



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 July 15, 2021

SUBJECT: Initial Study No. 7744 and Classified Conditional Use Permit
Application No. 3660

The project proposes to allow the production, packaging, and storage of organic fertilizer products on a 8.04-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject site is located on the north side of W. Kamm Avenue approximately 950 feet east of its intersection with State Route 145 (S. Lassen Avenue) and is approximately 5.9 miles southeast of the city limits of the City of San Joaquin (16782 W. Kamm Avenue) (APN 040-010-04) (Sup. Dist. 1).

**OWNER/
APPLICANT:** True Organics Products

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 7744; and
- Approve Classified Conditional Use Permit Application No. 3660 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Applicant's Operational Statement
7. Summary of Initial Study No.7744
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	8.04 acres	No change
Project Site	N/A	N/A
Structural Improvements	Two Agricultural Storage Buildings, Greenhouse Building, and Office Building	No change (Existing buildings to be retrofitted to Applicant's needs and current code standards)
Nearest Residence	Approximately 340 feet	No change
Surrounding Development	Residential, Agricultural, Elementary School, and Commercial	No change
Operational Features	N/A	Receive fertilizer produced from the main facility for stockpiling/storage purposes. Mixing, packaging, and shipping of the products will occur from the site.
Employees	N/A	Approximately 7 employees up to a maximum of 10

Criteria	Existing	Proposed
		Currently proposing: 5 employees during the day shift 2 employees during the night shift
Customers	N/A	No customers will visit the site
Traffic Trips	N/A	Per the prepared TIS: 20 employee based trips (10 employees on site at various times of operation) 30 truck based trips (15 trucks entering and existing site at worse case scenario)
Lighting	N/A	Outdoor lighting
Hours of Operation	N/A	Main operation (Day Shift): 7:00 AM to 5:00 PM Maintenance (Night Shift): 10:00 PM to 6:00 AM

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7744 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 8) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 4, 2021

PUBLIC NOTICE:

Notices were sent to 15 property owners within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

Existing permit records establish the existing built state of the subject site, and that an agricultural processing operation was previously on the subject parcel. There are no records of any discretionary land-use permit being approved for the subject site. The proposal requests to utilize the existing buildings for their operation with no additional structures being added.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District Front Yard: 35 feet Side Yard:: 20 feet Rear Yard: 20 feet	No new buildings proposed. No change in setbacks	Y
Parking	One parking space per every two employees	Maximum ten employees, 5 parking spaces including one ADA accessible space	Y
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within forty feet of any dwelling or other building used for human habitation	No change	Y
Wall Requirements	No requirement unless swimming pool is present	No change	Y
Septic Replacement Area	100% replacement	No change	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of Public Works and Planning: All structures that will be utilized for indoor processing and storage will require a Change of Occupancy Permit.

When submitting for building permit and/or change of occupancy permit, site plans and floor plans indicating a specified use shall be submitted to the Zoning Section. This shall be included as a Condition of Approval.

Site Plan Review Section of Public Works and Planning: A site plan showing parking dimensions, back-up space, width of isles, turn around radius, etc. shall be submitted to confirm parking requirements.

The operational statement indicates the facility will employ up to 10 employees; a minimum of five (5) parking stalls shall be required. One of which shall be ADA van accessible.

Parking spaces shall be constructed in compliance with State and County standards.

All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked.

An encroachment permit shall be required from Road Maintenance and Operations for any improvements within the County right-of-way prior to commencement of construction.

Internal access roads shall comply with required widths by the Fire District for emergency apparatus.

A dust palliative should be required on all parking and circulation areas.

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 Section 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. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agriculture) Zone District.

No building height or structure erected in the AE District shall not exceed thirty-five (35) feet in height, per Section 816.5.D of the Zoning Ordinance.

Outdoor lighting shall be hooded and directed away from adjoining streets and properties. This shall be included as a Mitigation Measure.

Building and Safety Section of Public Works and Planning: Plans, permits and inspections are required for any and all on-site improvements.

Development Engineering Section of Public Works and Planning: According to FEMA FIRM Panel 2575H, portion of the subject parcel are in Zone A which is subject to flooding from the 100-year storm. If any development is within the area identified as Zone A, it must comply with the County Flood Hazard Ordinance (Title 15.48).

According to U.S.G.S. Quad Maps, there are existing irrigation facilities along the west property line. Easements may be required by the appropriate agency.

Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards.

An Engineered Grading and Drainage Plan and a grading permit are required.

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

Analysis:

The project proposes to utilize the existing building on the subject site for the operation. The subject buildings will be retrofitted to accommodate the proposed operation and bring them into compliance with current building and safety codes. Proposed improvements to the site and existing buildings will be subject to building permit approval and inspection. Change of occupancy permits will be required also to address the current status of the building in relation to the proposed use. Staff finds that the proposed use is adequate in size and shape to accommodate the proposed use.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	No private road	No change
Public Road Frontage	Yes	Approximately 328 feet of road frontage along W. Kamm Avenue	No change
Direct Access to Public Road	Yes	Two access points to subject parcel off W. Kamm Avenue	Two access points onto W. Kamm Avenue
Road ADT		1,000 VPD	Increase of 5.5 AADTT (Per TIS)
Road Classification		Arterial	No change

		Existing Conditions	Proposed Operation
Road Width		100 feet of road right-of-way	No change
Road Surface		32 feet of paved right-of-way	No change
Traffic Trips		1,000 VPD	Increase based on total trip generation (Approximately 50 one-way trips)
Traffic Impact Study (TIS) Prepared	Yes	N/A	No significant impact resulting from the project.
Road Improvements Required		N/A	None required

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

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, any access driveway should be set back a minimum of 10 feet from the side property line.

For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

Typically, with access for any new development along arterials, turnaround facilities shall be provided on parcels having direct access to collectors so that vehicles do not back out onto the roadway.

Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Kamm Avenue is a County-maintained road classified as an arterial road with existing 50 feet of right-of-way north of the section line. Pavement width in 32 feet, with dirt shoulders. ADT of Kamm Avenue is 1,000 VPD, with PCI of 38.3. The roadway is in poor condition.

Kamm Avenue is classified as an arterial road in the County’s General Plan and requires 106 feet of road right-of-way.

The proposed entrance swing gates along Kamm Avenue should be set back a minimum of 20 feet from road right-of-way of Kamm Avenue, or such other extra depth, so as to eliminate the largest vehicle from idling in the road right-of-way when stopped to open the gate.

For all access driveways onto Kamm Avenue, the first 100 feet of the roadway or driveway from the public road must be paved or treated with dust palliative to minimize tracking and dust pollution to County roads.

An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way such as new driveways or pavement improvements.

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

Analysis:

The subject parcel has public road frontage along W. Kamm Avenue and proposes to have access along Kamm Avenue. The project anticipates a maximum of ten employees and up to 15 trucks entering and exiting the site a day. Based on the anticipated employee and truck based trips, an estimated 50 trips a day can be expected. A Traffic Impact Study was requested by the Design Division and Road Maintenance and Operations Division for possible impacts on County-maintained roadways. Due to the increased truck traffic resulting from the project proposal, an emphasis on road conditions through a traffic index analysis was requested in the prepared Traffic Impact Study. After review of the prepared Traffic Impact Study, the Design Division and Road Maintenance and Operations Division concurred with the conclusions of the study that the project would not have a significant impact on County-maintained roadways. Therefore, staff finds that the streets and highways are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	90.97 acres	Agriculture	AE-20	N/A
South	12.04 acres	Utility/Railroad	AE-20	N/A

Surrounding Parcels				
East	39.33 acres	Agriculture	AE-20	N/A
West	3.02 acres	Vacant	AE-20	Approximately 330 feet

Reviewing Agency/Department Comments:

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

All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous waste.

The Applicant should be advised of the State of California Public Resources Code, Division 30, Waste Management, Chapter 16, Waste Tire Facilities and Chapter 19, Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources, Recycling and Recovery (CalRecycle).

The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.

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

The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.

State Water Resources Control Board: The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new public water system (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvement. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is reasonably foreseeable that the proposed new PWS will be unable to provide affordable, safe drinking water in the reasonably foreseeable future. The requirements in SB 1263 do not apply to a service area where an applicant certifies in writing to the State Board that the Applicant will not rely on the establishment of a new PWS for its water supply.

Fresno County Fire Protection District: If future development is sought, the project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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

Analysis:

The project proposes to stockpile and store materials from the main production facility located approximately 3.2 miles west of the subject site and then repackage said products for shipment to customers. Review of the proposal indicates that the Applicant/Operator of the subject facility will be required to meet requirements set forth by the State and Fresno County Department of Public Health for reporting and handling of any hazardous material on the subject site. The project would also be subject to Senate Bill 1263 requirements for the permitting of a Public Water System. The subject facility is located near a low-volume freight only railroad. There are single-family residences located west of the subject site and Helm Elementary School located east across State Route 145 (S. Lassen Avenue). The nearest sensitive receptor is located approximately 340 feet west of the subject site. No concerns were received from reviewing agencies and departments to indicate that the project proposal would result in negative impacts to sensitive receptors. Therefore, with compliance of regulatory requirements as addressed by commenting agencies and departments, staff believes that the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

None

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3: The County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:</p> <p>Criteria “a”: The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.</p> <p>Criteria “b”: The use should not be sited on productive agricultural lands if less productive land is available in the vicinity.</p>	<p>The subject parcel is located on land designated Agricultural in the Fresno County General Plan. The proposed use is an allowed use in the underlying zone district subject to a Conditional Use Permit.</p> <p>Criteria “a”: Per the Applicant, the proposed use will be in conjunction with an existing fertilizer producing operation located approximately 3.2 miles to the west. The use intends to produce, store and ship fertilizer products to the surrounding agricultural operations. The proposed use is in proximity of the main production facility and has access to State Route 145 for rapid transportation purposes. Additionally, the use is located among its intended customers and would increase miles traveled if located in a more urban area. In considering these</p>

Relevant Policies:	Consistency/Considerations:
<p>Criteria “c”: The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius.</p> <p>Criteria “d”: A probable workforce should be located nearby or be readily available.</p>	<p>factors, the use is better suited in its proposed site than in a more urban setting.</p> <p>Criteria “b”: The project proposes to utilize a site that is already improved with buildings. There is no expansion outside of the existing footprint proposed that would convert agricultural land. Therefore, the project is sited on suitable non-productive agricultural land.</p> <p>Criteria “c”: Review of the project proposal by the Water and Natural Resources Division and the State Water Resources Control Board did not express concern that the project would result in a detrimental impact on water resources. The State Water Resources Control Board will require that the operation seek permits for a public water system under the provisions of Senate Bill 1263. Although subject to permit, this permitting does not provide evidence that the use would have a detrimental impact on water resources. Therefore, as no concerns were expressed, the project is consistent with Criteria “c”.</p> <p>Criteria “d”: The subject site is located approximately 5.9 miles southeast of the City of San Joaquin. Additionally, the subject site is located in close proximity of State Route 145 providing further access to the site from other population centers. Therefore, a probable workforce is located nearby and is readily available.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>Criteria “a”: A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If ground water is proposed, a hydrogeologic</p>	<p>The Water and Natural Resources Division has reviewed the subject application and indicated that the subject site is not located in an area of the County defined as being water short and did not express concern with the project to necessitate the requirement of a water supply evaluation. The State Water Resources Control Board did comment that the project would be subject to permitting of a public water system under the provisions of Senate Bill 1263. This provision is a regulatory requirement and would not trigger the need for a water supply evaluation as addressed under the General Plan Policy.</p>

Relevant Policies:	Consistency/Considerations:
<p>investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</p> <p>Criteria “b”: A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>Criteria “c”: A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	
<p>General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>The subject site is already improved with buildings and a septic system. Permitting of a new on-site sewage disposal system would be subject to the County’s Local Area Management Plan for onsite wastewater treatment systems.</p>

Reviewing Agency Comments:

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

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

Analysis:

Review and analysis of relevant General Plan Policies as indicated above has determined that the project is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 can be made.

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

Analysis Finding 5:

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

Conclusion Finding 5:

Based on staff's analysis, the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare. Finding 5 can be made.

