



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: H&R Land Co., David F. Hines

APPLICATION NOS.: Conditional Use Permit Application No. 3724 & Initial Study No. 8151

DESCRIPTION: Conditional Use Permit allow a commercial fruit cold storage/packing facility on a 76.22-acre parcel in the AE-20 (Exclusive Agriculture; 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the northeast corner of E. McKenzie and N. Oliver Avenue approximately 9.2 miles east of the City of Fresno (APN: 333-082-01) (Sup. Dist. 5).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is located in a predominantly agricultural area with rural single-family residential uses pocketed throughout the region. Images of the subject site depict views of the nearby foothill range located east and northeast of the subject site. Underlying development standards established by the Zone District will regulate construction of the structure to a maximum height of 35 feet. In considering the project will be in compliance with development standards of the underlying zone district and that no scenic vista would be negatively impacted by the project, a less than significant impact can be seen.

- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or

FINDING: NO IMPACT:

According to Figure OS-2 of the Fresno County General Plan, the project site does not front any identified scenic roadway. There were not identified scenic tree, rock,

outcropping, or historic building within a state scenic highway that would be affected by the project proposal.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an agricultural area, currently occupied with citrus trees and orchards. The placement and construction of the project would create a cold storage and fruit packing facility on the project site that would change the existing visual character, however, this change is not expected to result in a significant impact where public views and the existing visual character would be substantially degraded.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Review of the Applicant's Operational Statement indicates that outdoor lighting is planned to be utilized on the property for security purposes. Due to the utilization of outdoor lighting, this new source of light and glare would adversely affect nighttime views of the area. Mitigation in the form of design and placement of outdoor lighting will be implemented to ensure less than significant impact on adjacent properties and right-of-way due to the new sources of light and glare.

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Review of the 2016 Important Farmland Map indicates that the project site is designated Farmland of Statewide Importance. The underlying AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District allows the proposed use subject to approval of a Conditional Use Permit. In addition to the proposed use being allowed subject to approval of a CUP, the use can be considered supportive of agricultural operations. The subject parcel is not under Williamson Act Contract. In considering the proposed agricultural supportive use and size of the conversion, a less than significant impact is expected.

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

FINDING: NO IMPACT:

The project site is not situated in forest land or timberland and would not result in the loss of forest land or conversion of forest land to non-forest use.

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

FINDING: NO IMPACT:

The project would result in the conversion of a portion of the subject parcel to accommodate the proposed operation. The proposed operation is supportive of agriculture but would convert a portion of the site from productive farmland. Outside of any expansion of the proposed use on the proposed parcel, which is still subject review under the CUP, conversion of farmland outside of the subject parcel is not likely to occur as the underlying zone district of the area will be unchanged.

III. AIR QUALITY

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

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) were notified of the subject application. No concerns were expressed by the SJVAPCD to indicate that the project would result in conflict with an applicable Air Quality Plan or result in cumulatively considerable net increases of a criteria pollutant. All applicable SJVAPCD rules and regulations for the permitting and operation of the proposed facility are expected as regulatory requirements. Therefore, with required compliance of all applicable rules and regulations enforced by the SJVAPCD, the project will have a less than significant impact.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No expressed concerns were produced by the SJVAPCD. The nearest sensitive receptor is a single-family residence located approximately 85 feet west of the subject parcel. The proposed operation does not include manufacturing of their equipment and plans to only store the equipment until shipment to customers occurs. Construction of the proposed structure and improvements could increase pollutant concentrations or emissions, but this increase would be temporary. Based on the provided Operation Statement, detailing the proposed operation, pollutant concentrations and other emissions resulting from the operation are not expected to be generated in large enough quantities to have a significant impact on sensitive receptors in the area.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The subject site is located in a mainly agricultural region with rural single-family residences sited throughout the area. The subject parcel is currently utilized for agricultural production indicating human disturbance. Review of the California Natural Diversity Database (CNDDDB) indicates that there are no reported occurrences of a special-status species in the vicinity of the project site. The California Department of

Fish and Wildlife and the U.S. Fish and Wildlife Service did not express concern with the project proposal. In considering the human disturbance existing on site due to the agricultural operation and no evidence of a special-status species on the site, the project will not have a substantial adverse effect on special-status species.

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

FINDING: NO IMPACT:

The subject parcel is located in a mainly agricultural area. There is no riparian habitat or other sensitive natural community identified on the subject parcel. Per the National Wetlands Inventory, the subject property is not located on or near an identified wetland.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to construct a warehouse and office building for the proposed use. In considering the existing agricultural operation, the proposed improvements would change the conditions of the site where movement of any native residence or wildlife species would be affected. However, movement of a resident or wildlife species would not be completely interrupted where a significant impact through total obstruction would occur. There are no wildlife corridors or native wildlife nursery sites identified on the subject parcel.

