



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: John Emmett

APPLICATION NOS.: Initial Study Application No. 7556 and Unclassified Conditional Use Permit Application No. 3626

DESCRIPTION: Allow a solid waste processing facility consisting of an asphalt and concrete crushing operation that will produce recycled baserock, and have the subject materials stored onsite until it is delivered offsite on a 22.44-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of East Kings Canyon Road approximately 1,980 feet west of its nearest intersection with North Del Rey Avenue and is approximately 1.57 miles northwest of the nearest city limits of the City of Sanger (APN: 314-120-35S) (SUP. DIST. 5).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- 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 site is located in a mainly agricultural region with single-family residences located throughout area. According to Figure OS-2 of the Fresno County General Plan, the subject site is not located on or near a scenic roadway. There were no scenic resources or vistas were identified on the subject parcel, or being affected by the project proposal.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The main processing operation will be located in an approximately 3-acre portion located in the southeastern section of the parcel. The operation is proposed to have public road frontage along East Kings Canyon Road at the southeastern portion and will be visible from State Route 180. The applicant proposes 6-foot high chain link fence along the entire property boundary. Additionally, the residential parcel located in the middle of the subject parcel will have further screening with the installation of a 6-foot high chain link fence with privacy slats. The project proposal has the potential to substantially degrade the existing visual character or quality of public views of the site and its surroundings by not providing a visual buffer of the operation from State Route 180, the area with the most potential for public views of the site. Therefore, mitigation shall be implemented to further screen the site of the crushing operation from public view. Additional screening via privacy slats is not necessary as there appears to be agricultural and landscaping buffers located to the east and approximately 1,530 feet between the residence to the north and the processing area. Per the applicant's operational statement, the applicant will plant trees along the northern perimeter of the property to act as a buffer between the existing houses and the grinding operation. To further reduce the visual impact the proposed operation will have on the surrounding area, a height limit shall be established on processed and unprocessed material. This will allow reduction of public views of the operation.

* **Mitigation Measure(s)**

1. *Six-foot high fencing with privacy slats or dense vegetative screening shall be installed and maintained along the southern property line closest to the processing/crushing facility.*
2. *The stockpiles of processed and unprocessed materials shall be limited to 25 feet in height.*

- 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, there is no proposed outdoor lighting. A mitigation measure will be implemented in the case the outdoor lighting is utilized at a later date to reduce impacts on adjacent properties and public right-of-way.

* **Mitigation Measure(s)**

3. *All outdoor lighting shall be hooded and directed downward so as not to shine on public roads or surrounding property.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Important Farmland 2016 Map. Portions of the project site appear to be designated Prime Farmland and Unique Farmland. Aerial photographs of the project site suggest that the site has been utilized for agricultural cultivation in the past. More recent aerial photographs of the site indicate that the parcel is not utilized towards agricultural cultivation. The subject parcel is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and is not subject to a Williamson Act Contract. The proposed use is allowed subject to a discretionary land-use permit per the Fresno County Zoning Ordinance. Per the Applicant's Operational Statement, the northern portion of the parcel would be planted with fruit or nut trees. The majority of the subject site would be utilized towards the proposed operation. Although a loss of productive agricultural land may occur, the loss is not considered significant as recent aerial imagery of the site suggest that the site is not in agricultural production.

- 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
- 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 site is not zoned for forest land, timberland, or timberland zoned Timberland Production and will not result in the loss of forest land. The project will not result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use as the surrounding uses and underlying zone district will not change.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). SJVAPCD did not express concern with the subject application. Although concerns were not expressed by the Air District, it should be noted that the project proposal would be subject to all criteria pollutant thresholds and regulations established under the SJVAPCD. Therefore the project is not in conflict with the applicable Air Quality Plan. As the proposal is a relocation of an existing operation, the criteria pollutants for the air may increase, but would not exceed conditions from the existing operation. Therefore, the increase in the immediate vicinity is less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project proposal will involve the crushing and grinding of asphalt concrete, concrete and other inert materials, which has the potential to create dust. The use does have the ability to negatively impact surrounding properties and agricultural operations due to dust and could impact the public health and crop health/quality. A mitigation measure will be implemented to require the use of dust control measures to ensure limited dust creation from the proposed use.

