



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 July 20, 2023

SUBJECT: Unclassified Conditional Use Permit Application No. 3749 and associated Initial Study No. 8281 to allow a solid waste processing facility for the recycling of well drilling mud on portions of a 5.16-acre parcel and a contiguous 12.44-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the north side of Kings Canyon/State Route 180, 100-feet east of N. Valentine Ave., the City of Fresno lies north of the subject site (APNs: 326-150-18, 28, & 30) (Sup. Dist. 1).

**OWNER/
APPLICANT:** Jerry & Erin Berlin

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative/Negative Declaration prepared based on Initial Study (IS) No. 8281; and
- Approve Classified/Unclassified Conditional Use Permit Application No. 3749 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan, Floor Plans, and Elevations
6. Site Photos
7. Applicant's Operational Statement
8. Summary of Initial Study No. 8281
9. Draft Mitigated Negative Declaration
10. Public Comment

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Designated for Limited Industrial Reserve in the County adopted Edison Community Plan.	No Change
Zoning	Limited Agricultural	No Change
Parcel Size	APNs: 326-150-18 (0.06-acres) 326-150-28 (5.16-acres) 326-150-30 (11.14-acres)	<ul style="list-style-type: none"> • Access road • Processing facility • Processing facility
Project Site	Vacant	Solid waste processing and transfer facility
Structural Improvements	None	<ul style="list-style-type: none"> • Mobile trailer • Storage bins • Water tanks
Nearest Residence	N/A	660-feet south of parcel
Surrounding Development	Light Manufacturing Agricultural Single-family dwellings (600+ feet away)	No Change
Operational Features	N/A	See Operational Feature attached as Exhibit 7
Employees	N/A	5-10 employees
Customers	N/A	None
Traffic Trips	N/A	30-50 deliveries per day (Max 70)

Criteria	Existing	Proposed
Lighting	N/A	Hooded lights
Hours of Operation	N/A	Weekdays 7:00 am- 5:00 pm Weekends 7:00 am- 5:00 pm Open yearlong

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8281 was prepared for the subject application by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration (Exhibit 8) is appropriate.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: April 7, 2023

PUBLIC NOTICE:

Notices were sent to 49 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

One public comment was received stating their concerns over street inadequacy (Exhibit 10).

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

According to available records, the subject parcel was originally zoned A-2 (General Agricultural) and subsequently rezoned via Ordinance No. R 007 Amendment No. 3198 on February 23, 1981 to AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and designated as Limited Industrial Reserve in the Edison Community Plan. The land is currently vacant. Surrounding land consists of limited industrial businesses with CA Highway 180 abutting the parcel from the south.

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	Front: 320 feet	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Side: 20 feet Rear: 20 feet	Side: 440 feet Rear: 1,060 feet	
Parking	N/A	19 Stalls (1 Handicap Stall)	Yes
Lot Coverage	N/A	N/A	Yes
Separation Between Buildings	N/A	N/A	Yes
Wall Requirements	N/A	N/A	Yes
Septic Replacement Area	100 percent	No Change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; Disposal field: 100 feet; Seepage pit/cesspool: 150 feet	Based on typical employee potable water usage for bathrooms and breakrooms, it is estimated that the recycling facility will use between 15-20 gallons of potable water per day per worker. This totals to between 75 and 200 gallons per day. The water will be provided by an onsite well.	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

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

Finding 1 Analysis:

The project site is currently vacant. The site as proposed has sufficient access, parking, and meets all setback requirements required in the zone district. The applicant proposes to install a well and septic system to provide for typical on-site potable water and septic demands. It should be noted that the water from the drilling mud brought to the site for processing would not be disposed of on site, the recycled water would be sent offsite to the clients for mixing new drilling mud and filling hydro excavation tanks. The recycling facility would not use large quantities of water, only typical uses for onsite restrooms and breakrooms, estimated to be between 15-20 gallons of potable water per day per worker, totaling between 75 and 200 gallons per day.

Recommended Conditions of Approval:

Disposal of processed materials shall be off site.

Finding 1 Conclusion:

Finding 1 can be made, a review of the Site Plan determined that the lot area and dimensions are adequate to provide for the proposed development consistent with County development standards.

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	Valentine Ave is a County maintained road classified as a collector road with an existing 40 feet of road right-of-way and an ultimate right-of-way of 84 feet per the Fresno County General Plan. Total pavement width is 22 feet with dirt shoulders, ADT is 400 VPD, and PCI is 74.7. Roadway is in fair condition. While the site is also contiguous to State Route 180 it does not have the ability to take access from it.	No Change
Road ADT		400 Vehicles per Day	The project as proposed will conduct 30 and 50 deliveries per day on average, with a maximum of approximately 70 deliveries.
Road Classification		Collector	See below
Road Width		22-feet	Valentine Ave currently has 20 feet of road right-of-way east of section line. An additional 22 feet of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 84 feet for Valentine Ave.
Road Surface		Pavement with dirt shoulders	See above

		Existing Conditions	Proposed Operation
Traffic Trips		N/A	The project as proposed will conduct between 30 and 50 deliveries per day on average, with a maximum of approximately 70 deliveries. All deliveries would be made between the standard operating hours of 7:00am - 5:00pm. Under special conditions for select projects, the facility may operate on Saturday and Sunday between 7:00am -5:00pm as well.
Traffic Impact Study (TIS) Prepared	No	N/A	The proposed maximum 70 deliveries do not warrant a Traffic Impact Study to be prepared.
Road Improvements Required		Roadway is in fair condition.	See Road Width Section

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

Road Maintenance and Operations Division of the Department of Public Works and Planning: Valentine Avenue currently has 20 feet of road right-of-way east of the section line. An additional 22 feet of road right-of-way is required along the subject parcel to facilitate the ultimate right-of-way of 84 feet for Valentine Ave.

Design Division of the Department of Public Works and Planning: The number of trips generated by this proposal is below the threshold of 110 daily trips or ten peak hour trips, which would require preparation of a Traffic Impact Study.

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

Finding 2 Analysis:

Valentine Ave currently has 20 feet of road right-of-way east of section line. An additional 22 feet of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 84 feet for Valentine Ave. According to the Applicant’s Operational Statement, an average of 30 to 50 (maximum 70) deliveries per day are expected. Caltrans and Fresno County Roads Division has reviewed the proposal and indicated they had no concerns with the proposed facility due to the minimal amount of traffic generated by the proposed use.

Recommended Conditions of Approval:

An irrevocable offer of dedication for an additional 22 feet of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 84 feet for Valentine Ave.

Finding 2 Conclusion:

Finding 2 can be made, with the recommended Conditions of Approval as 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.

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	5 acres	Vacant Land	City of Fresno (Industrial)	NA
South	N/A	Freeway	CA Highway 180	N/A
East	8.39 acres	Vacant Land	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	NA
West	0.11 acres 0.38 acres 1.37 acres	Single Family Residence Single Family Residence Single Family Residence	M-2 (General Industrial)	Exceeds 100-feet Exceeds 100-feet Exceeds 100-feet

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

No concerns were received from reviewing agencies and departments to indicate that the project proposal would result in negative impacts to sensitive receptors. Therefore, with compliance of regulatory requirements as addressed by commenting agencies and departments.

Recommended Conditions of Approval:

None.

Finding 3 Conclusion:

Finding 3 can be made based on the above information and with adherence to Conditions of Approval, and mandatory Project notes, staff believes the proposal will not have an adverse effect upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
<p>LU-F.29: <i>The County may approve rezoning requests and discretionary permits for new industrial development or expansion of existing industrial uses subject to conditions concerning the following criteria or other conditions adopted by the Board of Supervisors:</i></p>	<p>Consistent. As discussed in this staff report the project is consistent with all criteria adopted by the Board of Supervisor’s including the General Plan, Zoning Ordinance, and County Development Standards</p>
<p>LU-F.30: <i>The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</i></p>	<p>Consistent. This proposal was routed to the California Regional Water Quality Control Board (RWQCB), who did not express any concerns related to the project. Based on the information provided; the water that will be served at the site will likely not require new infrastructure that will trigger a Division of Drinking Water permit for an existing public water system or create a new water system that meets the definition of a public water system and so will not likely need a Division of Drinking Water permit. Additionally, if construction associated with the proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity shall be required.</p>
<p>PF-A.2: <i>The County shall require new industrial development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided</i></p>	<p>Consistent. The only community utility systems in the area is from the City of Fresno, but is not feasibly available at this time.</p>
<p>PF-F.2: <i>The County shall locate all new solid waste facilities including disposal sites, resource recovery facilities, transfer facilities, processing facilities, composting facilities, and other similar facilities in areas where potential environmental impacts can be mitigated, and the facilities are compatible with surrounding land uses.</i></p>	<p>Consistent. Initial Study No. 8281 prepared for the Project evaluated potential environmental impacts and proposed mitigation measures to reduce the impacts of the project to a level of “Less Than Significant”. The project site shall be subject to the listed mitigation measures with the adoption of the proposed Mitigated Negative Declaration measures which was based on the Initial Study No. 8281.</p>

Reviewing Agency Comments:

Policy Planning Section of the Department of Public Works and Planning: The Edison Community Plan policies relevant to the proposal are stated in the table above. The subject parcels are not enrolled in the Williamson Act Program.

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

Finding 4 Analysis:

The parcel is designated as Limited Industrial Reserve in the Edison Community Plan. The surrounding land consists of limited industrial businesses. Staff determined the proposed use is consistent with all relevant General Plan Policies.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Finding 4 can be made, as described in the above, the project is consistent with the Fresno County General Plan.

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

Finding 5 Analysis:

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

Finding 5 Conclusion:

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

SUMMARY CONCLUSION:

Based on the factors cited in the analysis the required Findings can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3749, subject to the recommended Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative/Negative Declaration prepared based on Initial Study No. 8281; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use No. 3749 subject to the Mitigation Measures, Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit Application No. 3749; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program
Unclassified Conditional Use Permit Application No. 3749 & Initial Study No. 8229 (Including Conditions of Approval and
Project Notes)**

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed to not shine towards adjacent properties and public streets.	Applicant	Applicant/PW&P	Continuous
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities

EXHIBIT 1

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.

Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	Development of the property shall be in substantial compliance with the Site Plans, Floor Plans, Elevations, and Operational Statement approved by the Planning Commission.
2.	A Site Plan Review shall be submitted for approval by the Director of 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, grading and drainage, fire protection, and control of lighting.
3.	Plans, permits and inspections shall be required for all structures based upon the current adopted edition of the California Codes at the time of plan check submittal.

4.	Valentine Ave currently has 20' of road right-of-way east of section line. If Valentine Ave remains a Collector road, an additional 22' of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 84' for Valentine Ave. If Valentine Ave is reclassified as a Local road, an additional 10' of road right-of-way is required along the subject parcel to meet the ultimate right-of-way of 60' for Valentine Ave.
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Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>SJVAPCD: The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.</p> <p>At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency.</p>
2.	<p>Road Maintenance and Operations Comments:</p> <p>Valentine Ave is currently classified as a Collector road. Due to the road ending in an offset bulb turnaround with SR-180 south of the turnaround, Valentine Ave may need to be reclassified as a Local road.</p> <p>Setbacks for new construction shall be based on the ultimate road right-of-way for Valentine Ave.</p> <p>Any proposed access gates must be set back a minimum of 20' from the ultimate road right-of-way for Valentine Ave, or the length of the longest vehicle entering the site, to eliminate the vehicles from idling in the road when stopped to open the gate.</p> <p>An engineered Grading and Drainage Plan is required for any improvements associated with development to show how additional runoff is being handled and verify compliance with Fresno County Ordinance's. Any additional runoff shall be held in on-site retention areas and not be directed towards the road right-of-way or towards adjacent parcels.</p> <p>Subject parcel is within FMFCD boundaries, any permanent drainage improvements should be in accordance with FMFCD master plan. Road drainage improvements such as curb and gutter are required but may be deferred until FMFCD facilities are available.</p> <p>Driveway approaches shall be limited to a maximum width of 35' per Fresno County Improvement Standard D-3.</p> <p>Any work performed within the County road right-of-way will require an encroachment permit.</p>
3.	<p>Fresno Irrigation District (FID):</p> <p>FI D's Mortensen No. 80 runs southwesterly along the northerly and westerly sides of the subject property, and crosses State Route 180 approximately 30 feet southeast of the subject property, as shown on the attached FID exhibit map and</p>

Notes

will be impacted by the proposed project. Should this project include any street and/or utility improvements along State Route 180, or in the vicinity of the pipeline, FID requires it review and approve all plans.

Records indicate FID has the following exclusive easement recorded on September 21, 1982, as Document No. 81138, Book 7976, Page 452, Official Records of Fresno County and recorded on February 16, 1983, as Document No. 83013057, Official Records of Fresno County. Records do not show a recorded easement for the entire portion of this pipeline, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. P-03, P-05 and 1-01.

FID requires the developer relocate a portion of the pipeline within a new 40 feet wide exclusive easement and replace the pipeline with 48 inch inside diameter Rubber Gasket Reinforced Concrete Pipe (RGRCP) ASTM C-361 B25 and appurtenant structures in accordance with FID standards and an agreement be entered in to with FID for that purpose.

