



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

Contact: Planning Commission Clerk
Phone: (559) 600-4497
Email: knovak@fresnocountyca.gov
Call Toll Free: 1-800-742-1011 – Ext. 04497

Web Site: <http://www.co.fresno.ca.us/PlanningCommission>

AGENDA July 23, 2020

IMPORTANT NOTICE REGARDING PARTICIPATION DUE TO COVID-19

Due to the current Shelter-in-Place Order covering the State of California and Social Distance Guidelines issued by Federal, State, and Local Authorities, the County is implementing the following changes for the attendance and public comment at the Planning Commission meetings until notified otherwise. The Board chambers will be open to the public. Any member of the Planning Commission may participate from a remote location by teleconference pursuant to California Governor Gavin Newsom's Executive Order N-25-20.

- The meeting will be broadcast. You are strongly encouraged to listen to the Planning Commission meeting at: <http://www.co.fresno.ca.us/PlanningCommission>.
- If you attend the Planning Commission meeting in person, you will be required to maintain appropriate social distancing, *i.e.*, maintain a 6-foot distance between yourself and other individuals. Due to Shelter-in-Place requirements, the number of people in the Board chambers will be limited. Members of the public who wish to make public comments will be allowed in on a rotating basis.
- If you choose not to attend the Planning Commission meeting but desire to make general public comment on a specific item on the agenda, you may do so as follows:

Written Comments

- Members of the public are encouraged to submit written comments to: Planningcommissioncomments@fresnocountyca.gov. Comments should be submitted as soon as possible, but not later than 15 minutes before the start of the meeting. You will need to provide the following information:
 - Planning Commission Date
 - Item Number
 - Comments
- Please submit a separate email for each item you are commenting on.
- Please be aware that public comments received that do not specify a particular agenda item will be made part of the record of proceedings as a general public comment.
- If a written comment is received after the start of the meeting, it will be made part of the record of proceedings, provided that such comments are received

prior to the end of the Planning Commission meeting.

- Written comments will be provided to the Planning Commission. Comments received during the meeting may not be distributed to the Planning Commission until after the meeting has concluded.

Noticed Public Hearings

- For agenda items involving noticed public hearings, the Planning Commission will recess for ten (10) minutes during the agenda item to allow the public the opportunity to email written comments to Planningcommissioncomments@fresnocountyca.gov. All written comments must be received by the close of the ten (10) minutes public comment period. All written comments received by the close of the ten (10) minutes public comment period will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within three (3) minutes allotted to each speaker. Any portion of comments received that extends past three (3) minutes may not be read aloud due to time restrictions but will be included in the record of proceedings.
- If a comment on a public hearing item is received after the close of the ten (10) minutes public comment period, such comment will be treated like a general public comment and made part of the record of proceedings, provided that such comment is received prior to the end of the meeting.
- If the agenda item involves a quasi-judicial matter or other matter that includes members of the public as parties to a hearing, those parties should make arrangements with the Planning Commission Clerk to provide any written materials or presentation in advance of the meeting date so that the materials may be presented to the Planning Commission for consideration. Arrangements should be made by contacting the Planning Commission Clerk at (559) 600-4230.

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4497 or at knovak@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

- - AGENDA - -

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance. Reports and presentations are also available on the County Website at: <http://www.co.fresno.ca.us/PlanningCommission>.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

1. **TENTATIVE TRACT NO. 5050 – TIME EXTENSION** filed by **BILLY WELLS**, proposing to grant a fifth one-year time extension to exercise Tentative Tract No. 5050, which authorizes the division of a 22.84-acre parcel into 50 single-family residential lots with a minimum lot size of 2,262 square feet in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District. The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST. 5) (APN 130-031-46).

NOTE: The sole purpose of the public hearing is to address the time extension request.

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing.

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3673** filed by **LUKE VANDERHAM**, proposing to amend Conditional Use Permit No. 3644 to allow the installation of a new 320-foot by 672-foot by 32-foot-deep (approximately 5.00 acres) covered lagoon dairy digester, and the construction of a 60-foot by 40-foot by 20-foot-tall (2,400 square feet) prefabricated steel mechanical building to house a biogas generator and conditioning equipment, on a 320-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District. The subject parcel is located on the north side of West Mount Whitney Avenue east of its intersection with South Bishop Avenue (10846 West Mount Whitney Avenue) (Sup. Dist. 4) (APN 050-270-56S).

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing.

3. **INITIAL STUDY APPLICATION NO. 7423** and **CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3600** filed by **CENTRAL VALLEY INDIAN HEALTH**, proposing to allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential) Zone District to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area. The project site is located on the northern side of Auberry Road, approximately 340 feet west of its intersection with Morgan Canyon Road (29323 Auberry Road) (Sup. Dist. 5) (APN 118-422-46). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7423 and take action on Classified Conditional Use Permit No. 3600 with Findings and Conditions.

-Contact person, Chrissy Monfette (559) 600-4245, email: cmonfette@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

4. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, David Randall (559) 600-4052, email: drandall@fresnocountyca.gov

DR:ksn

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County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 July 23, 2020

SUBJECT: Tentative Tract Map No. 5050 - Time Extension

Grant a fifth one-year time extension to exercise Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into 50 single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

LOCATION: The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (Sup. Dist. 5) (APN 130-031-46).

OWNER/APPLICANT: Billy Wells

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve the fifth one-year time extension request for Tentative Tract Map No. 5050; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Resolution No. 12789, dated August 8, 2019 (Time Extension No. 4)
5. Resolution No. 11907 dated May 26, 2005
6. Applicant's letter requesting the fifth one-year time extension

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Sierra North Regional Plan, the Shaver Community Plan, and the Lake Shaver Lake Forest Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim.

An Environmental Assessment (Initial Study No. 5124) was prepared for Tentative Tract Map Application No. 5050 under the provisions of CEQA, resulting in the determination that the Mitigated Negative Declaration was appropriate.

Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 81 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The State Subdivision Map Act provides that prior to the expiration of a Tentative Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Map expires two years after its original approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be

granted by the Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are:

- a) Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) which granted an automatic one-year time extension;
- b) Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) which granted an automatic two-year time extension;
- c) Assembly Bill (AB) 208 (approved 2011; Map Act Section 66452.23) which granted an automatic two-year time extension;
- d) Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) which granted an automatic two-year time extension; and,
- e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) which granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date.

Granting an extension of a Tentative Map is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot condition the grant of extension unless an Applicant agrees to such additional conditions. If an Applicant does not agree to such additional conditions, the Commission may deny the extension if it finds, based on the evidence, that the project will be injurious to public health, safety or general welfare if the additional conditions are not imposed.

BACKGROUND INFORMATION:

May 26, 2005, the Planning Commission approved Vesting Tentative Tract Map No. 5050, Classified Conditional Use Permit No. 3084, and Initial Study Application No. 5124.

Subsequently, the life of this Map was extended as listed below based on four-time extension applications approved by the Commission and three State legislative acts that automatically extended the life of previously approved tentative maps.

Basis for Extensions		Approved on	Expires on
PC	2 years original Approval	5/26/2005	5/26/2007
PC	1st 1 year Ext. Approval	8/9/2007	5/26/2008
PC	2nd 1 year Ext. Approval	102/2008	5/26/2009
SB 1185	1 year Extension	Automatic	5/26/2010
AB 333	2 year Extension	Automatic	5/26/2012
AB 208	2 year Extension	Automatic	5/26/2014
AB 116	2 year Extension	Automatic	5/26/2016
Ab 1303	2 year Extension	Automatic	5/26/2018
PC	3rd 1 year Ext. Approval	8/13/2018	5/26/2019
PC	4th 1 year Ext. Approval	8/8/2019	5/26/2020

The current request is to allow the fifth discretionary one-year time extension through the consideration of the Planning Commission, which extends the map to May 26, 2021. The

Applicant filed the subject request timely on May 20, 2020, prior to the expiration of the map.

The Applicant has the potential to apply for one more additional time extension next year, which would be his last allowable extension.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5050 was approved May 26, 2020, based on a determination that the required CUP findings could be made. A copy of the original Subdivision Review Committee Report, Staff Report, and Planning Commission Resolution is attached as Exhibit 5.

According to the Applicant, the current request is necessary to allow additional time due to an economic downturn affecting residential development, and a reduction in demand for and a surplus of housing in the Shaver Lake area.

The current time extension request was routed to the same agencies that reviewed the original project. None of those agencies identified any change in circumstances or the need for additional conditions and did not express any concerns with the proposed extension of time.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the fifth one-year time extension for Vesting Tentative Tract Map No. 5050 should be approved, based on the factors cited above. Approval of this time extension will extend the expiration date to May 26, 2021.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the fifth one-year time extension for Vesting Tentative Tract Map No. 5050; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

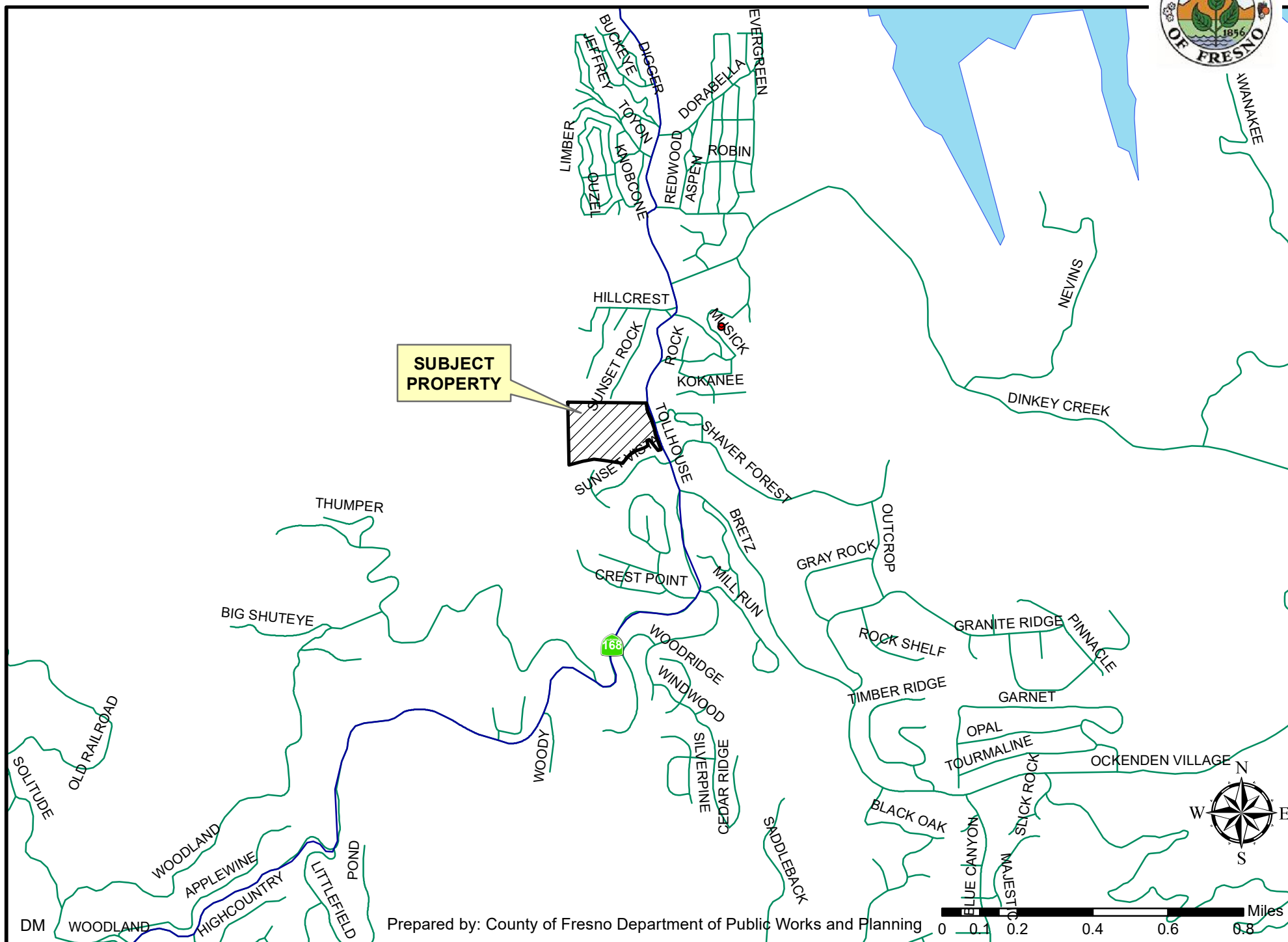
Alternative Motion (Denial Action)

- Move to deny the fifth one-year time extension request for Vesting Tentative Tract Map No. 5050 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension request is required in order to comply with State or Federal law); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

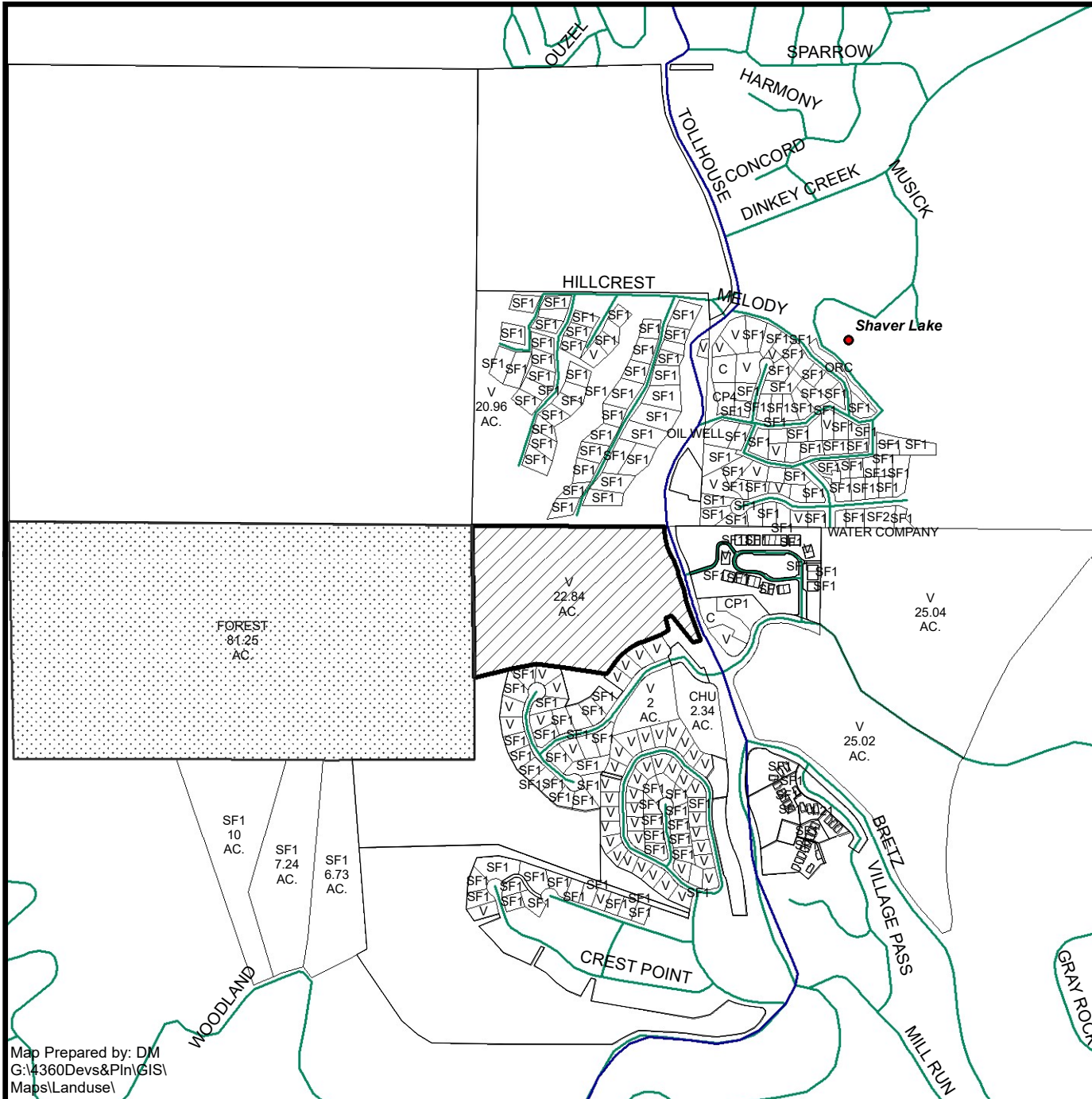
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LOCATION MAP



EXISTING LAND USE MAP



LEGEND
AP1 - APARTMENT
C - COMMERCIAL
CHU - CHURCH
CP# - OFFICE COMM./PROF
ORC - ORCHARD
SF# - SINGLE FAMILY RESIDENC
V - VACANT

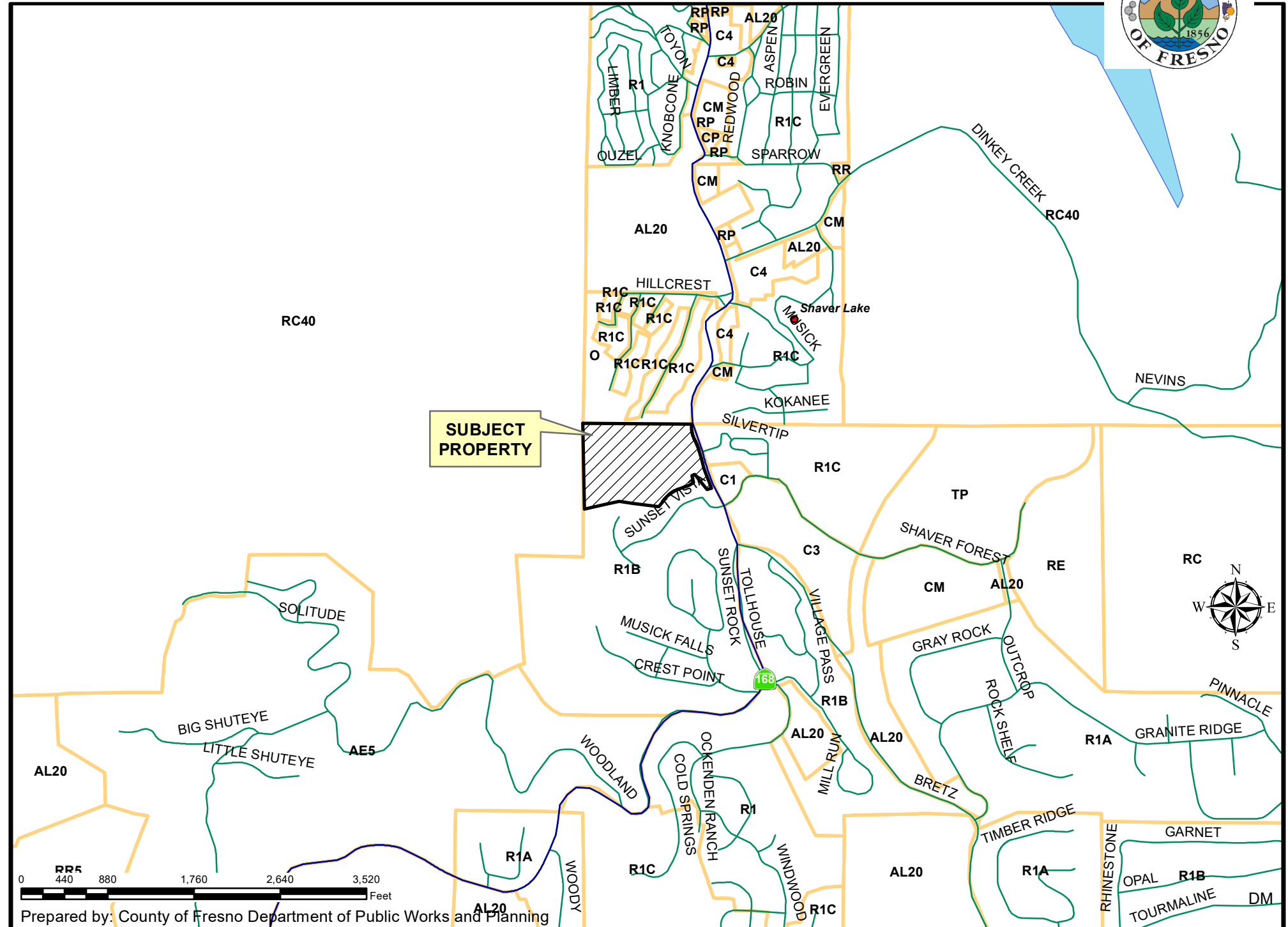
LEGEND:

-  Subject Property
-  Ag Contract Land



0 225 450 900 1,350 1,800 Feet

Department of Public Works and Planning
Development Services Division





Inter Office Memo

DATE: August 8, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12789 – FOURTH ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE TRACT MAP NO. 5050

APPLICANT/
OWNER:

Billy Wells

REQUEST:

Grant a fourth one-year time extension to exercise Tentative Tract Map No. 5050, which authorizes the division of a 22.84-acre parcel into 50 single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

LOCATION:

The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (Sup. Dist. 5) (APN 130-031-46).