* **Mitigation Measure(s)**

1. *The applicant shall apply water to the ground, raw materials, processing operation and processed materials to control dust. The operator of the use shall operate in such a manor as to reduce fugitive dust from the operation impacting adjacent properties. If regulations by the SJVAPCD and the use's operator's practices do not reduce the impact of dust on adjacent properties to a level less than other common farming activities in the area, the operator of the use may be required by the code enforcement section of the Fresno County Public Works and Planning Department and/or Department of Public Health to provide*

additional dust control measures so as to reduce the generation of dust and the potential drifting of dust on to neighboring parcels.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

According to the California Natural Diversity Database (CNDDDB), there are no reported occurrences of a special status species on or near the project site. Review of aerial images of the project site, the site has historically been utilized for agricultural cultivation and more recently has been cleared of vegetation and is utilized for equipment storage. Surrounding properties appear to be utilized for agricultural cultivation. Additionally, the project site is in close proximity of a State Route 180. In considering the project site's ground disturbance from its past and present use, surrounding ground disturbance from agricultural operations in the vicinity of the project site, the sites proximity to a major road in the form of State Route 180, and no reported occurrence of a special status species, the project appears to not have an adverse effect on any candidate or special status species.

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

FINDING: NO IMPACT:

According to the National Wetlands Inventory, the project site is not located on or near any identified wetlands. There are no riparian habitat or identified sensitive natural community. The project will not have an adverse effect on riparian habitats or wetlands.

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

FINDING: NO IMPACT:

There were no native resident or migratory wildlife corridor or native wildlife nursery site identified on or near the project site. The project will not interfere substantially with the movement of any native resident or migratory fish.

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

FINDING: NO IMPACT:

There are no local policies or ordinances, or an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan that was identified from this analysis.

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:

Per County records, the subject site is not located in area designated as being archeologically sensitive. Historically the project site has been utilized for agricultural cultivation and recently has been utilized for equipment storage. Existing improvements of the site include a building in the southwestern portion of the parcel. The Applicant is also proposing to construct a 10,125 square-foot office/shop building. In considering the past use of the site for agricultural purposes, the site has experienced ground disturbance and would have disturbed any historical, archaeological, or cultural resources. The site is not believed to contain any cultural resource, but a mitigation measure will be implemented in the event that cultural resources are unearthed during any ground disturbing activity related to project construction and operation.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing*

activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures 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.

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per the Applicant's Operational Statement, the grinder and front loader would operate an average of four hours per operation day with other equipment related to the operation operating an average of two to three hours per operation day up to a maximum of ten days a month, with the proposed operation for processing to run between 7:00 AM and 5:00 PM. As the processing equipment is not anticipated to run during the entire hours of operation, significant environmental impacts related to energy consumption is not anticipated to occur as a result of the project. Due to the amount of running equipment and vehicles involved with the operation, a mitigation measure will be implemented to avoid idling of equipment related to the operation to the most possible extent to reduce wasteful, inefficient, or unnecessary consumption of energy resources.

There is a shop building existing on the property and a proposed office/shop building that will be utilized with the operation. The proposed office/shop building will be constructed to the most current building code which would take into account regulations and standards for energy efficiency.

Reviewing agencies and departments did not express concern with the proposal to indicate that the project would result in conflicts or obstruction of a state or local plan for renewable energy or energy efficiency.

* **Mitigation Measure(s)**

1. *The idling of running equipment and vehicles related to the operation shall be avoided to the most possible extent to reduce wasteful, inefficient, or unnecessary consumption of energy resources.*

VII. GEOLOGY AND SOILS

Would the project:

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

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

FINDING: NO IMPACT:

According to the California Earthquake Hazards Zone Application and Figure 9-3 of the Fresno County General Plan Background Report, the subject parcel is not located on or near any identified earthquake hazard zone.