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

FINDING: NO IMPACT:

Departmental and Agency review of the project did not provide evidence of a conflict with the project and any local policy, ordinance, adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The subject property is currently utilized for agricultural production indicating past and ongoing ground disturbance. As no historical or archaeological resource was identified on the subject property from past ground disturbing activities, minimal chances of a cultural resource occurring on the site is seen. In considering the high unlikelihood of a cultural resource being present on the subject site, a mitigation measure will be implemented to address cultural resources in the event they are unearthed during ground disturbing activities related to project construction.

* **Mitigation Measure(s)**

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

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

The project is not anticipated to result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. Project construction will be required to comply with the applicable building code related to energy efficiency, and Air Resources Board regulations pertaining to off-road compression-ignition (diesel) engines and equipment and compliance with idling engine restrictions.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: NO IMPACT:

According to Figures 9-4 & 9-5 of the Fresno County General Plan Background Report (FCGPBR) and the California Department of Conservation, Earthquake Hazard Zone Application (EQ Zapp), the project site is not located on or near identified earthquake hazard zone areas. The area of the proposed project is not identified as an area which by nature is subject to these types of seismic effects. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction, or landslides. Construction of the proposed project will be subject to seismic design standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would result in the addition of impervious surface which would change existing runoff patterns of the subject parcel. Due to this change, the loss of topsoil would occur and soil erosion patterns due to runoff would be altered. The subject site is located in flat agricultural land with no large changes in slope being present that could adversely affect the parcel as a result soil erosion after project construction. Therefore, a less than significant impact is seen due to the loss of topsoil and no adverse effect on soil erosion.

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

FINDING: NO IMPACT:

Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief (slopes of no more than three percent), which precludes the possibility of land sliding on-site.

The potential for seismic-related ground failure (lateral spreading and liquefaction) occurring on the project site is minimal because of the absence of high groundwater levels and saturated loose granular soil. The project site is not in an area identified by Fresno County as being susceptible to liquefaction. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the project site and, therefore, would not be severe enough to induce liquefaction on-site.

The San Joaquin Valley in which Fresno County is located is known to experience subsidence. However, the Water, Geology, and Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the project and expressed no concerns to the proposed project.

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

FINDING: NO IMPACT:

Per Figure 7-1 of the FCGPBR, Fresno County General Plan Background Report, the project site is not located within an area of known risk of expansive soils.

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

FINDING: NO IMPACT:

The project proposes to construct a private septic system to service the proposed office and warehouse. The proposed septic system will be subject to the development standards established by the Fresno County Local Area Management Program (LAMP). Further review during building permit phases will be required. Review of the project did not reveal any incompatibilities of the site with the proposed septic system.

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

FINDING: NO IMPACT:

The parcel on which the proposed project will be sited is not located within proximity of any area designated to be moderately or highly sensitive for archeological resources. No historical or paleontological resources, unique geological features, or evidence of possible human remains were identified in this analysis. As such, no impact on historical, archeological, or paleontological resources would result from this proposal. A mitigation measure will be implemented to address cultural resources in the unlikely event that they are unearthed during ground-disturbing activities related to the project.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions associated with the project would occur over the short-term from construction activities, as stated by Johnson, Johnson and Miller Air Quality Consulting Services in the Air Quality and Greenhouse Gas Analysis dated June 6, 2022. Review of this application by the Air District indicated that this project, with adherence to the mitigation measure proposed by the Air District, would be in compliance with their policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases. These requirements provide oversight for the project to ensure that standards continue to be met. As they do not address any specific impacts, they will be included as conditions of approval to the Conditional Use Permit associated with this Initial Study. The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions. Adherence to the Air District's regulations will ensure less than significant impacts on the release of greenhouse gases.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or

- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has commented that the project is subject to State and local regulations and standards for using and store hazardous materials and/or hazardous waste. These regulations and standards including preparation of submittal of a Hazardous Materials Business Plan and compliance with California Code of Regulations (CCR), Title 22, Division 4.5. With the projects required compliance of State and local regulations for reporting and handling of hazardous materials and/or waste, the project would have a less than significant impact on the surrounding area.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or
- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment; or

FINDING: NO IMPACT:

The subject parcel is not located within one-quarter mile of a school. The proposed project site is not listed on the Hazardous Waste and Substances Site List (Cortese List) which is maintained by the California Department of Toxic Substances Control. There are no listed sites located within a half-mile radius of the proposed project site.

