



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 January 12, 2017

**SUBJECT:** Initial Study Application No. 7189 and Classified Conditional Use Permit (CUP) Application No. 3543

Allow a commercial establishment for the processing, storage, and sale of agricultural chemicals on two contiguous parcels totaling 48.97 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject property is located approximately 1,295 feet south of W. Kamm Avenue, 2,598 feet east of S. Lassen Avenue, and five miles southeast of the City of San Joaquin (16429 W. Kamm Avenue, Helm) (Sup. Dist. 1) (APNs 040-140-32, 34). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7189 and approve Classified Conditional Use Permit Application No. 3543 with Findings and Conditions.

**OWNER:** John Lewandowski

**APPLICANT:** J. R. Simplot Company

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

Chris Motta, Principal Planner  
(559) 600-4227

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7189; and
- Approve Classified Conditional Use Permit (CUP) No. 3543 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan (Existing)
6. Site Plan (Amended) and Floor Plan Drawings
7. Applicant’s Operational Statement
8. Summary of Initial Study Application No. 7189

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	48.97 acres	No change
Project Site	<ul style="list-style-type: none"> <li>• 180,000 square-foot warehouse building</li> <li>• 65,000 square-foot warehouse building</li> <li>• 39,000 square-foot production building</li> <li>• 7,560 square-foot utility building</li> <li>• Surface water treatment facility</li> <li>• Water storage tank</li> <li>• Storm water retention basin</li> <li>• Rail line</li> <li>• Rail and truck docks</li> <li>• Parking</li> <li>• Perimeter fencing</li> </ul>	<p>A commercial establishment involving the processing, storage, and sale of agricultural chemicals on a 48.97 acre property in the AE-20 Zone District. The proposed facility will:</p> <ul style="list-style-type: none"> <li>• Not manufacture any fertilizer on the property</li> <li>• Start receiving and selling prepackaged farm chemicals from manufacturers in 2017; fertilizers will be stored inside the existing warehouse buildings</li> <li>• Start mixing bulk dry and liquid fertilizers between 2020 and 2025 by using dry fertilizer blender and liquid fertilizer mixer</li> <li>• Transport finished products to the customer via company</li> </ul>

Criteria	Existing	Proposed
		vehicles • Use the existing improvements (see “ Structural Improvements”) on the property and construct no new improvements
Structural Improvements	<ul style="list-style-type: none"> <li>• 180,000 square-foot warehouse building</li> <li>• 65,000 square-foot warehouse building</li> <li>• 39,000 square-foot production building</li> <li>• 7,560 square-foot utility building</li> </ul>	No change
Nearest Residence	2,820 feet to the west	No change
Surrounding Development	Orchard, field crops, fertilizer manufacturing plant, single-family homes	No change
Operational Features	Buildings and improvements related to a tomato processing facility	See “Project Site” above
Employees	N/A	20 full-time employees in 2017 79 full-time employees by 2025
Customers	N/A	2 to 4
Traffic Trips	For the former Tomato Processing facility  234 round trips by employees per 24 hours operation  458 round trips by heavy trucks per 24 hours operation	Traffic trips for the proposed agricultural chemicals processing facility  168 round trips by employees during 6:30 a.m. to 5:00 p.m. operation  169 round trips by heavy truck during 6:30 a.m. to 5:00 p.m. operation
Lighting	Outdoor lights	Outdoor lights
Hours of Operation	N/A	6:30 a.m. to 5:00 p.m., six days a week, 12 months a year

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

**ENVIRONMENTAL ANALYSIS:**

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

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: December 7, 2016

**PUBLIC NOTICE:**

Notices were sent to six (6) property owners within one quarter-mile (1,320 feet) of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

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

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

**BACKGROUND INFORMATION:**

*Land Use Approval History:*

- December 20, 1990, Conditional Use Permit No. 2443 was approved to allow a tomato processing plant and wastewater disposal area on a 932-acre area bordered by W. Kamm Avenue to the north, the S. Madera Avenue alignment to the east, the W. Conejo Avenue alignment to the south, and the S. Modoc Avenue alignment to the west.
- February 16, 1995, Conditional Use Permit No. 2683 was approved to allow modification and expansion to the tomato processing plant, involving the installation of a new evaporation system and relocation of the wastewater disposal area to an approximately 935-acre portion of land located north of W. Kamm Avenue.
- February 22, 1996, Conditional Use Permit No. 2718 was approved to allow expansion to the tomato processing plant, involving the installation of an additional steam peeler system and an evaporative system, the expansion of the wastewater pond, and an increase in the volume of wastewater discharge on a 2,483.58-acre parcel of land.

With the subject application, the Applicant is proposing to establish a commercial facility for the processing, storage, and sale of agricultural chemicals on a 48.97-acre parcel of land. The subject proposal involves no new construction and will utilize all the existing improvements on the property (excluding the tomato processing equipment) utilized by the tomato processing plant. Improvements consist of warehouse, production, and utility buildings; surface water treatment facility; water storage tank; storm water retention basin; rail line; rail and truck docks; and parking. A change of occupancy from the prior facility to the subject facility will be required by the County Building and Safety Section, as well as the inspections and approval of the facility by the Fresno County Fire Department.

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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Street Side: 35 feet Side: 20 feet Rear 20 feet	Front (eastern property line): over 35 feet Side (northern property line): over 20 feet Side (southern property line): over 20 feet Rear (western property line): over 20 feet	Yes
Parking	One (1) off-street parking space for each two (2) permanent employees  One (1) parking space for each company-owned truck	112 parking spaces (minimum 104 required)	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	Six-foot minimum	20.8 feet	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	100 percent	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change. The project will utilize the existing on-site water well	Yes

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

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

**Analysis:**

Staff review of the Site Plan demonstrates that the existing improvements satisfy the minimum building setback requirements of the AE-20 Zone District. In regard to off-street parking, the Zoning Ordinance requires one parking space for each two permanent employees and one parking space for each company-owned truck. Likewise, the California Building Code requires one parking space for the physically handicapped per every 25 parking spaces. According to the Applicant’s Operational Statement (Exhibit 7), the subject facility will employ up to 79 employees and retain up to 64 company-owned truck/trailers by 2025. At least 40 standard parking spaces including two parking spaces for the physically handicapped and 64 truck/trailer parking spaces are required for the operation. The proposal for the facility has 112 parking spaces including two parking spaces for the physically handicapped, which meets the requirement.

Based on the Site Plan submitted and the parking information, staff has determined that the project site is adequate in size and shape to accommodate the improvements and the parking required of the proposal.

**Recommended Conditions of Approval:**

None

**Conclusion:**

Finding 1 can be made.

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

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	Yes	Del Norte Avenue	N/A
Public Road Frontage	Yes	Kamm Avenue: Good condition	No change
Direct Access to Public Road	Yes	Kamm Avenue (via Del Norte Avenue)	No change
Road ADT (Average Daily Traffic)		1,000	No change
Road Classification		Arterial	No change
Road Width		53 feet right-of-way south of section line	No change
Road Surface		Paved (pavement width: 24.9 feet)	No change
Traffic Trips		Former Tomato Processing facility	Proposed agricultural chemical processing,

		Existing Conditions	Proposed Operation
		<p>234 round trips by employees per 24 hours operation</p> <p>458 round trips by heavy trucks per 24 hours operation</p>	<p>storage and sales facility</p> <p>168 round trips by employees during 6:30 a.m. to 5:00 p.m. operation</p> <p>169 round trips by heavy trucks during 6:30 a.m. to 5:00 p.m. operation</p>
Traffic Impact Study (TIS) Prepared	No	Trip Trace Analysis required by California Department of Transportation (Caltrans) was prepared for the project by Yamabe & Horn Engineering and dated Oct. 13, 2016	Caltrans concurred with the findings of the Trip Trace Analysis that the proposed facility will generate a fewer number of traffic trips compared to the traffic trips generated by the tomato processing plant. No TIS was required for the project by the Design Division of the Fresno County Department of Public Works and Planning
Road Improvements Required		Good	No road improvements required

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The existing drive approach off of Kamm Avenue includes a centerline stripe and sufficient turning radii. The property frontage along Kamm Avenue includes a 53-foot right-of-way south of the section line, which meets the requirements for an Arterial.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Kamm Avenue is classified as an Arterial and is a County-maintained road. The section of Kamm Avenue west of Fresno Slough to State Route 145 has an ADT of 1,000, pavement width of 24.9 feet and is in good condition.

California Department of Transportation: No concerns with the proposal.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

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

**Analysis:**

Access to the subject property is from Kamm Avenue via a 20-foot-wide paved private drive approach (Del Norte Avenue). Kamm Avenue is classified as an Arterial on the Transportation Element of the County General Plan.

According to County records, this section of W. Kamm Avenue has an Average Daily Traffic (ADT) count of 1,000 and a pavement width of 24.9 feet in good condition. According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, 53 feet of right-of-way currently exists south of Kamm Avenue which meets the requirement for an Arterial. As such, no additional right-of-way for or improvements to Kamm Avenue is required for the project.

Caltrans reviewed the proposal and, based on an expected 169 heavy vehicle trips per day, required that a trip trace analysis be prepared to determine the project impacts to State roadways. A trip trace analysis prepared by Yamabe and Horn Engineering, Inc. showed that the majority of the generated trips will utilize State Route (SR) 145 when comparing the proposed generated trips with the trips generated by the prior user of the facility (tomato processing plant). The analysis concluded that the proposed facility will reduce the number of trips compared to the previous user. Caltrans concurred with the analysis and concluded that the impact of the proposed facility on the State Route (SR) 145 and Kamm Avenue intersection would be less than significant.

The Design Division of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns related to traffic, nor required a Traffic Impact Study.

Based on the above information, staff believes that Kamm Avenue and SR 145 in the proximity of the project site will remain adequate to accommodate the traffic generated by the proposal.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 2 can be made.

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

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	39.3 acres	Fertilizer manufacturing plant	AE-20	None
South	221.3 acres	Farmland	AE-20	None



<b>Surrounding Parcels</b>				
East	635.8 acres	Farmland	AE-20	None
West	25.7 acres	Farmland	AE-20	2,817 feet

**Reviewing Agency/Department Comments:**

The State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW): J.R. Simplot Company shall provide SWRCB-DDW with a semi-annual report certifying to DDW the number of employees that work on site at the facility located at 16429 W. Kamm Avenue, Helm CA. J.R. Simplot Company shall submit a permit application to DDW no later than 60 days prior to exceeding an employee population of 25 persons on site. At the time of permit application, J.R. Simplot Company shall demonstrate to DDW that the source of water complies with all regulatory requirements and drinking water standards with centralized treatment as needed. Point of Use devices will not be deemed an acceptable alternative for compliance with drinking water standards at the time the facility meets the definition of a public water system. These requirements will be included as Conditions of Approval.

San Joaquin Valley Air Pollution Control District (Air District): This proposal may also be subject to the following District rules: District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow, Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

The Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A Grading Permit or Voucher shall be required for any grading proposed with this application. Any additional runoff generated by the proposed development shall be retained or disposed of per County Standards. Any development within the area identified as Zone A shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance. An on-site turnaround shall be required for vehicles leaving the site to enter Kamm Avenue in a forward motion. Any work done within the right-of-way along Kamm Avenue to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

Westlands Water District (WWD): WWD has an “Agreement for Conveyance of Water to Lands Outside of District’s Service Area” with the previous operator (tomato processing plant) and will continue to convey water through District Lateral 14, meter location 14-13.0W under a similar agreement with the Applicant.