PLANNING COMMISSION ACTION:

At its hearing of August 8, 2019, the Commission, as part of its Consent Agenda, considered the Staff Report and determined that the requested one-year time extension was warranted.

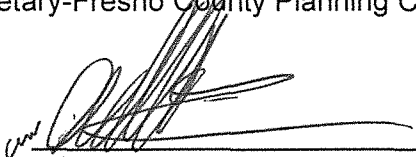
A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to approve the requested one-year time extension for Vesting Tentative Tract Map No. 5050.

RESOLUTION # 12789

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Chatha, Abrahamian, Burgess, Delahay, Ede, Eubanks, Hill and Vallis
	No:	None
	Absent:	None
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
William M. Kettler, Manager
Development Services and Capital Projects Division

WMK:ksn
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NOTE: Approval of this time extension will extend the expiration date of Vesting Tentative Tract Map No. 5050 to May 26, 2020. If circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Vesting Tentative Tract Map.



County of Fresno

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

August 29, 2019

Billy Wells
10072 N. Ponderosa
Fresno CA 93720

Dear Applicant:

Subject: Resolution No. 12789 – Vesting Tentative Tract Map No. 5050
(Fourth One-Year Time Extension)

On August 8, 2019, the Fresno County Planning Commission granted your time extension request. A copy of the Planning Commission Resolution is enclosed.

If you have any questions, please contact me at jshaw@fresnocountyca.gov or at 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

EJ:ksn

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Enclosure



Inter Office Memo

DATE: May 26, 2005

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124, TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084

APPLICANT: James Bratton
OWNER: James Bratton

REQUEST: Allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Classified Conditional) District.

Allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

PLANNING COMMISSION ACTION:

At its hearing of May 26, 2005, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

A motion was made by Commissioner Goodman and seconded by Commissioner Milligan to adopt the Mitigated Negative Declaration prepared for the project, adopt the recommended findings of fact, and approve Tentative Tract Map Application No. 5050, including the four exception requests related to road width, road design, cul-de-sac length, and community well yield. Approval is subject to conditions listed in Exhibit "B", including additional conditions provided by the applicant requiring drip irrigation, County review of landscaping materials, dual water meters, and funding for study of supplemental water sources.

This motion passed on the following vote:

VOTING: Yes: Commissioner Goodman, Milligan Abrahamian, Ferguson,
 Hammerstrom, Laub, Williamson

 No: None

 Absent: Commissioners Downing, Phillips

 Abstain: None

A second motion was made by Commissioner Goodman and seconded by Commissioner Laub to adopt the Mitigated Negative Declaration prepared for the project and approve Classified Conditional Use Permit Application No. 3084, subject to the conditions in Exhibit "B".

This motion passed on the following vote:

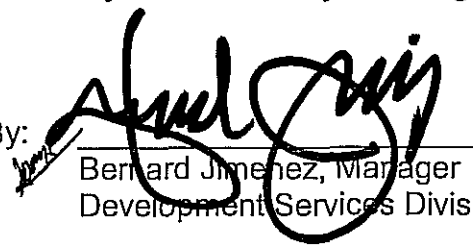
VOTING: Yes: Commissioner Goodman, Laub, Abrahamian, Ferguson,
 Hammerstrom, Milligan, Williamson

 No: None

 Absent: Commissioners Downing, Phillips

 Abstain: None

CECIL LEONARDO, INTERIM DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 
Bernard Jimenez, Manager
Development Services Division

- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
 2. The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

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Attachments

EXHIBIT "A"

Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Classified Conditional Use Permit Application No. 3084

- Staff: The Fresno County Planning Commission accepted the Staff Report dated May 26, 2005, and a summary staff presentation.
- Applicant: The applicant's representative concurred with the Staff Report and the recommended conditions. He described the project and offered the following information to clarify the intended use:
- Clustering of development is proposed in order to avoid wetlands, orange lupine, and damaging natural forest land.
 - A trail system and two tot lots for BBQ areas are provided for recreational use.
 - Snow will be stored in the areas between the parcels and on the tot lots.
 - All the issues identified in the two letters of concern that were received by the Department of Public Works and Planning have been taken into consideration when addressing the project.
 - Provided additional conditions to address landscaping, irrigation, dual water meters, and funding for water study. This will minimize inefficient water usage.
- Others: Two individuals presented information in support of the application and one individual requested clarification on the location of the wells for this application.
- Correspondence: Two letters were presented in opposition of the application.

EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Classified Conditional Use Permit Application No. 3084

CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084:

1. Development and operation shall be in substantial conformance with the approved site plans, floor plans, elevations, landscape plan, and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map No. 5050 shall be complied with.
3. This permit shall be tied to Tentative Tract Map No. 5050. If the tract expires, this Classified Conditional Use Permit shall also expire.
- *4. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *5. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

TENTATIVE TRACT APPLICATION NO. 5050:

A. SHAVER LAKE FOREST ROAD

NOTE: The subdivider received approval of an exception to the Subdivision Ordinance Improvement Standards be granted to permit the segment of road from State Route 168 to the entrance gate be reduced to 28 feet in pavement width.

- *1. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with California Department of Transportation for the specified amount as follows:

State Route 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip)
= \$7,769.00

State Route 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip)
= \$14,292.00

B. INTERIOR ROADS AND CUL-DE-DACS

NOTE: The subdivider received approval of an exception to the above Subdivision Ordinance Improvement Standard that permits the interior roads to have a pavement width of 22 feet built to a 10 mile per hour design speed.

1. Interior roads shall terminate in Improvement Standard B-2 for rural residential cul-de-sacs or a turnaround acceptable to the Fire District having jurisdiction over the area.
2. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
3. The location of the call box or the setback from Sunset Vista Lane intersection shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
4. All roads shall intersect as near to right angle as practicable.
5. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
6. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.

NOTE: The subdivider received a request that a exception to the above Subdivision Ordinance Improvement Standards be granted to limit the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

7. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall

include a soils report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.

8. As a gated community, all interior street maintenance shall be provided by a homeowners association. A Zone of Benefit in CSA 35, or other method acceptable to the Director of Public Works and Planning, shall be formed to provide the proportionate share of maintenance of Shaver Lake Forest Road.
9. Slope easements outside of the road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road runoff into appropriate drainage facilities.
11. The subdivider will be required to provide for maintenance of the new roads for a period of two years after their acceptance by the County.

C. WATER

1. The parcel lies within Waterworks District 41 Zone S, and shall be provided service through this community system.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The water system shall be provided with minimum size mains of 8 inches.
4. A County Standard water sample station with freeze protection shall be provided within the tract.
5. Water mains at the ends of cul-de-sacs shall be looped together to eliminate any dead-end mains.
6. All rights to groundwater beneath the subdivision shall be dedicated to Fresno County Waterworks District No. 41, subject to development by the subdivider or his designee.
7. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Planning & Resource Management Department. If such improvements have not been completed prior to issuance of a building permit, the property owner shall sign an acknowledgement recognizing

that occupancy will not be authorized until such time that said improvements have been accepted by the Resources Division.

NOTE: The subdivider received approval of an exception to County Improvement Standard II H.7.e.5 requiring that only wells with a yield of 10 gallons per minute or more will be considered sufficient for a community well.

8. Water capacity equivalent to 0.3 gpm per residence shall be developed for service to the tract. Capacity shall be provided for the entire subdivision with the development of the first phase. If existing wells are utilized from "reserved capacity," adequate documentation shall be submitted to verify compliance with this condition.

*10. Prior to recordation of the final map an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.

D. SEWER

1. The development shall be served by the community sewer system.
2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. If a sewer lift station is required, a backup power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
3. The sewer system shall be provided with minimum size mains of 8 inches.

E. DRAINAGE AND EROSION CONTROL

1. If retention facilities are proposed as a mitigation measure to control runoff, the drainage analysis shall examine downstream effects for culvert crossings and swale capacities.

2. Ponds in excess of 18 inches shall be fenced.
3. A Notice of Intent shall be filed with the Regional Water Quality Control Board prior to the start of grading activities.
4. A copy of the Storm Water Pollution Protection Plan shall be provided to the County prior to the start of grading activities. Erosion control measures included in the SWPPP shall be set forth on the grading plan.
- *5. To address potential impacts related to storm water drainage all storm water shall go through a settling pond located on-site before being discharged off-site.

F. COMMUNITY FACILITIES DISTRICTS

1. The property is within the boundaries of Community Facilities District No. 1. Payment of CFD fees shall be required at the time of sale of each lot in the tract, or at the time that building permits are pulled, whichever occurs first.
2. Prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

G. FIRE PROTECTION AND OPEN SPACE

1. The location and number of fire hydrants shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district.
2. The parcel lies adjacent to County Service Area 31 Zone B. The parcel will be required to annex to the existing CSA 31 Zone of Benefit or create a new Zone of benefit in CSA 31 for maintenance of fuel modification and open space areas.

H. EMERGENCY ACCESS ROADS

1. All emergency access roads shall be contained within easements and shall connect to public roads.

2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works and Planning Department after consideration of the recommendations of the fire district having jurisdiction of the area.
3. Crash gates shall be provided at both ends of the easements.

I. BIOLOGICAL AND CULTURAL RESOURCE CONDITIONS:

- *1 In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins dated December 10, 2002 the following measures shall be required:
- a. The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the final map and shall remain in their natural state. The final map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map No. 5050, or the cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with land as part of the Final Map process.
 - b. Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.
 - c. The Orange Lupine areas shall be fenced with a permanent fence forty two inches in height to further prevent disturbance with the outlot area. The type of fence and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish & Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
 - d. Prior to the start of any construction, which includes grading, or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John c. Stebbins, if required a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act

Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.

- e. Prior to any authorized project-related disturbance to the streams or stream crossing for access purpose, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-16003 et. Seq.
- f. To address potential impacts related to erosion, prior to recordation of the final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g. The "Indian Rock Interpretive Trail System shall be designed to achieve a minimum 50-foot separation from both of the outlots, consisting of the "Wetlands" and the "Orange Lupine" areas. Portions of the trail system will include "Interpretive Trail Signage" to educate residents of the value of the wetlands and the Orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis in order to allow the Interpretive Trail System" to interact with the protected areas.
- h. Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval, a brochure or other educational materials that discusses human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain as a minimum:
 - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
 - ii.) A discussion of the importance of pet restrictions.
 - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
 - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.

- v.) A discussion on the prohibition of hunting and the use of firearm anywhere in the project area.
 - vi.) A discuss on the prohibition of feeding wildlife anywhere on the project area.
 - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the herding and nesting season of May through August.
2. Prior to recordation of the final map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&Rs) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location", "Wetlands Area", "Orange Lupine Area", streams and tributaries, stream and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&Rs shall be the responsibility of the Homeowners' Association.
- *3. The Homeowners Association shall retain a qualified professional biologist to evaluate the site on an annual basis including;
- a. Compliance with the state and federal wetland permit requirements.
 - b. Possible degradation of wetland areas from erosion and sedimentation.
 - c. Compliance with the wetland area "NO BUILD, NO DISTURB".
 - d. Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
 - e. A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- *4. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Planning Department and the California Department of Fish & Game for a period of ten years. After ten years of reporting by the biologist, the Homeowners Association committee shall then assume the

responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole reasonability of the biologist to ensure to the California Department of Fish & Game that the Homeowners' Association committee is responsible to assume this duty in perpetuity.

- *5. The subdivider with the qualified professional biologist through the CC&R's will be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish & Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording final map. Thereafter it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any non-compliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- *6 In the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.

J. OTHER CONDITIONS:

- *1. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential

Water Heaters). This requirement shall be noted on the design plans and specifications.

- *3. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

K. ADDITIONAL CONDITIONS SUPPLIED BY THE APPLICANT

1. Prior to recordation of the project's final map, a list of landscaping materials that may be used within Tentative Tract Map No. 5050 shall be approved by Fresno County.
2. Only drip irrigation shall be allowed within the project. A covenant running with the land shall be recorded providing notice to all buyers regarding these restrictions.
3. The applicant proposes to pay Fresno County a water fee of \$500.00 per lot for 50 lots for a total of \$25,000.00. Said funds shall be used for the research and development of supplemental water sources for eastern Fresno County of other areas as determined by Fresno County. This fee will be paid at the time of recording the final map for Tentative Tract Map No. 5050.
4. The applicant shall install dual water meters for each lot within Tentative Tract Map No. 5050. One meter will be for domestic water supply and the other meter will be for landscape irrigation purposes. All such meters shall be equipped with remove read sensors. The homeowner will be able to remotely sense and monitor their water use as will the county if it so chooses.

* MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
SEVERO ESQUIVEL
INTERIM DIRECTOR

June 13, 2005

James A. Bratton
55 Shaw Avenue, Suite 205
Clovis, CA 93612-3819

Dear Mr. Bratton:

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124,
TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3084

On May 26, 2005, the Fresno County Planning Commission approved with conditions the subject application. A copy of the Planning Commission resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days the Planning Commission's decision is final.

The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

Sincerely

Brian Ross, Planning & Resource Analyst
Development Services Division

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Enclosure

C: Charlie Maxwell
Strahm Family LP
Joe Guagliardo

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 262-4302 / 262-4022 FAX 262-4893
Equal Employment Opportunity • Affirmative Action • Disabled Employer

May 19, 2020

County of Fresno
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Subject: Extension of life of TT 5050 Indian Rock, Shaver Lake CA 93664

To Whom It May Concern:

Please consider this letter as a request to extend the life of TT 5050 Indian Rock. This extension is being requested for the following reasons:

- The past economic downturn has impacted residential development throughout the mountain communities. The recovery is slow and the area continues to be impacted.
- Currently there is a glut of available lots in the Shaver Lake area.
- We are in the process of allowing the Highway 168 Fire Safe Council (168FSC) to complete the Shaver West Shaded Fuel Break on tract 5050 Indian Rock. This government grant work could take most of the summer and/or up to the end of the year to complete. Please see attached.
- Due to the uncertainty of the coronavirus pandemic, and how long it will last.

Should you need additional information or to discuss this request, please contact me at (559) 974-9515.

Sincerely,

Billy Wells



Property Owner and Applicant
Billy Wells
10072 N. Ponderosa Drive
Fresno, CA 93720
(559) 974-9515



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 July 23, 2020

SUBJECT: Unclassified Conditional Use Permit Application No. 3673

Amend Conditional Use Permit No. 3644 to allow the installation of a new 320-foot by 672-foot by 32-foot deep (approximately 5.23 acre) covered lagoon dairy digester, and the construction of a 60-foot by 40-foot by 20-foot-tall (2,400 square feet) prefabricated steel mechanical building to house a biogas generator and conditioning equipment, on a 320-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the north side of West Mount Whitney Avenue approximately one mile east of its intersection with South Bishop Avenue (10846 West Mount Whitney Avenue) (Sup. Dist. 4) (APN 050-270-56S).

**OWNER/
APPLICANT:** Luke Vanderham

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4502

RECOMMENDATION:

- Accept the Mitigated Negative Declaration previously adopted by the Planning Commission for Initial Study No. 7608, per Section 15162 of the California Environmental Quality Act; and
- Approve Unclassified Conditional Use Permit (CUP) Application No. 3673, amending CUP No. 3644 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Approved Mitigation Measures, Conditions of Approval, and Notes for CUP No. 3644
3. Location Map
4. Existing Zoning Map
5. Existing Land Use Map
6. Site Plan
7. Elevation
8. Applicant's Project Description & Operational Statement
9. Summary of Initial Study No. 7608

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone District	No change
Parcel Size	320.00 acres	No change
Project Site	An approximately 5.00-acre portion located on the west side of 320.00-acre parcel approximately midway between the front and rear property lines	<p>Addition of a new 320-foot by 672-foot by 16-foot-deep covered lagoon digester and a 2,400 square-foot prefabricated steel mechanical building to house a biogas generator, blower and chilling equipment; moisture trap on a concrete pad; and a 20-foot-wide by 200-foot-long raised sand lane (previously approved). Utility poles and transformers will also be installed to connect to PG&E facilities.</p> <p>Proposed improvements will encompass an area of approximately 5.38 acres (234,650 square feet) in the northwest corner of the 160-acre subject parcel.</p>

Criteria	Existing	Proposed
Structural Improvements	Free-stall barns/exercise pens, mechanical separation/manure drying area, calf pens, shop, open-lot corral, sheds, hay barns, commodity barn, feed storage area, wastewater retention ponds	See above description under Project Site
Nearest Residence	One dwelling unit located on an adjacent parcel approximately 0.63 mile southeast of the proposed digester site	No change
Surrounding Development	Open farmland consisting of sparse residential development, dairies, orchards, field crops and other agriculture-related support operations	No change
Operational Features	Milk is produced and trucked off site for processing into dairy products. The dairy has an approximate herd size of 6,767 cows and produces approximately 176,000 gallons per day total process wastewater, per the waste management plan dated October 18, 2012.	Addition of a covered lagoon anaerobic digester along with biogas conditioning equipment (chiller and condenser) and a generator to be housed in a 2,400 square-foot prefabricated steel mechanical building. The generator will produce electricity for exportation and sale to the PG&E grid; the biogas will be transported by pipeline to a central collection point where it will be upgraded to commercial standards before being injected into the PG&E main gas transmission line.
Employees	Approximately 25	Additional 10-20 employees during the approximately seven-month construction schedule for the proposed facilities; one employee will make daily facility inspections during operations; no permanent facility employees will work or live on the site
Customers	None	No change

Traffic Trips	Estimated 40 round trips per day associated with the existing dairy operation	Additional 20-27 round trips per day during construction and one additional round trip per day (for facility inspection purposes) during operation
Lighting	Outdoor lighting associated with existing dairy operation	Addition of security lighting on the prefabricated metal generator/biogas equipment building
Hours of Operation	24 hours per day, seven days per week	No change

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

ENVIRONMENTAL ANALYSIS:

A Mitigated Negative Declaration (MND) was prepared for Initial Study No. 7608 and adopted by the Fresno County Planning Commission on August 8, 2019. This application seeks to amend one of those previously approved conditional use permits. The Mitigation Measures adopted for IS 7608 still applies to each of the approved CUP's as applicable.