FID requires the developer relocate a portion of the pipeline within a new 30 feet wide exclusive easement and replace the pipeline with 30 inch inside diameter Rubber Gasket Reinforced Concrete Pipe (RGRCP) ASTM C-361 B25 and appurtenant structures in accordance with FID standards and an agreement be entered in to with FID for that purpose.

FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.

FID requires all exposed facilities (standpipes, air vents, covers, etc.) within the subject property or directly adjacent to the subject property must be adapted with additional features in order to transition from a rural setting to an urban setting, to mitigate for the effects of new development and increased population, and provide for public safety within FID's property/easement and the development.

FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.

FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.

All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.

No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.

Notes	
	<p>FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and rights-of-way, but will in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement.</p> <p>FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.</p> <p>Footings of retaining walls shall not encroach onto FID property/easement areas.</p> <p>Trees will not be permitted within FID's property/easement areas.</p> <p>FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.</p> <p>No trees will be allowed within FID's exclusive easement and any trees to be planted in the proximity of the pipeline shall maintain a distance of 15 feet from edge of pipe.</p> <p>For informational purposes, FID's Hawn No. 81 runs westerly, crossing Valentine Avenue approximately 400 feet west of the subject property, as shown on the attached FID exhibit map. Should any street and/or utility improvements along Valentine Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.</p> <p>For informational purposes, FID's Teilman No. 79 runs southerly, and crosses State Route 180 approximately 1,200 feet east of the subject property. Should any street and/or utility improvements along State Route 180, or in the vicinity of this facility, FID requires it review and approve all plans.</p> <p>As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.</p> <p>The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.</p>
4.	<p>Fresno County Engineering Department:</p> <p>The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. A copy of written clearance from FMFCD is required prior to County issuing a grading permit/voucher for the proposed work.</p>

Notes

Any additional storm water runoff generated by the proposed development of a site cannot be drained across property lines or into the road right-of-way, and must be retained on-site, per County Standards unless FMFCD specifies otherwise.

According to the U.S.G.S. Quad Map, Mortensen Ditch is near the northerly and westerly property lines of the subject property. Any improvements constructed within or near a ditch should be coordinated with the owners of the ditch/appropriate agency. The lowest floor of any proposed structure AND any associated electrical system components/equipment should be elevated above the high-water level of said canal and/or the finish floor of the building/structure shall be elevated above the crown of the adjacent street. All sides of the building shall be sloped 2% for a distance of 5' to provide positive drainage away from the building.

The subject property is within the City of Fresno SOI (Sphere of Influence). Any off-site improvements and driveway placement relative to the property line should be consulted with the City regarding their requirements.

An Engineered Grading and Drainage Plan should be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. If the licensed Civil Engineer deems an engineered grading and drainage plan is not necessary because the proposed development does not substantially increase the net impervious surface on-site and the existing drainage patterns are not changed, there will be no engineered grading and drainage plan required. However, Letter of Retention and Letter of Certification from a licensed Civil Engineer addressed to the Department of Public Works and Planning may be required. The Letter of Certification must specify the reason why an engineered grading and drainage plan is not needed. While the Letter of Retention specifies the Engineer of Record retained by the Owner/Contractor to perform all on-site inspections and shall certify the construction of on-site improvements to the Department of Public Works & Planning in order for any work performed to be in accordance with the Fresno County Ordinance Code Title 15, Chapter 15.28 Grading and Excavation, County standards and current industry standards.

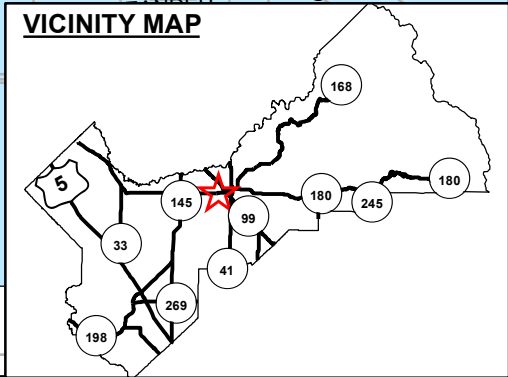
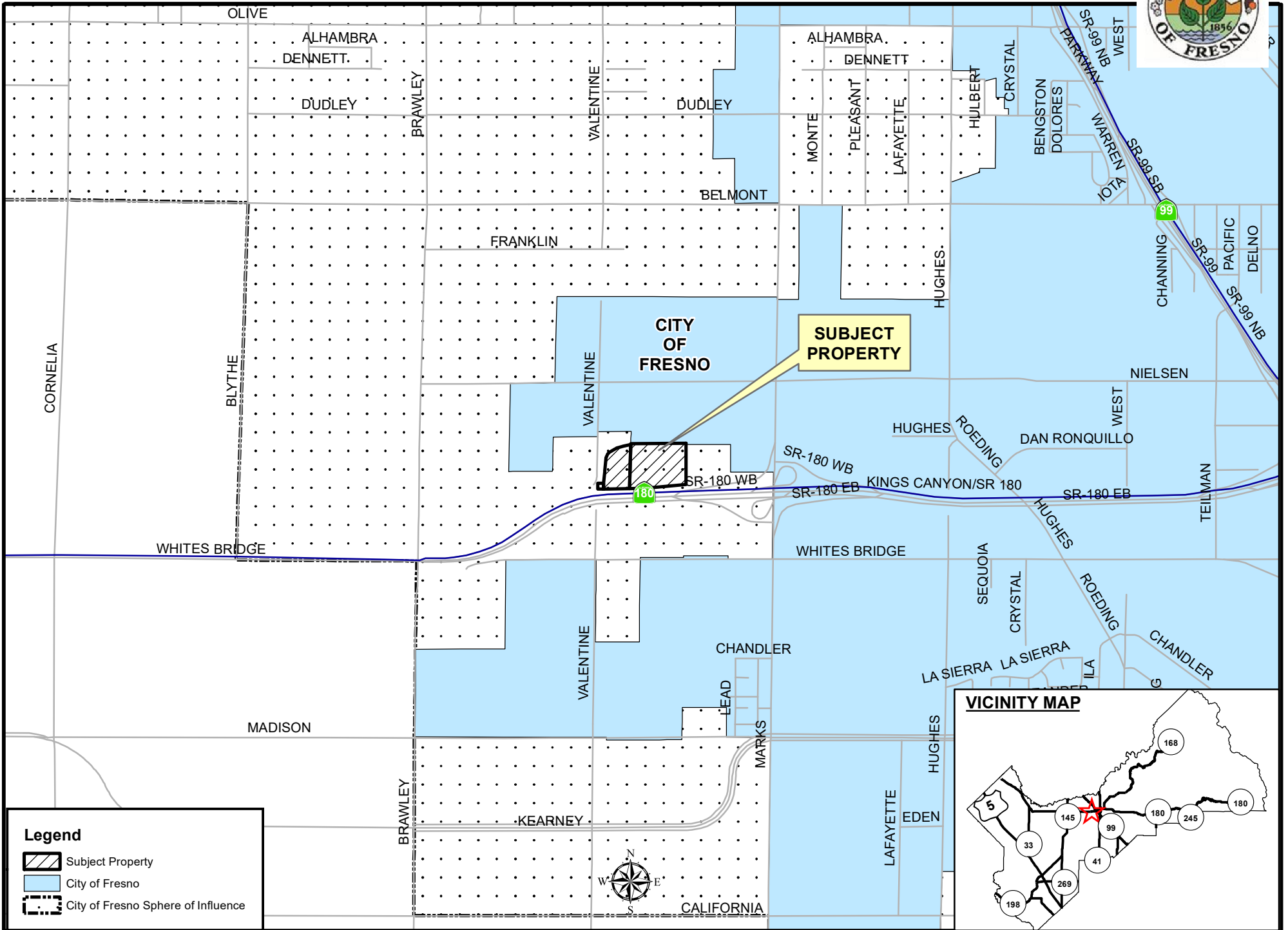
A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) are required to be filed with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP shall be provided to Development Engineering prior to any grading work.

Any existing or proposed parking areas should comply with the Fresno County Off-Street Parking Design Standards. Stalls should be 18' x 9' and backing distance must be a minimum of 29' for 90-degree parking stalls. Also 5' should be provided beyond the last stall in any row to provide for backing. Any proposed handicap accessible parking stalls and curb ramps shall follow ADA standards and the maximum surface slope within the disabled parking space(s) and adjacent access aisle(s) shall not exceed 2% in any direction.

The end of curbed/taper edge of any existing or proposed access driveway approach should be set back a minimum of 5' from the property line.

Notes	
	<p>Any existing or proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.</p> <p>For unpaved or gravel surface access roads, the first 100 feet off of the edge of the road right-of-way must be graded and asphalt concrete paved or treated with dust palliative.</p> <p>If not already present, a 10' x 10' corner cut-off should be improved for sight distance purposes at any proposed or existing driveway accessing Valentine Avenue.</p> <p>Any work done within the County Road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</p> <p>A grading permit/voucher is required for any grading proposed with this application.</p>
5.	<p>Fresno County Surveyor:</p> <p>Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.</p> <p>Should any parcels, adjusted parcels, right of ways, or vacated right of ways ever be monumented, a Record of Survey shall be required pursuant to Section(s) 8762(b)(4) & (5) of the Professional Land Surveyors Act.</p>
6.	<p>California Department of Conservation:</p> <p>If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.</p>

LOCATION MAP



Legend




-  Subject Property
-  City of Fresno
-  City of Fresno Sphere of Influence



EXHIBIT 3 EXISTING ZONING MAP

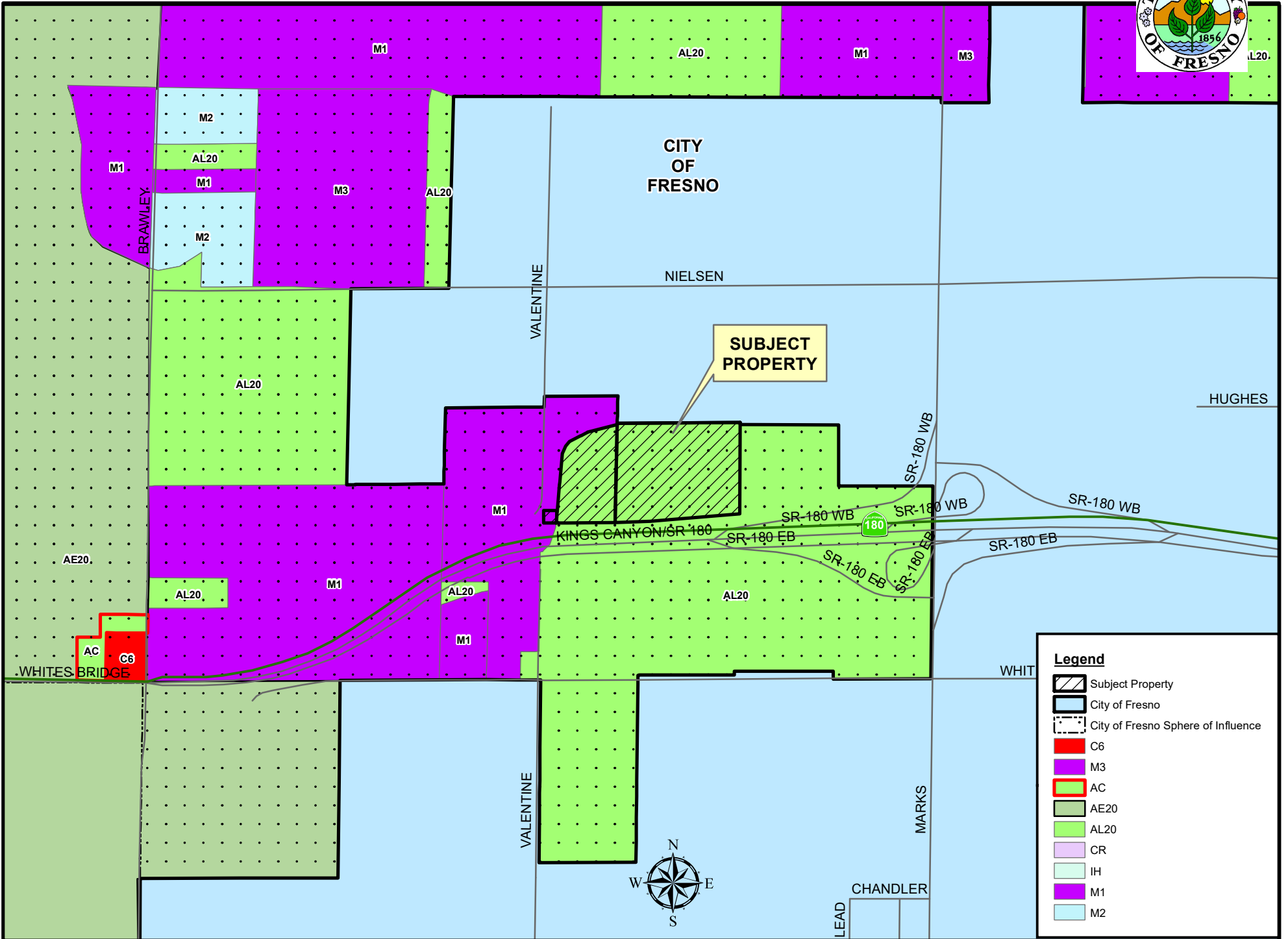
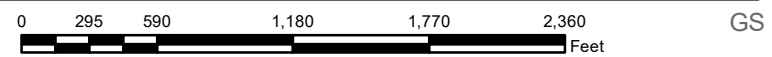


