



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Apco – Ettner, Inc.
- APPLICATION NOS.: Initial Study Application No. 7798 and Classified Conditional Use Permit Application No. 3668
- DESCRIPTION: Amend CUP 2085 to allow expansion of an existing fertilizer operation on a 5.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The project site is located on the west side of South Lassen Avenue (State Route 269) approximately 4,480 feet south of its nearest intersection with West Mount Whitney Avenue and is approximately 12.9 miles southeast of the nearest city limits of the City of San Joaquin (APN: 050-130-04S) (21929 S. Lassen Avenue, Five Points, CA).

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:

Per Figure OS-2 of the Fresno County General Plan, the project site is not located along any identified scenic roadways. The proposed expansion will include construction and placement of new tanks and a containment unit. There are no identified scenic resources or vistas that would be damaged from 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:

The project will include the construction and placement of new tanks and a containment unit. The proposed tanks and containment unit could potentially be seen from public right-of-way degrading the visual character or quality of public views of the site and its surrounding. The proposed improvements, however, will not have a significant impact on the existing visual character as the existing site is already improved with a fertilizer facility.

- 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 operation utilizes outdoor lighting for normal operations and will extend to the proposed containment unit and tanks for safety and security purposes. With the utilization of outdoor lighting, a mitigation measure will be implemented to reduce impacts outdoor lighting may have on adjacent properties and public right-of-way.

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

FINDING: NO IMPACT:

According to the 2016 Fresno County Important Farmland Map produced by the California Department of Conservation, the project site is designated as Urban and Built-Up Land. The project site is an existing fertilizer operation and proposes to expand the operation through the construction of a new containment unit and placement

of new tanks inside the containment unit. The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as the site is not designated for Farmland. The project does not conflict with existing zoning for agricultural use as the use is allowed per Section 816.3-I of the Fresno County Zoning Ordinance, subject to a Conditional Use Permit.

- 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?

FINDING: NO IMPACT:

The project site is not zoned or located in forest land, timberland, or timberland zoned Timberland Production. The project proposal will not result in the loss of forest land or convert forest land to non-forest use.

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

FINDING: NO IMPACT:

The project proposes to expand an existing fertilizer operation and will not result in conversion of farmland to non-agricultural use or forest land to non-forest use. The existing fertilizer operation is supportive of agricultural uses and the expansion is confined to the existing project site therefore, no direct conversion of farmland to non-agricultural use will occur. The project site is not located in forest land, therefore no conversion of forest land to non-forest use will occur.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) was notified of the subject application and given an opportunity to provide comment. SJVAPCD did not express concerns to indicate that the proposed expansion would conflict with or obstruct implementation of an applicable Air Quality Plan. Additionally, no concerns were

received to indicate that the project would result in a cumulatively considerable net increase of any criteria pollutants. Construction of the project proposal could increase generation of criteria pollutants. The increased generation resulting from construction will be temporary and will not be a permanent increase of criteria pollutant generation. Therefore, a less than significant impact will occur from the temporary generation resulting from construction.

- 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: NO IMPACT:

The closest sensitive receptor is a commercial/professional site located directly southeast of the project site. Per the Applicant's Operational Statement, the use does not generate odors or substantial pollutant concentrations. The proposed improvements are located in the northern portion of the project site away from the existing tank farm. The proposal will not expose sensitive receptors to substantial pollutant concentrations or result in other emissions that would adversely affect a substantial number of people.

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: LESS THAN SIGNIFICANT IMPACT:

According to the California Natural Diversity Database (CNDDDB) there are two reported occurrences that encompass the project site. The Tricolored Blackbird and Crotch Bumblebee have been reported as occurring in the project vicinity. According to the California Department of Fish and Wildlife (CDFW), the Crotch Bumblebee is listed as Candidate Endangered and the Tricolored Blackbird is designated Threatened. The last reported date of the Crotch Bumblebee is April 22, 1964 and the last reported date of the Tricolored Blackbird is April 29, 1907. Both species are presumed extant in the area. The CNDDDB also indicates that the project site is located in the Tricolored Blackbird's range and predicted habitat.

