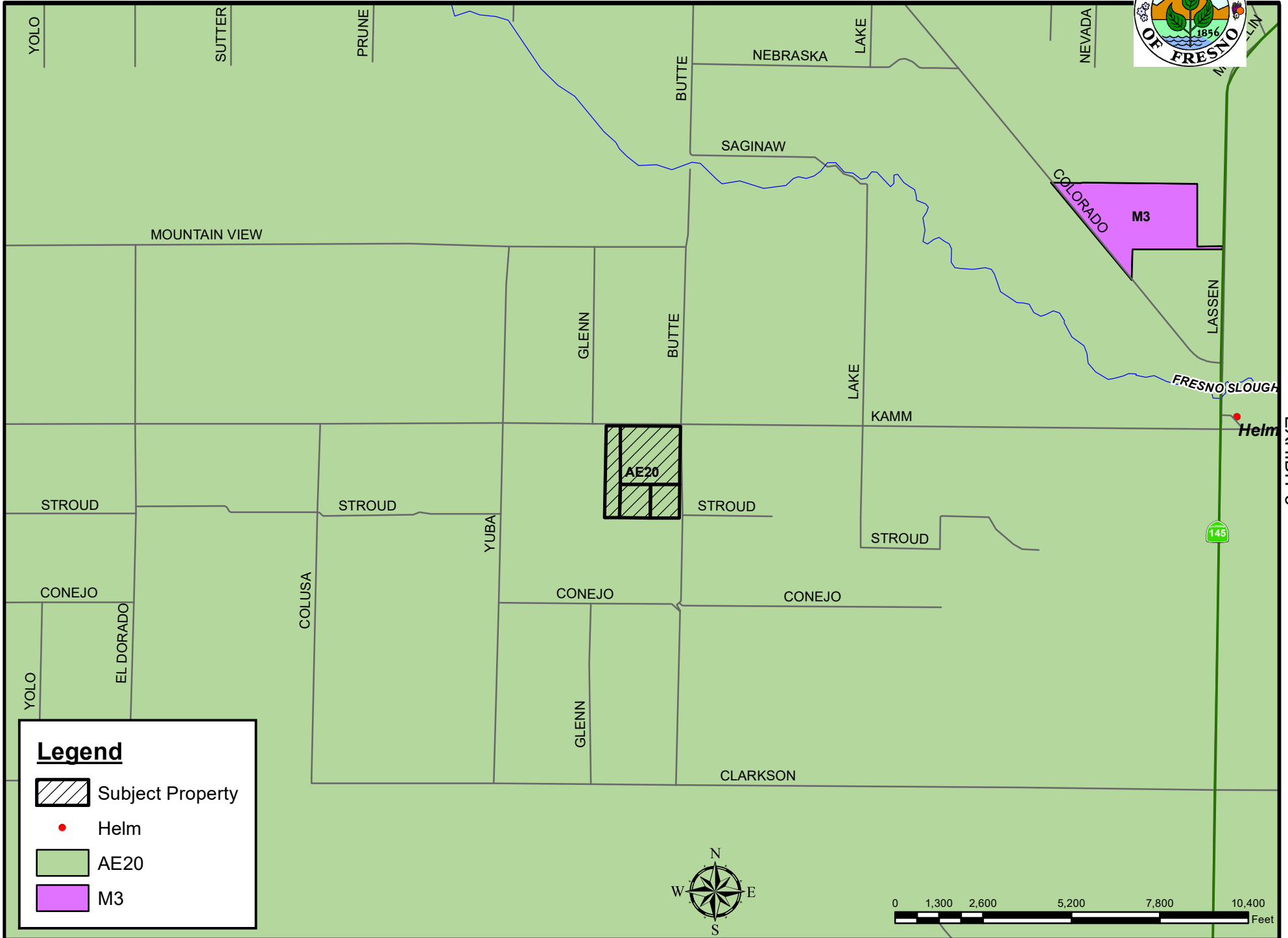
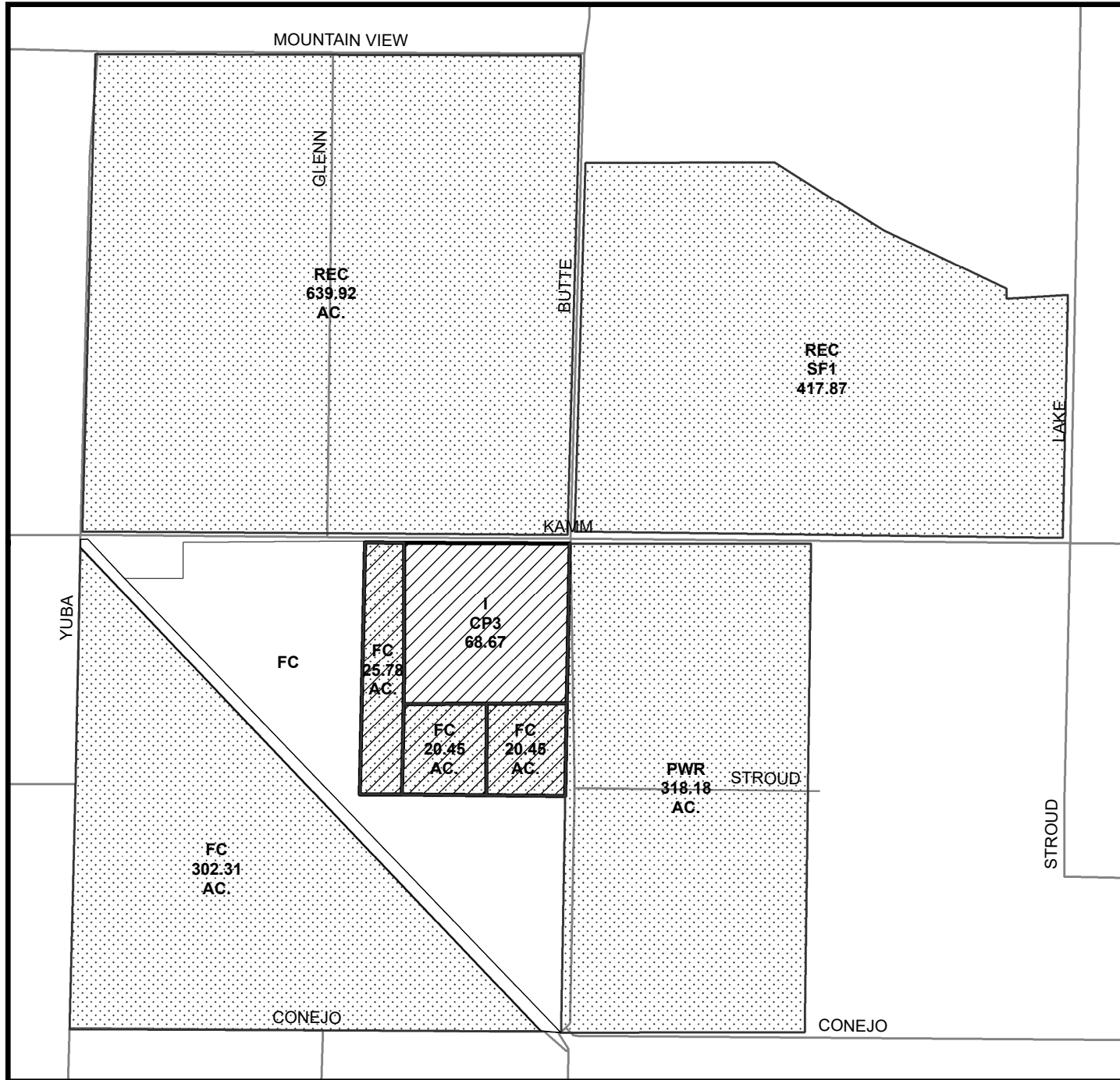


EXHIBIT 3



# EXISTING LAND USE MAP

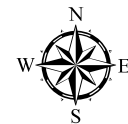
CUP 3656



LEGEND	
CP#	- OFFICE COMM./PROF
FC	- FIELD CROP
I	- INDUSTRIAL
PWR	- POWER GENERATION SITE
REC	- RECREATION
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

## LEGEND:

-  Subject Property
-  Ag Contract Land



0 412.5 825 1,650 2,475 3,300 Feet

Department of Public Works and Planning  
Development Services Division

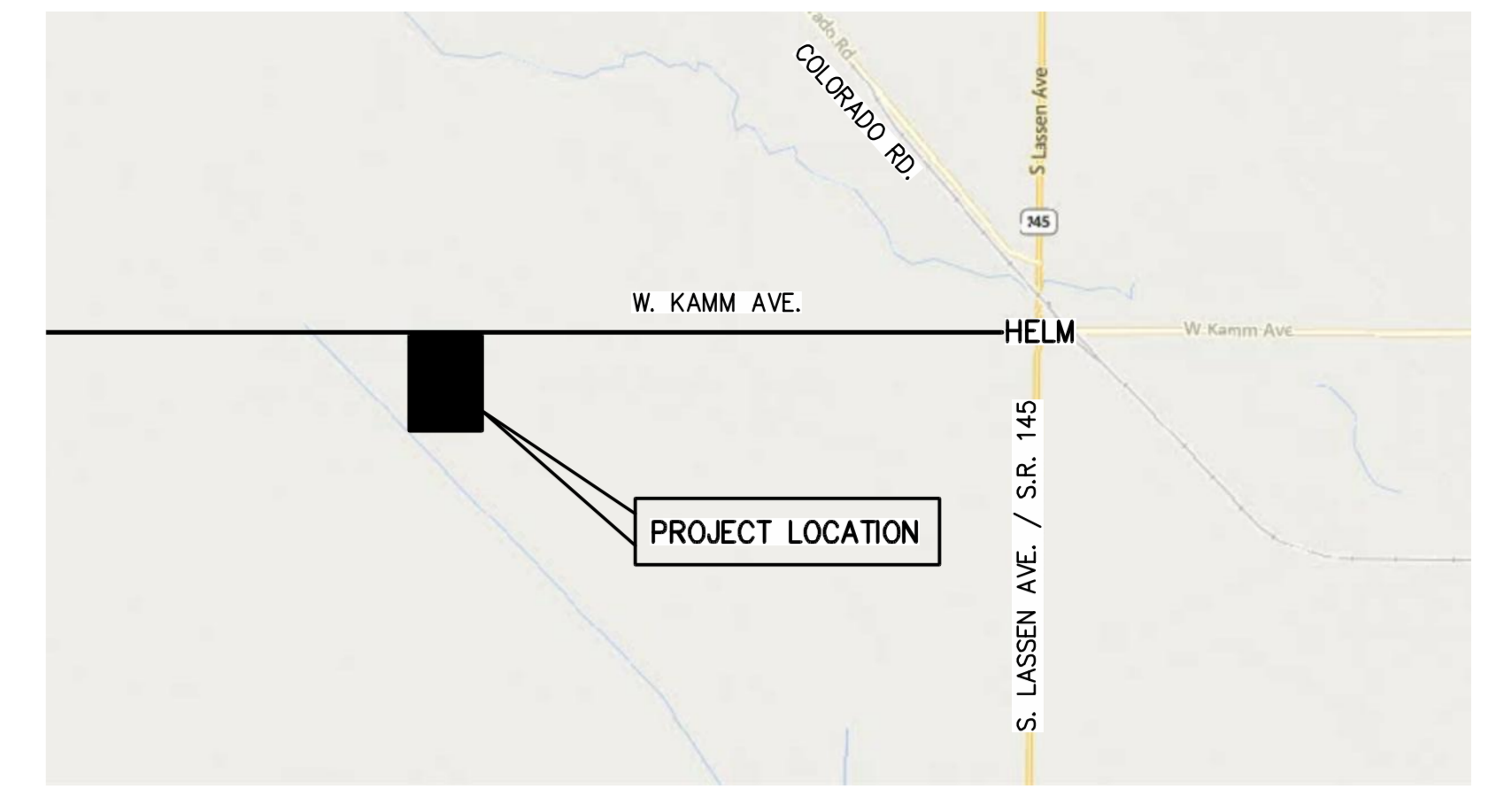
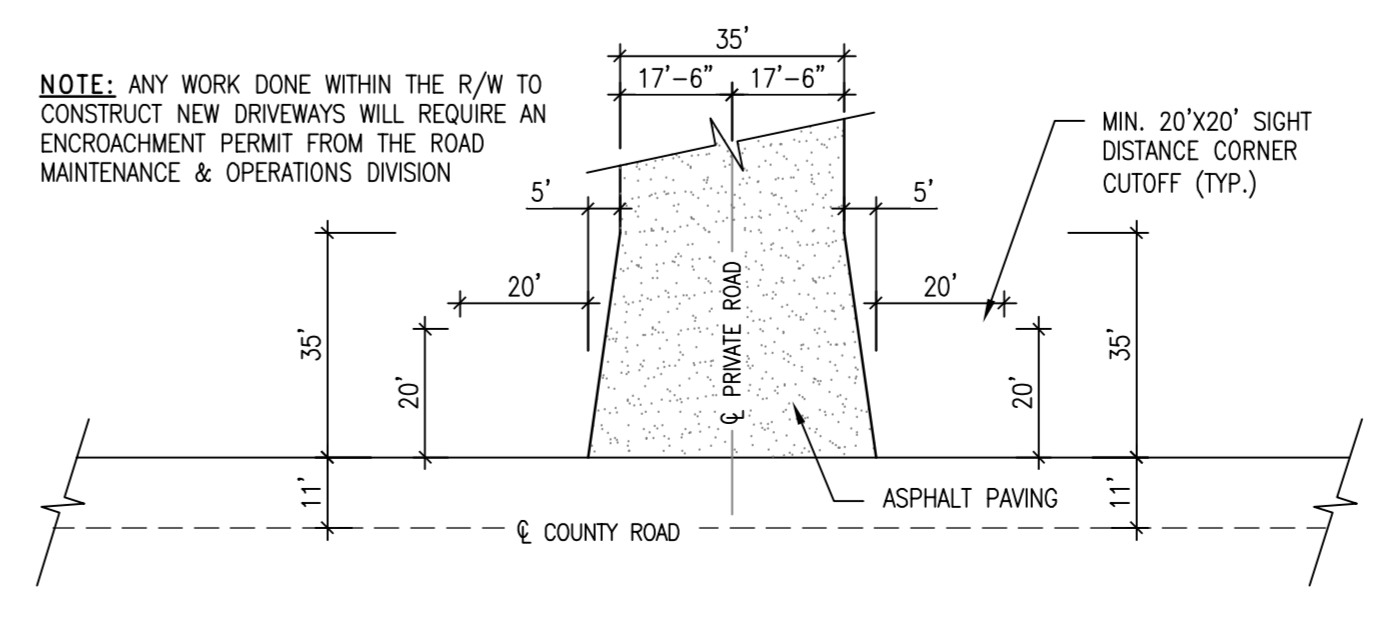
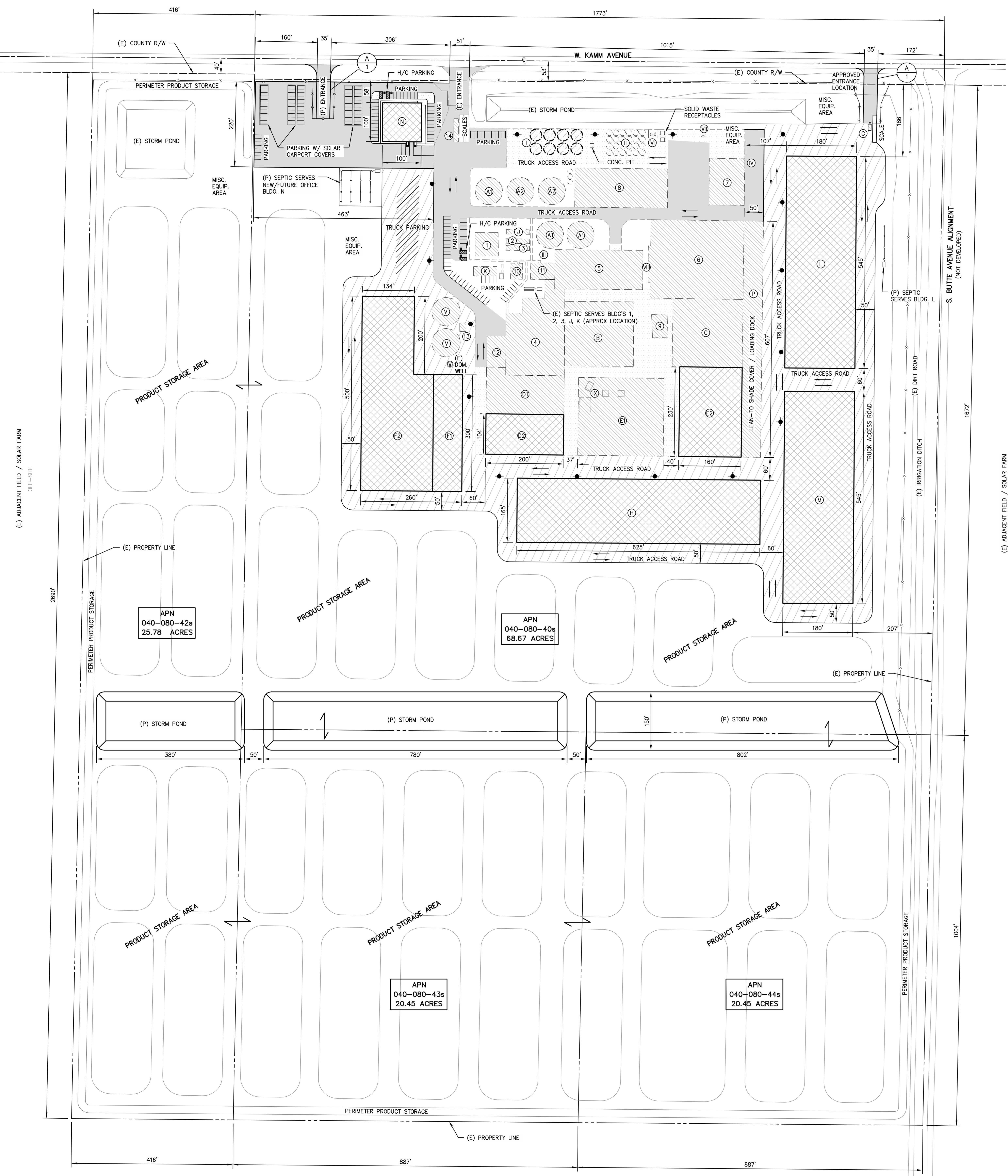
EXHIBIT 4