PUBLIC COMMENT:

None

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit Application can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration and approval of Classified Conditional Use Permit Application No. 3660, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration based on Initial Study No. 7744; and

- Move to determine the required Findings can be made as described in the staff report and move to approve Classified Conditional Use Permit Application No. 3660, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit Application No. 3660; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Initial Study No. 7744
Classified Conditional Use Permit Application No. 3660
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downwards so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
Conditions of Approval					
1.	Development of the property shall be substantially in accordance with the Site Plans, Floor Plans, Elevations, and Operational Statement as approved by the Planning Commission.				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.					
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	<p>The Zoning Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> a. When submitting for building permit and/or change of occupancy permit, site plans and floor plans indicating a specified use shall be submitted to the Zoning Section. b. All structures that will be utilized for indoor processing and storage will require a Change of Occupancy Permit. 				
2.	<p>The Site Plan Review Section of the Fresno County Department of Public Works and Planning, provide the following comments:</p> <ul style="list-style-type: none"> a. A site plan showing parking dimensions, back-up space, width of isles, turn around radius, etc. shall be submitted to confirm parking requirements. b. The operational statement indicates the facility will employ up to 10 employees; a minimum of five (5) parking stalls shall be required. One of which shall be ADA van accessible. c. Parking spaces shall be constructed in compliance with State and County standards. d. All parking spaces for the physically disabled shall be placed adjacent to facility access ramps or in strategic areas where the disabled shall not have to travel behind parking spaces other than to pass behind the parking space in which they parked. e. An encroachment permit shall be required from Road Maintenance and Operations for any improvements within the 				

Notes	
	<p>County right-of-way prior to commencement of construction.</p> <ul style="list-style-type: none"> f. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. g. A dust palliative should be required on all parking and circulation areas. h. 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. i. 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 Section for review and approval prior to the issuance of building permits. j. All proposed signs, require submittal to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Off-site signs are expressly prohibited for commercial uses in the AE (Exclusive Agriculture) Zone District. k. No building height or structure erected in the AE District shall not exceed thirty-five (35) feet in height, per Section 816.5.D of the Zoning Ordinance.
3.	Plans, permits, and inspections are required for any and all on-site improvements.
4.	<p>The Development Engineering Section of the Fresno County Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> a. According to FEMA FIRM Panel 2575H, portion of the subject parcel are in Zone A which is subject to flooding from the 100-year storm. If any development is within the area identified as Zone A, it must comply with the County Flood Hazard Ordinance (Title 15.48). b. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards. c. An Engineered Grading and Drainage Plan and a grading permit are required. d. Typically, any access driveway should be set back a minimum of 10 feet from the side property line. e. For any unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative. f. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. g. Typically, with access for any new development along arterials, turnaround facilities shall be provided on parcels

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<p>having direct access to collectors so that vehicles do not back out onto the roadway.</p>	<p>h. Typically, in an arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.</p> <p>i. Typically, any existing or proposed entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</p>
<p>5.</p>	<p>The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning provide the following comments:</p> <p>a. Kamm Avenue is classified as an arterial road in the County's General Plan and requires 106 feet of road right-of-way.</p> <p>b. The proposed entrance swing gates along Kamm Avenue should be set back a minimum of 20 feet from road right-of-way of Kamm Avenue, or such other extra depth, so as to eliminate the largest vehicle from idling in the road right-of-way when stopped to open the gate.</p> <p>c. For all access driveways onto Kamm Avenue, the first 100 feet of the roadway or driveway from the public road must be paved or treated with dust palliative to minimize tracking and dust pollution to County roads.</p> <p>d. An encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way such as new driveways or pavement improvements.</p>
<p>6.</p>	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <p>a. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. any business that handles a hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: >55 gallons (liquids), >500 pounds (solids), >200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.</p> <p>b. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous waste.</p> <p>c. The Applicant should be advised of the State of California Public Resources Code, Division 30, Waste Management, Chapter 16, Waste Tire Facilities and Chapter 19, Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources, Recycling and Recovery (CalRecycle).</p> <p>d. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the Fresno County Noise Ordinance.</p>

Notes	
	<p>e. It is recommended that the applicant consider having the existing septic tanks pumped and have the tank and leach fields evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may include possible repairs, additions, or require the proper destruction of the system.</p> <p>f. The location of the onsite sewage disposal area should be identified and cordoned off to prevent truck trailer traffic from driving over, causing damage and possible failure of the septic system.</p>
7.	<p>The proposed project is subject to Senate Bill 1263 (SB 1263). SB 1263 requires a person submitting an application for a permit for a proposed new public water system (PWS) to first submit a preliminary technical report to the State Board at least 6 months before initiating construction of any water-related improvement. The State Board is authorized to deny the permit of a proposed PWS if it determines that it is reasonably foreseeable that the proposed new PWS will be unable to provide affordable, safe drinking water in the reasonably foreseeable future. The requirements in SB 1263 do not apply to a service area where an applicant certifies in writing to the State Board that the Applicant will not rely on the establishment of a new PWS for its water supply.</p>
8.	<p>If future development is sought, the project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.</p>

TK
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EXHIBIT 2

LOCATION MAP



CUP 3660

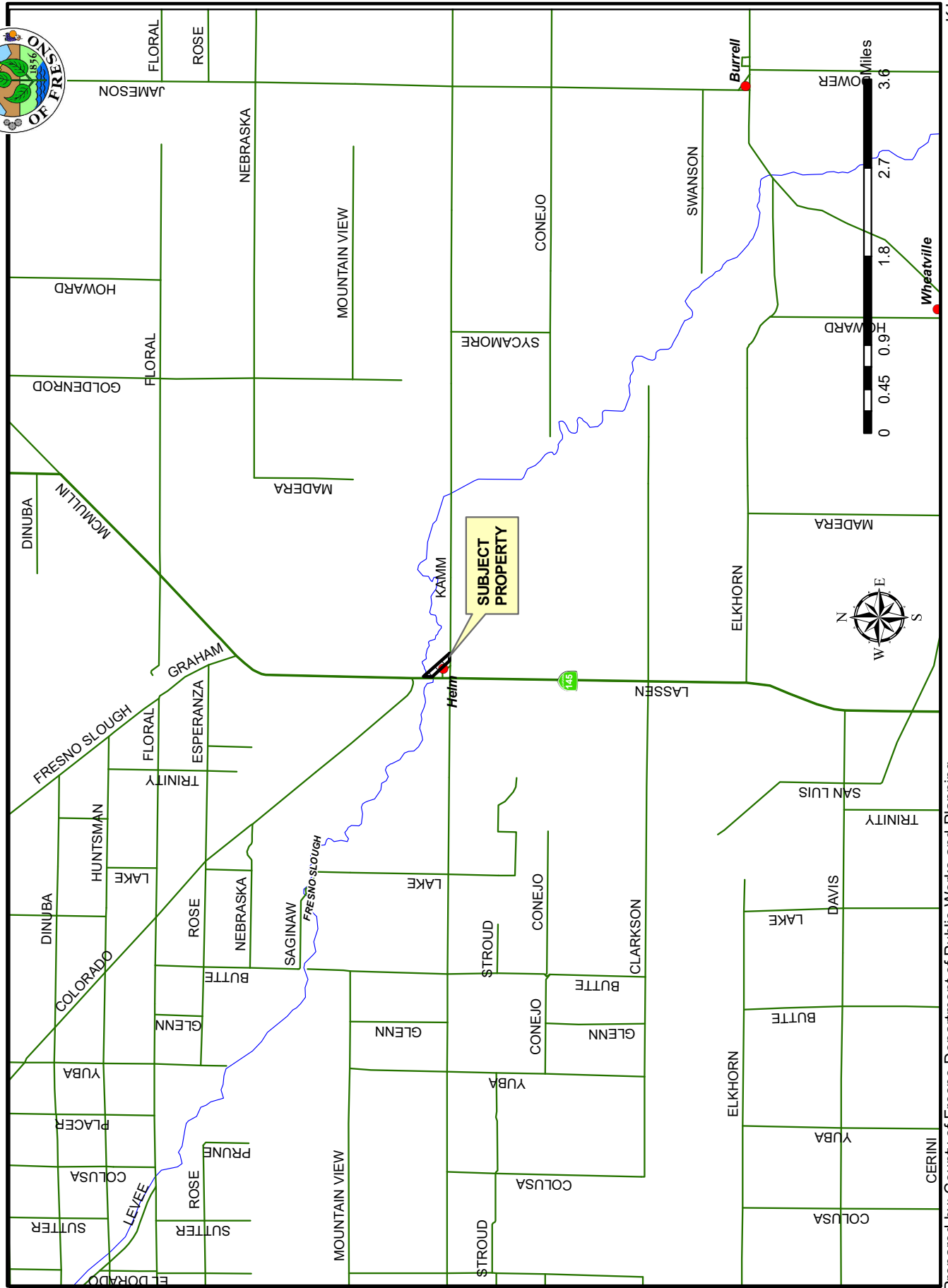


EXHIBIT 3

EXISTING ZONING MAP

CUP 3660
STR 14-16/17

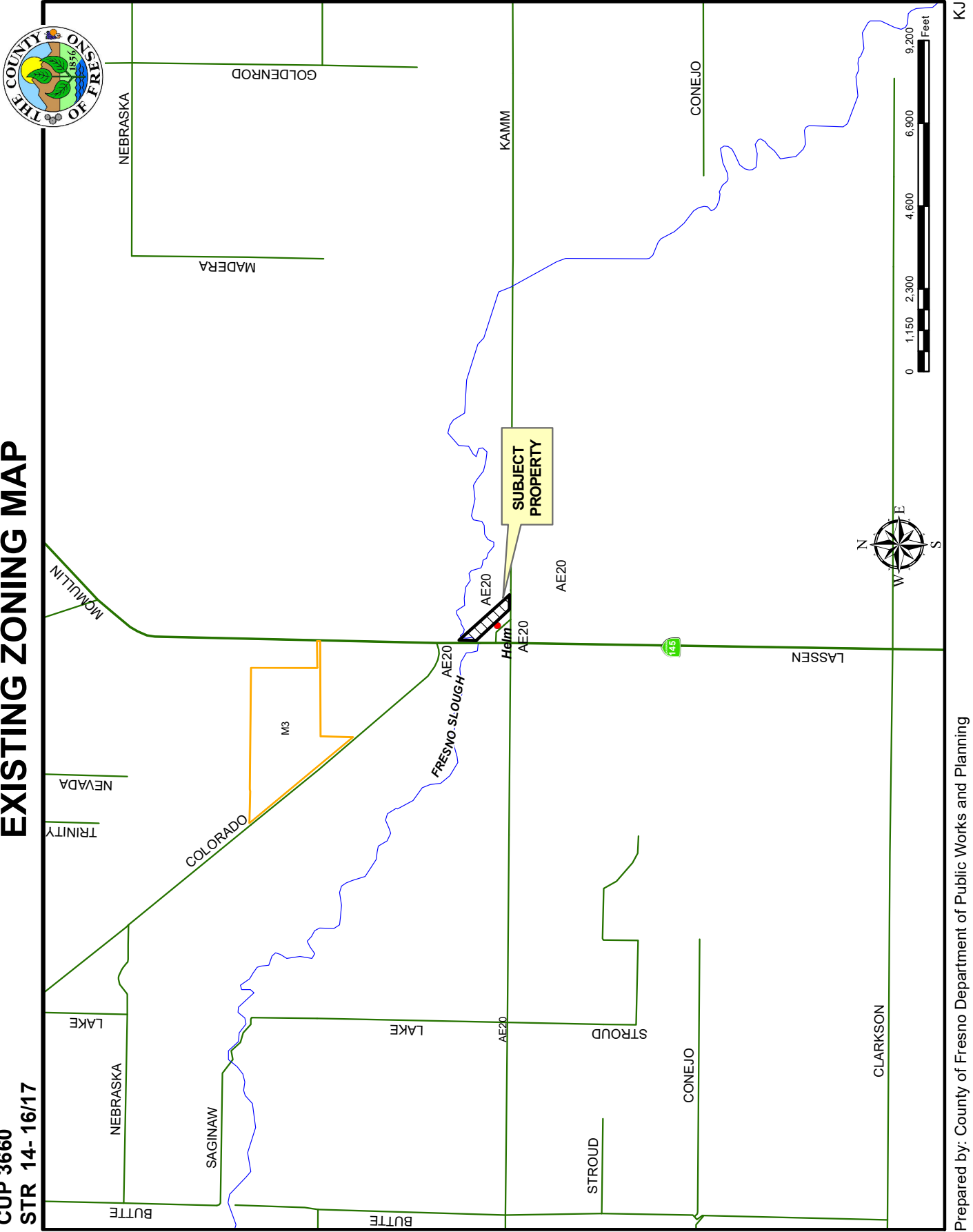
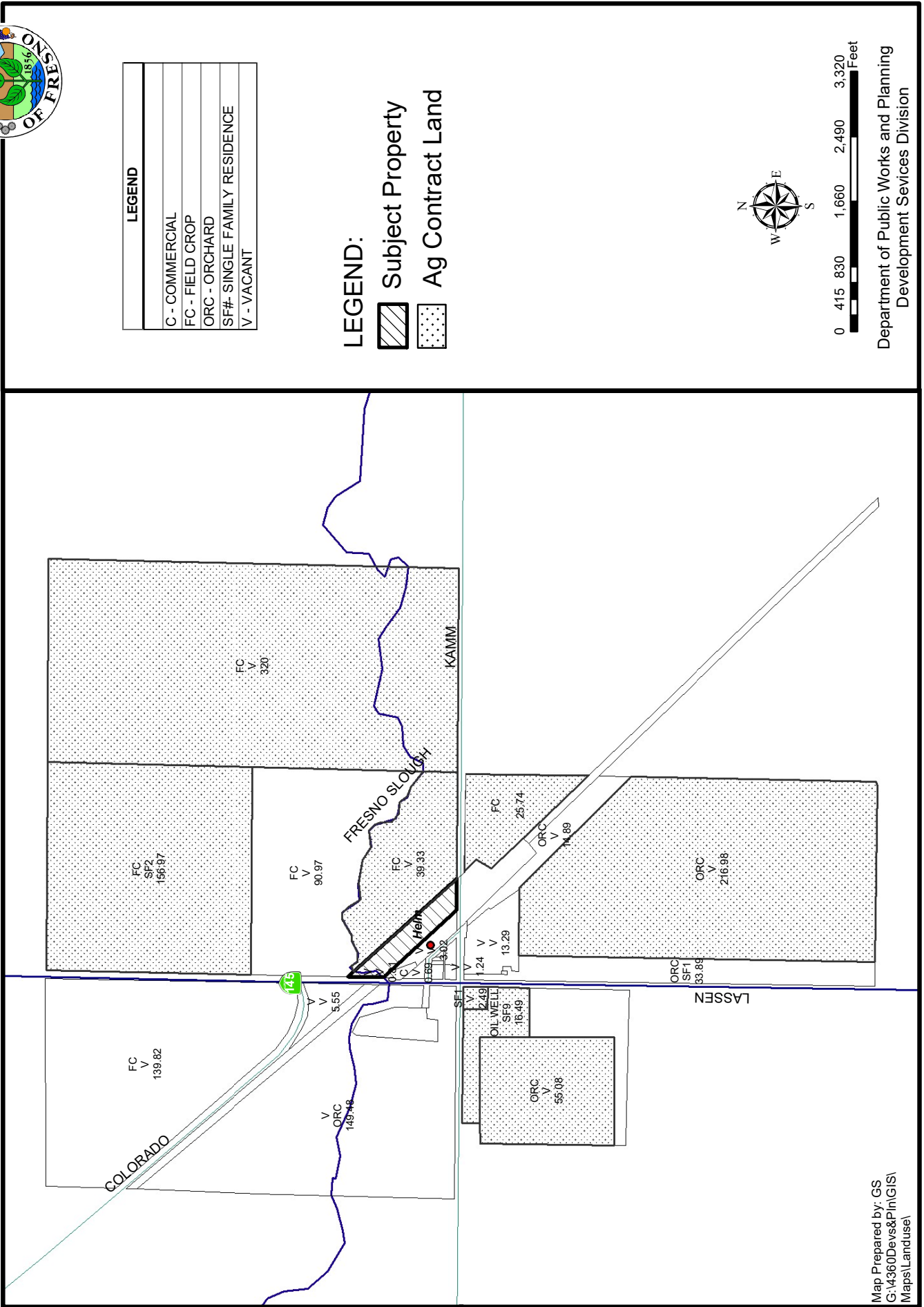