Fresno County Fire Protection District (Fire District): The project shall comply with the California Code of Regulations Title 24 – Fire Code, and require approval of County-approved site plans by the Fire District at the time the Applicant applies for change of occupancy with the County. The project shall also annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

The aforementioned requirements have been included as Project Notes.

Regional Water Quality Control Board; Water/Geology/Natural Resources and Building Safety Sections of the Fresno County Department of Public Works and Planning; Fresno County Department of Agriculture: No concerns with the proposal.

**Analysis:**

The project site is located in an agricultural area and is currently developed with buildings and parking previously used by a tomato processing plant. Existing improvements include 180,000 square-foot and 65,000 square-foot warehouse buildings, a 39,000 square-foot production building, a 7,560 square-foot utility building, a surface water treatment facility, water storage tank, storm water retention basin, rail line, rail and truck docks, and parking. Surrounding land uses include field crops, vineyard, and orchards with sparse single-family residences. A fertilizer manufacturing plant abuts the subject property to the north.

The project involves no new construction and will utilize all the existing improvements including access to the site off of Kamm Avenue. Warehouse buildings will be used for the storage of packaged fertilizer and distribution; the production building will maintain its current function, and the utility building will be converted into a storage/maintenance shop. The tomato processing equipment, however, will be removed from the property. Due to no new improvements proposed, no physical changes to the property will occur to impact or degrade the visual character of the site or its surroundings.

An Initial Study prepared for the project has identified potential impact to aesthetics and cultural resources. To mitigate aesthetic impact, all outdoor lighting will be required to be hooded and directed downward to avoid glare on adjoining properties. To mitigate cultural resources, any cultural resources or human remains discovered during ground-disturbance activities will require all work to be stopped and findings be evaluated by an archeologist. These requirements have been included as Mitigation Measures (Exhibit 1).

Potential impacts related to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and public services are considered to be less than significant. The project will comply with the San Joaquin Valley Air Pollution Control District rules and regulations relating to air quality; require additional runoff generated by the proposed development to be retained or disposed of per County Standards; obtain a Grading Permit/Voucher; submit a Hazardous Materials Business Plan and store hazardous materials and wastes according to the requirements set forth in the California Health and Safety Code; comply with State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW) regulatory requirements and drinking water standards with centralized treatment as needed; and obtain the Fresno County Fire Protection District's approval on the Site Plan prior to occupancy. The required change of occupancy from the former tomato processing facility to the proposed use has been included as a Condition of Approval.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will not have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.3: County may allow by discretionary permit in areas designated Agriculture certain agricultural uses and agriculturally-related activities, including certain non-agricultural uses, subject to the following Criteria: a) Use shall provide a needed service to surrounding agricultural area which cannot be provided within urban areas; b) Use shall not be sited on productive agricultural lands if less productive lands are available; c) Use shall not have a detrimental impact on water resources or the use or management of surrounding properties within ¼-mile radius; d) Probable workforce located nearby or readily available.</p>	<p>With regard to Criteria “a”, the proposed facility is an agricultural-related use. The property’s location within an agricultural area can better serve surrounding farming operations than within an urban area. With regard to Criteria “b”, the project is not located on productive farmland. The project site is classified as Semi-Agricultural and Rural Commercial Land on the 2010 Fresno County Important Farmland Map. With regard to Criteria “c”, the project is not located in a water-short area and will use minimal groundwater and mostly surface water provided by Westlands Water District. With regard to Criteria “d”, the nearby community of Helm and the City of San Joaquin can provide a possible workforce.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p> <p>Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.</p>	<p>The proposed use is compatible with agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The project site is not an active farmland and has been developed with improvements related to a tomato processing plant. Furthermore, the site is secured by a perimeter fencing which provides a buffer between the improvements on the site and the adjacent farmlands.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The proposed facility will use limited groundwater. The project site is not in a water-short area and no concerns related to adequacy of water for the use were expressed by the Water/Geology/Natural Resources Section of</p>

Relevant Policies:	Consistency/Considerations:
	the Fresno County Department of Public Works and Planning.
General Plan Policy FP-D.6 requires that the County shall permit on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening groundwater quality or posing health hazards.	The subject proposal will utilize the existing sewage disposal systems on the property. No concerns related to the systems were expressed by the Fresno County Department of Public Health, Environmental Health Division.
General Plan Policy HS-B.1 requires identification of fire hazards to reduce the risk to life and property.	The project will comply with the California Code of Regulations Title 24 – Fire Code and the County-approved site plans will require Fresno County Fire Protection District’s approval when change of occupancy is applied for with the County.
General Plan Policy HS-F.1 requires that facilities handling hazardous materials or wastes shall be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	The project will adhere to state laws for handling of hazardous materials as discussed in Finding 3.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The property is designated Agriculture in the County General Plan. Policy LU-A.3 allows agriculturally-related uses by discretionary permit provided that they meet certain criteria. Policy LU-A.12 requires protection of agricultural activities from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land. Policy PF-D.6 requires 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. Policy PF-C.17 requires evaluation of adequacy and sustainability of the water supply for the project. Policy HS-B.1 requires identification of fire hazards to reduce the risk to life and property. Policy HS-F.1 requires the facility to handle hazardous materials/wastes in accordance with applicable management laws and regulations.

**Analysis:**

As discussed above in General Plan Consistency/Considerations, the subject Use Permit application meets the intent of Policy LU-A.3. In regard to consistency with Policy LU-A.12, Policy LU-A.13, and Policy LU-A.14, the proposed use is compatible with agricultural zoning with discretionary land use approval, is not located on an active farmland, and is separated from the adjacent farmland by an existing perimeter fencing. In regard to consistency with Policy PF-C.17, the project is not located in a water-short area and will not deplete groundwater resources due to limited groundwater usage. In regard to consistency with Policy PF-D.6, the proposal will

utilize the existing sewage disposal systems on the property. In regard to Policy HS-B.1 and Policy HS-F.1, the project will comply with California Code of Regulations Title 24 – Fire Code and handle hazardous material according to the applicable laws and regulations.

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

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None

**CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit No. 3543, subject to the recommended Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7189; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3543, subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3543; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

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

See attached Exhibit 1.

**Mitigation Monitoring and Reporting Program**  
**Initial Study Application No. 7189/Classified Conditional Use Permit Application No. 3543**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As long as the project lasts
2*	Cultural Resources	In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
Conditions of Approval					
1.	Development and operation of the use shall be conducted in accordance with the Site Plan, Floor Plans and Operational Statement approved by the Commission.				
2.	Per the State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW), the Applicant shall: <ul style="list-style-type: none"> <li>• Provide SWRCB-DDW with a semi-annual report certifying to DDW the number of employees that work on site at the facility located at 16429 W. Kamm Avenue, Helm CA.</li> <li>• Submit a permit application to DDW no later than 60 days prior to exceeding an employee population of 25 persons on site.</li> <li>• At the time of permit application, demonstrate to DDW that the source of water complies with all regulatory requirements and drinking water standards with centralized treatment as needed. Point of Use devices will not be deemed an acceptable alternative for compliance with drinking water standards at the time the facility meets the definition of a public water system.</li> </ul>				
3.	The Applicant shall submit plans to the Building and Safety Section of the Fresno County Department of Public Works and Planning to allow for a change of occupancy from a tomato processing facility to an agricultural chemical processing, storage and sales facility prior to a certificate of occupancy being granted to the use. The change of occupancy will also require inspection and approval of the facility by the Fresno County Fire Protection District.				

\*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.

**Project Notes**

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

1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits and inspections are required for proposed remodel work. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	<p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.</li> <li>• A Grading Permit or Voucher shall be required for any grading proposed with this application.</li> <li>• Any additional runoff generated by the proposed development shall be retained or disposed of per County Standards. Any development within the area identified as Zone A shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.</li> <li>• An on-site turnaround shall be required for vehicles leaving the site to enter Kamm Avenue in a forward motion.</li> <li>• Any work done within the right-of-way along Kamm Avenue to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division.</li> <li>• If not already present, 30-foot by 30-foot corner cutoffs are needed on Kamm Avenue for sight distance purposes.</li> </ul>
4.	<p>Per the Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <ul style="list-style-type: none"> <li>• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (or <a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a>). 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.</li> <li>• All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.</li> </ul>
5.	The proposal shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project. The Applicant shall submit three sets of Site Plans stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning to the Fresno County Fire Protection District for review and approval. The Applicant shall submit evidence that their Plans were approved by the Fresno County Fire Protection District, and all fire protection improvements shall be installed prior to a certificate of occupancy being granted for the use. The project shall also annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.
6.	Per Westlands Water District (WWD), WWD has an 'Agreement for Conveyance of Water to Lands Outside of District's Service Area' with the previous operator (tomato processing plant) and will continue to convey water through District Lateral 14, meter location 14-13.0W under a similar agreement with the Applicant.

**Project Notes**

<p>7.</p>	<p>Per the San Joaquin Valley Air Pollution Control District (Air District) the project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow, Cure, and Emulsified Asphalt Paving and Maintenance Operations, and Rule 4002 (National Emission Standards for Hazardous Air Pollutants), in the event an existing building will be renovated, partially demolished or removed.</p>
<p>8.</p>	<p>Per the Central Valley Regional Water Quality Control Board (Region 5):</p> <ul style="list-style-type: none"> <li>• The primary economic and industrial activity at the proposed facility is best described by Standard Industrial Classification (SIC) Code 5191 (Farm Supplies), which involves the wholesale distribution of fertilizers and agricultural chemicals that do not require on-site mixing. Operators of facilities described by SIC Code 5191 and that discharge storm water to waters of the United States are not required to obtain coverage under the <i>State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Storm Water Discharges Associated with Industrial Activity, Water Quality No. 97-03-DWQ</i> or State Board's <i>Order 2014-0057-DWQ (NPDES No. CAS000001) for Storm Water Discharges Associated with Industrial Activities</i> (adopted on 1 April 2014 and effective on 1 July 2015). However, if the primary industrial/economic activity at some point in the future includes fertilizer mixing, the facility will need to sign up for the Industrial Storm Water Permit.</li> <li>• Measures should be taken to ensure fertilizer chemicals and other chemicals on site are not handled in a manner that would degrade underlying groundwater quality. Such measures include, but are not limited to, storing and handling chemicals indoors, implementing clean-up procedures for spills/leaks, and minimizing any chemical contact with storm water, etc. Any person that discharges or proposes to discharge waste to land in quantities that could affect the quality of waters of the State (includes groundwater) is required to file a Report of Waste Discharge with the Regional Water Quality Control Board pursuant to Section 13260 of the California Water Code.</li> </ul>

EA:\ksn  
G:\4360Devs&Pin\PROJ\SEC\PROJ\DOCS\ICUP\3500-3599\3543\SRICUP3543 MMRP (Ex 1).docx