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

FINDING: NO IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR), the subject site is not located in area designated as having a probabilistic seismic hazard. The project site is not expected to be subject to strong seismic ground shaking or seismic-related ground failure.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the FCGPBR, the subject site is not subject to landslide hazards. Aerial images and photographs of the site suggest that the general terrain of the area is flat land utilized for agricultural purposes with little to no extreme changes in elevation to suggest the area would subject to landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the submitted site plan, the project site will be improved with a 10,125 square-foot office/shop building which will result in the loss of topsoil equal to the square-footage of the building. Also, to be noted, there will be two distinct areas that will experience change from the proposal. A 12-foot high earthen berm will be developed to dampen noise between the crushing operation and the single-family residence located west and a stockpile area for unprocessed material. These two highlighted areas can potentially change the drainage patterns of the project site and result in soil erosion and ground coverage. In considering these changes, per County standards, an Engineered Grading and Drainage Plan may be required to address the proposed changes in environment

thereby reducing impacts to soil erosion and loss of topsoil to a less than significant impact.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not identify any geologic unit or soil that would become unstable as a result of the project or potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the subject application, and determined that the subject parcel can accommodate the sewage disposal system and expansion area meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. The onsite sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section. No other reviewing agency or department expressed concern with the application to indicate that soils of the subject parcel would be incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

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

FINDING: NO IMPACT:

There were no paleontological resource or unique geologic feature identified on the subject parcel.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A Greenhouse Gas Emissions Analysis dated December 4, 2019 was prepared by LSA for the project proposal. Greenhouse Gas (GHG) emissions were estimated utilizing the California Emissions Estimator Model (CalEEMod). Estimated construction GHG emissions resulting from the project are 60.77 metric tons of CO₂e. Operational GHG emissions are estimated to be 451.6 CO₂e metric tons per year. The Study references suggested thresholds from the San Joaquin Valley Air Pollution Control District (SJVAPCD) *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA* (Guide), a project would be considered less than significant if a project meets any of the following criteria: is exempt from CEQA requirements; complies with an approved GHG emissions reduction plan or GHG mitigation program or implements Best Performance Standards (BPS). Additionally, projects that demonstrate the GHG emissions would be reduced or mitigated by at least 29 percent compared to Business-as-Usual (BAU), including GHG emission reductions achieved since the 2002-2004 baseline period, would be considered less than significant. The study determined that the project proposal is not subject to the criteria established under SJVAPCD's Guide as the project is not exempt from CEQA, specific BPS from the Guide would not be applicable for the project, and based on project specifics would generate limited employee and vendor vehicle trips and would have a small building construction footprint where a BAU analysis would not be applicable. The analysis states that due to the absence of other local or regional Climate Action Plans, the proposed project was analyzed for consistency with the goals of Assembly Bill 32 (AB 32) and the AB 32 Scoping Plan. The study identifies additional regulations including Senate Bill 32 (SB 32) and Assembly Bill 197 (AB 197) which provides additional reduction standards and regulations. Additional identified State regulations and standards which require compliance for GHG reductions include California Model Water Efficient Landscape Ordinance and Pavley II (LEV III) Advanced Clean Cars Program. The study concludes that the proposed project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32 and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, based on the estimated emissions and conclusions drawn in the analysis, the project will have a less than significant impact on greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: NO IMPACT:

Reviewing agencies and departments of the subject application and did not indicate that the project proposal would result in transportation, use, or disposal of hazardous materials or waste. No concerns were expressed to indicate that the project would create a significant hazard to the public or the environment through an upset or accidental condition involving the release of hazardous materials into the environment. Specifically, the Department of Public Health, Environmental Health Division and the San Joaquin Valley Air Pollution Control District reviewed the project and did not express concerns with the proposal to indicate that the project would be handling hazardous materials or waste that would negatively impact the surrounding area.

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

FINDING: NO IMPACT:

The project proposal is not located within one-quarter mile of an existing or proposed school.

- 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 NEPA Assist Web Application, the project site is not located on or near any listed hazardous materials site and would not create a significant hazard to the public or environment.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern that the project proposal would result in impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

According to the 2007 Fire Hazard Severity Zones in LRA Map for Fresno County, the project site is not located on or near any moderate to very high fire hazard severity zones. Therefore the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, an estimated 12,000 gallons per day of water is the anticipated maximum usage for the proposed operation. The Applicant has indicated that the site will utilize a water truck for dust control measures. Water will be supplied for the water truck from the existing onsite agricultural well. The Water and Natural Resources Division reviewed the project proposal and did not indicate that the project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The Water and Natural Resources Division also determined that based on the estimated water usage, the project would not substantially decrease groundwater supplies or interfere with groundwater recharge. Therefore, a less than significant impact is seen based on the determination that the proposed water usage will not have an adverse impact on groundwater supplies.