Per Section 15162(a) of the CEQA Guidelines, Subsequent EIR's and Negative Declarations:

- (a) When an EIR or negative declaration (MND) is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed on the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the

project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The current proposal, Unclassified Conditional Use Permit Application No. 3673 was routed to those agencies that previously reviewed and commented on the Initial Study prepared for CUP No. 3644 and related CUP's. No concerns were expressed by those reviewing agencies that would indicate that the preparation of a new Initial Study would be warranted at this time. Therefore, it has been determined that no subsequent Mitigated Negative Declaration shall be undertaken for this project per Section 15162 of the California Environmental Quality Act. A summary of Initial Study No. 7608 is included as Exhibit 9.

PUBLIC NOTICE:

Notices were sent to 11 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

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

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

BACKGROUND INFORMATION:

Unclassified Conditional Use Permit No. 3644 was previously approved on August 8, 2019 to authorized the conversion of two adjacent wastewater ponds into a covered lagoon digester, and allow the installation of a 2,400 square-foot prefabricated steel mechanical building to house supporting equipment, including a biogas generator and biogas conditioning apparatus (chiller, condenser and moisture trap); and the installation of several new utility poles and one or more transformers to facilitate the exportation of electrical power, created by burning biogas in on-site generators, to be sold to PG&E through a net metering agreement.

The biogas (methane) produced by the dairy operation, from manure, is transferred to a collection pipeline which would then transport the biogas off site along with biogas from several other participating dairies via a proposed pipeline (authorized by CUP No. 3642) to a centralized facility where the collected gas could be upgraded to commercial quality natural gas, and injected into the PG&E main gas transmission line for market.

The current application proposes to amend Unclassified Conditional Use Permit No. 3644 and allow the installation of a new covered lagoon dairy digester, in place of the previously-approved digester and allow the new digester to be located approximately 65 feet west of the previously-approved location; and allow the previously-approved prefabricated steel mechanical building, housing the generator and conditioning apparatus, to be located approximately 650 feet north of the previously-approved location.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (north): Approx. 2,980 feet Side (west): Approx. 9 feet six inches Side (east): Approx. 1,939 feet Rear (south): Approx. 1,917 feet	Yes Note: An accessory building may be located on a side property line when said building is located one hundred (100) feet or more from the front property line; as per Section 816.5.E.3.c(2) of the Zoning Ordinance
Parking	One parking space for every two permanent employees and one parking space for each company-owned vehicle	No change	Yes
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	Separation between animal shelter and structures used for human habitation: minimum of 40 feet	No change	Yes
Wall Requirements	No requirements	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No changes proposed to water wells or septic systems	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2850J, portions of the subject parcel are subject to flooding from the 100-year (one percent chance) storm event. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48).

Building and Safety Plan Check Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections will be required for all on-site improvements.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2850J, portions of the subject parcel are within Zone A and subject to flooding from the 100-year storm event. If any development is proposed within the area of the parcel identified as Zone A, such development must comply with the County Flood Hazard Ordinance (Title 15.48).

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

Finding 1 Analysis:

Unclassified Conditional Use Permit No. 3644 was approved to allow the conversion of two adjacent wastewater settling ponds into one 1,630-foot by 125-foot, covered lagoon dairy digester.

The current application proposes to allow the installation (excavation) of a new dairy digester, to be located westerly adjacent to the previously approved location. The project would entail the excavation of an approximately 215,040 square-foot (5.00 acres +/-) area on the west side of the subject parcel approximately midway between the front and rear property lines. The dimensions of the proposed digester are 320 feet in length by 672 feet in width, and 16 feet of maximum depth, with a capacity of approximately 21.8 million gallons.

The new digester would be located approximately 10 feet from the western property boundary. The prefabricated steel mechanical building will be located approximately nine (9) feet-six-inches from the western property boundary. The new proposed digester will have approximately 24,500 square feet more surface area and approximately the same holding capacity as the previously approved design per the Applicant's site plan.

Staff review of the site plan demonstrates that all of the proposed improvements will satisfy the minimum setback requirements from adjacent property boundaries and County road rights-of-way. The subject parcel is adequate in size and shape to accommodate the proposed addition of the proposed digester and 2,400 square-foot prefabricated steel mechanical building.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	West Mount Whitney Avenue	No change
Direct Access to Public Road	Yes	West Mount Whitney Avenue	No change
Road ADT		Mount Whitney Avenue 2,100	No change
Road Classification		Expressway	No change
Road Width		31.8 feet	No change
Road Surface		West Mount Whitney: Asphalt Concrete (AC); Excellent condition	No change
Traffic Trips		Estimated 40 round trips per day	Estimated 10-12 one-way employee trips and up to 27 round trip truck trips during construction
Traffic Impact Study (TIS) Prepared	No	A Traffic Impact Study was not required for this project	No change
Road Improvements Required		N/A	Not required at this time

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

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Mount Whitney Avenue is a County-maintained road classified as an Expressway, with a 60-foot right-of-way, and a paved width of 31.8 feet with dirt shoulders. Mount Whitney has an Average Daily Traffic (ADT) count of 2,100 vehicles per day (VPD), a pavement condition index (PCI) of 87 (out of 100) and is in good condition.

Mount Whitney Avenue is classified as an Expressway in the County's General Plan, requiring road right-of-way of 106 to 126 feet. Currently, there is 60 feet of right-of-way on Mount Whitney Avenue, requiring a minimum additional 23 feet along the parcel frontage. Any setbacks for new construction should be based on the ultimate right-of-way for Mount Whitney.

An encroachment permit is required from the Road Maintenance and Operations Division for any work performed in the County right-of-way, such as a pipeline installation or driveway construction.

All Mitigation Measures, Conditions of Approval and Project Notes from previously approved CUP No. 3644 and related applications still apply.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Mount Whitney Avenue is classified as an Expressway, with an existing right-of-way of 30 feet north of the section line along the parcel frontage, per the Plat Book. The minimum width for an Expressway right-of-way north of the section line is 53 feet, with a maximum of 63 feet.

Mount Whitney is a County-maintained road, and records indicate that this section of Mount Whitney, from Bishop to Dickerson, has an Average Daily Traffic (ADT) count of 2,100, and a paved width of 31.8 feet.

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

Finding 2 Analysis:

The project proposes to install a new lagoon dairy digester on an existing dairy in order to capture, condition and export renewable biogas from methane and also export electricity produced from burning the gas, into the PG&E electrical and natural gas transmission system. CUP No. 3644 was originally approved along with related applications to allow similar facilities at four other participating dairy sites. The collection pipeline that was also approved was evaluated for potential impacts to surrounding streets and highways. It was determined that the County roads serving the subject parcel and other related parcels were adequate in width and pavement to accommodate the additional traffic generated by the proposed use.

Based on the above information, staff has determined that the roads surrounding the subject parcel are adequate in width and pavement type to accommodate the additional traffic generated by the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	95.64	Vineyard	AE-20	None
	115.26	Vineyard		
South	38.18	Field crops/Single-Family Residential	AE-40	Approximately 260 feet

Surrounding Parcels				
East	66.05 59.09	Field crops/ Single-Family Residential	AE-20	Approximately 0.47 mile
West	480.22	Field crops/ Single-Family Residential	AE-20	Approximately 310 feet

Reviewing Agency/Department Comments:

Pacific Gas and Electric Company, Plan Review Team – Land Management: This plan review process does not replace the application process for PG&E gas or electric service the project may require. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project as it relates to any rearrangement of new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement may include a California Public Utility Commission (CPUC) Section 851 filing, which requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise of the necessity to incorporate a CPUC Section 851 filing.

Fresno County Department of Public Health, Environmental Health Division: The proposed use shall comply with the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance (Fresno County Ordinance Code Section 8.40).

Within 30 days of the occurrence of any of the following events, the Applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and site map if:

1. There is a 100% or more increase in the quantities of a previously disclosed material; or
2. The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts.

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

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.

If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).

The operational statement provided with the application indicates that the separated solids from the anaerobic digester will be disposed at an appropriate landfill. If the facilities change the operations to use the separated solids for composting, prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a Solid

Waste Facility from the County of Fresno, Environmental Health Division, acting as the Local Enforcement Agency (LEA).

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any improvements constructed within flood hazard Zone 'A' will require pre-construction and post construction elevation certificates prior to the issuance of grading or building permits.

An engineered grading plan and grading permits are required.

Central Valley Regional Water Quality Control Board: Provision G.4 of the Reissued Waste

California Department of Conservation, Geologic Energy Management Division (CALGEM): Public Resources Code (PRC) Section 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of and fully understand that significant and potentially dangerous issues may be associated with development near oil, gas and geothermal wells.

The subject parcel is located adjacent to the Helm oil field boundaries. According to Division records there are no wells within the parcel; however, there may be pipelines associated with oil and gas production in the vicinity.

Division records indicate that there are no known oil or gas wells located within the project boundaries, as identified in the application, that are: not abandoned to current Division requirements as prescribed by law and projected to be built over or have future access impeded by this project; have future access impeded by this project; abandoned to current Division requirements as prescribed by law and projected to be built over or have future access impeded by this project; or abandoned to current Division requirements as prescribed by law and not projected to be built over or have future access impeded by this project.

If, during development activities, any wells are encountered that were not part of this review, the property owner is expected to notify the Division's construction site well review engineer in the Inland District office, and file for Division review an amended site plan with well casing diagrams.

San Joaquin Valley Air Pollution Control District: The project will be subject to the following rules: District Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 4601(Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) and Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. The project may also be subject to the following rules specific to confined animal operations: Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials; Rule 4550 (Conservation Management Practices) limits fugitive dust emissions from agricultural operation sites; and Rule 4570 (Confined Animal Facilities) applies to dairies with greater than or equal to 500 milk cows, and requires filing of an application with the Air District.

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

Analysis:

The subject application proposes to amend previously approved CUP No. 3644, which authorized the conversion of two existing wastewater settling ponds to a covered lagoon digester, and alternatively allow the installation (excavation) of a new covered lagoon dairy digester, along with appurtenant structures and equipment including a 2,400 square-foot mechanical building to house the appurtenant equipment.

The proposed digester will be one of a cluster of five digesters located on separate parcels which will contribute biogas into an underground collector pipeline network to then be transported to a central processing facility before it is injected into the PG&E main natural gas transmission line. Although digesters are typically an allowed use in conjunction with a dairy operation, this proposal is considered commercial in nature, as this project proposes to export the biogas and produced electricity for sale to PG&E under Net Energy Metering with Aggregation (NEM-A) or other appropriate exporting tariff.

Air Impacts were previously evaluated under Initial Study No. 7608; the Air Quality and Greenhouse Gas Analysis prepared for CUP Nos. 3642-3647 determined that no Air District thresholds of significance for criteria pollutants would be exceeded as a result of this project or any of the associated projects.

For the current application, the Air District evaluated the air quality data that was used previously for a similar project located westerly adjacent, CUP 3663, with additional data included in consideration of the differences with the current proposal and determined that the project's impacts would remain less than significant. The subject application will be subject to all applicable Air District Rules, such as those pertaining to fugitive particulate matter, nuisance odors, confined animal facilities and new and modified stationary source review.

Based on the above analysis, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.13: The County shall protect agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Land uses in the surrounding area consist predominately of agricultural operations and agricultural support operations. The proposed digester and biogas conditioning and electrical generation facility will meet the minimum setbacks required for the Exclusive Agricultural Zone District.

<p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>The project was evaluated by the Fresno County Agricultural Commissioner's office, which had no concerns that the project would result in the loss of productive agricultural land. The project proposes to utilize a comparatively small portion of land within the affected parcel for the construction of the digester, electrical generation facilities and ancillary biogas conditioning equipment.</p> <p>The project was also reviewed by the Policy Planning Unit, which determined that the subject parcel is subject to a Williamson Act Contract, and as such, subject to specific criteria therein. Because the proposed anaerobic digester and biogas generator would export renewable energy off site, the proposed use was not considered a compatible use on Williamson Act-restricted land. Accordingly, the portion of the subject parcel to be utilized in the operation of the digester was subject to recordation of a partial nonrenewal of the Williamson Act contract.</p>
<p>General Plan Policy LU-A.17: 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:</p> <ul style="list-style-type: none"> a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. 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 hydrogeological 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 hydrogeological investigation shall be required. b. A determination of the impact that use of the proposed water supply will have on other water users in 	<p>The subject parcel is not located in an area of the County designated as being water short. The project was reviewed by the Water and Natural Resources Division of the Department of Public Works and Planning, which did not express any concerns with water supply.</p> <p>The Applicant's operational statement indicates that construction will utilize approximately 20,000 gallons of water per day for the first 20 work days, and approximately 2,000 gallons per day for the remaining 180 days (six months) of construction, based on an estimate of 20 work days per month; a total of approximately two acre feet (640,000 gallons) of water would be needed for construction.</p> <p>Operational water usage is anticipated to be approximately 500 gallons per day or 0.5-acre feet annually, in addition to the normal water use of the existing dairy operation. Water will be provided by an existing on-site agricultural well.</p>

<p>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 hydrogeological investigation may be required. If the lands in question lie in an area of limited ground water, a hydrogeological 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.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts or significant economic hardship to surrounding water users.</p>	
<p>General Plan Policy HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk to life and property.</p>	<p>The Fresno County Fire Protection District did not state any concerns that the project would create any new fire hazards.</p>
<p>General Plan Policy HS-F.1: The County shall require that facilities that handle hazardous materials or hazardous wastes be designed, constructed and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.</p>
<p>General Plan Policy HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning</p>	<p>The proposed biogas cleanup operation will generate approximately 450 pounds of elemental sulfur as a byproduct of the hydrogen sulfide scrubber, which will be utilized as soil amendment off site, or hauled to an appropriate disposal facility.</p>

hazardous waste reduction, recycling, and storage.	<p>Within 30 days of the occurrence of any of the following events, the Applicant/operator shall update their online Hazardous Materials Business Plan (HMBP) and site map:</p> <ol style="list-style-type: none"> 1. There is a 100 percent or more increase in the quantities of a previously disclosed material; 2. The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p>
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Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is enrolled in the Williamson Act Program under Contract No. 7117; pursuant to Land Conservation Act Contract (Williamson Act) Program guidelines, the use of land enrolled in the program is limited to commercial agricultural operations and other compatible uses adopted by the Board of Supervisors. The proposed anaerobic digester, biogas generator and conditioning equipment are not considered compatible uses on land enrolled in the program; therefore, the areas proposed for the anaerobic digester, generator and conditioning equipment must be removed from the program through the nonrenewal process.

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

Finding 3 Analysis:

Dairy digesters do not need discretionary approval, because they are considered incidental to an existing dairy operation, provided they meet certain criteria; particularly that the materials used for the digester process are produced on site and that all improvements associated with the digester are located on site. In this case, the materials (manure) use for the digester operation would be produced exclusively on the subject parcel from the existing dairy operation, and no manure may be imported; however, the intent of the digester facility is to export the by product (biogas) of the material (manure) off site via pipeline, as well as allow the exportation of electrical power produced by burning the biogas.

As a point of information, commercial cattle dairies and feedlot facilities have been allowed in the Exclusive Agricultural Zone District with the approval of a Conditional Use Permit since the adoption of the Dairy Ordinance in 2007, which is contained in Section 869 of the County Zoning Ordinance.

The subject parcel is restricted under Williamson Act Contract No. 7117. The proposed digester facility which is intended to generate renewable energy, gas and electricity for sale to the market

is not considered a compatible use on land enrolled in the Williamson Act program; as such, the portion of the subject parcel proposed for development of the digester and appurtenant equipment was required to record an Irrevocable Notice of Nonrenewal of the Agricultural Land Conservation Contract pertaining to an approximately 9.06-acre portion of the subject property.

Based on these factors, and with adherence to all Mitigation Measures, Conditions of Approval and Project Notes associated with Unclassified Conditional Use Permit No. 3642-3647, and Initial Study No. 7608, this proposal to amend Unclassified CUP No. 3644 and allow the installation of a new anaerobic dairy digester along with the construction of supporting structures and installation of supporting equipment can be found to be consistent with the General Plan.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1

Conclusion:

Finding 4 can be made.

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

Per Section 873-F of the Zoning Ordinance, Finding 5 addresses the question of whether the included Conditions can be deemed necessary to protect the public health, safety, and general welfare of the public and other such conditions, as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division. The required Conditions of Approval will be addressed through the Site Plan Review process required for this project. The Site Plan Review process and requirements are contained in Section 874 of the Fresno County Zoning Ordinance.

PUBLIC COMMENT:

None.

Finding 5 Analysis:

The Conditions of Approval for this project, included as Exhibit 1, are based upon comments and recommendations received from reviewing agencies and departments. Finding 1 addresses the adequacy of the subject parcel/project site and determines whether or not the site/parcel is of sufficient size to accommodate the proposed use while maintaining required setbacks or buffers from adjacent properties. Potential impacts to adjacent roadways were analyzed under Finding 2, and potential impacts to surrounding properties were analyzed under Finding 3. Finding 4 addresses the project's consistency with the General Plan, which guides development of the County through conformance with the applicable goals and policies contained in the individual Elements. The previously approved Mitigation Measures under CEQA, Conditions of Approval and Project Notes are all considered mandatory conditions of approval based upon adoption of the Mitigated Negative Declaration for Initial Study No. 7608 and approval of Unclassified Conditional Use Permit No. 3642-3647. These reviews and subsequent findings, mitigations and conditions are prudent to

protect the public health, safety and general welfare, without which the project could have cumulative or direct impacts to the public.