EXHIBIT 3

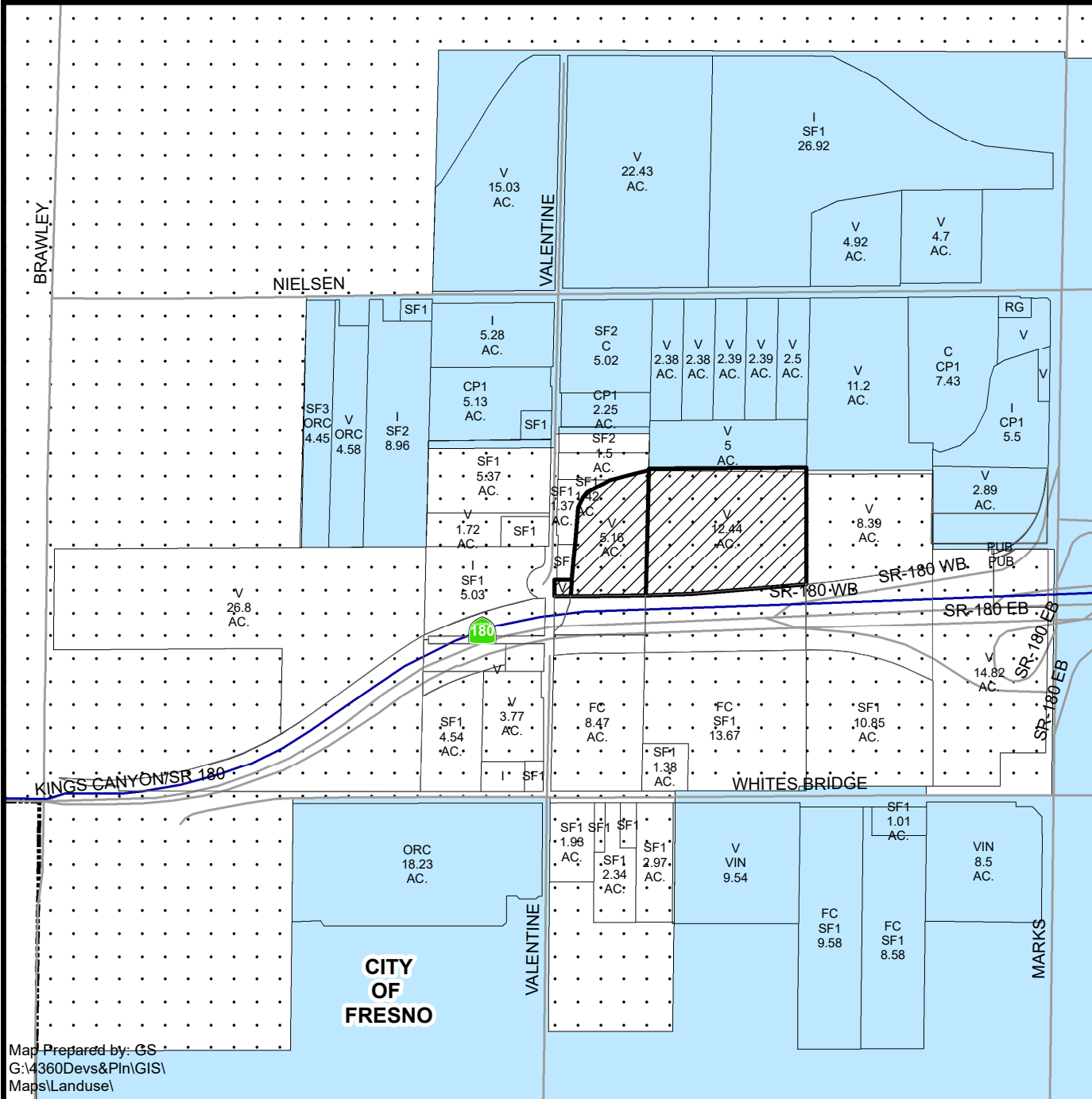
Legend

- Subject Property
- City of Fresno
- City of Fresno Sphere of Influence
- C6
- M3
- AC
- AE20
- AL20
- CR
- IH
- M1
- M2






EXISTING LAND USE MAP

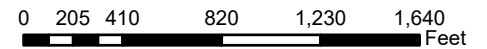
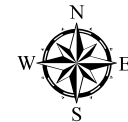
CUP 3749



LEGEND
C - COMMERCIAL
CP# - OFFICE COMM./PROF
FC - FIELD CROP
I - INDUSTRIAL
ORC - ORCHARD
PUB - PUBLICLY OWNED
RG - RESIDENTIAL GROUP FACIL
SF# - SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

Legend

-  Subject Property
-  Fresno
-  City of Fresno Sphere of Influence



Department of Public Works and Planning
Development Services Division

FRESNO COUNTY DEVELOPMENT CENTER
PLOT PLAN

NOTES:

1. WELL INSTALLATION IS DEFERRED
2. SEPTIC SYSTEM INSTALLATION IS DEFERRED

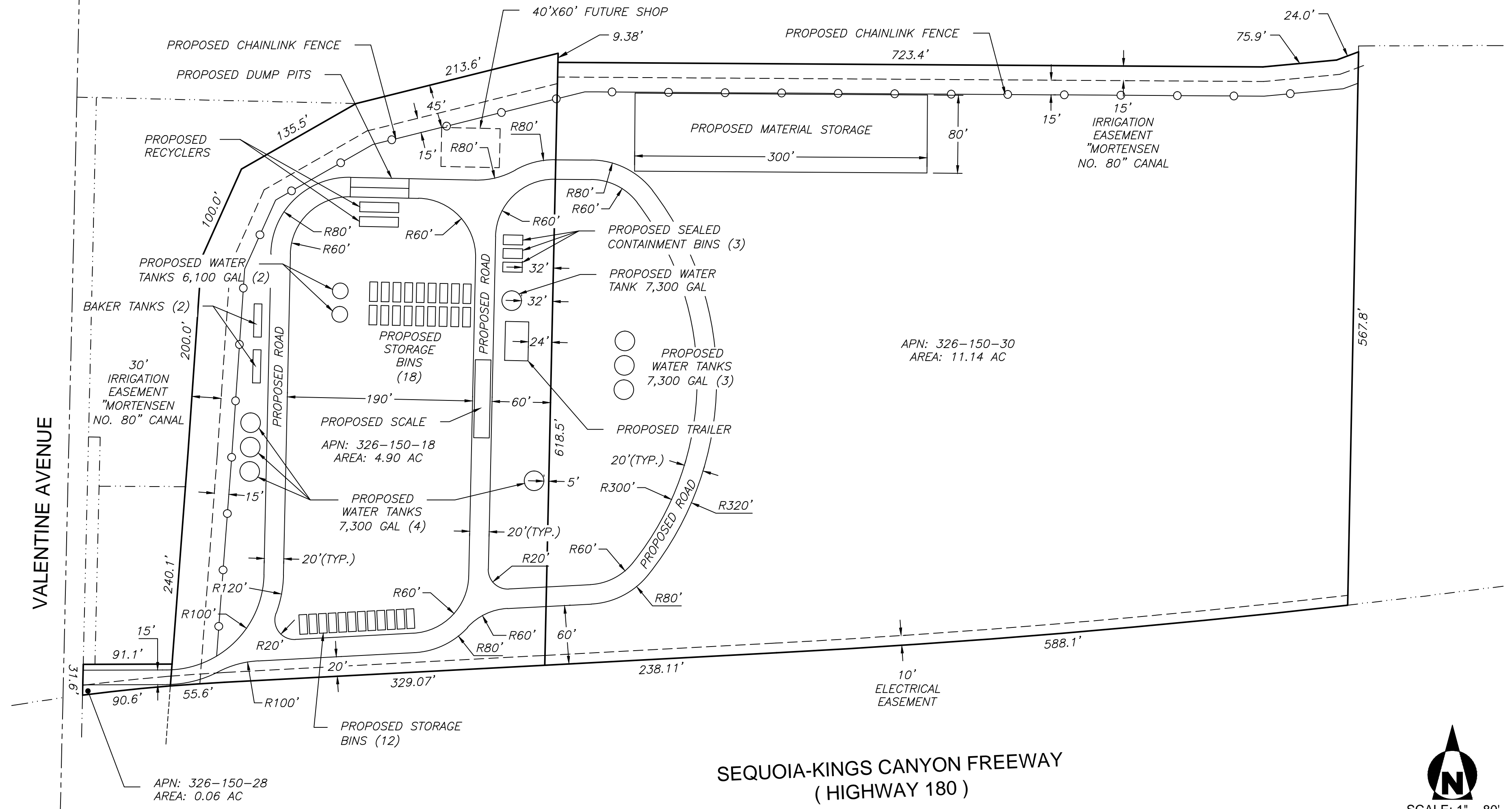
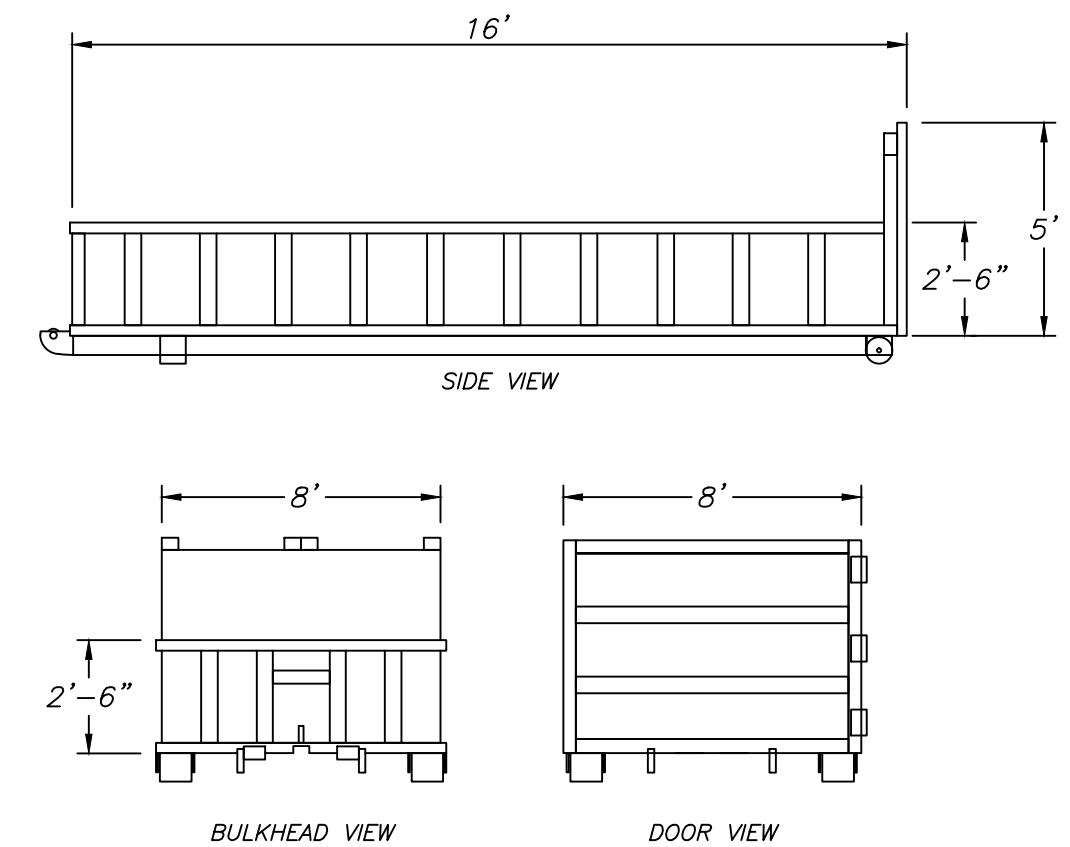
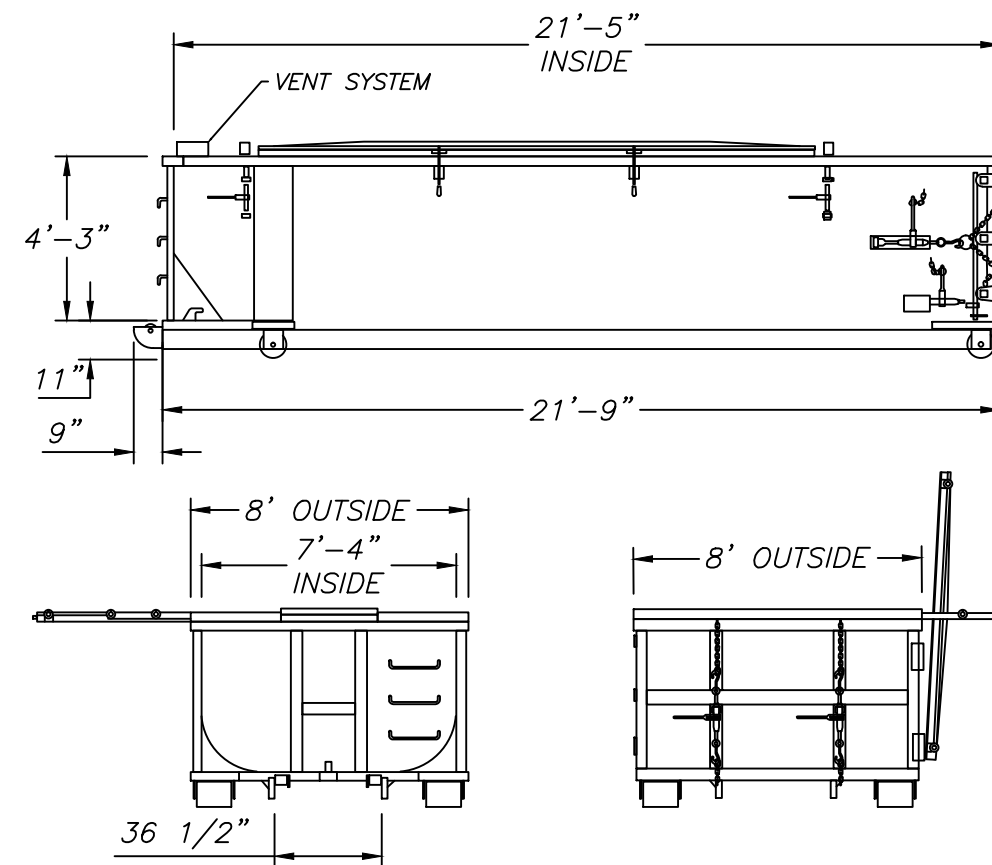
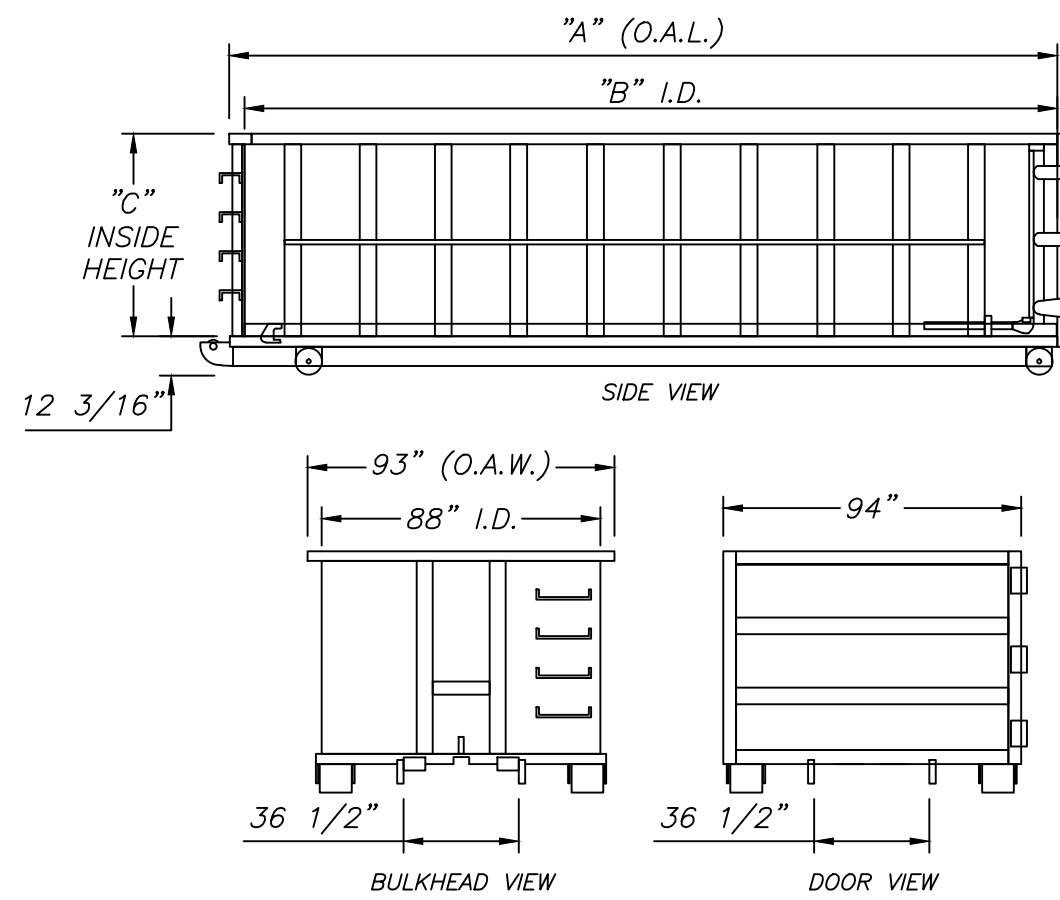


