



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 January 28, 2016

SUBJECT: Classified Conditional Use Permit Application No. 3523

Allow increase in liquid fertilizer storage capacity with 50-foot-tall storage tanks for an existing agricultural fertilizer processing operation authorized by Conditional Use Permit No. 3340 on a 68.67-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

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

OWNER/APPLICANT: True Organic Products

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve Classified Conditional Use Permit (CUP) Application No. 3523 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Elevation
6. Applicant's Operational Statement
7. Planning Commission Resolution and Staff Report for Classified Conditional Use Permit Application No. 3340, dated February 23, 2012

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	68.67 acres (net)	No change
Project Site	Existing agricultural fertilizer processing operation including structures for storage and processing	Allow increase in liquid fertilizer storage capacity with the use of 50-foot-tall (maximum) storage tanks for an existing agricultural fertilizer processing operation on a 68.67-acre parcel in the AE-20 Zone District.
Structural Improvements	3,828 square-foot office; 390 square-foot break room; 390 square-foot office; 7,160 square-foot liquid fertilizer processing building; 3,438 square-foot shade structure; 1,640 square-foot electrical building; 2,188 square-foot pellet fertilizer building; 4,062 square-foot raw material storage building; 234 square-foot pump house; 117 square-foot scale house; 51,130 square-foot mixing and commodity building; 22,830 square-foot pellet fertilizer building; 50,000 square-foot	Liquid fertilizer storage tanks (total holding capacity - eight million gallons)

Criteria	Existing	Proposed
	product storage building; 20,000 square-foot product storage building; 16,590 square-foot addition to liquid fertilizer processing building; 25,000 square-foot liquid fertilizer processing building; 50,525 square-foot pellet fertilizer processing building; 50,525 square-foot product storage building; 50,000 square-foot raw material storage building; 124,800 square-foot animal feed processing and storage building; 22,500 square-foot shop and equipment storage building; 80 square-foot scale house; 102,300 square-foot manure storage building	
Nearest Residence	2,700 feet to the east	No change
Surrounding Development	San Luis Drain Canal; single-family residences	No change
Operational Features	Conversion of chicken manure to liquid and solid fertilizer and animal feed	No change
Employees	65 full-time employees	No change from CUP No. 3340
Customers	N/A	N/A
Traffic Trips	132 daily one-way truck trips (66 round trips) six days per week; 130 daily one-way employee trips (65 round trips) six days per week	No change from CUP No. 3340
Lighting	Building exteriors	No change
Hours of Operation	Office, raw material receiving and product shipping (6:00 a.m. - 6:00 p.m., Monday – Saturday); Production (24 hours per day, Monday – Saturday); Maintenance (24 hours per day, Monday – Saturday)	No change from CUP No. 3340

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL DETERMINATION:

Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines, Section 15162 (a) provide that when an Environmental Impact Report (EIR) has been certified for a project, no subsequent or supplemental EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following has occurred: (1) substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes have occurred with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete has become available.

On February 23, 2012, the Fresno County Planning Commission certified Initial Study No. 6442 resulting in a Mitigated Negative Declaration for the expansion of an existing agricultural fertilizer processing operation on a 68.67-acre parcel in the AE-20 Zone District. The use authorized by CUP No. 3340 was identified and assessed in Initial Study No. 6442 and was routed to agencies for review and comments under the provisions of CEQA Guidelines, Section No. 15162. Since no reviewing agency requested or indicated the need for subsequent environmental work, it has been determined that none of the circumstances set forth in the CEQA Guidelines Section 15162 mandating preparation of a subsequent environmental review apply to the subject application.

PUBLIC NOTICE:

Notices were sent to six (6) property owners within 1,320 feet of the subject property, 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 Zoning Ordinance Section 873-F are made by the Planning Commission.

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

BACKGROUND INFORMATION:

The subject application (CUP No. 3523) would amend CUP No. 3440 (Exhibit 7) to allow an increase in liquid fertilizer storage capacity with the use of 50-foot-tall (maximum) storage tanks for an existing agricultural fertilizer processing facility on a 68.67-acre parcel in the AE-20 Zone District identified as Assessor's Parcel Number (APN) 040-080-40S. According to the Applicant's Operational Statement (Exhibit 6), the proposed tanks will increase liquid storage capacity for incoming commodities and finished fertilizer storage to eight (8) million gallons, and allow flexibility of input, processing, and storage of liquid and solid material volumes consistent with product input and output conditions. The proposed tanks (See Exhibit 5) will be of various

volume/height and will replace the existing tanks on the property shown on Exhibit 5 of the Staff Report for CUP No. 3340. All other existing improvements on the property will remain intact, and will continue to be used by the existing agricultural fertilizer processing operation.

ANALYSIS/DISCUSSION:

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (northern property line): 168 feet Side: (eastern property line): 771 feet Side (western property line): 560 feet Rear (southern property line): 1200 feet	Yes
Parking	One parking space for the disabled, 33 standard parking spaces	No change from CUP No. 3340	N/A
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Six feet minimum	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent	N/A	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: The proposed improvements satisfy the setback requirements of the AE-20 (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 68.67-acre project site can accommodate the proposed liquid fertilizer storage tanks. The tanks are located approximately 168 feet from the northern property line (35 feet required), 1,200 feet from the southern property line (20 feet required), 771 feet from the easterly property line (20 feet required), and 560 feet from the westerly property line (20 feet required), and conforms with the setback requirements of the AE-20 Zone District.

Based on the above information, staff believes the project site is adequate to accommodate the proposed storage tanks on the property.

Recommended Conditions of Approval:

None

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Kamm Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	Kamm Avenue	No change
Road ADT		400	No Change
Road Classification		Arterial	No Change
Road Width		53 feet south of section line along eastern 1,322 feet of the subject parcel; 40 feet south of section line along western 452 feet of the subject property.	No change from CUP 3340
Road Surface		Paved (pavement width: 21.9 feet)	No change
Traffic Trips		132 daily one-way truck trips (66 round trips) six days per week; 130 daily one-way employee trips (65 round trips) six days per week	No change from CUP No. 3340
Traffic Impact Study (TIS) Prepared	No	N/A	None required as the proposal will not

		Existing Conditions	Proposed Operation
			generate additional traffic beyond existing operational conditions
Road Improvements Required		Excellent Condition	None required – road identified as being in excellent condition

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: On-site turnarounds shall be provided for vehicles leaving the site to enter the roadway in a forward motion. An Encroachment Permit shall be obtained from the Road Maintenance and Operations Division for any work performed within the County right-of-way. A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at all driveways accessing Kamm Avenue. These requirements are included as Project Notes.

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

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

California Department of Transportation: No concerns with the proposal.

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

Analysis:

The project site gains access from Kamm Avenue, which is classified as an Arterial by the Circulation Element of the County General Plan. Kamm Avenue is presently a two-lane road in excellent condition. No additional right-of-way or off-site improvements are needed for Kamm Avenue across the parcel frontage.

The Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, and the California Department of Transportation, reviewed the proposal and expressed no concerns with the traffic nor required a Traffic Impact Study for the project.

Based on the above information, and with adherence to the Project Notes described above, staff believes that Kamm Avenue at the project site will remain adequate to accommodate the subject proposal.

Recommended Conditions of Approval:

See Project Notes attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	639.92 acres	Field crops	AE-20	None
South:	248.29 acres	Field crops	AE-20	None
East:	318.18 acres	Field crops	AE-20	2,700 feet
West:	248.29 acres	Field crops	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division (Health Department): Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map: 1) there is a 100 percent or more increase in the quantities of a previously disclosed material; or 2) the facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. The business shall certify that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency. If the piles of compostable materials exceed 122 degrees Fahrenheit, the Applicant shall be required to submit an application to operate a Solid Waste Facility to the Health Department. These requirements are included as Conditions of Approval.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval, and a Grading Permit or Voucher shall be obtained for any grading activity resultant of this proposal. According to FEMA FIRM Panel 2550H, the northerly, easterly and northwestern portions of the property are in Flood Zone A, subject to flooding from the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Any additional run-off generated by development must be retained on site per County Standards. Any existing or proposed entrance shall be set back a minimum of 20 feet from the road right-of-way line, or the length of the longest truck entering the site, and shall not swing outward.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall contact the Air District's Small Business Assistance Office to ensure that the facility is current on District permits.

Fresno County Fire Protection District: The project shall comply with California Code of Regulations Title 24, and subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval.

Zoning Section of the Fresno County Department of Public Works and Planning: Building permits shall be required for the proposed structures (tanks).

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections shall be required, including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal.

Site Plan Review Section of the Fresno County Department of Public Works and Planning: All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties.

The aforementioned requirements are included as Project Notes.

Design Division, Road Maintenance and Operations Division, and Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning; U.S. Department of Fish and Wildlife; California Department of Fish and Wildlife; California Department of Transportation; Fresno County Department of Agriculture (Agricultural Commissioner's Office); and Regional Water Quality Control Board, Central Valley Region: No concerns with the proposal.

Analysis:

The project site is located in an agricultural area marked by large parcel sizes and sparse residential uses. The San Luis Drain is located approximately one quarter of a mile southwest of the project site, and the closest neighboring residence is located approximately one half-mile to the east.

The subject proposal would allow an increase in liquid fertilizer storage capacity with the use of 50-foot-tall storage tanks. All proposed tanks will be of various sizes with the height not to exceed 50 feet, and will replace the existing smaller/older tanks on the property.

The project site is not located along a designated scenic highway, and no scenic vistas or scenic resources were identified on or near the site. Given no dwelling units or any other improvements are located to the north, south, or west of the proposed development, no visibility concerns are anticipated from this proposal. Visibility of the tanks from easterly neighboring properties will be screened from view by existing structural improvements utilized by the existing agricultural fertilizer processing operation. The project will have no adverse visual impact on neighboring properties.

Furthermore, as noted above, the subject proposal will be required to use, handle, and store hazardous materials and/or wastes according to the requirements set forth in the California Health and Safety Code; provide a Grading and Drainage Plan to show that the proposed development will not result in drainage patterns that could adversely affect surrounding properties; comply with San Joaquin Valley Air Pollution Control District permit requirements; have outdoor lighting hooded and directed downward so as not to shine toward surrounding properties; acquire Fresno County Fire Protection District's approval prior to issuance of building permits and occupancy; and obtain building permits for the proposed development.

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

Recommended Conditions of Approval:

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

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.3 allows agriculturally-related uses by discretionary permit, provided that they meet the following criteria:</p> <ul style="list-style-type: none">a. Criteria LU-A.3.a. states that the use shall provide a needed service to the surrounding area which cannot be provided more effectively within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.b. 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.c. Criteria LU-A.3.c. states that the use shall not have a detrimental impact on water resources.d. Criteria LU-A.3.d. states that a probable workforce should be located nearby or readily available.	<p>See discussion in Exhibit 7; Finding 4 of Staff Report for CUP No. 3340.</p>
<p>Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses.</p>	<p>See discussion in Exhibit 7; Finding 4 of Staff Report for CUP No. 3340.</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>See discussion in Exhibit 7; Finding 4 of Staff Report for CUP No. 3340.</p>
<p>General Plan Policy HS-B.1 requires identification of fire hazards to reduce the risk to life and property.</p>	<p>The project will comply with California Code of Regulations Title 24 – Fire Code through Fresno County Fire Protection District’s approval prior to issuance of building permits</p>

Relevant Policies:	Consistency/Considerations:
	for the proposed improvements on the property.
General Plan Policy HS-F.1: County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.	The project will adhere to state laws for handling of hazardous materials as discussed in Finding 3 of this report.

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 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 project to handle hazardous materials or hazardous wastes in accordance with applicable management laws and regulations.

Analysis:

The project is consistent with the applicable General Plan Policies as discussed above. In regard to Policy LU-A.3 and Policy LU-A.12, the current facility is agriculturally-related and serves as an existing commercial enterprise which produces agriculturally-related products (fertilizer). In regard to Policy PF-C.17, the facility is not located in a water-short area and does not use significant amounts of water that could deplete groundwater resources. In regard to Policies HS-B.1 and HS-F.1., the project will require Fresno County Fire Protection District approval prior to issuance of building permits and occupancy, and will adhere to state laws for handling of hazardous materials.

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:

Staff believes the required Findings for granting the Classified Conditional Use Permit (CUP) can be made based on the factors cited in the Analysis, the recommended Conditions of Approval, and Project Notes regarding mandatory requirements. Staff therefore recommends approval of Classified Conditional Use Permit No. 3523 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit No. 3523, subject to the Conditions of Approval and Project Notes attached as 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. 3523; 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.

EA:ksn

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**Classified Conditional Use Permit (CUP) No. 3523
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.
2.	All Conditions of Conditional Use Permit No. 3340 shall remain in full force and effect except where superseded by this application or by current Federal, State or local regulations.
3.	<p>Within 30 days of the occurrence of any of the following events the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map with the Fresno County Department of Public Health, Environmental Health Division (Health Department):</p> <p>a) There is a 100% or more increase in the quantities of a previously disclosed material b) The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.</p>
4.	The business shall certify to the Fresno County Department of Public Health, Environmental Health Division, that a review of the business plan has been conducted at least once every three years and that any necessary changes were made and that the changes were submitted to the local agency.
5.	If the piles of compostable materials exceed 122 degrees Fahrenheit, the Applicant shall submit an application to the Fresno County Department of Public Health, Environmental Health Division, to operate a Solid Waste Facility.
6.	All outdoor lighting shall be hooded and directed downward so as not to shine toward public roads or the surrounding properties.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval.
2.	Plans, permits and inspections are required for the proposed structures (tanks), including, but not limited to, accessible elements and site development based upon the codes in effect at the time of plan check submittal. Contact the Building and Safety Section of the Development Services Division at (559) 600-4540 for permits and inspections.
3.	<p>According to the Development Engineering Section of the Development Services Division:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval. • Grading Permit or Voucher shall be obtained for any grading activity resultant of this proposal. • On-site turnarounds shall be provided for vehicles leaving the site to enter the roadway in a forward motion.

Notes

	<ul style="list-style-type: none">• An Encroachment Permit shall be obtained from the Road Maintenance and Operations Division for any work performed within the County right-of-way.• A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at all driveways accessing Kamm Avenue.• According to FEMA FIRM Panel 2550H, the northerly, easterly and northwestern portions of the property are in Flood Zone A, subject to flooding from the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.• Any additional run-off generated by development must be retained on site per County Standards.• Any existing or proposed entrance shall be set back a minimum of 20 feet from the road right-of-way line, or the length of the longest truck entering the site, and shall not swing outward.
4.	The Applicant shall contact San Joaquin Valley Air Pollution Control District's Small Business Assistance Office to ensure that the facility is current on District permits.
5.	The project shall comply with California Code of Regulations Title 24 - Fire Code after County approval of the project and prior to issuance of any Building Permits. 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 Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed prior to granting occupancy for the use.