Based upon staff's analysis, the conditions stated in the resolution satisfy the required criteria listed under Finding 5.

CONCLUSION:

Finding 5 can be made.

SUMMARY CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit can be made. Staff therefore recommends approval of Unclassified Conditional Use Permit No. 3673, amending CUP No. 3644, subject to the recommended Conditions and Project Notes from previously approved Unclassified Conditional Use Permit No. 3644.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3673, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3673; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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Unclassified Conditional Use Permit Application No. 3673
Conditions of Approval and Project Notes

Conditions of Approval	
1.	All Mitigation Measures, Conditions of Approval, and Project Notes for Unclassified Conditional Use Permit Nos. 3642-3647 shall remain in effect, except as modified with the approval of Unclassified Conditional Use Permit No. 3673.
2.	Development and operation shall be in substantial conformance with the approved Site Plans, Detail Drawings, Elevation Drawings and Operational Statement.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The approval of this Conditional Use Permit shall become void if there has not been substantial development within two (2) years after the approval of said Conditional Use Permit; or if there has been a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two (2) years.
2.	Plans, Permits and Inspections will be required for all on-site improvements.
3.	If during development activities, any oil or natural gas wells are encountered that were not part of this review, the property owner/project proponent is expected to notify the California Department of Conservation, Geologic Energy Management Division (CALGEM), construction site well review engineer in the Inland District Office, and file for Division review, an amended site plan with well casing diagrams.
4.	The Applicant's operational statement indicates that the separated solids from the anaerobic digester will be disposed of at an appropriate landfill. If the facilities change the operations to use the separated solids for composting prior to the production of compost from operations of the digester, the Applicant shall apply for and obtain a permit to operate a Solid Waste Facility from the Fresno County Department of Public Health, Environmental Health Division, acting as the Local Enforcement Agency.
5.	The proposed use shall comply with the Fresno County Noise Ordinance, Section 8.40 of the Fresno County Ordinance Code.
6.	Provision G.4 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order) requires the submittal of a Report of Waste Discharge (RWD) prior to starting discharge associated with a development of any treatment technology, as it is considered a material change in the character and volume of the waste discharge. The proposed new pond should meet the requirements specified in Pond Specification C.5 of the Reissued General Order.
7.	Within 30 days of the occurrence of any of the following events, the Applicant/operator shall update their online Hazardous

EXHIBIT 1

Notes	
	<p>Materials Business Plan and site map:</p> <ol style="list-style-type: none"> 1. There is a 100% or more increase in the quantities of a previously disclosed material; 2. The facility begins handling a previously undisclosed material at or above the HMBP threshold amounts. <p>The business shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p> <p>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.</p> <p>If the anaerobic digester process requires accepting manure or other feedstock from other than their own property, the facility would be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, and Article 6.0-6.35).</p>
8.	Any proposed uses within the PG&E fee strip and/or easement may include a California Public Utilities Commission (CPUC) Section 851 filing, which requires CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.
9.	The Burrel Union Elementary School District and the Riverdale Joint Unified School District in which you are proposing construction are authorized by State law to adopt a resolution requiring the payment of a construction fee. If this occurs, the County, in accordance with State Law which authorizes the fee, will not be able to issue a building permit without certification from the school district that the fee has been paid. An official certification form will be provided by the County when application is made for a building permit.

JS:

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7608/Unclassified Conditional Use Permit Application Nos. 3642-3647
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Biological Resources	<p>To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:</p> <p>Construction shall be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10-days prior to the start of implementation to evaluate presence/absence of TRB nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.</p> <p>If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason the colony should be reassessed to determine the extent of the breeding colony before conducting construction activities.</p> <p>In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 (b), prior to any ground-disturbing activities.</p>	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P) in consultation with CDFW	February 1 through September 15

2.	Biological Resources	<p>To mitigate impacts to the San Joaquin Kit Fox (SJKF) and American Badger, the following measures shall be implemented:</p> <p>Avoidance of Burrows for San Joaquin Kit Fox, and American Badger. If dens/burrows that could support any of these species are discovered during the pre-activity clearance surveys conducted under BIO-1, the avoidance buffers outlined below should be established. No work would occur within these buffers unless the biologist approves and monitors the activity. Dens or burrows of these species shall not be destroyed unless it is determined that the den/burrow is not occupied. In no case shall a San Joaquin kit fox natal den or known den be destroyed without the concurrence of the USFWS and CDFW and appropriate artificial den replacements are provided.</p> <ul style="list-style-type: none"> • San Joaquin Kit Fox • Potential Den – 50-feet • Atypical Den – 50-feet (includes pipes and other man-made structures) • Known Den – 100-feet • Natal/Pupping Den – 500-feet <p>American Badger</p> <ul style="list-style-type: none"> • Known Den — 100-feet <p>The applicants shall assess presence/absence of SJKF by conducting surveys following the USFWS (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance." Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14-days and no more than 30-days prior to beginning of ground disturbing activities.</p> <p>SJKF detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b).</p> <p>Standard Avoidance and Minimization Measures for the San Joaquin kit fox and American badger. The following standard avoidance and minimization measures are recommended to be implemented:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
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		<ul style="list-style-type: none"> • Construction-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County and City roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if night construction activities do occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited. • To prevent inadvertent entrapment of kit foxes or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly examined for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted below. • Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped. • All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. 			
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		<ul style="list-style-type: none"> • No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens. • Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of special-status species and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. • A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped special-status species. The representative will be identified during the employee education program and their name and telephone number should be provided to the USFWS. • In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance. • Any person who is responsible for inadvertently killing or injuring a special-status animal species should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured, or entrapped special-status species. The CDFW contact for immediate assistance is State Dispatch at 916-445-0045. They will contact the local warden or wildlife biologist. The USFWS should be contacted at the number below. • The region 8 Sacramento Fish and Wildlife Office and Region 4 CDFW should be notified in writing within three working days of the accidental death or injury to 			
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		<p>a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.</p> <p>U.S. Fish and Wildlife Service Region 8 – California and Nevada 2800 Cottage Way Sacramento, CA 95825 Contact: Tim Ludwick Phone: 916-414-6464</p> <ul style="list-style-type: none"> • New sightings of kit fox should be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the appropriate wildlife agencies. <p>Den Avoidance. In the event that a potential den that may be suitable for American badger, San Joaquin, or burrowing owl is detected during pre-activity clearance surveys, the biologist should monitor the den using cameras and tracking medium for five days to determine if the den is occupied by a special-status species. If after five (5) days no activity is detected, then the den can be backfilled. Construction personnel may collapse the den only under the direct supervision of the biologist. If a special-status species is detected using the den, the den must be avoided until the animal leaves on its own. A minimum 100-foot buffer should be constructed using orange construction fencing around the den during the nonbreeding season (April to November). During the breeding season (December to March), the buffer should be extended to 250 feet. Consultation with the USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by the CDFW, passive relocation of wildlife may be accomplished using one-way doors to exclude wildlife from dens. An exclusion plan approved by CDFW would be required prior to the installation of one-way doors.</p>			
3.	Biological Resources	To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:	Applicant	Applicant/PW&P in consultation with CDFW	February 1 through

		<p>Construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10-days prior to the start of construction.</p> <p>If an active SWHA nest is found during pre-construction surveys, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code Section 2081(b) to comply with CESA.</p>			September 15
4.	Biological Resources	<p>If project activities are planned to start during the migratory bird nesting season, February 1 to September 15, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project. If active nests are detected during the survey, or at any time during construction of the project, an avoidance buffer will be established by a qualified biologist based on the species and the activities that are underway. For raptor species (except Swainson's hawk), the avoidance will typically be 500 feet. For non-raptor species, the buffer will be 250-feet. Note that some bird species are known to nest on human structures, including construction equipment. Construction personnel should be educated about this possibility as part of the employee education program.</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction
5.	Biological Resources	<p>To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction

		<p>A qualified biologist shall conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for GGS.</p> <p>No more than 30-days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and cervices be flagged and avoided by a minimum 50-foot no disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.</p> <p>If take cannot be avoided, acquisition of an ITP would be required prior to Project implementation to comply with CESA. Capture and relocation of any species listed under CESA would require an ITP from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86.</p>			
6.	Biological Resources	<p>To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:</p> <p>The applicant shall assess presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.</p> <p>Since BUOW occupy burrow habitat year-round, CDFW recommends seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.</p> <p>If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the</p>	Applicant	Applicant/PW&P in consultation with CDFW	Before and during construction

		<p>Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1 :1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.</p>			
7.	Biological Resources	<p>To mitigate impacts to sensitive habitat, the following measures shall be implemented:</p> <p>A formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code Section 1602 differ.</p> <p>Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code Section 2785 (g) defines wetlands; further, Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.</p> <p>Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a)</p>	Applicant	Applicant/PW&P in consultation with CDFW	Prior to Permits

		substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on Notification requirements, please contact our staff in the LSA Program at (559) 243-4593.			
8.	Biological Resources	Prior to the issuance of building permits, if Stinson Canal cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, a Section 404 ACOE permit and Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement shall be obtained, or confirmation received from these agencies that regulatory permits are not required.	Applicant	Applicant/PW&P in consultation with CDFW	Prior to Permits
9.	Biological Resources	<p>Worker Environmental Awareness Training. Prior to the initiation of construction and for the duration of project construction and maintenance activities that could affect natural habitat, all new personnel should attend a Construction Personnel Environmental Awareness Training and Education Program. The program should be developed by a qualified biologist. Any employee responsible for the operation and maintenance (O&M) of the completed facilities should also attend the Construction Personnel Environmental Awareness Training and Education Program.</p> <p>a) The program should include information on the life history of the burrowing owl, American badger, San Joaquin kit fox, Swainson's hawk, migratory birds and raptors, and special-status plant species that may be encountered during construction and operations and maintenance activities.</p> <p>b) The program should discuss each species' legal protection, status, the definition of "take" under the Endangered Species Act, measures the project operator must implement to protect the species, reporting requirements, specific measures that each worker should employ to avoid take of wildlife species,</p>	Applicant	Applicant/PW&P in consultation with CDFW	Prior to construction

		<p>and penalties for violation of the State and federal ESAs.</p> <p>c) The program should provide information on how and where to bring injured animals for treatment in the case any animals are injured on the project site, and how to document animal mortalities and injuries.</p> <p>d) An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.</p>			
10.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
11.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/PW&P	During construction and operation
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the Planning Commission.				
2.	The Applicant shall prepare an Over and Across Agreement to permit access, equipment, conduit, pipeline, etc. crossing from one parcel to another from APN 041-030-20S to APN 041-030-48S. The agreement shall be reviewed and approved by the Development Services and Capital Projects Division of the Department of Public Works and Planning prior to the issuance of building permits.				
3.	Prior to occupancy, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance for UCUP Nos. 3642-3647. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.				

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Notes

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

1.	Unclassified Conditional Use Permit (CUP) Nos. 3642-3647 shall become void unless there has been substantial development within two years of the effective date of approval.
2.	Plans, permits, and inspections are required for the proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	All survey monumentation – property corners, section corners, County benchmarks, Federal benchmarks and triangulation stations, etc. – within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
4.	The proposed Project may be subject to the following Air District Rules and Regulations: <ul style="list-style-type: none"> – Regulation VIII (Fugitive PM 10 Prohibitions), – Rule 4102 (Nuisance) – Rule 4601 (Architectural Coatings) – Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) – Rule 4002 (National Emission Standards for Hazardous Air Pollutants) – Rule 4550 (Conservation and Management Practices) – Rule 4570 (Confined Animal Facilities) – District Rule 2201 (New and Modified Stationary Source Review) or District Rule 2010 (Permits Required).
5.	Engineered grading plans will be required for an work exceeding 1,000 cubic yards. An engineered grading plan and grading permit will be required for all project site improvements on all subject parcels
6.	To satisfy Best Practicable Treatment or Control requirements of the Digester Order, the proposed new pond should meet the Tier 1 liner design specifications cited in Pond Specification C.5 of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122.
7.	Any additional runoff generated by the proposed developed of this site should be retained on site.
8.	An encroachment permit from the Road Maintenance and Operations division of the Fresno County Department of Public Works and Planning will be required for any work done in the County right-of-way.
9.	All proposed improvements shall be located outside of the County road right-of-way. Setbacks to proposed structures shall be measured from the ultimate County road right of way.
10.	This application shall comply with California Code of Regulation Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for this project, the Applicant shall submit construction plans to the County of Fresno Department Public Works and Planning for review. It is the Applicant's responsibility to deliver three sets of plans to FCFPD. This project shall annex to Community Facilities District No. 2010-01 and will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. FCFPD requirements may include, but are not limited to:

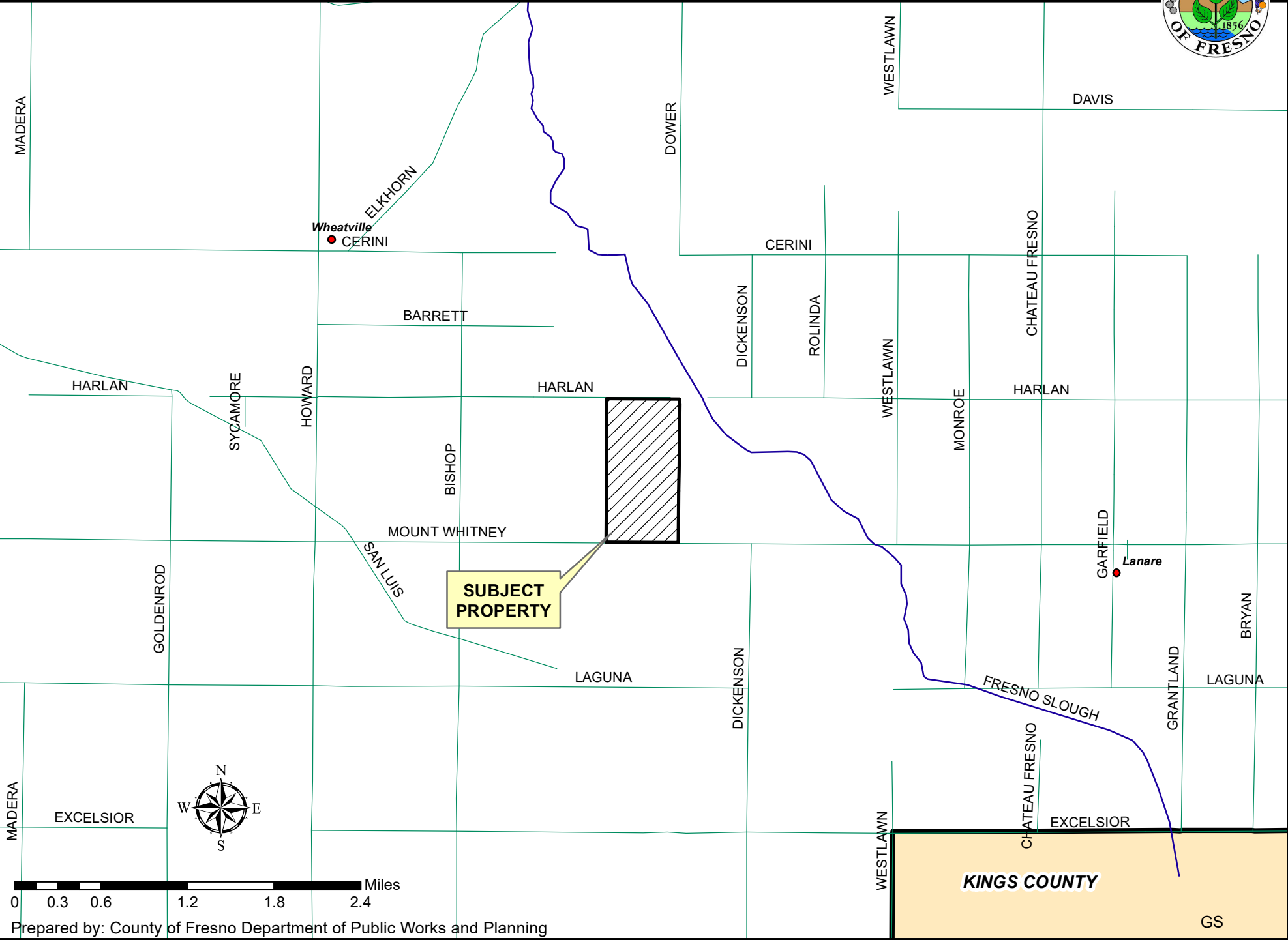
Notes	
	water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinkler systems, fire alarm systems, premises identification and Title 15.60 County Ordinance.
11.	Prior to the production of compost from operations of the digester, the facility shall apply for and obtain a permit to operate a solid waste facility from the County of Fresno Department of Public Health, Environmental Health Division acting as the Local Enforcement Agency. Please contract Solid Waste staff at (559) 600-3271 for more information.
12.	The projects shall comply with the provisions of the Fresno County Flood Hazard Ordinance, Fresno County Ordinance Code Section 15.48. Any structure, tank, electrical panels or other equipment placed within the flood hazard area, will require an elevation certificate (1988 Datum) prepared by a licensed land surveyor.
13	<p>For all County-maintained road crossings the applicant shall be required to:</p> <ul style="list-style-type: none"> • Execute an agreement with the County, assuming financial responsibility for and repair of any impacts to the County maintained roadways, resulting from the installation or operation of underground infrastructure and/or signage within the County right-of-way. • Acquire valid encroachment permits prior to construction of any crossings. • Provide both hard-copy and digital, stamped As-Built engineering drawings detailing all infrastructure within the County right-of-way.
14	<p>At any road crossings, the proposed pipeline shall be encased in a steel sleeve (diameter and wall thickness as appropriate for the size of the carrier pipe).</p> <p>All County road crossings, of the proposed pipeline, shall be bored and sleeved in a steel casing, which shall extend from right-of-way line to right-of-way line of the road. All such road crossings shall be designed by a registered civil engineer and reviewed by and permitted through the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.</p> <p>No longitudinal encroachments of the proposed pipeline, shall be allowed in the County road right-of-way.</p> <p>Any electrical interconnects shall be located outside of the County right-of-way unless the facilities are deeded to Pacific Gas and Electric (PG&E) for maintenance purposes.</p>
15.	The applicants and or entities, shall register with Underground Service Alert (USA) North, and pay annual fees to ensure that USA is notified any time there is a proposed excavation in proximity to the pipeline.
16.	The project shall comply with the Health and Safety Element of the Fresno County General Plan and the provisions of Chapter 8.40 - Noise Control, of the Fresno County Ordinance Code.
17.	<p>Within 30 days of the occurrence of any of the following events, the applicant/operators shall update their online Hazardous Materials Business Plan (HMBP) and Site Map:</p> <ol style="list-style-type: none"> 1. There is a 100 percent or more increase in the quantities of a previously undisclosed material; or