EXHIBIT 5

FRESNO COUNTY DEVELOPMENT CENTER DETAILS AND ELEVATIONS

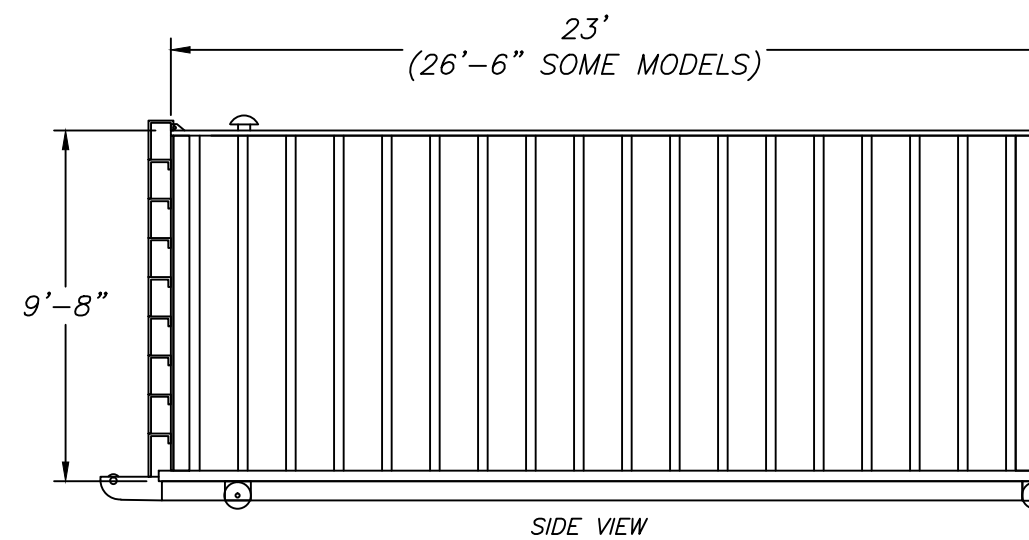


MODEL	CAPACITY	OVERALL LENGTH	INSIDE LENGTH (B)	INSIDE HEIGHT (C)	APPROX. WEIGHT
R100T12S	10 CU. YD.	13' - 1/2"	140"	3'-5"	2826 LBS
R150T1RS	15 CU. YD.	15' - 1/2"	164"	4'-2"	3305 LBS
R200T22SS	20 CU. YD.	22' - 9 1/2"	257"	3'-5"	4500 LBS
R300T22SS	30 CU. YD.	22' - 9 1/2"	257"	5'-2"	5165 LBS
R400T22SS	40 CU. YD.	22' - 9 1/2"	257"	6'-10"	5930 LBS

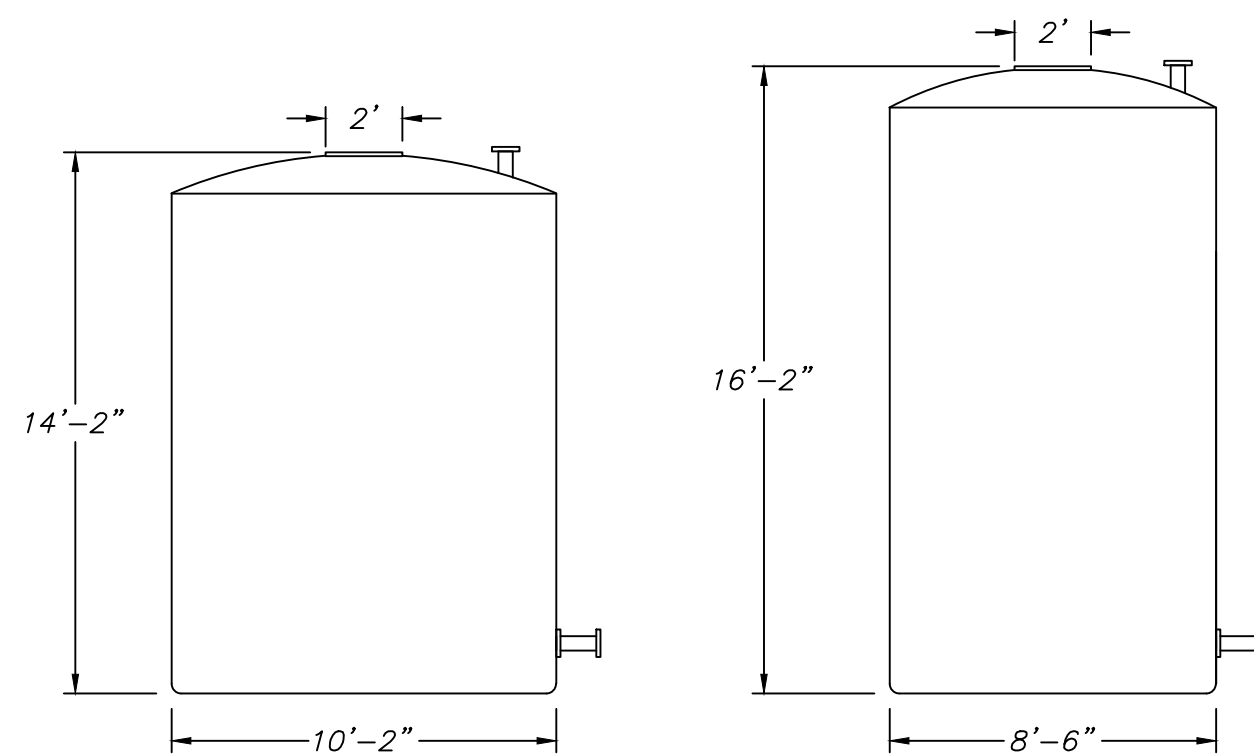
ROLL OFF DUMPSTER

CONTAINMENT BIN
ROUND BOTTOM SLUDGE CONTAINER

13 YARD ROLL-OFF BIN ("LOWBOY")



BAKER TANK
10,000 GALLON ROLL-OFF TANK
BY BAKER CORP.

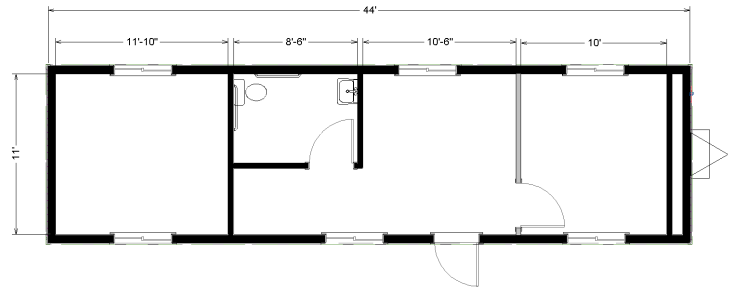
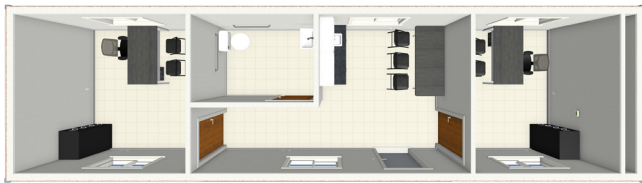
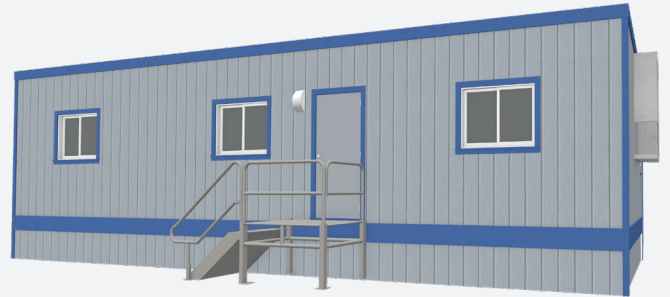


VERTICAL TANK 7,300 GALLONS

VERTICAL TANK 6,100 GALLONS

EXHIBIT 5 PAGE 2

12' x 44' Mobile Office with Restroom



Dimensions

- Hitch is approx. 4' long
- 10' Wide
- 7' 6" to 8' Ceiling Height
- Built to the State Commercial Building Code

Electrical

- Fluorescent or LED Ceiling Lights
- Electrical Outlets
- Light Switches
- Load Center/Breaker Panel Box; in most cases 220/240 volt, 125 amp breaker. Confirm with your local sales representative.

Windows/Doors

- Horizontal Sliding Windows
- Steel Exterior Door w/ Standard Deadbolt Lock
- Theft Prevention Accessories; available upon request. Deadbolt Lock

Exterior

- Exterior Wood Siding
- I-Beam Frame
- Standard Drip Rail Gutters

Heating/Cooling System

- Ducted Heating/Cooling Combination Unit
- Programmable Thermostats
- Plenum Wall for Noise Reduction

Interior

- Paneled or Vinyl Wrap Gypsum Interior Walls
- Vinyl Tile Floor (commercial grade carpet tiles available upon request)
- Acoustical Sound Dampening Ceiling Tiles
- Optional Interior Walls Shown (may include additional costs upon request)

Customize Your Mobile Office!

Pacific Mobile offers a wide array of furniture, accessories, and security packages for a turnkey building that's ready for you and your team to get to work the moment you step onsite.