EXHIBIT 4

EXISTING LAND USE MAP

CUP 3660



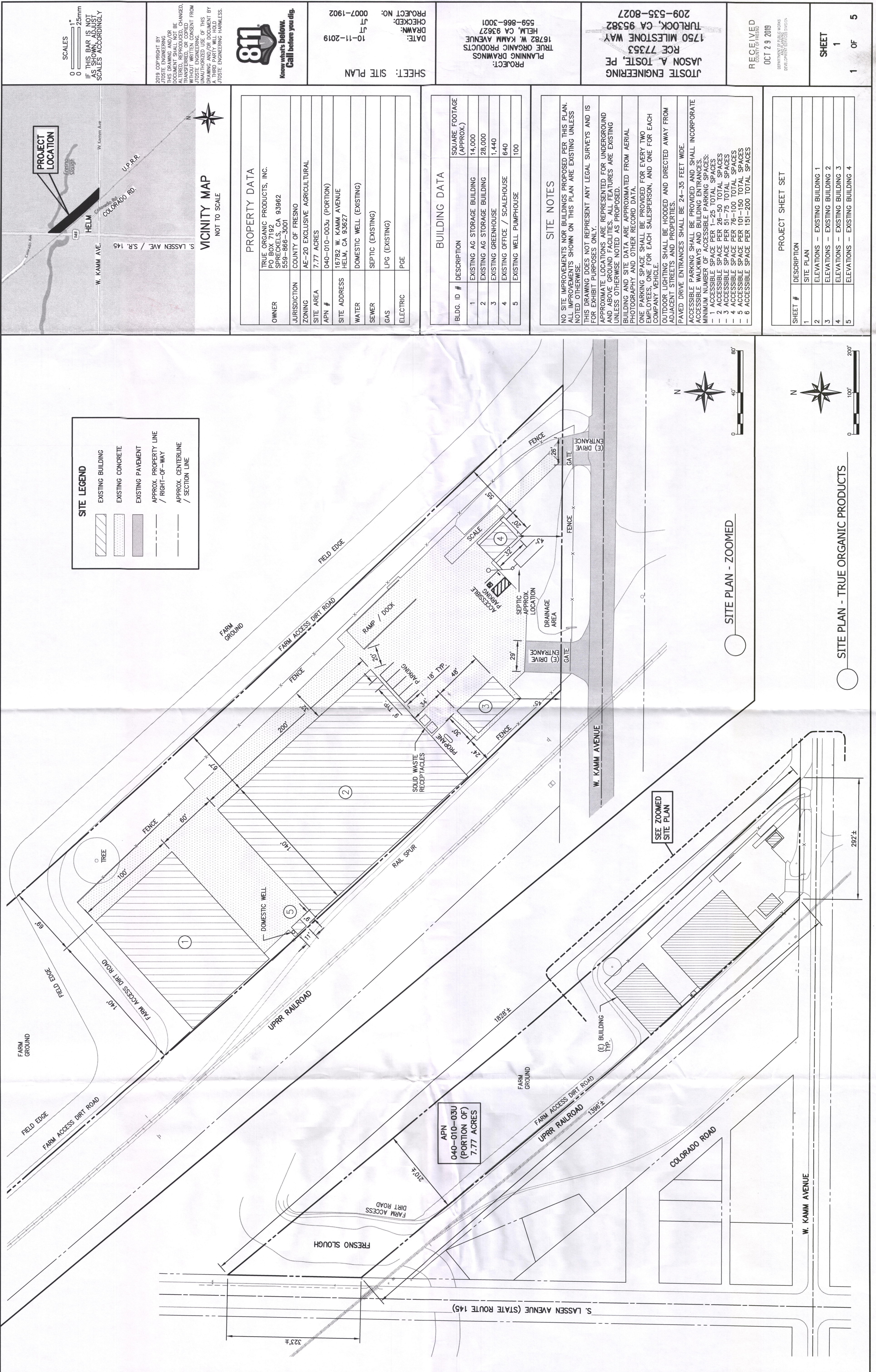
LEGEND	
	C - COMMERCIAL
	FC - FIELD CROP
	ORC - ORCHARD
	SF# - SINGLE FAMILY RESIDENCE
	V - VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division



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

DATE: 10-11-2019
 CHECKED: 54
 PROJECT NO: 0007-1902

SHEET: SITE PLAN

PLANNING DRAWINGS
 TRUE ORGANIC PRODUCTS
 16782 W. KAMM AVENUE
 HELM, CA 93627
 559-866-3001

JTOSTE ENGINEERING
 JASON A. TOSTE, PE
 RCE 77353
 1750 MILESTONE WAY
 TURLOCK, CA 95382
 209-535-8027

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 COUNTY OF FRESNO
 OCT 29 2019
 APPROVED PLANNING WORKS
 ENCLOSURE #1111111111

SHEET
 1 OF 5

VICINITY MAP
 NOT TO SCALE

PROPERTY DATA

OWNER	TRUE ORGANIC PRODUCTS, INC. PO BOX 7192 SPRECKELS, CA 93962 559-866-3001
JURISDICTION	COUNTY OF FRESNO
ZONING	AE-20 EXCLUSIVE AGRICULTURAL
SITE AREA	7.77 ACRES
APN #	040-010-003u (PORTION)
SITE ADDRESS	16782 W. KAMM AVENUE HELM, CA 93627
WATER	DOMESTIC WELL (EXISTING)
SEWER	SEPTIC (EXISTING)
GAS	LPG (EXISTING)
ELECTRIC	PGE

BUILDING DATA

BLDG. ID #	DESCRIPTION	SQUARE FOOTAGE (APPROX.)
1	EXISTING AG STORAGE BUILDING	14,000
2	EXISTING AG STORAGE BUILDING	28,000
3	EXISTING GREENHOUSE	1,440
4	EXISTING OFFICE / SCALEHOUSE	640
5	EXISTING WELL PUMPHOUSE	100

SITE NOTES

NO SITE IMPROVEMENTS NOR BUILDINGS PROPOSED PER THIS PLAN. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING UNLESS NOTED OTHERWISE.

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'-36" FEET WIDE.

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

MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES:
 - 1 ACCESSIBLE SPACE PER 25-50 TOTAL SPACES
 - 2 ACCESSIBLE SPACE PER 51-75 TOTAL SPACES
 - 3 ACCESSIBLE SPACE PER 76-100 TOTAL SPACES
 - 4 ACCESSIBLE SPACE PER 101-150 TOTAL SPACES
 - 5 ACCESSIBLE SPACE PER 151-200 TOTAL SPACES

PROJECT SHEET SET

SHEET #	DESCRIPTION
1	SITE PLAN
2	ELEVATIONS - EXISTING BUILDING 1
3	ELEVATIONS - EXISTING BUILDING 2
4	ELEVATIONS - EXISTING BUILDING 3
5	ELEVATIONS - EXISTING BUILDING 4

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OCT 29 2019
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REGISTRATION DIVISION

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209-535-8027

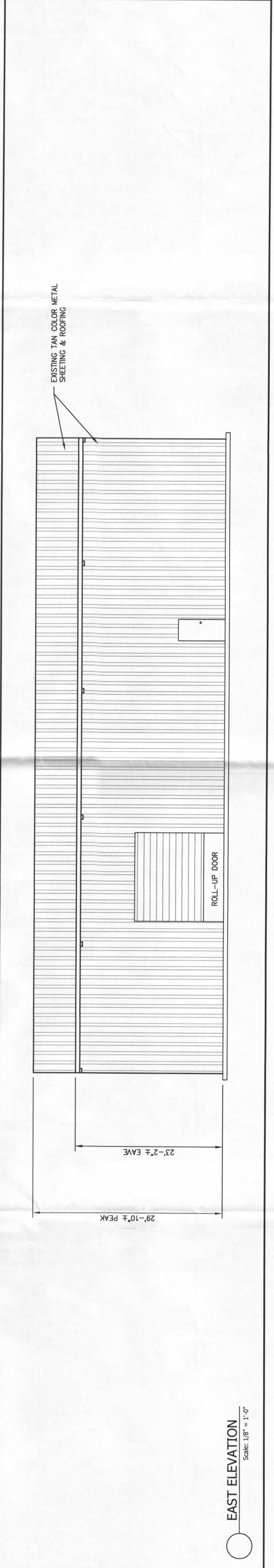
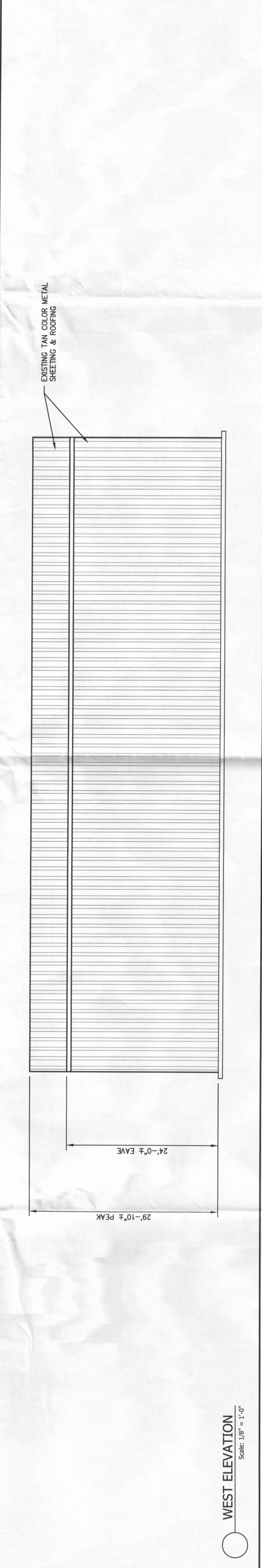
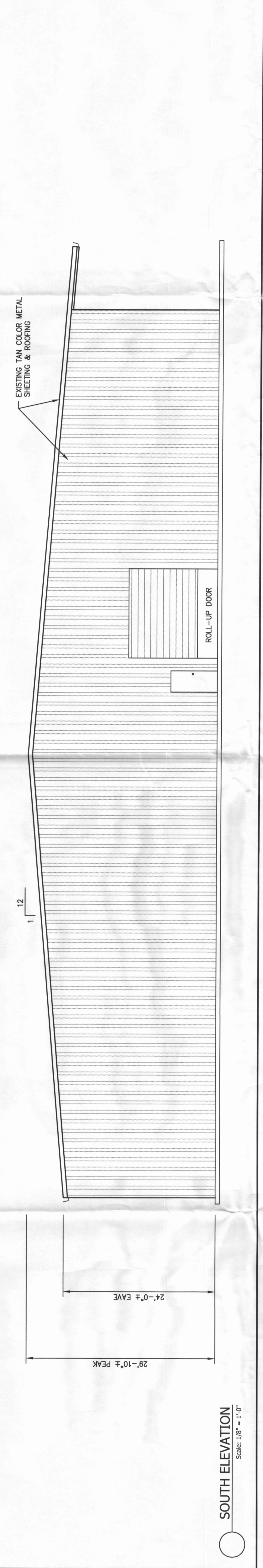
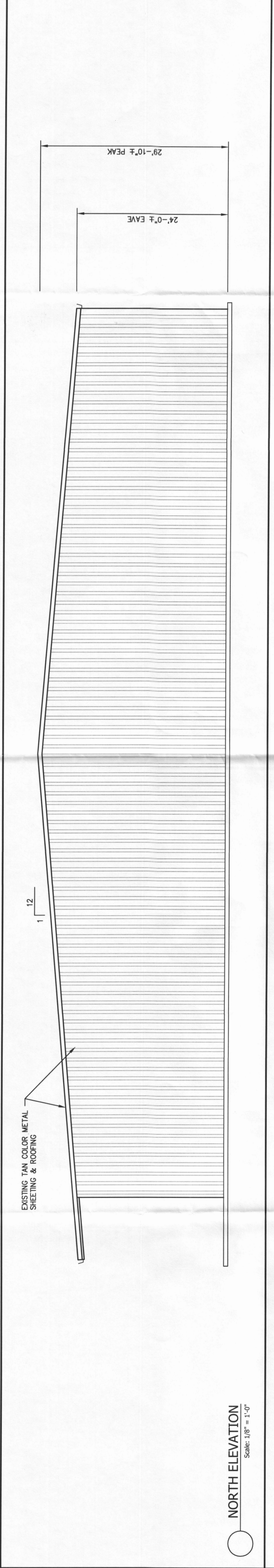
PROJECT:
PLANNING PRODUCTS
TRUE ORGANIC PRODUCTS
16782 W. KAMM AVENUE
HELM, CA 93627
559-866-3001