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-3 of the Fresno County General Plan Background Report (FCGPRBR), the subject site is not located on or near identified erosion hazard areas. According to the National Wetlands Inventory (NWI), the subject site is not located on any identified wetlands. The project proposal would result in changes to the terrain of the parcel, which could result in additional erosion of the site or increase the rate or amount of surface runoff. Although an increase in the instances could occur, the Development Engineering Section of the Fresno County Department of Public Works and Planning would require an Engineered Grading and Drainage Plan and grading permit to show how storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties or the environment. With compliance of County standards, a less than significant impact is seen on the possible erosion and increased rate or amount of surface runoff that could be generated by the proposed project.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposal has the potential to contribute additional runoff water that could become polluted from the processed materials. As there are no existing or planned stormwater drainage systems that service the parcel, the runoff per County standards should be confined to the subject parcel and not cross any adjacent property lines. Therefore, a less than significant impact is seen with compliance with County standards.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2155H, the parcel is not subject to flooding from the 100-year storm. Therefore, the project would not impede or redirect flood flows.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per FEMA FIRM Panel 2155H, the project parcel is not subject to flooding from the 100-year storm, therefore the project would have little to no impact regarding the risk of release of pollutants due to project inundation from a flood hazard. However, according to Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), the

subject site could be subject to flood inundation from dam failure. Although there is the risk release of pollutants in the event that a dam failure were to occur, the event is unlikely to occur. The project site is not located on or near any body of water to indicate increased risk from a tsunami or seiche.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project proposal to indicate that the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is located in a mainly agricultural area north of State Route 180. The project does not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Agricultural in the Fresno County General Plan. The Policy Planning Section of the Department of Public Works and Planning has identified policies related to proposed uses in the Agricultural land use designation.

General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria:

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

- The proposed use requires location in either non-urban areas or in industrial designated area due to the operational characteristics involved which could possible noise and air quality impacts that would negatively impact residential

uses that could be located in close proximity of the site if it were situated towards the more densely populated areas.

Criteria “b” states that the use should not be sited on productive agricultural lands if less productive land is available in the vicinity.

- Per the 2016 Important Farmlands Map, portions of the project site are designated for Prime Farmland or Unique Farmland. Recent aerial images of the project site indicate that the site is not utilized for agricultural cultivation. As the site has not been recently farmed, the land could be considered as being less productive agricultural land. Surrounding properties are mostly utilized for agricultural production, therefore there is likely no less productive land in the vicinity of the project site.

Criteria “c” states that the operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius.

- Based on the Applicant’s Operational Statement, the project proposal will utilize a maximum usage of 12,000 gallons per day. Agency and departmental review of the proposed water usage did not return concerns about the estimated water usage to indicate that the project will have a detrimental impact on water resources.

Criteria “d” states that a probable workforce should be located nearby or be readily available.

- The project site is located in close proximity to State Route 180 and has access to the City of Fresno and the City of Sanger. Both are population centers that would provide a probable workforce for the proposed use.

Criteria “e” states that for proposed agricultural commercial center uses the following additional criteria shall apply:

1. Commercial uses should be clustered in centers instead of single uses.
2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center of designated commercial area of any city or unincorporated community.
3. New commercial uses should be located within or adjacent to existing centers.
4. Sites should be located on a major road serving the surrounding area.
5. Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers’ residences.

In regard to Criteria “e”, the project proposal is not being considered under an agricultural commercial center, therefore the additional criteria would not apply to the application.

Criteria “f” states for proposed value-added agricultural processing facilities, the evaluation under criteria “a”, shall consider the service requirements of the use and the

capability and capacity of cities and unincorporated communities to provide the required services.

- The project proposal is not for a value-added agricultural processing facility.

Criteria “h” states that when approving a discretionary permit for an existing commercial use, the criteria listed shall apply except for LU-A.3b, e2, e4, and e5.