The Tricolored Blackbird per the CDFW Species Account, states that the Tricolored Blackbird prefer to locate nests about 1.5 meters above water or ground in freshwater marshes and up to 2 meters in the canopies of willows and other riparian trees. They are rarely built on the ground. Basic requirements for breeding sites are open accessible water, a protected nesting substrate, including either flooded, thorny or spiny

vegetation; and a suitable foraging space providing adequate insect prey within a few kilometers of the nesting colony. More recently as habitat availability in the Central Valley has changed, the Tricolored Blackbird has been observed nesting in silage and grain fields near dairies. Preferred foraging habitats of the Tricolored Blackbird include crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields, as well as annual grasslands, cattle feedlots, and dairies. The Tricolored Blackbird also forage in remnant native habitats, including wet and dry vernal pools and other seasonal wetlands, riparian scrub habitats, and open marsh borders. Vineyards, orchard, and row crops do not provide suitable nesting substrates or foraging habitats. Most Tricolored Blackbirds forage within 5 kilometers of their colony sites with proximity of suitable foraging habitats being extremely important for the establishment of colony sites. In reviewing aerial and site photographs, it does not appear the project site provides suitable nesting or foraging habitat for the Tricolored Blackbird. Based on the last known reported occurrence and no suitable habitat for the Tricolored Blackbird, it can be seen that the project proposal would not have a significant impact on the Tricolored Blackbird.

In “A Petition to the State of California Fish and Game Commission” dated October 16, 2018, the Crotch Bumblebee inhabits open grassland and scrub habitats and occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills through most of southwestern California. The species was historically common in the Central Valley of California, but now appears to be absent from most of it, especially in the center of its historic range. It is believed that the Crotch Bumblebee primarily nests underground like most other species of bumblebee. Based on the observations stated in the document, and considering the date of the reported occurrence, it suggests that the Crotch Bumblebee may not occur in the Central Valley since its last reported occurrence on April 22, 1964. The subject site has already been improved with the fertilizer operation and experiences human disturbance on a daily basis, which would deter the species from occupying the project site. Therefore, based on the above analysis, the project proposal will have little to no impact on the Crotch Bumblebee.

CDFW and the United States Fish and Wildlife Service (USFWS) were notified of the project proposal. No concerns were expressed by CDFW or USFWS to indicate that the project would have an impact on the identified listed 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, there are no wetlands or riparian habitats located on or near the project site. The project site is improved with an existing fertilizer operation and will not have an impact on wetlands or riparian habitats.

- 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:

The project site is improved and fenced, with an established fertilizer operation. This implies that the site experiences human disturbance daily that would deter wildlife species from occupying or moving through the site. There are no migratory wildlife corridors or nursery sites identified on the project site. Therefore, the proposed expansion will not have an impact on movement of wildlife species or with any wildlife corridors or nursery sites.

- 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:

The U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Wildlife (CDFW) were notified of the subject application and given the opportunity to provide comments. Neither USFWS nor CDFW expressed concerns that the project proposal would conflict with any regional or state Habitat Conservation Plan or Natural Community Conservation Plan. There were no identified local policies, ordinances or Habitat Conservation Plans that conflict with the project proposal.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site has experienced substantial ground-disturbance due to the construction of improvements related to the existing fertilizer operation. There are no indications that historical resources or archaeological resources are located on the project site from past disturbance. A mitigation measure will be implemented to address cultural resources in the event that they are unearthed during ground-disturbing activities related to the current expansion proposal.

* **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 Archaeologist 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: NO IMPACT:

Proposed improvements will be subject to the most current building code standards which take into consideration energy efficiency. The project will not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Reviewing agencies and departments did not express concern to indicate that the project proposal would conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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 Figure 9-3 of the Fresno County General Plan Background Report (FCGPBR) and the Earthquake Hazard Zone Application by the California Department of Conservation, the subject parcel is not located on or near an identified earthquake hazard zone.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is located in area identified as being subject to probabilistic seismic hazards with peak horizontal ground acceleration of 20% to 40%. Although the project site is located in an area that would be subject to a higher probabilistic seismic hazard, the proposed improvements will be built to current building code standards, which take into account safety standards for seismic activity. Per the FCGPBR, hazards associated from seismic-related ground failure including liquefaction and settlement are not expected to occur on the project site as most areas in the valley contain soil types not conducive to liquefaction due to either being too coarse or too high in clay content. Additionally, settlement of sufficient magnitude to cause significant structural damage is normally associated with rapidly deposited alluvial soils, or improperly founded or poorly compacted fills. As stated, project development will be subject to the current building code, which requires compliance with grading standards to ensure safe development of the site. A less than significant impact is seen due to the potential of hazards, but with compliance to building code standards, safe development of the site is ensured.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located in identified landslide hazard areas. The project site is located in flat agricultural utilized land and is located by area that would be highly susceptible to landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposed new development on the site in the form of new tanks and a containment unit. Development of the site is focused on an approximately 4,800 square-foot area of the project site, which will result in the loss of 4,800 square feet of