SHEET: ELEVATIONS
EXISTING BLDG. #1
DATE: 10-11-2019
DRAWN: JT
CHECKED: JT
PROJECT NO: 0007-1902



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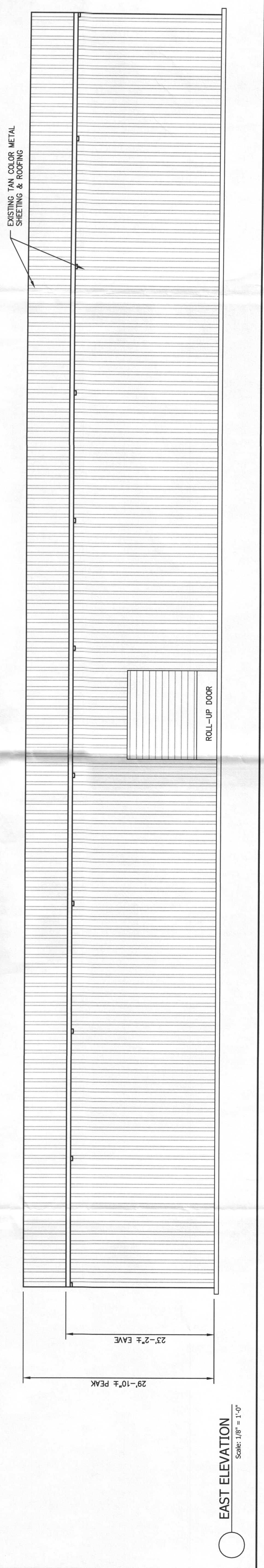
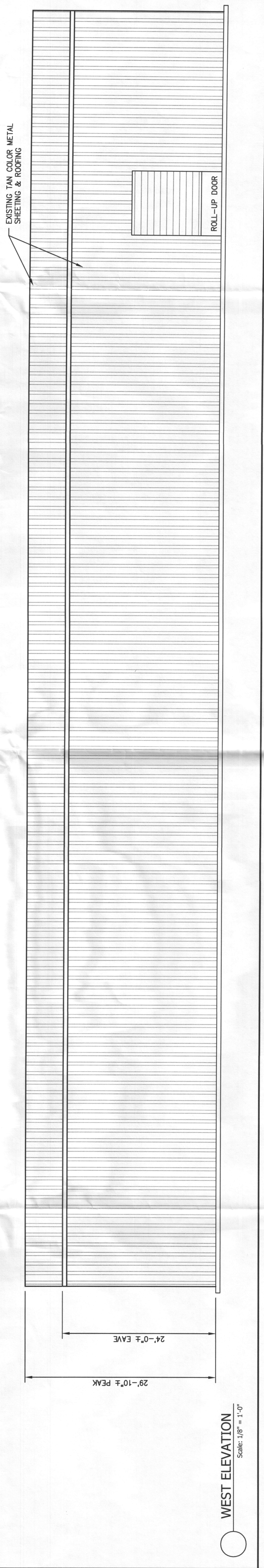
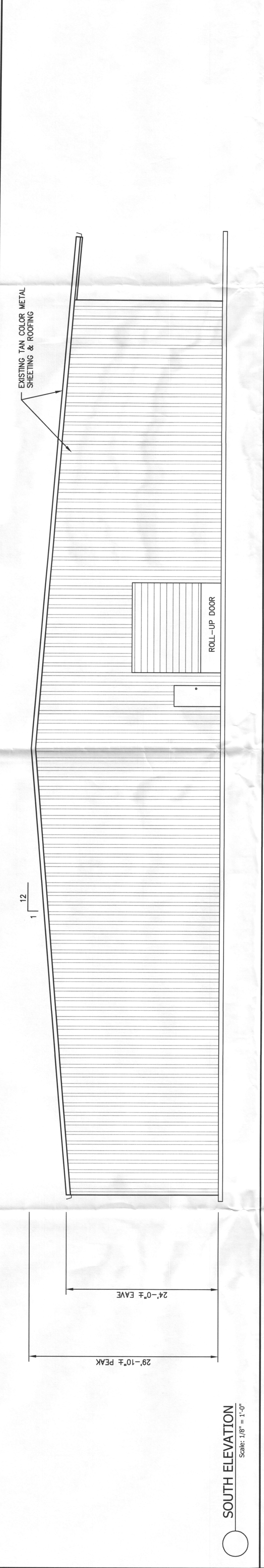
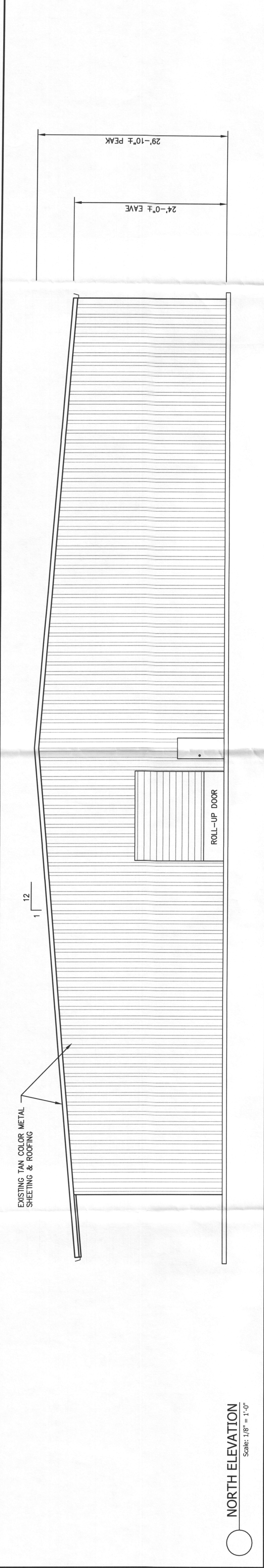
PROJECT:
 PLANNING DRAWINGS
 TRUE ORGANIC PRODUCTS
 16782 W. KAMM AVENUE
 HELM, CA 93627
 539-866-3001

SHEET: ELEVATIONS
 EXISTING BLDG. #2
 DATE: 10-11-2019
 DRAWN: JF
 CHECKED: JF
 PROJECT NO: 0007-1902



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SHEET: ELEVATIONS
 EXISTING BLDG. #3

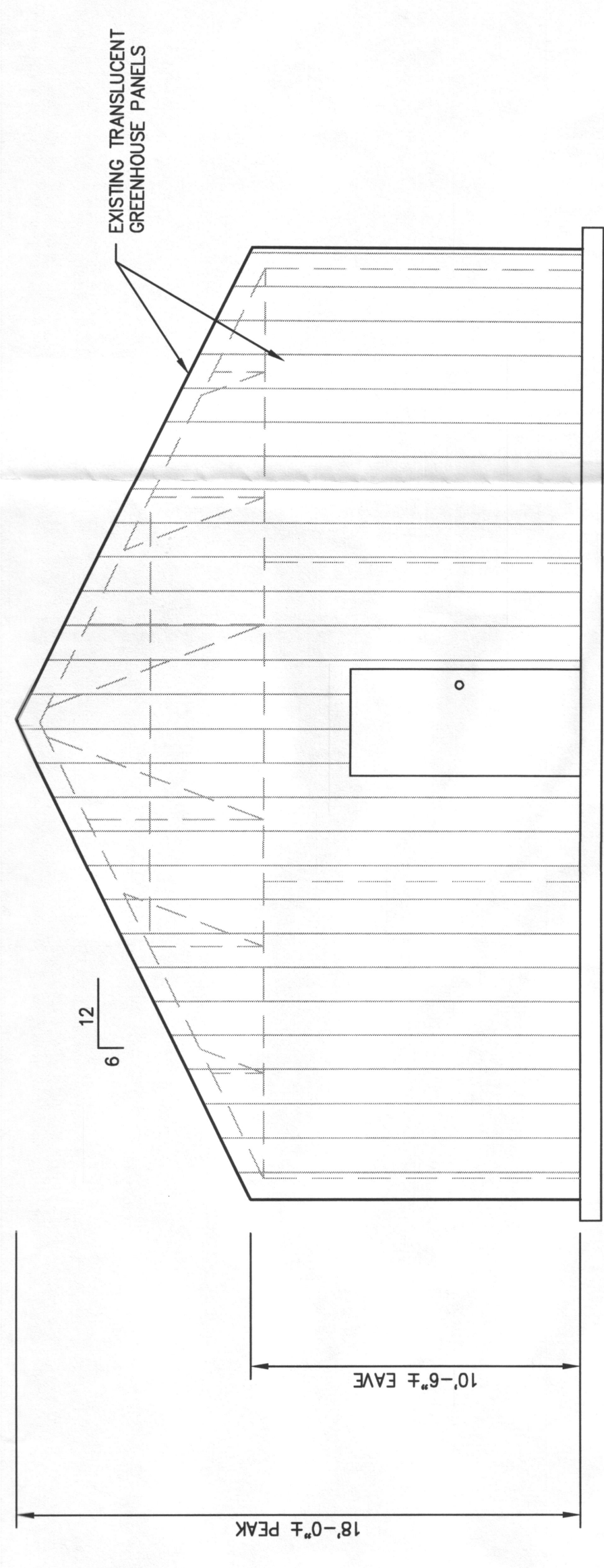
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 DRAWN: JT
 CHECKED: JT
 PROJECT NO: 0007-1902