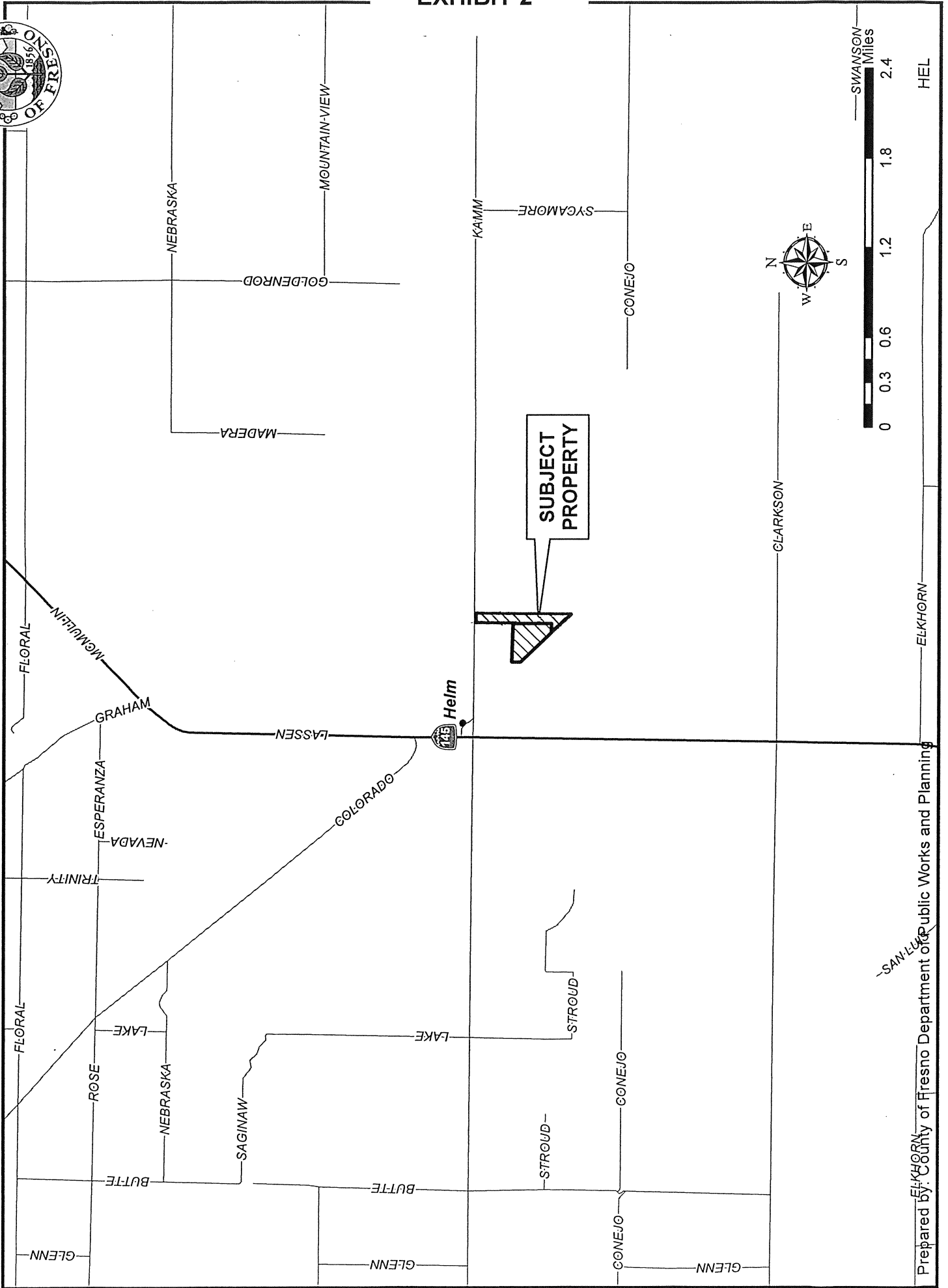


# LOCATION MAP

CUP 3543



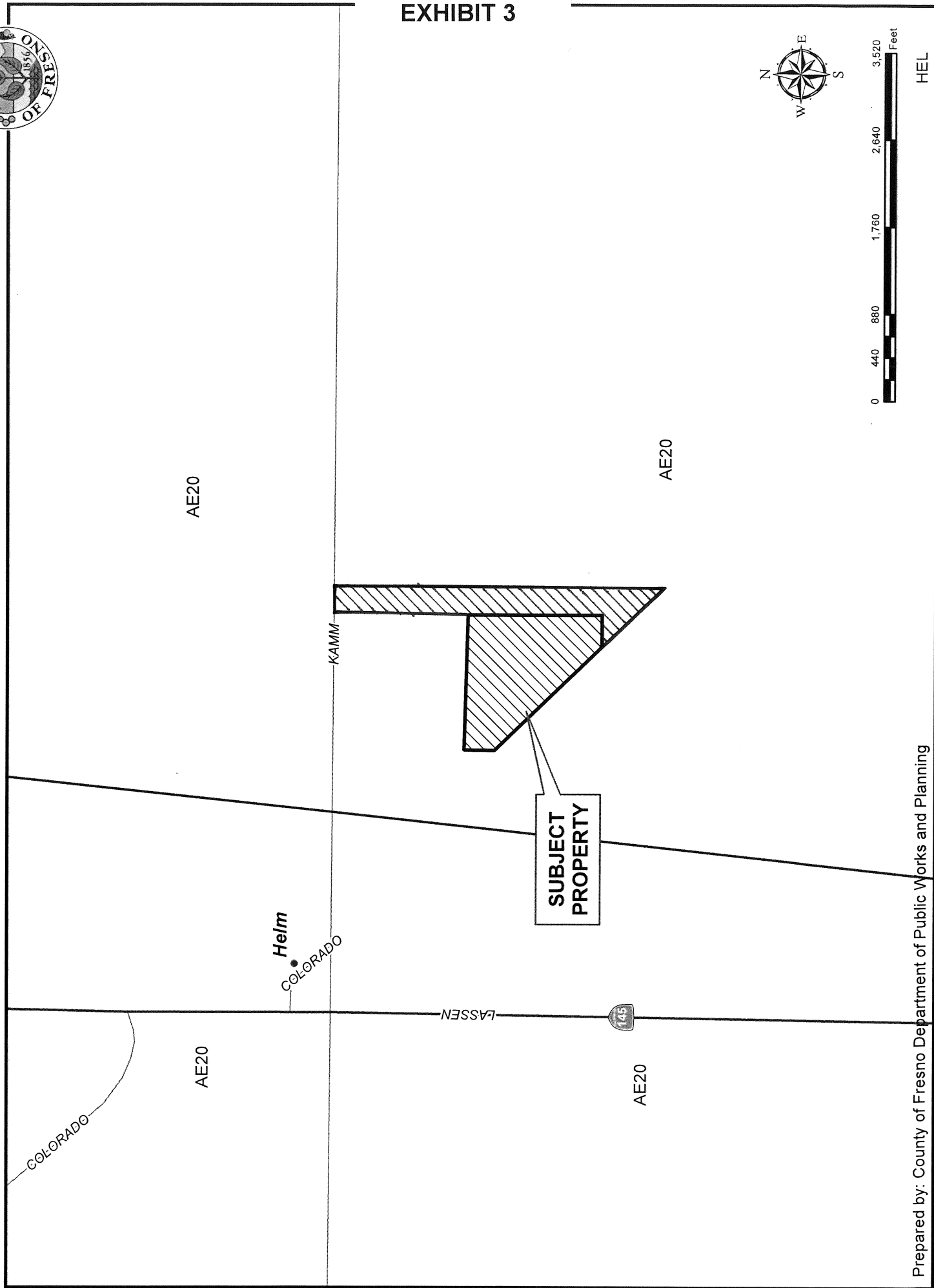
## EXHIBIT 2



# EXISTING ZONING MAP



## EXHIBIT 3



# EXISTING LAND USE MAP

CUP 3543

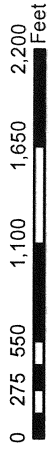


## EXHIBIT 4

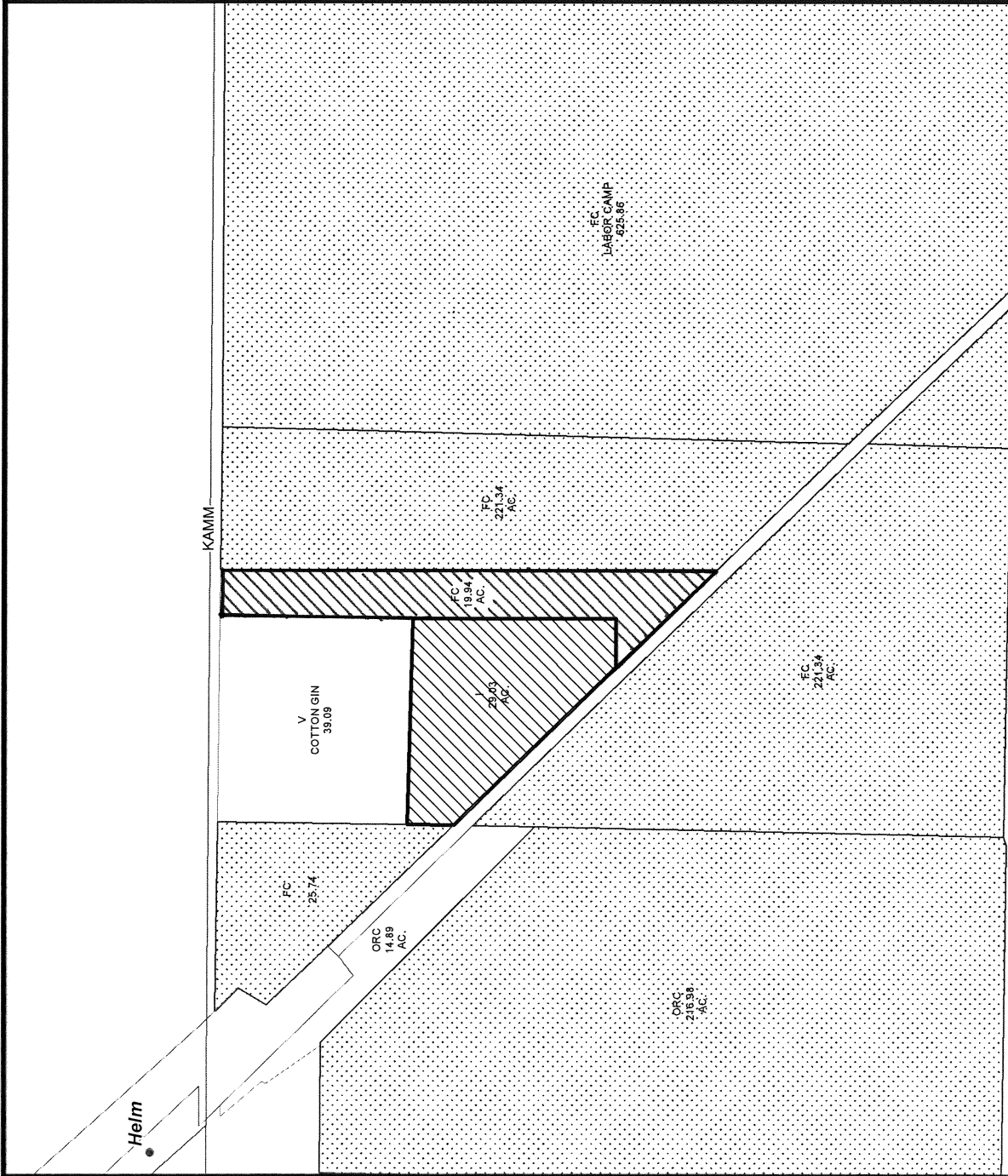
LEGEND	
FC - FIELD CROP	
I - INDUSTRIAL	
ORC - ORCHARD	
V - VACANT	