General Plan Policy LU-A.12 states that in adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.

- The proposal is not to approve an existing commercial use.

General Plan Policy LU-A.13 states that the County shall protect agricultural operations from conflicts with nonagricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

- Per the Applicant’s submitted site plan, the unprocessed material stockpile will be located approximately 60 feet west from the nearest property line that is utilized for agricultural production. The grinding equipment is proposed to be approximately 150 feet west of the property line. The Applicant also proposes to have a 6-foot high chain-link fence along the property line to further establish the boundary between the subject property and neighboring property. In considering the amount of space between the stockpile area and the neighboring property line, there appears to be enough buffer between the proposed use and adjacent agricultural operation.

General Plan Policy LU-A.14 states that the County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

- The subject parcel is designated Agricultural in the Fresno County General Plan and is not enrolled in the Williamson Act Program. The Fresno County Department of Agriculture has reviewed the application and requires that the Applicant acknowledge the County’s “Right to Farm” Ordinance. No further assessment of the conversion of agricultural land was required from reviewing agencies and departments.

General Plan Policy PF-C.17 states that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:

- a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in questions. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.
- b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic

investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.

In regard to General Plan Policy PF-C.17, reviewing agencies and departments did not require the need for a water supply evaluation. The Applicant, per their Operational Statement, estimates a maximum of 12,000 gallons of water per day supplied by an agricultural well to serve the proposed use. The Water and Natural Resources Division did not express concern with the estimated water usage, nor indicate that need for a water supply evaluation.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Per Figure 7-7 and 7-8 of the Fresno County General Plan Background Report, the subject site is not located on or near any identified mineral resource locations or principal mineral producing locations. Therefore, the project will not result in the loss of availability of a known mineral resources or mineral resource recovery site.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed operation has the potential to increase noise levels in excess of Fresno County Noise Ordinance. An Acoustical Analysis dated October 30, 2018 (Revised March 19, 2020) was prepared by WJV Acoustics (WJVA) for the project proposal. The Fresno County Noise Ordinance establishes maximum permissible noise levels and was utilized by the Acoustical Analysis as a threshold for noise level measurements. The analysis measured noise levels produced from the grinder equipment and hammer

equipment as those uses would produce the majority of sound from the project proposal. Estimated noise levels of the grinder equipment from various distances were provided and the data revealed that the operation of the grinder equipment would not exceed County Noise Ordinance standards with the loudest estimated noise level being 69 dBA with the County standard being 70 dBA. The hammer equipment noise levels were measure 100 feet away from the operating equipment. Unmitigated noise levels of the hammer equipment at 100 feet away exceeded the noise thresholds of the Fresno County Noise Ordinance. The analysis then measured noise levels at 100 feet away with implementation of a ten-foot high berm which provided shielded noise levels. The presence of the ten-foot high berm reduced noise levels at an average of approximately 9 dB, which reduces the noise levels under the maximum thresholds of the Fresno County Noise Ordinance. The analysis identifies the closest noise-sensitive receptor as being approximately 300 feet away from the hammer equipment, therefore noise levels would be further reduced. The analysis recommends the installation of a twelve-foot high berm instead of a ten-foot high berm, therefore mitigation will be implemented based on recommendations from WJVA. Additional mitigation recommended by the consultant are listed below.

* **Mitigation Measure(s)**

1. *A twelve-foot high berm shall be established between the closest sensitive receptor and the proposed processing facility.*
 2. *Grinder and hammer operations should not occur during the nighttime hours between 10:00 PM and 7:00 AM, when applicable noise standards are more restrictive. Operation of the grinder and hammer operations should only occur during the listed hours of operation as established under the Operational Statement between 7:00 AM and 5:00 PM.*
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located in the vicinity of a private airstrip or airport land use plan and not within two miles of a public airport or public use airport, which would expose people residing or working in the project area to excessive noise levels.