PROJECT:
 PLANNING DRAWINGS
 TRUE ORGANIC PRODUCTS
 16782 W. KAMM AVENUE
 HELM, CA 93627
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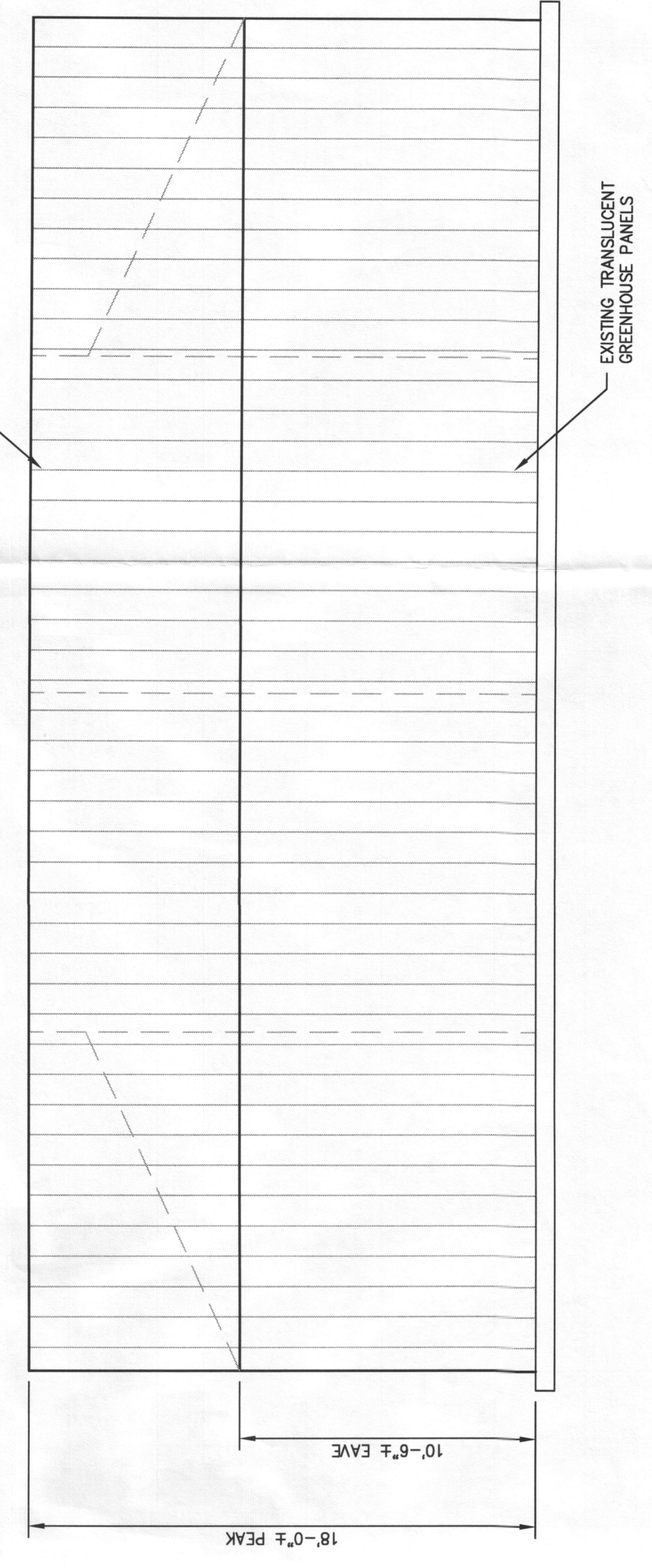
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 COUNTY OF FRESNO
 REGISTERED PROFESSIONAL ENGINEER
 JASON A. TOSTE
 LICENSE NO. 50823

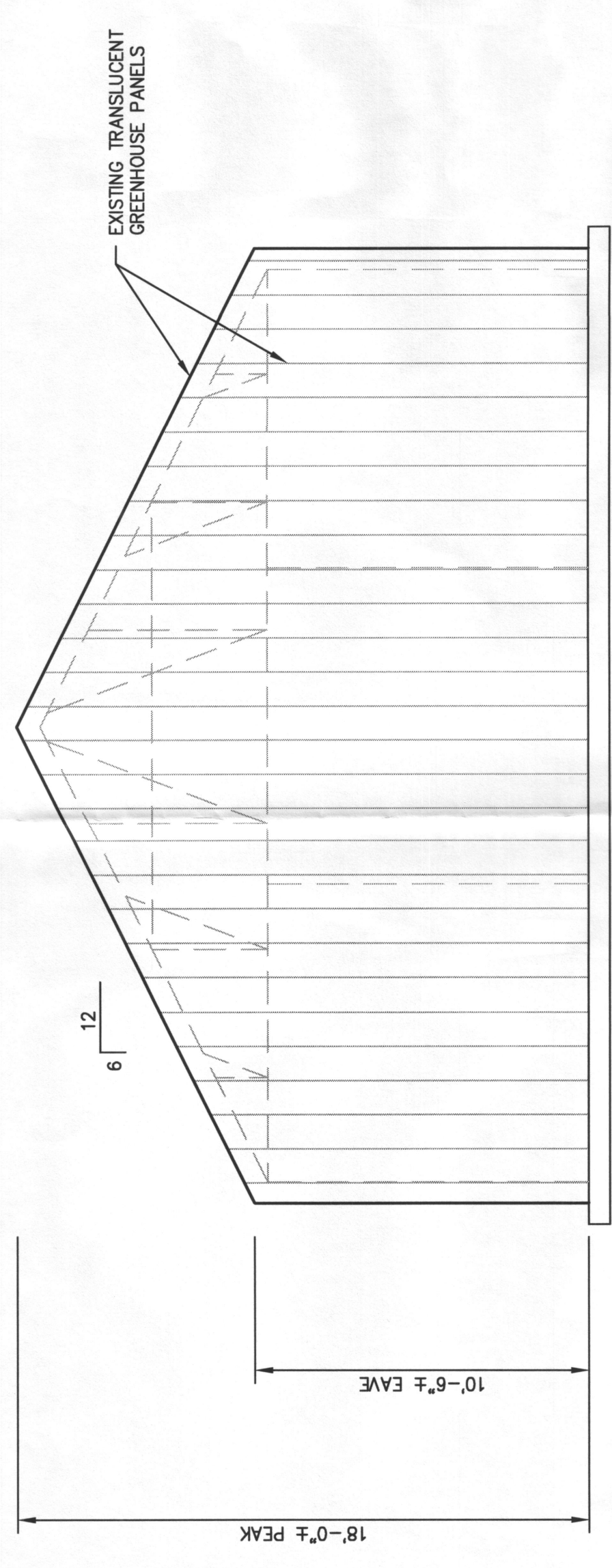
SHEET
 4 OF 5



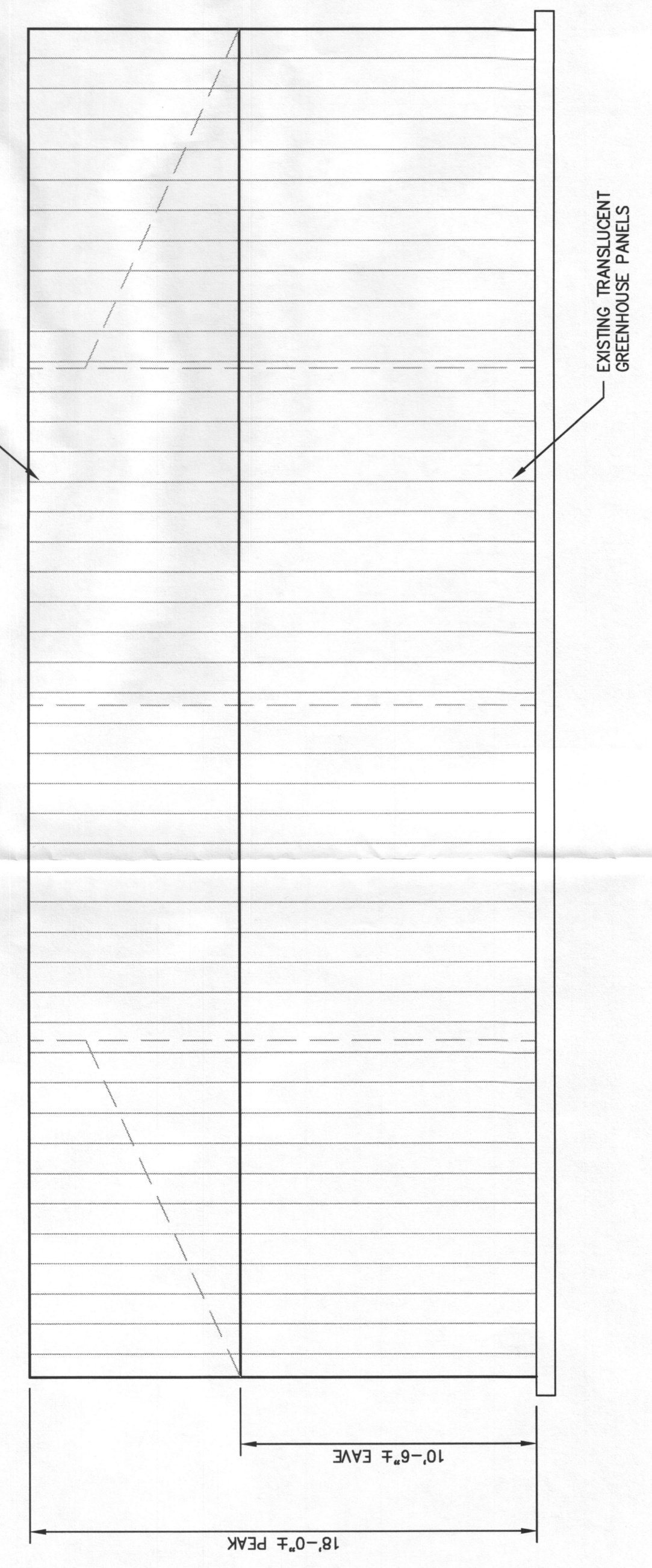
SOUTH ELEVATION
 Scale: 1/4" = 1'-0"



EAST ELEVATION
 Scale: 1/4" = 1'-0"



NORTH ELEVATION
 Scale: 1/4" = 1'-0"



WEST ELEVATION
 Scale: 1/4" = 1'-0"

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OCT 29 2019
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CONSTRUCTION DIVISION

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TURLOCK, CA 95382
209-535-8027

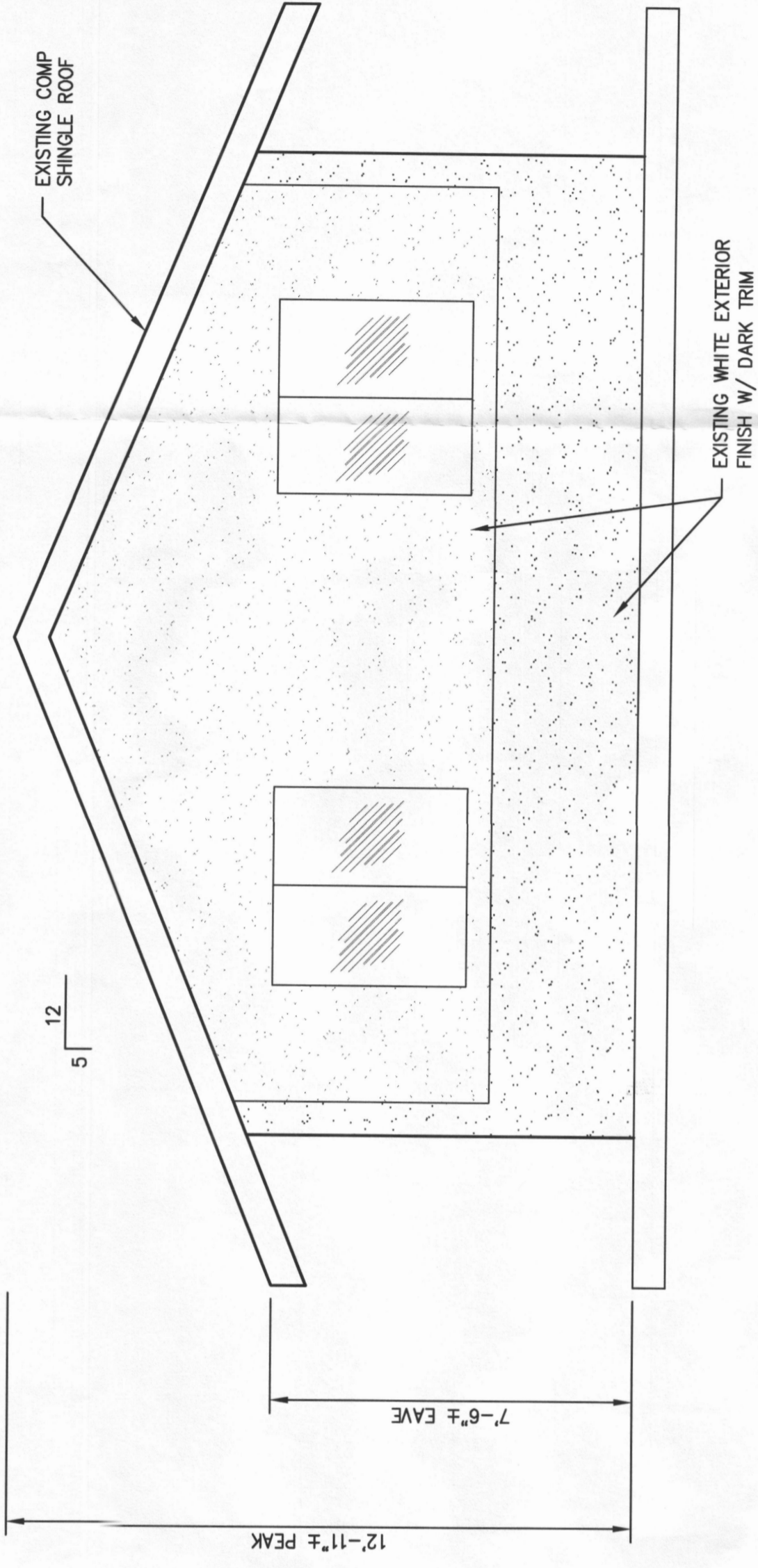
PROJECT:
TRUE ORGANIC PRODUCTS
16782 W. KAMM AVENUE
HELM, CA 93627
559-866-3001