### LEGEND:

-  Subject Property
-  Ag Contract Land

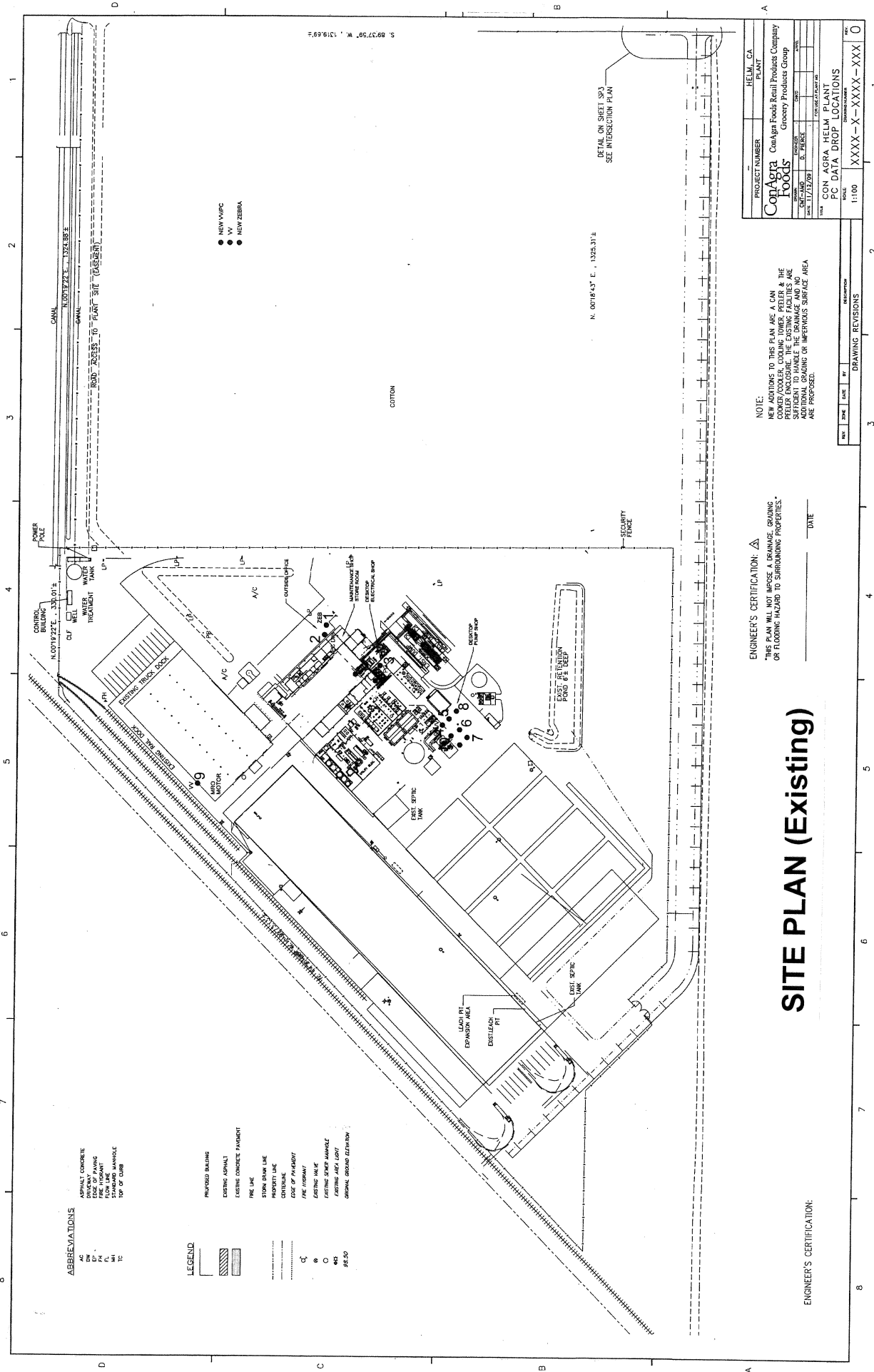


Department of Public Works and Planning  
Development Services Division



Map Prepared by: HEL  
J-GIS(JCH/Landuse)

# EXHIBIT 5



- ABBREVIATIONS**
- AC ASPHALT CONCRETE
  - AW ASPHALT
  - PA PAVED ASPHALT
  - PH PAVED ASPHALT
  - SH STONE
  - TC TOP OF CURB
- LEGEND**
- PROPOSED BUILDING
  - EXISTING ASPHALT
  - EXISTING CONCRETE PAVEMENT
  - FIRE LINE
  - STONE DRAIN LINE
  - PROPERTY LINE
  - CONCRETE
  - EDGE OF PAVEMENT
  - PAVED ASPHALT
  - EXISTING VALE
  - EXISTING DRIVEWAY
  - EXISTING AREA LIGHT
  - EXISTING GROUND ELEVATION

- NEW W/PC
- W
- NEW ZEBRA

DETAIL ON SHEET SP3  
SEE INTERSECTION PLAN

N. 00718.43' E., 13225.31' ±

COTTON

SECURITY FENCE

EXIST. RETENTION POND 6' ± DEEP

PROJECT NUMBER	HELM, CA
CLIENT	PLANT
OWNER	ConAgra Foods Retail Products Company
DESIGNER	Grocery Products Group
DATE	11/17/09
SCALE	1:100
DRAWING REVISIONS	XXXX-X-XXXX-XXX 0

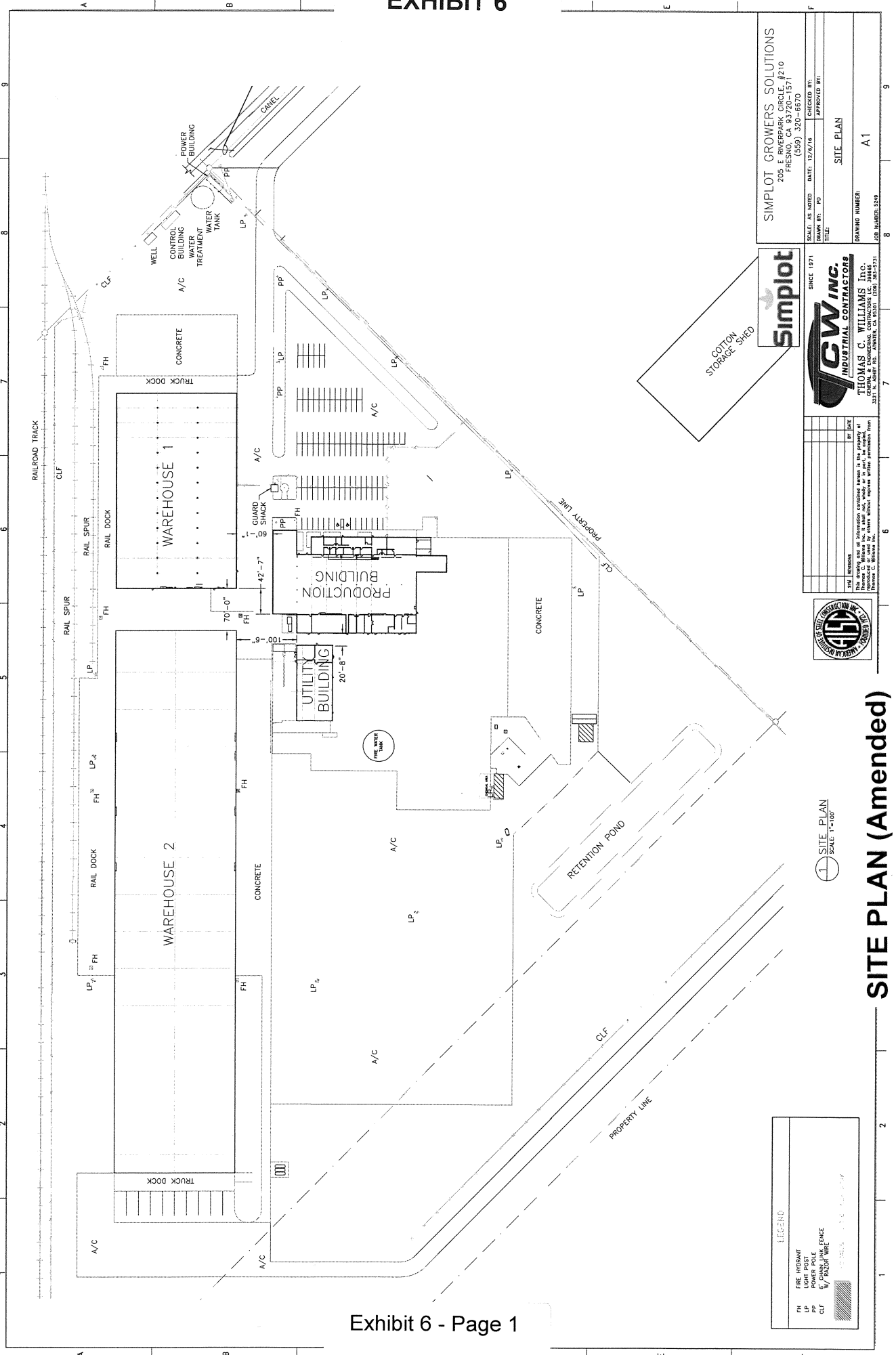
**NOTE:**  
NEW ADDITIONS TO THIS PLAN ARE A CAN OR PREFER ENCLOSED. THE EXISTING FACILITIES ARE SUFFICIENT TO HANDLE THE DRAINAGE AND NO ADDITIONAL DRAINAGE OR IMPROVED SURFACE AREA ARE PROPOSED.

**ENGINEER'S CERTIFICATION:**  
THIS PLAN WILL NOT CAUSE A DRAINAGE OR FLOODING HAZARD TO SURROUNDING PROPERTIES.

## SITE PLAN (Existing)

ENGINEER'S CERTIFICATION:

NO.	DATE	BY	DESCRIPTION
DRAWING REVISIONS			



LEGEND

	FIRE HYDRANT
	POWER POLE
	CHAIN LINK FENCE
	ASPHALT PAVE
	CONCRETE

1 SITE PLAN  
SCALE: 1"=100'



THIS DRAWING IS THE PROPERTY OF THOMAS C. WILLIAMS, INC. ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THOMAS C. WILLIAMS, INC. IS STRICTLY PROHIBITED.