LOCATION MAP

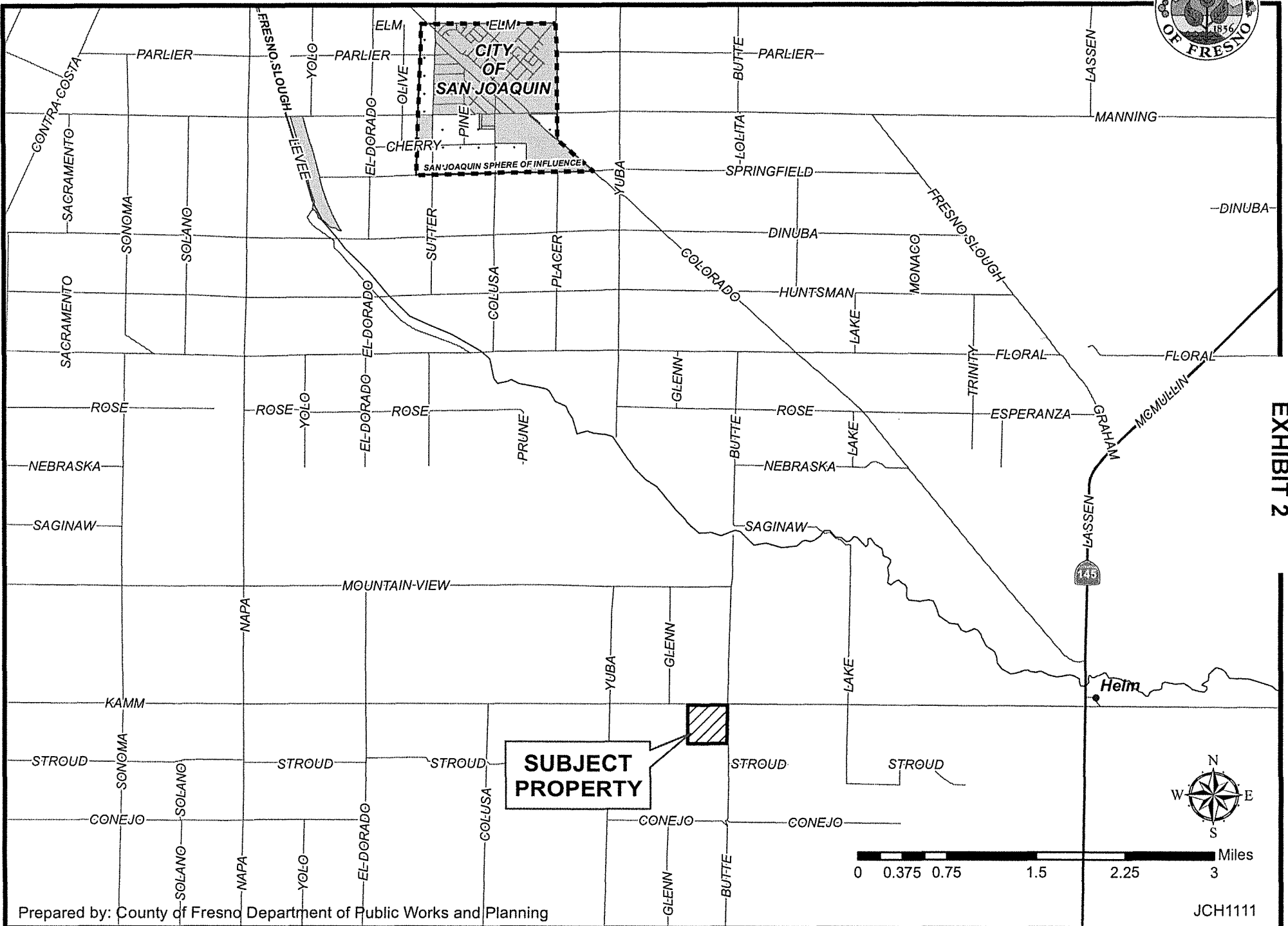


EXHIBIT 2

EXISTING ZONING MAP

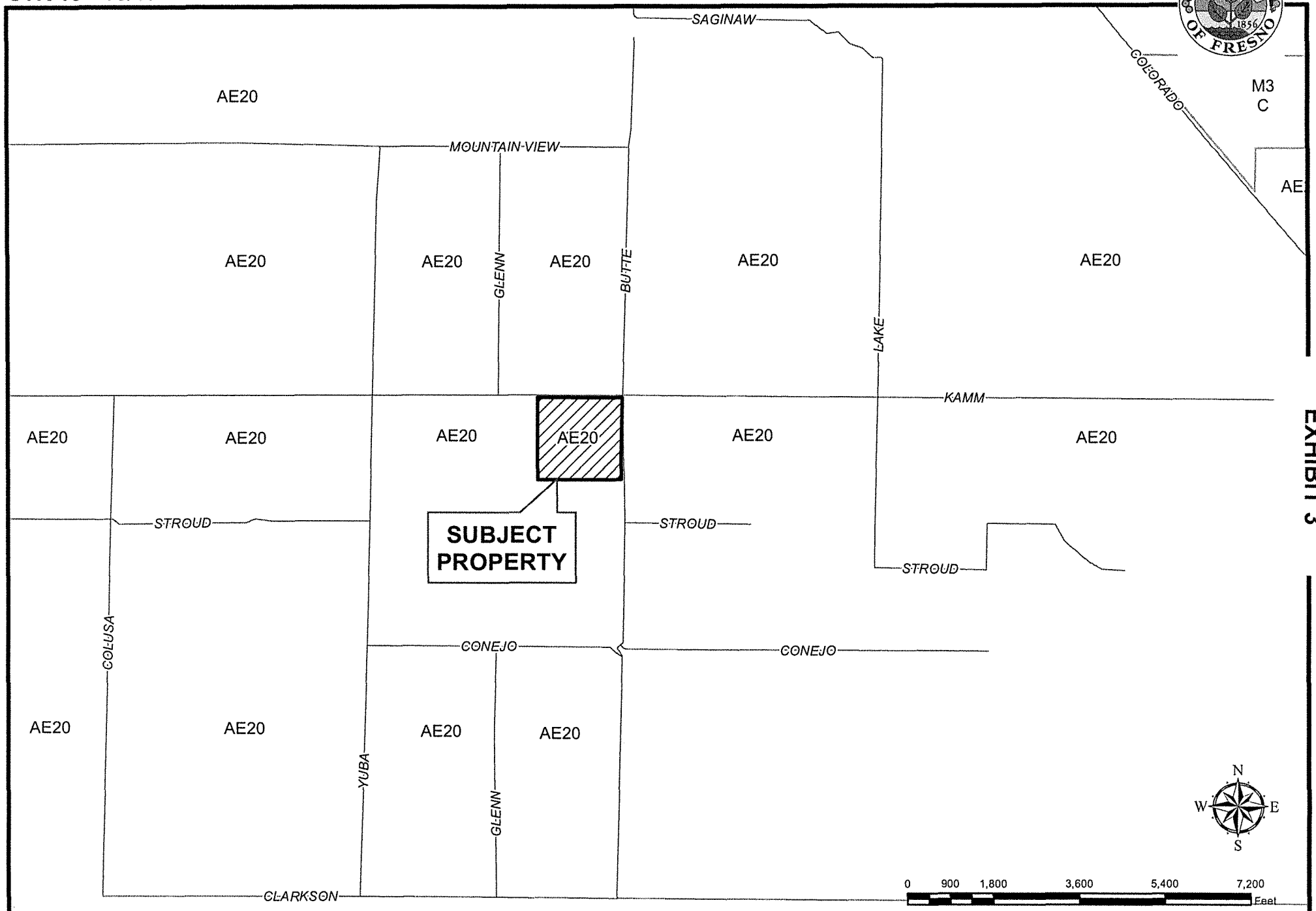
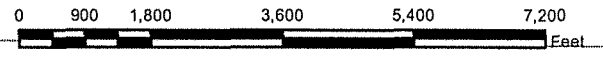
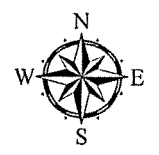
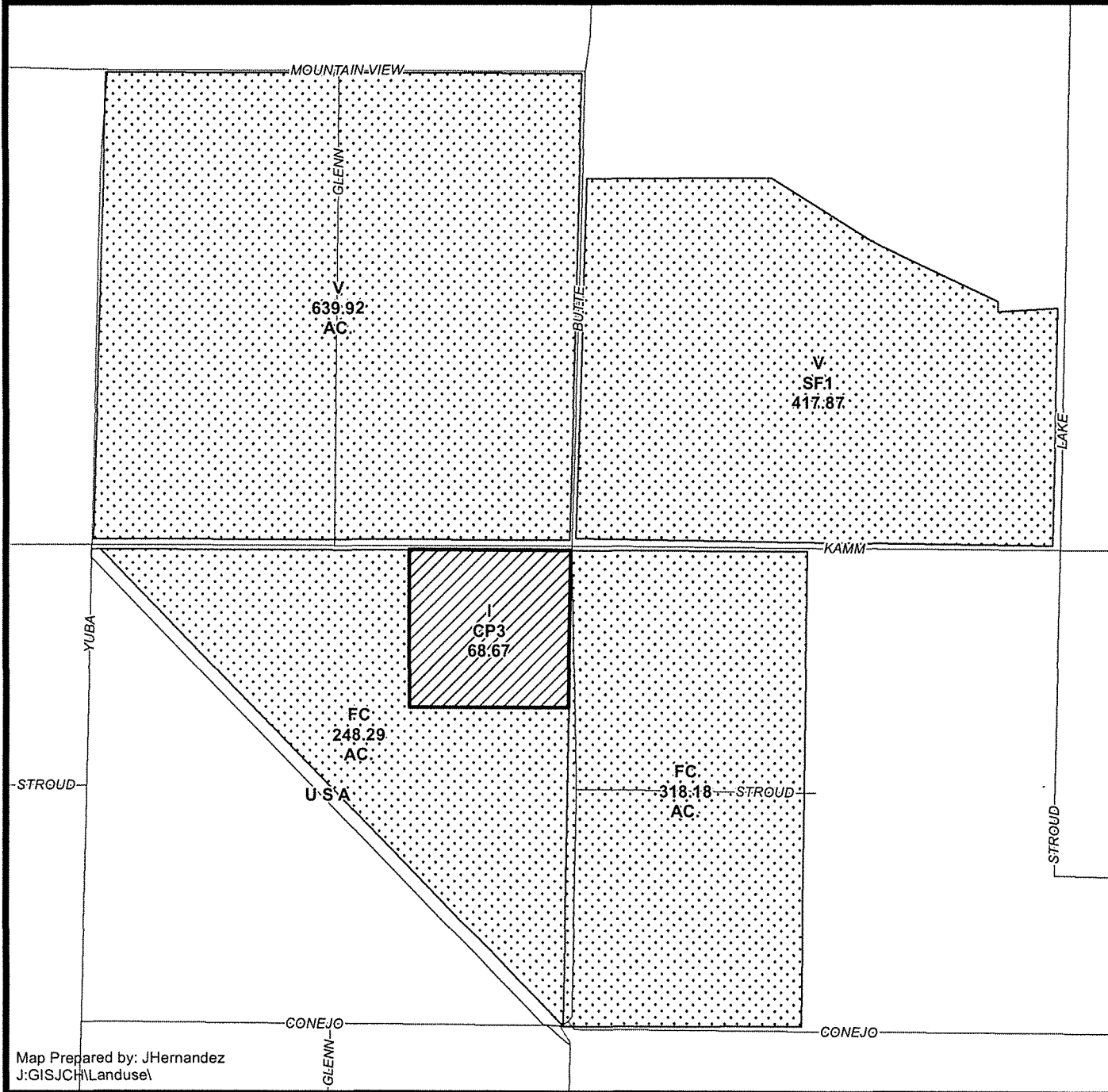




EXHIBIT 3

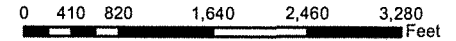
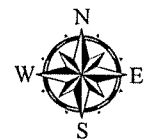


EXISTING LAND USE MAP



- LEGEND**
- CP# - OFFICE COMM./PROF
 - FC - FIELD CROP
 - I - INDUSTRIAL
 - V - VACANT
 - SF# - SINGLE FAMILY RESIDENCE

- LEGEND:**
-  Subject Property
 -  Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXHIBIT 4

17/2/2015 2:57 PM C:\pwworkspace\2015\20150717\1514-Dwgs\DWG\DWG15141111-1514-5103.dwg - Sheet 1

TRUE ORGANIC PRODUCTS
FRESNO COUNTY, CA

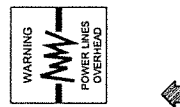
ORGANIC FERTILIZER SITE

PROVOST & PRITCHARD CONSULTING ENGINEERS
1155 N. G ST. SUITE 200
FRESNO, CA 93703
TEL: 558-866-3001
WWW.PROVOSTANDPRITCHARD.COM

DESIGN ENGINEER: J. TOSTE
LICENSE NO: RCE 77253
DRAFTED BY: CHECKED BY: JT
SCALE: AS SHOWN
DATE: 11/27/2015
JOB NO: 137811V
DWG NO: 1
SHEET

REVISION
BY DATE

1. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF PROVOST & PRITCHARD CONSULTING ENGINEERS. IT 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 PROVOST & PRITCHARD CONSULTING ENGINEERS IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES IN THIS INFORMATION. THE USER AGREES TO HOLD PROVOST & PRITCHARD CONSULTING ENGINEERS HARMLESS FROM AND AGAINST ALL SUCH LIABILITY.