Storage Containers
Extra Security Features
Furniture
Appliances
Filing Cabinets

OSHA / ADA Ramps
Modular Walls
Carpet Tiles
Coffee Bar
And Much More!

EXHIBIT 6



Photo 1 - Plan View of Property



Photo 2- Sothern Property Boundary

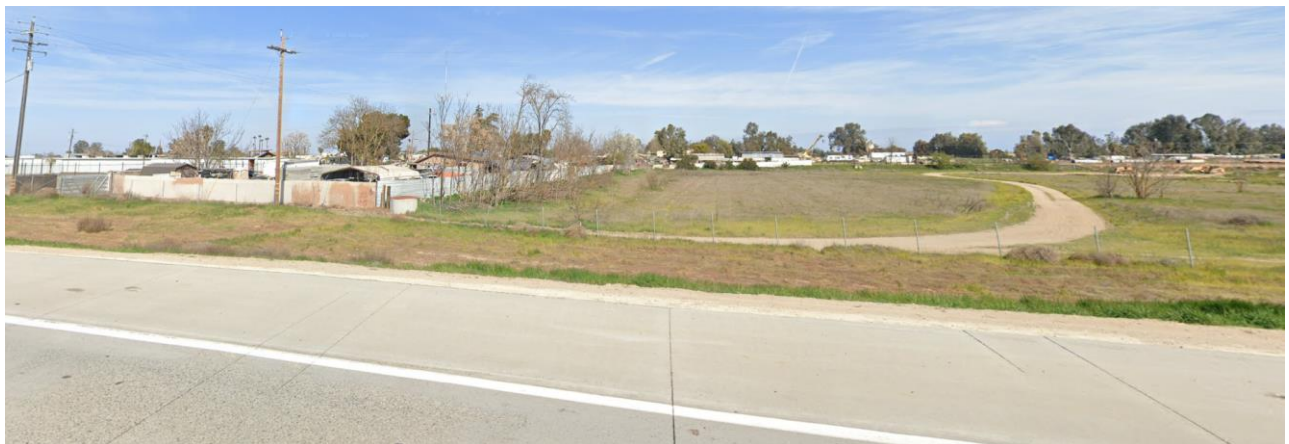


Photo 3- West Property Boundary



Photo 4- East Property Boundary



Photo 5 - Northern Property Boundary



Photo 6 - Onsite Photo



Photo 7 - Onsite Photo



Photo 8 - Onsite Photo



Photo10 - Onsite Photo

Berlin Environmental Solutions, Inc.

Ph: (559) 304-8069

Email: j.berlin@jerrystrenching.com

Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare St. 6th Floor
Fresno, CA 93721

February 4, 2022

Subject: Operational Statement – Drilling Mud Recycling Facility (APN 326-150-18)

The purpose of this Operational Statement is to inform the Fresno County Department of Public Work and Planning of the proposed operating conditions for the Berlin Environmental Solutions, Inc. (BES) Drilling Mud Recycling Facility. BES is proposing to offer a turn-key service (stationary and mobile) for the recycling of non-contaminated drilling mud and hydro excavation spoils. The recycled products generated from this facility will include reusable water for mixing new drilling mud, filling hydro excavation water tanks, dust control, and non-edible vegetation watering; and, clean soil that can be used for either fill material or made into a soil-slurry to be used for backfilling utility trenches, holes, or other cavities. With the adoption of recent Water Conservation Measures in California, the proposed Drilling Mud Recycling Facility would not only help reduce the amount of new potable water consumed by directional drilling and hydro excavation contractors, but it would be taking a material that would otherwise end up in a landfill and turning it into reusable and sustainable products that help reduce the depletion of aggregates from local sand and gravel quarries. The BES Drilling Mud Recycling Facility would be a major benefit to the County of Fresno by providing drillers a properly permitted and legal location to recycle their drilling mud and hydro excavation spoils.

Nature of the Operation

BES is proposed to open and operate a Drilling Mud Recycling Facility, where directional drilling and hydro excavation contractors can properly off-load their wet spoils and be assured that it will be appropriately managed and recycled. BES would accept only non-contaminated spoils that are screeded prior to delivery, followed by laboratory analytical testing. The recycling process would generate reusable water that would be offered back to the contractors upon departure from the facility. For additional details on the entire recycling process, please see the Appendix A - Drilling Mud Recycling Process Procedure.

Operational Time Limits

BES's proposing operating hours are Monday – Friday from 7:00am to 5:00pm (10 hours per day). However, for projects that required weekend work, BES could offer occasional weekend hours to

accommodate the special needs of a project, as determined on a case-by-case basis. Weekend hours would be determined based on the need of the project, but would remain between 7:00am and 5:00pm. The facility would be open year-around and all activities would be conducted outdoors, with the exception of some administrative operations.

Number of Customers or Visitors

BES is proposing to accommodate between 30 and 50 deliveries per day on average, with a maximum of approximately 70 deliveries. All deliveries would be made between the standard operating hours of 7:00am -5:00pm. Under special conditions for select projects, the facility may operate on Saturday and Sunday between 7:00am -5:00pm as well.

Number of Employees

BES is anticipating to employ between 5 and 10 employees. Work hours would be between 6:30am and 5:30pm, Monday – Friday. Weekend work would be on a case-by-case basis depending on a specific project’s needs. No employees would be permitted to live onsite as a caretaker.

Service and Delivery Vehicles

Vehicles entering and exiting the facility on a daily basis would include hydro excavators and vacuum trucks (30 to 50 per day, average), roll-off trucks (5-10 per day max), and employee vehicles. Mobile equipment that may be used onsite include skid steers (est. 2), loaders (est. 2), and excavators (est. 2).

Access to the Site

Access to the facility would be provided via public roads, and will be accessed from N. Valentine Ave. The primary route to the facility is from Highway 180, exiting on N. Marks Ave. and proceeding north to W. Nielsen Ave. At the intersection of W. Nielsen Ave. and N. Marks Ave., head west approximately 0.6 miles and turn left on N. Valentine Ave. The facility entrance is located on the left-hand side of N. Valentine Ave. at the very end of the court.

Number of Parking Spaces for Employees, Customers, and Service/Delivery Vehicles

The facility is currently an empty lot encompassing approximately 5.16 acres. Although there are no designated parking spaces, there will be plenty of space available for parking at the facility for all employees, customers, and service/delivery vehicles. Additionally, one designated handicap parking

spot would be located near the office entrance. Parking will not be permitted outside the facility unless needed for unrelated purposes.

Goods Sold at the Site

Initially, no goods are planned to be sold at the site, only services. However, in the future, soil-slurry backfill will be sold at the facility for the purpose of backfilling utility trenches, holes, or other cavities. The soil-slurry backfill will be produced onsite using recycled soil with added cement. The process and equipment needed to produce the soil-slurry backfill are still under development at this time.

Equipment Used at the Site

The equipment used at the facility includes the off-loading ramp, drop bins, roll-off bins, screens and shakers, mixing equipment, clarifying tank, frac tank, water tank, water filtering equipment, skid steers, loaders, and excavators. Below are photos onsite equipment utilized for the recycling process.

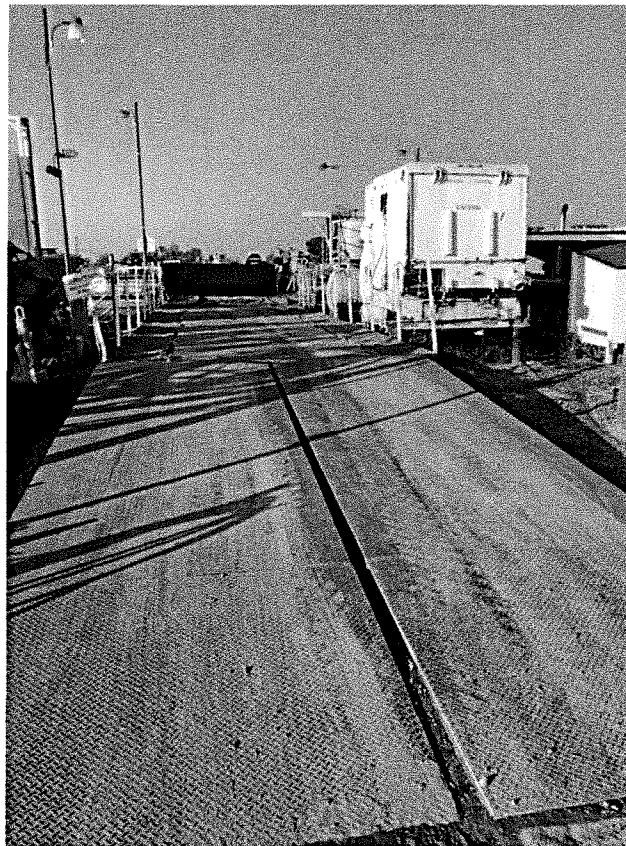


Photo 1 - Off-Loading Ramp

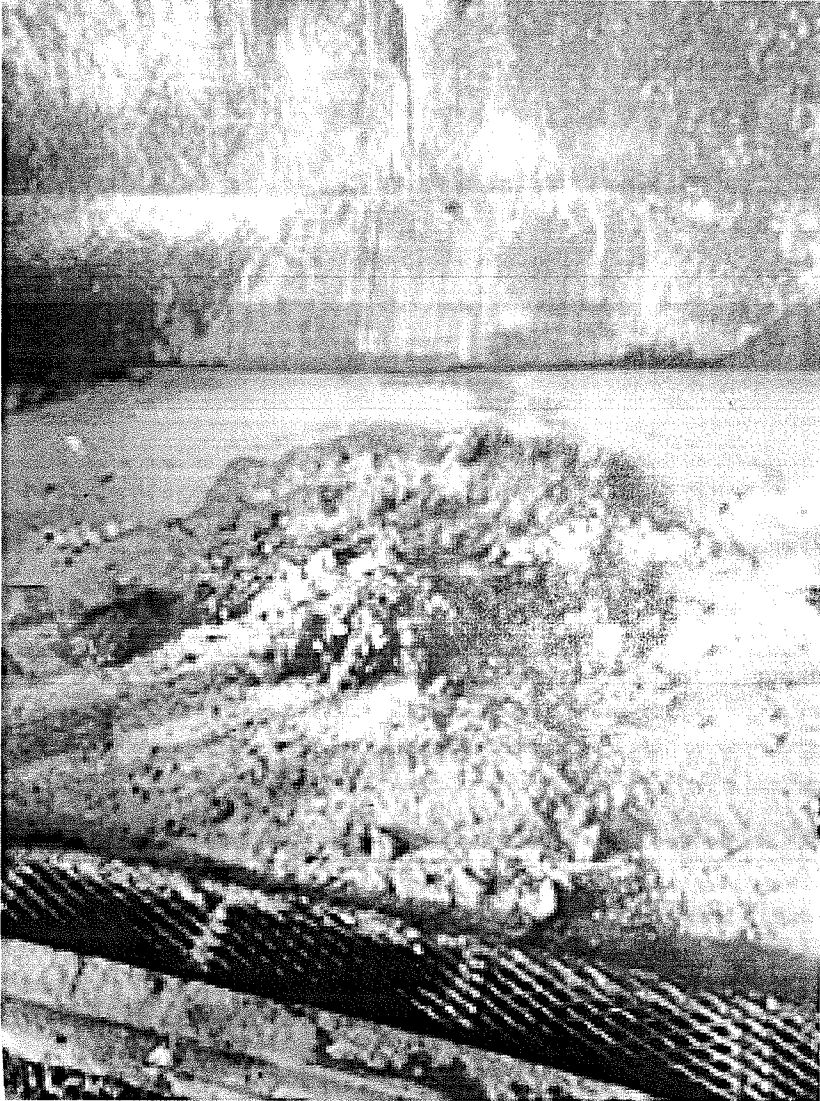


Photo 2 - Material from Initial Delivery



Photo 3 - Drop Bin (Stationary Unit) with Soil After Water Has Been Drained

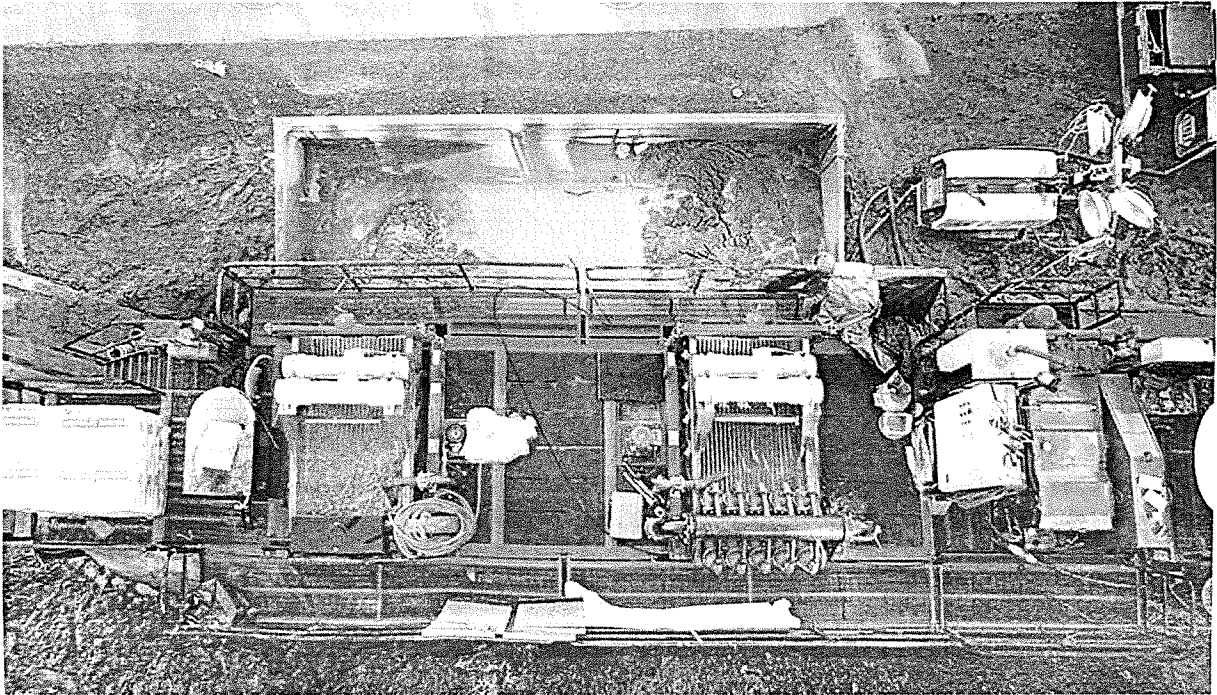


Photo 4 - Shaker with Roll-Off Bin (Top View)