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

FINDING: NO IMPACT:

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. For reference, the Reedley Municipal Airport is located approximately 5.24 miles south of the project site and would not affect the project stie or its employees.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Fresno County General Plan, Oliver Avenue is a County maintained road classified as a local road with an existing 50' of road right-of-way and an ultimate right-of-way of 60' per the Fresno County General Plan. Belmont Avenue is a County

maintained road classified as a collector road with an existing 80' of road right-of-way and an ultimate right-of-way of 84' per the Fresno County General Plan. McKenzie Avenue is not a County maintained road. In addition, the Fresno County Department of Public Health, Environmental Health Division which administers the Office of Emergency Services to coordinate planning and preparedness, response and recovery efforts for disasters did not express any concerns regarding emergency response or evacuation plans.

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

FINDING: NO IMPACT:

Agency and Department review of the subject application did not result in a finding that the project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board have reviewed the project proposal and did not express concern with the application to indicate that the project would result in the violation of water quality or waste discharge requirements nor result in decreased groundwater supplies or interfere substantially with groundwater recharge. The Water and Natural Resources Division indicated in their analysis of the project that the subject parcel is not located within a water short area and will have a less than significant impact on water resources.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site?
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or

4. Impede or redirect flood flows?

FINDING: No Impact:

Per FEMA FIRM Panel C2200H, the project site is not located within a flood hazard area and would not affect flood flows.

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

FINDING: NO IMPACT:

Per FEMA FIRM Panel C2200H, the project site is not located within a flood hazard area and would not be affected by flood flows. In addition to not be affected by flood hazards, the project site is not located near a body of water where an increased risk from tsunami or seiche would occur.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The State Water Resources Control Board and the Water and Natural Resources Division has reviewed the subject application and did not express concern with the project to indicate that a conflict or obstruction for implementation of a water quality control plan or sustainable groundwater management plan exists or would occur as a result of the project.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community; or

FINDING: NO IMPACT:

The project site is located on the northeast corner of E. McKenzie and N. Oliver Avenue approximately 9.2 miles east of the City of Fresno. The subject site does not block access of the public right-of-way and does not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated Agriculture in the Fresno County General Plan with development required to be consistent with the General Plan. Goal LU-A reads “To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County’ economic development goals.” This goal relates to the environmental impacts of the loss of productive farmland.

As noted in previous discussion, the subject parcel is currently utilized for agriculture production. General Plan Policies LU-A.3, LU-A.13, and LU-A.14 were identified by the Policy Planning Unit and are deemed relevant for consideration when addressing the subject application.

Review of these relevant General Plan Policies indicate that certain uses subject to discretionary permit shall be considered with additional criteria being included. Criteria includes efficiency of the subject location when compared to more urban locations, operational and physical characteristics of the use in relation to available water resources, and consideration of buffers between non-agricultural uses and agricultural uses.

Through review of applicable General Plan Policies, the conversion of a portion of agricultural productive land to the proposed use is considered less than significant as the proposed use is supportive of agricultural operations and would convert only a portion of the subject parcel with the remainder still being actively farmed.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Per Figure 7-7 and 7-8 of the Fresno County General Plan Background Report (FCGPBR) the subject site is not located on an identified mineral resource location or principal mineral producing location.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and commented that the project proposal will be subject to the provisions of the County of Fresno Noise Ordinance. Review of the proposed operation indicate the elevated noise levels would most likely occur from the listed equipment usage and regular delivery. The noise generation is not expected to result in excessive noise levels or deviate from noise normal for the surrounding agricultural area. The project site is not located within two miles of a public airport or public use airport. Therefore, although an increase in noise generation would occur as a result of the project, the noise generation is not expected to exceed thresholds established by the Fresno County Noise Ordinance and would not negatively affect surrounding property owners.

XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: NO IMPACT:

The project will not induce substantial unplanned population growth in the area and does not displace people or housing, necessitating construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental

impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

1. Fire protection;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the project proposal and did not express concern with the project to indicate impacts to service ratios, response times, or other performance objectives would occur as a result of the project.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project to indicate that impacts to service ratios, response times, or other performance objectives would occur as a result of the project.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project would not result in the increased use of existing neighborhood and regional parks or other recreational facilities and does not include or require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Road Maintenance and Operations Division reviewed the proposal and determined that a Traffic Impact Study (TIS) with a Vehicle Miles Traveled (VMT) Analysis would be required. VRPA Technologies prepared a Transportation Impact Study which addressed both the TIS and the VMT on April 22, 2022.