# EXHIBIT 5

**SITE LEGEND**

	GROUND FEATURE		PROPOSED STRUCTURE		GRAVEL ROAD/AREA		EXISTING DOMESTIC WELL
	EXISTING / PROPOSED FENCE		EXISTING STRUCTURE PREVIOUSLY APPROVED		A.C. PAVEMENT		EXISTING FIRE HYDRANT
	APPROX. PROPERTY LINE		CONCRETE		SAME OWNERSHIP		
	APPROX. CENTERLINE						
	APPROX. RIGHT-OF-WAY						



**PROPERTY DATA**

OWNER	TRUE ORGANIC PRODUCTS LLC PO BOX 7192 SPRECKELS, CA 93962 559-868-3001
JURISDICTION	COUNTY OF FRESNO
ZONING	AE-20
SITE AREA	135.35 ACRES
APN #	040-080-40s, 42s, 43s, 44s
SITE ADDRESS	20225 W. KAMM AVENUE HELM, CA 93627
WATER	DOMESTIC WELL (EXISTING)
SEWER	SEPTIC (EXISTING)
GAS	LPG (EXISTING)
ELECTRIC	PGE

**PROJECT SHEET SET**

SHEET #	DESCRIPTION
1	SITE PLAN
FLOOR PLANS & ELEVATIONS	
D	FUTURE BUILDING D2
E	FUTURE BUILDING E2
F	FUTURE BUILDING F1-F2
H	FUTURE BUILDING H
L	FUTURE BUILDING L
M	FUTURE BUILDING M
N	FUTURE BUILDING N

**SITE NOTES**

MOST IMPROVEMENTS HAVE BEEN PERMITTED PER C.U.P. 3265/S.P.R. 7725-7726/C.U.P. 2467/C.U.P. 3523, UNLESS NOTED AS PROPOSED.

THIS DRAWING DOES NOT REPRESENT ANY LEGAL SURVEYS AND IS FOR EXHIBIT PURPOSES ONLY.

APPROXIMATE LOCATIONS ARE REPRESENTED FOR UNDERGROUND AND ABOVE GROUND FACILITIES. ALL FEATURES ARE EXISTING UNLESS OTHERWISE NOTED AS PROPOSED.

BUILDING AND SITE DATA ARE APPROXIMATED FROM AERIAL PHOTOGRAPHY AND OTHER RECORD DATA.

ONE PARKING SPACE SHALL BE PROVIDED FOR EVERY TWO EMPLOYEES, ONE FOR EACH SALESPERSON, AND ONE FOR EACH COMPANY VEHICLE.

OUTDOOR LIGHTING SHALL BE HOODED AND DIRECTED AWAY FROM ADJACENT STREETS AND PROPERTIES.

PAVED DRIVE ENTRANCES SHALL BE 24-35 FEET WIDE.

ALL PARKING AND CIRCULATION AREAS NOT CONCRETE OR ASPHALT CONCRETE PAVED SHALL BE TREATED WITH A DUST PALLIATIVE TO PREVENT THE CREATION OF DUST.

ACCESSIBLE PARKING SHALL BE PROVIDED AND SHALL INCORPORATE ACCESSIBLE WALKWAYS AND BUILDING ENTRANCES.

MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES:

- 1 ACCESSIBLE SPACE PER 1-25 TOTAL SPACES
- 2 ACCESSIBLE SPACE PER 26-50 TOTAL SPACES
- 3 ACCESSIBLE SPACE PER 51-75 TOTAL SPACES
- 4 ACCESSIBLE SPACE PER 76-100 TOTAL SPACES
- 5 ACCESSIBLE SPACE PER 101-150 TOTAL SPACES
- 6 ACCESSIBLE SPACE PER 151-200 TOTAL SPACES

**SITE BUILDING DATA**

BUILDING / FEATURE:	BUILDING / FEATURE USE:	SQUARE FOOTAGE (APPROX.)	NOTES:
1	MAIN OFFICE, TRAILER	3600	EXISTING
2	BREAK ROOM, TRAILER	720	EXISTING
3	BREAK ROOM, TRAILER	720	EXISTING
4	MIXING / COMMODITY ROOM	30,230	EXISTING
5	PELLET ROOM 2	22,830	EXISTING
6	STORAGE ROOM	48,850	EXISTING
7	MECHANIC / UTILITY	10,900	EXISTING; 7,300' SQ.FT. TO BE REMOVED FOR DRIVE ASLES
8	LIQUID ROOM	24,000	EXISTING
9	MISC. UTILITY	2400	EXISTING
10	ELECTRICAL ROOM	1230	EXISTING
11	PELLET ROOM 1	2670	EXISTING
12	RAW MATERIAL STORAGE 1	3890	EXISTING
13	FIRE PUMP HOUSE	350	EXISTING
14	SCALE HOUSE	720	EXISTING
A1	LIQUID / FERTILIZER STORAGE TANKS	-	EXISTING
A2	LIQUID / FERTILIZER STORAGE TANKS	-	APPROVED PER PREVIOUS SITE PLAN(S)
B	PELLET MILL / PROCESSING ROOM	29,500	EXISTING
C	FINISHED PRODUCTS STORAGE & PACKAGING	31,500	EXISTING
D1	RAW MATERIAL STORAGE 2	20,980	EXISTING
D2	RAW MATERIAL STORAGE 3	20,750	PROPOSED
E1	FEED PROCESSING & STORAGE 1	44,000	EXISTING
E2	FEED PROCESSING & STORAGE 2	36,950	PROPOSED
F1	RAW MATERIAL STORAGE 4	22,500	PROPOSED
F2	RAW MATERIAL STORAGE 5	82,300	PROPOSED
G	SCALE HOUSE	150	APPROVED PER PREVIOUS SITE PLAN(S)
H	RAW MATERIAL STORAGE 6	103,130	PROPOSED
J	OFFICE & STORAGE, TRAILER	720	EXISTING
K	OFFICE & STORAGE, TRAILER	1440	EXISTING
L	PELLETIZED PRODUCT STORAGE 1	98,100	PROPOSED
M	PELLETIZED PRODUCT STORAGE 2	98,100	PROPOSED
N	TWO-STORY OFFICE	20,000	PROPOSED
P	LOADING DOCK / LEAN-TO COVER	30,400	APPROVED PER PREVIOUS SITE PLAN(S)
I	LIQUID / FERTILIZER STORAGE TANKS	-	APPROVED PER PREVIOUS SITE PLAN(S)
III	LIQUID / FERTILIZER STORAGE TANKS	-	EXISTING
IV	FUEL STORAGE	-	EXISTING / RELOCATED
V	FIRE STORAGE TANKS, 1 MILLION GAL. EACH	-	EXISTING
VI	FUEL STORAGE TANKS	-	EXISTING
VII	PROPANE TANK	-	EXISTING
VIII	CONVEYOR MACHINERY	-	EXISTING
IX	CONVEYOR MACHINERY / HAMMERMILL	-	EXISTING

SCALE BAR  
0 10 20 30 40 50 60 70 80 90 100 110 120mm

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**811**  
Know what's below. Call before you dig.

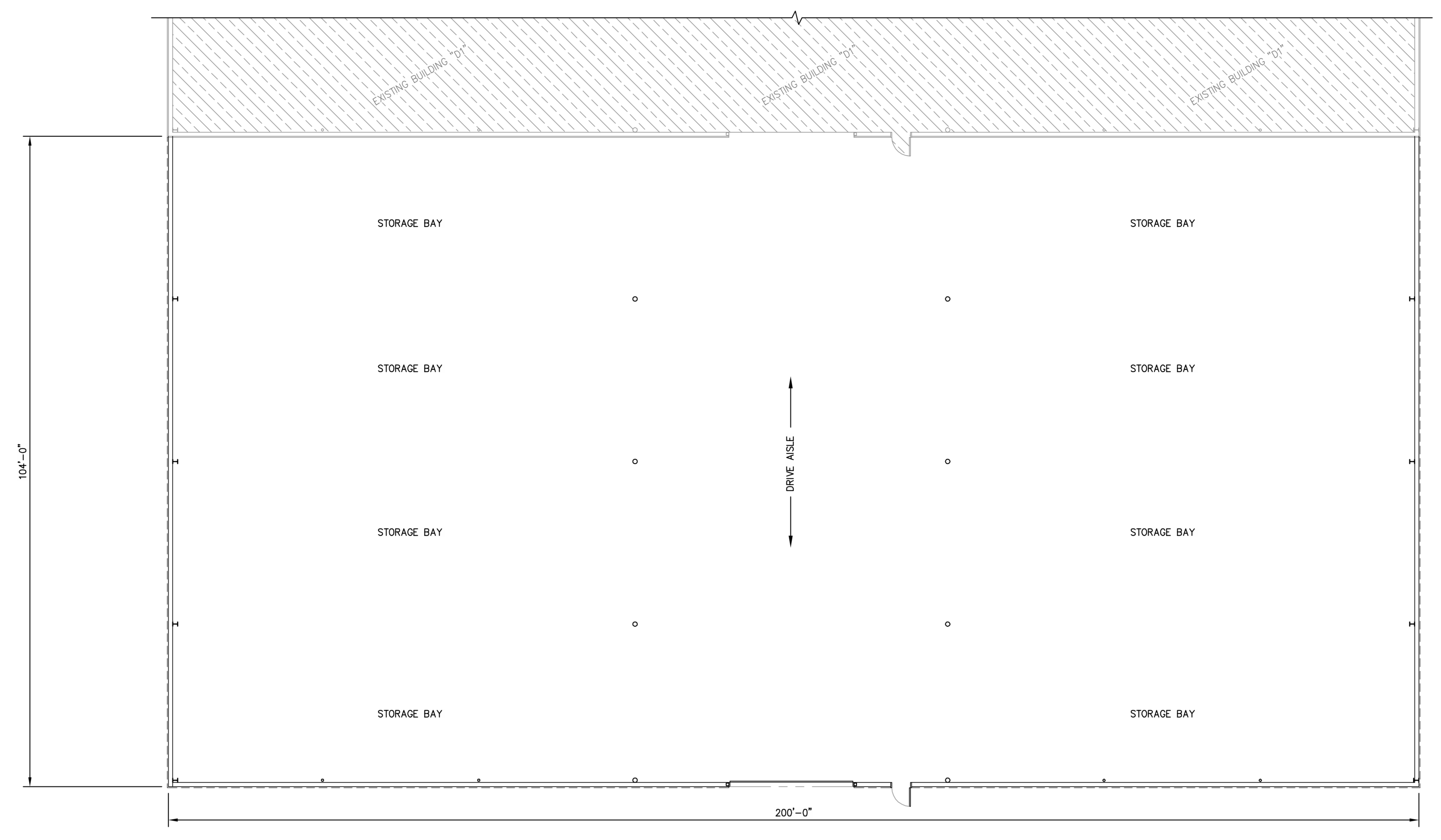
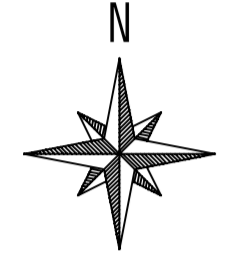
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PROJECT: TRUE ORGANIC PRODUCTS  
20225 W. KAMM AVENUE  
HELM, CA 93627  
559-868-3001