Photo 5 - Shaker and Roll-Off Bin (Front View)



Photo 6 - Decanting Bin with Soil

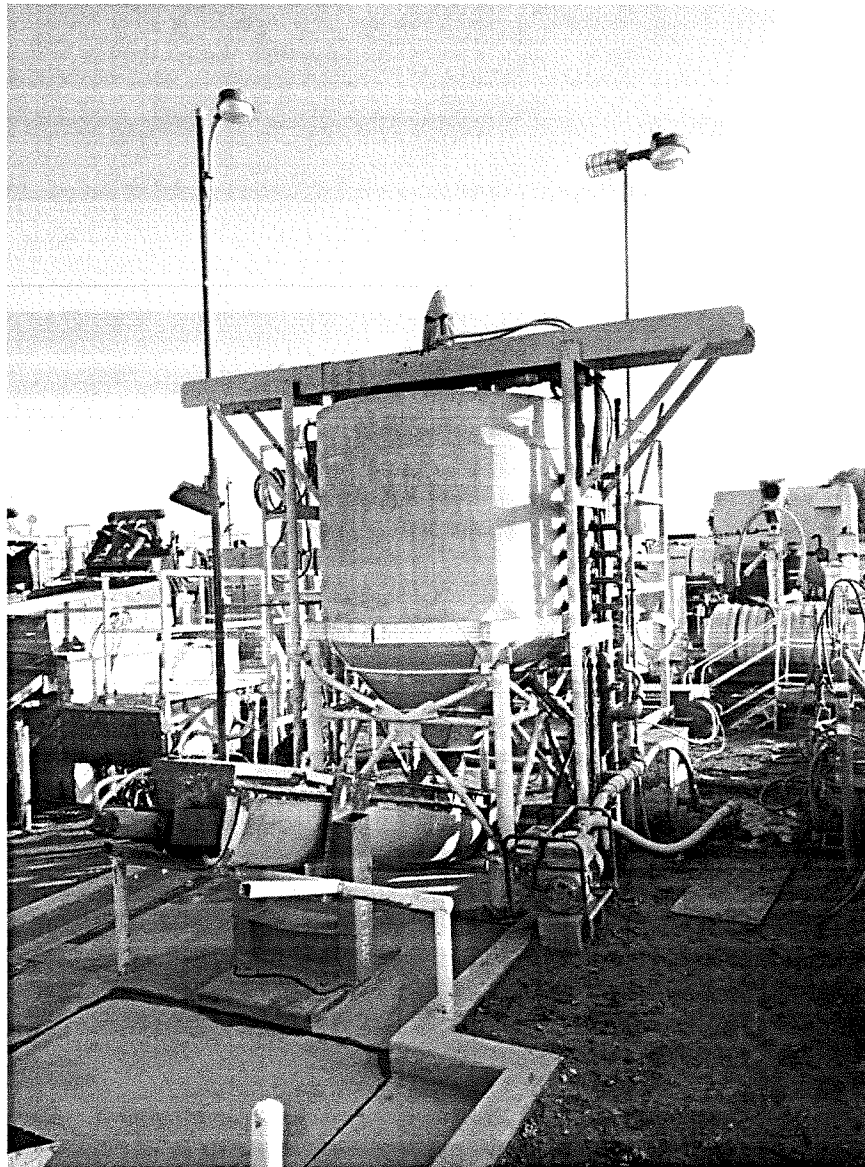


Photo 7 - Cone Bottom Clarifying Tank with Mixing Equipment

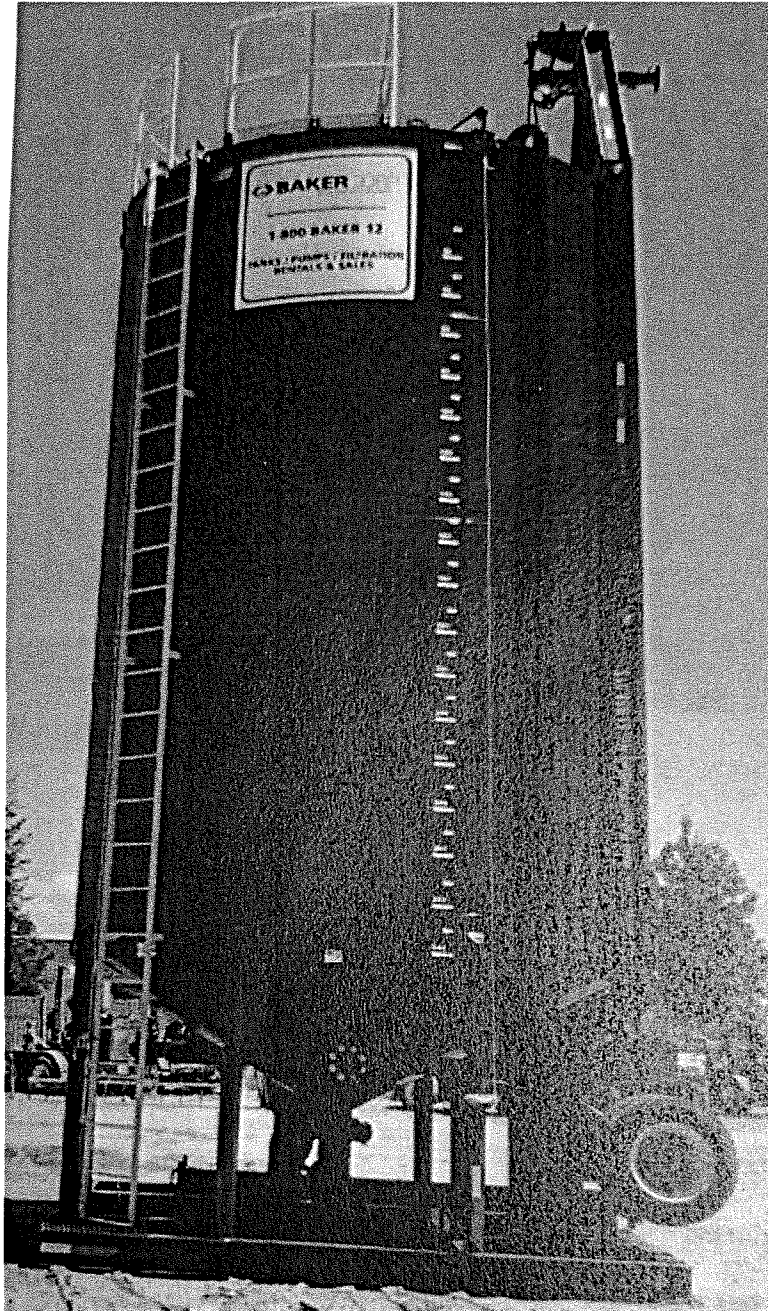
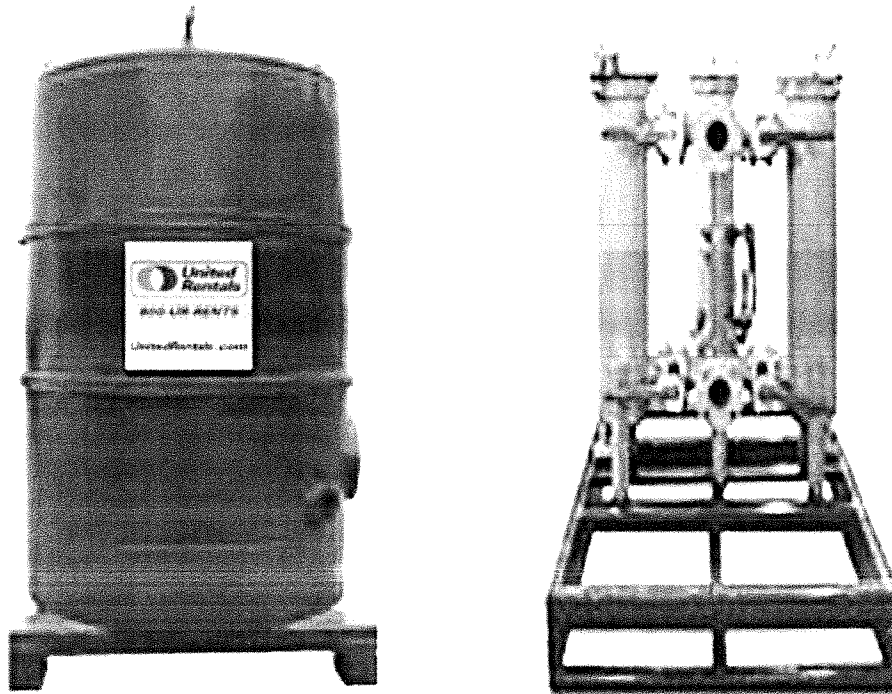


Photo 8 - 17,600 Gallon Cone Bottom Tank



Photos 9 and 10 - Water Filtration Equipment

Supplies and Materials Used and Stored at the Site

The supplies and materials primarily used at the facility will include soil and water. Materials will be brought in by customers via vacuumed trucks or trailers to be processed and recycled. Soil will be stored in sealed decanting bins and roll-off bins (see Photos 4 through 6) until laboratory testing confirms the soil is adequate for reuse. Certified clean soil will be stockpile at the facility for either fill material or for further processing as soil-slurry backfill. At this time, the processing of soil-slurry backfill is not planned to take place at the site. Water will be temporarily stored in the Frac Tank prior to processing. Once the water has been put through the filtering system, it will be stored onsite in a large tank until it is needed for mixing of new drilling mud, filling customers hydro excavation tanks, onsite dust control, or non-edible vegetation watering.

Unsightly Appearances

The facility will not cause any unsightly appearances such as noise, glare, or odor. The potential for dust exists due to the nature of the operation, however, this issue will be mitigated by keeping onsite soil moist and utilizing recycled water for dust control. Note, the facility is located outside of an urban area that is zoned for Limited Agricultural and immediately neighbors Light Manufacturing zoning. Other neighboring facilities include an indoor/outdoor storage facility, paving company, and a large auto reeking yard/repair facility, so the facility appearances will remain consistent with its surrounding.

Solid and Liquid Wastes to be Produced

The goal for the recycling facility is to not produce any solid or liquid wastes, and turn what would be considered a waste into recyclable materials. Customers would deliver their wet spoils to the recycling facility for processing and reuse. The water would be separated from the soil, treated through various processes, tested for contaminants to verify successful treatment, and reused for mixing new drilling mud, filling customer's hydro excavation tanks, dust control, or non-edible vegetation watering. The soil will be dried, laboratory tested for contaminants, and once verified clean used for either fill material or turned into a soil-slurry backfill that meets specified mix designs. Only upon special request by a client would the soil be disposed of as daily cover at a permitted landfill.

Note, the recycling facility would generate typical municipal waste from standard day-to-day business operations, all of which would be disposed of by the municipal waste company that serves the area. The recycling facility does not anticipate producing any hazardous waste.

Estimated Volume of Water to be Used

The recycling facility would process and recycle its own water. All remaining water would be provided back to the client for mixing new drilling mud and filling hydro excavation tanks. The recycling facility would actually be saving water for the County through the recycling process. Other than potable water used for onsite restrooms and breakrooms, the recycling facility does not plan to use large quantities of potable water. Based on typical employee potable water usage for bathrooms and breakrooms, it is estimated that the recycling facility will use between 15-20 gallons of potable water per day per worker. This totals to between 75 and 200 gallons per day. The water would be provided by a municipal water supply provider.