SITE DATA

OWNER: TRUE ORGANIC PRODUCTS, INC. 558-866-3001
P.O. BOX 124
1616 CA 93727
JURISDICTION: FRESNO COUNTY, CA
ZONE: AGRICULTURAL/AZO
SITE AREA: 68.57 ACRES
A.P.N.: D16088-405
SITE ADDRESS: 70225 W. KAMU AVENUE
SEISMIC CAT: D SEIS. IMP. FACTOR: 1; SOIL SITE CLASS: D
WATER: DOMESTIC WELL
SEWER: SEPTIC
GAS: LP/G
ELECTRIC: PG&E

SITE LEGEND

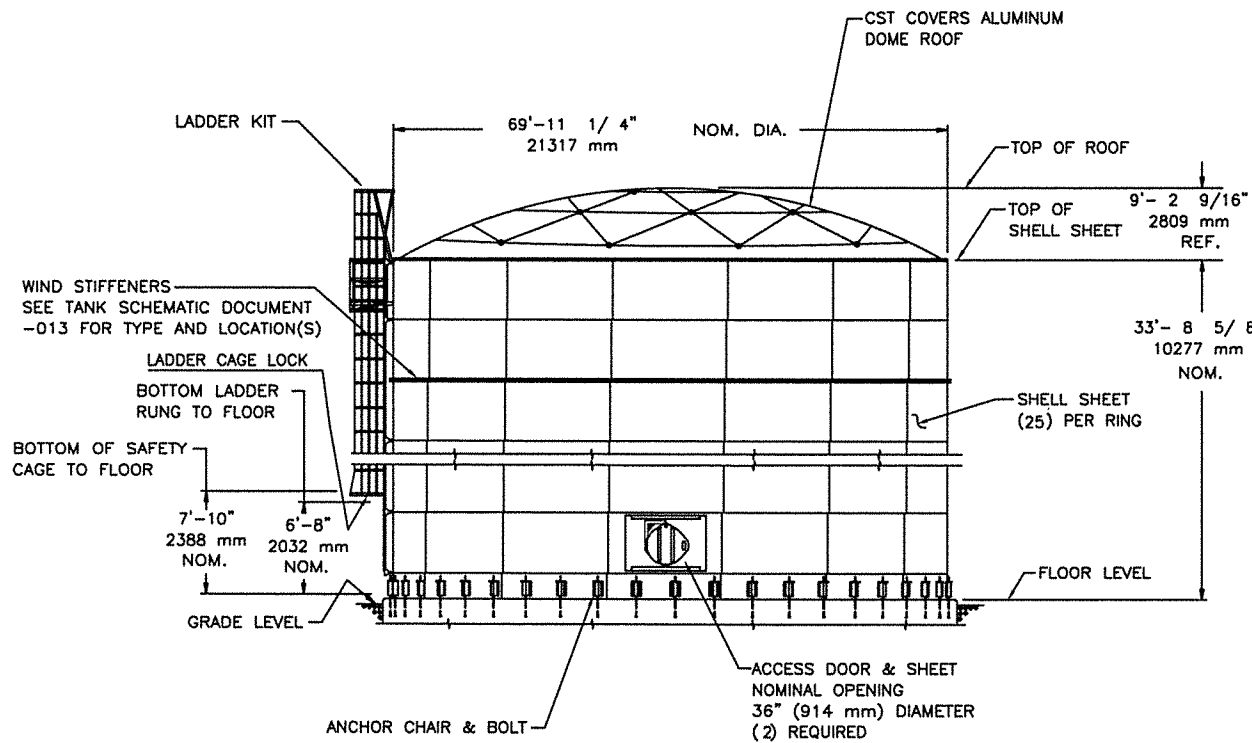
FENCE: EXISTING STRUCTURE, PROPOSED STRUCTURE, CANAL ROAD/ALMA, A.C. PAVEMENT, CONCRETE, DOMESTIC WELL, OUTSIDE AND W/IT FLOOD LIGHT, HOODED AND AWED DOWNWARD, HOODED AND AWED DOWNWARD, HOODED & AWED DOWNWARD

SITE BUILDING DATA

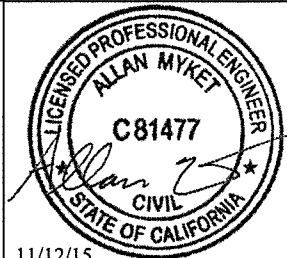
BUILDING/FEATURE	BUILDING/FEATURE USE
1. MAIN OFFICE, TRAILER	D2. RAW MATERIAL STORAGE 3
2. BREAK ROOM, TRAILER	E1. FELD PROCESSING & STORAGE 1
3. WAREHOUSE	E2. FELD PROCESSING & STORAGE 2
4. WAREHOUSE	E3. FELD PROCESSING & STORAGE 3
5. PELLET ROOM 7	F. SHOP STORAGE
6. SCALE HOUSE	G. SCALE HOUSE
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10. ELECTRICAL ROOM	K. ELECTRICAL ROOM
11. PELLET ROOM 1	L. PELLET ROOM 1
12. PELLET ROOM 2	M. PELLET ROOM 2
13. PELLET ROOM 3	N. PELLET ROOM 3
14. PELLET ROOM 4	O. PELLET ROOM 4
15. PELLET ROOM 5	P. PELLET ROOM 5
16. PELLET ROOM 6	Q. PELLET ROOM 6
17. PELLET ROOM 8	R. PELLET ROOM 8
18. PELLET ROOM 9	S. PELLET ROOM 9
19. PELLET ROOM 10	T. PELLET ROOM 10
20. PELLET ROOM 11	U. PELLET ROOM 11
21. PELLET ROOM 12	V. PELLET ROOM 12
22. PELLET ROOM 13	W. PELLET ROOM 13
23. PELLET ROOM 14	X. PELLET ROOM 14
24. PELLET ROOM 15	Y. PELLET ROOM 15
25. PELLET ROOM 16	Z. PELLET ROOM 16
26. PELLET ROOM 17	AA. PELLET ROOM 17
27. PELLET ROOM 18	AB. PELLET ROOM 18
28. PELLET ROOM 19	AC. PELLET ROOM 19
29. PELLET ROOM 20	AD. PELLET ROOM 20
30. PELLET ROOM 21	AE. PELLET ROOM 21
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33. PELLET ROOM 24	AH. PELLET ROOM 24
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36. PELLET ROOM 27	AK. PELLET ROOM 27
37. PELLET ROOM 28	AL. PELLET ROOM 28
38. PELLET ROOM 29	AM. PELLET ROOM 29
39. PELLET ROOM 30	AN. PELLET ROOM 30
40. PELLET ROOM 31	AO. PELLET ROOM 31
41. PELLET ROOM 32	AP. PELLET ROOM 32
42. PELLET ROOM 33	AQ. PELLET ROOM 33
43. PELLET ROOM 34	AR. PELLET ROOM 34
44. PELLET ROOM 35	AS. PELLET ROOM 35
45. PELLET ROOM 36	AT. PELLET ROOM 36
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125. PELLET ROOM 116	DV. PELLET ROOM 116
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255. PELLET ROOM 246	IV. PELLET ROOM 246
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324. PELLET ROOM 315	LN. PELLET ROOM 315
325. PELLET ROOM 316	LO. PELLET ROOM 316
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327. PELLET ROOM 318	LQ. PELLET ROOM 318
328. PELLET ROOM 319	LR. PELLET ROOM 319
329. PELLET ROOM 320	LS. PELLET ROOM 320
330. PELLET ROOM 321	LT. PELLET ROOM 321
331. PELLET ROOM 322	LU. PELLET ROOM 322
332. PELLET ROOM 323	LV. PELLET ROOM 323
333. PELLET ROOM 324	LW. PELLET ROOM 324
334. PELLET ROOM 325	LX. PELLET ROOM 325
335. PELLET ROOM 326	

- NOTES:
 1. THIS DRAWING IS NOT TO SCALE.
 2. REFER TO TANK SCHEMATIC DOCUMENT
 -013 FOR NUMBER OF RINGS IN TANK
 AND RESPECTIVE SHEET THICKNESSES.
 3. THIS TANK AND FLOOR ARE NOT DESIGNED
 FOR ANY EXTERNAL HYDROSTATIC LOADING.

TANK DESIGN FREEBOARD	48 in 1219 mm	REL	DESCRIPTION
MAX. ROOF LOAD PER ATTACHMENT POINT (FIXED TYPE CONNECTION)	5600 lb 2540 kg	1	REL PER MIP 1511316 09/24/15
SEISMIC SLOSHING WAVE HEIGHT	48.72 in 1237.49 mm	2	REL PER MIP 1511316+1599584 11/03/15



ELEVATION



11/12/15

PANEL INTERIOR COATING:
 TRICO BOND EP
 PANEL EXTERIOR COATING:
 TRICO BOND EP w/PERFORMANCE URETHANE
 SHELL COLOR:
 STANDARD COBALT AS BLUE



DEKALB, ILLINOIS 60115
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FILE: 1511316A

DRAWN BY CKH
 DATE 09/24/15

7034 SFTT

True Orgnics 70x34
 Epoxy Bethane Tank
 Helm, California

DRWG NO. 1511316+1599584-001

EXHIBIT 6

True Organic Products, LLC
20255 W. Kamm Avenue, San Joaquin, CA

Operational Statement

December 7, 2015

Applicant/

Record Owner:

True Organic Products, LLC
P.O. Box 7192
Spreckles, CA 93962
Attn: Mr. Jake Evans

Representative:

APN:

040-080-34S and a portion of 040-080-35S

Location:

Southwest corner of W. Kamm Ave. and S. Butte Ave. alignment.
20225 W. Kamm Ave.

Request:

Revise conditions of Conditional Use Permit (CUP) No. 3340

Background:

The existing fertilizer manufacturing plant property is located on a 38.20+/- parcel at the SWC of W. Kamm Ave. and the S. Butte Ave. alignment approximately 6 miles south of the City of San Joaquin and approximately 3 miles west of the unincorporated community of Helm. The property is designated as Agriculture in the Fresno County General Plan and is zoned AE-20.

The project operates under Classified Conditional Use Permit (CUP) 3340 and Environmental Assessment (EA) 3653 that allows an agricultural fertilizer processing operation on approximately 20+/- acres of a 321+/- acre parcel of the site. Subsequent to the aforementioned CUP approval, the supply of commodities that make up the base material for organic fertilizer has changed necessitating greater storage to address market swings in supply of material and demand of finished product.

Project Purpose

To meet market flexibility, the applicant requests the following modifications of project conditions that will not affect production capacity but will increase plant efficiency and enhance product storage.

CUP 3523
RECEIVED
COUNTY OF FRESNO
DEC 07 2015
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

1. Allow the phased addition of liquid storage capacity for incoming commodities and finished fertilizer storage of 8 million gallons. Said storage to occur in various volume tanks.
2. Allow flexibility of input, processing and storage of liquid and solid materials volume consistent with project input and output conditions.
3. Allow a maximum storage tank height of 50' for all project storage tanks at least 50 feet from any property line.

Justification:

Fresno County General Plan Policies allows organic and inorganic fertilizer manufacturing facilities with approval of a discretionary permit in agricultural areas subject to various criteria. The project has been found to be consistent with those policies. The proposed modifications will improve the efficiency and competition of the project by allowing the following modifications of the current CUP.

1. The project accepts materials that would typically find its way into the waste stream. The project converts these waste materials to an organic product that meets a growing demand for such materials. The conversion and use of the aforementioned products reduces public costs of waste disposal, improves agricultural output in an enhanced environmentally sensitive manner.
2. Allowing the expansion of this facility maximizes the beneficial use of the existing structures and improvements. Taller and/or larger tanks make more efficient use of the floor space available for storage.
3. Expansion improvements will not change operational volumes.
4. Improve operational stability by maximizing seasonal commodity storage for offseason blending, product creation, and finished product seasonal shipments. As an example: fishing season may be in the winter, but the demand for product made from fish byproducts may not be until early summer, necessitating large volume storage. Conversely, a steady stream of an incoming commodity may have periodic low and peak demand needs for production, requiring more storage.
5. Organic Product Compliance regulations may require separation between liquids necessitating the expansion of storage capacity. Variations in product, commodity quality, demand, and other compliance criteria necessitate greater storage capacity.

EXHIBIT 7



Inter Office Memo

DATE: February 23, 2012

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12280 - INITIAL STUDY APPLICATION NO. 6442,
CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3340

APPLICANT / OWNER: True Organic Products, LLC
REPRESENTATIVE: Dirk Poeschel

REQUEST: Allow the expansion of an existing 38.40-acre agricultural fertilizer processing operation by an additional 29.18 acres of storage and circulation area on portions of a 67.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of the W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue) (Sup. Dist.: 1) (APNos: 040-080-34S, 040-080-38S).

PLANNING COMMISSION ACTION:

At its hearing of February 23, 2012, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Rocca and seconded by Commissioner Ferguson to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Classified Conditional Use Permit Application No. 3340, subject to the Conditions listed in Exhibit "B".

EXHIBIT "A"

Initial Study Application No. 6442
Unclassified Conditional Use Permit Application No. 3340

- Staff: The Fresno County Planning Commission considered the Staff Report dated February 23, 2012, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- This proposal is limited to additional storage space only and will not result in the construction of any new structures.
 - Approval of this proposal will not affect existing staffing levels at the facility or affect traffic levels in the area.
 - The applicant will comply with all fire code requirements.
- Others: One other individual presented information in support of the application and no one spoke in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

Exhibit 1
Mitigation Monitoring and Reporting Program
Initial Study No. 6442 / Conditional Use Permit No. 3340
(Including Mitigation Measures, 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 so as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County	On-going
2	Cultural Resources	In the event cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	On-going
3	Hydrology and Water Quality	Only dry waste may be accepted at the facility.	Applicant	Applicant	On-going
4	Hydrology and Water Quality	Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.	California Regional Water Quality Control Board	Applicant	On-going
<p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document Project, Conditions reference recommended conditions for the project, and Project Notes reference mandatory requirements of Fresno County for the project</p>					

Conditions of Approval – Conditional Use Permit No. 3340

1	All Conditions of prior Classified Conditional Use Permit Nos. 2467 and 3265 shall remain in full force and effect except as modified with the approved Conditions for Classified Conditional Use Permit No. 3340.
2	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
3	Prior to occupancy, the Applicant shall submit an application for Site Plan Review, in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
4	<p>The owner of the subject property shall record a document irrevocably offering 13 feet of the western 452 feet of the subject property to the County of Fresno as future right-of-way for Kamm Avenue (40 feet existing). The southern line of said offer shall establish the building setback line for future development.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee may be required before the Irrevocable Offer of Dedication can be processed. The owner is advised that where Deeds of Trust or any other type of monetary liens exist on the property, the cost of obtaining a Partial Reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the Irrevocable Offer of Dedication free of charge.</p>

Notes – Conditional Use Permit No. 3340

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

1	Due to the arterial road classification of Kamm Avenue, on-site turnarounds shall be required for vehicles leaving the site to enter the roadway in a forward motion.
2	An Encroachment Permit shall be required from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work done within a County right-of-way, such as the construction or improvement of access driveways.
3	A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at all driveways accessing Kamm Avenue.
4	The Applicant shall provide cross-sections, dimensions, and other detailed information to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval as part of the project's Site Plan Review.
5	The Applicant shall adhere to the following rules and regulations set by the San Joaquin Air Pollution District: <ul style="list-style-type: none"> A. Regulation VIII – Fugitive PM10 Prohibitions B. Rule 4102 – Nuisance C. Rule 4601 – Architectural Coatings D. Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations E. Rule 4002 – National Emission Standards for Hazardous Air Pollutants
6	The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy.
7	Prior to occupancy, the Applicant shall submit an updated Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for further information.
8	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This Chapter discusses proper labeling, storage and handling of hazardous wastes.
9	According to FEMA FIRM Panel 2550H, northern and eastern portions of the subject parcel are in Flood Zone A which is subject to the 100-year storm. Any work performed within Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.
10	Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on-site per County Standards.
11	An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval prior to permit issuance.