topsoil. The project will not result in substantial soil erosion and the loss of topsoil will not have an adverse impact on the project site.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-6 of the Fresno County General Plan Background Report (FCGPBR), the project site is located on or near area of deep subsidence. There are no geologic units or soils that were identified as being unstable and as a result of the project would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Reviewing agencies and departments did not express concerns to indicate that the project would result in the identified scenarios. Although the project is located in areas identified with deep subsidence, the project proposal is not expected to significantly increase water consumption that would lead to a hazardous situation in terms of subsidence. Therefore, the project will have a less than significant impact.

- 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 FCGPBR, the project site is not located on or near areas identified as having expansive soils.

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

FINDING: NO IMPACT:

The project site has already been improved with a septic system and does not propose any additional septic improvements with the subject application. There are no known paleontological or geologic resources on the project site or identified during project review. As no new septic system or improvement to the existing system is proposed and no identified paleontological or geologic resource, the project will have no impact.

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:

The subject application is proposing to expand its operation through the construction of additional tanks and a containment unit to contain the new tanks. The increase in capacity may generate an increase in greenhouse gas emissions through operation of the facility and increased mobile sources, but the increase will not have a significant impact on the environment. The San Joaquin Valley Air Pollution Control District was notified of the subject application and did not express concerns that GHG emission increases would have a significant impact on the environment and did not indicate that the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

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 WITH MITIGATION INCORPORATED:

The Fresno County Department of Public Health, Environmental Health Division (EHD) has reviewed the subject application. EHD states that the facility is listed as a Large Hazardous Materials Handler. Mitigation recommended by EHD will be implemented to address the proposed expansion which includes the update of a Hazardous Materials Business Plan and the handling of hazardous waste in accordance with State regulations. The Westlands Water District has requested that a hazardous material spill prevention and response plan be provided so that in the event of a spillage, that situation is addressed by an established plan. With the incorporation of recommended mitigation measures, there will be a less than significant impact from the project's hazardous material handling and it will not create a significant hazard to the public or environment.

* **Mitigation Measure(s)**

1. *Within 30 days of the occurrence of any of the following events, the applicant/operators shall update their Hazardous Materials Business Plan and site map:*

- a. *There is a 100% or more increase in the quantities of a previously disclosed material;*
- b. *The facility begins handling a previously undisclosed material at or above the Hazardous Materials Business Plan threshold amounts;*
- c. *There is a change in the site map.*

The business shall certify that a review of the business plan has been conducted at least once a year, and that any necessary changes were made and that the changes were submitted to the local agency.

2. *All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes.*
3. *Prior to construction permits being issued, a hazardous material spill prevention and response plan shall be developed and approved by the Fresno County Health Department to provide site response should an event of spillage, occur with the liquid fertilizers and pesticides stored on-site.*

- 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 or proposed schools within one-quarter mile of the project site, therefore although the project handles hazardous materials, the project will not have an impact on schools.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to the Department of Public Health, Environmental Health Division the project site is listed as a Large Hazardous Materials Handler per the Fresno County Environmental Health Division Database. As discussed previously, the applicant/operators of the subject operation will be required to update their Hazardous Materials Business Plan and provide a hazardous material spill prevention and response plan that address all new aspects of the operation. With implementation of discussed mitigation measures, the project will have a less than significant impact 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 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 with the subject expansion to indicate that the proposal will impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is located in a sparsely populated area with the majority of uses being related to agricultural use. The project does not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

The Water and Natural Resources Division reviewed the subject application and determined that the existing water supply is adequate to support the proposed expansion. The Westlands Water District did not express concerns with the proposed expansion. The State Water Resources Control Board (SWRCB) requires that an approved long-term solution for the provision of drinking water be established with the project proposal. The source of drinking water will need to be approved and permitted by the SWRCB. Based on comments received by reviewing agencies and departments, the project will be subject to establishment of a more permanent water supply and that the water supply of the area is adequate to support the expansion. The project will not violate any water quality standards or waste discharge requirements. The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

- 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: NO IMPACT:

According to United States Geological Survey (USGS) Quad Maps, there are existing drainage channels near the southern property line of the subject site. The proposed project site is located in the norther portion of the subject parcel avoiding impacts to the identified drainage channel.