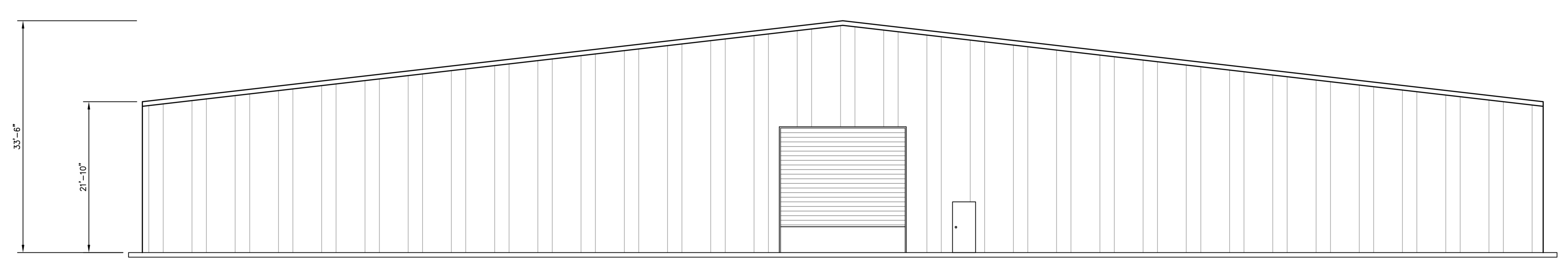
J.T.E. PROJECT # 8007-2101

**JOSTE ENGINEERING**  
1750 MILESTONE WAY, TURLOCK, CA 95382  
JASON@JOSTE-ENG.COM 209-535-8027

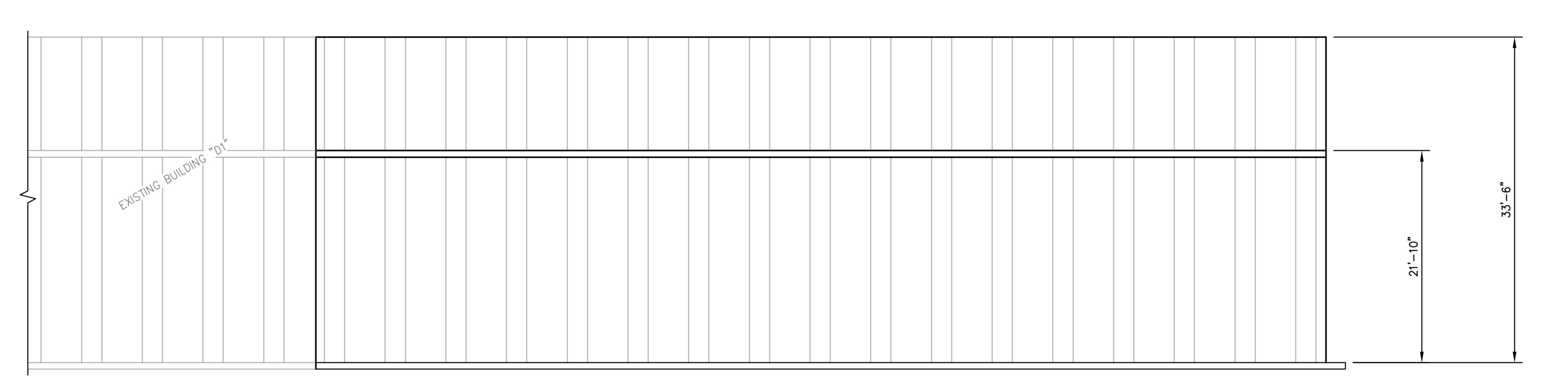
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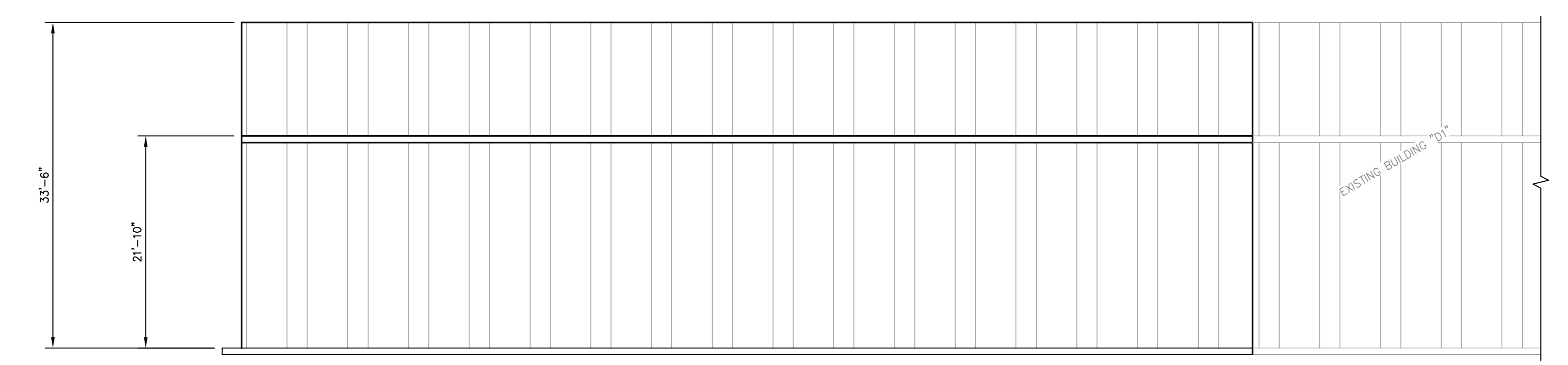
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 Scale: 3/32" = 1'-0"



**SOUTH ELEVATION**  
 Scale: 1/8" = 1'-0"



**WEST ELEVATION**  
 Scale: 1/8" = 1'-0"



**EAST ELEVATION**  
 Scale: 1/8" = 1'-0"

EXHIBIT 5 Page 2

SCALE BAR  
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**SHEET:**  
 BUILDING D

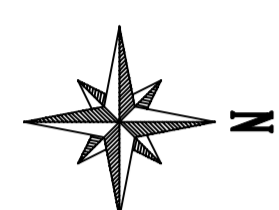
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 SITE PLAN  
 TRUE ORGANIC PRODUCTS  
 20225 W. KAMM AVENUE  
 TURLOCK, CA 95382  
 559-868-3007  
 J.T.E. PROJECT #  
 6007-2101



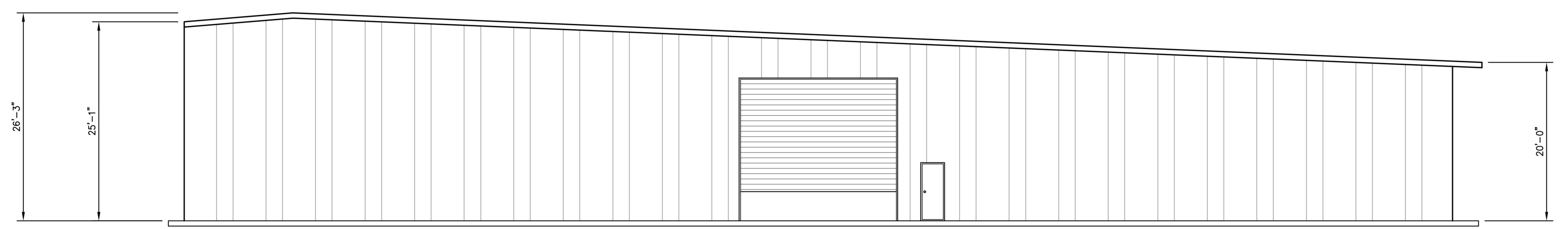
3-17-2021

**SHEET**  
 D  
 2 OF 8

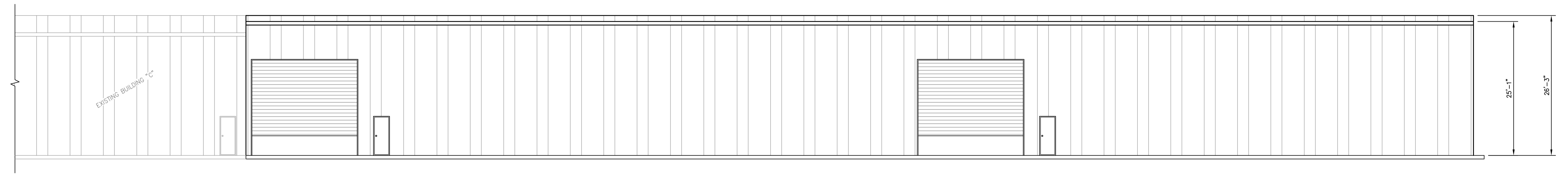
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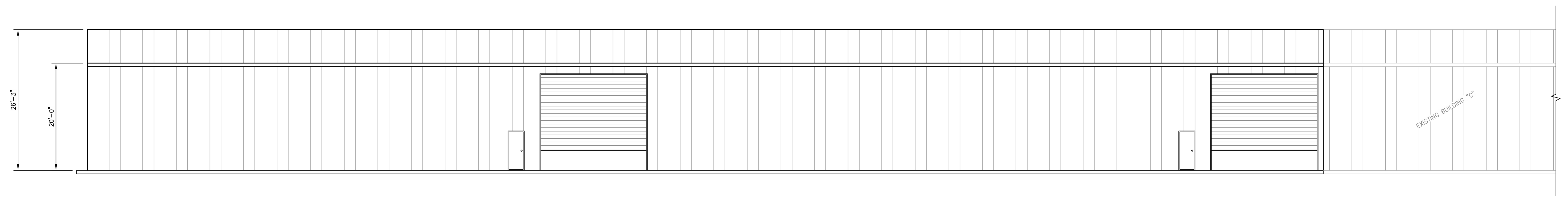
**FLOOR PLAN**  
 Scale: 1/16" = 1'-0"



**SOUTH ELEVATION**  
 Scale: 1/8" = 1'-0"



**WEST ELEVATION**  
 Scale: 1/8" = 1'-0"



**EAST ELEVATION**  
 Scale: 1/8" = 1'-0"

EXHIBIT 5 Page 3

SCALE BAR  
 0 1' 25mm  
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 BUILDING E

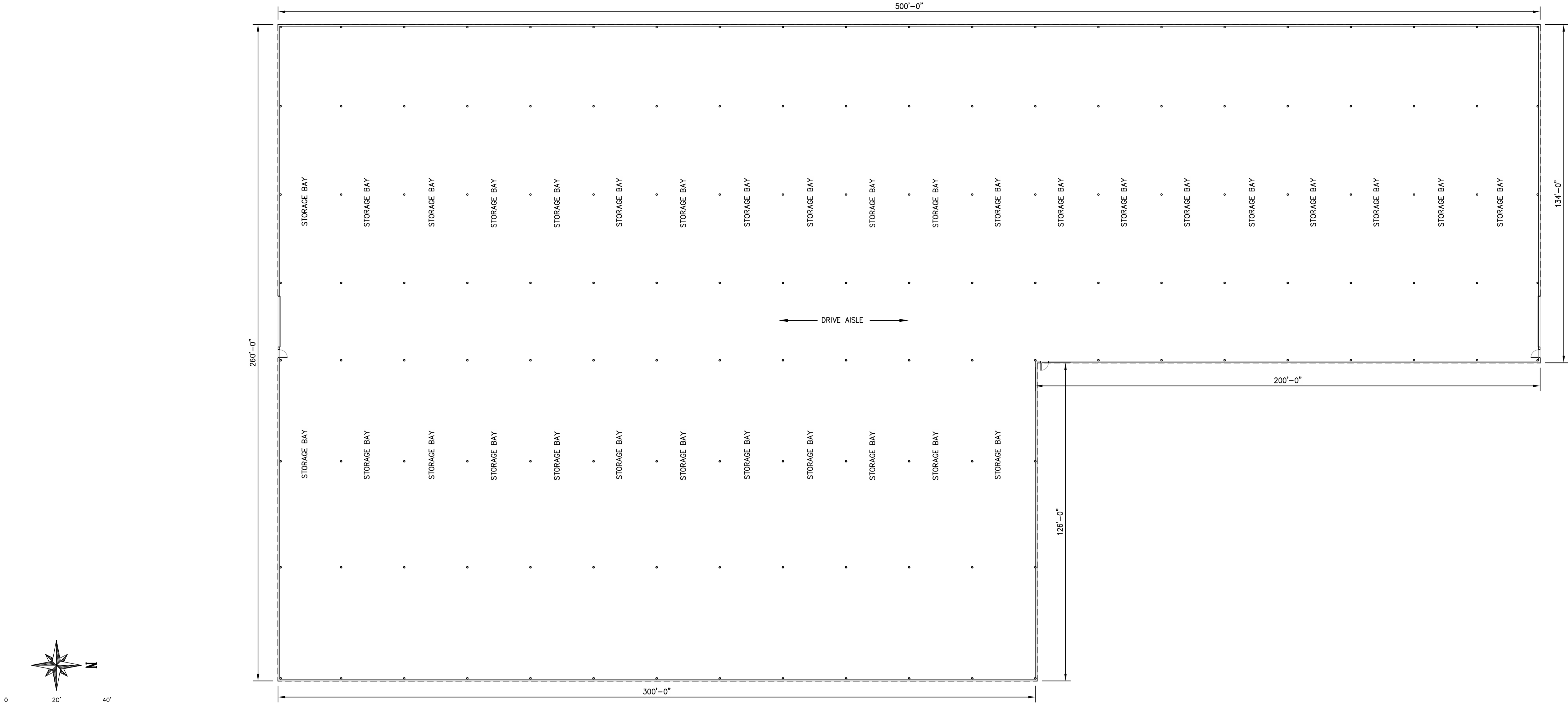
**PROJECT:**  
 TRUE ORGANIC PRODUCTS  
 20225 W. KAMM AVENUE  
 TURLOCK, CA 95382  
 559-866-3007  
 J.T.E. PROJECT # 8007-2101



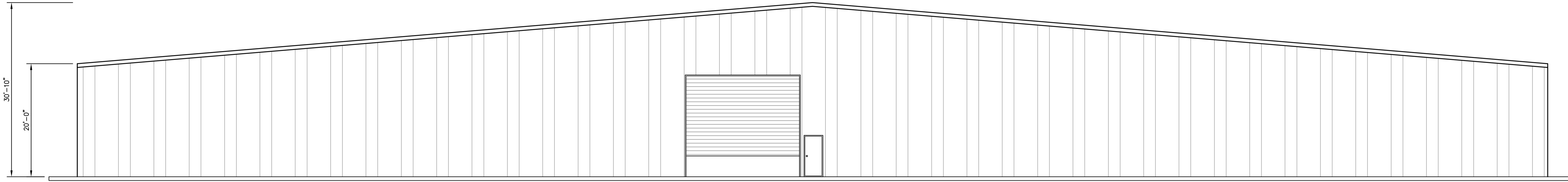
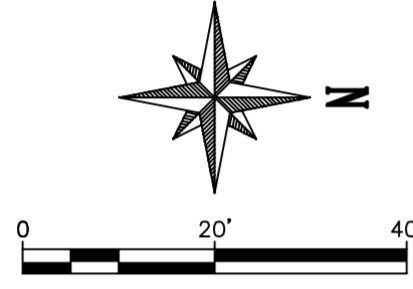
3-17-2021

**SHEET**  
 E  
 3 OF 8

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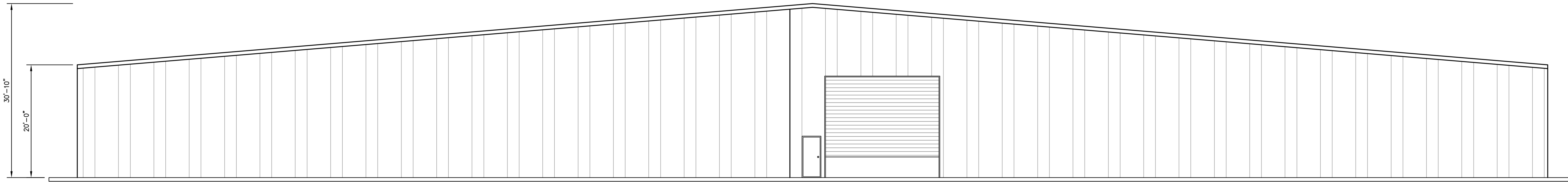


FLOOR PLAN



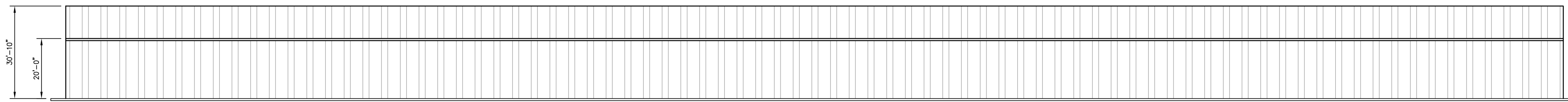
NORTH ELEVATION

Scale: 1/8" = 1'-0"



SOUTH ELEVATION

Scale: 1/8" = 1'-0"



WEST ELEVATION

Scale: 1/16" = 1'-0"



EAST ELEVATION

Scale: 1/16" = 1'-0"

SCALE BAR  
 0 1' 25mm  
 IF THIS BAR IS NOT AS SHOWN, ADJUST SCALES ACCORDINGLY

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SHEET:  
 BUILDING F1-F2

PROJECT:  
 SITE PLAN  
 TRUE ORGANIC PRODUCTS  
 20225 W. KAMM AVENUE  
 TURLOCK, CA 95382  
 559-866-3007  
 J.T.E. PROJECT #  
 6007-2101