Notes	
	<p>2. The facility begins handling a previously undisclosed material at or above the HMBP threshold levels.</p> <p>The proposed operation shall certify that a review of the business plan has been conducted at least once every year and that any necessary changes were made and that the changes were submitted to the local agency.</p>
18,	<p>All hazardous waste shall be handled in accordance the requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.</p> <p>If the anaerobic digester process requires accepting manure or other feedstock from off site, the facility will be subject to the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations (CCR), Division 7, Chapter 3, Articles 6.0-6.35.</p>
19.	<p>According to the applicant's submitted operational statement, the proposed operation entails that separated solids from the anaerobic digesters will be disposed of at an appropriate solid waste facility. If the facilities change operations to use the separated solids for composting; the applicants/operators shall, prior to the production of compost from digester operations, apply for an obtain a permit to operate a Solid Waste Facility, from the County of Fresno Department of Public Health, Environmental Health Division (Local Enforcement Agency).</p>
20.	<p>The applicant and property owner of each parcel, to be traversed by or contain any portion of the proposed pipeline, shall create and record pipeline easement(s) with exhibit maps with the County of Fresno for the entire pipeline.</p>
21.	<p>All of the participating dairies are regulated by the Regional Water Quality Control Board, under the Dairy General Order, and are required to have a Waste Management Plan, and Certificate of Waste Discharge.</p>

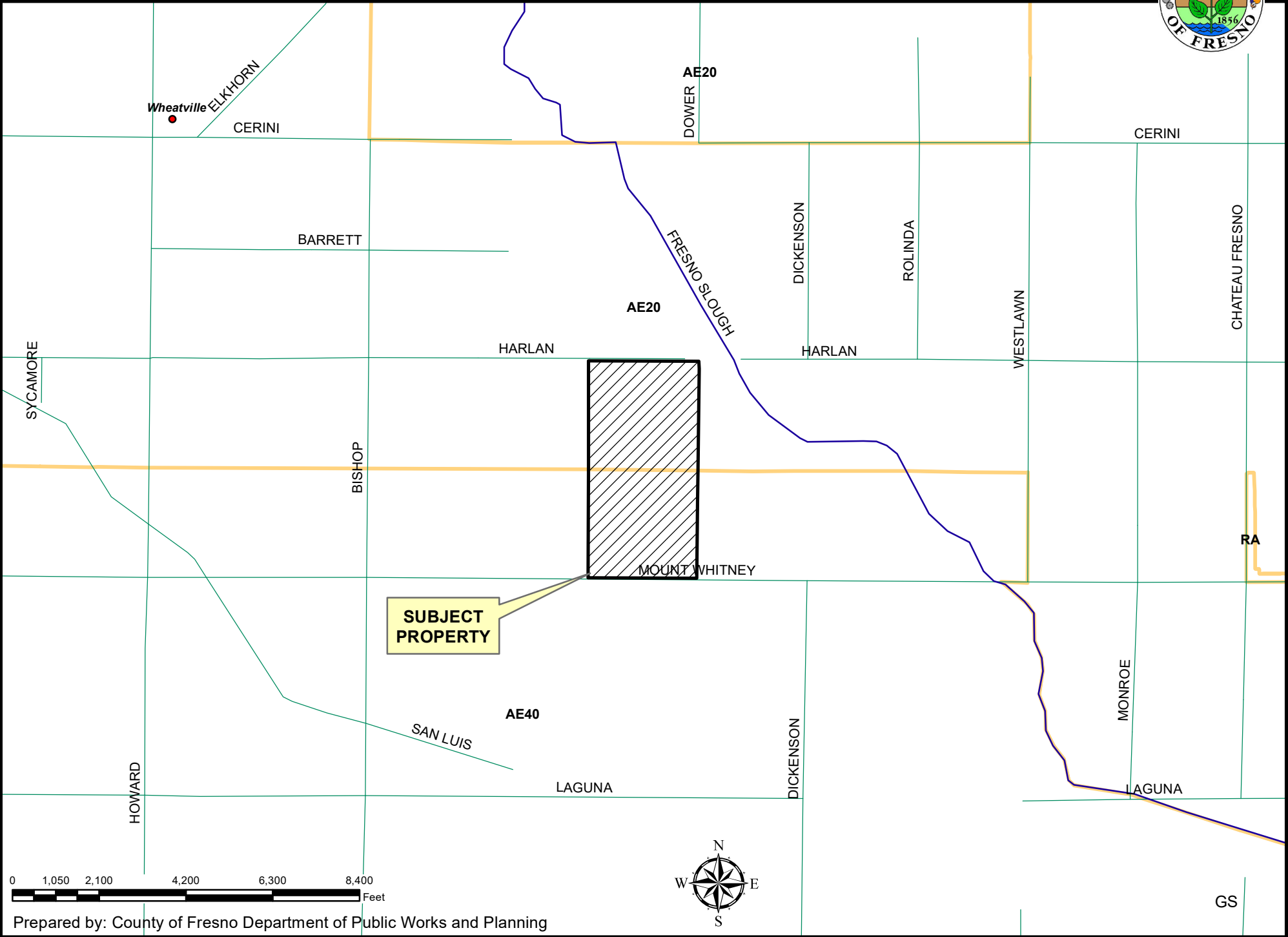
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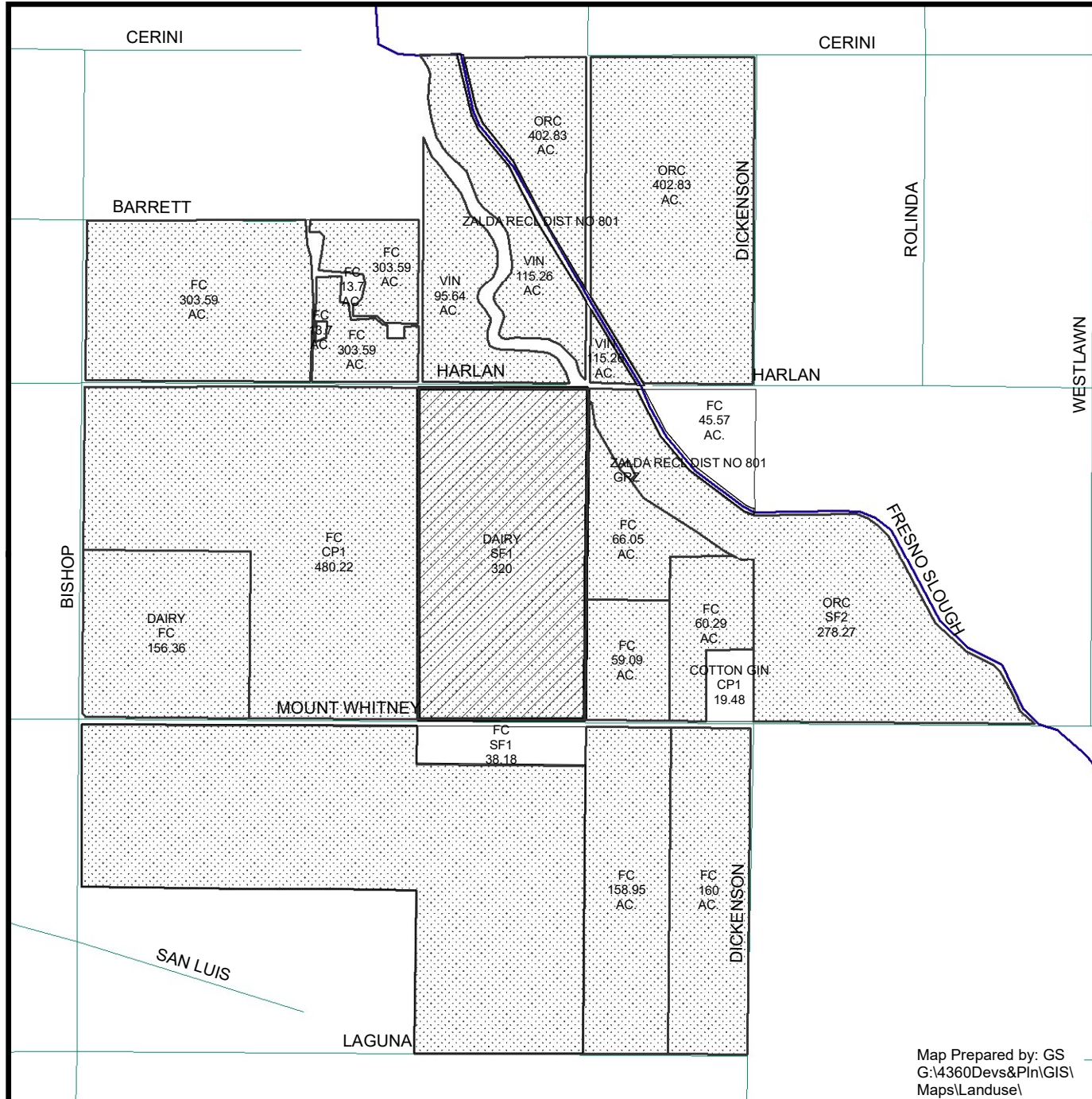
LOCATION MAP



EXISTING ZONING MAP



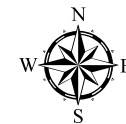
EXISTING LAND USE MAP



LEGEND
CP# - OFFICE COMM./PROF
DAIRY
FC - FIELD CROP
GRZ - GRAZING
ORC - ORCHARD
SF# - SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

LEGEND:

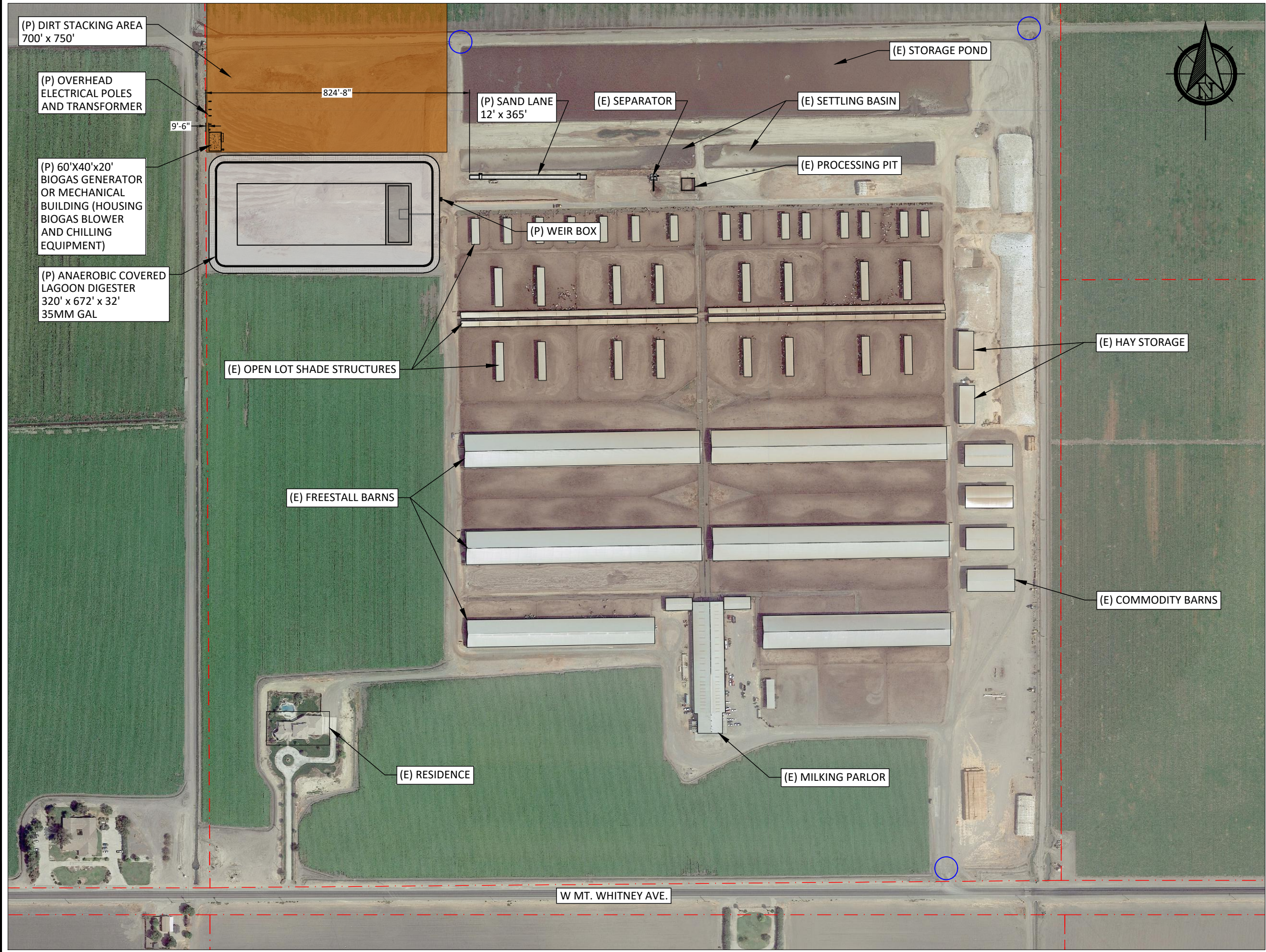
- Subject Property
- Ag Contract Land



0 600 1,200 2,400 3,600 4,800 Feet

Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
G:\4360Devs&Plan\GIS\Maps\Landuse\



Legend

(P) PROPOSED (E) EXISTING

APN BOUNDARY

DAIRY ENTRANCES

Firm Address

3711 Meadow View Dr.
Suite 100
Redding, CA, 96002

Project Name and Address

Vanderham Dairy
10846 W Mt. Whitney Ave.
Riverdale, CA 93656

Scale Bar

0300'600'

1"2"

Drawn By

Kelli Eusted

Date

2/24/20

Drawing Version

2.00

Sheet Size

11" x 17"

Sheet #

2 of 2

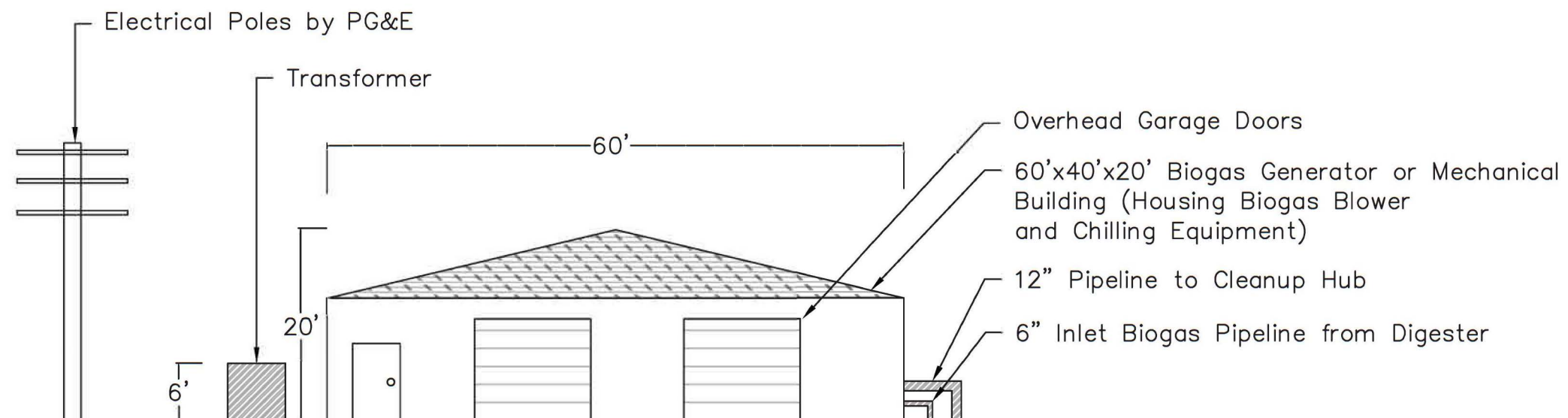
Sheet Name

S-2

C:\Users\sean\Dropbox (Maas Energy Works)\Maas Energy Works Team Folder\Five Points Cluster\IL & J Vanderham\Drawings\DWG's\Vanderham Dairy (Site Plan) 11 X 17.dwg

This work is confidential and may not be duplicated, published, or otherwise used without the written consent of Maas Energy Works, Inc.

EXHIBIT 6



Drawing scale is 15' = 1"



General Notes

Not for Construction



MAAS
ENERGY WORKS

Firm Address

3711 Meadow View Dr.
Suite 100
Redding, CA, 96002

Project Name and Address

Vanderham Dairy Digester
Proposed Structures Profile
10846 W Mt Whitney Ave,
Riverdale, California 93656

Date

3/22/19

Version

1.0

Drawn By

Byron Oja

Project: Vanderham Dairy Digester Amended CUP Application

Location: 10846 West Mount Whitney Avenue Riverdale, CA 93656

Applicant: Luke Vanderham (559) 866-5344 lukevanderham@gmail.com

Contact: Anna Reville (602) 399-2121 anna@maasenergy.com

Parcel APN: 050-270-56S

Proposal:

L&J Vanderham Dairy recently received approval via CUP 3644, to install a covered anaerobic digester lagoon with related biogas conditioning equipment and biogas generator. The digester will be lined and covered with HDPE. The digester's purpose would be the capturing of methane biogas to be transported via pipeline to a nearby cleanup facility. After being cleaned and compressed at the cleanup facility, the resulting renewable natural gas will be injected into the PG&E distribution line. Additionally, electricity may be generated on site at the dairy and delivered to the PG&E grid under the Bioenergy Market Adjusting Tariff (BioMAT), net energy metering with aggregation (NEM-A) or other applicable exporting tariff. The approved project's description and purpose have not changed.

The project previously included a site plan which proposed that two existing ponds would be combined in order to function as a digester. Alternatively, the associated property owner would request that in lieu of utilizing the existent lagoons, a new digester be installed within the same, previously approved parcel (APN 050-270-56s) and that auxiliary equipment be located adjacent to said digester. The new digester location would allow the dairy's current operation to continue to function uninterrupted while simultaneously constructing the digester and associated upgrades. This would simplify the project overall and therefore be preferable for the dairy/landowner.

The digester's new proposed location is approximately 150' west of the digester shown in the previously submitted site plan. Moving the digester would also require that the manure storage and drying location be moved to the vacant farmland directly south of the new digester location. The digester location has been non-renewed under the Williamson Act.

L &J Vanderham Dairy
10846 West Mount Whitney Avenue
Riverdale, CA 93656

CUP Application -Operational Statement Additional Information

Mechanical Building

The mechanical building will be a prefabricated steel building no larger than 60' x 40'. This building will house chilling equipment and the blower and the biogas generator. Construction for this building will take 4-6 weeks. See attached document for profile view.