EXHIBIT 'B'

<p>Notes - Conditional Use Permit No. 3340</p>	<p>12</p>
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A Grading Permit or Voucher shall be required for any grading activity resultant of this proposal.

**Conditions of Approval – Conditional Use Permit No. 3265
(Previously Approved)**

1	All Conditions of Approval for prior Classified CUP Application No. 2467 shall remain in full force and effect, except as modified with the approved Conditions of Approval for Classified CUP No. 3265.
2	To the extent feasible, the existing berm located on the subject property adjacent to the northern and eastern property lines shall be maintained unless modification is necessary due to the required Grading and Drainage Plan.
3	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
4	Prior to occupancy, the Applicant shall submit an application for Site Plan Review, in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
5	No open cuts of road shall be allowed along the Kamm Avenue frontage of the subject parcel.
6	Upon receipt of an odor complaint as validated by the San Joaquin Valley Air Pollution Control District, the Applicant shall obtain an Authority to Construct Permit and install an odor control system.
7	All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
8	Only dry waste may be accepted at the facility.
9	Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.
10	In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
11	In the event on-site landscaping is provided, the following shall be adhered to in order to reduce possible risks associated with expansive soils: A. Landscaping shall be setback at least ten feet from building foundations. B. Landscaping design and drainage shall direct run-off away from structures. C. Landscaping shall be irrigated with low-flow irrigation equipment such as drip, bubbler, or mist type emitters. D. Perimeter curbs shall be extended to the bottom of the base section where said landscaping meets pavement.
12	Rain gutters and roof drains shall be provided and connected directly to an on-site storm drainage system. As an alternative, roof drains shall extend a minimum of ten feet from the structure and the resultant run-off directed onto pavements which slope away from the structure at a minimum of two percent.

Conditions of Approval - Conditional Use Permit No. 2467
(Previously Approved)

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

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 February 23, 2012

SUBJECT: Initial Study Application No. 6442
Classified Conditional Use Permit Application No. 3340

Allow the expansion of an existing 38.40-acre agricultural fertilizer processing operation by an additional 29.18 acres of storage and circulation area on portions of a 67.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of the W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue) (Sup. Dist.: 1) (APNos: 040-080-34S, 040-080-38S).

Applicant / Owner: True Organic Products, LLC
Representative: Dirk Poeschel

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Senior Planner
(559) 600-4227

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 6442; and
- Approve Classified Conditional Use Permit Application No. 3340 with recommended Findings and Conditions of Approval; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The Commission's action will not have any substantial effect on job creation.

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
6. Applicant's Operational Statement
7. Summary of Initial Study Application No. 6442

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	67.58 acres	No change
Project Site	Existing agricultural fertilizer processing operation including structures for storage and processing	Additional 29.18 acres of storage and circulation area
Structural Improvements	3,828 square-foot office; 390 square-foot breakroom; 390 square-foot office; 7,160 square-foot liquid fertilizer processing building; 3,438 square-foot shade structure; 1,640 square-foot electrical building; 2,188 square-foot pellet fertilizer building; 4,062 square-foot raw material storage building; 234 square-foot pump house; 117 square-foot scale house; 51,130 square-foot mixing and commodity building; 22,830 square-foot pellet fertilizer building; 50,000 square-foot product storage building; 20,000 square-foot	No change

Criteria	Existing	Proposed
	product storage building; 16,590 square-foot addition to liquid fertilizer processing building; 25,000 square-foot liquid fertilizer processing building; 50,525 square-foot pellet fertilizer processing building; 50,525 square-foot product storage building; 50,000 square-foot raw material storage building; 124,800 square-foot animal feed processing and storage building; 22,500 square-foot shop and equipment storage building; 80 square-foot scale house; 102,300 square-foot manure storage building	
Nearest Residence	2,700 feet to the east	No change
Surrounding Development	San Luis Drain Canal; single-family residences	No change
Operational Features	Conversion of chicken manure to liquid and solid fertilizer and animal feed	No change
Employees	65 full-time employees	No change
Customers	N/A	N/A
Traffic Trips	132 daily one-way truck trips (66 round-trips) six days per week; 130 daily one-way employee trips (65 round-trips) six days per week	No change
Lighting	Building exteriors	No change
Hours of Operation	Office, raw material receiving and product shipping (6:00 a.m. - 6:00 p.m., Monday – Saturday); Production (24 hours per day, Monday – Saturday); Maintenance (24 hours per day, Monday – Saturday)	No change

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 Initial Study, 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 of Negative Declaration publication date: December 23, 2011

PUBLIC NOTICE:

Notices were sent to four property owners within 300 feet of the subject property satisfying the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Classified Conditional Use Permit (CUP) Application may be approved only if four Findings specified in 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:

This proposal entails the expansion of an existing 38.40-acre agricultural fertilizer processing operation originally allowed under Classified CUP No. 2467 and modified under Classified CUP No. 3265 to allow an additional 29.18 acres of storage and circulation area. The existing operation is located on a 38.40-acre portion of the subject 67.58-acre parcel which is identified as Assessor's Parcel Number (APN) 040-080-34S. The proposed expansion area associated with this project will be located on a 29.18-acre portion of the subject 67.58-acre parcel which is identified as APN 040-080-38S.

The 29.18-acre project site identified as APN 040-080-38S is currently enrolled under Agricultural Land Conservation Contract (ALCC) No. 2093. As the proposed expansion of the existing agricultural fertilizer processing operation is not a compatible use on property subject to a Williamson Act Contract, a partial cancellation of Contract No. 2093 for the 29.18-acre project site was filed by the Applicant in September 2011 and is in process. The Agricultural Land Conservation Committee heard the request for cancellation during their November 2, 2011 hearing and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. The Board of Supervisors hearing for the partial cancellation will be scheduled if the subject land use application is approved.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 53 feet Side: 30 feet Rear: 30 feet	Yes
Parking	One parking space for the disabled, 33 standard parking spaces	Two parking spaces for the disabled, 36 standard parking spaces, 20 parking spaces for trucks	Yes
Lot Coverage	No Requirement	No requirement	N/A
Separation Between Buildings	Six feet minimum	No change	Yes
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agencies/Department Comments regarding Site Adequacy:

Zoning Section of the Development Services Division: Existing and proposed improvements satisfy the setback requirements of the AE-20 Zone District. Completion of a Site Plan Review is suggested to ensure adequate area for parking and circulation.

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

Analysis:

Staff review of the Site Plan demonstrates that the existing and proposed improvements meet minimum building setback requirements of the AE-20 Zone District. Additionally, in regard to off-street parking, the Zoning Ordinance requires one parking space to be provided for every two permanent employees and at least one parking space to be provided for the disabled for every 40 standard parking spaces required. As True Organic Products retains up to 65 permanent employees, 33 standard parking spaces and one parking space for the disabled are required for the operation. However, the Applicant has provided 36 standard parking spaces, two parking spaces for the disabled and 20 parking spaces for trucks in order to accommodate their employees and operations. Based on the above information and with adherence to a Site Plan Review, which shall be required as a Condition of Approval, staff believes the site is adequate to accommodate the proposed use, vehicle circulation, and ingress/egress.

Recommended Condition of Approval:

- *Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.*

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Kamm Avenue: Excellent condition	No change
Direct Access to Public Road	Yes	Kamm Avenue	No change
Road ADT		Kamm Avenue: 400	No Change
Road Classification		Kamm Avenue: Arterial	No Change
Road Width		Kamm Avenue: 83 feet along the eastern 1,322 feet of subject parcel; 70 feet along the western 452 feet of the subject parcel	No change
Road Surface		Kamm Avenue: Paved (pavement width: 21.9 feet)	No change
Traffic Trips		132 daily one-way truck trips (66 round-trips) six days per week; 130 daily one-way employee trips (65 round-trips) six days per week	No change
Traffic Impact Study (TIS) Prepared	No	N/A	None required as proposed expansion will not generate additional traffic beyond existing operational conditions

	Existing Conditions	Proposed Operation
Road Improvements Required	N/A	None required – road identified as being in excellent condition

Reviewing Agencies/Department Comments regarding Adequacy of Streets and Highways:

Development Engineering Section of the Development Services Division: The minimum total width for an arterial road right-of-way is 106 feet. Kamm Avenue has a total existing right-of-way of 83 feet along the eastern 1,322 feet of the subject parcel, with 30 feet north and 53 feet south of the section line. Further, Kamm Avenue has a total existing right-of-way of 70 feet along the western 452 feet of the subject parcel, with 30 feet north and 40 feet south of the section line. Direct access to an arterial road is usually limited to one common point; however, in some instances when sufficient frontage exists, more than one common point may be permitted. The arterial road classification requires on-site turnarounds for vehicles leaving the site to enter the roadway in a forward motion so that vehicles do not back out onto the roadway. An Encroachment Permit shall be required from the Road Maintenance and Operations Division for any work performed within the County right-of-way and a 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at all driveways accessing Kamm Avenue. These requirements have been included as project Notes.

Road Maintenance and Operations Division: Encroachment Permits shall be required for any work performed within the County right-of-way. The Applicant shall provide cross-sections, dimensions, and other detailed information to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval as part of the project’s Site Plan Review. This requirement has been included as a project Note.

Design Division: According to the Operational Statement provided by the Applicant for this project, the additional storage and circulation area associated with this proposal will not generate any additional traffic in the area of the project site. Upon review of the TIS prepared by Peters Engineering Group for previously approved CUP No. 3265 which identified 132 daily one-way truck trips six days per week year-round, and up to 130 daily one-way employee trips six days per week year-round, Design Division staff has no concerns with this proposal.

California Department of Transportation (CALTRANS): No concerns with the proposal.

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

Analysis:

The subject parcel has road frontage on Kamm Avenue, which is classified as an arterial road. Currently, the subject parcel has two existing access points onto Kamm Avenue and a third is proposed with this project. According to the Transportation and Circulation Element of the General Plan, access points for new development along arterial roads shall be located at sufficient intervals from each other to maintain the safety and the traffic carrying capacity of the roadway. Additionally, wherever possible, direct access points shall be located to allow existing parcels one direct access to an arterial. Further, in some instances where there is sufficient frontage, more than one direct access from a single parcel may be permitted. In this instance,

the project is an expansion of a previously approved use and the proposed access is located approximately 300 feet west of the nearest existing access. Further, the proposed access was reviewed by the Development Engineering Section of the Fresno County Department of Public Works and Planning which expressed no concerns with the location of said access.

The portion of Kamm Avenue fronting the western 452 feet of the subject parcel has a total existing right-of-way of 70 feet, with 30 feet north and 40 feet south of the section line. As the minimum total right-of-way for an arterial road is 106 feet, an additional 13 feet of right-of-way dedication is needed from the northern side of the western 452 feet of the subject parcel which abuts Kamm Avenue. This requirement has been included as a Condition of Approval. Based on the above information, and with adherence to the Condition of Approval and project Note described above, staff believes that the section of Kamm Avenue at the project site will remain adequate to accommodate the proposed use.

Recommended Condition of Approval:

- *The owner of the subject property shall record a document irrevocably offering 13 feet of the western 452 feet of the subject property to the County of Fresno as future right-of-way for Kamm Avenue (40 feet existing). The southern line of said offer shall establish the building setback line for future development.*

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

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	639.92 acres	Field crops	AE-20	None
South:	248.29 acres	Field crops	AE-20	None
East:	318.18 acres	Field crops	AE-20	None
West:	248.29 acres	Field crops	AE-20	None

Reviewing Agencies/Department Comments:

Fresno County Department of Agriculture: No concerns with the proposal.

California Department of Public Health, Drinking Water Field Operations Branch: The existing facility is currently permitted as a non-transient/non-community water system under California Department of Public Health regulatory jurisdiction. The proposed expansion does not change the public water system classification or require any permit amendment for the water system.

Water/Geology/and Natural Resources Section of the Development Services Division: No water related concerns in regard to the proposal.

San Joaquin Valley Air Pollution Control District (Air District): This proposal may be subject to the following District Rules: Regulation VIII – Fugitive Dust Rules, 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). These requirements have been included as project Notes.

Fresno County Fire Protection District: All resultant development shall comply with the 2007 California Code of Regulations Title 24, and that subsequent to County approval, copies of the approved Site Plan shall be submitted to the District for review and approval. This requirement has been included as a project Note.

Fresno County Department of Public Health, Environmental Health Division: Prior to occupancy, the Applicant shall submit an updated Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. These requirements have been included as project Notes.

Development Engineering Section of the Development Services Division: FEMA FIRM Panel 2550H indicates that northern and eastern portions of the subject parcel are in Flood Zone A which is subject to the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on-site per County Standards. An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval, and a Grading Permit or Voucher shall be required for any grading activity resultant of this proposal. These requirements have been included as project Notes.

Building and Safety Section of the Development Services Division: No concerns with the proposal.

Analysis:

This proposal entails the expansion of an existing 38.40-acre agricultural fertilizer processing operation originally allowed under CUP No. 2467 and modified under CUP No. 3265 to allow an additional 29.18 acres of storage and circulation area. The project site is located in an agricultural area marked by large parcel sizes and sparse residential uses. The San Luis Drain is located approximately one-quarter of a mile southwest of the project site, and the closest neighboring residence is located approximately one-half mile to the east.

The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis. Visibility of this proposal from northerly and easterly neighboring properties and Kamm Avenue will be predominately screened from view by existing structural improvements utilized by the existing agricultural fertilizer processing

operation. Further, considering the distances between this proposal and neighboring dwellings located to the south and west, no visibility concerns are anticipated south or west of this proposal. Considering that no structures or storage buildings are proposed with this project, that landscaping was not required for CUP No. 2467 or CUP No. 3265, that this proposal is an expansion of the previously authorized agriculturally-related use, the visual screening of the proposal from neighboring properties located to the north and east, and the distances between the proposal and neighboring dwellings located to the south and west, this proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings.

Recommended Conditions of Approval:

- *All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.*
- *In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.*
- *Only dry waste may be accepted at the facility.*
- *Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.*

Conclusion:

Finding 3 can be made.

Finding 4: That the proposed use is consistent with the Fresno County General Plan.