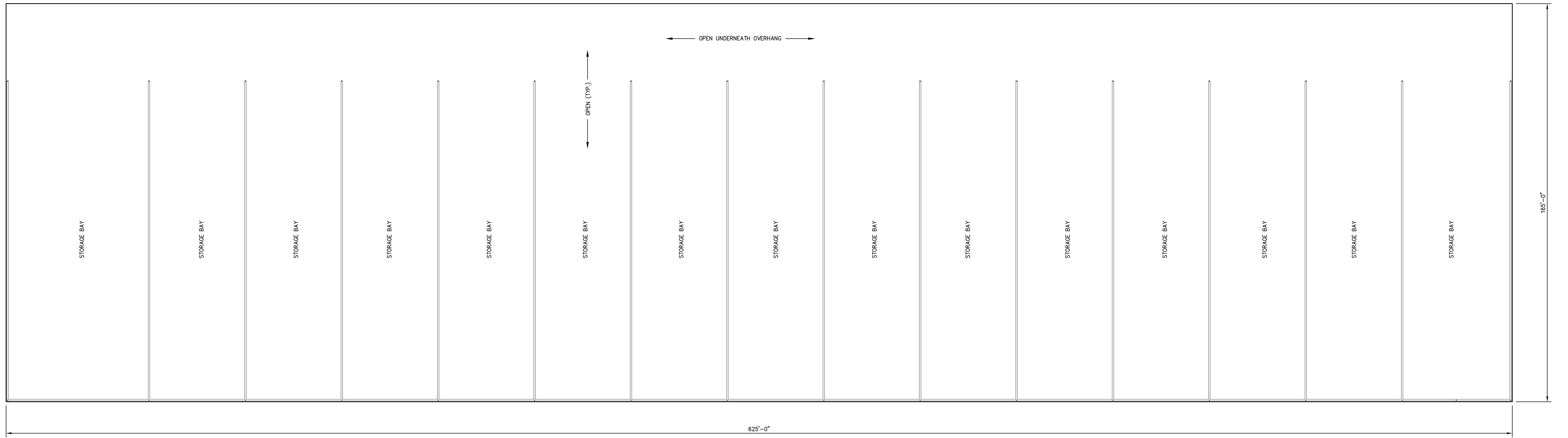
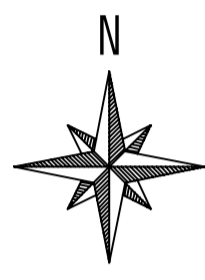
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SHEET  
 F  
 4 OF 8

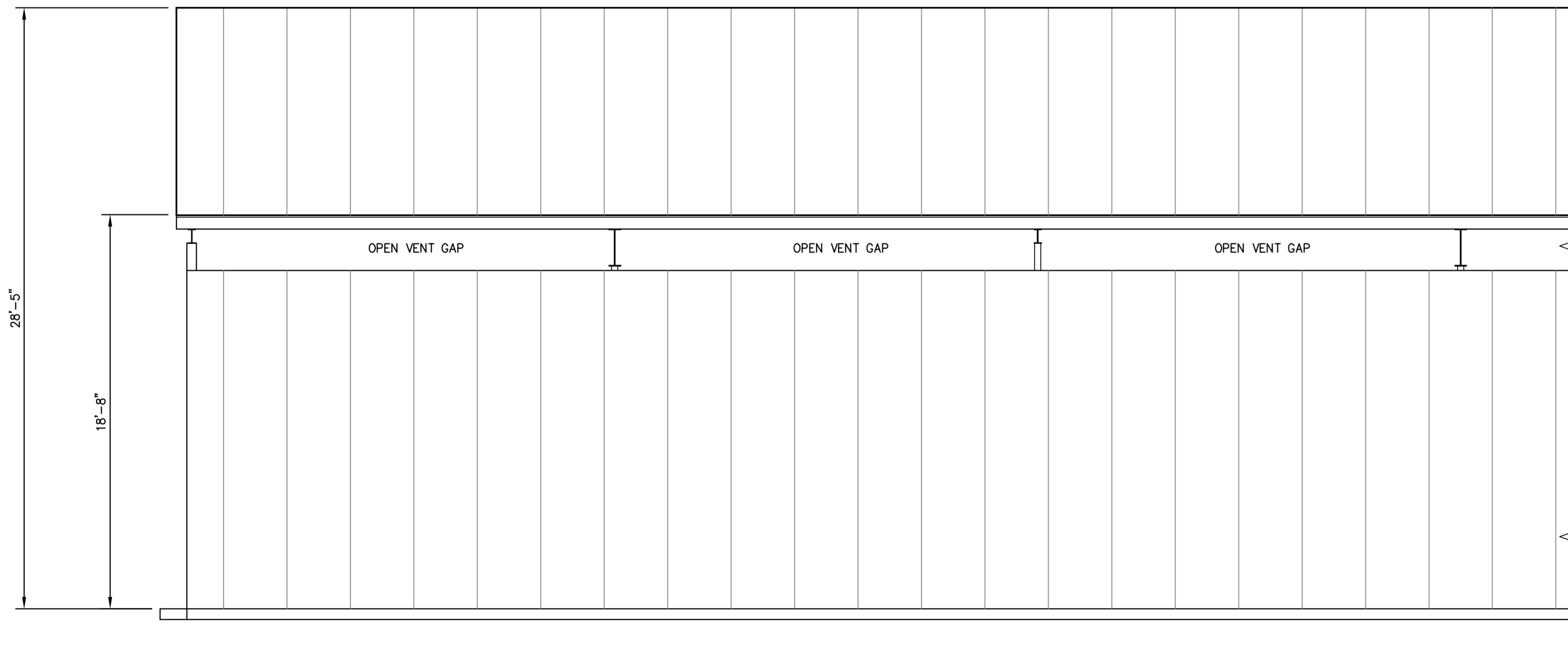
EXHIBIT 5 Page 4



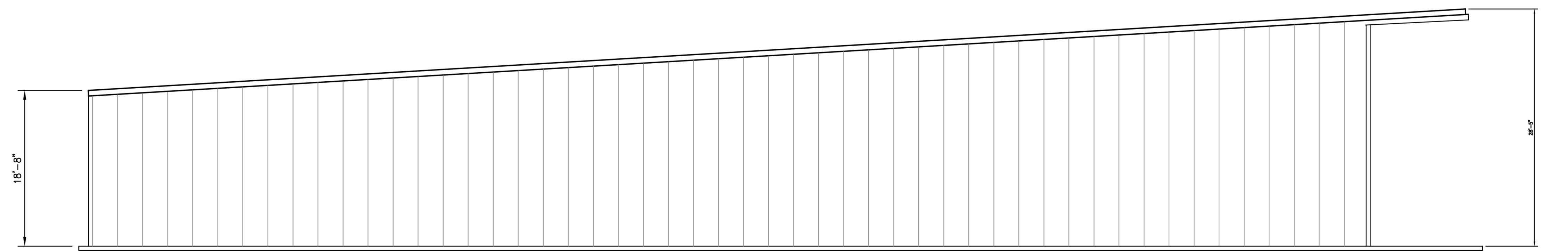
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**FLOOR PLAN**  
 Scale: 1/16" = 1'-0"



**TYPICAL BACK WALL ELEVATION**  
 Scale: 1/4" = 1'-0"



**TYPICAL ENDWALL ELEVATION**  
 Scale: 1/8" = 1'-0"

SCALE BAR  
 0 1" = 25mm  
 IF THIS BAR IS NOT AS SHOWN, ADJUST SCALES ACCORDINGLY

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**SHEET:**  
 BUILDING H

**PROJECT:**  
 TRUE ORGANIC PRODUCTS  
 20223 W. KAMU AVENUE  
 TURLOCK, CA 95382  
 559-866-3007  
**J.T.E. PROJECT #:**  
 6007-2101

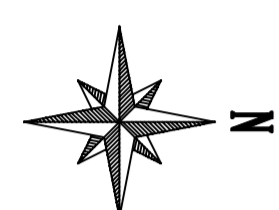


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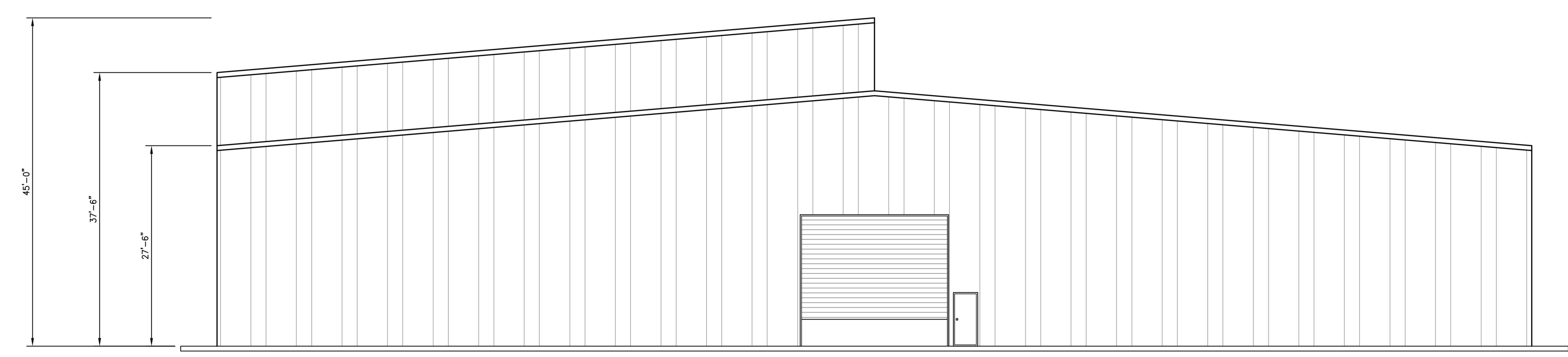
**SHEET**  
 H  
 5 OF 8

EXHIBIT 5 Page 5

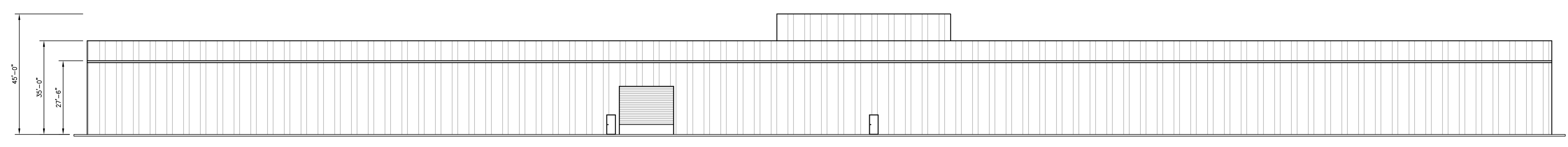
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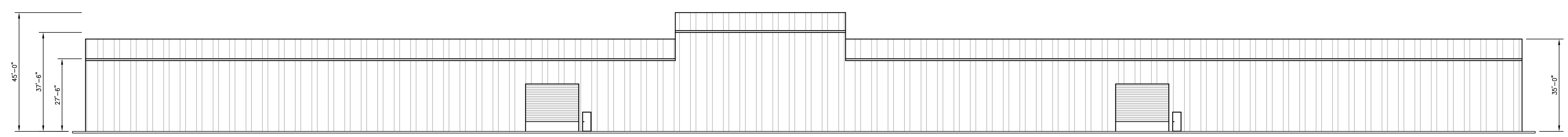
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**NORTH-SOUTH ELEVATIONS**  
 Scale: 1/8" = 1'-0"

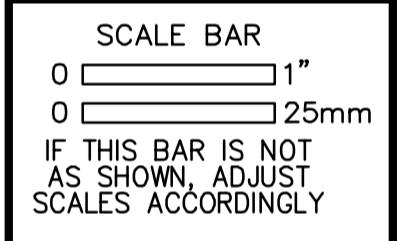


**WEST ELEVATION**  
 Scale: 1/16" = 1'-0"



**EAST ELEVATION**  
 Scale: 1/16" = 1'-0"

EXHIBIT 5 Page 6



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 BUILDING L

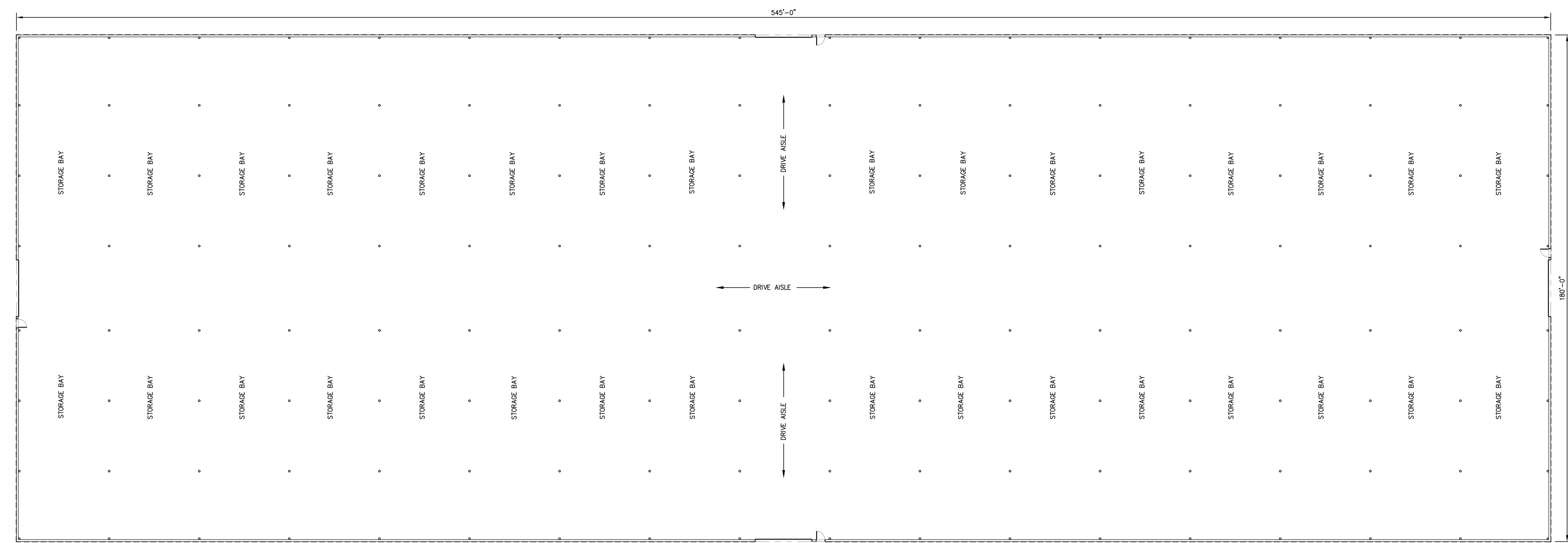
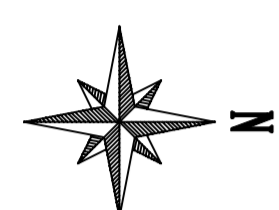
**PROJECT:**  
 TRUE ORGANIC PRODUCTS  
 2023 W. KAMU AVENUE  
 TURLOCK, CA 95382  
 559-866-3007  
 J.T.E. PROJECT #:  
 6007-2101