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:

The project will include the construction of an additional 4,800 square feet of impervious surface to the site. The additional impervious surface will result in an increase in the amount of surface runoff, which can result in erosion or siltation. The project will be subject to grading permits and an Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Therefore, a less than significant impact will occur as the building footprint of the expansion will result in only a slight increase of surface runoff. Additionally, the project will be subject to a grading permit that will ensure compliance with local and state standards.

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:

Per Fresno County standards, drainage resulting from surface runoff should be contained to the project site. Additionally, an Engineered Grading and Drainage Plan may be required by the Development Engineering Section to address how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. The Applicant has indicated on their site plan that there is a rainwater catch basin available to capture runoff to avoid impacting adjacent properties. Stormwater best management practices will be implemented during construction.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2850J, the project site is located in land designated as Zone X, Area of Minimal Flood Hazard and is therefore not subject to flooding from the 100-year storm.

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

FINDING: NO IMPACT:

According to Figure 9-7 and 9-8 of the Fresno County General Plan Background Report, the project site is not located in a 100-year flood inundation area or dam failure flood inundation area. There are no bodies of water located near the project site to indicate increased risk due to 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 concerns 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 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 Policy Planning Section of the Department of Public Works and Planning has reviewed the subject application and per the Fresno County General Plan, the subject site is designated Agricultural. The Policy Planning Section has identified the following policies from the Agriculture and Land Use Element of the General Plan that related to the subject proposal. General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated Agriculture 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. Criteria “b” states

that the use should not be sited on productive agricultural lands if less productive land is available in the vicinity. 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. Criteria "d" states a probable workforce should be located nearby or readily available. Criteria "e" states for proposed agricultural commercial center uses the following additional criteria shall apply: Criteria "e.1" states commercial uses should be clustered in centers instead of single uses; Criteria "e.2" states 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 or designated commercial area of any city or unincorporated community; Criteria "e.3" states new commercial uses should be located within or adjacent to existing centers; Criteria "e.4" states that sites should be located on major roads serving the surrounding areas; Criteria "e.5" states that 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. Criteria "f" states for proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services. Criteria "g" states that for proposed churches and schools, the evaluation under criteria LU-A.3.a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community. Criteria "h" states when approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3.b, e.2, e.4 and e.5.

Regarding Criteria "a", the project proposal is sited on an existing fertilizer operation. The use will not change, as the proposal is requesting to expand the existing use to allow additional capacity for the operation. The established use is agriculturally supportive in nature. Per the Applicant's Operational Statement, all goods are delivered to the customer, therefore, the use would be better suited being located near their customer base. Additionally, with the presence of hazardous materials, the site is better suited to be located in a more isolated setting reducing exposure to sensitive receptors. There is no conflict with Criteria "a" as the use has been established and the use cannot be located more efficiently within urban areas. Regarding Criteria "b", the use has been established with a fertilizer operation, with County records showing establishment of the use since October 18, 1984 with the approval of Conditional Use Permit Application No. 2085 that allowed the fertilizer operation. As the project site has not been utilized for agricultural purposes since the approval date of CUP 2085, the proposal is not in conflict with Criteria "b". In regard to Criteria "c", the project proposal was reviewed by the Water and Natural Resources Division, the State Water Resources Control Board, and the Westside Subbasin Groundwater Sustainability Agency. The Water and Natural Resources Division determined that the existing water supply is adequate to support the proposed expansion. The State Water Resources Control Board requires that a reliable source of drinking water be established, which will be required for project approval. There was no indication from reviewing agencies and departments to indicate that the proposed expansion would have a detrimental impact on water resources. Regarding

Criteria “d” the subject site is located along approximately 12.9 miles southwest from the City of San Joaquin and approximately 14 miles north of the City of Huron. The project site fronts State Route 269 (Lassen Avenue) which serves as a north and south thoroughfare for communities and incorporated cities in between State Route 41 and Interstate 5. Although the project site is not located near a population center, due to its location along a thoroughfare that has access to population centers, the project is seen as being consistent with Criteria “d”. In regard to Criteria “e”, the project proposal is not considered a commercial center and is considered an agricultural supportive operation, therefore the project proposal is not subject to Criteria “e”. Regarding Criteria “f” and “g”, the project proposal is not a value-added agricultural use nor is it a school and church proposal, therefore the project is not subject to Criteria “f” and “g”.

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 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near identified mineral resource locations.

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:

The Department of Public Health, Environmental Health Division has determined that the proposed construction has the potential to expose nearby resident to elevated noise levels and that consideration should be given to the Fresno County Noise Ordinance. The proposed construction is expected to temporarily increase noise levels to a certain extent but is not likely to have a significant impact due to the temporary nature of construction. Operation of the facility after construction is completed is not expected to drastically increase noise levels when compared to the existing facility operation.