Describe construction materials, height, color, floor plan elevations

Steel building will be constructed with steel I-beams for the frame, a painted green sheet metal exterior, and insulation on the interior. See attached site plan for profile view showing height of 20' to top of roof.

Operational Times and Visitors

The facility will be operational 24/7, but not open to public visitors without prior permission.

Number of Employees

Construction: Digester and ancillary equipment: a maximum of 10 people for short periods of time, with an average of 5 people on site during the 7 months of construction.

Operations: Remote sensor and computer monitoring of the equipment will be operated permanently. One employee will make a daily inspection of the facility. That work will be conducted during regular business hours, 8am-5pm, and on-call 24/7. No permanent facility employees will work or live on-site.

Service and Delivery Vehicles

There will be one service truck which will visit once per day. No delivery trucks will be on site pertaining to the digester.

Access

Access to the site would be taken from West Mt Whitney Avenue, S Bishop Ave and unnamed dairy roads surrounding the project site. The project site is located on private property and is not for public access.

Biogas Blower and Chilling Equipment

Once it has passed through the moisture trap, the biogas will be pulled through the blower and sent to chilling equipment and then the gathering lines. A chiller and condenser will be installed to condense most of the water in the biogas before blowing into the gathering pipeline. The chiller is a typical commercial unit for cooling glycol. The condenser is a commercially available unit for condensing moisture from biogas.

A blower will be installed near the digester to move the biogas into the gathering lines at pressure of less than 20 psi. Each blower will be controlled by a central SCADA system that is overseen by operators on a 24/7 basis. When a blower increases in speed, more biogas is pushed to the upgrading facility, and when it decreases, less biogas is sent. The gathering lines will be pressure monitored via SCADA equipment in real time to detect leaks or major failures. Additionally, flow meters will be installed at each digester site and at the upgrading facility to monitor biogas flows.

Supporting Equipment

Supporting equipment is including but not limited to a transformer and electrical poles which will be installed per PG&E requirements in order to support the biogas generator. Furthermore, supporting equipment is any equipment which is essential for the function of the equipment and completion of the project ambitions. Such equipment may include small pumps, electrical controls, and other minor equipment which is deemed necessary.

Appearance/Noise/Dust

The project facility is similar in nature to the existing dairy infrastructure and fits into its surroundings. The pipeline will run underground and will not be seen. Noise generated by the project equipment will not be above typical agriculture facility levels. The facility does not include any lights or other sources of glare beyond what is currently used for security reasons at the dairy. Once operational, the project will not generate fugitive dust. The project will not emit or concentrate any odors, and in fact will reduce odors with the installation of the covered manure lagoon.

Solid or Liquid Waste to be Produced

Facility will produce minimal amounts of solid waste. Waste will be picked up once per month by a solid waste disposal company and taken to an appropriate landfill. The facility will produce less than 10 gallons per month of waste blower oil. This oil will be stored on site in containers less than 45 gallons and picked up by a disposal company whenever the container is full.

Construction and Operational Water Usage

Construction of the digester and ancillary equipment is anticipated to take approximately 140 working days. Water for construction and operations would be supplied by an existing on-site agricultural well.

Construction: An estimated 20,000 gallons/day is anticipated during the first 20 working days of construction activities, and 2,000 gallons/day is anticipated during the remaining 6 months of construction activities. Based on an average 20 workdays per month, approximately 2 AF would be required (20,000gallons x 20 days + 2,000 gallons x 120 days = 640,000 gallons).

Operations: Water usage is anticipated to be approximately 500 gallons per day or 0.5 AF annually during operation.

Five Points Interconnection

A continuous flow of biogas will be provided to PG&E's interconnection point. The main components of the interconnect will consist of PG&E engineered and procured chromatograph, to sense the quality of the biogas, an odorizer, per utility specification, and a slam shut valve that is tied into the chromatograph. If the cleaned-up biogas is ever out of the Rule 21 specification, the slam shut valve will engage and biogas will divert back through the Five Points clean up facility.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Five Points Pipeline, LLC

APPLICATION NOS.: Initial Study Application No. 7608 and Unclassified Conditional Use Permit Application Nos. 3642, 3643, 3644, 3645, 3646, and 3647.

DESCRIPTION: This project proposes to allow the installation of four new covered lagoon, anaerobic dairy digesters with related biogas conditioning equipment and biogas generators to produce electricity on four existing dairies; the installation of biogas conditioning equipment at a fifth dairy with an existing digester and generator; the construction of an approximately 10.5 mile underground pipeline to connect the participating dairies and allow produced biomethane to be transported to a centralized hub, where a biogas upgrading facility will be constructed to clean and condense the biogas before it is injected into the PG&E natural gas transmission line.

LOCATION: The project is bounded by the unincorporated communities of Five Points to the southwest, Helm to the north, Burrell to the northeast, and Lanare to the east and southeast; State Route 145 (Madera Avenue) on the west, Mount Whitney Avenue on the south, Jameson Avenue on the east, and Kamm Avenue on the north within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) Zone Districts. (SUP. DIST. 1 and 4) (Dairies: APN Nos. 040-130-51S; 050-160-16S; 050-270-56S; 050-170-41S; 050-260-12S; 040-130-35S) (Pipeline APN Nos. 040-130-51S, 49, 44S, 48S; 041-100-17, 45S; 050-160-13S, 16S; 050-200-38S; 050-230-20; 050-260-10S; 050-230-23S; 050-260-12S, 11S; 050-270-56S; 040-130-35S).

I. AESTHETICS

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

A. Have a substantial adverse effect on a scenic vista?

FINDING: NO IMPACT:

The project is located in an agricultural area and is not near any scenic vistas. The proposed project involves the installation of a 10.5 mile underground gas pipeline to connect 5 existing dairies, which will introduce biomethane to the pipeline, to be collected at a central hub where the biogas will be conditioned to meet commercial standards before it is injected into Pacific Gas and Electric's (PG&E) main natural gas line, which traverses the central hub site. The project area encompasses portions of 17 parcels, consisting of the five participating dairies, and an additional 12 parcels to be traversed by the proposed pipeline. This area is characterized by large farming parcels and open space. The project will not add any structures that would obstruct any views from neighboring properties or from adjacent roadways. Project construction will be limited to the proposed underground pipeline and the installation of new gas conditioning equipment at the existing dairy sites. Therefore, the project will have no impact on scenic vistas.

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

FINDING: NO IMPACT:

No scenic resources, including trees, rock outcroppings, or historic buildings were identified in the analysis or by any reviewing agencies. One of the dairy sites is located approximately one third-mile east of State Route 145 (South Lassen Avenue), which is not a Scenic Highway per the Fresno County General Plan, Figure OS-2.

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

FINDING: NO IMPACT:

The project area is entirely located in a rural area characterized by large-scale agricultural operations. As previously stated, the project does not entail the addition of any structures that would negatively impact viewsheds from surrounding properties or public roadways, or substantially degrade the visual character or quality of public views of any of the project sites. The proposed improvements are consistent with the existing dairy operations.

- 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:

The proposed project will not introduce substantial, new sources of light or glare. The proposed facilities will utilize outdoor security lighting and all lighting will be required to be hooded and directed downward so as not to shine on adjacent properties or roadways.

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Farmland on the subject parcels has been classified as a mixture of farmland of statewide importance and confined animal agriculture. The confined animal designation is limited to the area where the dairy cows are housed and the new improvements will be located in the area of the existing dairies where the land has been designated for confined animal agriculture. The proposed pipeline will transverse farmland of statewide importance, but will be located at least four feet below the surface of the farming operation, and will not hinder agricultural operations. The new improvements will be supportive of dairy operations.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The parcels involved with the proposed project are restricted by Williamson Act Contracts, and due the commercial nature of gas and electrical exportation to gas pipelines and the electrical grid, the areas of each dairy where the digesters and supporting equipment are located will be required to non-renew the existing contracts on those portions of the property. The amount of land that will be non-renewed does

not represent a significant reduction in land restricted by Williamson Act Contracts and will not result in the reduction of agricultural products.

- 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 is not located near any land that is used or zoned for Timberland Production. Therefore, there are no conflicts with, or loss of, timberland or forest land as a result of this project. All of the land involved is zoned Agricultural and limited to uses allowed in such zone districts.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project entails the installation of new dairy digesters at four existing dairy sites along with ancillary equipment; the addition of ancillary equipment at a fifth dairy site with an existing digester; construction of an approximately 10.5 mile underground pipeline connecting the five dairies to one central hub; and allowing biomethane produced at each participating dairy to be collected and transported via the pipeline, to the central hub, located on the Open Sky Dairy which is centrally located to the other dairies. From the central hub, the collected biogas will be conditioned to commercial natural gas standards before being injected into the adjacent PG&E main natural gas pipeline.

The portions of the parcels where the digesters and ancillary equipment will be located have been submitted for non-renewal of the associated Williamson Act Contracts. The conflict with the Williamson Act is primarily due to the commercial nature of the operation, which proposes to generate gas and electricity for sale to PG&E. The continued dairy operations on these parcels is necessary to feed the digesters. Therefore, approval of this project will not result in the conversion of farmland to non-agricultural uses.

As noted above, the project is not located in the vicinity of forestland and therefore, will have no impacts on the conversion of forestland to non-forest uses.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project proposal was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The District recommended that the evaluation of this proposal include estimates of construction, operation, mobile and stationary emissions sources, and the project's proximity to sensitive receptors and other existing emission sources, and that District established thresholds of significance for criteria pollutants be considered in the evaluation. The District also recommended that Operational Emissions (stationary sources) and non-permitted (mobile sources) be evaluated separately, and that project related criteria pollutant emissions from construction and operation should be identified and quantified.

The applicant provided an air quality impact and greenhouse gas analysis, completed by Insight Environmental/Trinity Consultants, dated May 2019. According to the analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association (CAPCOA) 2017), which is the most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Based on the air quality impact analysis, the short-term construction emissions would not exceed Air District significance thresholds for criteria pollutant levels during a given year and impacts would therefore, be less than significant. Project operational emissions are not anticipated to be a substantial source of PM₁₀ emissions, but rather the main sources of PM₁₀ would be vehicular traffic associated with the project. Transportation related activities from employees and maintenance would generate mobile source ROG, NO_x, SO_x, CO, PM₁₀, PM_{2.5} from vehicle exhaust.

Stationary source emissions from the project are anticipated to consist of VOC emissions from the biogas upgrade process and ROG, No_x, SO_x, CO, PM₁₀ and PM_{2.5} exhaust emissions from the combustion of the biogas to generate electrical power.

Air pollution associated with stationary sources is regulated through the permitting authority of the SJVAPCD under the New and Modified Stationary Source Review Rule (SJVAPCD Rule 2201). Owners of any new or modified equipment that emits, reduces, or controls air contaminants, except those specifically exempted by the SJVAPCD, are required to apply for an Authority to Construct and Permit to Operate (SJVAPCD Rule 2010). Additionally, best available control technology (BACT) is required on specific

types of stationary equipment and are required to offset both stationary source emission increases along with increases in cargo carrier emissions if the specified threshold levels are exceeded (SJVAPCD Rule 2201, 4.7.1). Through this mechanism, the SJVAPCD would require that all stationary sources within the project area would be subject to the standards of the SJVAPCD to ensure that new developments do not result in net increases in stationary sources of criteria air pollutants.

With adherence to the rules and requirements of the SJVAPCD, the estimated construction and operational emissions from the proposed project will be less than significant.

- 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 project area is located in the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the SJVAPCD. Under the provisions of the U.S. Clean Air Act, the Fresno County portion of the SJVAB has been classified as nonattainment/extreme, nonattainment/severe, nonattainment, attainment/unclassified, attainment for various criteria pollutants. As shown in the analysis by Insight Environmental Consultants, the project does not pose a substantial increase to basin emissions. Because the proposed project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Dairies are known to release objectionable odors, primarily due to animal waste from the milking cows. The project proposes to install covered digesters, which will process manure. The manure will be anaerobically activated to release methane, which will then be piped through a gas collection system to a central hub to generate renewable energy. The capture of methane gas is anticipated to remove adverse odors from the air as compared to the baseline.

Lead Agencies should consider situations wherein a new or modified source of hazardous air pollutants (HAPs) is proposed for a location near an existing residential area or other sensitive receptor when evaluating potential impacts related to HAPs. Typical sources of HAPs include diesel trucks or permitted sources such as engines, boilers, or storage tanks. The project will be located near scattered rural residences on large agricultural parcels. Since there will be HAPs emitted from the project and

occasional diesel truck travel on-site, a prioritization score was determined for the facility to determine if a health risk assessment (HRA) would be required. A Health Risk Assessment (HRA) is not required for a project with a total facility prioritization score of less than or equal to one. The project's prioritization score was 0.04, which is less than one. Therefore, no further analysis is required to determine the HAPs impacts from this project and potential risk to the population attributable to emissions of HAPs from the proposed project would be less than significant.

According to the analysis, the proposed project would not exceed any screening trigger levels to be considered a source of objectionable odors or odorous compounds. Furthermore, there does not appear to be any significant source of objectionable odors in close proximity that may adversely impact the project site when it is in operation. The project emission estimates indicate that the proposed project would not be expected to adversely impact surrounding receptors. As such, the project would not be a source of any odorous compounds nor would it likely be impacted by any odorous source.

Development in this area is dominated by large parcels of agricultural production with very limited residential development. Due to the anticipated reduction in objectionable odors and the distance between the closest residences and the project site, this project will not expose sensitive receptors to substantial pollutant concentrations and will not create objectionable odors affecting 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; or
- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Biological Analysis Report (BAR), dated April 2019, was prepared for the project by the applicant's consultant, Quad Knopf, Inc. (QK). Reviews of agency-maintained databases were conducted to determine the potential presence of sensitive biological resources and special-status species. The results of the database and literature review indicate that eight (8) special-status species have the potential to occur within the vicinity of the project. Those species are the Swainson's hawk (*Buteo swainsoni*), western burrowing owl (*Athene cunicularia*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), loggerhead shrike (*Lanus ludovicianus*), tricolored blackbird (*Agelaius tricolor*), American badger (*Taxidea taxus*), San Joaquin kit fox (*Vulpes macrotis mutica*), and long-billed curlew (*Numenius americanus*).

A reconnaissance level field survey was conducted to identify sensitive biological resources on site and to document the suitability of the habitat on the project to support special-status species. No sensitive natural plant communities occur on the project sites. No special-status plant species were observed on the project sites. Swainson's hawk, loggerhead shrike, and long-billed curlew were observed near the site. No other special-status animal species were observed on site.

The project sites are highly disturbed and currently mostly cleared of vegetation. The pipeline route will run through private agricultural land. The presence of special-status species on these sites prior to ground disturbance cannot be positively determined. Reviews of the databases and on-site field examinations indicated that there are five defined waters or wetlands on or near the project sites. There are no designated migratory corridors or linkages, significant nursery sites, or designated Critical Habitat that occur on the project site.

A reconnaissance-level site survey was conducted on April 6, 2019 by QK. The survey consisted of meandering pedestrian transects with supplemental windshield survey of the Biological Study Area (BSA). Adjacent parcels were visually scanned for potential special-status resources and habitat conditions that could support special-status resources. The BSA supports a variety of bird, and mammal species. Various wildlife sign (i.e. scat, tracks, burrows etc.) were detected on all five sites. Wildlife sign detected included common bird species, two stick nests that could potentially be used by raptors, and numerous small mammal burrows. Twelve animal species or their sign were observed within the BSA. The project contained a few small mammal burrows scattered throughout the BSA.

Within the BSA, suitable San Joaquin kit fox habitat is not present; however, the pipeline route, specifically along the agriculture irrigation canals, may be used by the species while foraging or traveling through the area. The surrounding area near the pipeline route and dairy digester sites may provide suitable habitat for the species. There are multiple records of this species occurring near the BSA, but there is no positive evidence that the San Joaquin kit fox is present in the BSA.

Suitable foraging Swainson's hawk habitat is present in the agricultural fields surrounding the site. A Swainson's hawk was observed approximately 0.2-miles north, outside of the project area and east of the Van der Kooi Dairy. Suitable nesting habitat is found near the intersection of W. Elkhorn Avenue and S. Howard Avenue and along the Fresno Slough, but no nesting Swainson's hawks were found in the BSA during the reconnaissance survey.

Within the BSA, suitable foraging habitat for tricolored blackbird is present, but no nesting habitat is present. Suitable foraging loggerhead shrike habitat is present in the agricultural fields. Suitable nesting habitat is unlikely to be present within the BSA, but it may be present in the surrounding area. Trees with dense foliage that have the potential to house nests for this species occur in areas surrounding the BSA. Also, suitable foraging habitat for yellow-headed blackbird is present, but no nesting habitat is

present within the BSA. Suitable foraging and nesting long-billed curlew habitat is present. They typically nest in areas that are relatively dry and exposed. The nests are built near conspicuous objects such as livestock dung piles, rocks, or dirt mounds.

Within the project area, suitable badger habitat is not present, but the pipeline route, specifically along the irrigation canals, may be used by this species while foraging or traveling through the area.

Due to the high level of disturbance within the project footprint, lack of potential suitable areas for special-status plant species on the project site, and lack of potential for special status plants to exist on the site, no avoidance or minimization measures for special-status plant species are warranted.

~~The lack of special-status species within the localized project impact area and the short duration of activities, coupled with implementation of avoidance and minimization mitigation measures will be sufficient to reduce impacts of the projects to special-status wildlife species to level that would be less than significant.~~

The California Department of Fish and Wildlife (CDFW) commented that Tricolored Blackbird (TRBL) are known to occur in the Project area. Flood-irrigated agricultural land, including silage fields associated with dairies, is an increasingly important nesting habitat type for TRBL, particularly in the San Joaquin Valley (Meese et al. 2014). This potential nesting substrate is distributed throughout the Project area. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014). Approximately 86% of the global population of the species is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). Increasingly, TRBL are forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55% of the species' global population nested in only two colonies, which were located in silage fields (Kelsey 2008). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Meese et al. 2014). CDFW recommends the following mitigation measures to ensure that the TRBL is not impacted by the project.

*** Mitigation Measure(s)**

- 1. To mitigate impacts to the tricolored blackbird (TRBL), the following measures shall be implemented:***

Construction shall be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL, within a minimum 500-foot buffer from the Project site, no more than 10-days prior to the start of implementation

to evaluate presence/absence of TRB nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason the colony should be reassessed to determine the extent of the breeding colony before conducting construction activities.