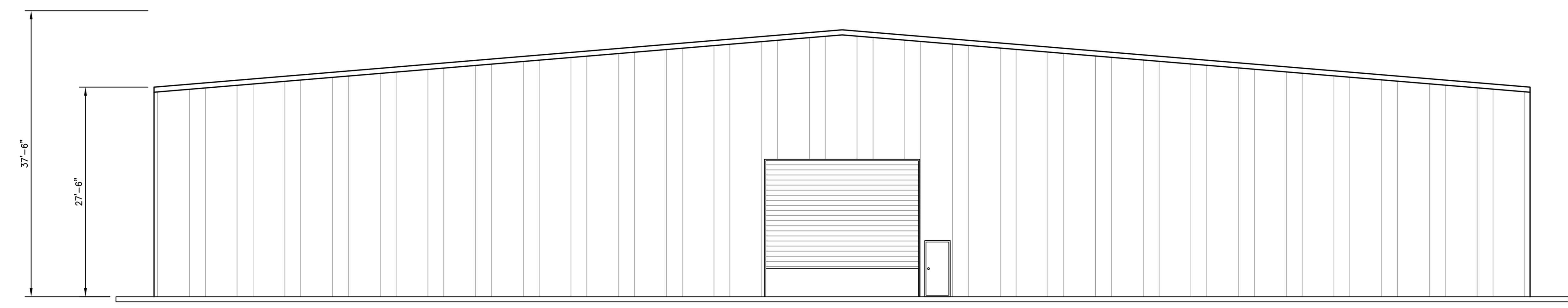
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**SHEET**  
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 6 OF 8

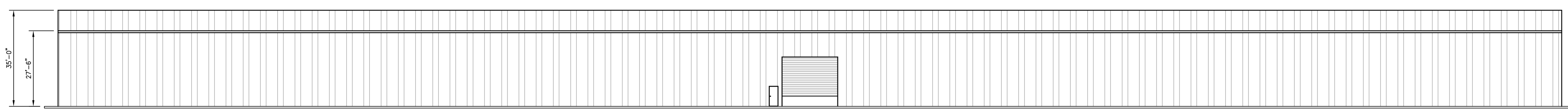
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**FLOOR PLAN**  
 Scale: 1/16" = 1'-0"

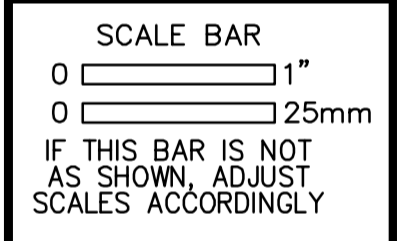


**NORTH-SOUTH ELEVATIONS**  
 Scale: 1/8" = 1'-0"



**WEST-EAST ELEVATIONS**  
 Scale: 1/16" = 1'-0"

EXHIBIT 5 Page 7



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 BUILDING M

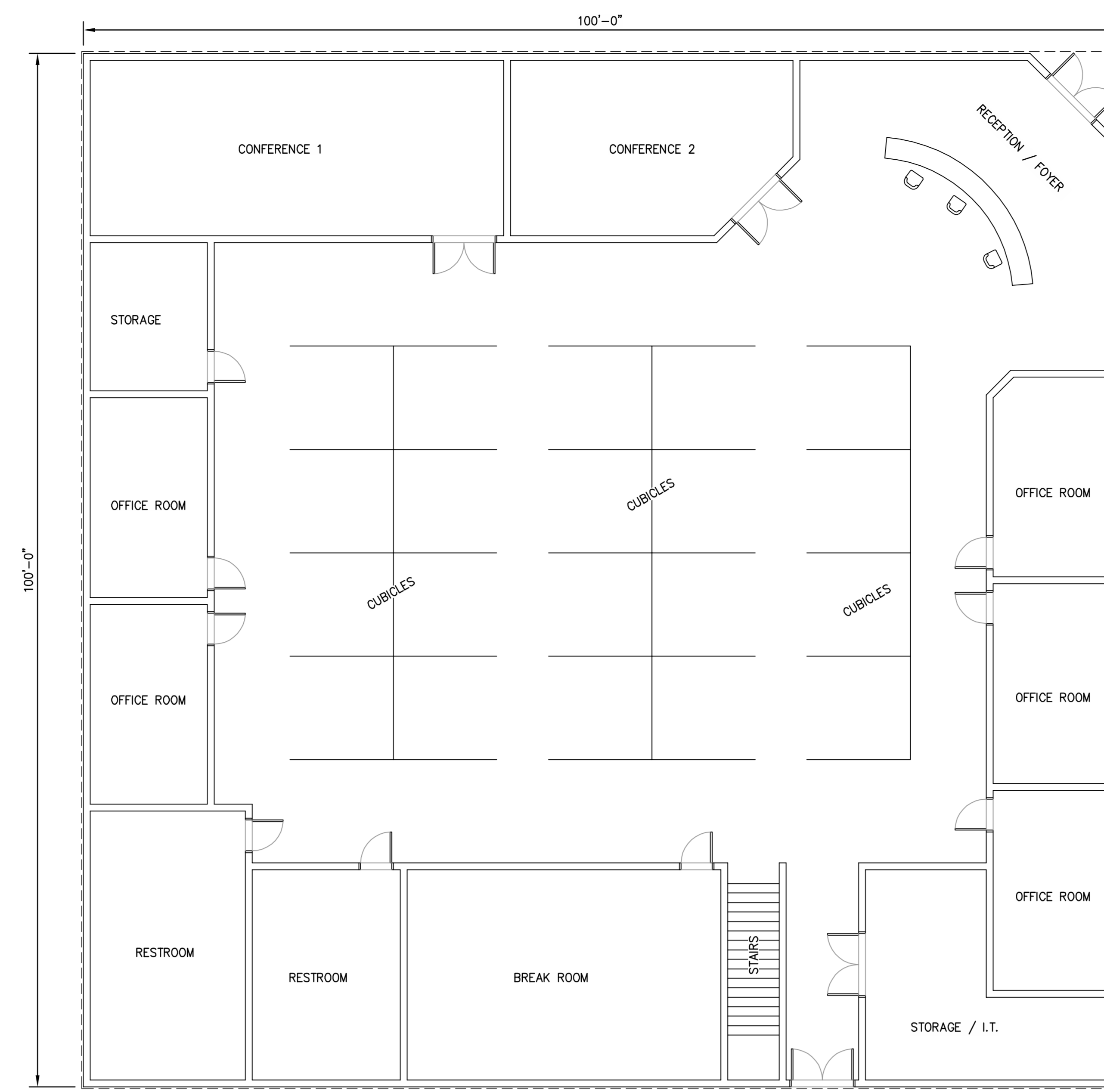
**PROJECT:**  
 TRUE ORGANIC PRODUCTS  
 20225 W. KAMM AVENUE  
 TURLOCK, CA 95382  
 559-866-3007  
 J.T.E. PROJECT #:  
 8007-2101



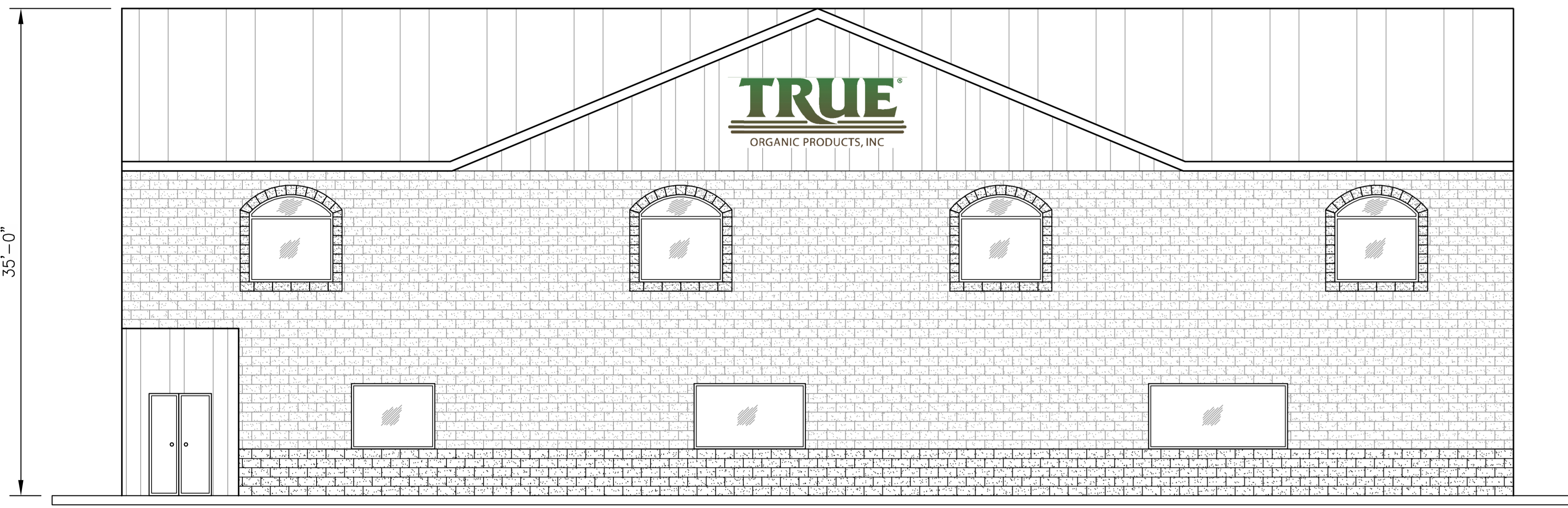
3-17-2021

**SHEET**  
 M  
 7 OF 8

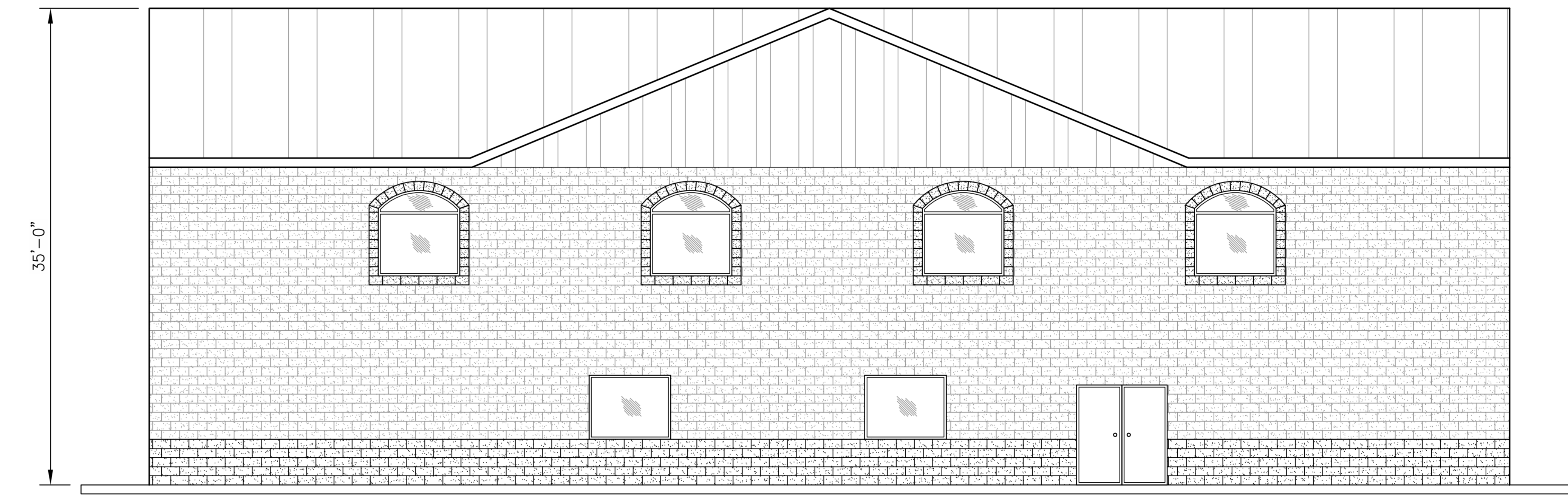
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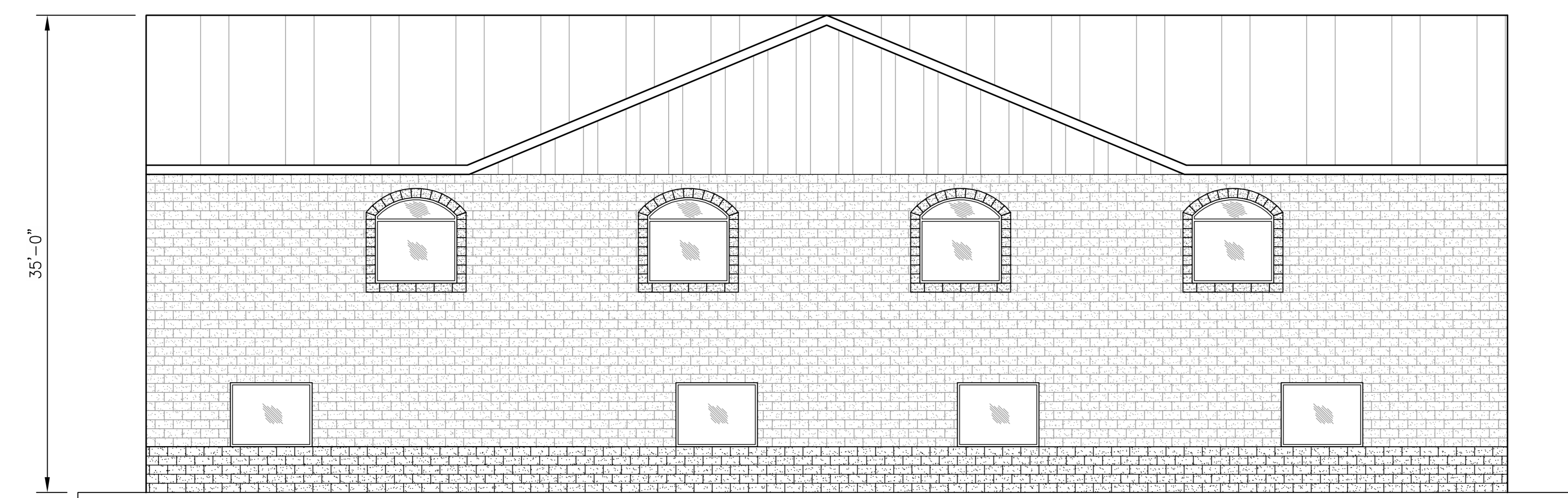
FLOOR PLAN  
 Scale: 1/8" = 1'-0"



NORTH ELEVATION  
 Scale: 3/16" = 1'-0"



SOUTH ELEVATION  
 Scale: 3/16" = 1'-0"



WEST-EAST ELEVATIONS  
 Scale: 3/16" = 1'-0"

EXHIBIT 5 Page 8

SCALE BAR  
 0 1" = 25mm  
 IF THIS BAR IS NOT AS SHOWN, ADJUST SCALES ACCORDINGLY

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SHEET:  
 BUILDING N

PROJECT:  
 TRUE ORGANIC PRODUCTS  
 20225 W. KAMM AVENUE  
 TURLOCK, CA 95382  
 559-868-3007  
 J.T.E. PROJECT #:  
 8007-2101

**JTOSTE ENGINEERING**  
 1750 MILESTONE WAY, TURLOCK, CA 95382  
 JASON@JTOSTE-ENG.COM 209-535-8027

3-17-2021

SHEET  
 N  
 8 OF 8

**True Organic Products, LLC  
20225 W. Kamm Avenue  
Helm, CA  
Operational Statement  
July 17, 2019**

**Applicant/Owner:** True Organic Products, LLC  
P.O. Box 7192  
Spreckels, CA 93962  
Attn: Mr. Nick Pitman

**Representative:** Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite 200  
Fresno, CA 93721  
(559) 445-0374

**APN:** 68.67 acres (040-080-40S) Current Site  
25.78 acres (040-080-42S) }  
20.45 acres (040-080-43S) } Proposed Expansion  
20.45 acres (040-080-44S) }

**Location:** 20225 W. Kamm Avenue  
The southwest corner of W. Kamm Ave. and S. Butte Ave. alignment.

**Request:**

1. Approval of a Conditional Use Permit (CUP) for a 66.68 acre expansion of an existing agricultural fertilizer manufacturing plant operating under previously approved permits.
2. Allow the removal and addition of various site buildings over time to increase project efficiency.