Relevant Policies:	Consistency/Considerations:
<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 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", this proposal entails the expansion of an existing agricultural fertilizer processing operation which is an agriculturally-related use located in an agricultural area. With regard to Criteria "b", the proposed use will preclude the cultivation of approximately 29.18 acres of land; however, this loss is less than significant considering that the land is not classified as Prime Farmland and that the proposed use will serve an existing commercial enterprise which produces agriculturally-related products (fertilizer). With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources</p>

Relevant Policies:	Consistency/Considerations:
	<p>Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area. Further, with adherence to the recommended Conditions of Approval, Mitigation Measures and project Notes identified in the IS prepared for this project and discussed under Finding 3 of this Staff Report, staff believes the proposal will not have a detrimental impact on the use or management of surrounding properties within the vicinity. With regard to Criteria "d", this proposal is located approximately three miles west of the unincorporated community of Helm and four and a half miles south of the City of San Joaquin, which have the ability to provide an adequate workforce. The proposal is consistent with these Criteria.</p>
<p>General Plan Policy LU-A.12: County shall seek to protect agricultural activities from encroachment of incompatible land uses in the adoption of land use policies, regulations and programs.</p>	<p>In this instance, neighboring properties are being utilized for agricultural cultivation; however, the proposed use will serve an existing commercial enterprise which produces agriculturally-related products (fertilizer). The proposal is consistent with this Policy.</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>This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Development Services Division, which expressed no water-related concerns with the proposal as the subject parcel is not located in a water short area. The proposal is consistent with this Policy.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Development Services Division: The subject parcel is designated Agriculture in the General Plan. According to General Plan Policy LU-A.3, agriculturally-related uses such as agricultural fertilizer processing may be allowed by means of a discretionary use permit. The 29.18-acre project site identified as APN 040-080-38S is currently enrolled under ALCC No. 2093. However, as the proposed expansion of the existing agricultural fertilizer processing operation is not a compatible use on property subject to a Williamson Act Contract, a partial cancellation of Contract No. 2093 for the 29.18-acre project site was filed by the Applicant in September 2011 and is in process. The Agricultural Land Conservation Committee heard the request for cancellation during their November 2, 2011 hearing and recommended approval of the partial cancellation to the Fresno County Board of Supervisors. The Board of

Supervisors hearing for the partial cancellation will be scheduled if the subject land use application is approved.

Analysis:

This proposal entails the expansion of an existing agricultural fertilizer processing operation. Based on the analysis provided above, staff believes the project is consistent with the Fresno County General Plan. Applicable Policies regarding siting and water supply evaluation were reviewed for this proposal and found to be consistent.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the required Findings for granting the Classified CUP Application can be made based on the factors cited in the analysis, the recommended Conditions of Approval and Notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Classified Conditional Use Permit Application No. 3340 subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 6442; and
- Move to determine the required Findings can be made and move to approve Classified Conditional Use Permit Application No. 3340, subject to the Conditions and Notes listed below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (denial action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit Application No. 3340; 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.

DC:mac

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Exhibit 1
Mitigation Monitoring and Reporting Program
Initial Study No. 6442 / Conditional Use Permit No. 3340
(Including Mitigation Measures, 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 so as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County	On-going
2	Cultural Resources	In the event cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	On-going
3	Hydrology and Water Quality	Only dry waste may be accepted at the facility.	Applicant	Applicant	On-going
4	Hydrology and Water Quality	Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.	California Regional Water Quality Control Board	Applicant	On-going
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document Project, Conditions reference recommended conditions for the project, and Project Notes reference mandatory requirements of Fresno County for the project					

Conditions of Approval – Conditional Use Permit No. 3340

1	All Conditions of prior Classified Conditional Use Permit Nos. 2467 and 3265 shall remain in full force and effect except as modified with the approved Conditions for Classified Conditional Use Permit No. 3340.
2	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
3	Prior to occupancy, the Applicant shall submit an application for Site Plan Review, in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
4	<p>The owner of the subject property shall record a document irrevocably offering 13 feet of the western 452 feet of the subject property to the County of Fresno as future right-of-way for Kamm Avenue (40 feet existing). The southern line of said offer shall establish the building setback line for future development.</p> <p>Note: A Preliminary Title Report or Lot Book Guarantee may be required before the Irrevocable Offer of Dedication can be processed. The owner is advised that where Deeds of Trust or any other type of monetary liens exist on the property, the cost of obtaining a Partial Reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the Irrevocable Offer of Dedication free of charge.</p>

Notes – Conditional Use Permit No. 3340

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

1	Due to the arterial road classification of Kamm Avenue, on-site turnarounds shall be required for vehicles leaving the site to enter the roadway in a forward motion.
2	An Encroachment Permit shall be required from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work done within a County right-of-way, such as the construction or improvement of access driveways.
3	A 20-foot by 20-foot corner cutoff shall be maintained for sight distance purposes at all driveways accessing Kamm Avenue.
4	The Applicant shall provide cross-sections, dimensions, and other detailed information to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval as part of the project's Site Plan Review.
	The Applicant shall adhere to the following rules and regulations set by the San Joaquin Air Pollution District: <ul style="list-style-type: none"> A. Regulation VIII – Fugitive PM10 Prohibitions B. Rule 4102 – Nuisance C. Rule 4601 – Architectural Coatings D. Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations E. Rule 4002 – National Emission Standards for Hazardous Air Pollutants
	The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection improvements shall be installed, prior to occupancy.
7	Prior to occupancy, the Applicant shall submit an updated Hazardous Materials Business Plan to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for further information.
8	All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This Chapter discusses proper labeling, storage and handling of hazardous wastes.
9	According to FEMA FIRM Panel 2550H, northern and eastern portions of the subject parcel are in Flood Zone A which is subject to the 100-year storm. Any work performed within Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance.
10	Any additional run-off generated by development cannot be drained across property lines or into County right-of-way, and must be retained on-site per County Standards.
11	An Engineered Grading and Drainage Plan shall be provided to Development Engineering staff for review and approval prior to permit issuance.

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Notes – Conditional Use Permit No. 3340

12

A Grading Permit or Voucher shall be required for any grading activity resultant of this proposal.

**Conditions of Approval – Conditional Use Permit No. 3265
(Previously Approved)**

1	All Conditions of Approval for prior Classified CUP Application No. 2467 shall remain in full force and effect, except as modified with the approved Conditions of Approval for Classified CUP No. 3265.
2	To the extent feasible, the existing berm located on the subject property adjacent to the northern and eastern property lines shall be maintained unless modification is necessary due to the required Grading and Drainage Plan.
3	Development of the property shall be in accordance with the Site Plan and Operational Statement approved by the Commission, subject to modifications required by the Site Plan Review.
4	Prior to occupancy, the Applicant shall submit an application for Site Plan Review, in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, lighting and right-of-way dedication.
5	No open cuts of road shall be allowed along the Kamm Avenue frontage of the subject parcel.
	Upon receipt of an odor complaint as validated by the San Joaquin Valley Air Pollution Control District, the Applicant shall obtain an Authority to Construct Permit and install an odor control system.
	All outdoor lighting shall be hooded and directed so as to not shine towards adjacent properties and public streets.
	Only dry waste may be accepted at the facility.
	Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.
10	In the event that cultural resources are unearthed during grading activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
11	In the event on-site landscaping is provided, the following shall be adhered to in order to reduce possible risks associated with expansive soils: A. Landscaping shall be setback at least ten feet from building foundations. B. Landscaping design and drainage shall direct run-off away from structures. C. Landscaping shall be irrigated with low-flow irrigation equipment such as drip, bubbler, or mist type emitters. D. Perimeter curbs shall be extended to the bottom of the base section where said landscaping meets pavement.
12	Rain gutters and roof drains shall be provided and connected directly to an on-site storm drainage system. As an alternative, roof drains shall extend a minimum of ten feet from the structure and the resultant run-off directed onto pavements which slope away from the structure at a minimum of two percent.

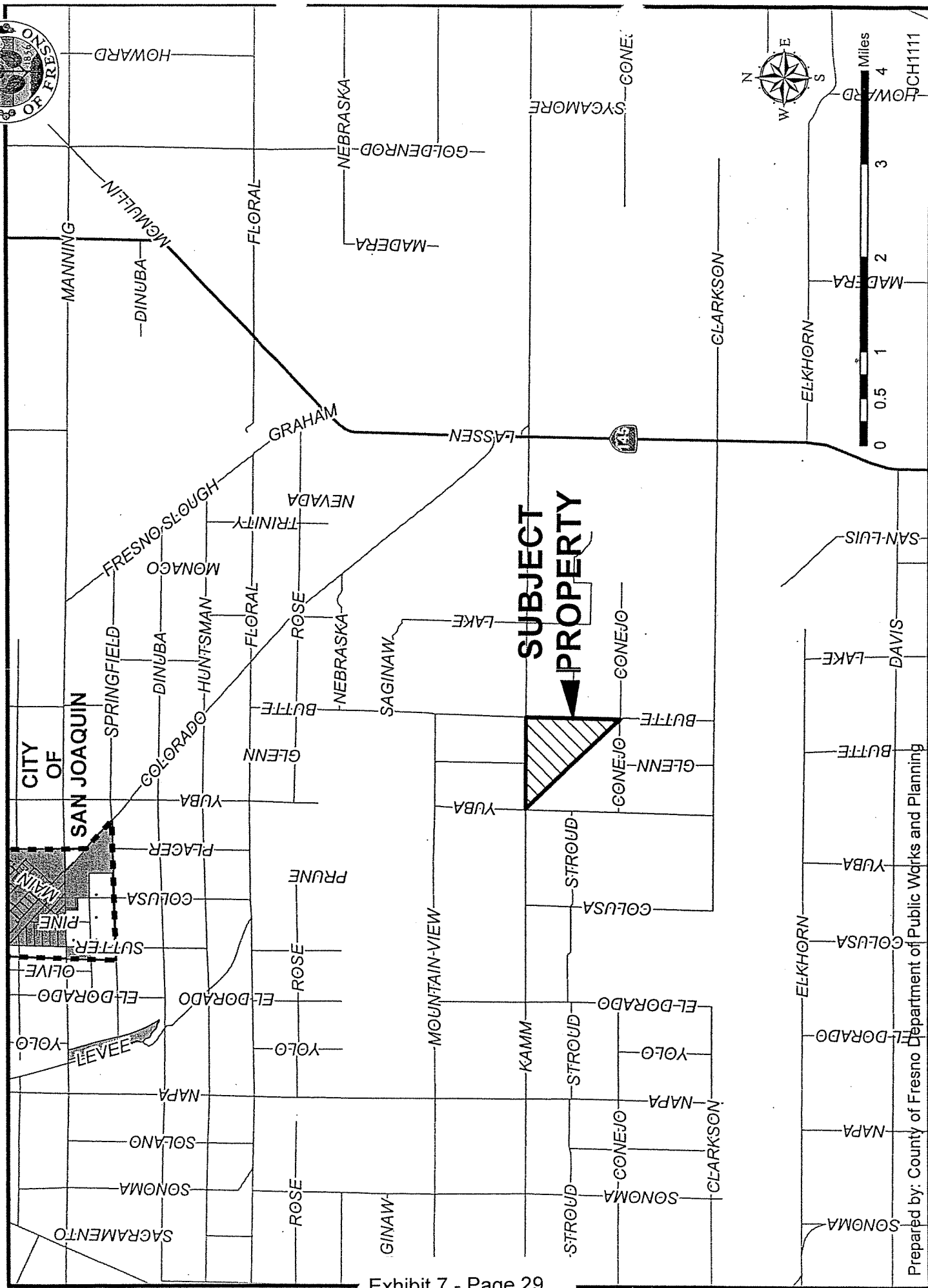
**Conditions of Approval – Conditional Use Permit No. 2467
(Previously Approved)**