- 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?

FINDING: NO IMPACT:

The project site is not located on or within two miles of a private airstrip, airport land use plan area, or public airport.

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 site is located on an existing fertilizer operation and will not induce substantial unplanned population growth and will not displace substantial numbers of existing 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;

FINDING: NO IMPACT:

The Fresno County Fire Protection District has reviewed the application and did not express concerns to indicate that the project would require the provision of new or physically-altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

- 2. Police protection;

3. Schools;
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

Reviewing agencies and departments did not express concern to indicate that the project would result in the provision of new or physically-altered governmental facilities in order to, maintain acceptable 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 proposed expansion will not increase the use of existing neighborhood and regional parks or other recreational facilities that will result in substantial physical deterioration of the facility and will not require the construction or expansion of recreational facilities.

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:

A Trip Generation and Distribution Study was conducted by the Applicant and was reviewed by the Design Division for traffic impacts the project may have. The study concluded that the existing operation produces approximately thirty trips during operation. The proposed expansion will not increase the amount of trips produced from the operation. The Design Division concluded that the project does not meet or exceed thresholds for trip generation and distribution, therefore the operation and the proposed

expansion does not conflict with a program, plan, ordinance, or policy addressing the County's circulation system. Pursuant to CEQA Guidelines Section 15064.3 Subdivision (b), the submitted Trip Generation and Distribution Study was considered under traffic trips generated by the project operation and expansion and not under vehicle miles traveled. It was determined that the project would not have a significant impact on County roads. The project will not increase existing trips and would not be in conflict or 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: NO IMPACT:

There is no proposal of additional site access features that would cause a substantial hazard. Reviewing agencies and departments did not express concerns with the design of the expansion to indicate that the project would substantially increase hazards, nor were there any concerns expressed to indicate that the project proposal would result in inadequate emergency access.

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:

Participating California Native American Tribes were notified of the subject application and were given the opportunity to enter consultation with the County of Fresno. No notified participating Native American Tribes expressed concerns with the project proposal. The subject project site has already been improved with a fertilizer operation and has experienced ground-disturbance from said improvements. Although ground-

disturbance has already occurred on the project site, a mitigation measure will be implemented in the event that cultural resources are unearthed during ground-disturbing activities.

* **Mitigation Measure(s)**

1. See Section V.A., B., C., Mitigation Measure 1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- 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 State Water Resources Control Board has determined that a more reliable drinking water supply be established on the project site. Based on comments from the Water and Natural Resources Division, water resources of the area are sufficient to supply to project site. Therefore, establishment of a more reliable drinking water facility, through drilling of a well or establishing a public water system will be required prior to building permits. This requirement and indication that water supplies for the area are adequate to support the expansion, the project will not have a significant impact on the environment.

- 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: NO IMPACT:

The project proposal does not include expansion of the existing wastewater treatment system on site. The existing system is adequate in capacity to service the operation after expansion.

- 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:

Reviewing agencies and departments did not express concerns with the project to indicate that the proposed expansion will result in the generation of solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. The subject operation is subject to federal, state, and local management and reduction statutes and will continue to comply with those statutes and regulations.

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 Fire Hazard Severity Zones in LRA Map produced by the California Department of Forestry and Fire Protection, the project site is not located within a State Responsibility Area (SRA) and is not located within an area identified as a fire hazard severity zone.

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 proposal is to allow an existing fertilizer operation to expand storage capacity of the operation. Although the analysis did identify listed species that have been reported as occurring on or near the project site, due to the current existence of the operation and daily human disturbance, it is unlikely that the listed species occur on the project site nor will they be affected by the project. The project does not have the potential to degrade the quality of the environment 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:

Per the analysis conducted, cumulative impacts regarding Aesthetics, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources have been identified, but with implemented mitigation measures, the impacts have been reduced to a less than significant impact.

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

FINDING: NO IMPACT:

There were no identified environmental effects resulting from the project that will cause substantial adverse effects on human beings, either directly or indirectly.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Classified Conditional Use Permit Application No. 3668, 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 Agricultural and Forestry Resources, Energy, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use Planning, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources have determined to be less than significant with compliance with implemented 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

G:\4360Devs&Pin\PROJSEC\PROJDOCS\CUP\3600-3699\3668\IS-CEQA\CUP 3668 IS Writeup.docx