**Background:**

The existing fertilizer manufacturing plant is located on a 68.67 acre parcel located at the SWC of W. Kamm Ave. and the S. Butte Ave. alignment approximately 6 miles south of the City of San Joaquin. The property is designated as Agriculture in the Fresno County General Plan and is zoned AE-20.

Over time, the county has approved a variety of Conditional Use Permits to allow modifications to the agricultural fertilizer processing operation that was established by Britz Chemicals decades ago. Conditional Use Permit No. 3265 allowed for the expansion of the facility and increased related traffic trips to the levels the facility is currently operating. The last Conditional Use Permit was approved on January 28, 2016 when the Fresno County Planning Commission approved Classified Conditional Use Permit (CUP) 3523 for the True Organic Products, LLC expansion of liquid storage within building not greater than 50ft. The facility also operates under Site Plan Review No. 7725 and 7725R.

## **Project Purpose**

Please see the True Organic Products, LLC (True Organics) project site plan prepared by JTOSTE Engineering that details the area of expansion and the location of the proposed site modifications.

To increase production efficiency the applicant desires to expand its current facility of 68.67 acres by 66.68 acres on land it owns for a total site area of 135.35 acres. The proposed expansion will not affect production capacity but will increase plant efficiency, improve storage conditions and the ability to comply with applicable regulations.

There will be no buildings on the 66.68 expansion area. The expansion area will be used for raw product storage, a gravel service road and new but previously approved driveway ingress/egress onto W. Kamm Avenue. Within the existing facility additional buildings will be added and some buildings removed over time to allow operational and energy efficiencies. Details of those building changes are provided below.

## **Justification:**

Fresno County General Plan Policy LU-A.3 and General Plan Table LU-3 provides the County with the authority to allow the development of organic and inorganic fertilizer manufacturing facilities through the approval of a discretionary permit in agricultural areas subject to various criteria. The criteria and the applicability of the project to those criteria are as follows:

- 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.*

The facility accepts chicken manure and various byproducts and converts them to organic fertilizer. In order to operate successfully, the facility must be close to its supply of raw material (poultry manure). Large producers of poultry manure are not located in or near urban areas. They are in rural areas like the location of the True Organics. Transporting the poultry manure into an urban area would result in impacts from odor, etc. that would typically not be acceptable in an urban area. In addition, the added costs to transport the poultry manure to an urban processing facility would result in a product that would not be economically feasible for farmers to purchase.

Notwithstanding the use of best management practices (BMP), fertilizer manufacturing facilities are not perceived to be acceptable in most urban settings. When they are in urban settings, they are located typically in large industrial parks surrounded by heavy industrial uses. No such industrial parks exist in western Fresno County. Moreover, this is an existing approved facility. Allowing the expansion of this facility maximizes the beneficial use of the existing structures and improvements.

**Project Operations:**

The True Organic facility consists of offices, outside raw product storage areas, outdoor processing areas, indoor processing areas, and indoor finished product storage areas.

The facility currently operates from five to six days a week or 312 days per year depending on the availability of raw materials and product demand occasionally the facility may operate 7 days a week to address peak demand. The hours of operation for the various aspects of the facility are summarized below.

<b>Hours of Operation</b>		
<b>Activity</b>	<b>Current</b>	<b>Proposed</b>
Office	6:00am-6:00pm	No Change
Material Receiving	SAME	No Change
Material Shipping	SAME	No Change
Production	24 hrs./day	No Change
Maintenance	24 hrs.	No Change

True Organic receives solid and liquid chicken manure from a variety of poultry ranches. The material is typically hauled to the site in 25-ton-capacity trucks and is also hauled away from the site in 25-ton-capacity trucks. The trucks are owned by True Organics and private haulers. The material is covered with tarps when it is being transported to and from the facility.

Upon entering the facility, the trucks proceed to the truck scales. The trucks are weighed and directed to the unloading area. The material is unloaded, and the trucks proceed back to the truck scales where they are weighed again and then leave the project site.

The incoming material is diverted to its appropriate processing equipment then processed. The site's *maximum permitted annual capacity* is approximately 378,000 tons of combined incoming liquid and solid material per year.

Currently the trucks entering and leaving the site utilize the same driveway and truck scales. It is proposed that a future driveway and scale area be developed on the eastern portion of the site. Construction of this driveway will allow the facility to operate more efficiently and reduce possible conflicts between trucks as the volume of the plant increases to its operational volume limits established with the approval of Conditional Use Permit No. 3265.

As stated in all previous permits, the amount of raw material that is accepted at the site will vary depending on the time of year, product availability and market demand. Currently, after unloading, the raw material is formed into piles outside or stored in bunkers inside buildings. The piles are either covered with plastic or are sprayed with water to create a crust on the surface of the pile.

Water usage is limited to the amount needed to create the crust with minimal runoff. In the future, the piles may be wrapped in plastic to minimize dust emissions and runoff erosions of the piles. The piles of raw material will be regularly monitored by True Organics staff to ensure that the internal temperatures are controlled, and that composting will not occur.

As necessary, the material in the piles will be turned or otherwise aerated to keep the temperature below 122 degrees Fahrenheit.

As described in Classified Conditional Use Permit (CUP) 3265 and Initial Study (IS) 6079, the raw material that will be stored on site will vary depending on market factors. Said storage is estimated to range from 50,000 to 250, 000 tons at any one time. Said stored material will comply with all applicable standards for such storage as defined in, among other things, Classified Conditional Use Permit (CUP) 3265 and Initial Study (IS) 6079. The raw product is used to manufacture three different products. The products and the process for each are summarized below.

### **Feed Product**

The raw product is moved from the pile outside storage area by skip loader or other equipment to a shaker which separates the material by size. The material is mixed and milled and heat treated. The finished product is stored.

The finished material is hauled offsite by trucks owned by True Organics or third-party trucking companies. The empty trucks enter the site and proceed to the scales where they are weighed. The trucks then go to the loading area where they are loaded by a skip loader. After loading, the trucks return to the scales, are weighed and leave the site. The material in all trucks is required to be covered with a tarp when it leaves the site. As noted above, the trucks currently enter and exit from the same driveway. In the future, a new set of scales and exit driveway is proposed.

### **Pelletized Fertilizer**

The raw product is moved from the piles in the outside storage area to a mixing area. The raw material is mixed with additives, pelletized and heat treated. The finished product is stored in “bunkers”. Samples of the material are sent to an outside laboratory for testing. When the material passes various True Organics qualitative and regulatory tests, it is either placed in 2,000 lb. totes which are pallets, bagged or sold in bulk. The palletized totes and bags are moved to an inside storage area.

The trucks that ship the material from the site arrive empty and proceed to the scales. After being weighed, the trucks proceed to the pelletized fertilizer loading area. The pallets are loaded onto the trucks by forklift and the bulk material is loaded by front end loader. The loaded trucks return to the scales and exit the site. As noted above, the trucks currently enter and exit from the same driveway. In the future a new set of scales and exit driveway is proposed.

### **Liquid Fertilizer**

Liquid fertilizer is manufactured from molasses and other additives that are delivered to the site by tanker or bulk material trucks. The trucks enter the site and proceed to the scale where they are weighed. The tanker trucks then off load their materials in the bulk liquid storage area. After unloading, the trucks return to the scale to be weighed and exit the property. As noted above, the trucks currently enter and exit from the same driveway. In the future a new set of scales and exit driveway is proposed.



The ingredients for the liquid fertilizer are blended, heat treated and filtered and stored in large tanks until they are sold and shipped offsite by trucks owned by True Organics or third-party trucking companies. Any material that is spilled is returned to the tanks for future use. Trucks that haul off the finished liquid fertilizer product enter the site and proceed to the scale where they are weighed. After being weighed, the trucks go to the truck loading area. After being loaded the trucks return to the scale, are weighed and exit the site.

The total annual facility production summary is shown below:

**Total Annual Facility Production Summary of All Products**

	<b>Current as Per CUP 3265</b>	<b>Proposed</b>
Feed Product	Per market demand	No change
Pellet Fertilizer	Per market demand	No change
Liquid Fertilizer	Per market demand	No change
Total	378,000 tons year <sup>(1)</sup>	No change

<sup>(1)</sup> The facility production is rounded to 378,000 tons per year.

**Employees/Site Operational Time Limits**

<b><u>Shift</u></b>	<b><u>Hours</u></b>	<b><u>Existing Employees</u></b>	<b><u>Future Employees</u></b>
Day Shift	7am to 5pm	40	75
Night (maintenance)	10pm to 6am	5	25

**Number of Visitors**

Supplies and other similar deliveries average about 2 per day. The site is wholesale only so there are no visitors.

**Employees**

Currently, there are approximately 40 employees working per shift on the site at any one time. In the future, the total number of total employees working on the site may be as high as 100. The facility operates at extended hours so not all the employees are on-site at the same time. The following schedule illustrates the site shifts and corresponding employees.

**Service and delivery Vehicles**

The company utilizes three light duty trucks to conduct general company business activities.

**Site Access**

The site is currently served by a driveway from W. Kamm Avenue. W. Kamm Ave. is designated as an *Arterial* in the Circulation Element of the Fresno County General Plan. A second proposed driveway was approved by Conditional Use Permit No. 3265 but has not been

constructed. The second driveway will be located on the eastern portion of the site and is shown on the project site plan. The proposed third driveway will be constructed off W. Kamm Ave. within the current acreage on the western portion of the site also as shown on the project site plan.

**Traffic**

The average number of truck trips per day generated by the use is calculated as follows:

(378,000 tons of incoming material processed per year / 25 tons capacity per truck) / 313 working days per year or approximately 48 trucks per workday hauling raw material to the site. The same 48 trucks exit the site empty meaning 96 one-way truck trip ends are generated by the facility per day.

The traffic impact study for the current Conditional Use Permit considered there would be 40 employees. The company has subsequently hired 35 more employees for a total of 75 and estimates that 100 employees will be hired over the next five years.

The Institute of Transportation Engineers (ITE) Trip Generation Manual 10<sup>th</sup> edition, Land Use Code 110 *Light Industrial* estimates .67 AM PEAK trips will be generated per employee or 67 TOTAL AM PEAK employee trips per day and that .68 PM PEAK trips will be generated per employee or 68 TOTAL PM PEAK employee trips per day.

According to the ITE, total weekday employee trips are estimated to be 3.05 trips per employee or 305 total daily employee related trips (3.05 trip generation factor X 100 employees=305 total daily employee trips). Therefore, the proposed 100 employees will generate 183 new employee related traffic trips (Proposed daily employee trips 305 - previously approved daily employee trips 122 = 183 per day employee trips).

After the raw material is processed, 48 empty trucks are loaded with finished product for delivery to wholesale buyers. As described in the traffic impact study for the current Conditional Use Permit, the total number of truck trips generated per day is 96 trips (48 trucks entering empty and 48 trucks exiting with raw material).

Some trucks that enter the site with raw product will also load with processed True Organics materials produced at the site for delivery to plant customers. The number of trucks that deliver to and from the site *on the same trip* was not calculated in traffic study. Therefore, the truck volumes provided in the Traffic Impact Study for the project prepared by Peters Engineering Group overstates total truck traffic.

Combined truck and employee daily trip-ends are estimated to be as follows:

<b>Current Truck Trips</b>	<b>Proposed New Truck Trips</b>	<b>Current Employee Trips</b>	<b>Proposed Employee Trips</b>
96	N/A	122	305

**Number of parking spaces for employees, customers, and service/delivery vehicles.**  
**Type of surfacing on parking area.**

Current parking is provided for 65 employees and 14 trucks is shown on the project site plan with expansion for an additional 93 more parking spaces. The parking area will be either paved with asphalt or covered in compacted gravel.

**Goods sold on-site**

There will be no change to the conditions of previous permits. All goods are sold “wholesale” and in bulk. No direct retail sales will take place on the site.

**Equipment List**

There will be no change to the equipment identified in previous permits.

Hammer Mills	Pellet Mills
Mixers	Hoppers
Shakers	Conveyors
Fluid bed dryer	Bulk bag machine
Bob cats	Insulated auger
Mixing Tanks	Filters
Pumps	Storage Tanks
Hoses	50 lb. bag machine
Front end loaders	Forklifts

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

See facility process description above.

**Does the use cause an unsightly appearance? Or cause noise, glare, dust or odor?**  
**If so, explain how this will be reduced or eliminated.**

The site is clean and free of debris and is located in an isolated area of Fresno County. A landscape berm exists along the W. Kamm Ave. site frontage to block direct views into the facility. Perimeter landscaping also exists. The proposed storage area will also have perimeter landscaping for security, to reduce fugitive dust from adversely affecting adjacent properties and for aesthetic purposes.

**Solid and liquid waste**

There will be no change to the volume or methods of handling *human* solid and liquid waste. A minimal amount of solid waste is generated by the office and employee break room. It is estimated that the daily solid waste is less than .1 cyd. The solid waste is placed in a dumpster that is serviced weekly by a private hauler.

Human liquid waste is limited to the restrooms and employee break room. All such waste flows to the existing on-site septic system.

**Water usage**

There will be no change to the volume of water consumption. Water is supplied by an on-site well. Water is used in the restrooms and employee break room. In addition, water may be used to spray the piles of raw material and to control dust on the site. Typical domestic water usage (restroom and employee break room) would be approximately 150 gallons a day. Water to spray the piles and for dust control cannot be accurately quantified but is not significant.

There will be no changes to the methods used to protect groundwater. The facility operates under various conditions and permits established in CUP 3265 and others. The applicant has consulted with the Regional Water Quality Control Board and will comply with that agency’s requirements. The applicant will comply with all related groundwater protection requirements.

**Signage**

No signage is proposed at the present time. However, a future sign (maximum size of 80 square feet) giving the facility name, address and 24-hr contact number may be installed on the E. Kamm Ave. main driveway.

**Will existing buildings be used or will new buildings be constructed? Describe type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate. Explain which buildings or what portion of buildings will be used in the operation.**

The applicant contemplates constructing the proposed structures in phases. Assuming current product demand, the following is an anticipated building construction schedule:

<b><u>Proposed Buildings</u></b>	<b><u>Size</u></b>	<b><u>Estimated Construction/Yr.</u></b>
Building “L”		2021
Office “N”		2022
Building “E2”		2023
Building “D2”		2024
Building “H”		2025
Building “F” & “M”		2027

All building construction will be based on demand for various products. Should product demand change, the building sequence could also change. Grading and drainage modifications to the site will correspond to the building sequence and schedule. All grading will be performed in accordance with county standards and a master grading plan prepared by the project civil engineer.

### **Outdoor Lighting**

There will be no change to the conditions regarding outdoor lighting. All outdoor lighting will be located on the site for operational purposes. All lights will be shielded or otherwise directed to keep the lighting on-site and not impact adjacent properties.

### **Landscaping & Fencing**

There will be no change to the conditions of CUP 3265 relating to landscaping. There is an existing landscaped berm located on the W. Kamm Ave. property frontage. As shown on the project site plan, future landscaping is proposed on the western and northern property lines. All ingress and egress points will continue to be gated.