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

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LOCATION MAP

CUP 3340



Prepared by: County of Fresno Department of Public Works and Planning

CH1111

EXISTING ZONING MAP

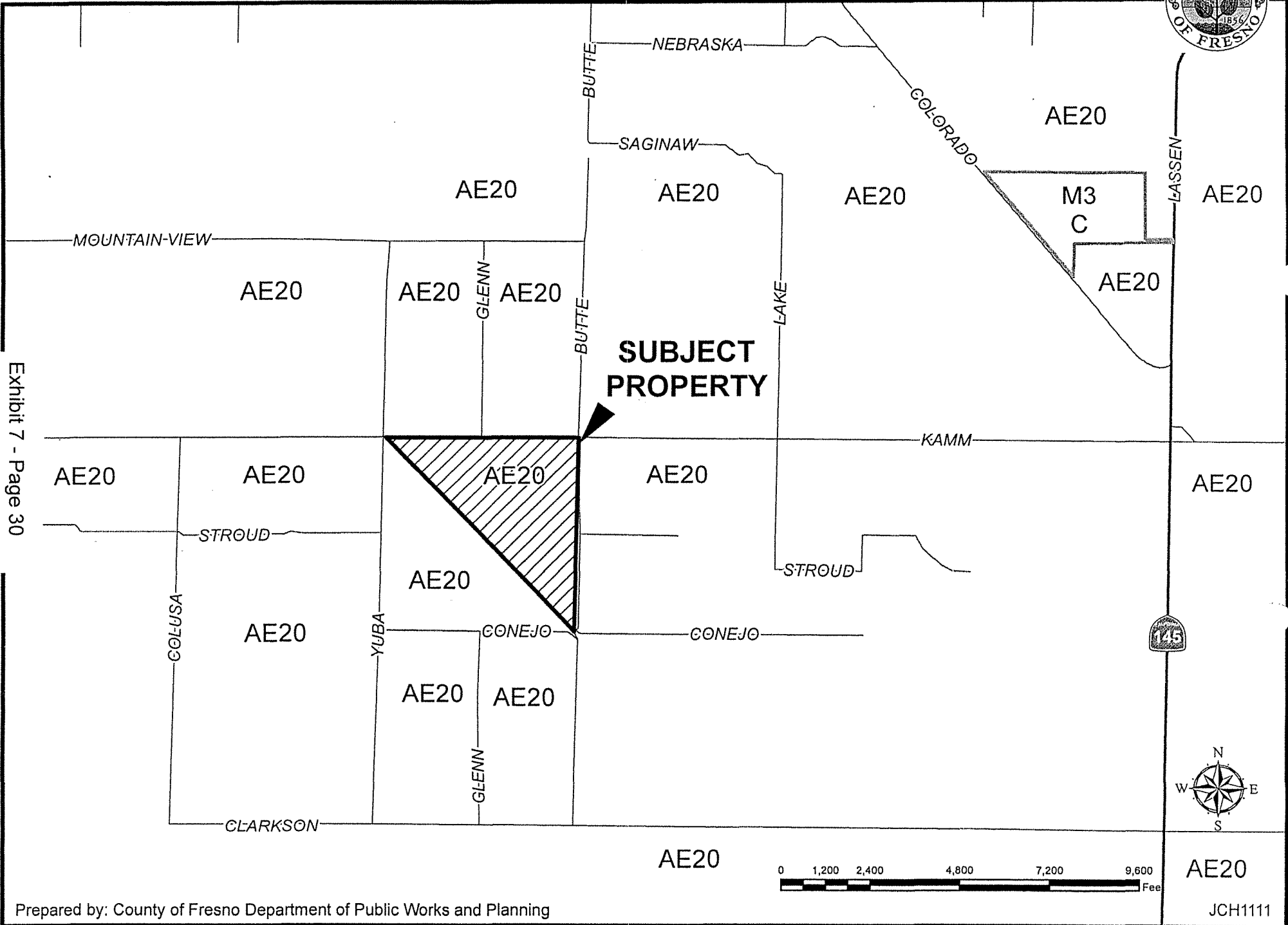
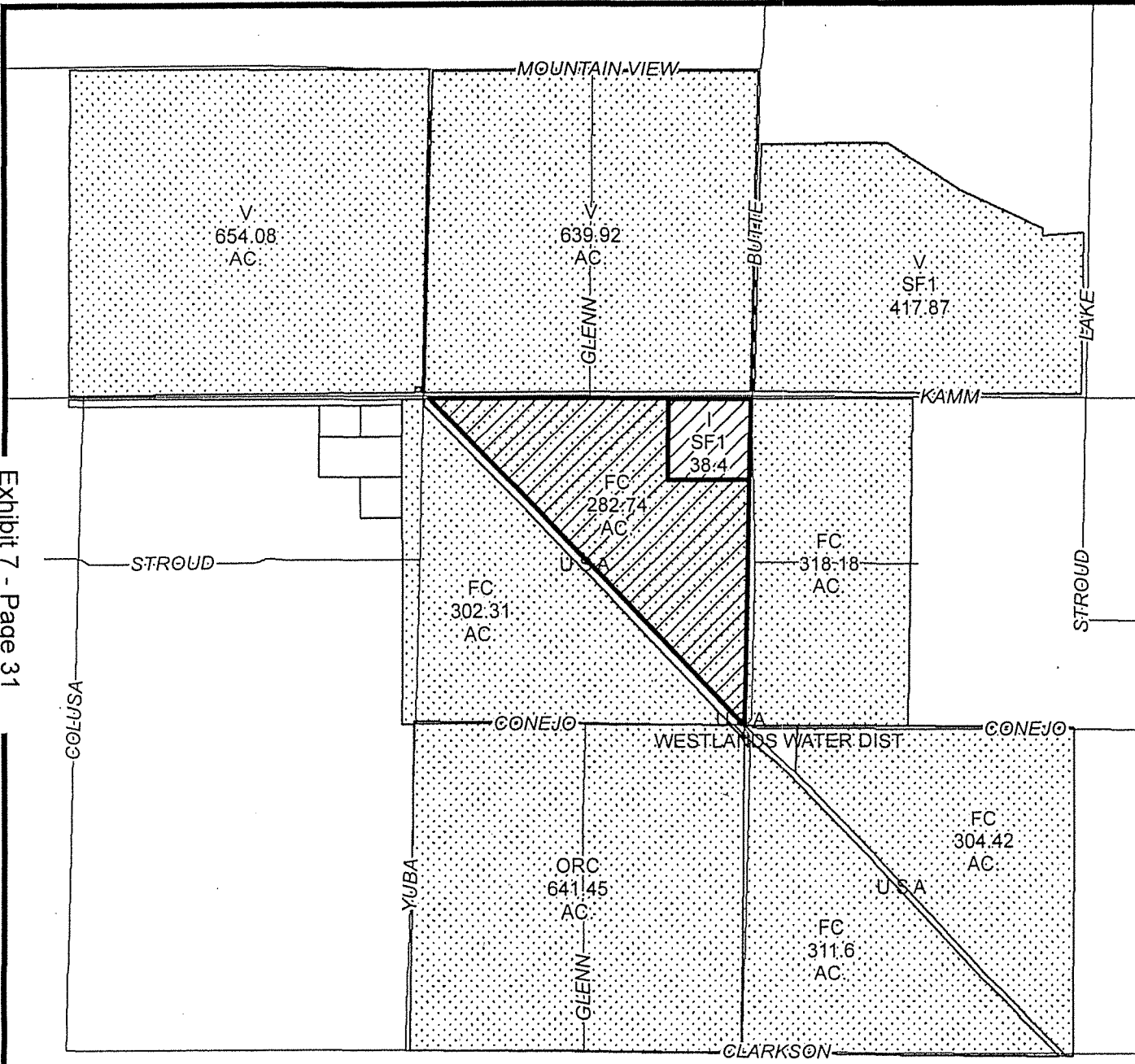


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EXISTING LAND USE MAP



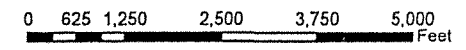
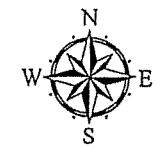
Exhibit 7 - Page 31

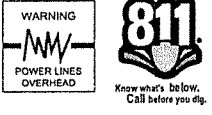
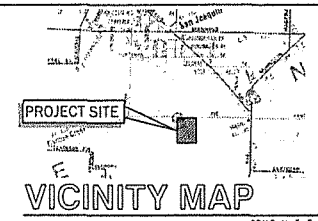
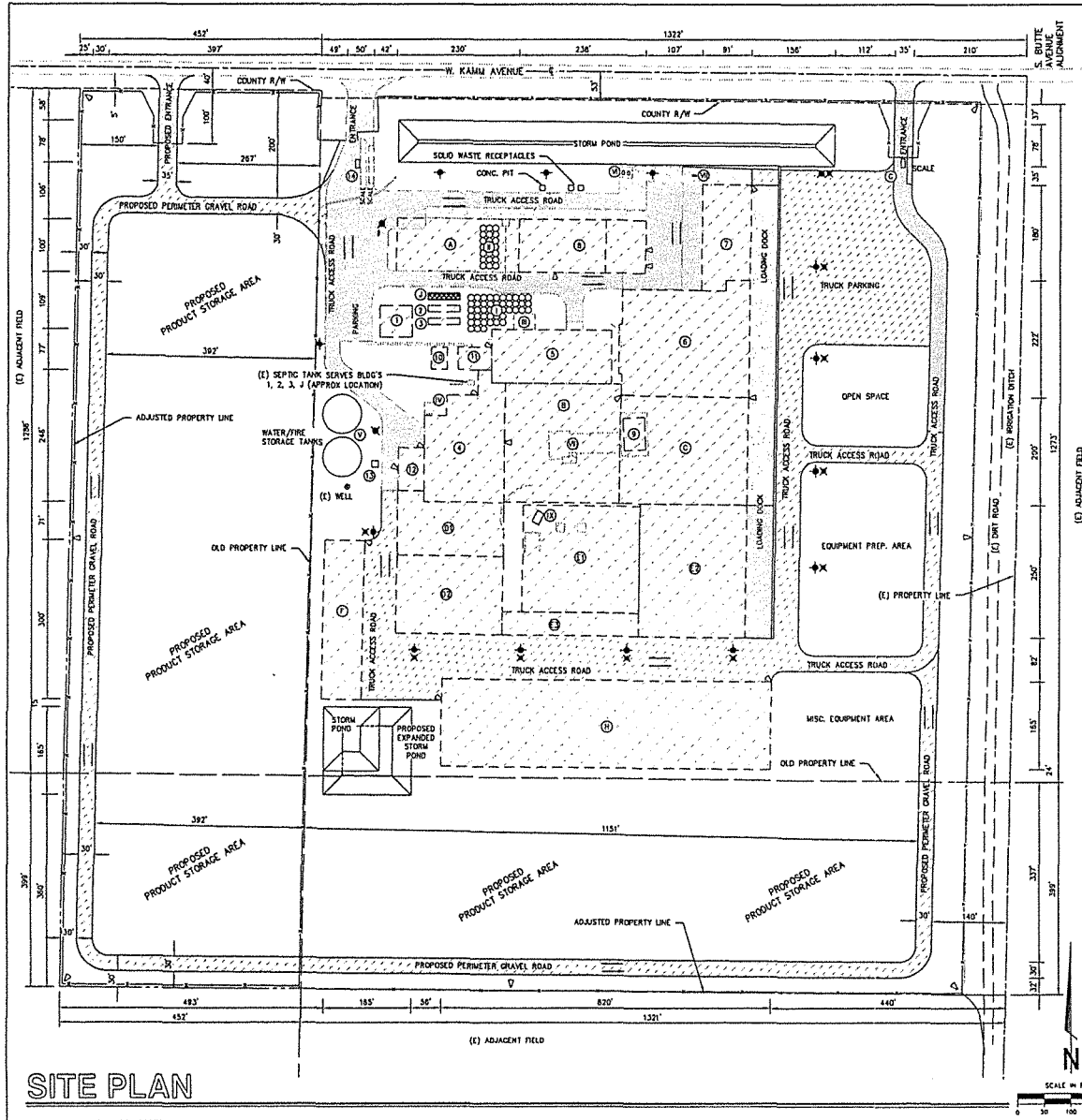


LEGEND	
SF#-	SINGLE FAMILY RESIDE
FC -	FIELD CROP
I -	INDUSTRIAL
ORC -	ORCHARD
V -	VACANT

LEGEND:

- Subject Property
- Ag Contract Land





SITE LEGEND

- PROPOSED FENCE
- EXISTING FENCE
- ▨ EXISTING STRUCTURE
- ▩ PROPOSED STRUCTURE
- ▧ GRAVEL ROAD/AREA
- ▨ A.C. PAVEMENT
- ▩ CONCRETE
- ⊗ DOMESTIC WELL
- ⊕ OUTDOOR 400 WATT FLOOD LIGHT, HOODED AND AWAY DOWNWARD
- ⊖ FIRE HYDRANT
- ⊗ PARKING LOT STYLE LIGHT, HOODED & AWAY DOWNWARD

SITE DATA

OWNER:	TRUE ORGANIC PRODUCTS, INC.	559-886-3001
	P.O. BOX 124	
	HELM, CA 93627	
JURISDICTION:	FRESNO COUNTY, CA	
ZONE:	AGRICULTURAL	
SITE AREA:	38.62 ACRES (OLD); 88.20 ACRES (ADJUSTED)	
A.P.N.:	040-080-34 S (OLD); 040-080-35 S (NEW)	
SITE ADDRESS:	20225 W. KAMM AVENUE HELM, CA 93627	
SEISMIC CAT:	D;	SEIS. IMP. FACTOR: I; SOIL SITE CLASS: D
WATER:	DOMESTIC WELL	
SEWER:	SEPTIC	
GAS:	LPG	
ELECTRIC:	PG&E	

SITE BUILDING DATA

BUILDING/FEATURE:	BUILDING/FEATURE USE:	BUILDING/FEATURE:	BUILDING/FEATURE USE:
1	MAIN OFFICE, TRAILER	D2	RAW MATERIAL STORAGE 3
2	BREAK ROOM, TRAILER	E1	FEED PROCESSING & STORAGE 1
3	BREAK ROOM, TRAILER	E2	FEED PROCESSING & STORAGE 2
4	WORK/COMMUNITY ROOM	E3	FEED PROCESSING & STORAGE 3
5	PELLET ROOM 2	F	SHOP STORAGE
6	STORAGE ROOM	G	SCALE HOUSE
7	SECONDARY STORAGE	H	MANURE STORAGE
8	LIQUID ROOM	I	LIQUID STORAGE TANKS
9	SHADE STRUCTURE	J	FERTILIZER STORAGE TANKS
10	ELECTRICAL ROOM	III	OIL, ACETYLENE, & OXYGEN STORAGE
11	PELLET ROOM 1	IV	GAS/DIESEL FUEL & OIL TANKS
12	RAW MATERIAL STORAGE 1	V	FIRE STORAGE TANKS, 1-1/2 GAL. EACH
13	FIRE PUMP HOUSE	VI	GAS/DIESEL FUEL TANKS
14	SCALE HOUSE	VII	PROPANE TANK
A	ORGANIC LIQUID MANUF.	VIII	CONVEYOR MACHINERY
B	PELLET MILL/PROCESSING	IX	CONVEYOR MACHINERY/HAMMERMILL
C	STOR. FINISHED PRODUCT/PKG	** J	OFFICE, STORAGE TRAILER (PROPOSED)
D1	RAW MATERIAL STORAGE 2		

- NOTES**
- IMPROVEMENTS WITHIN OLD PROPERTY LINES HAVE BEEN PERMITTED PER C.U.P. 3265 / S.P.R. 7725 / 1990'S PERMIT, UNLESS NOTED OTHERWISE AS PROPOSED.
 - ITEMS NOTED AS "PROPOSED" ARE PROPOSED PER THIS C.U.P. SITE PLAN.
 - ACTUAL SITE AGREEMENT TO BE DETERMINED PER RECORDED LOT LINE ADJUSTMENT.

- GENERAL SITE NOTES**
- AN ASPHALT CONCRETE DRIVEWAY APPROACH 24 TO 35 FEET IN WIDTH SHALL BE PROVIDED AT ALL TWO-WAY ACCESS POINTS.
 - DRIVEWAYS SHALL BE CONCRETE OR ASPHALT CONCRETE, PAVED A MINIMUM WIDTH OF 24 FEET.
 - ALL PARKING AND CIRCULATION AREAS NOT CONCRETE OR ASPHALT CONCRETE PAVED SHALL BE TREATED WITH A DUST PALLIATIVE TO PREVENT THE CREATION OF DUST.
 - ONE PARKING SPACE SHALL BE PROVIDED FOR EVERY TWO EMPLOYEES, ONE FOR EACH SALESPERSON, AND ONE FOR EACH COMPANY VEHICLE.
 - HANDICAPPED PARKING SHALL ALSO BE PROVIDED AND SHALL INCORPORATE ACCESSIBLE WALKWAYS AND BUILDING ENTRANCES. THE MINIMUM AMOUNT OF HANDICAPPED PARKING SPACES SHALL BE PROVIDED UPON THE FOLLOWING SCALE:
 - 1 HANDICAPPED FOR 1-75 TOTAL SPACES
 - 2 HANDICAPPED FOR 76-150 TOTAL SPACES
 - 3 HANDICAPPED FOR 151-225 TOTAL SPACES
 - 4 HANDICAPPED FOR 226-300 TOTAL SPACES
 - 5 HANDICAPPED FOR 301-475 TOTAL SPACES
 - 6 HANDICAPPED FOR 476-200 TOTAL SPACES
 - OUTDOOR LIGHTING SHALL BE HOODED AND DIRECTED AWAY FROM ADJOINING STREETS AND PROPERTIES.