The VMT report showcases that the project proposes to have a maximum of 81 employees for the operation. In addition to their employee count, 40 delivery trucks are expected to make deliveries to the site every day. In considering the traffic generation resulting from the project and no concerns expressed by reviewing agencies and departments, it has been determined that a less than significant impact would occur.

Additionally, no conflict pertaining to CEQA Guidelines Section 15064.3 subdivision (b) (Determining the Significance of Transportation Impacts) was identified.

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

FINDING: NO IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning and the California Department of Transportation (Caltrans) reviewed the subject proposal and required that a Traffic Impact Study (TIS) be prepared to determine impact on County roadway and intersections.

A Traffic Impact Study (TIS) was prepared for the project by VRPA Technologies and dated April 22, 2022. According to the TIS, the project contributes to future year 2042 levels of service below the target Level of Service (LOS), as well as excessive queuing, and will be responsible for payment of an equitable share of the cost of the future improvements at McKenzie and Oliver Avenues.

The Project will cause no increase in the Traffic Index (TI) on the study road segments, and a left-turn lane at the site access driveway is not warranted.

The County Design Division and the Road Maintenance and Operations Division reviewed the TIS and the following mitigation measure, pro-rata share percentage and estimated cost identified by the County Design Division shall apply to the project to ensure potential traffic impacts are mitigated /addressed to less than significant levels:

* **Mitigation Measures:**

1. *Prior to the issuance of building permits for the uses allowed on AE-20 zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvements defined in items 'a' below. The traffic improvements and the project's maximum pro-rata share based on 76.22 acres of the associated costs are as follows:*

- a. *The project's maximum share for the 2042 scenario is \$763,155 (includes 15% of the total cost of construction, 15% preliminary engineering, and 15% construction engineering)*

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:**

The subject site has been previously developed for citrus orchards and surrounds areas zoned for Agricultural uses, suggesting minimal chance of a cultural resources occurring on the project site. Under the provisions of Assembly Bill 52 (AB 52), participating

California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County on addressing potential tribal cultural resources. No concerns were expressed by notified California Native American Tribes and no consultation request was received. Therefore, mitigation will be implemented to address tribal cultural resources in the unlikely event they are unearthed during ground-disturbing activities related to the project.

* **Mitigation Measure(s)**

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

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

The project does not require or result in the relocation or construction of new or expanded public services. The project will be expected to connect to existing services if available and construct private facilities that comply with State and local standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Water and Natural Resources Division and the State Water Resources Control Board did not express concern with the project's potential impact on water supplies. The Water and Natural Resources Division determined that the project would have a less than significant impact on water resources in the area. Therefore, water supplies have been determined to be sufficient and the project would have a less than significant impact.

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

FINDING: NO IMPACT:

The project proposes to construct a private septic system to service the proposed operation. The septic system will be subject to local standards and regulations for development of a private septic system established under the Fresno County Local Area Management Program (LAMP). This would include review and permitting of the septic system. Therefore, in considering the additional review and permitting of a

private septic system, the project would have no impact in terms of wastewater treatment availability.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Reviewing agencies and departments did not provide concern with the project in terms of solid waste production. As no concerns were expressed and based on the estimated solid waste generation from the proposed operation, the project is expected to generate a less than significant amount of solid waste and would comply with federal, state and local management and reduction statutes for solid waste.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

Based on the 2007 Fresno County Fire Hazard Severity Zones in the LRA Map, the project site is not located in a State Responsibility Area or lands classified as very high fire hazard severity zones.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The subject property is located in a mainly agricultural and rural residential area. Due to the amount of disturbance associated with the project site and absence of any reported occurrences of a species on the site per the California Natural Diversity Database, the project will not have an impact that could substantially degrade the quality of the environment or reduce the number of an animal/plant community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Aesthetics, Cultural Resources and Tribal Cultural Resources were determined to have a less than significant impact with Mitigation Measures implemented. Discussion of the projects impacts on their respective resources could be considered cumulative, but as noted, with the implementation of mitigation measures, would reduce the project’s impact to a less than significant level.

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

FINDING: NO IMPACT:

Analysis of the project has determined that environmental effects resulting from the project would not cause substantial adverse effects on human beings.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3724, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire

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

impacts relating to Aesthetics, Cultural Resources, and Tribal Cultural Resources have determined to be less than significant with compliance with recommended mitigation measures.

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

MP

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