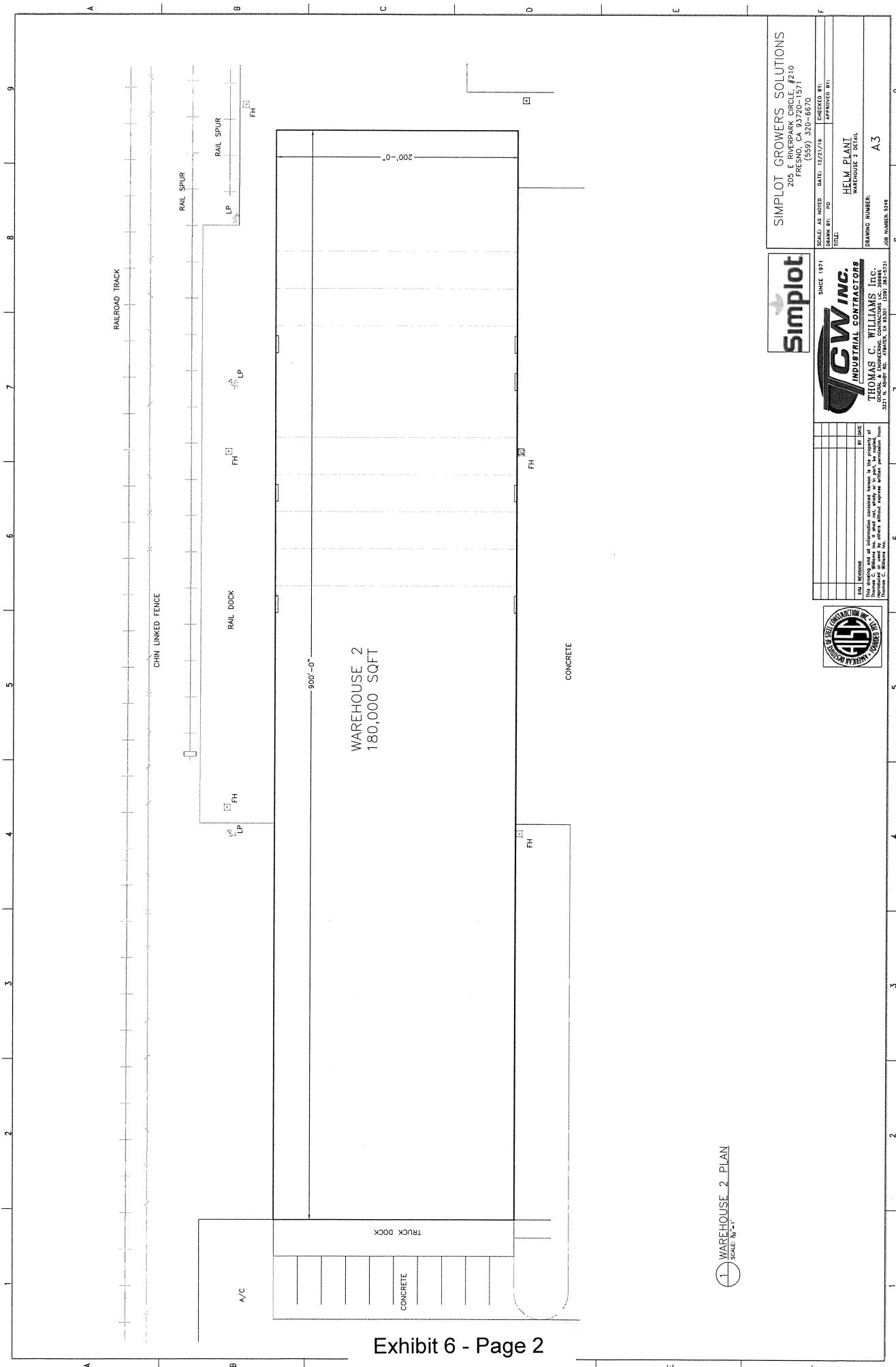


**THOMAS C. WILLIAMS, INC.**  
INDUSTRIAL CONTRACTORS  
321 N. 20th St., Winter, CA 95091 (916) 851-5731

SIMPLOT GROWERS SOLUTIONS  
205 E RIVERPARK CIRCLE, #210  
FRESNO, CA 93720-1571  
(559) 320-6670

SCALE: AS NOTED	DATE: 12/6/16	CHECKED BY:
DRAWN BY: JSD		APPROVED BY:
TITLE:	SITE PLAN	
DRAWING NUMBER:	A1	
JOB NUMBER:	6248	

SITE PLAN (Amended)

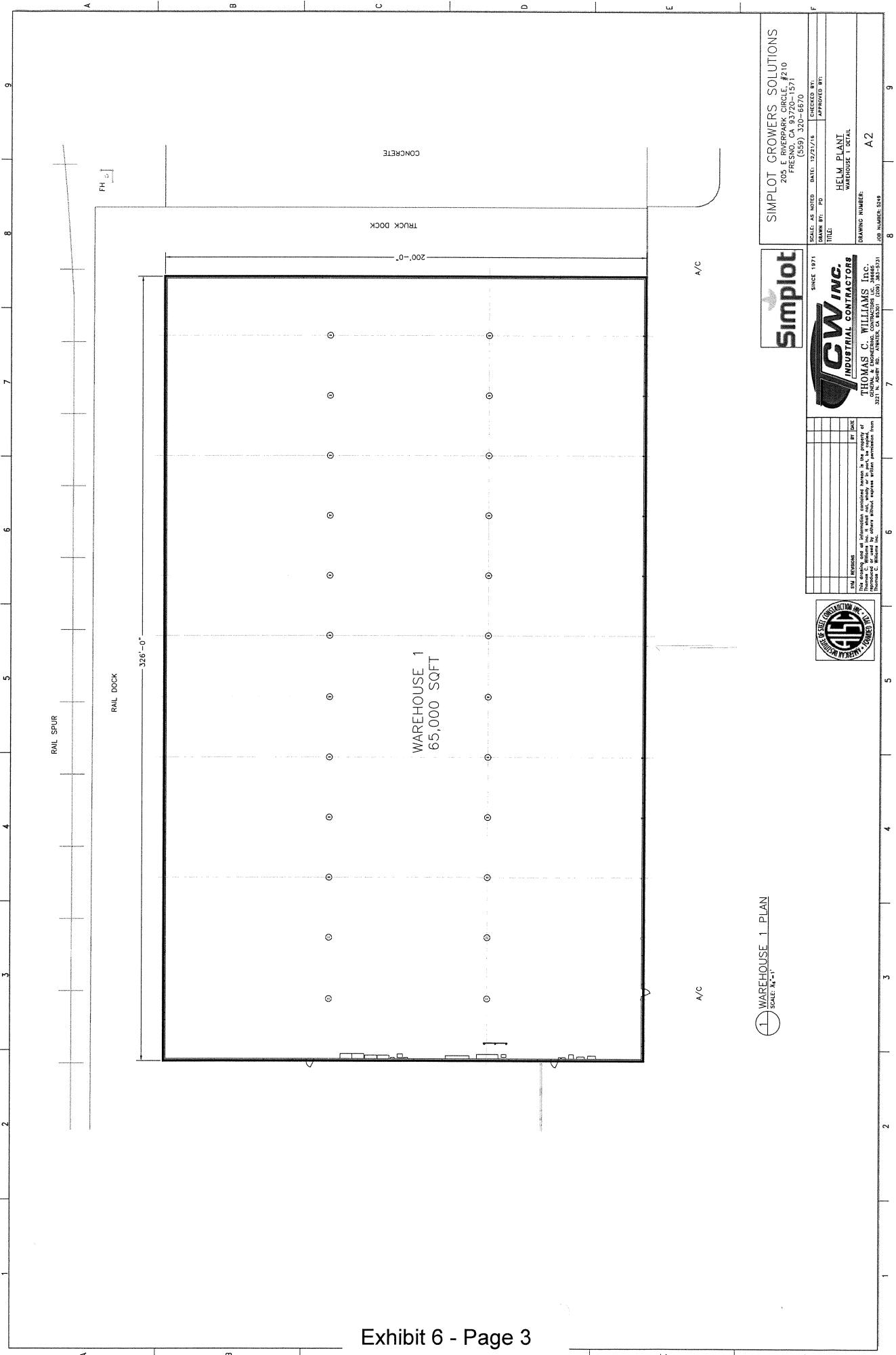


SIMPLOT GROWERS SOLUTIONS  
 205 E RIVERPARK CIRCLE, #210  
 FRESNO, CA 93720-1571  
 (559) 320-6670

**Simplot**  
 SINCE 1971  
**CW INC.**  
 INDUSTRIAL CONTRACTORS  
 TITOLUIS C. WILLIAMS, INC.  
 GENERAL CONTRACTORS  
 3221 N. QUINCY ST., FRESNO, CA 93701 (559) 382-5711

SCALE: AS NOTED	DATE: 12/27/16	CHECKED BY:
DRAWN BY: JPD		APPROVED BY:
TITLE		
HELM PLANT		
WAREHOUSE 2 DETAIL		
DRAWING NUMBER: A3		
JOB NUMBER: 5249		

1 WAREHOUSE\_2\_PLAN  
 SCALE: 3/8"=1"



1 WAREHOUSE 1 PLAN  
SCALE: 1/4"=1'

**Simpliot**  
SIMPLOT GROWERS SOLUTIONS  
205 E RIVERPARK CIRCLE #210  
FRESNO, CA 93720-1571  
(559) 320-6670

SCALE AS NOTED DATE: 12/21/16 CHECKED BY: APPROVED BY:

DRAWN BY: PD TITLE: HELM PLANT WAREHOUSE 1 DETAIL

DRAWING NUMBER: A2 JOB NUMBER: 5249

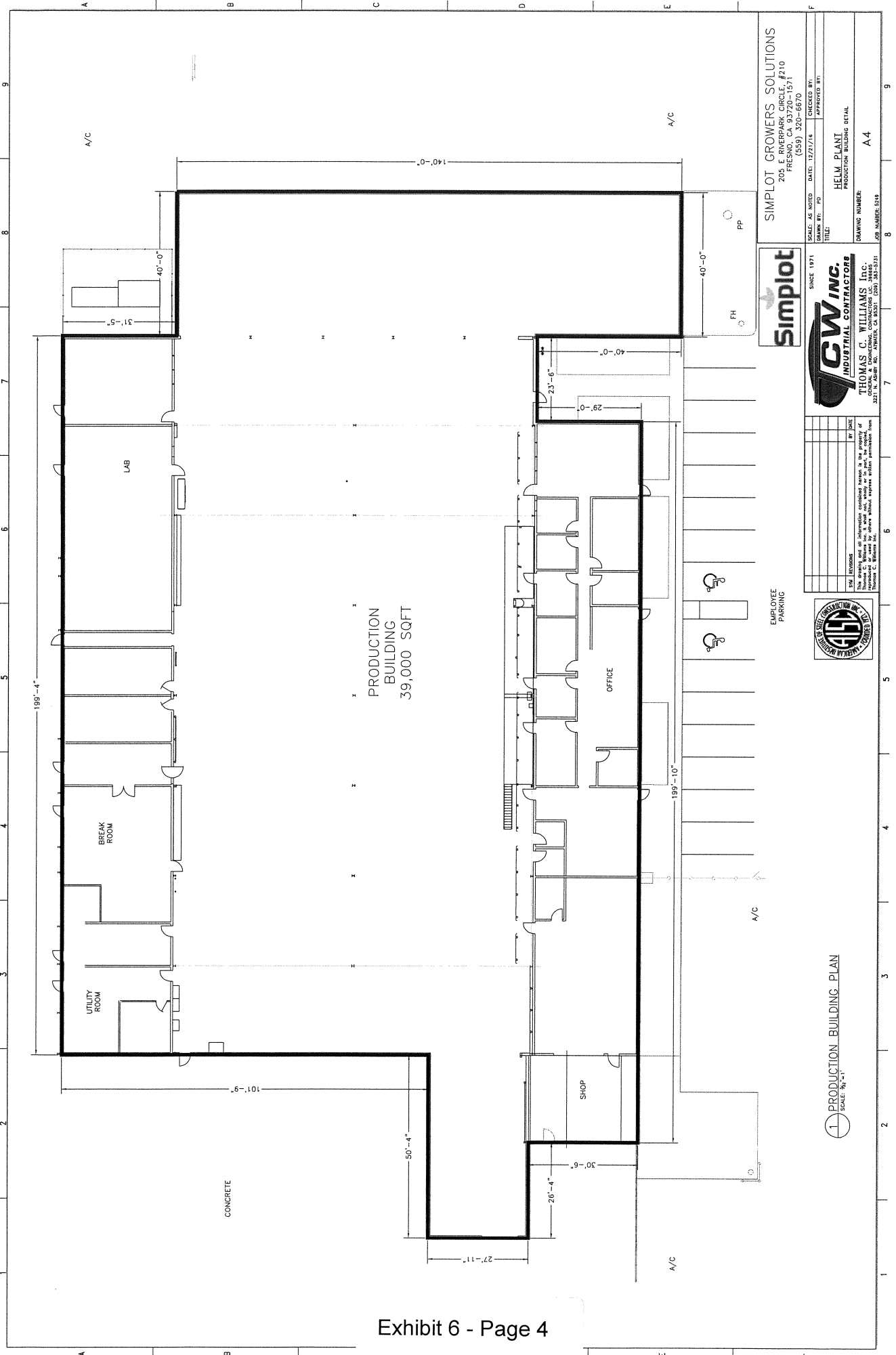
SINCE 1971



THOMAS C. WILLIAMS Inc.  
3271 N. ASHLEY BL. FRESNO, CA 93701  
(559) 241-5711

REV	REVISIONS	BY	DATE





**SIMPLOT GROWERS SOLUTIONS**  
 205 E RIVERPARK CIRCLE, #210  
 FRESNO, CA 93720-1571  
 (559) 320-6670

**Simplot**  
 SINCE 1971  
**CW INC.**  
 INDUSTRIAL CONTRACTORS  
**THOMAS C. WILLIAMS Inc.**  
 3827 N. WOOD RD., WINNER, CA 95220 (530) 331-5313

NO.	REVISION	DATE	BY	CHKD.