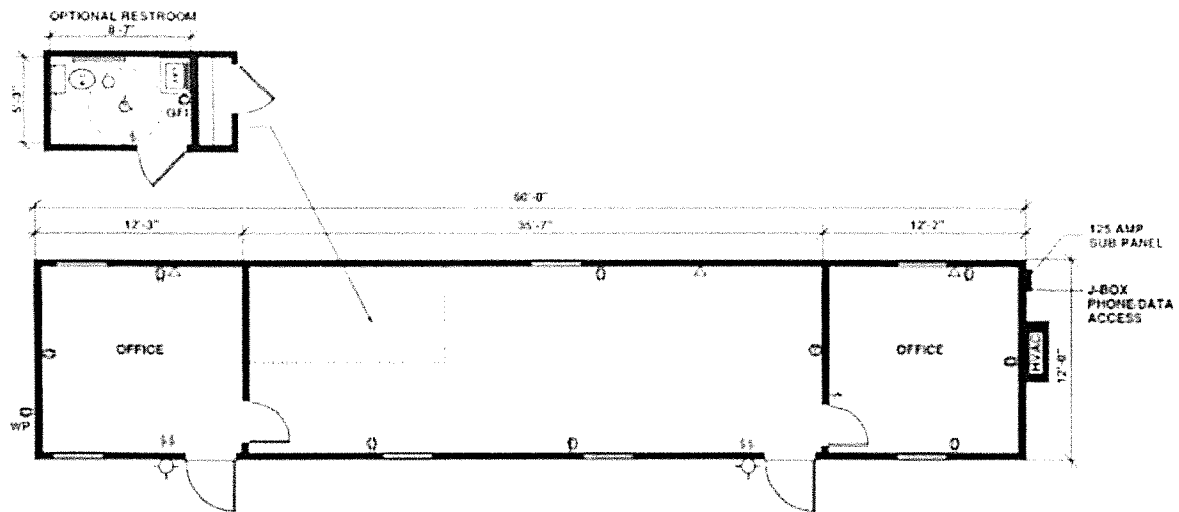
Proposed Advertising

Proposed advertising will remain in compliance with the Limited Agricultural District use requirements. These requirements permit one non-flashing sign for each street frontage, total area of such sign will not be more than 40 square feet, and only pertain to products/services rendered at the premises. The name sign will only include the name of the premises at which it is displayed, name of the owner or lessee, address, and nature or the occupation engaged in on the premises. Note, an advertising structure will not be use per section 817.4 B of the Limited Agricultural District use requirements. Attached for reference is Section 817 for the Limited Agricultural District (see Appendix B).

Existing and New Buildings

The property does not currently contain any buildings. Future buildings may include a single-wide or double-wide mobile office trailer, with typical wood siding. The size would range between 14 and 24 feet wide, and between 50 and 70 feet long. The height would be approximately 20 feet tall (35' maximum per Section 817.5 (D) of the Limited Agricultural District standards). The mobile office color would be in the neutral color family and pleasing to the typical eye.

Below is a typical layout for a single-wide mobile office trailer.



Use of Buildings During Operation

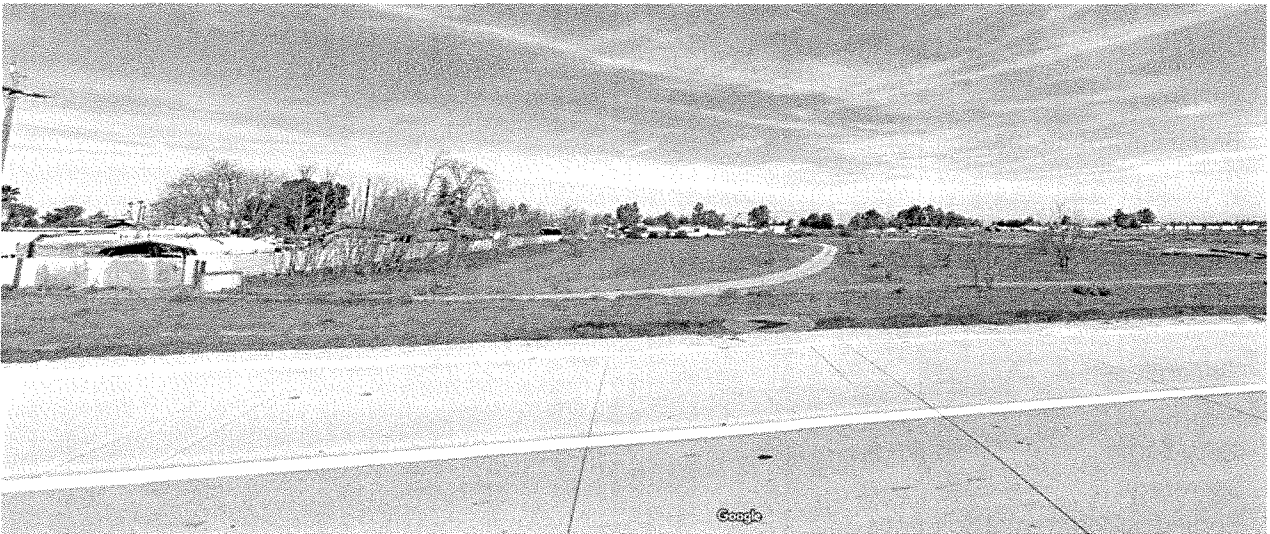
Building usage during operation would be for office work associated with the business. Typical office work would include paperwork review and processing, accounting, and administrative activities. The building may also include a customer counter where payments could be made for the recycling service.

Outdoor Lighting and Sound Amplification System

Outdoor lighting would be utilized to help keep workers safe during normal operation when natural lighting is not available. Per the OSHA requirements, lighting would be installed so that it is evenly distributed throughout the workplace, without gaps, so that workers can comfortably see and move throughout the workspace without straining their eyes. During periods of non-operation, light would be reduced to only what is necessary for security purposes. A sound amplification system is not planned for use at the recycling facility.

Landscaping and Fencing

Currently, the property is fenced with a 6'-7' chain-link fencing. This fencing would remain in place, but BES may add additional fencing to further secure the property. At this time, no landscaping is planned but the property would require clearing a grubbing prior to use for the Drilling Mud Recycling Facility. Below is a photo of the property from Google Maps, prior to ownership by Berlin Environmental Solutions, Inc.



Other Information

The proposed facility location is zoned “AL” - Limited Agriculture. Under Section 817.3 of the Fresno County Zoning Ordinance, Sewage Disposal and Treatment Plants shall be permitted subject to a Conditional Use Permit as provided in Section 873. Although the proposed Drilling Mud Recycling Facility is not a Sewage Disposal or Treatment Plant, it would perform a very similar process by taking a material that would otherwise be considered a waste and turning it into recyclable materials (reusable water and soil). The proposed Drilling Mud Recycling Facility would help reduce the amount of potable water consumed by directional drilling and hydro excavation contractors that are working in the Fresno and surrounding area, and helps support the Sustainable Groundwater Management Act (SGMA). The proposed recycling facility would be a positive attribute to the County of Fresno by supporting the long-term goals of groundwater sustainability, reducing the amount of waste going to local landfills, reducing the amount of mining required for local sand and gravel quarries, and providing drillers a properly permitted and legal location to recycle their drilling mud and hydro excavation spoils.

Owner Information

Below is a list of the owners and officers of the Berlin Environmental Solutions, Inc.

Erin Berlin

President
Berlin Environmental Solutions, Inc.

Jerry Berlin

Secretary
Berlin Environmental Solutions, Inc.

If you have any questions regarding the content included in this Operational Statement, please feel free to contact Jerry Berlin at (559) 304-8069 or by email at j.berlin@jerrystrenching.com.

Sincerely,

Jerry Berlin

Secretary
Berlin Environmental Solutions, Inc.

Appendices:

Appendix A - Drilling Mud Recycling Process Procedure
Appendix B - Section 817 for Limited Agriculture District



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Jerry & Erin Berlin
- APPLICATION NOS.:** Initial Study No. 8281 and Unclassified Conditional Use Permit Application No. 3749
- DESCRIPTION:** Allow a solid waste processing facility for the recycling of well drilling mud on portions of a 5.16-acre parcel (APN 326-150-18) and a contiguous 12.44-acre parcel (APN 326-150-30) that are in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and are designated as Limited Industrial Reserve in the Edison Community Plan.
- LOCATION:** The subject parcels are located on the north side of Kings Canyon/State Route 180, 100- feet east of N. Valentine Ave., the City of Fresno lies north of the subject site [APNs: 326-150-(18, 28, & 30)] (Section 1, Township 14s, Range 19e) (Sup. Dist. 1).

I. AESTHETICS

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject site is in a predominantly limited industrial area throughout the region. Underlying development standards established by the Zone District are designated as Limited Industrial Reserve in the Edison Community Plan. In considering the project will be following development standards of the underlying zone district and that no scenic vista would be negatively impacted by the project, a less than significant impact can be seen.

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

FINDING: NO IMPACT:

The subject parcels are located on the north side of Kings Canyon/State Route 180 and is not designated as a scenic road. Although the project site is located of the points of

interest, these areas are not observed from the project site where an impact to a scenic vista could potentially occur. As there were no scenic resources identified on the project site, the project is not expected to have a significant impact on a scenic vista or scenic resource.

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

FINDING: NO IMPACT:

The subject parcel is AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. There are no identifiable public views within the area. Therefore, with the project's mandatory compliance of the standards any planned visual character of the site follows all development

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, the project will utilize outdoor site lighting and pole mounted parking lot lights to provide security for the development. To ensure that new sources of lights and glare do not adversely affect day or nighttime views in the area and not substantially impact adjacent properties or public right-of-way, mitigation measures for the placement and design of outdoor lighting will be implemented.

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

Per the 2018 Fresno County Important Farmland Map, the subject property is designated Farmland of Local Importance. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: NO IMPACT:

The subject parcels are AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and are designated as Limited Industrial Reserve in the Edison Community Plan and not subject to a Williamson Act Contract. and is seeking to be taken out of the contract.

- C. Conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production; or

- D. Result in the loss of forest land or conversion of forest land to non-forest use; or

FINDING: NO IMPACT:

The subject parcel is not zoned for forest land or timberland, and therefore will not result in the loss of forest land or the conversion of forest land or farmland to incompatible uses.

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

FINDING: NO IMPACT:

The subject parcels are AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and are designated as Limited Industrial Reserve in the Edison Community Plan and will not result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use

III. AIR QUALITY

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

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

The applicant provided an Air Quality and Greenhouse Gas Impact Analysis, completed by LSA dated December 21, 2022. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by Air District.

Per the Air Quality and Greenhouse Gas Impact Analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction emissions associated with the project would be below SJVAPCD thresholds for ROG, NO_x, CO, SO_x, PM_{2.5}, or PM₁₀ emissions. In addition to the construction period thresholds of significance, SJVAPCD has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM₁₀ emissions during the construction period. Implementation of Mitigation Measures as noted below would ensure that the proposed project complies with Regulation VIII and further reduces the short-term construction period air quality impacts.

Mitigation Measures

Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM₁₀ Prohibitions), the following measures shall be implemented for dust control during construction:

- 1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.*
- 2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant*
- 3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- 4. When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*

5. *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)*
6. *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.*

The Long-Term Operational Emissions are associated with mobile source emissions that would result from vehicle trips associated with the proposed project. Area sources, such as landscape equipment would also result in pollutant emissions. Based on the air quality impact analysis, emission estimates for operation of the project calculated using CalEEMod shows that the total project emission resulting from the project would not exceed San Joaquin Valley Air Pollution Control District thresholds for annual ROG, NOx, CO, SOx, PM10, or PM2.5 emissions; therefore, the proposed project would have a less than significant effect on regional air quality, and thus, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located within the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O₃, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, lead and others.

Per the Air Quality and Greenhouse Gas Impact Analysis by LSA dated December 21, 2022, the project does not pose a substantial increase to basin emissions. As the project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable

- C. Expose sensitive receptors to substantial pollutant concentrations; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed lease areas.

Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under ambient air-quality standard. The proposal will be subject to General Plan Policy OS-G.14, which requires that all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of the use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air Quality and Greenhouse Gas Impact Analysis, heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after individual construction is completed. No other sources of objectionable odors have been identified for the project.

The San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the district nuisance rule requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The uses proposed by the subject application are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not located within an area identified as California Tiger Salamander and Vernal Pool Fairy Shrimp. Therefore, any potential special-status species impacts resulting in disturbing these habitats are determined to be less than significant.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the National Wetlands Inventory mapper web application, the project site is not substantial adverse effect on any riparian habitat or other sensitive natural community. Therefore, impacts resulting in disturbing these habitats can be mitigated to less than significant.

- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or

FINDING: NO IMPACT:

The proposed project is not located within a state or federally-protected wetland. No substantial adverse effect on state or federally-protected wetlands is affected.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not likely to affect nor interfere substantially with the movement of any native resident or migratory fish or wildlife species.

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

This project does not conflict with any local policies or ordinances protecting biological resources.

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

FINDING: NO IMPACT:

The project site is unimproved with no vegetation. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinance.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Additional mitigation measures including proper procedure for identification of cultural resources should they be identified during project construction and the requirement of an archeological monitor being present during ground-disturbing activity will further ensure that the project would result in a less than significant impact. Further discussion can be found in Section XVIII. Tribal Cultural Resources.

* **Mitigation Measure(s)**

1. See Section XVIII. Tribal Cultural Resources

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will also be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), effective January 1, 2020, to meet the goals of Assembly Bill (AB) 32 which established a comprehensive program of cost-effective reductions of greenhouse gases to 1990 levels by 2020.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Energy resource consumption is expected to occur during project construction and operation. The proposed development is subject to current building code standards which would consider state and local energy efficiency standards and renewable energy goals. The project would result in a less than significant impact.