### **Project Owners**

Jacob and Kimberly Evans  
True Organic Products, LLC  
P.O. Box 7192  
Spreckels, CA 93962  
Attn: Mr. Jake Evans

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# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Jacob and Kimberly Evans
- APPLICATION NOS.: Classified Conditional Use Permit Application No. 3656 and Initial Study No. 7681
- DESCRIPTION: Allow the expansion of an existing fertilizer manufacturing plant on a 68.67-acre site and onto three contiguous parcels totaling 66.68 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the southwest corner of W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue) (Sup. Dist.: 1) (APN: 040-080-40S, 42S, 43S, 44S).

### 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 site is fallow and is surrounded by uncultivated, undeveloped land. The site fronts on Kamm Avenue which is not identified as a scenic drive in the County General Plan. No scenic vistas or scenic resources including trees, rock outcroppings, or historic buildings exist on or near the site. The project will have no impact on scenic resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project entails expansion of an existing fertilizer manufacturing plant on 66.67 acres to an additional 66.68 acres totaling 135.35 acres. The current facility which convert chicken manure and various byproducts to organic fertilizers consists of offices, outside raw product storage areas, outdoor processing areas, indoor processing areas, and indoor finished product storage areas. The current operation includes 38.40-acre original operation allowed under Conditional Use Permit (CUP) No. 2467 and modified under CUP No. 3265 to allow an additional 29.18 acres of storage and circulation area. CUP No. 3523 was approved to allow the expansion of liquid storage within buildings not greater than 50 feet.

Per the applicant's Operational Statement, the proposed expansion will not affect production capacity but will increase plant efficiency, improve storage conditions and the ability to comply with applicable regulations. There will be no buildings on 66.7 acres expansion area which will be used for raw product storage, a gravel service road and new but previously approved driveway ingress/egress onto W. Kamm Avenue. Within 66.67 acres of the existing facility, new buildings will be added, and some buildings will be removed over time to allow operational and energy efficiencies.

As noted above, the project area consists of uncultivated land with little or no improvements. The closest development is a photovoltaic facility and a single-family residence located approximately one half-mile to the east. Given the current landscape of the area and the fact that the proposed buildings/structures will be comparable in look, size, and height to the existing improvements on the property, the project's impact on the visual character or quality of the area would be less than significant.

- 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:

This proposal will utilize outdoor lighting for the proposed buildings/structures that has the potential of generating new sources of light and glare in the area. To minimize any light and glare impact resulting from this proposal, the project will adhere to the following Mitigation Measure:

\* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an



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

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal will not Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The proposed 66.68-acre expansion is classified as Farmland of Local Importance and Semi-Agricultural and Rural Commercial Land on 2016 Fresno County Important Farmland Map

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

FINDING: NO IMPACT:

The subject proposal is an allowed use on the property zoned for agriculture with a discretionary land use approval. All three parcels (66.68 acres) included in the subject proposal are enrolled in Williamson Act Program. The existing fertilizer processing facility is not qualified as a Conditionally Compatible Use; therefore, the subject parcels are required to be removed from the Program through contract Cancellation process. The applicant has filed a petition for Partial Cancellation of Williamson Act Contract No. 2093 with the Policy Planning Unit of the Development Services and Capital Projects Division. The petition will be considered by Agricultural Land Conservation Committee (ALCC) on April 7, 2021. With the petition granted approval, the project will not be in conflict with the Contract.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project site is not forest land or timberland. It is a non-active agricultural land fallowed over the years. The project is considered an appropriate use in agricultural zone district. The proposed improvements will bring a less than significant physical

change to the current landscape of the area which consist of large uncultivated parcels with little or no improvements.

The Fresno County Agricultural Commissioners' Office reviewed the proposal and offered no concerns on the project.

### 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis, was prepared for the project by LSA Associates, dated February 18, 2021 and provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for comments.

As discussed in III. B below, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with the construction and operation of the project would not exceed the District's significance thresholds and would not result in inconsistency with the AQP (Air Quality Plan) for this criterion. The project will comply with rules and regulations related to Regulation VIII Fugitive PM10 Prohibitions and PM2.5 standards and may also be subject to Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

#### B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air Quality and Greenhouse Gas Analysis, the project construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Analysis, the project construction emissions would be 0.3 tons per year for ROG, 2.5 tons per year for NO<sub>x</sub>, 2.1 tons per year for

CO, 0.1 ton per year for SO<sub>x</sub>, 0.2 ton per year for PM<sub>2.5</sub>, and 0.3 ton per year for PM<sub>10</sub> emissions. The emission is less than SJVAPCD thresholds of 10 tons per year for ROG and NO<sub>x</sub>, 100 tons per year for CO, 27 tons per year for SO<sub>x</sub>, and 15 tons per year for PM<sub>2.5</sub>, and PM<sub>10</sub> emissions. In addition to the construction period thresholds of significance, San Joaquin Valley Air Pollution Control District (SJVAPCD) has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM<sub>10</sub> emissions during the construction period and their implementation would ensure that the proposed project further reduces the short-term construction period air quality impacts.

The Long-Term Operational Emissions are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project.

Per the Air Quality and Greenhouse Gas Analysis, the project total operation emissions would be 1.4 tons per year for ROG, less than one ton per year for NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> emissions. The emission is less than SJVAPCD thresholds of 10 tons per year for ROG and NO<sub>x</sub>, 100 tons per year for CO, 27 tons per year for SO<sub>x</sub>, and 15 tons per year for PM<sub>2.5</sub>, and PM<sub>10</sub> emissions. As such, operation of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State Ambient Air Quality Standards (AAQS).

Per the San Joaquin Valley Air Pollution Control District review of the project, a Project Note would require that an Authority to Construct (ATC) application shall be submitted to the District subsequent to which the District will conduct the required Health Risk Assessment/Risk Management Review as a part of ATC application review process.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The project area is primarily agricultural or undeveloped. The closest sensitive receptor to the project site is a single-family residence located to the east of the project site approximately 2,800 feet from the site boundary. Helm Elementary School is located approximately 2.9 miles to the east of the project site.

Per the Air Quality and Greenhouse Gas Analysis, a screening assessment of potential health risks to nearby receptors was conducted using the SJVAPCDs prioritization calculator. Scores of 10 or greater indicate that a refined HRA should be prepared because there is the potential for a significant health risk. Scores of at least 1 and less than 10 indicate that the project's TAC emissions are not of high risk. Scores of less than 1 are low risk and are not likely to have an adverse health risk.

Per the San Joaquin Valley Air Pollution Control District (SJVAPCD), a project would result in a significant impact if it would expose sensitive receptors to TACs (toxic air contaminants) resulting in an increased cancer risk greater than 20.0 in one million or an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute). Based on the screening level prioritization score for the proposed project, the maximum prioritization score total at the nearest worksite and residence receptor would be 2.55e well below the SJVPCD's recommended high-risk screening threshold of 10 for conducting a refined Health Risk Assessment. As a result, the on-site operations would not be anticipated to result in a significant adverse health risk to nearby off-site receptors.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: NO IMPACT:

Per the Air Quality and Greenhouse Gas Analysis, the San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the District nuisance rule requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

During project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. Once operational, while there would be odors associated with the fertilizer materials stored onsite, the nearest sensitive receptor, a single-family residence is more than 2,800 feet away. Any odors would dissipate at this distance. Therefore, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. No impact would occur.

#### IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

A Biological Habitat Assessment prepared for the project by Argonaut Ecological Consulting, Inc. and dated January 5, 2020 indicates there is no critical habitat for any listed species within or near the project area. No ground squirrel burrows, or other

potential burrows are present within the 66.68 acres project site. A portion of the site is an active industrial activity and the land is disturbed and maintained. The remainder of the site is in agricultural production and ruderal habitat (around the edges). No wildlife was observed except for small birds in flight. The site does not support suitable habitat for burrowing owls or any other species of concern. There is no nesting habitat for birds. Although, several plant species identified within the California Natural Diversity Database (CNDDDB) potentially occur within this region of Fresno County, the site does not support any species of concern.

- 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:

Per the Biological Habitat Assessment, a query of the National Wetland Inventory (NWI) Map shows two wetland types (riverine) near the 66.68 acres project site - the Crescent Ditch to the southwest and an agricultural ditch along the east side of the site. No other wetlands or ponds and no drainage pattern or aquatic feature are present within the site.

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

FINDING: NO IMPACT:

The project site is not located within any designated wildlife movement corridor and contains no wildlife nursery sites, or fisheries resources.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

The project site contains no trees and is not subject to the County of Fresno tree preservation policy or ordinance.

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project site is within an area defined as PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP) which applies to PG&E's activities and not the subject proposal. The project will not conflict with HC.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project area is moderately sensitive to archaeological finds. Native Americans Heritage Commission (NAHC) conducted a Sacred Lands Search for the property and reported negative results in its search for any sacred sites. The project was also reviewed by the Southern San Joaquin Valley Information Center (SSJVIC) which recommended for an archeological survey of the site. A Cultural Resource Assessment (Report) dated October 7, 2020 was prepared for the project by Argonaut Ecological Consulting, Inc. and provided to SSJVIC.

Per the Report, an archeologist conducted field survey on October 1, 2020 and found no evidence of prehistoric period or pre-historic cultural resources within the project area. Although no resources were found, the Report recommended that if artifacts, exotic rock, or unusual amounts of shell or bone are uncovered during the construction, work should stop in that area immediately and a qualified archeologist should be contacted to evaluate the deposit. If the bone appears to be human, the Fresno County Coroner and Native American Heritage Commission must be contacted. Given the report's recommendation and per the discussion in Section XVIII TRIBAL CULTURAL RESOURCES below, the following mitigation measure would be required to ensure that impacts to cultural resources remain less than significant.

\* **Mitigation Measure**

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

The construction or operation of the project will not result in inefficient, wasteful, or unnecessary energy to impact environment. The project will add various buildings within the footprint of 68.67 acres of the existing fertilizer manufacturing plant. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in other parts of the State. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen) to achieve the goals of Assembly Bill (AB) 32, which has established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

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

FINDING: NO IMPACT:

The project development would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and would comply with 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans are submitted.

## VII. GEOLOGY AND SOILS

Would the project:

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

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of 0 to 20 percent. The project development would be subject to building standards, which include specific regulations to protect improvements against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not in any identified landslide hazard area. The project site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from this proposal may result in loss of some topsoil due to compaction and overcovering of soil for construction of building/structure for the project. However, the impact would be less than significant due to the project requiring an Engineered Grading Plan and a Grading Permit prior to onsite grading activities.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements. As a standard requirement, a soil compaction report may be required to ensure the weight-bearing capacity of the soils for a building prior to construction permits being issued.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site appears to be located within an area of moderately to highly expansive soils. However, the risk to life or property would be less than significant in that the project



construction would require implementation of all applicable requirements of the most recent California Building Standards Code and considering hazards associated with shrinking and swelling of expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

New buildings to be located within 68.67 acres of the existing fertilizer manufacturing plant will require on-site sewage disposal systems.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that :1) The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section; 2) the location of the onsite sewage disposal area shall be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system; and 3) access to septic tanks shall be maintained; and disposal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent. These requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Human activities, including fossil fuel combustion and land-use changes, release carbon dioxide (CO<sub>2</sub>) and other compounds cumulatively termed greenhouse gases (GHGs). GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The San Joaquin Valley Air Pollution Control District (SJVAPCD), a California Environmental Quality Act (CEQA) Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29 percent reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New*

*Projects under CEQA* (SJVAPCD 2009), which outlined SJVAPCD's methodology for assessing a project's significance for GHGs under CEQA.

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. Per the Air Quality and Greenhouse Gas Analysis, completed by LSA Associates and dated February 18, 2021, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Analysis, the San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction related GHG emissions. Construction of the proposed project would generate approximately 425 metric tons of CO<sub>2e</sub>. When considered over the 30- year life of the project, the total amortized construction emissions for the proposed project would be 14 MT CO<sub>2e</sub> per year which is less than significant.

Regarding operation related GHG Emissions, long-term GHG emissions are typically generated from mobile sources (vehicle trips), area sources (maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, and waste sources (water supply and conveyance, treatment and distribution). Operation of the proposed project would generate approximately 388 metric tons of CO<sub>2e</sub> per year. As neither Fresno County nor SJVAPCD has developed or adopted numeric GHG significance thresholds. This analysis evaluates the GHG emissions based on the project's consistency with the SJVAPCD CCAP and other applicable State GHG reduction goals.

- 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:

Per the Air Quality and Greenhouse Gas Analysis, the project would expand and enhance an existing fertilizer manufacturing plant by making minor changes to the existing operations and would not conflict with any applicable plans, policies, or regulations adopted for the purpose of reduction the emissions of GHGs.

Assembly Bill (AB) 32 Scoping Plan contains GHG reduction measures that work towards reducing GHG emissions, consistent with the targets set by AB 32, Executive Order B-30-15 and codified by Senate Bill (SB) 32 and AB 197. The measures applicable to the proposed project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

The project would not conflict with any of the water conservation and efficiency measures and would be required to comply with Title 24 standards of the California Code of Regulations, which includes a variety of different measures, including reduction of wastewater and water use. In addition, project would be required to comply with the

California Model Water Efficient Landscape Ordinance basins. Therefore, the proposed project would not conflict with any of the water conservation and efficiency measures. The proposed project would not conflict with the identified transportation and motor vehicle measures in that the vehicles traveling to the project site and would comply with the Pavley II (LEV III) Advanced Clean Cars Program which will reduce GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020.

The project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32, the AB 32 Scoping Plan, Executive Order B-30-15, SB 32, and AB 197 and would be consistent with applicable State plans and programs designed to reduce GHG emissions.

#### IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

#### FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing fertilizer manufacturing plant receives solid and liquid chicken manure from poultry ranches. After unloading, the raw material is formed into piles outside or stored in bunkers inside buildings and is used to manufacture feed product, pelletized fertilizer, and liquid fertilizer.

To manufacture feed product, the raw product is mixed, milled, heat treated, and finished product is stored. To manufacture pelletized fertilizer, the raw product is mixed with additives, pelletized and heat treated, and finished product is stored in "bunkers". After passing through qualitative and regulatory tests, the material is either placed in 2,000 lb. totes which are pallets, bagged or sold in bulk. The palletized totes and bags are moved to an inside storage area and buildings. Liquid fertilizer is manufactured from molasses and other additives that are delivered to the site by tanker or bulk material trucks. The ingredients for the liquid fertilizer are blended, heat treated and filtered and stored in large tanks until they are sold and shipped offsite by trucks.

The Fresno County Department of Public Health, Environmental Health Division reviewed of the subject proposal and requires that within 30 days of the occurrence of any of the following events the applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map: 1) there is

a 100 percent or more increase in the quantities of a previously-disclosed material; 2) the facility begins handling a previously-undisclosed material at or above the HMBP threshold amounts; and 3) changes to building structures and/or hazardous materials/wastes storage areas. Additionally, all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, and an Underground Storage Tank Removal Permit be obtained to remove any underground storage tank, if found during construction.

Should demolition of the existing structures find an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties and the San Joaquin Valley Air Pollution Control District be contacted if asbestos containing materials are encountered in the process of demolishing the existing structures.

If the structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in the existing structures, then, prior to demolition and/or remodel work, the contractor should contact the following agencies for current regulations and requirements: 1) California Department of Public Health, Childhood Lead Poisoning Prevention Branch; 2) United States Environmental Protection Agency, Region 9; and 3) State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA). Further, any construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state, and local requirements.

The nearest school, Helm Elementary School, is approximately 2.8 miles east of the project site.

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

FINDING: NO IMPACT:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site. The project will not create hazards 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, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Harris River Ranch Airport, is approximately 12.7 miles south of the project site. Because of the distance, the airport will not be a safety hazard or source of excessive

noise for the project. Other nearby airport, San Joaquin Airport is approximately 5.8 miles northwest of the project site.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire protection. The project will not expose people or structures to wildland fire hazards.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICATION IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS regarding wastewater discharge.