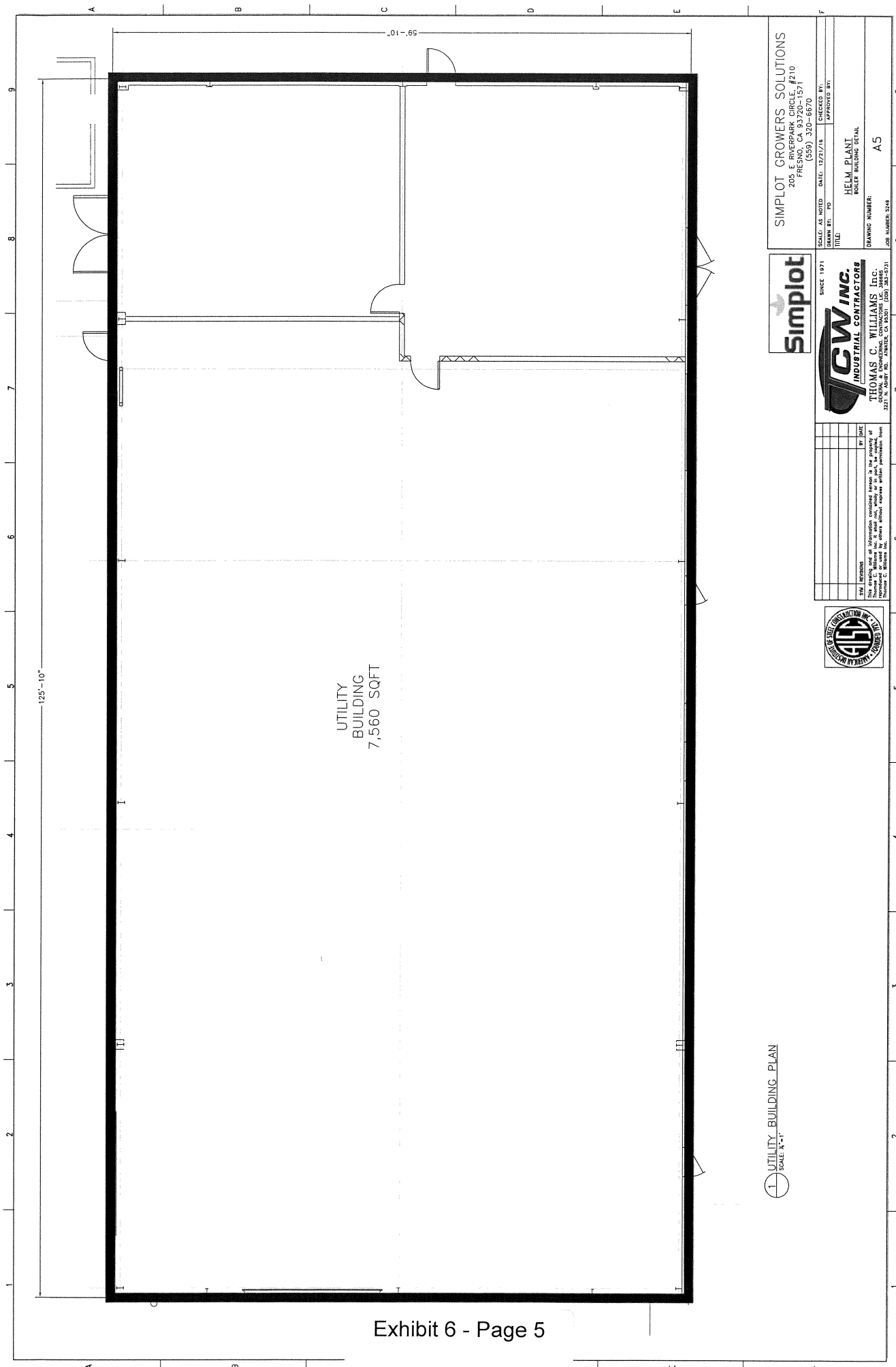


ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THOMAS C. WILLIAMS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF THOMAS C. WILLIAMS, INC. IS STRICTLY PROHIBITED.

SCALE: AS NOTED DATE: 12/27/18 CHECKED BY: [ ]  
 DRAWN BY: JSD APPROVED BY: [ ]  
 TITLE: HELM PLANT PRODUCTION BUILDING DETAIL  
 DRAWING NUMBER: A.4  
 JOB NUMBER: 5218

1 PRODUCTION BUILDING PLAN  
 SCALE: 1/4" = 1'-0"





1 UTILITY BUILDING PLAN  
SCALE: 1/4" = 1'-0"



SINCE 1971  
**ICW INC.**  
INDUSTRIAL CONTRACTORS  
THOMAS C. WILLIAMS Inc.  
3227 N. BIRCH RD., WINNER, CA 95991 (530) 832-9731

ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THOMAS C. WILLIAMS INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF THOMAS C. WILLIAMS INC. IS STRICTLY PROHIBITED.



**SIMPLOT GROWERS SOLUTIONS**  
205 E RIVERPARK CIRCLE, #210  
FRESNO, CA 93720-1571  
(559) 320-6670

SCALE: AS NOTED DATE: 12/27/18 CHECKED BY:  
DRAWN BY: JPD APPROVED BY:  
TITLE: HELM PLANT  
BOILER BUILDING DETAIL  
DRAWING NUMBER: A5  
JOB NUMBER: 5248

# EXHIBIT 7

OPERATIONAL STATEMENT CHECKLIST  
SIMPLOT GROWER SOLUTIONS  
21817 FRESNO COALINGA ROAD  
FIVE POINTS, CA 93624

NEW PROPERTY ADDRESS  
SIMPLOT GROWER SOLUTIONS  
16429 W. KAMM AVENUE  
HELM, CA 93627

Oct. 17, 2016

CUP 3543

RECEIVED  
COUNTY OF FRESNO

OCT 19 2016

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

(REVISED)

**1. Nature of the Operation-What do you propose to do? Describe in detail**

*SGS Westside operates an agriculture retail store that sells farm chemicals, fertilizers, and field application services to local area farms. We mix/formulate fertilizer products that provide the precise amount of nutrients required for every specific agriculture crop grown on the western portion of Fresno County. Our portfolio of products is delivered by SGS employees and trucks to customer farms.*

**2. Operational time Limits:**

**Days/Week:** 6 **Total Hours/Day:** 10 **Hours:** 6:30AM – 5PM **Indoors or Outdoors?** Both  
6:30AM – 5PM

**3. Number of Customer or Visitors: Fy17**

**2017 Ave Number/Day:** 2 **2017 Max Number/Day:** 4 **Hours (when they will be there):**  
6:30AM – 5PM

**4. Number of employees:**

**Current:** 20 **Future:** 79 **Hours they work:** 6:30AM-5PM **Do any live on-site caretaker?** No Live on-site caretaker, but there will be 24/hr. Security Service

**5. Service and Delivery vehicles:**

**Number:** Please see below as well as trace study submitted by Yamabe and Horn Engineering

**Type:** Please see below as well as trace study submitted by Yamabe and Horn Engineering

**Frequency:** Please see below as well as trace study submitted by Yamabe and Horn Engineering

**Year 2017**

Type	Number	Trips/ Day
Semi-Truck w/Trailer	1	1
Ten Wheeler Truck	1	1
2-Ton Truck	2	3
1-Ton Truck	6	3
Service Truck	0	0
¾ Delivery Truck	0	0
½ Pick-up Truck	5	2

**Year 2025**

Type	Number	Trips/ Day
Semi-Truck w/Trailer	10	3
Ten Wheeler Truck	8	3
2-Ton Truck	2	3
1-Ton Truck	6	3
Service Truck	2	3
¾ Delivery Truck	13	3
½ Pick-up Truck	23	2

**6. Access to the Site:**

**Public Road:** Kamm Avenue **Private Road:** S. Del Norte Avenue **Surface:** Asphalt  
**Unpaved (dirt/gravel)/Paved:** Paved

**7. Number of Parking Spaces for employees, customers, and service/delivery vehicles:** 112

**Type of service on parking Area:** Asphalt

**8. Are any other goods to be sold on-site?** The majority of our customers submit their orders to our office via phone, internet, or fax, and our employees will fulfill these order requests by delivering products and services to each customer at their farm.

**If so, are these goods grown or produced on-site or at some other location? Explain:** Our portfolio of crop nutrition and crop protection items sold at SGS Westside are purchased from national wholesale suppliers, who manufacture and package at their facility, and then ship to SGS Westside.

**9. What equipment is used?** Delivery Truck **If appropriate, provide pictures or brochures.**

**10. What supplies or materials are used and how are they stored?** In 2017, In our crop protection sales portfolio, we sell packaged farm chemicals that's stored in the appropriate existing warehouse building. In future years, our crop nutrition sales portfolio, we mix bulk dry and liquid fertilizers blends. The crop nutrition equipment at our facility consists of storage tanks, warehousing containments, dry fertilizer blender, and a liquid fertilizer mixer

**11. Does the use case an unsightly appearance?**

**Noise?** No **Glare?** No **Dust?** No **Odor?** No

There is no unusual noise, glare, dust, or odor associated with these products or with this facility.

**If, so Explain how this will be reduced or eliminated.**

**12. List any solid or liquid waste to be produced**

**Estimated Volumes or Wastes:** **How and where is stored?**

**How is it hauled, and where is it disposed? How often?**

At this time no waste will be produced at this facility. All truck maintenance is and will continue at the SGS Five Points Location, 21817 FRESNO COALINGA ROAD FIVE POINTS, CA 93624.

Any oils and grease collected from the maintenance shop is collected and stored in a collection vault system, and will be hauled away by our environmental recycling contractor. All garbage is collected weekly by the local waste hauler.

**13. Estimated volume of water to be used (Gallon /Day). Source of Water?**

Water to SGS Westside is supplied by an on-site well, and purchased surface water. .