SHEET: ELEVATIONS
EXISTING BLDG. #4
DATE: 10-11-2019
DRAWN: ST
CHECKED: ST
PROJECT NO: 0007-1902

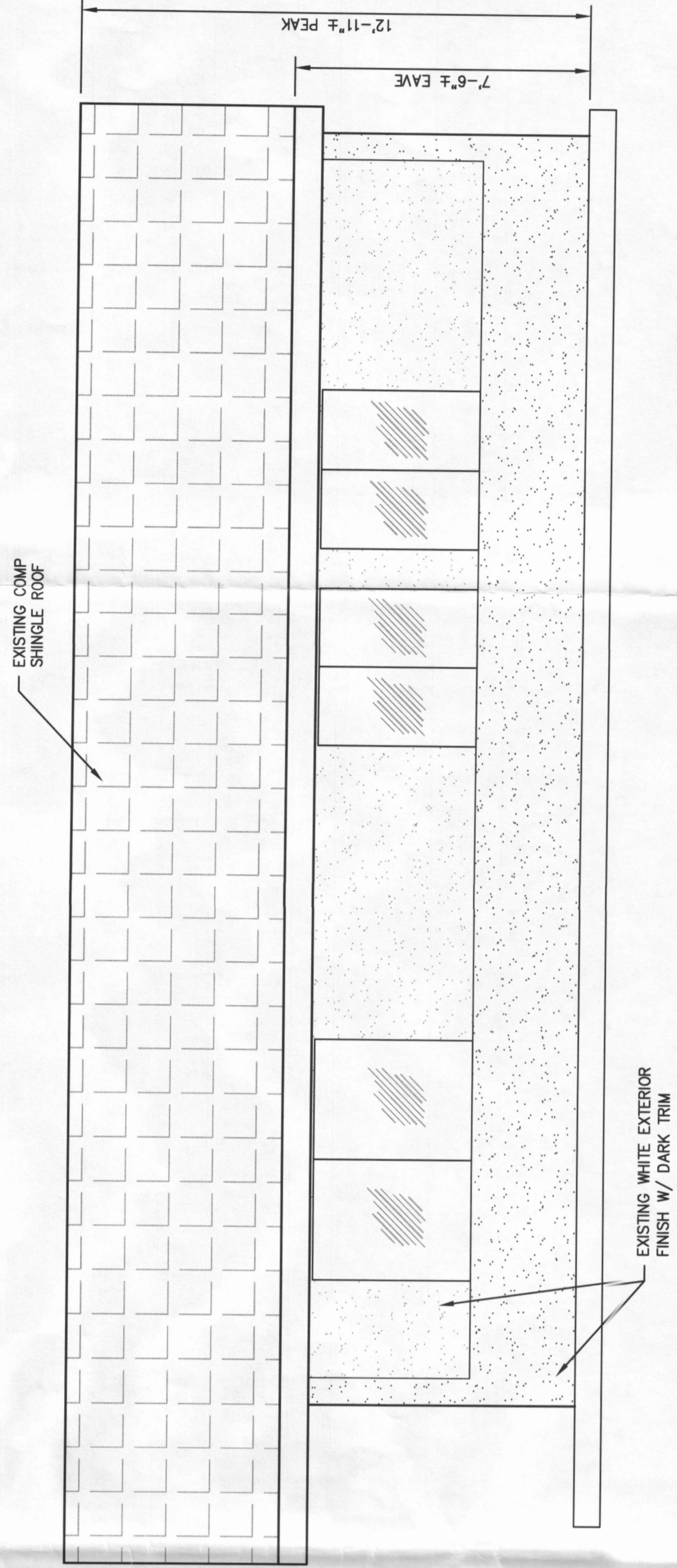


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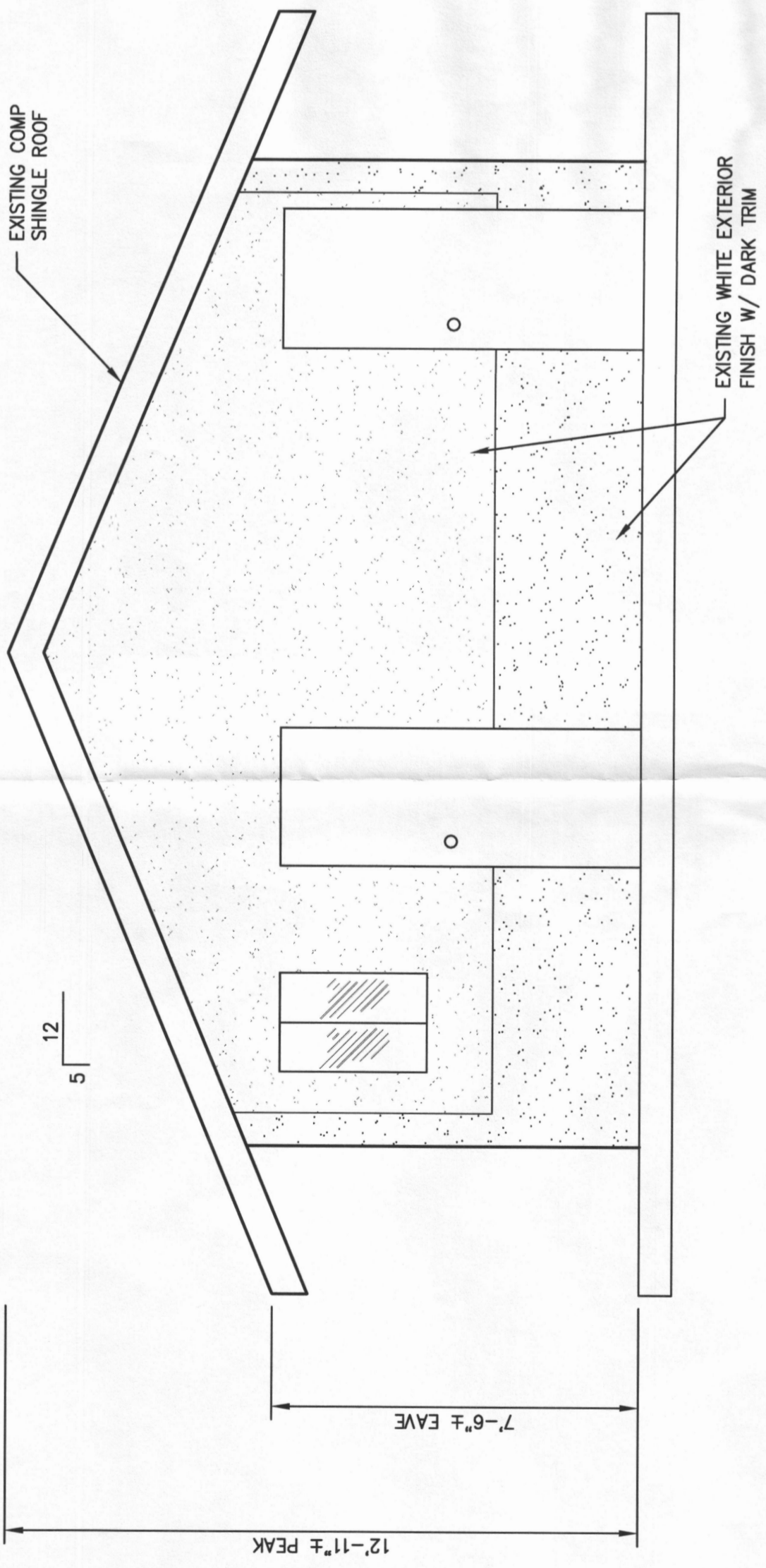
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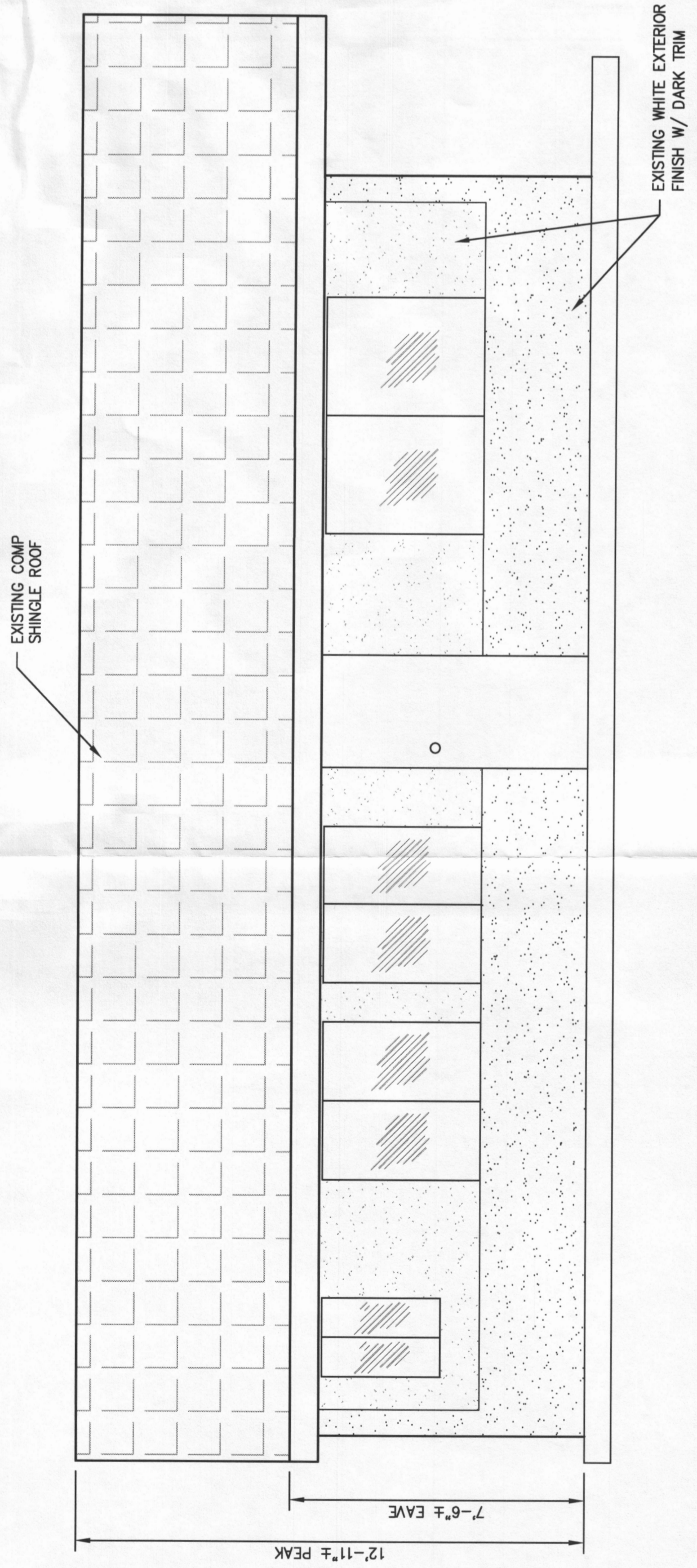
SOUTH ELEVATION
Scale: 3/8" = 1'-0"



EAST ELEVATION
Scale: 3/8" = 1'-0"



NORTH ELEVATION
Scale: 3/8" = 1'-0"



WEST ELEVATION
Scale: 3/8" = 1'-0"

True Organic Products, LLC
16782 W. Kamm Avenue
Helm, CA
Operational Statement
March 12, 2020

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

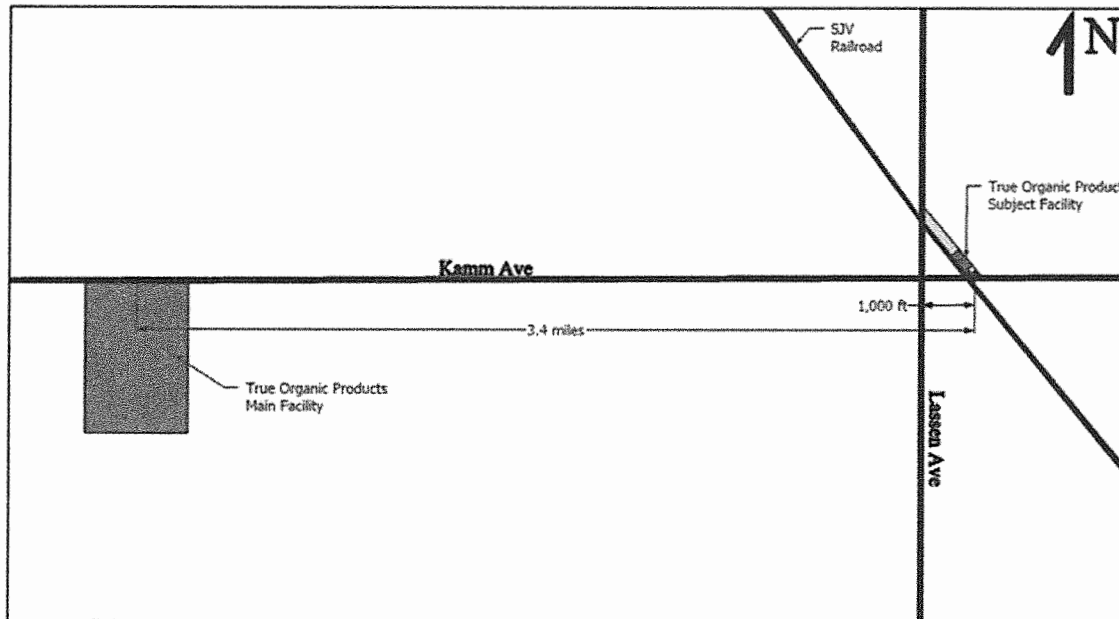
Project Owners Jacob and Kimberly Evans
True Organic Products, LLC
P.O. Box 7192
Spreckels, CA 93962
Attn: Mr. Jake Evans

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

APN: 7.7 +/- acres (040-010-03s)

Location: 16782 W. Kamm Avenue
Northeast of Kamm Avenue & the SJV Railroad

CUP 3656
RECEIVED
COUNTY OF FRESNO
MAR 12 2020
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION
(REVISED)



Request: Approval of a Conditional Use Permit (CUP) for the wholesale packaging and storage of agricultural fertilizer.