XIV. POPULATION AND HOUSING

Would the project:

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

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

FINDING: NO IMPACT:

The project proposal per the Applicant's Operational Statement is for a grinding operation that requires a low employee count to operate. The project is proposed to be situated in a mainly agricultural region with single-family residence pocketed throughout the area. The project is not expected to induce substantial unplanned population growth and will not displace people or housing.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
 1. Fire protection;
 2. Police protection;
 3. Schools;
 4. Parks; or
 5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern with the project proposal to indicate that the proposed operation will require the provision of new or physically-altered governmental facilities or negatively impact service ratios, response times, or other performance objectives.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project proposal will not result in the increased use of existing neighborhood or regional parks, or other recreational facilities and will not require the construction or expansion of recreational facilities which could 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
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant, the project proposal would generate approximately six (6) employee trips per day and twenty (20) truck trips per day during project operation. Based on the estimated trip generation, the project would not exceed County thresholds to require a Traffic Impact Study. Reviewing agencies and departments did not express concern with the subject application to indicate that the project would conflict with a program, plan, ordinance or policy addressing the circulation system.

Although the project was not considered under Vehicle Miles Traveled (VMT), the project site is located along State Route 180 between the City of Fresno and the City of Sanger. The previous site of the operation was located closer to the City of Fresno, approximately 5,540 feet north of State Route 180. Per the Applicant's Operational Statement, the use would receive deliveries from construction sites throughout the area. Possible construction projects that the proposed facility can service will likely originate from development in urban areas. The proposed site could reduce VMT from urban centers by being located in between urban centers than favoring one.

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

FINDING: NO IMPACT:

Reviewing agencies and departments did not identify any hazards or inadequate emergency access designs for vehicular traffic from the project proposal and submitted plans.

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:

Per Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the subject application given the opportunity to enter into consultation with the County of Fresno on the project proposal. No notified California Native American Tribe requested consultation. The project site is not listed on any local register or historical resource. Although historical use of the site suggests that resources would not exist on the parcel, a mitigation measure will be implemented to address cultural resources in the event that a resource is unearthed during ground disturbing activity.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources, Mitigation Measure #1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

The project will not 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 impacts.

- 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:

According to the Applicant, the proposed operation will utilize approximately a maximum of 12,000 gallons a day of water. The Water and Natural Resources Division reviewed the subject application and did not express concerns with the proposed water usage resulting from the project. County records indicate that the subject parcel is not located in low water designated areas. Therefore, the project will result in a less than significant impact on water supplies.

- 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:

The Department of Public Health, Environmental Health Division has reviewed the subject application and determined that the subject parcel can accommodate the sewage disposal system and expansion area meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), onsite wastewater treatment system (OWTS) policy and California Plumbing Code. If a new septic system is proposed to be constructed on the subject parcel, the septic system is subject to permit and inspections by the County of Fresno Department of Public Works and Planning.

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

FINDING: NO IMPACT:

Per the Applicant's Operational Statement, the proposed operation will allow the County to further meet State and Federal standards and regulations for solid waste reduction goals. The project will not generate solid waste in excess of State and local standards and will divert solid waste to the proposed crushing facility for processing of materials for reuse.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

According to the 2007 County of Fresno Fire Hazard Severity Zones in LRA Map provided by the California Department of Forestry and Fire Protection, the project site is not located in a State Responsibility Area (SRA) and is not located in lands classified as very high fire hazard severity zones.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The project site has historically been farmed and has been disturbed with human activity to deter the occupation of wildlife species. The project will not cause wildlife population to drop below self-sustaining levels or threaten to eliminate a plant or animal community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulative impacts identified in the analysis were associated with Aesthetics, Air Quality, Cultural Resources, Energy, Noise, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporation of recommended Mitigation Measures discussed in Section I.C and D, Section III.C and D, Section V.A, B, C, and D, Section VI.A and B, Section XIII.A and B, and Section XVIII.A.1 and 2.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Environmental effects that can cause substantial adverse effect on human beings identified in Aesthetics, Air Quality, and Noise has been reduced to a less than significant impact with implementation of recommended Mitigation Measures discussed in Section I.C and D, Section III.C and D, and Section XIII.A and B.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application No. 3626, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Biological Resources, Hazards and Hazardous Materials, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use Planning, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Air Quality, Cultural Resources, Energy, Noise and Tribal Cultural Resources have determined to be less than significant with compliance with recommended Mitigation Measures.

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

TK

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