Approximately 5,000 gallons of water per day is used.

**14. Describe any proposed advertising including size, appearance, and placement.**

A 4'x8' road sign will be located on Kamm Avenue at S. Del Norte Avenue, and will comply with the Fresno County sign code ordinance.

**15. Will existing buildings be used or will new buildings be constructed?**

Describe type of construction materials, height, color, etc. Provide floor plan elevations. If appropriate.

Existing buildings will be used

16. Explain which buildings or what portion of the buildings will be used in the operation

2 Warehouses and the Offices

17. Will any outdoor lighting or any outdoor sound amplification system be used in the operation?

Only outdoor lighting will be used. No amplification system will be used.

18. Landscaping of fencing proposed? Describe type and location.

We will use already existing chain-link fence surrounding the property

19. Any other information that will provide a clear understanding of the project or operation

Our Simplot Grower Solutions (SGS) facility is located at 21817 Fresno Coalinga Road, Five Points. Simplot is entering into an Escrow contract to purchase the two parcels owned by Hunts-Wesson / ConAgra, located at 16429 W. Kamm Road, Helm. Once Escrow is completed, Simplot will begin the process to relocate over time, our current business operations at Five Points to the new Helm property. SGS has 8.5 years left on our current real estate lease at our Five Points facility. In 2017, we plan to relocate our warehouse logistics operation (palletized products) to the Kamm Road facility, which consists of approximately 20 employees and a few delivery trucks. Between 2020 and 2025, we plan to slowly transition our different agriculture operations to the Kamm Road facility.

#### About Simplot:

The J.R. Simplot Company was started by an energetic entrepreneur in 1929, and grew from a one-man farming operation into a food and agribusiness empire. Based in Boise, Idaho, The J.R. Simplot Company is one of the largest privately held food and agribusiness companies in the United States.

The Company's vertical integration – seed production, farming, fertilizer manufacturing, frozen-food processing, and food brands and distribution – has nurtured a diverse array of internal talents and resources, creating a symbiosis that few other organizations achieve. Our phosphate reserves and large land holdings are a storehouse of valuable physical resources that embody the company's solid financial base.

J.R. Simplot was an innovator from the start, but our founder's accomplishments accelerated after creating the first commercially-viable frozen French fries in the 1940s. That momentum continues today, with technology improvements that are revolutionizing plant research and food production.

The company has invested significant resources to ensure that our operations are sustainable and environmentally friendly. J.R. always understood that most resources are finite. Our goal as a company has been to be the finest stewards possible of the air, water, land, and other resources on which we all rely.


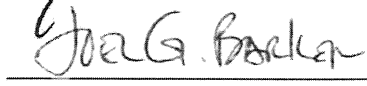
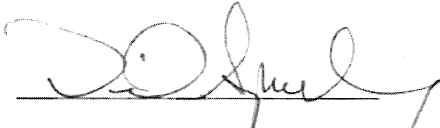
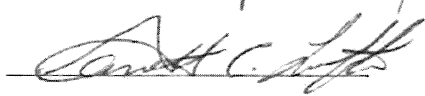
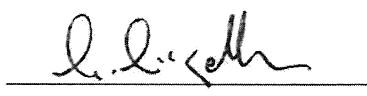
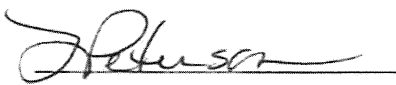
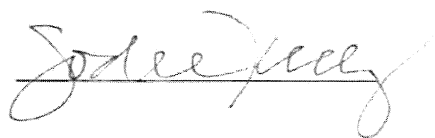
Even though J.R. is gone, his legacy has been perpetuated by members of his family, four of whom comprise the executive committee of our board of directors. They have continued the tradition of plowing profits back into the enterprise, responsibly advancing J.R.'s lifelong mission of Bringing Earth's Resources to Life.

20. Identify all owners, officers and /or Board Members from each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.

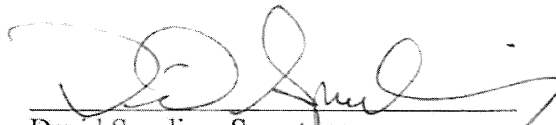
Please See Attached Incumbency Document

**J. R. SIMPLOT COMPANY**  
**INCUMBENCY CERTIFICATE**

The undersigned Secretary of **J. R. SIMPLOT COMPANY** (the "Company"), hereby certifies that each of the following named persons is the duly appointed officer of the Company holding the office of the Company set opposite his or her name and the signature opposite each name is the genuine signature or authentic specimen signature of such person.

<u>Office(s)</u>	<u>Name</u>	<u>Signature</u>
President and Chief Executive Officer	William J. Whitacre	
Senior Vice President, Chief Financial Officer and Treasurer	Joel G. Barker	
Senior Vice President, Secretary and General Counsel	David Spurling	
Senior Vice President	Garrett C. Lofto	
Senior Vice President	Mark McKellar	
Vice President and Controller	Laura M. Peterson	
Assistant Secretary	Jodee Kelly	

Dated: 13 April, 2016

  
 \_\_\_\_\_  
 David Spurling, Secretary

The undersigned hereby certifies that David Spurling is the Senior Vice-President, Secretary and General Counsel of the Company and that the foregoing is his genuine signature.

  
 \_\_\_\_\_  
 Name: Jodee Kelly  
 Title: Assistant Secretary



## EXHIBIT 8

# County of Fresno

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

### EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** J. R. Simplot Company
- APPLICATION NOS.:** Initial Study Application No. 7189 and Classified Conditional Use Permit Application No. 3543
- DESCRIPTION:** Allow a commercial establishment for the processing, storage, and sale of agricultural chemicals on two contiguous parcels totaling 48.97 acres in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION:** The subject property is located approximately 1,295 feet south of W. Kamm Avenue and 2,598 feet east of S. Lassen Avenue, and five miles southeast of the City of San Joaquin (16429 W. Kamm Avenue, Helm) (Sup. Dist. 1) (APN 040-140-32, 34).

#### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

**FINDING:** NO IMPACT:

The project site is located in an agricultural area and is currently developed with buildings and parking previously used by a tomato processing plant. Surrounding land uses include field crops, vineyard, and orchards with sparse single-family residences. A fertilizer plant abuts the subject property to the north.

The subject property is not located along a designated scenic highway and no scenic vistas or scenic resources were identified on or near the property.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

**FINDING:** LESS THAN SIGNIFICANT IMPACT:

The project site is currently developed with 180,000 square-foot and 65,000 square-foot warehouse buildings, a 39,000 square-foot production building, a 7,560 square-foot utility room, a surface water treatment facility, water storage tank, storm water retention basin, rail line, rail and truck docks, parking, and perimeter fencing. The existing improvements were used by a tomato processing plant operated on the property prior to October 2015.

The subject proposal involves no new construction and will use all the existing improvements including access to the site off of Kamm Avenue. Warehouse buildings will be used for storage of packaged fertilizer and distribution; office/cafeteria/restroom building will maintain its current function, and the boiler/utility room will be remodeled to be used as a storage/maintenance shop. The existing tomato processing equipment will be removed from the property and will not be used in conjunction with the proposed facility.

The project will not bring any physical changes to the property and therefore will have a less than significant impact on visual character or quality of the site and its surroundings.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Applicant's operational statement, the project will include installation of outdoor lighting that has the potential of generating glare in the area. To minimize such impacts, a mitigation measure would require that all lighting shall be hooded and directed downward so as to not shine toward adjacent property and public streets.

\* **Mitigation Measure**

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

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with Agriculture zoning on the property and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The subject property is classified as Semi-Agricultural and Rural Commercial Land on the 2010 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Conservation Contract. The property is fully developed with improvements previously used by a tomato processing plant. Given the project involves no new improvements, no noticeable change to the existing farming character of the area is expected from this proposal.

The Fresno County Agricultural Commissioner's Office reviewed the proposal and expressed no concerns with the project.

### III. AIR QUALITY

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the San Joaquin Valley Air Pollution Control District, the project-specific criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG and 15 tons/year PM10. The project will not have significant adverse impact on air quality and is not subject to Air District Rule 9510.

However, the project may be subject to District Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow, Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. Adherence to these rules will reduce the project's impact on air quality to less than significant and will be included as a Project Note.

- E. Would the project create objectionable odors affecting a substantial number of people?



FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the San Joaquin Valley Air Pollution Control District review of the application indicates that the project may be subject to District Rule 4102 (Nuisance). This Rule applies to any source operation (including odor) which may emit air contaminants or other materials and will be included as a Project Note.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: NO IMPACT:

As noted above, a tomato processing plant previously operated at the subject 48.97-acre project site. Existing improvements to the plant include two warehouse buildings, a production building, a utility building, surface water treatment facility, water storage tank, storm water retention basin, rail line, rail and truck docks, and paved parking. Given the property has been disturbed with the existing improvements and contains no riparian features, it does not provide suitable habitat for state and federally listed species.

The project was routed to the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service for review and comments. No concerns were expressed by either agency.

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

FINDING: NO IMPACT:

The project shall not conflict with any biological resources related to tree preservation policy or any adopted Conservation Plans.

## V. CULTURAL RESOURCES

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project is located in an area of moderate archeological sensitivity and was routed to the Southern San Joaquin Valley Information Center (SSJVIC) for review and comments. No concerns were expressed by SSJVIC. Although no new improvements are proposed by this application, a mitigation measure included in this proposal would require that in case of an archeological find during any ground disturbance, all work shall be halted until the proper authorities have been notified for further action.

\* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resources as defined in Public Resources Code Section 21074.

## VI. GEOLOGY AND SOILS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within a fault zone. As such, it will not create a substantial risk or expose people or structures to earthquake rupture, strong seismic ground shaking, seismic-related ground failure, liquefaction or landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) an Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposal will be handled without adversely impacting adjacent properties; 2) a Grading Permit or Voucher shall be required for any grading proposed with this application; and 3) any additional runoff generated by the proposed development shall be retained or disposed of per County Standards. These requirements will be included as Project Notes.

- C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or
- D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

The project is not located within an area of known risk of landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known expansive soils.

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

FINDING: NO IMPACT:

The project will utilize the existing on-site sewage disposal systems related to the existing improvements on the property.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no concerns with any wastewater disposal requirements related to this proposal.

## VII. GREENHOUSE GAS EMISSIONS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Comments received from the San Joaquin Valley Air Pollution Control District expressed no specific project-related concerns, supporting the determination that the project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will adhere to Air District Rules discussed above in Section III. A.B.C.D. Air Quality.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility does not involve manufacturing of fertilizers. According to the Applicant's operational statement, starting 2017, the facility will sell packaged farm chemicals which will be stored inside the existing warehouse buildings on the property. However, in the future, between the year 2020 and 2025, the facility will start mixing bulk dry and liquid fertilizers per the customer's orders received by using storage tanks, warehousing containments, dry fertilizer blender, and a liquid fertilizer mixer. Finished products will be transported to the customer's site via company vehicles. Routine transport and handling of these farm chemicals is not expected to create a public health hazard.

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and requires that 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. Further: 1) any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95; and 2) all hazardous waste shall be handled in accordance with requirements set forth

in the California Code of Regulations (CCR), Title 22, Division 4.5. These requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the project does not involve manufacturing of fertilizers on the property. The facility will receive bulk fertilizer already made from its manufacturer and will be sold to customers per the orders received.

The proposed facility will be required to submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division, and handle all hazardous waste in accordance with the California Health and Safety Code regulations.