Background:

The True Organic Products fertilizer manufacturing plant is located at 20225 W. Kamm Ave. also referred to as the Main Facility. The Main Facility will produce a fertilizer that will be bagged in one ton bags transported to the subject 16782 W. Kamm Ave. site via True Organic trucks for packaging into 4lb. to 50 lb. bags and stored until transported off site to wholesale customers.

The subject site is designated for Agriculture in the Fresno County General Plan and is zoned AE-20.

Project Purpose

Phase 1) To increase production efficiency;
Phase 2) Expand a new retail wholesale market in the next few years. There will be no new buildings on the site. The existing buildings will be modified, for the proposed use and updated for energy efficiency, etc.

Justification:

Fresno County General Plan Policy LU-A.3 and General Plan Table LU-3 provides the County with the authority to allow the packaging and storage of fertilizer through the approval of a discretionary permit in agricultural areas subject to various criteria. The applicability of the proposed use of the project can be met under the following criteria:

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 Main Facility accepts chicken manure and various byproducts and converts them to organic fertilizer. The warehouse facility on this operational statement serves to store and repackage products manufactured at the main production facility down the road, as well as bring in new ingredients for mixing and packaging new products in the future. 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 Organic Products. 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.

Project Operations:

The proposed True Organic facility will have a small office component, an area for outside storage of bulk containerized product, and indoor repackaging and storage areas.

The facility will operate 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. The facility will be typically unmanned and serviced only as needed from employees from the main True Organics facility.

The product and associated packaging material will be hauled to and from the site in 25-ton-capacity trucks owned by True Organics, and occasionally by privately contracted haulers. The incoming material will be contained in bulk packaging and covered in tarps to be transported off-site.

The amount of material processed will vary depending on the time of year, product availability and market demand

Phase 1)

Utilize off-season low demand to stockpile and store material from the Main Facility west of the subject site at 20225 W. Kamm Ave for in-season shipping from the 16782 W. Kamm Ave location. Expected trips will vary from day to day.

Phase 2)

To accommodate a new retail market, at any one time, 5,000 to 50,000 tons of material may be stored on site in accordance with all applicable standards, until market factors dictate its transportation to the end user. A majority of the storage is planned to be in covered piles outdoors for packaging inside one of the warehouse buildings.

True Organic Products receives solid chicken manure, compost, rice hulls, coconut cores and various other organic ingredients from a variety of vendors in the area. 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 existing truck scale. The trucks are to be 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 amount of raw material that would be accepted at the site will vary depending on the time of year, product availability and market demand. After unloading, the raw material will be formed into piles outside or stored under tarps in bunkers outside. The piles will be covered with plastic or are sprayed with water to create a crust on the surface of the pile.

Water usage would be limited to the amount needed to create the crust with minimal runoff. If required, 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 Organic Products' 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.

Employees/Site Operational Time Limits

<u>Shift</u>	<u>Hours</u>	<u>Employees</u>
Day Shift	7am to 5pm	5
Night (maintenance)	10pm to 6pm	2
<u>Number of Visitors</u>		

Deliveries of will average about 2 per day. The site is wholesale only so there are no visitors.

Employees

It is estimated there will be 5 employees working on the site when staff is present. In the future, the total number of employees working on the site may be as high as 10. The facility operates at extended hours so not all the employees are on-site at the same time.

Service and delivery Vehicles

Five True Organics trucks will be used for product transportation.

Site Access

The site is currently served by a driveway from W. Kamm Ave. W. Kamm Ave. is designated as an *Arterial* in the Circulation Element of the Fresno County General Plan.

Traffic

PHASE 1

The facility will receive product from the Main Facility.. The subject facility acts as an overflow buffer during the slow season, in order to keep production efficiency up and to act as a buffer during the busy season. As proposed, the warehouse will be filled over 3 to 4 months per year. The bagged warehoused product is depleted when it is transported off site to wholesalers throughout the remaining portion of the year.

The facility has the capacity to hold approximately 250 truckloads of product in the warehouses, and since the facility is only being filled once per year, the number of truck trips received by the facility will be approximately 500 trips per year. The Main Facility operates 5-6 days per week and typically sends product in overflow to this facility during off peak hours. Therefore, the average daily truck trips received by the facility are approximately 3-4 trips per day and occur randomly throughout the day and week.

In the worst case scenario, 15 trucks could deliver bagged material to the site in one day which would be a maximum of 1 to 2 truck trips per hour. Simply, the trucks come to the site loaded, unload and return to the Main Facility. No employees remain at the site.

PHASE 2

Over time the subject facility will be shifting to a different style of operations and primarily service the retail wholesale market only as opposed to an overflow warehouse for the main facility. When that change happens, the number of truck trips between the main facility and this warehouse facility will change. In addition, the facility will be receiving supplies from other vendors to begin storing, mix, and packaging more product onsite. It is not expected the average daily truck trips of 3-4 trips per day receiving material and 3-4 trips per day shipping product to increase but rather to shift from seasonal to be maintained consistent throughout the year.

Number of parking spaces for employees, customers, and service/delivery vehicles.

Type of surfacing on parking area.

Current designated parking provides 5 employee and 2 delivery trucks spaces as shown on the project site plan. The parking area will be either paved with asphalt or covered in compacted gravel.

Goods sold on-site

No sales will take place on the site.

Equipment List

Bag and boxing machines

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 will be clean and free of debris and is located in an isolated area of Fresno County. The proposed storage area will also have perimeter fencing for security and to reduce fugitive dust

from adversely affecting adjacent properties. In Phase 2, the proposed storage area on current farmland will have perimeter landscaping for security, to reduce fugitive dust from adversely affecting adjacent properties, and for aesthetic purposes.

Solid and liquid waste

A minimal amount of solid waste will be generated by the office and employees. It is estimated that the daily solid waste is less than .1 cyd. Solid waste is placed in a dumpster that is serviced weekly by a private hauler.

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

Water usage

Water will be supplied by an existing on-site well. Water is used in the restrooms and employee break room. In addition, water may occasionally be used for dust control. Typical domestic water usage (restroom and employee break room) would be approximately 150 gallons a day. The intermittent use of water for maintenance and dust control cannot be accurately quantified but is not significant.

Signage

Signage will comply with Fresno County standards.

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.

No new buildings will be constructed.

Outdoor Lighting

All outdoor lighting will be located on the site for operational purposes. All lights will be shielded or otherwise directed to keep on-site lighting from impacting adjacent properties.

Landscaping & Fencing

Future landscaping is proposed as illustrated on the project site plan.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** True Organics Products
- APPLICATION NOS.:** Initial Study No. 7744 and Classified Conditional Use Permit Application No. 3660
- DESCRIPTION:** Allow the production, packaging and storage of organic fertilizer products on a 8.04-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The project site is located on the north side of W. Kamm Avenue, approximately 950 feet east of its nearest intersection with State Route 145 (S. Lassen Avenue), and is approximately 31,360 feet southeast of the City of San Joaquin.

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 Applicant proposes to utilize existing structures on the property and do not propose any new development. According to Figure OS-2 of the Fresno County General Plan, there area no Scenic Roadways fronting the subject parcel. No scenic resources have been identified on or near the project site and the proposal will bring the existing structures up to code. Therefore, no impact is seen on scenic vistas or 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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant will utilize existing structures towards the operation of the proposed production, packaging, and storage of organic fertilizer product facility. As the buildings are existing, the project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The presence of equipment and employees will not have a significant impact on public views of the site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Applicants proposes states that the existing structures will be brought up to current building and occupancy code. A Mitigation Measure will be incorporated with the project so that any proposed outdoor lighting shall be hooded and directed downward to avoid glare on adjacent properties or the public right-of-way. The subject parcel is located within an area that is predominately agricultural with a commercial property westerly adjacent. Light and glare produced by operation related vehicles will not have a significant impact as there are minimal to no sensitive receptors in the vicinity to be impacted by the proposed use.

* **Mitigation Measure(s)**

- 1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

According to the 2016 Fresno County Important Farmland Map, the subject parcel is located in area identified as Urban and Built-Up Land. The subject parcel is already improved with buildings that will be utilized towards the proposed use. The subject parcel is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) with the proposed use allowed subject to a Classified Conditional Use Permit. The project site is not subject to a Williamson Act Contract. Based on the project sites designation on the Important Farmland Map and the underlying zone district allowing the subject to the land-use permit, the project will not convert farmland and will not conflict with the existing zoning.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

The proposed use will be housed in an already developed parcel. The project will not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use as development has already occurred and did not result in further development on adjacent parcels.

III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis has been prepared by LSA for the project. Thresholds of significance established by the San Joaquin Valley Air Pollution Control

District were utilized in the Air Quality and Greenhouse Gas Analysis to determine if construction and operational criteria pollutants would exceed the threshold. Construction emissions associated with this project were determined to not result in quantifiable construction emissions due to the existing nature of the structures and no additional construction of buildings being proposed. Emissions related to operation of the proposed use were calculated using CalEEMod and determined that project operation emissions in tons per year would not exceed the SJVAPCD thresholds of significance for any criteria pollutants. The Air Quality and Greenhouse Gas Analysis was made available to the SJVAPCD with concerns received by staff. Therefore, a less than significant impact is seen when considering the minimal increase in criteria pollutants calculated in the analysis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis identified two main sensitive receptors. One receptor is a single-family residence located approximately 375 feet west of the project site (the closest of any residence in the area) and Helm Elementary School approximately 1,000 feet west of the site. A Health Risk Assessment (HRA) was conducted to calculate possible impacts on nearby sensitive receptors. The HRA calculated that the project would have low risk on sensitive receptors. Review of the project proposal indicates the project would not expose sensitive receptors to substantial pollutant concentrations and would not result in significant other emissions affecting a substantial number or people.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the California Natural Diversity Database (CNDDDB), there has been a reported occurrence of the Swainson's Hawk, encompassing the subject parcel. Per the CNDDDB, the occurrence was reported on April 30, 1913 and the species is presumed to still be in existence. The subject parcel has already been developed and the Applicant proposes to utilize the existing structures towards the proposed use. No additional structures are being proposed from this application. Based on no new structures being proposed with this application, the project will not have a substantial adverse effect on the reported species.

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

FINDING: NO IMPACT:

According to the National Wetlands Inventory, there is an identified wetland in the vicinity of the subject parcel. The identified wetland does not traverse through the subject parcel. Existing improvements include a drainage area located on the southern property line which is expected to handle water runoff from the buildings and not runoff to the identified wetlands. No additional structures are being proposed, therefore no impact on the identified wetlands are seen. No riparian habitat or other sensitive natural community has been identified on or near the project site.

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

FINDING: NO IMPACT:

As the project will utilize existing improvements and does not propose any additional structures, the project will not interfere substantially with the movement of any native resident or migratory fish or with migratory wildlife corridors or impede the use of a native wildlife nursery site.

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

FINDING: NO IMPACT:

There are no identified local policies or ordinances protecting biological resources that would conflict with the subject project. The project also will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project proposes to utilize the existing buildings on the project site, and retrofitting the buildings to address their needs. There is no new development being proposed with the application, therefore no substantial adverse impact is on historical or archaeological resources are anticipated. As there is no ground-disturbance proposed, no disturbance to human remains would occur.