VII. GEOLOGY AND SOILS

Would the project:

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

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

Per the California Department of Conservation's Earthquake Hazard Zone Web Application, the project is not located within or near an Earthquake Fault Zone or known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project site is located on land that has a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with 10% probability in 50 years. In consideration of Figure 9-5, the project site has a low chance of reaching peak horizontal ground acceleration and would have a low chance of being subject to strong seismic ground shaking.

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

FINDING: NO IMPACT:

As depicted in Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located within an area with landslide hazard or subsidence hazard. In addition, as noted above, the project site is not expected to be subject to strong seismic shaking which if prolonged would result in liquefaction of the site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project construction will result in the loss of topsoil due to the addition of impervious surface. The existing terrain of the project site contains small hills and a seasonally flooded stream. The project would be subject to local and state standards for development of the site. Development of the site would be further reviewed and permitted and would ensure that the development would not result in substantial soil erosion where increased risk would occur.

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

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site.

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

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located on soils exhibiting moderately high to high expansion potential.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As mentioned in the operational statement, intent is to minimize solid or liquid wastes, and turn what would be considered a waste into recyclable materials. Customers would deliver their wet spoils to the recycling facility for processing and reuse. The water would be separated from the soil, treated through various processes, tested for contaminants to verify successful treatment, and reused for mixing new drilling mud, filling customer's hydro excavation tanks, dust control, or non-edible vegetation watering. The soil will be dried, laboratory tested for contaminants, and once verified clean used for either fill material or turned into a soil-slurry backfill that meets specified mix designs. Only upon special request by a client would the soil be disposed of as daily cover at a permitted landfill.

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

FINDING: NO IMPACT:

No unique paleontological resource or unique geologic feature was identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Analysis Report*, conducted by LSA, A threshold of significance is defined by the SJVAPCD in its GAMAQ11 as an identifiable quantitative, qualitative, or performance level of a particular environmental effect. Non-compliance with a threshold of significance means the effect will normally be determined to be significant. Compliance with a threshold of significance means the effect normally will be determined to be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and provided comments. These comments include compliance of the project with State and local regulations for the use and/or storage of hazardous materials and wastes should they be utilized. Regulations include compliance with the California Health and Safety Code and preparation of submittal of a Hazardous Materials Business Plan. The project does not propose the storage of hazardous materials in amounts where a significant hazard to the public or environment could occur. With the project's compliance with applicable State and local handling and reporting requirements, the project is not likely to result in a significant hazard or result in a significant hazard due to accident conditions involving the release of hazardous materials into the environment.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

There are no existing schools within a one-quarter mile of the project site nor any indication of any designated sites for a school within the Specific Plan area. For reference, the closest school is located 1.5-miles southeast of the project site.

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

FINDING: NO IMPACT:

According to the NEPAassist database, there are no listed hazardous materials sites located on the project site, nor in proximity of the subject site.

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

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility* Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno Chandler Downtown Airport located 1.26-miles southeast of the project site will not be detrimentally affected by the proposed project.

Given the distance between airport and the project site, the safety and noise impacts resulting from flying operations on people residing or working in the project area would be less than significant.

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

FINDING: NO IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is not within the State Responsibility area for wildland fire. Potential exposure to wildland fires is deemed less than significant as the area is away from sensitive receptors whom may be negatively affected from potential risk of wildfires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was routed to the California Regional Water Quality Control Board (RWQCB), who did not express any concerns related to the project. Based on the information provided, the water that will be served at the site will likely not require new infrastructure that will trigger a Division of Drinking Water permit for an existing public water system or create a new water system that meets the definition of a public water system and so will not likely need a Division of Drinking Water permit. Additionally, if construction associated with the proposal disturbs more than one acre, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity shall be required.

Before construction begins, the applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a site plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States. These requirements will be included as project notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The recycling facility would process and recycle its own water. All remaining water would be provided back to the client for mixing new drilling mud and filling hydro excavation tanks. Other than potable water used for onsite restrooms and breakrooms, the recycling facility does not plan to use large quantities of potable water. Based on typical employee potable water usage for bathrooms and breakrooms, it is estimated that the recycling facility will use between 15-20 gallons of potable water per day per worker. This totals to between 75 and 200 gallons per day. The water would be provided by a municipal water supply provider. Therefore, there were no negative impacts identified regarding the local groundwater table. In addition, BES is anticipating employing between 5 and 10 employees. Work hours would be between 6:30am and 5:30pm, Monday- Friday. Weekend work would be on a case-by-case basis depending on a specific project's needs. No employees would be permitted to live onsite as a caretaker.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not expected to alter any existing drainage pattern of the site or area, including through the alteration of the course of a stream or river.

1. Result in substantial erosion or siltation on- or off-site.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading and drainage associated with the construction of fire station will adhere to the Grading and Drainage Sections of the County Ordinance Code.

2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall require: 1) an engineered grading and drainage plan to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3) providing copies of completed NOI and SWPPP to Development Engineering prior to any grading work. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2105H, the parcel is not subject to flooding from the 100-year storm. The project site is not located within a floodplain and, as such, the project will not expose persons to flood or inundation hazards.

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

FINDING: NO IMPACT:

The subject proposal would not conflict with any Water Quality Control Plan or sustainable groundwater management plan. The recycling facility would process and recycle its own water. All remaining water would be provided back to the client for mixing new drilling mud and filling hydro excavation tanks. Other than potable water used for onsite restrooms and breakrooms, the recycling facility does not plan to use large quantities of potable water. Based on typical employee potable water usage for bathrooms and breakrooms, it is estimated that the recycling facility will use between 15-20 gallons of potable water per day per worker. This totals to between 75 and 200 gallons per day. The water would be provided by a municipal water supply provider.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is designated as Limited Industrial Reserve in the Edison Community Plan and compatible with the community designations within and therefore will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project and complies with the Edison Community Plan designating the subject parcels as Limited Industrial Reserve.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located within a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Noise from increased vehicular traffic on and around the project site during construction of the project site would be less than significant. Construction-related noises are expected to be short term and exempt from compliance with the Fresno County Noise Ordinance, provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

The project will adhere to Mitigation Measure No. 19.a - Noise, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that projects adjacent to Millerton Road, shall provide shielding incorporated into the specific design of buildings in the form of noise barriers.

- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within an industrial area. Noise related to generating excess ground-borne vibration or ground-borne noise levels could potentially be problematic. A Project Note would require that the construction of the project shall comply with the County Noise Ordinance regulations to reduce the likelihood of excess noise to less than significant impact.

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

FINDING: NO IMPACT:

The project site is not near an airport to be subject to airport noise. the nearest public airport, Fresno Chandler Downtown Airport, is located 1.26-miles southeast of the project site.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project facility will not result in any unplanned population growth.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The site is currently vacant and will not displace any exiting people or houses necessitating housing replacement elsewhere.

XV. PUBLIC SERVICES

Would the project:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities.

XVI. RECREATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility will not increase the use of existing neighborhood and regional parks or other recreational facilities nor include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

XVI. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal. As the anticipated daily traffic generated, is expected to be minimal, the project does not warrant the need for a Traffic Impact Study to be provided. A traffic management plan to determine the project's impacts to County roads and intersections. According to the traffic management and Vehicles Miles Traveled report, project construction is anticipated to occur over a six-month construction period with an average of five employees a day. In addition to employee trips, an estimated 30 delivery truck trips associated with equipment and materials will provide an increase in overall trip generation, however, would have a minimal impact on the average daily trip for construction related traffic and would not exceed the 110 trips per day threshold.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict nor be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted emergency response plan.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No further inquiries were presented to County Staff.

However, in the unlikely event that cultural resources are identified on the property, the Mitigation Measure included in the CULTURAL ANALYSIS section of this report will reduce impact to tribal cultural resources to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY above. The project will not require new or expanded water facilities.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The recycling facility would process and recycle its own water. All remaining water would be provided back to the client for mixing new drilling mud and filling hydro excavation tanks. Other than potable water used for onsite restrooms and breakrooms,

the recycling facility does not plan to use large quantities of potable water. Based on typical employee potable water usage for bathrooms and breakrooms, it is estimated that the recycling facility will use between 15-20 gallons of potable water per day per worker. This totals to between 75 and 200 gallons per day. The water would be provided by a municipal water supply provider.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project does not anticipate on generating solid waste exceeding State or local standards. As such, the impact would be a less than significant impact.

XX. WILDFIRE

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within the State Responsibility Area (SRA). The project will not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The project site is not located within an area of wildlife and wetlands.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., V., and XVII of this report.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts relating to Agricultural, and Forestry Resources, Air Quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Energy will be addressed with the Mitigation Measures discussed above in Section I, Section IV, Section V and Section VI.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8281 prepared for Unclassified Conditional Use Permit No. 3749, staff has concluded that the project will not have a significant effect on the environment.

No potential impacts were identified related to agricultural and forestry resources, and mineral resources.

Impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, population and housing, hydrology and water quality, land use and planning, noise, energy, public services, transportation, recreation, utilities and service systems, and wildfire have been determined to be less than significant.

Impacts related to aesthetics, biological resources, and tribal cultural resources have been determined to be less than significant with adherence to the proposed Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. "A", Fresno, CA.

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

ER

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721	Space Below For County Clerk Only. EXHIBIT 9 <small>CLK-2046.00 E04-73 R00-00</small>
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Agency File No: Initial Study (IS) 8230	LOCAL AGENCY MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-20231000097
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Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
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Agency Contact Person (Name and Title): Elliot Racusin, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
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Project Applicant/Sponsor (Name): Jerry and Erin Berlin	Project Title: Unclassified Conditional Use Permit Application No. 3749 and Initial Study No. 8281
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Project Description: Allow a solid waste processing facility for the recycling of well drilling mud on portions of a 5.16-acre parcel (APN 326-150-18) and a contiguous 12.44-acre parcel (APN 326-150-30) that are located in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and are designated as Limited Industrial Reserve in the Edison Community Plan.

Justification for Negative Declaration:

Based upon the Initial Study (IS 8281) prepared, staff has concluded that the project will not have a significant effect on the environment.

No impacts were identified related to agricultural and forestry resources, and mineral resources.

Potential impacts related to air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, recreation, , hydrology and water quality and transportation utilities and service systems, and wildfire have been determined to be less than significant.

Potential impact related to aesthetics, cultural resources, geology, tribal cultural resources, and soils have been determined to be less than significant with the identified mitigation measure.

The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.

FINDING:

The proposed project will not have a significant impact on the environment.

Newspaper and Date of Publication: Fresno Business Journal – April 7, 2023	Review Date Deadline: Planning Commission – May 18, 2023	
Date: April 5, 2023	Type or Print Signature: David Randall, Senior Planner	Submitted by (Signature): Elliot Racusin

State 15083, 15085 County Clerk File No.:_ E-20231000097_

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT 10

From: [Betsy Tunnell](#)
To: [Racusin, Elliot](#)
Subject: Permit No 3749_Study 8281_ Erin Berlin
Date: Thursday, May 18, 2023 8:48:07 AM

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Mr. Racusin,

Thank you for taking my call today regarding my concerns for a lack of a sufficient traffic study relating to the proposed project. I own the 5-acre parcel at the corner of N. Valentine and W. Nielsen Ave.. I am not opposed to the project itself, but rather the lack of planning for the impacts that will be generated and at this time do not seem to be addressed. It relates to where the site is and how it will either contribute to the area or cause problems for people and businesses who have been there for a long time. I believe further mitigations may be in order for the impacts.

As you confirmed, access for this property will be where N. Valentine dead-ends at Hwy 180. The large-truck traffic generated by this project would be using W. Nielsen coming from Brawley or W. Nielsen coming from Marks to get to N. Valentine Ave., then proceed south to the site.

W. Nielsen is currently narrow and is already in a severely degraded state due to the high volume of current truck traffic using it for the trucking parking facilities located in the area. North Valentine is also narrow with a small group of houses between W. Nielsen and the dead-end.

To state that 30 trucks per day is minimal use would not be truthful for the type of streets that will be impacted, with the potential of 70, would further deteriorate these streets at a much more rapid rate. The corner of N. Valentine and W. Nielsen is also narrow with cars and trucks traveling at high speeds along W. Nielsen past this intersection because N. Valentine is also a dead-end at W. Nielsen and does not cross further to the North.

Strictly due to the costs of investment, since owning the property in 1992, I have not been able to proceed with any major upgrades or projects that would require permitting on my property due to the requirement of extending the curb and gutter, water and sewer lines to the corner of N. Valentine and W. Nielsen from where the street upgrades end near the corner of Marks and W. Nielsen. The businesses that have widened the street and completed these improvements are closest to N. Marks.

If this business owner has the means to work with the city to upgrade the streets in the area to handle the newly generated traffic it would possibly benefit me as well, but I don't know what that cost would be and if I could afford it for my frontages. It concerns me if this business was allowed the permit and moved forward, and I was suddenly assessed an amount for the improvements for street frontages, I have to both W. Nielsen and N. Valentine.

I am currently working to improve the aesthetics of my property after having evicted 2 tenants who over the years have left considerable junk and debris. I am definitely in favor of improving the area, but within reason for investment and responsibility for all those who will be profitably benefiting.

Thank you for this opportunity to enlighten you a bit more regarding the impacts and concerns relating to this proposed project. I trust that experts will take another look at this and the impacts that still need to be addressed.

Thanks so much,

Betsy Tunnell

559-906-4885

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