SCALE: 1" = 25'-0"
IF THIS BAR IS NOT DIMENSIONED SHOWN, ADJUST SCALES ACCORDINGLY

TRUE ORGANIC PRODUCTS
FRESNO COUNTY, CA
ORGANIC FERTILIZER FACILITY

PROVOST & PRITCHARD
REGISTERED PROFESSIONAL ENGINEER
150 WEST LAMAR STREET
SANTA ANA, CALIF. 92701
(714) 271-1111

DESIGN ENGINEER:
J. TOSTE
LICENSE NO: C 77,353

DRAWN BY: P.A.P. C.T.V.
CHECKED BY: P.A.P. C.T.V.
SCALE: AS SHOWN
DATE: 7/15/2012
JOB NO: 12781111

DWG. NO. SHEET 1

7/15/2012 11:42 AM C:\Users\jpritchard\Documents\12781111\12781111.dwg Plotter: e:\cadd\p12781111.dwg

True Organic Products, LLC
20255 W. Kamm Avenue
San Joaquin, CA
Operational Statement
~~**August 19, 2011**~~
~~**Revised November 10, 2011**~~
Revised November 18, 2011

**Applicant and
Record Owner:**

True Organic Products, LLC
P.O. Box 7192
Spreckles, CA 93962
Attn: Mr. Jake Evans

Representative:

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

APN:

040-080-34S and a portion of 040-080-35S

Area:

38.40+/- acres (APN 040-080-34S)
30.00+/- acres (A portion of APN 040-080-35S)

Location:

The southwest corner of W. Kamm Ave. and S. Butte Ave. alignment.

Request:

Approval of a Conditional Use Permit (CUP) for a 30 acre expansion of an existing agricultural fertilizer manufacturing plant operating under CUP 2467 and EA 3653 previously approved on December 6, 1990 and CUP 3265 and Initial Study Application No. 6079 approved on March 11, 2010.

Background:

The existing fertilizer manufacturing plant property is a 38.40+/- parcel located at the SWC of W. Kamm Ave. and the S. Butte Ave. alignment approximately 6 miles south of the City of San Joaquin. The property is designated as Agriculture in the Fresno County General Plan and is zoned AE-20.

On December 6, 1990 the Fresno County Board of Supervisors approved Classified Conditional Use Permit (CUP) 2467 and environmental assessment (EA) 3653 to allow an agricultural fertilizer processing operation on approximately 20+/- acres of a 321+/- acre parcel of land. At that time it was proposed that the fertilizer production would utilize raw cattle and poultry manure to create fertilizer products. The approval of the CUP included several conditions. Among them was the partial cancellation of ALCC 2093 that was on the property and limiting the raw product material to 25,000 tons annually.

Subsequently, on January 15, 1991 the Fresno County Board of Supervisors approved a partial cancellation of ALCC 2093 for the property in question. In addition, on June 23, 1992 Fresno County recorded Certificate of Parcel Map Waiver No. 91-17 which recognized the creation of the 38.40+/- acres of property as a legal parcel.

In October of 2005 the facility and property were acquired by True Organic Products, Inc. (TOP). TOP creates organic products and does not utilize cattle manure in its process.

On March 10, 2010 the Fresno County Planning Commission approved Classified Conditional Use Permit (CUP) 3265 and Initial Study (IS) 6079 to allow an 18.40+/- acre expansion to the existing 20.0+/- acre agricultural fertilizer processing operation.

On December 2, 2010 Fresno County approved Plan Line Adjustment (PLA) 09-78 that increased the applicants' property with 30.0+/- additional acres. A copy of the approved PLA is enclosed.

On Thursday, July 21, 2011 a Grant Deed was recorded that transferred the 30.0+/- acre expansion parcel to Jacob M. Evans and Kimberly M. Evans from the David and Marilyn Britz 2004 Living Trust. A copy of the Grant Deed is enclosed.

On Thursday, July 21, 2011 a Grant Deed was recorded in accordance with Property Line Adjustment No. 09-78 to Jacob M. Evans and Kimberly M. Evans, Trustees of the Evans Living Trust. A copy of the Grant Deed is enclosed.

On Friday, August 19, 2011 a Grant Deed was recorded granting title of the existing 38.40+/- acres and the 30.0+/- acre expansion to True Organic Products LLC, a California limited liability company.

On November 2, 2011 the Fresno County Williamson Act Advisory Committee recommended the subject 30.0+/- acre parcel be removed from the Williamson Act contract.

Project Purpose

In order to meet increased demand for the products, TOP wishes to expand its **physical** facilities by 30+/- acres to allow the combined production of feed, fertilizer and liquid fertilizer to a maximum capacity of 378,000 tons per year at the facility. **Said physical expansion will not affect production capacity but will increase plant efficiency and compliance with storage requirements.**

There will be no buildings on the 30+/- expansion area. The expansion area will be used for raw product storage, a related proposed gravel on-site perimeter road and new driveway ingress/egress onto Kamm Avenue.

Justification:

Fresno County General Plan Policy LU-A.3 and General Plan Table LU-3 provides the County with the authority to allow the development of organic and inorganic fertilizer manufacturing

facilities through the approval of a discretionary permit in agricultural areas subject to various criteria. The criteria and the applicability of the project to those criteria are as follows:

- a. *The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics.*

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

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

Project Operations:

The TOP facility consists of offices, outside raw product storage areas, outdoor processing areas, indoor processing areas, and indoor finished product storage areas. There will be no buildings on the 30.0+/- expansion area. The 30.0+/- acre expansion area will be used for raw product storage, a proposed gravel on-site perimeter road **and new (third) driveway ingress/egress onto Kamm Avenue.** The facility currently operates five days a week or 332 days per year. In the future, the facility may operate six days a week. The hours of operation for the various aspects of the facility are summarized below in Table 1.

**Table 1
Hours of Operation**

Activity	Current	Future (10 years)
Office	7:00am-5:00pm	6:00am-6:00pm
Material Receiving	SAME	SAME
Material Shipping	SAME	SAME
Production	6:00am – 10:00pm	24 hrs. per day
Maintenance	8:00pm-5:00am	24 hrs.

As noted above, the TOP facility has multiple functions. Currently, there are approximately 40 employees working on the site. In the future, the total number of employees working on the site

may be as high as 65. However, because the facility operates extended hours, not all of the employees are on-site at any one time.

TOP receives chicken manure from a variety of poultry ranches. The material is shipped to the TOP facility by trucks that have a 25 ton capacity and are owned by TOP, as well as by private trucking companies. The material is covered with tarps when it is being transported to and from the facility.

Upon entering the facility, the trucks proceed to the truck scales (Site Plan Reference -14). The trucks are weighed and directed to the unloading area. This area is currently outside storage but may convert to covered storage and is shown as Site Plan References E and H. The material is unloaded and the trucks proceed back to the truck scales where they are weighed again and then leave the project site. Currently the trucks entering and leaving the site utilize the same driveway and truck scale. It is proposed that a future driveway and scale area be developed on the eastern portion of the site (Site Plan Reference G). This modification will allow the facility to operate more efficiently and reduce possible conflicts between trucks as the volume of the plant increases **as approved by CUP 3265.**

A summary of all vehicle trips including current and proposed volumes are provided in the Traffic Impact Study prepared for the project by Peters Engineering Group of Clovis dated August 7, 2009 and as amended December 10, 2009. The aforementioned December 10, 2009 Peters Engineering amendment is attached. The amount of raw material that is accepted at the site will vary depending on the time of year and other factors.

A small percentage of trucks that enter the site with raw product will also load with processed TOP materials produced at the site for delivery to plant customers. The number of trucks that deliver to and from the site *on the same trip* was not **calculated because such event occurs so infrequently.** Therefore, the truck volumes provided in the Traffic Impact Study for the project prepared by Peters Engineering Group overstates total truck traffic.

The amounts of raw material to be accepted at the site annually are shown in Table 2. The previous approved Conditional Use Permit No. 3265 estimated 262 daily trip ends **will be necessary to accommodate the product entering and leaving the TOP site including employees, etc.** Therefore, the use **as approved by CUP 3265** will not exceed 262 daily trip ends.

**Table 2
Amount of Raw Product Received Daily**

Current Product Received Daily	Per CUP 3265 Future Product Received Daily (10 years)
250 tons	1,200 tons

At the present time, after unloading, the raw material is formed into piles. These piles are currently located outside and are located in the area that will be future buildings. (Shown as Site plan Reference D and H.) In order to reduce dust emissions and erosion of the piles, the piles are either covered with plastic or are sprayed with water to create a crust on the surface of the pile.

Water usage is limited to the amount needed to create the crust with minimal runoff. In the future, the piles may be wrapped in plastic to minimize dust emissions and runoff erosions of the piles. The piles of raw material will be regularly monitored by TOP staff and vendors to insure that the internal temperatures are controlled and that composting will not occur. As necessary, the material in the piles may be turned or otherwise aerated to keep the temperature below 122 degrees Fahrenheit.

As described in **Classified Conditional Use Permit (CUP) 3265 and Initial Study (IS) 6079**, the raw material that will be stored on site will vary depending on market factors. Said storage is estimated to range from 50,000 to 100, 000 tons at any one time. **Said stored material will comply with all applicable standards for such storage as defined in Classified Conditional Use Permit (CUP) 3265 and Initial Study (IS) 6079.** The raw product is used to manufacture three different products. The products and the process for each are summarized below.

Feed Product

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

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

Pelletized Fertilizer

The raw product is moved from the piles in the outside storage area to a mixing area (Site Plan Reference 4). The raw material is mixed with additives, pelletized (Site Plan Reference 11) and heat treated (Site Plan Reference 5). The finished product is stored in "bunkers" (Site Plan Reference 6). Samples of the material are sent to an outside laboratory for testing. If the material passes the tests it is either placed in 2,000 lb totes which are pallets, bagged or sold in bulk. The palletized totes and bags are moved to an inside storage area (Site Plan Reference 7).

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

Liquid Fertilizer

Liquid fertilizer is manufactured from molasses and other additives that are delivered to the site by tanker or bulk material trucks. The trucks enter the site and proceed to the scale where they

are weighed. The tanker trucks then off load their materials in the bulk liquid storage area (Site Plan Reference II). After unloading, the trucks return to the scale to be weighed and exit the property. As noted above, the trucks currently enter and exit from the same driveway. In the future a new set of scales and exit driveway is proposed.

The ingredients for the liquid fertilizer are blended, heat treated and filtered (Site Plan Reference 8) and stored in large tanks (Site Plan Reference 8) until they are sold and shipped offsite by trucks owned by TOP or third party trucking companies. Any material that is spilled is returned to the tanks for future use. Trucks that haul off the finished liquid fertilizer product enter the site and proceed to the scale where they are weighed. After being weighed, the trucks go to the truck loading area. After being loaded the trucks return to the scale, are weighed and exit the site.

The total annual facility production summary is shown in Table 3.

**Table 3
Total Annual Facility Production Summary of All Products**

	Current	Approved by CUP 3265
Feed Product	Per market demand	Per market demand
Pellet Fertilizer	Per market demand	Per market demand
Liquid Fertilizer	Per market demand	Per market demand
Total	78,000 tons year	378,000 tons year ⁽¹⁾

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

Current Production

312 days of operation, 250 tons per day/in and out, produces 120 total daily project trips including employee traffic, etc.

Source: Peters Engineering Traffic Study Addendum December 10, 2009.

Approved Annual capacity Per CUP 3265

312 days of operation X 1,211+/- tons per day/in and out, produces 262 daily trips including employee traffic, etc.

Source: Peters Engineering Traffic Study Addendum December 10, 2009.

Site Access

The site is currently served by a driveway from W. Kamm Avenue. W. Kamm Ave. is designated as an Arterial in the Circulation Element of the Fresno County General Plan. A second proposed driveway was approved by CUP 3265 but has not been constructed. The second driveway will be located on the eastern portion of the site and is shown on the site plan. The proposed third driveway will be constructed off W. Kamm Ave. within the 30.0+/- acre expansion on the western portion of the site as shown on the project site plan.

Phasing

The applicant contemplates constructing the proposed structures in phases. Under current product demand, building D and E will be built in 2010 with Building C and B built in late 2010 or 2011. Building A, F and H will likely be built in late 2012 and 2013. All building construction will be based on demand for various products. Should product demand change, the building sequence could also change. Grading and drainage modifications to the site will correspond to the aforementioned building sequence and schedule. All grading will be performed in accordance with county standards and a master grading plan prepared by the project civil engineer.

California Regional Water Quality Control Board

Various conditions were required of the use for CUP 3265. The applicant has consulted with the Regional Water Quality Control Board and has submitted various reports to that agency **so as to comply with that agency’s requirements.** The applicant will comply with all related requirements.

Parking Area

Parking for 38 employees and 20 trucks is shown on the project site plan. The parking area is either paved with asphalt or covered in compacted gravel.

Goods sold on-site

There will be no change to the conditions of CUP 3265 relating to goods sold on site. All goods are sold “wholesale” and in bulk. No direct retail sales will take place on the site.

Equipment List

There will be no change to the conditions of CUP 3265 relating to equipment.

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

Solid and liquid waste

There will be no change to the conditions of CUP 3265 relating to solid and liquid waste. A minimal amount of solid waste is generated by the office and employee break room. It is

estimated that the daily solid waste is less than .1 cyd. The solid waste is placed in a dumpster that is serviced weekly.

Liquid waste is limited to the restrooms and employee break room. Liquid waste flows to the existing on-site septic system.

Water usage

There will be no change to the conditions of CUP 3265 relating to water usage. Water is supplied by an on-site well. Water is used in the restrooms and employee break room. In addition, water may be used to spray the piles of raw material and to control dust on the site. Typical domestic water usage (restroom and employee break room) would be approximately 150 gallons a day. Water to spray the piles and for dust control cannot be accurately quantified but is not significant.

Signage

No signage is proposed at the present time. However, a future sign (maximum size of 32 square feet) giving the facility name, address and 24-hr contact number may be installed on the Kamm Ave. main driveway.

Buildings

There will be no change to the conditions of CUP 3265 relating to buildings and equipment. Both existing and future buildings will be utilized in the project operation. The proposed buildings and their usage are shown on the project site plan.