Per the project Operational Statement, there will be no changes to the methods used to protect groundwater by the existing fertilizer manufacturing plant. The plant operates under various conditions and permits established in prior land use approval. Also, the applicant will comply with all related groundwater protection requirements.

The project was referred to the California Regional Water Quality Control Board which expressed no concerns with the project relating to the handling of stormwater or the impacts on groundwater resources.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, a Project Note would require that: 1) to protect groundwater all abandoned water wells on the property shall be properly destroyed under permits and inspections from the Health Department; 2) prior to destruction of agricultural wells, a sample of the upper most fluid in the well column

should be sampled for lubricating oil; 3) should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction; and 4) the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

The State Water Resources Control Board, Division of Drinking Water offered no comments on the project by stating that the subject property is a regulated public water system.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or

FINDING: NO IMPACT:

The proposed project involves no changes to the volume of water consumed by the existing fertilizer processing plant. Water is supplied by an on-site well for restrooms, employee breakroom, spray on the piles of raw material, and control of dust. Typical water usage is approximately 35,000 gallons a day.

The project site is not in a low water area of Fresno County. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning and North King GSA reviewed offered no comments on the availability/ sustainability of water for the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface runoff with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

Per the Development Engineering Section of the Fresno County Department of Public Works and Planning, Project Notes shall require that: 1) any additional runoff generated by the proposed project shall not be drained across property lines and be retained onsite per County Standards; 2) an engineered grading and drainage plan shall be approved; and 3) grading permit shall be obtained for any grading that has been done without a permit and any grading proposed with this application.

- 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 Panel 2550H, portions of the parcel and proposed structures are within Flood Zone A and subject to flooding from the 100-year storm. Any proposed development within the Flood Zone will require compliance with Title 15.48 of Fresno County Flood Ordinance.

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

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan. Fresno County has no Water Quality Control Plan and the North King GSA (Groundwater Sustainability Area) expressed no concerns related to water availability/sustainability for the project.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not divide any established community. The nearest community of Helm is located approximately 2.8 miles east of the project site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated as Agriculture in the Fresno County General Plan and is not located within Sphere of Influence (SOI) of a city. As such, the project will not be in conflict with land use plan, policy, or regulation of any jurisdiction.

The County General Plan allows the proposed facility in an agricultural area by discretionary land use approval, provided applicable General Plan policies are met. The project is consistent with the following General Plan policies.

Regarding consistency with General Plan Policy LU-A.3, criteria a-d, the project entails expansion of an existing fertilizer processing plant which is in an agricultural area and supply agricultural products to farmlands in the area. Further, the project site: 1) is not prime farmland and is classified as Farmland of Local Importance and Semi-Agricultural and Rural Commercial Land in the 2016 Fresno County Important Farmland Map; 2) is not in a water short area and the project will not increase water consumption by the existing facility; and 3) is located near Helm and the City of San Joaquin which can provide adequate workforce.

Regarding consistency with General Plan Policy LU-A.12, Policy LU-A.13 and Policy LU-A.14, the existing fertilizer processing plant is an agriculture-related use and is located on non- prime farmland. The proposed improvements on 66.68 acres area will maintain adequate distance from an existing photovoltaic power generating facility and approved gen-tie line for the facility on adjacent parcels.

Regarding consistency with General Plan Policy PF-C.17, the project is not in a water-short area and will not increase water consumption by the existing fertilizer processing plant.

Regarding consistency with General Plan Policy HS-B.1, the project will comply with the California Code of Regulations Title 24 – Fire Code and will obtain District’s approval prior to the issuance of building permits.

Regarding consistency with General Plan Policy HS-F.1, the project will handle hazardous material and wastes in accordance with state and local laws as discussed in Section IX. A. of this report.

## 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:

No mineral resource impacts were identified in the analysis. The site is not located in a mineral resource area as identified in Policy OS-C.2 of the General Plan.

## XIII. NOISE



Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The construction or operation of the project will not expose people to severe noise levels or create substantial increases in ambient noise levels. The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concern related to noise.

#### XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

The project will not result in an increase of housing, nor will it otherwise induce population growth.

#### XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District's (CalFire) identified no concerns with the project. The project will require compliance with the California Code of Regulations Title 24 – Fire Code and the District's approval of the site plan prior to the issuance of building permits. Additionally, required will be the project annexation into Communities Facilities District No. 2010-01 of the District.

2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact existing public services, nor will it result in the need for additional public services related to schools, parks, or police protection by the Fresno County Sheriff's Office.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project involves no residential development which may increase demand for neighborhood and regional parks, or other recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal entails expansion of an existing fertilizer manufacturing plant on a 68.6-acre site and onto three contiguous parcels totaling approximately 66.68 acres located at 20225 Kamm Avenue. The project applicant, True Organics, also owns a fertilizer packaging and storage facility located at 16782 W. Kamm Avenue, Helm approximately 3.2 east of the subject proposal (CUP 3656). The applicant has filed a Use Permit application with the County (CUP 3660) proposing to allow packaging, and storage of fertilizer products in Phase 1 and Phase 2 at that location. Per the information provided, that facility and the subject facility (fertilizer manufacturing plant) are linked in their operation and traffic trips between the two would occur on a consistent basis. Given that, the County Design Division required that a single Traffic Impact Study (TIS) be prepared for both projects to determine cumulative traffic impact on Kamm Avenue.

The Design Division also required that a single Scope of Work (SOW) shall be prepared for both projects in order to compare total truck trips identified in SOW with the total truck trips identified in the original use permits (CUP No. 2467 & CUP No. 3265) approved for the subject facility. Furthermore, the existing Traffic Index (TI) should be looked at to determine if the increased truck trips from both projects would likely have an impact.

Peters Engineering Group prepared a Scope of Work (SOW), dated March 11, 2020 and provided to the County Design Divisions, Road Maintenance & Operations Division and California Department of Transportation (Caltrans) for comments. Per the SOW, traffic counts performed in June 2009 revealed daily volumes of 300 to 400 vehicles per day (both directions combined) on Kamm Avenue near the subject facility. Daily traffic volumes on State Route 145 were on the order of 5,000 trips per day in 2009 and on the order of 5,800 to 6,400 in 2017, which is an annual growth rate of as little as 1.87 percent and as much as 3.13 percent. Applying a growth rate of 3.13 percent per year to the daily volumes counted on Kamm Avenue in 2009, the current traffic volumes on Kamm Avenue near subject facility would be less than 600 vehicles per day (both directions combined). Given no substantial development in the region since 2009, the existing traffic volumes are expected to be very low. The SOW further concluded that neither project will generate traffic volumes that exceed the thresholds described in Section 1.3 of the County Guidelines, and there are no known special circumstances with respect to traffic conditions near the project sites. As such, a TIS would not be required for either of the two projects based on the low volumes of project trips and very low traffic volumes on the adjacent streets.

Peters Engineering Group also prepared a Traffic Index (TI) analysis, dated April 28, 2020 for CUP 3660. The TI analysis focused on the anticipated effect of truck traffic resulting from the project on pavement in Kamm Avenue and included the following road segments: Kamm Avenue west of State Route (SR) 145, and Kamm Avenue east of SR 145. The Analysis found that project would not cause TI to increase on the study road segments. The existing TI and TI with Phase 1 and Phase 2 of the project west of SR 145 will remain the same as 8.5 and likewise the existing TI and TI with Phase 1 and Phase 2 east of SR 145 will remain the same as 9.5.

The Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning concurred with the findings of SOW and the TI Analysis and determined that no further studies are required for either project and a less than significant impact related to traffic would occur from these projects.

The California Department of Transportation also reviewed SOW, agreed with its findings, and expressed no concerns with the project.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

Per the Scope of Work (SOW) prepared for the projects by Peters Engineering Group, the State of California Governor’s Office of Planning and Research document entitled Technical Advisory on Evaluating Transportation Impacts in CEQA dated December 2018 (OPR Guidelines) indicates that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact. Furthermore, the OPR Guidelines indicates that for the purposes of this section, Vehicle Miles Traveled (VMT) refers to the amount and distance of automobile travel attributable to a project. As the term “automobile” refers to on-road passenger vehicles, specifically cars and light trucks, truck trips typical of those that will be generated by the proposed projects subject to CUP 3656 are excluded from the requirements of CEQA as they pertain to transportation impacts and VMT. As such, no VMT analyses are required for the project.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: NO IMPACT:

The project design will not create hazardous conditions relative to existing or proposed ingress and egress to the site off Kamm Avenue. No concerns were expressed by the Road Maintenance and Operations Division.

The project will require dedication of 13 feet in right-of-way for Kamm Avenue as a Condition of approval for the project.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project development will not impact the existing access to the project site off Kamm Avenue which will continue to be used during emergencies.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area of moderate sensitivity to archaeological finds. Pursuant to Assembly Bill (AB) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. The Table Mountain Rancheria (TMR), however, requested to be informed in the unlikely event that cultural resources are identified on the site. With the Mitigation Measure included in the CULTURAL ANALYSIS section of this report any potential impact to tribal cultural resources will be reduced to less than significant.

## XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project may result in a less than significant expansion of electric power and/or natural gas to the proposed improvements.

- 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:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

There will be no change to the volume or methods of handling solid and liquid waste. A minimal amount of daily solid waste generated by the office and employee break room is less than 0.1 cubic yard. The solid waste is placed in a dumpster that is serviced weekly by a private hauler. The impact of solid wastes on local land fill resulting from this proposal would be less than significant.

## XX. WILDFIRE

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

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

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site is not in or near state responsibility areas or land classified as very high fire hazard severity zones.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. It would not degrade the quality of the environment; reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of an endangered, rare, or threatened species. Impacts on cultural resources have been reduced to a less than significant level with a Mitigation Measure incorporated in Section V. CULTURAL RESOURCES above.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality, or Transportation were identified in the project

analysis. Impacts identified for Aesthetics, and Cultural Resources will be mitigated by compliance with the Mitigation Measures listed in Sections I and Section V of this report.

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

FINDING: NO IMPACT:

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

## **CONCLUSION/SUMMARY**

Based upon Initial Study No. 7681 prepared for Conditional Use Permit Application No. 3656, 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, noise, population and housing, recreation, or wildlife.

Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation, tribal cultural resources, utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics and cultural resources have been determined to be less than significant with the identified Mitigation Measures.

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

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**Conditions of Approval  
Jacob and Kimberly Evans**

**Conditional Use Permit No. 2467**

1. Development and operation of the proposed fertilizer processing use shall be in accordance with the Site Plan and Operational Statement as approved by the Commission.
2. The truck scale shall be moved south to provide for parking of one truck in the driveway to the north of the scale.
3. A Site Plan Review shall be submitted in accordance with Section 874 of the Fresno County Zoning Ordinance. Items reviewed under the Site Plan Review shall include, but are not limited to, right-of-way dedication, driveway approach, on-site circulation and parking, grading and drainage, landscaping and fire protection.
4. A Grading and Drainage Plan shall be submitted under the Site Plan Review process.
5. Access shall be limited to the single approach shown on the approved Site Plan.
6. No manure having a moisture content greater than 30 percent shall be accepted at the site.
7. Sprinkling of the manure piles for dust control shall be limited to ten minutes or the minimum time required to provide for formation of a crust. Once a crust is formed, no further sprinkling shall be performed.
8. The manure pile shall be covered as necessary under adverse conditions of rain or wind to prevent excessive moisture in the material or the generation of fugitive dust.
9. The use shall be conducted without creating a dust, odor, or vector nuisance.
10. The use shall be conducted in compliance with the Fresno County Noise Ordinance.

**Conditional Use Permit No. 3265**

1. All Conditions of prior Classified Conditional Use Permit Application No. 2467 shall remain in full force and effect, except as modified with the approved Conditions for Classified Conditional Use Permit No. 3265.
2. To the extent feasible, the existing berm located on the subject property adjacent to the northern and eastern property lines shall be maintained unless modification is necessary due to the required Grading and Drainage Plan.
3. Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
4. Prior to occupancy, the Applicant shall submit an application for Site Plan Review, in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but are not limited to design of parking and circulation

areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.

5. No open cuts of road shall be allowed along the Kamm Avenue frontage of the subject parcel.
6. Upon receipt of an odor complaint as validated by the San Joaquin Valley Air Pollution Control District, the Applicant shall obtain an Authority to Construct permit and install an odor control system.
7. All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
8. Only dry waste may be accepted at the facility.
9. Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.
10. In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
11. In the event on-site landscaping is provided, the following shall be adhered to in order to reduce possible risks associated with expansive soils:
  - a. Landscaping shall be setback at least ten feet from building foundations.
  - b. Landscaping design and drainage shall direct runoff away from structures.
  - c. Landscaping shall be irrigated with low-flow irrigation equipment such as drip, bubbler, or mist type emitters.
  - d. Perimeter curbs shall be extended to the bottom of the base section where said landscaping meets pavement.
12. Rain gutters and roof drains shall be provided and connected directly to an on-site storm drainage system. As an alternative, roof drains shall extend a minimum of ten feet from the structure and the resultant runoff directed onto pavements which slope away from the structure at a minimum of two percent.

**Conditional Use Permit No. 3340**

1. All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
2. In the event cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are

determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.

3. Only dry waste may be accepted at the facility.
4. Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.
5. All Conditions of prior Classified Conditional Use Permit Nos. 2467 and 3265 shall remain in full force and effect except as modified with the approved Conditions for Classified Conditional Use Permit No. 3340.
6. Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
7. Prior to occupancy, the Applicant shall submit an application for Site Plan Review, in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
8. The owner of the subject property shall record a document irrevocably offering 13 feet of the western 452 feet of the subject property to the County of Fresno as future right-of-way for Kamm Avenue (40 feet existing). The southern line of said offer shall establish the building setback line for future development.

Note: A Preliminary Title Report or Lot Book Guarantee may be required before the Irrevocable Offer of Dedication can be processed. The owner is advised that where Deeds of Trust or any other type of monetary liens exist on the property, the cost of obtaining a Partial Reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the Irrevocable Offer of Dedication free of charge.

### **Conditional Use Permit No. 3523**

1. Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.
2. All Conditions of Conditional Use Permit No. 3340 shall remain in full force and effect except where superseded by this application or by current Federal, State or local regulations.
3. Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map with the Fresno County Department of Public Health, Environmental Health Division (Health Department):
  - a) There is a 100% or more increase in the quantities of a previously disclosed material.
  - b) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.

4. The business shall certify to the Fresno County Department of Public Health, Environmental Health Division, that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency.
5. If the piles of compostable materials exceed 122 degrees Fahrenheit, the Applicant shall submit an application to the Fresno County Department of Public Health, Environmental Health Division, to operate a Solid Waste Facility.
6. All outdoor lighting shall be hooded and directed downward so as not to shine toward public roads or the surrounding properties.

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**EXHIBIT 9**

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below for County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7681	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Jacob and Kimberly Evans.	Project Title: Classified Conditional Use Permit Application No. 3656		
Project Description: Allow the expansion of an existing fertilizer manufacturing plant on a 68.67-acre site and onto three contiguous parcels totaling 66.68 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the southwest corner of W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue) (Sup. Dist.: 1) (APN: 040-080-40S, 42S, 43S, 44S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7681) prepared for Classified Conditional Use Permit Application No. 3656, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to biological resources, mineral resources, noise, population and housing, recreation, or wildlife.  Potential impacts related to agriculture and forestry resources, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation, tribal cultural resources, utilities and service systems have been determined to be less than significant.  Potential impacts related to aesthetics and cultural resources have been determined to be less than significant with the included Mitigation Measure.  The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – March 12, 2021		Review Date Deadline: Planning Commission – April 22, 2021	
Date: March 11, 2021	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

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

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**