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081 (b), prior to any ground-disturbing activities

~~—Pre-activity Surveys for Special Status Species. No less than 14 days prior to the start of project ground disturbance activities in any specific area, a pre-activity clearance survey should be conducted by a qualified biologist knowledgeable in the identification of listed species. The surveys should cover the project site plus a 250-foot buffer. Pedestrian surveys achieving 100% visual coverage should be conducted. Multiple surveys are anticipated to be needed as each project site and the pipeline route is initiated. If no evidence of these species is detected, no further action is required.~~

San Joaquin Kit Fox (SJKF) have the potential to occur on the Project site. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with the Project's construction include den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

2. ~~Avoidance of Burrows for San Joaquin Kit Fox, and American Badger. If dens/burrows that could support any of these species are discovered during the pre-activity clearance surveys conducted under BIO-1, the avoidance buffers outlined below should be established. No work would occur within these buffers unless the biologist approves and monitors the activity. Dens or burrows of these species shall not be destroyed unless it is determined that the den/burrow is not occupied. In no case shall a San Joaquin kit fox natal den or known den be destroyed without the concurrence of the USFWS and CDFW and appropriate artificial den replacements are provided.~~

San Joaquin Kit Fox

- *Potential Den – 50-feet*
- *Atypical Den – 50-feet (includes pipes and other man-made structures)*
- *Known Den – 100-feet*
- *Natal/Pupping Den – 500-feet*

American Badger

- *Known Den — 100-feet*

The applicants shall assess presence/absence of SJKF by conducting surveys following the USFWS (2011) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance." Specifically, CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14-days and no more than 30-days prior to beginning of ground disturbing activities.

SJKF detection warrants consultation with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b).

3. *Standard Avoidance and Minimization Measures for the San Joaquin kit fox and American badger. The following standard avoidance and minimization measures are recommended to be implemented:*
 - *Construction-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on County and City roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However, if night construction activities do occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.*
 - *To prevent inadvertent entrapment of kit foxes or other wildlife during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks should be installed. Before such holes or trenches are filled, they should be thoroughly examined for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW should be contacted as noted below.*
 - *Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently*

buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

- *All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.*
- *No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.*
- *Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of special-status species and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.*
- *A representative should be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a special-status species or who finds a dead, injured, or entrapped special-status species. The representative will be identified during the employee education program and their name and telephone number should be provided to the USFWS.*
- *In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.*
- *Any person who is responsible for inadvertently killing or injuring a special-status animal species should immediately report the incident to their representative. This representative should contact the CDFW immediately in the case of a dead, injured, or entrapped special-status species. The CDFW contact for immediate assistance is State Dispatch at 916-445-0045. They will contact the local warden or wildlife biologist. The USFWS should be contacted at the number below.*
- *The region 8 Sacramento Fish and Wildlife Office and Region 4 CDFW should be notified in writing within three working days of the accidental death or injury to a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS*

contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below.

*U.S. Fish and Wildlife Service
Region 8 – California and Nevada
2800 Cottage Way
Sacramento, CA 95825
Contact: Tim Ludwick
Phone: 916-414-6464*

- *New sightings of kit fox should be reported to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the appropriate wildlife agencies.*
- 4. *Den Avoidance. In the event that a potential den that may be suitable for American badger, San Joaquin, or burrowing owl is detected during pre-activity clearance surveys, the biologist should monitor the den using cameras and tracking medium for five days to determine if the den is occupied by a special-status species. If after five (5) days no activity is detected, then the den can be backfilled. Construction personnel may collapse the den only under the direct supervision of the biologist. If a special-status species is detected using the den, the den must be avoided until the animal leaves on its own. A minimum 100-foot buffer should be constructed using orange construction fencing around the den during the nonbreeding season (April to November). During the breeding season (December to March), the buffer should be extended to 250 feet. Consultation with the USFWS and/or CDFW will be required prior to collapsing dens known to be occupied by kit foxes. If authorized by the CDFW, passive relocation of wildlife may be accomplished using one-way doors to exclude wildlife from dens. An exclusion plan approved by CDFW would be required prior to the installation of one-way doors.*
- 5. *If project activities are planned to start during the migratory bird nesting season, February 1 to September 15, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project. If active nests are detected during the survey, or at any time during construction of the project, an avoidance buffer will be established by a qualified biologist based on the species and the activities that are underway. For raptor species (except Swainson's hawk), the avoidance will typically be 500 feet. For non-raptor species, the buffer will be 250-feet. Note that some bird species are known to nest on human structures, including construction equipment. Construction personnel should be educated about this possibility as part of the employee education program. ~~included under measure BIO-7~~*

Without appropriate avoidance and minimization measures for. SWHA, potential significant impacts associated with the Project's construction include: nest

abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Trees within ½-mile of the Project area represent some of the only remaining suitable nesting habitat in the vicinity, which is otherwise intensively managed for agriculture. In addition, the Project area includes low growing crops, which may provide foraging habitat for SWHA. The presence of these two requisite habitat features increases the likelihood of occurrence of SWHA. The primary threat to SWHA in California is loss of foraging and nesting habitat resulting from urban development and incompatible agriculture (CDFW 2016). Depending on timing, ground-disturbing activities that have the potential to result from the Project including noise, vibration, and movement of workers or equipment, could affect SWHA nests and have the potential to result in nest abandonment, potentially significantly impacting local nesting SWHA.

6. *To mitigate impacts to the Swainson's Hawk (SWHA), the following measures shall be implemented:*

Construction be timed to avoid the normal bird breeding season (February 1 through September 15). However, if construction must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to project initiation. In addition, CDFW recommends that a qualified biologist conduct additional pre-construction surveys for active nests no more than 10-days prior to the start of construction.

If an active SWHA nest is found during pre-construction surveys, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

If the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP for SWHA is necessary prior to project implementation, pursuant to Fish and Game Code Section 2081(b) to comply with CESASwainson's Hawk Avoidance and Minimization.

~~*If project activities are planned to start during the Swainson's hawk nesting season, March 20 to July 30, a pre-activity nesting bird survey should be conducted within seven (7) days of the start of these activities. These surveys should be phased with construction of the project site. A report of survey findings should be provided to the County to confirm compliance with this measure. If an active Swainson's hawk nest is present on-site, no work may occur within 0.5 mile of the nest without consultation with the CDFW.*~~

The Giant Garter Snake (GGS) has the potential to be present in or near Project sites. As documented in CNDDDB, GGS are known to occur in the Fresno Slough (CDFW 2019) and the species is known to occupy managed waterways, including those managed for agricultural irrigation (USFWS 2017). Potential significant impacts associated with Project construction include burrow excavation and collapse, inadvertent entrapment, and direct mortality of individuals.

7. To mitigate impacts to the Giant Garter Snake (GGS), the following measures shall be implemented:

A qualified biologist shall conduct a habitat assessment well in advance of project implementation, to determine if the Project area or its vicinity contains suitable habitat for GGS.

No more than 30-days prior to ground-disturbing activities, a qualified biologist with GGS experience and knowledge of its ecology survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and crevices be flagged and avoided by a minimum 50-foot no disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.

If take cannot be avoided, acquisition of an ITP would be required prior to Project implementation to comply with CESA. Capture and relocation of any species listed under CESA would require an ITP from CDFW, as capture (or attempt to do so) is defined as take under Fish and Game Code Section 86.

Burrowing Owl (BUOW) have been documented within the vicinity of the Project area. BUOW occupy treeless open areas that contain small mammal burrows (Zeiner et al. 1990). BUOW can also occupy burrows within the banks of earthen canals (Coulombe 1971). Review of aerial imagery indicates that the Project area contains both of these land cover types. The Project area likely also provides suitable foraging habitat for BUOW. The presence of these land cover types increases the likelihood of BUOW occurrence both on and within the vicinity of the Project area. Potentially significant direct impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

8. To mitigate impacts to the Burrowing Owl (BUOW), the following measures shall be implemented:

The applicant shall assess presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl

Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012). In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.

Since BUOW occupy burrow habitat year-round, CDFW recommends seasonal no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities associated with Project implementation. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If BUOW are found to occupy the Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1 :1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during Project activities, at a rate that is sufficient to detect BUOW if they return.

9. *Worker Environmental Awareness Training.* Prior to the initiation of construction and for the duration of project construction and maintenance activities that could affect natural habitat, all new personnel should attend a Construction Personnel Environmental Awareness Training and Education Program. The program should be developed by a qualified biologist. Any employee responsible for the operation and maintenance (O&M) of the completed facilities should also attend the Construction Personnel Environmental Awareness Training and Education Program.
 - a. The program should include information on the life history of the burrowing owl, American badger, San Joaquin kit fox, Swainson's hawk, migratory birds and raptors, and special-status plant species that may be encountered during construction and operations and maintenance activities.
 - b. The program should discuss each species' legal protection, status, the definition of "take" under the Endangered Species Act, measures the project

operator must implement to protect the species, reporting requirements, specific measures that each worker should employ to avoid take of wildlife species, and penalties for violation of the State and federal ESAs.

c. The program should provide information on how and where to bring injured animals for treatment in the case any animals are injured on the project site, and how to document animal mortalities and injuries.

d. An attendance form signed by each worker indicating that environmental training has been completed will be kept on record.

- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Reviews of the National Wetlands Inventory (NWI; USFWS 2019b) and National Hydrography Dataset (USGS 2019) were completed to identify whether wetlands had previously been documented on or adjacent to the project site. There are five defined waters or wetlands on or near the project site.

The United States Army Corps of Engineers (USACE) has regulatory authority over the Clean Water Act (CWA), as provided for by the EPA. The USACE has established specific criteria for the determination of wetlands based upon the presence of wetland hydrology, hydric soils, and hydrophilic vegetation. There are no federally-protected wetlands or vernal pools that occur within the project site.

Wetlands, streams, reservoirs, sloughs, and ponds typically meet the criteria for federal jurisdiction under Section 404 of the CWA and State jurisdiction under the Porter-Cologne Water Quality Control Act. Streams and ponds typically meet the criteria for State jurisdiction under Section 1602 of the California Fish and Game Code. There are no features on the project site that would meet the criteria for either federal or State jurisdiction. No waters of the U.S., including wetlands, or waters of the State were observed on the project site. Therefore, the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA. Accordingly, there are no wetlands or Waters of the U.S. occurring on the project site. There would be no impact to federally protected wetlands or waterways as a result of the proposed project. Therefore, impacts would be considered less than significant.

However, the gathering lines will cross several existing irrigation drainages or canals, as well as the Stinson Canal. Stinson Canal may be considered Waters of the US or Waters of the State. As proposed, the pipeline will be installed using either a jack and bore method or an open cut method to traverse the Stinson Canal. If the jack and bore method is used, there would be no disturbance of the drainage bed and bank, and therefore impacts would be considered less than significant. If the open cut method is used, as required by BIO-8, prior to the commencement of gathering pipeline

construction, a jurisdictional delineation of the Stinson Canal would be conducted by a qualified biologist to determine if the drainage was considered Waters of the US or Waters of the State, identify the bed and bank, and determine the amount of disturbance area that would be required. Applications for the appropriate permits such as a 401 water quality certification, a Section 404 permit or a Section 1602 permit would be obtained prior to any construction activities. Implementation of BIO-8 would reduce impacts to less than significant.

* **Mitigation Measure(s)**

8. *Prior to the issuance of building permits, if Stinson Canal cannot be avoided, specific impacts on the features shall be quantified by an aquatic resources delineation prepared by a qualified biologist. A Central Valley Regional Water Quality Control Board Section 401 Water Quality Certification, a Section 404 ACOE permit and Section 1602 California Department of Fish and Wildlife Streambed Alteration Agreement shall be obtained, or confirmation received from these agencies that regulatory permits are not required.*
9. ***A formal stream mapping and wetland delineation shall be conducted by a qualified biologist to determine the location and extent of streams (including any floodplain) and wetlands within and adjacent to the Project area. Please note that, while there is overlap, State and Federal definitions of wetlands as well as what activities require Notification pursuant to Fish and Game Code Section 1602 differ.***

Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project area as well as what activities may require Notification to comply with Fish and Game Code. Fish and Game Code Section 2785 (g) defines wetlands; further, Section 1600 et seq. applies to any area within the bed, channel, or bank of any river, stream, or lake. It is important to note that while accurate wetland delineations by qualified individuals have resulted in more rapid review and response from USACE and CDFW, substandard or inaccurate delineations have resulted in unnecessary time delays for applicants due to insufficient, incomplete, or conflicting data. CDFW advises that site map(s) designating wetlands as well as the location of any activities that may affect a lake or stream be included with any Project site evaluations.

Fish and Game Code Section 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may: (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on Notification requirements, please contact our staff in the LSA Program at (559) 243-4593.

- 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 would have no impacts to wildlife movement corridors or wildlife nursery sites and no mitigation measures are required. No fisheries resources that would be impacted by the project and no mitigation measures are warranted.

- 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 project will not conflict with local policies or ordinances protecting biological resources or a tree preservation policy. The project is within the PG&E Habitat Conservation Plan (HCP) covered areas; however, the HCP is limited to PG&E maintenance activities. The project will not impact or conflict with the PG&E HCP and will not conflict with any Natural Conservation Community Plans or other approved conservation plans in the project area. Therefore, the project will not conflict with adopted or approved plans.

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 is located in an area of moderate archeological sensitivity. The applicant's consultant, QK, evaluated the project site and conducted a Cultural Resources Records Search. The purpose of the search was to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the subject property, and whether construction of the project would impact any known or

potential cultural resources. The records search covered an area within one-half mile of the project and included a review of the *National Register of Historic Places, California Points of Historical Interest, California Registry of Historic Resources, California Historical Landmarks, California State Historic Resources Inventory*, and a review of cultural resource reports on file.

The records search indicated that one previous linear cultural resource survey had intersected with the project route near the center of Section 5, T.17S, R.18E (MDB&M). No other studies have been done along the route. One additional cultural resource study was conducted within a half mile of the project. No cultural resources have been recorded along the project route and it is not known if any exist there. One cultural resource has been recorded within a half mile of the project. This is the historic Stinson Canal that was built between 1891 and 1900.

Based on the results of cultural records search findings and the lack of historical or archaeological resources previously identified within a 0.5-mile radius of the proposed project, the potential to encounter subsurface cultural resources is minimal. However, there is still a possibility that historical or archaeological materials may be exposed during construction or trenching for underground pipes. Grading and trenching, as well as other ground-disturbing actions have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the project area, including historical or archaeological resources. Implementation of Mitigation Measure 1 would reduce the potential impacts on cultural resources, including historical resources associated with the proposed project to less than significant levels.

* **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:

The project will produce renewable energy in the form of gas and electricity. Some energy will be expended during construction, but it is not expected to be wasteful or unnecessary with adherence to standard construction practices. The project will not conflict with or obstruct a state or local plan for renewable energy.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The topography of the site is relatively flat with little topographic variation. The project area is located geographically east of the San Andres Fault and is to the east of the Coast Range. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that the project site is located in an area where ground acceleration due to seismic hazards has only a 10% chance to exceed 20%g (speed of gravity) within the next 50 years. The structures associated with this project will be subject to building standards at the time of development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

Figure 9-6 (FCGPBR) shows that the project site is not in an area of moderate or high landslide hazards and the project site is generally flat, precluding site-specific risk factors. The site is however, in an area of deep subsidence. With required compliance to the Fresno County Building code, development of this project will have a less than significant impact on the risk of adverse effects due to rupture of a known earthquake, strong seismic ground shaking or ground-related failure, and landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements to the existing dairies will not represent a significant expansion of graded area. Any grading that is performed will require a grading permit or voucher and ministerial review of those permits will ensure that substantial erosion or loss of topsoil does not occur.

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

The area is underlain by three soil types, Tachi Clay, Armona Loam, and Gepford Clay. Tachi Clay is a very deep and very poorly drained soils that formed in alluvium derived from igneous and/or sedimentary rocks. It is typically found on flood plains on basin floors. These soils are used for irrigation crops such as cotton, fruits, and wheat. It is not a hydric soil. Armona Loam is very deep and poorly drained soil that formed in alluvium from igneous and/or sedimentary rock. It is typically found on flood plains on basin floors and basin rims. This soil is used for irrigated crops. Gepford Clay is a very deep and poorly drained soil that is formed in mixed alluvium derived predominately from granitic rocks, influenced by lacustrine sediments. It is typically found flood plains, basin floors, and basin rims. This soil is used as irrigated cropland including barley, grain, sorghum, and sugar beets. The soil can also be used for dairy and cattle production and building site development. It is not a hydric soil.

The project site is not located in an area that is at risk of on-site or offsite landslide, lateral spreading, liquefaction, or collapse, according to Figure 7-1 (FCGPBR), and will not be located on expansive soils. The project is located in an area of deep subsidence, however, the Fresno County Department of Public Works and Planning, Water and Natural Resources Division, had no concerns with the operation of this project as planned.

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

FINDING: NO IMPACT:

The project currently operates with the use of the existing permitted septic systems. No new septic is proposed as part of this application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is located in an area which has been designated as moderately to archaeological or paleontological finds, however there are no known paleontological resources in the area. On March 29, 2019, the applicant provided a Cultural Resources Records Search Result, prepared by QK. No evidence of unique paleontological resources was noted in the report. However, there is still a possibility that paleontological or archaeological materials may be exposed during construction or trenching for underground pipes. Disturbance of any deposits of paleontological material that have the potential to provide significant scientific data would be considered a significant impact under CEQA. Implementation of the mitigation measure 1 (Cultural Resources, Section V, would reduce potential impacts on paleontological resources to less than significant.

*** Mitigation Measure(s)**

1. See Mitigation Measure 1, Section V, above.

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:

Human activities, including fossil fuel combustion and land use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases. GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The SJVAPCD, a CEQA Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29% reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined the SJVAPCD's methodology for assessing a project's significance for GHGs under CEQA.

Project construction and operational activities would generate greenhouse gas (GHG) emissions. In the Air Quality Impact Analysis, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association (CAPCOA) 2017), which is the most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The proposed project will be subject to any regulations developed under AB 32 as determined by CARB. In order for the project to be considered less than significant, it would need to conform with the goals of AB32. The proposed project is designed to capture methane gas, that would otherwise be emitted to the air from dairy operations, and convert it to renewable power. With the incorporation of electrical generation from a renewable resource the project would decrease overall GHG emissions. Therefore, the GHG emissions increases associated with this project would have a less than significant individual and cumulative impact on global climate change.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Methane will be produced in anaerobic digesters by natural biological processes (the decomposition of manure waste). The digesters will be created by first double-lining a new or existing storage pond. All digester ponds will meet the Central Valley Regional Water Quality Control Board (CRWQCB) Tier 1 standards, which include the installation of double-layered liners of welded 60 ml High-density polyethylene (HDPE) with leak detection to ensure water quality. Once produced, the methane is transferred by pipe to a biogas generator and subsequently by the Five Points pipeline to the meter set assembly hub and then to the PG&E gas line injection point. All portions of the project will comply with Pipeline and Hazardous Materials Safety Administration (PHMSA) guidelines, 49 CFR Part 192, and with the CPUC's Safety Enforcement Division (SED) General Order 112-F.