Outdoor lighting

There will be no change to the conditions of CUP 3265 relating to outdoor lighting. Outdoor lighting will be located on the site for operational purposes. All lights will be shielded or otherwise directed to keep the lighting on-site and not impact adjacent properties.

Landscaping & Fencing

There will be no change to the conditions of CUP 3265 relating to landscaping. There is an existing berm located on the W. Kamm Ave. property frontage. Future landscaping is proposed on the western and northern property lines.

All ingress and egress points will continue to be gated.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: True Organic Products, LLC

APPLICATION NOS.: Initial Study Application No. 6442 and Classified Conditional Use Permit Application No. 3340

DESCRIPTION: Allow the expansion of an existing 38.40-acre agricultural fertilizer processing operation by an additional 29.18 acres of storage and circulation area on portions of a 67.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of W. Kamm Avenue and the Butte Avenue alignment, approximately three miles west of the unincorporated community of Helm (20225 W. Kamm Avenue) (Sup. Dist.: 1) (APN: 040-080-34S, 040-080-38S).

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails the expansion of an existing 38.40-acre agricultural fertilizer processing operation originally allowed under Conditional Use Permit (CUP) No. 2467 and modified under CUP No. 3265 to allow an additional 29.18 acres of storage and circulation area.

The project site is located in an agricultural area marked by large parcel sizes and sparse residential uses. The San Luis Drain is located approximately one quarter of a mile southwest of the project site, and the closest neighboring residence is located approximately one half mile to the east.

The subject parcel is not located along a designated Scenic Highway, and no scenic vistas or scenic resources were identified in the analysis. Visibility of this proposal from northerly and

DEVELOPMENT SERVICES DIVISION

easterly neighboring properties and Kamm Avenue will be predominately screened from view by existing structural improvements utilized by the existing agricultural fertilizer processing operation. Further, considering the distances between this proposal and neighboring dwellings located to the south and west, no visibility concerns are anticipated south or west of this proposal. Considering that no structures or storage buildings are proposed with this project, that landscaping was not required for CUP No. 2467 or CUP No. 3265, that this proposal is an expansion of the previously authorized agriculturally-related use, the visual screening of the proposal from neighboring properties located to the north and east, and the distances between the proposal and neighboring dwellings located to the south and west, this proposal will not damage any scenic resource or degrade the visual character of the site or 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:

Headlights on vehicles utilizing the proposed circulation area have the potential of generating new sources of light and glare in the area. However, such impacts will be less than significant considering the visual screening of the proposal from neighboring properties located to the north and east, and the distances between the proposal and neighboring dwellings located to the south and west. This proposal will utilize outdoor lighting that has the potential of generating new sources of light and glare in the area. As such, all outdoor lighting shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of statewide 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 site is not located on forest land and is classified as Semi-Agricultural and Rural Commercial Land on the Fresno County Important Farmland Map (2008). This proposal entails the expansion of an existing 38.40-acre agricultural fertilizer processing operation originally allowed under Conditional Use Permit (CUP) No. 2467 and modified under CUP No. 3265 by an additional 29.18 acres of storage and circulation area. The proposed expansion will preclude the cultivation of approximately 29.18 acres of land; however, this loss is less than significant considering that the land is not classified as Prime Farmland and that the proposed use will serve an existing commercial enterprise which produces agriculturally-related products (fertilizer).

The 29.18 acre project site indentified as APN 040-080-38S is currently enrolled under Agricultural Land Conservation Contract (ALCC) No. 2093. According to the Policy Planning Section of the Fresno County Department of Public Works and Planning, the proposed expansion of the existing agricultural fertilizer processing operation is not a compatible use on property subject to a Williamson Act Contract, unless a cancellation of the Contract has occurred. An application for partial cancellation of Contract No. 2093 for the 29.18-acre project site was filed by the Applicant in September 2011 and is in process. Approval of the subject proposal is contingent upon approval of the cancellation of Contract No. 2093 by the Board of Supervisors which would occur after final action on the subject land use application.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the San Joaquin Valley Air Pollution Control District (Air District) which did not express any concerns related to the project. Staff notes that the project may be subject to the following District Rules: Regulation VIII (Fugitive Dust Rules), 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). Compliance with Air District Rules will reduce air quality impacts of the subject project to a less than significant level.

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 Game (CDFG) 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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an agricultural area and has been previously disturbed as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the USFWS, which did not express any concerns related to the project. This proposal was also referred to the CDFG, which also did not express any concerns. A review by staff of the California Natural Diversity Database indicated that the closest area of biological concern was an area designated for mountain plover approximately 1.8 miles northwest of the project site. Therefore, no impacts were identified in regard to: 1.) Any candidate, sensitive, or special-status species; 2.) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS; 3.) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4.) 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. This proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

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 a 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 site is not located within an area designated to be highly sensitive for archeological resources. However, in the event that cultural resources are unearthed during grading or construction, 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 of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Commission within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the project. The Mitigation Measure will reduce potential impacts to cultural resources to a level of insignificance.

* **Mitigation Measure(s)**

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

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?
 - (a.) Strong seismic ground shaking?
 - (b.) Seismic-related ground failure, including liquefaction?
 - (c.) Landslides?

FINDING: NO IMPACT:

The project site is not located within a fault zone or area of known landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Changes in topography and erosion could result from grading activities associated with this proposal. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, an Engineered Grading and Drainage Plan demonstrating how additional storm water run-off generated by the project will be handled without adversely impacting adjacent properties shall be provided to said Section for review and approval. This requirement will be included as a project Note and shall be reviewed for approval during the Site Plan Review (SPR) process which will be included as a Condition of Approval. Conditions of the SPR may include, but are not limited to: design of parking and circulation areas, access, on-site grading and drainage, fire protection, signage and lighting. With adherence to these requirements, potential erosion impacts will be reduced to a level of insignificance.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

FINDING: NO IMPACT:

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

D. Would the project be located on expansive soils creating substantial risks to life or property?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to a geotechnical engineering investigation prepared by Moore Twining Associates for previously approved CUP No. 3265, the project site is located within an area of known expansive soils. That geotechnical engineering investigation identified mitigation measures to reduce possible risks associated with expansive soils to a level of insignificance. According to those mitigation measures, which were included in the approval of CUP No. 3265, in the event on-site landscaping is provided, the following shall be adhered to in order to reduce possible risks associated with expansive soils: a) Landscaping shall be setback at least ten feet from building foundations; b) Landscaping design and drainage shall direct runoff away from structures; c) Landscaping shall be irrigated with low-flow irrigation equipment such as drip, bubbler, or mist type emitters; d) Perimeter curbs shall be extended to the bottom of the base section where said landscaping meets pavement. Further, rain gutters and roof drains shall be provided and connected directly to an on-site storm drainage system. As an alternative, roof drains shall extend a minimum of ten feet from the structure and the resultant runoff directed onto pavements which slope away from the structure at a minimum of two percent. However, in regard to the subject proposal, staff notes that the project does not entail any proposed landscaping or structural improvements.

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: LESS THAN SIGNIFICANT IMPACT:

The existing agricultural fertilizer processing operation is currently served by an existing on-site sewage disposal system and no additional on-site sewage disposal systems are proposed with this project. Additionally, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns in regard to soils.

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 an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) has reviewed this proposal and expressed no concerns related to greenhouse gas emissions. Additionally, compliance with Air District Rules discussed in Section III.E of this analysis will reduce air quality impacts of the subject proposal to a less than significant level. Staff notes that there will be no appreciable gain in truck traffic with development of the proposed expansion.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division, the Applicant shall be required to submit an updated Hazardous Materials Business Plan to said agency prior to the issuance of Construction and/or Grading Permits. Further, all hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5, which discusses proper labeling, storage and handling of hazardous wastes. With adherence to these requirements, which will be included as project Notes, this proposal will have a less than significant impact in regard to the handling and accidental release of hazardous materials. Additionally, there are no schools within one-quarter mile of the project site.

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

FINDING: NO IMPACT:

No hazardous materials sites were identified in the project analysis.

- E. Would a project be 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; or

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan.

- H. 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 site is not located within a wildland 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 WITH MITIGATION INCORPORATED:

According to agency comments provided by the California Regional Water Quality Control Board (RWQCB) for previously approved CUP No. 3265, operators of facilities described by the Standard Industrial Classification Code 2873 (Nitrogenous Fertilizers) are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activity (Industrial General Permit). Further, the Applicant must obtain coverage under the Industrial General Permit unless it can be technically demonstrated that no discharge of storm water to surface waters would occur under any circumstances. This requirement was included as a project Note in the

approval of CUP No. 3265. Additionally, the RWQCB agency comments provided for CUP No. 3265 also stated that the Applicant must only accept dry waste and must obtain RWQCB approval prior to storing waste on bare ground with moisture content above 50 percent or with any free liquids.

Staff believes the requirements described above, which were included as project Notes and mitigation measures in the approval of CUP No. 3265, are applicable to the subject proposal and will reduce potential water quality impacts to a level of insignificance.

* **Mitigation Measure**

1. Only dry waste may be accepted at the facility.
2. Approval from the California Regional Water Quality Control Board shall be required prior to storing waste on unpaved surfaces when said surface has a moisture content above 50 percent.

- 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:

This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area.

- 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 run-off which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No additional water quality impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

No additional 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:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, FEMA FIRM Panel 2550H indicates that northern and eastern portions of the project site are in Flood Zone A which is subject to the 100-year storm. Any work performed within the Flood Zones shall conform to provisions established in Chapter 15.48 Flood Hazard Areas of Fresno County Ordinance. This requirement will be included as a project Note.

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

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

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The subject parcel is located within an agricultural area.

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 site is designated Agriculture in the Fresno County General Plan. Provisions for agriculturally-related uses such as the proposed use have been provided for in the Fresno County Zoning Ordinance and General Plan. Policy LU-A.3 of the General Plan provides that the processing of fertilizer products may be allowed by discretionary permit subject to a number of specific criteria. Criteria LU-A.3.a states 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", this proposal entails the expansion of an existing agricultural fertilizer processing operation which is an agriculturally-related use located in an agricultural area. With regard to Criteria "b", the proposed use will preclude the cultivation of approximately 29.18 acres of land; however, this loss is less than significant considering that the land is not classified as Prime Farmland and that the proposed use will serve an existing commercial enterprise which produces agriculturally-related products (fertilizer). With regard to Criteria "c", this proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, Development Services Division, which expressed no concerns with the project as it relates to water quantity as the subject parcel is not located in a water short area. With regard to criteria "d", this proposal is located approximately three miles west of the unincorporated community of Helm and four and a half miles south of the City of San Joaquin, which have the ability to provide an adequate workforce.

Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses. In this instance, neighboring properties are being utilized for agricultural cultivation; however, the proposed use will serve an existing commercial enterprise which produces agriculturally-related products (fertilizer).

The subject property has road frontage on Kamm Avenue, which is classified as an arterial road. Currently, the subject property has two existing access points onto Kamm Avenue and a third is proposed with this project. According to the Transportation and Circulation Element of the General Plan, access points for new development along arterial roads shall be located at sufficient intervals from each other to maintain the safety and the traffic carrying capacity of the roadway. Additionally, wherever possible, direct access points shall be located to allow existing parcels one direct access to an arterial. Further, in some instances where there is sufficient frontage, more than one direct access from a single parcel may be permitted. In this instance, the project is an expansion of a previously approved use and the proposed access is located approximately 300 feet west of the nearest existing access. Further, the proposed access was reviewed by the Development Engineering Section of the Fresno County Department of Public Works and Planning which expressed no concerns with the location of said access.

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

FINDING: NO IMPACT:

This proposal will not conflict with any Land Use Plan or Habitat or Natural Community Conservation Plan. No such Plans were identified in the project analysis.

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 project analysis.

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 level; 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:

This proposal has the potential to generate additional noise from construction activity associated with the development of the project site. As this proposal may result in significant short-term localized noise impacts due to construction equipment use, said equipment shall be maintained according to manufacturers' specifications and shall be equipped with mufflers. This requirement will be included as a project Note. Additionally, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which expressed no concerns in regard 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 in the vicinity of an airport and is not impacted by airport noise.

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:

This proposal was reviewed by the Fresno County Fire Protection District, which did not express any concerns with the project. Additionally, any resultant development shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a project Note.

2. Police protection?

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the project analysis.

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 such impacts 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:

This proposal entails the expansion of an existing 38.40-acre agricultural fertilizer processing operation originally allowed under CUP No. 2467 and modified under CUP No. 3265 by an additional 29.18 acres of storage and circulation area. The Applicant provided a Traffic Impact Study (TIS) prepared by Peters Engineering Group for previously approved CUP No. 3265 which identified 132 daily one-way truck trips six days per week year round, and up to 130 daily one-way employee trips six days per week year round. Upon review of this TIS by the Design Division of the Fresno County Department of Public Works and Planning and the California Department of Transportation (CALTRANS), no traffic related concerns were expressed by either agency. There will be no increase in vehicular trips as a result of the proposed expansion as the proposed storage and circulation area will be utilized to increase operational efficiency.

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

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property has road frontage on Kamm Avenue, which is classified as an arterial road. Currently, the subject property has two existing access points onto Kamm Avenue and a third is proposed with this project. According to the Transportation and Circulation Element of the General Plan, access points for new development along arterial roads shall be located at sufficient intervals from each other to maintain the safety and the traffic carrying capacity of the roadway. Additionally, wherever possible, direct access points shall be located to allow existing parcels one direct access to an arterial. Further, in some instances where there is sufficient frontage, more than one direct access from a single parcel may be permitted. In this instance, the project is an expansion of a previously approved use and the proposed access is located approximately 300 feet west of the nearest existing access. Further, the proposed access was reviewed by the Development Engineering Section of the Fresno County Department of Public Works and Planning which expressed no concerns with the location of said access.

Staff notes that the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning will require an Encroachment Permit for all improvements within the County right-of-way, and will request cross-sections, dimensions, and

other detailed information as part of the project's Site Plan Review revision. This information will be provided to the Applicant in the form of project Notes.

- E. Would the project result in inadequate emergency access; or
- 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:

No such impacts were identified in the project analysis.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of a new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.E Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils.

- 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: LESS THAN SIGNIFICANT 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:

No such impacts were identified in the project analysis.

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:

No such impacts on biological resources were identified in the project analysis. The subject parcel is located in an agricultural area and has been previously disturbed as said property has been historically utilized for agricultural cultivation. Additionally, neighboring properties have been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the project analysis.

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

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3340, 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, and recreation.

Potential impacts related to agricultural and forestry resources, air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, public services, transportation and traffic, and utilities and service systems have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, and hydrology and water quality have been determined to be less than significant with the identified 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 southeast corner of Tulare and "M" Street, Fresno, California.

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