The project is not located within one quarter-mile of a school. The nearest school, Helm Elementary School, is approximately 3,392 feet (or more than one half-mile) northwest of the subject proposal.

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site. No concerns related to the site were expressed by the Fresno County Department of Public Health, Environmental Health Division.

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

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

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan area, two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Swanson Ranch Number 2 Airport, is approximately 11.7 miles east of the site.

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

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

FINDING: NO IMPACT:

The project will not result in interference with any emergency response plan and is not within or adjacent to a wildlands fire area.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's operational statement, the project will utilize non-potable water from Westlands Water District and an on-site well. The project will also use the existing on-site sewage disposal systems.

The State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW) reviewed the proposal and stated that the proposed facility will meet the statutory definition of a nontransient noncommunity public water system and requires the Applicant to obtain a Domestic Water Supply Permit from SWRCB-DDW. According to SWRCB-DDW, the water system serving the previous facility (tomato processing plant) on the property operated a surface water treatment plant under a Domestic Water Supply Permit issued by the Division. SWRCB-DDW requires that an application shall be filed with SWRCB-DDW to allow change in ownership of a nontransient noncommunity water system from previous ownership to the current owner and be received by the agency prior to commencing operations and the water system shall not supply water without written authorization from the agency. This requirement will be included as a Condition of Approval.

The project was also routed to the Central Valley Regional Water Quality Control Board (Region 5). Although no comments were provided by the agency, comments received from the agency for similar project will apply to this proposal and will be included as Project Notes. Per these comments, the primary economic and industrial activity at the proposed facility is best described by Standard Industrial Classification (SIC) Code 5191 (Farm Supplies), which involves the wholesale distribution of fertilizers and agricultural chemicals that do not require on-site mixing. Operators of facilities described by SIC Code 5191 and that discharge storm water to waters of the United States are not required to obtain coverage under the *State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Storm Water Discharges Associated with Industrial Activity, Water Quality No. 97-03-DWQ* or State Board's *Order 2014-0057-DWQ (NPDES No. CAS000001) for Storm Water Discharges Associated with Industrial Activities* (adopted on 1 April 2014 and effective on 1 July 2015). However, if the primary industrial/economic activity at some point in the future includes fertilizer mixing, the facility will need to sign up for the Industrial Storm Water Permit. Measures should be taken to ensure fertilizer chemicals and other chemicals on site are not handled in a manner that would degrade underlying groundwater quality. Such measures include, but are not limited to, storing and handling chemicals indoors, implementing clean-up procedures for spills/leaks, and

minimizing any chemical contact with storm water, etc. Any person that discharges or proposes to discharge waste to land in quantities that could affect the quality of waters of the State (includes groundwater) is required to file a Report of Waste Discharge with the Regional Water Quality Control Board pursuant to Section 13260 of the California Water Code.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant, an estimated 5,000 gallons of water per day will be used during operation of the proposed facility. Non-potable water will be provided by an on-site well and through Westlands Water District facilities.

According to Westlands Water District (WWD), the Applicant is not eligible to receive water through the District's Municipal and Industrial (M&I) supply. However, WWD has an 'Agreement for Conveyance of Water to Lands Outside of District's Service Area' with the previous operator (tomato processing plant) and will continue to convey water through District Lateral 14, meter location 14-13.0W under a similar agreement with the Applicant. This will be included as a Project Note.

Potable water to the facility will be provided through an existing surface water treatment plant under a Domestic Water Supply Permit from the State Water Resources Control Board (SWRCB) – Division of Drinking Water (DDW).

The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division reviewed the project and given the limited water usage expressed no concerns related to water supply for the project.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No streams or rivers are located on the project site that may be impacted by this proposal. As noted above in Section VI. B. Geology and Soils, any additional runoff generated by the proposed development will be retained or disposed of. per County

Standards and a Grading Permit or Voucher will be required for any grading proposed with this application.

F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above

G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this project.

H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Federal Emergency Management Agency (FEMA) FIRM Panel 2575H indicates that the subject parcel is within Flood Zone A subject to flooding from the one percent (1%)-chance storm. A Project Note would require that any development within the area identified as Zone A shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of the Fresno County Ordinance.

I. Would the project expose persons or structures to levee or dam failure; or

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

FINDING: NO IMPACT:

The project site is not prone to hazards such as seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure.

## X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest unincorporated community of Helm is approximately 1,872 feet northwest of the subject property.

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



FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project. The project site is outside of the sphere of influence of any incorporated city.

The subject property is designated for Agriculture in the Fresno County General Plan which allows certain non-agricultural uses such as the proposed use by discretionary land use approval provided the use meets General Plan Policy LU-A.3., Criteria a. b. c. & d. and other policies as discussed below.

Criteria LU-A.3.a. requires that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas. Criteria LU-A.3.b states that the use shall not be sited on productive agricultural land if less productive land is available in the vicinity. Criteria LU-A.3.c states that the use shall not have a detrimental impact on water resources. Criteria LU-A.3.d states that a probable workforce should be located nearby or readily available.

With regard to Criteria “a”, the proposed facility is an agricultural-related use. The property’s location within an agricultural area can better serve surrounding farming operations than within an urban area. With regard to Criteria “b”, the project is not located on productive farmland. The project site is classified as Semi-Agricultural and Rural Commercial Land on the 2010 Fresno County Important Farmland Map. With regard to Criteria “c”, the project is not located in a water-short area. The project will use minimal groundwater and mostly surface water to be supplied by Westlands Water District. With regard to Criteria “d”, the project site is adjacent to the unincorporated community of Helm and approximately five miles southeast of the City of San Joaquin. These communities are capable of and can provide an adequate workforce.

General Plan Policy LU-A.12 requires that agricultural activities be protected from encroachment of incompatible uses, Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations, and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation shall be required where appropriate.

The proposed use is compatible with agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The project site is not an active farmland and has been developed with improvements related to the prior use (tomato processing plant). The proposal involves no new improvements and the existing chain-link fencing around the property provides separation between the existing improvements and the adjacent farmland.

General Plan Policy FP-D.6 requires that the County shall permit on-site sewage disposal systems on parcels that have the area, soils and other characteristics that permit installation of such systems without threatening groundwater quality or posing health hazards. The subject proposal will utilize the existing sewage disposal systems

on the property. No concerns with the existing systems were expressed by the Fresno County Department of Public Health, Environmental Health Division.

General Plan Policy PF-C.17 requires a water supply evaluation to determine the adequacy of a water supply to meet the highest demand that could be permitted on the land in question. The subject proposal is not located in a water-short area and will use minimal groundwater and mostly surface water to be supplied by Westlands Water District.

No concerns related to adequacy of water for the use were expressed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.

General Plan Policy HS-B.1 requires identification of fire hazards to reduce the risk to life and property. The project will comply with the California Code of Regulations Title 24 – Fire Code and the County-approved site plans will require Fresno County Fire Protection District’s approval at the time the Applicant applies for change of occupancy with the County.

General Plan Policy HS-F.1 requires that facilities handling hazardous materials or wastes shall be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations. The project will adhere to state laws for handling of hazardous materials as discussed in Section VIII. A. B. of this report.

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

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

## XI. MINERAL RESOURCES

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

FINDING: NO IMPACT:

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

## XII. NOISE

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

- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project operation will not expose people to severe noise levels or create substantial increases in ambient noise levels. Except for loading and unloading of materials for deliveries, most project-related activities will take place inside the buildings.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

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

FINDING: NO IMPACT:

The project site is not located near an airport. The nearest airport, Swanson Ranch Number 2 Airport, is approximately 11.7 miles east of the site.

### XIII. POPULATION AND HOUSING

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

FINDING: NO IMPACT:

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

### XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District's (CalFire) review of the project did not identify any concerns with the proposal. The project is required to comply with the California Code of Regulations Title 24 – Fire Code, and requires approval of County-approved site plans by the Fire District at the time the Applicant applies for change of occupancy with the County. The project will also require annexation to the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not result in the need for additional public facilities and will not affect existing public services.

## XV. RECREATION

A. Would the project increase the use of existing neighborhood and regional parks; or

B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No impacts on recreational resources were identified in the project analysis.

## XVI. TRANSPORTATION/TRAFFIC

A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or

B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's operational statement, the proposed facility will operate twelve months a year, six days a week, between the hours of 6:30 am and 5:00 pm. Starting in 2017, the facility will have 20 employees which is expected to increase to 79

by the year 2025. The facility will have 15 company-owned trucks/trailers for product delivery, field services and daily sales which is expected to increase to 64 by the year 2025. An estimated 20 visitors will come to the facility each day.

The California Department of Transportation (Caltrans) reviewed the proposal and based on an expected 169 heavy vehicle trips per day, required that a trip trace analysis be prepared to determine the project impacts to State roadways. A trip trace analysis was prepared for the project by Yamabe and Horn Engineering, Inc., and dated October 13, 2016. The analysis showed that the majority of the generated trips will utilize State Route (SR) 145 when comparing the proposed generated trips with the trips generated by the prior user of the facility (tomato processing plant). The analysis concluded that the proposed facility will reduce the number of trips compared to the previous users. Caltrans concurred with the analysis and concluded that the impact of the proposed facility on the SR 145 and Kamm Avenue intersection would be less than significant.

The Design Division of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns related to traffic, and did not require a Traffic Impact Study.

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

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

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

FINDING: NO IMPACT:

The project site is served by a 20-foot-wide paved drive approach off of Kamm Avenue.

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the proposal and stated that: 1) the existing drive approach off of Kamm Avenue includes a centerline stripe and sufficient turning radii; and 2) the property frontage along Kamm Avenue includes a 53-foot right-of-way south of the section line, which meets the requirements for an Arterial.

The Development Engineering Section of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns related to traffic hazards.

E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

The Fresno County Fire Protection District's review of the project did not identify any concerns regarding emergency access. Emergency access requirements for the project

will be further analyzed by the Fire District at the time the applicant applies for change of occupancy with the County.

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

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans.

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. A. Hydrology and Water Quality.

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

FINDING: LESS THAN SIGNIFICATION IMPACT:

See discussion in Section IX.E Hydrology and Water Quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

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

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project is not expected to create significant amount of solid waste to impact local landfill sites. Any waste disposal will be through regular trash collection service.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would not degrade the quality of the environment; reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory. No impacts on biological resources were identified in the analysis. Impacts to cultural resources as identified in Section V. A. B. C. D. will be mitigated to a less than significant level.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project has been analyzed for potential impacts, and appropriate project-specific mitigation measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than aesthetics, cultural resources and hydrology and water quality, which will be addressed with the Mitigation Measures discussed in Section I. D., Section V. A. B.C. D. and Section IX. A.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project would not directly or indirectly cause substantial adverse effects on human beings. Air quality, hazardous materials, and noise would be the only areas in which the project could have a substantial effect on human beings. However, all potential effects of the proposed project related to air quality, hazardous materials, and noise are identified as less than significant. The impact analysis included in this report indicates that for all other resource areas, the proposed project would either have no impact, less than significant impact, or for impacts that would not affect human beings, less than significant impact with mitigation incorporated.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study (IS No. 7189) prepared for Conditional Use Permit Application No. 3543, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to biological resources, mineral resources, population and housing, or recreation.

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

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

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 southeast corner of Tulare and "M" Streets, Fresno, California.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\CUP\3500-3599\3543\IS-CEQA\CUP3543 IS wu (revision).docx