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant, the existing buildings will be retrofitted to accommodate the proposed operation. Those retrofits will be subject to the current building code, which takes into consideration energy efficiency. Therefore, the project will not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation of the project. Reviewing agencies and departments did not express concerns to indicate that the project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR) and the California Department of Conservation, Earthquake Hazard Zone Application (EQ Zapp), the project site is not located on or near identified earthquake hazard zone areas.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is not located inside areas identified as having a probabilistic seismic hazard with a substantial peak horizontal ground acceleration. In the absence of substantial seismic hazards occurring on the project site, seismic-related ground failure is not anticipated.

- 4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located on or near any identified landslide hazard areas. The project site is located in a relatively flat area with no substantial slopes or grade differences to indicate a landslide hazard is present.

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the project site has already been improved with existing permitted building with no new additional development being planned. The only development involved with the subject application is the retrofitting of the existing building to meet the needs of the proposed operation. The project will not result in additional soil erosion or topsoil loss.

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

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not identify any geologic unit or soil that would be considered unstable and increase risk to the project site or as a risk, result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

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

FINDING: NO IMPACT:

According to Figure 7-1 of the FCGPBR, the subject site is not located in area identified as having soils exhibiting moderately high to high expansion potential.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

The project site is already improved with a septic system that services the existing buildings. The proposed use will utilize the existing buildings and retrofit buildings to current standards. Reviewing Agencies and Departments did not express concern with the soil conditions to indicate incompatibility with septic systems. There were no paleontological resources identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The prepared Air Quality and Greenhouse Gas Analysis prepared by LSA estimated that operational greenhouse gas emissions resulting from the project proposal. Based on their calculations, the project would result in 101 metric tons of carbon dioxide emissions a year. Other emissions including Methane and Nitrous Oxide will be produced in minimal volumes and is not likely to have a significant impact. The analysis states that as there is no significance threshold for GHG emissions adopted by the County of Fresno or the San Joaquin Valley Air Pollution Control District (SJVAPCD), the analysis evaluates the emissions based on the project's consistency with the SJVAPCD CCAP and other applicable State GHG reduction goals. Based on their analysis, greenhouse gas emissions related to operation would not be cumulatively considerable and would not conflict with the goals of the SJVAPCD CCAP or other state or regional plan, policy, or regulation for the purpose of reducing GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project proposal and indicated that the project will be required to comply with State and Local requirements for reporting and handling hazardous materials/waste. With compliance of these mandatory regulatory requirements, the project is not expected to create a significant hazard to the public or environment. These regulatory requirements also include the preparation of a Hazardous Materials Business Plan that is submitted to the Department of Public Health for compliance with the Health and Safety Code. Therefore, a less than significant impact is seen with compliance with mandatory State and Local requirements.

- 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:

An Air Quality and Greenhouse Gas Emission Analysis was prepared by LSA and submitted to address emissions resulting from the project proposal. Included in this analysis was a Health Risk Assessment using the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Prioritization Calculator determined that the onsite operations of the proposed facility on the nearest resident would not exceed the SJVAPCD screening threshold for hazardous emissions. The closest receptor is located approximately 375 feet from the project site. The nearest school is approximately 1,000 feet east of the project site. Based on the analysis and health risk assessment, project operations are expected to have a less than significant impact in relation to hazardous emissions and the existing school site.

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

FINDING: NO IMPACT:

Per the NEPAassist database, the subject site does not contain or is in proximity of a listed hazardous materials site.

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

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

FINDING: NO IMPACT:

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

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Reviewing Agencies and Departments did not express concern with the project to indicate that the proposal would result in the impairment of implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan. There were no indicate that the project proposal would expose people or structures to a significant risk of loss injury or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been reviewed by the Water and Natural Resources Division, the Stinson Water District, the Regional Water Quality Control Board, and the State Water Resources Control Board. The State Water Resources Control Board states that the project will be subject to Senate Bill 1263 and will require an application for a permit for a new public water system. Comments provided by the State Water Resources Control Board are to be included with the project as a Project Note as this is a regulatory requirement for this project. As there was no additional concerns expressed by reviewing agencies and departments, requirements set forth by the State Water Resources Control Board are to be considered with the project and no indication that this project would violate water quality standards or waste discharge requirements, nor is there any evidence that a substantial decrease in groundwater supply would occur.

C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?

1. Result in substantial erosion or siltation on- or off-site;
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: NO IMPACT:

Review of the submitted site plan and operational statement indicates that there is no new development being proposed with this project. Aerial images indicate that there is a stream located in the northwestern portion of the project site. Although there is a stream located on the subject parcel, as noted, there is no new development involved with the project and the operation will utilize the existing structures. The existing structures will be retrofitted to meet current code standards and meet the operational needs of the project. The project will not result in substantial erosion or siltation, substantially increase the rate of surface runoff, would not contribute runoff that would exceed existing capacity of drainage systems, and will not impede or redirect flood flows.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per FEMA FIRM Panel C2575H, the subject parcel is located within special flood hazard Zone A. The Development Engineering Section of the Department of Public Works and Planning has reviewed the project proposal and indicates that due to the project site being located within an area subject to flooding from a 100-year storm event development shall comply with the County Flood Hazard Ordinance. There is a risk of pollutant release due to project inundation, but the project will be required to comply with the County Flood Hazard Ordinance and State and Local hazardous material handling requirements that will reduce the risk to a less than significant impact.

There are no bodies of water in proximity of the project site that would indicate risk of tsunami or seiche events.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not indicate that project implementation would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The State Water Resources Control Board will require that the project go through the permitting and analysis associated with a public water system under the provisions of SB 1263. As this is a mandatory regulatory requirement, compliance is expected, therefore no impact is seen.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is already improved with structures that will be utilized for the proposed operation. The project will not physically divide an established community.

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

FINDING: NO IMPACT:

Identified policies of the Fresno County General Plan that are relevant to the project include Policy LU-A.3, Policy PF-C.17, and Policy PF-D.6.

- General Plan Policy LU-A.3 relates to allowing certain uses related to agriculture by discretionary permit and include certain criteria that should be considered.

There is no conflict with the project and General Plan Policy LU-A.3. Additional criteria cited in Policy LU-A.3 relate to consideration of alternative sites and available resources including water and employee resources.

- General Plan Policy PF-C.17 reference the undertaking of a water supply evaluation and includes information the evaluation should have.

Reviewing Agencies and Departments did not require preparation of a water supply evaluation. The project will be required by the State Water Resources Control Board (SWRCB) to permit their facility with a new public water system. Compliance with the SWRCB (a state regulatory agency) will not be a requirement under the identified General Plan Policy and as stated, no concerns were expressed to require preparation of the evaluation.

- General Plan Policy PF-D.6 provides information regarding permitting of individual on-site sewage disposal systems.

The project proposes to utilize the existing improvements which include an existing septic system. There is no proposal for additional on-site sewage disposal systems, but if a new system is proposed, would be subject to building permits. Therefore, the project is not in conflict with Policy PF-D.6.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Per Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project site could potentially be located in an identified oilfield. However, due to the existing nature of the buildings and no new development proposed with this application, the project would not result in additional loss of availability of a known mineral resource. According to Figure 7-8 of the FCGPBR, there is no principal mineral producing location in the vicinity of the project site, therefore no impact is seen.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will increase noise levels when compared to existing conditions. The nearest sensitive receptor is a single-family residence located approximately 330 feet west of the project site. Review of the proposed operation indicate usage of equipment including front-end loaders/forklifts, but would be in operation during normal operating hours (7:00 AM to 5:00 PM). The Department of Public Health, Environmental Health Division has noted an increase in noise levels, but expects the operation to be compliant with the Fresno County Noise Ordinance. No indication from reviewing agencies or departments relating to significant noise impacts were received, therefore a less than significant impact is seen with mandatory compliance with the Fresno County Noise Ordinance.

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

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport or public use airport. There does not appear a private airstrip in vicinity of the subject site that would adversely impact people residing or working in the area.

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 proposes to utilize existing structures on the subject site for the operation. The project intends to be utilized as a storage warehouse for an existing fertilizer facility located east of the subject site. The project is not expected to induce substantial unplanned population growth and would not displace a substantial number of people or housing.

XV. PUBLIC SERVICES

Would the project:

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

- 1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the subject application and did not express concern with the project to indicate the necessity for additional governmental facilities to maintain acceptable service ratios, response times, or other performance objectives.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not indicate that the project would result in requiring the provision of new or physically-altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project would not result in the increased use of existing neighborhood and regional parks or other recreational facilities and would not require the construction or expansion of recreational facilities.

XVI. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Traffic Impact Study (TIS) prepared by the Peters Engineering Group dated April 28, 2020 conducted a trip generation analysis, a traffic index analysis, and previously provided a Vehicle Miles Traveled (VMT) determination. The Traffic Impact Study concluded that the project would not cause the traffic index to increase on the studied

road segments of Kamm Avenue west of State Route 145 and Kamm Avenue east of State Route 145. Review of the calculations and analysis included with the TIS was completed by the Road Maintenance and Operations Division, the Design Division, and the California Department of Transportation. The reviewing agencies and departments concurred with the conclusions of the Traffic Impact Study. No additional mitigation was required.

In regard to Vehicle Miles Traveled, the scoping letter preceding the Traffic Impact Study noted that the project would generate or attract fewer than 110 trips per day and under the State of California Governor's Office of Planning and Research document entitled Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR Guidelines) that fewer than 110 trips may be presumed to cause a less than significant impact. Additional information from OPR Guidelines also indicate that "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Here the term automobile refers to on-road passenger vehicles, specifically cars and light trucks." Therefore, a VMT analysis was not required as trip generation associated with the project is fewer than 110 trips and is considered to have a less than significant impact.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that there is inadequate emergency access or hazards due to a design feature of the site. The project is subject to requirements for emergency apparatus accessibility and would be reviewed further for compliance when building permits are issued for this project. The project site currently has site access on Kamm Avenue and is proposed to continue using this access point. No hazard has been identified.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: NO IMPACT:

As noted in Section V. Cultural Resources, the project proposes to utilize existing structures for their operation and do not propose additional development. The existing structures will be retrofitted for current code compliance and meet their needs. The subject site is not a listed historical resources.

The Table Mountain Rancheria responded to the County's request for consultation under the provisions of Assembly Bill 52 (AB 52) stating that they had concerns with the application. Staff reached out to representative of the Table Mountain Rancheria to clarify the project due to minimal ground disturbance proposed and confirm if the Rancheria would still like to pursue consultation. Staff contacted the representative on January 16, 2020 and again on April 1, 2020 and given a 15-day deadline from April 1, 2020 to confirm consultation. No response was submitted and therefore consultation under AB 52 was closed. No evidence was submitted or discovered to indicate the presence of a cultural resource.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the State Water Resources Control Board, the project will be required to submit an application for a permit for a new public water system. Other reviewing agencies and departments including the Water and Natural Resources Division, the Regional Water Quality Control Board, and the Stinson Water District did not express concern with the project proposal to indicate inadequate water supplies to service the project proposal. As the project is already developed, the proposed use would not require additional construction of wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities as those improvements are existing and the proposed operation is expected to connect to the existing public utilities.

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

FINDING: NO IMPACT:

The project site is proposed to be serviced by an existing septic system and no additional system is proposed. Reviewing agencies and departments did not express concern with the project to indicate that there is inadequate capacity to service the operation.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the operation and proposed increase in waste generation. There were no comments received that indicate the project would result in solid waste generating in excess of the capacity of local infrastructure or impair solid waste reduction goals.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

Per the Fresno County Fire Hazard Severity in LRA 2007 Map, the subject property is not located in a state responsibility area or land classified as very high fire hazard severity zones. Therefore, the project will have no impact or risk associated with wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The subject site is already improved with structures that are proposed to be utilized with the subject operation. There is no additional structure proposed with this project. The project will not substantially degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulative considerable impact has been identified as a result of this analysis. Impacts related to Aesthetics have been determined to be less than significant with implementation of mitigation measures.

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

FINDING: NO IMPACT:

The project will not as a result of environmental effect have a substantial adverse effect on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3660, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources,

Cultural Resources, Land Use Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, and Wildfire.

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

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

TK

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EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS No. 7744	LOCAL AGENCY MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): True Organics Products	Project Title: Classified Conditional Use Permit Application No. 3660		
Project Description: Allow the production, packaging and storage of organic fertilizer products on a 8.04-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the north side of W. Kamm Avenue, approximately 950 feet east of its nearest intersection with State Route 145 (S. Lassen Avenue), and is approximately 31,360 feet southeast of the City of San Joaquin.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3660, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Cultural Resources, Land Use Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, and Wildfire. Potential impacts related to Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics have determined to be less than significant with compliance with listed Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 4, 2021		Review Date Deadline: Planning Commission – July 15, 2021	
Date:	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**