Therefore, while the routine use of the hazardous methane gas will occur, risk to the public as a result of its transport or accidental release is less than significant. The operator is required to maintain an emergency response plan. With compliance to the existing regulations and the operation of the digester system distant from nearby residences, there will be a less than significant impact on public hazards as a result of the transport or use of hazardous materials.

- 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 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:

Review of the US EPA's NEPAAssist report indicates that there are no hazardous or contaminated sites within one mile of the project site. The following lists were consulted: Resource Conservation and Recovery Act (RCRA), Toxic Releases Inventory (TRI), Superfund/National Priorities List, Brownfields Assessment Cleanup and Redevelopment Exchange System (ACRES), RADInfo, and Toxic Substances Control Act.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The project is located adjacent to a private use airport (crop dusting) at the intersection of W. Barrett and S. Bishop Avenues, however, based on land use, and limited residences and workforce needed for the operation of project, the airport safety risk and noise will be minimal.

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

FINDING: NO IMPACT:

Approval of this project will not impair the implementation of an Emergency Response Plan or Emergency Evacuation Plan. Following construction, there will be a negligible increase in the amount of traffic generated by this project for maintenance and operation of the system. The project site is located in an area of local responsibility for fire protection and is not at significant risk of damage due to wildfire.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is adjacent to several riverine or canal features. There are four unnamed blue line streams (irrigation canals) and the Stinson Canal that are intersected or traversed by the project area. Two of the canal features are present along the north side of the project approximately 0.5-miles east of the Vander Hoek Dairy. Another canal is located northwest of the Van Der Kooi Dairy along W. Elkhorn Avenue. Another unnamed canal and the Stinson Canal are located along north of W. Cerini Avenue and S. Bishop Avenue, northwest of the J&D Wilson and Sons Dairy. The Fresno Slough is approximately 0.4 miles east of the project, which will not be impacted. Portions of the project are located within the 1% annual chance of flood (500-year flood zone) or an area of minimal flood hazard zone

No concerns related to groundwater supplies were expressed by any of the reviewing agencies or departments.

The subject dairies are required to enroll under Waste Discharge Requirements, which is associated with a monitoring and reporting program. The Central Valley Regional Water Quality Control Board is responsible for monitoring the quality of water produced by this dairy. With the technical reports required by the Digester Order and associated operational requirements, this project will be in compliance with the Water Boards' standards and will not violate any water quality standards

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site?
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 - 4. Impede or redirect flood flows?

FINDING: NO IMPACT:

The project will not result in the alteration of an existing drainage pattern of any of the individual sites or the larger project area. The project site is not located in an area of special flood hazard; however, all development in the County of Fresno that involves grading is required to obtain a grading permit or voucher. Compliance to the provisions in the permit or voucher will ensure that excessive flooding and erosion do not occur.

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

FINDING: NO IMPACT:

The proposed project is not located in an area prone to flood hazard, tsunami, or seiche.

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

FINDING: NO IMPACT:

The project will not 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; or
- 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: NO IMPACT:

The community of Burrell is 1.3 miles east of the project; the community of Lanare is 2.8 miles east, the community of Five Points is four miles west; and the community of Helm is 1.5 miles north. Therefore, approval of this project does not have the potential to divide an established community. The proposed use is allowed in the County of Fresno with the approval of an Unclassified Conditional Use Permit, which will be reviewed by the Planning Commission concurrently with this Initial Study.

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: LESS THAN SIGNIFICANT IMPACT:

The proposed project is located in an identified oil production zone, per the Fresno County General Plan Background Report (FCGPBR). This proposal was reviewed by the California Department of Conservation, Division of Oil Gas and Geothermal Resources (DOGGR). DOGGR comments and map exhibits indicate the presence of a number of abandoned oil and gas wells in the vicinity of the project and located on some of the parcels directly involved with this project, however the Division expressed no further concerns with this proposal, provided that construction does not build over or impede access to the abandoned well sites.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport. The project is located adjacent to a private use airport (crop dusting) at the intersection of W. Barrett and S. Bishop Avenues, however, that use is not expected to expose people in the project area to excessive noise levels. Noise generated by the project equipment will not be above typical agriculture facility levels and the project is distant to sensitive receptors. Therefore, due to the project's distance from sensitive receptors, there will be no increase in the exposure of persons to severe or adverse noise levels or ground borne noise or vibration.

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:

Approval of this project would allow methane produced by the manure of cows to produce renewable energy, which would be sold to PG&E. This will not induce substantial population growth because it will not create a significant number of new job opportunities or otherwise increase the desirability of living in this area. No housing will be displaced as a result of this project. This project similarly will not displace substantial numbers of people. It will be developed on areas of farmland that were previously dedicated to agricultural production.

XV. PUBLIC SERVICES

Would the project:

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

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

FINDING: NO IMPACT:

This project will not increase the need for public facilities associated with fire or police protection. As this project will not lead to population growth, there will be no impacts on schools or parks. Any structures associated with this project will be reviewed by the Fresno County Fire Protection District to ensure compliance with California Code of Regulations Title 24 – Fire Code.

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:

This project will not increase the use of existing neighborhood and regional parks. There are no such facilities in the vicinity of the project and the request to add anaerobic digesters and a pipeline to convey methane gas will not result in population expansion.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Operation of this facility will require less than 10 round trips per day by service and delivery vehicles. The addition of 1-2 trips per month for maintenance of the digesters and related facilities will not conflict with any circulation plans or contribute to existing congestion of nearby County streets. Streets in the area are rectilinear, crossing at 90 degree angles and do not have sharp curves. There are no plans, policies, or programs that relate to public transit, bicycle, or pedestrian facilities in this area. The surrounding development consists of large parcels, which have been planted with row crops or support dairies similar to the project site.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place,

cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Under the provisions of Assembly Bill 52, the County of Fresno was required to provide notice that this Initial Study was being prepared to Native American Tribes who had previously indicated interest in reviewing CEQA projects. Notices were sent on April 19, 2019, to Robert Ledger of the Dumna Wo Wah, Robert Pennell of Table Mountain Rancheria, Ruben Barrios of Santa Rosa Rancheria and to Tara Estes-Harter of the Picayune Rancheria of Chukchansi Indians. None of the Tribal Governments responded to the notice.

The project is located in an area of moderate archeological sensitivity. The applicant's consultant, QK, evaluated the project site and conducted a Cultural Resources Records Search. The purpose of the search was to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the subject property, and whether construction of the project would impact any known or potential cultural resources. See the discussion in Section V, above.

Despite the failure of the tribes and historical databases to identify known tribal cultural resources, the potential exists for significant artifacts to be excavated during construction. Therefore, the following mitigation measure is proposed to ensure that impacts to previously unknown tribal cultural resources can be reduced to less than significant.

* **Mitigation Measure(s)**

1. See Mitigation Measure 1, Section V, above.

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 construction or expansion of new water or wastewater treatment facilities. Approximately 5,000 gallons/day will be used during the 40-day construction period and will be provided by on-site wells. Operational water is anticipated to be 2,500 gallons/day or 2.8 AF annually.

The inclusion of the digesters will add an additional step between collection of manure from the herd and application of the wastewater to the surrounding fields. Wastewater is not exported to any offsite system for processing. It is retained on site and used for irrigation, typically after being diluted with fresh water. The project site is not in an area that is known to be short of water, so there are no concerns that the limited increase in use will result in the need to obtain additional water entitlements.

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

FINDING: NO IMPACT:

The project is not in a water short area and is served by on-site wells. The Water and Natural Resources Division had no concerns with the project.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Upon completion of construction, the applicants will be required to submit technical reports to the Central Valley Regional Water Quality Control Board. These submissions are required by Provisions in Section E of the Digester Order. The operation will also be required to obtain a permit to operate a Solid Waste Facility from the County of Fresno, Environmental Health Division, acting as the Local Enforcement Agency. The need to comply with the Digester Order and other regulations enforced by the Water Quality Control Board will ensure that there is no adverse impact regarding noncompliance with statutes and regulations related to solid waste.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The project is not located in or near a state responsibility area or land classified as very high fire hazard severity zones, and will not impair an adopted emergency response or evacuation plan. The project will adhere to the site development and operational requirements of the Fresno County Fire Protection District.

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The pipeline route will run through private agricultural land. The presence of special-status species on these sites prior to ground disturbance cannot be positively determined. Based upon habitat conditions surrounding the site and the assumption that the site contain similar habitat characteristics, it is possible that the Swainson's hawk, western burrowing owl, tricolored blackbird, loggerhead shrike, American badger, San

Joaquin kit fox, long-billed curlew, and yellow-headed blackbird may have been present prior to site disturbances. Therefore, the Mitigation Measures noted in Section IV. will be implemented, requiring preconstruction surveys and avoidance measures if construction occurs during the nesting season.

In addition, it is unlikely but possible that previously undiscovered subsurface paleontological, cultural or tribal resources are present in the proposed area of development. Implementation of the mitigation measure in Section V, which describes avoidance and reporting requirements, will ensure that impacts are less than significant.

* **Mitigation Measures**

1. See Section IV.

2. See Section V.

- 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:

Emissions of criteria pollutants from this project will be consistent with the State Implementation Plan administered by the San Joaquin Valley Air Pollution Control District. The proposed improvements do not represent a substantial increase in the size of the dairy and will not result in adverse cumulative aesthetic or odor impacts. The proposed digester will capture some of the methane that is currently released into the air by the natural decomposition of manure and will convert it into electricity. Said power will be sold to PG&E, providing a source of renewable energy.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed improvements will generally decrease the odor in the area of the project site and will contribute renewable energy to be transferred to PG&E operations.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Unclassified Conditional Use Permit Application Nos. 3642-3647, 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 Land Use and Planning, Population and Housing, Public Services and Wildfire.

Potential impacts related to Agriculture, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Utilities and Service Systems, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources have determined to be less than significant with compliance with noted Mitigation Measures.

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

JS

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 July 23, 2020

SUBJECT: Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600

Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential) Zone District to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.

LOCATION: The project site is located on the northern side of Auberry Road, approximately 340 feet west of its intersection with Morgan Canyon Road (29323 Auberry Road) (Sup. Dist. 5) (APN 118-422-46).

OWNER: Central Valley Indian Health, Inc.
APPLICANT: Victor Fabionar

STAFF CONTACT: Chrissy Monfette, Planner
(559) 600-4245

Dave Randall, Senior Planner
(559) 600-4050

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7423 and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit Application No. 3600 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Conditional Use Permit Application No. 3600 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval and Mitigation Measures listed as Exhibit 1 to the Staff Report.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans and Detail Drawings
6. Elevations
7. Applicant's Operational Statement
8. Summary of Initial Study Application No. 7423

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Mountain Urban	No change
Zoning	Rural Residential	No change
Parcel Size	0.79 acre	No change
Project Site	None	Entire Parcel
Structural Improvements	None	One new building with parking lot and septic system
Nearest* Residence	20 feet east	No change
Surrounding Development	Surrounding uses include residential directly east and west of the site; a Shell gas station and Dollar General further to the east; and a CVS and Mexican restaurant to the south.	No change
Operational Features	None	New building with parking lot and septic system
Employees	None	9
Customers	None	Average daily: 15 Maximum daily: 24
Traffic Trips	None	Up to 87 daily round trips

Criteria	Existing	Proposed
Lighting	None	Pole-mounted parking lot lighting, walkway lighting, and exterior building lighting
Hours of Operation	N/A	8:00 AM to 5:00 PM, closed Noon to 1PM.

*As measured from the subject property line to the nearest point of residence

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: June 12, 2020

PUBLIC NOTICE:

Notices were sent to 18 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The final decision on a conditional use permit for a rural commercial development in the RR Rural Residential Zone District is determined by the Board of Supervisors. The Planning Commission will adopt a resolution making its recommendations on the application and environmental documents to the Board of Supervisors.

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

BACKGROUND INFORMATION:

The project site was originally zoned A-1 (Agricultural District). The zoning was amended to RR (Rural Residential) on November 30, 1982, in order to make the zoning consistent with the newly-adopted Sierra-North Regional Plan. The rezone did not limit the uses available in the RR Zone District and the proposed use is permitted through approval of a Conditional Use Permit (this application).

This application proposes to allow the construction and operation of a medical clinic to replace the existing Central Valley Indian Health Clinic located elsewhere in Prather, CA. The clinic would provide services to Native Americans, as well as the people of Prather, Auberry, and the Tollhouse area.

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front (south): 35 ft Rear (north): 20 ft Side: 20 ft	Front: 75 feet Rear: 20 feet East: 20 feet West: ~115 feet	Y Y Y Y
Parking	One stall for every 1,000sf of gross area, plus one for every three employees	19 Spaces	Y
Lot Coverage	No requirements	N/A	N/A
Space Between Buildings	6 feet	N/A	Y
Wall Requirements	No walls higher than 3 feet in front or side yard setbacks, no walls greater than 6 feet in height on rear and interior side	Walls may be built in accordance with the Zoning Ordinance	Y
Septic Replacement Area	100 percent	Per Engineered System	Y
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Water will be provided by Prather Water District	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno County Department of Public Works and Planning Building Department: Plans, permits, and inspections will be required for onsite improvements.

Fresno County Department of Public Works and Planning Site Plan Review: Parking spaces shall be constructed in compliance with the county and the state standards. A minimum back up clearance of 18 feet should be provided and clearly labeled to conform with County Parking Standards.

Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23 Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and Irrigation Plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.

Any proposed driveway should be a minimum of 9 feet and a maximum of 28 feet in width as approved by the Road Maintenance and Operation Division. If only the driveway is to be paved, the first 100 feet off the end of the ultimate right-of-way shall be concrete or asphalt.

No building or structure erected in this District shall exceed thirty-five (35) feet in height, unless authorized under Section 820.5 D of the Fresno County Zoning Ordinance.

Outdoor lighting should be hooded and directed away from adjoining streets and properties. All proposed signs require submittal to the Department of Public Works and Planning permits county to verify compliance with the Zoning Ordinance.

State Water Resources Control Board, Division of Drinking Water – Fresno District: The applicant has already worked with the Division of Drinking Water to receive water service from an existing public water system, Prather Water District. This project will not rely on the creation of a new public water system and will not be regulation by the Division. The District therefore has no comment.

Fresno County Department of Public Works and Planning Resources Division: The application is subject to the following regulations:

- AB 341 - Mandatory Commercial Recycling Program (MCR) - (if applicable)
 - After July 1, 2012, all businesses that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business
- AB 1826 - Mandatory Commercial Organics Recycling (MORE) - (if applicable)
 - Effective January 1, 2019, Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.
- SB 1374 – Construction and Demolition Diversion Requirements; including Title 15 Building Standards code related to diversion requirements

Fresno County Department of Public Health, Environmental Health Division:

- Construction permits for the proposed development should be subject to assurance that the City of Prather Water District, Inc., has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch.
- The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.
- The proposed construction and commercial project(s) have the potential to expose nearby residents to short-term elevated noise levels. Consideration should be given to County of Fresno Noise Ordinance Code.
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

- Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

Fresno County Department of Public Works and Planning Development Engineering Division: According to FEMA FIRM Panel No. 06019C0675H, the property is not located in an area subject to flooding as a result of the 100-year storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel.

Typically, runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. 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. A grading permit or voucher may be required for any grading that has been done without and permit and any new grading proposed by this application.

Fresno County Fire Protection District: This project shall comply with California Code of Regulations Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for this project, the applicant/developer must submit construction plans to the County of Fresno Public Works and Planning for review. It is the Applicant/Developer's responsibility to deliver a minimum of three sets of plans to the FCFPD.

This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project also will be subject to the requirement of the current Fire Code and Building code when a building permit or certificate of occupancy is sought. Please note, requirements for this project may include, but are not limited to water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers system, fire alarm systems, premises identification, and title 15.60 County Ordinance.

The following agencies provided a "no comments" or "no concerns" response to the request for comments: United States Fish and Wildlife Service, San Joaquin Valley Air Pollution Control District, Fresno Metropolitan Flood Control District,

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

Finding 1 Analysis:

The project site is a 0.79-acre parcel is currently unimproved. If this application is approved, the developer would be allowed to construct a 5,000 square-foot medical clinic with parking lot and onsite wastewater treatment system. The site is sloped terrain, which slopes downward from north to south and supports some trees and other vegetative growth.

An engineered septic system was designed for this project site, which was reviewed by the County and determined to be of sufficient design for the subject parcel, which the described variance from the required 50-foot property line setbacks. Installation of this system, or another

system which has been similarly approved by the County, is required as a mitigation measure. The existing well on the parcel must be abandoned, as the property will connect to Prather Water District for water service and the well would otherwise be located too near the proposed septic system.

Excepting the setback variance request for the septic system, the project site is able to accommodate all of the proposed improvements while maintaining all required property setbacks.

Staff finds that the proposed parcel, with adherence to the approved designs for the onsite wastewater treatment system, is adequate in size and shape to accommodate the proposed use. Additional engineered designs may be required as described by ministerial and construction permitting requirements; however, those divisions reviewed the preliminary site plan and determined that engineered plans would not need to be approved in advance.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 1 can be made.

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

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	210 feet on Auberry Ave	No change
Direct Access to Public Road	Yes	None	Two points of access
Road ADT		3,400	Minor increase
Road Classification		Arterial	No change
Road Width		31.9 feet	No change
Road Surface		0.25 foot Asphalt Concrete, 0.6 feet Asphalt Base	No change
Traffic Trips		None	Up to 87 daily round trips
Traffic Impact Study (TIS) Prepared	Yes	None	No road impacts identified
Road Improvements Required		None	None

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

Fresno County Department of Public Works and Planning Design Division: Staff has reviewed the Traffic Impact Study and no traffic-related mitigations are required, per the findings.

Fresno County Department of Public Works and Planning Site Plan Review: An encroachment permit shall be required from Road Maintenance and Operations for any work on the County right-of-way. Internal access roads shall comply with required widths by the Fire District for emergency apparatus. A dust palliative should be required on all parking and circulation areas.

Fresno County Department of Public Works and Planning Design Division: A limited TIS may be necessary to study the project site access for the ingress and egress of the projects traffic. Also, because the project site is within proximity of newly constructed roundabout on SR 168, coordination with Caltrans and County will be necessary to make sure placement of the project access location is acceptable to both agencies.

Fresno County Department of Public Works and Planning Development Engineering: Auberry Road is a County-maintained arterial with an existing 30-foot right-of-way north of the centerline along the parcel frontage, per Record of Survey in Book 47, Page 66. The minimum width of an arterial right-of-way north of the centerline is 53 feet. Records indicate this section of Auberry Road, from Quail Hollow Lane to Highway 168 has an Average Daily Traffic of 3,400, pavement width of 31.9 feet, structural section of 0.25 AC/0.6 AB and is in excellent condition.

If not already present, on-site turnarounds are required for vehicles leaving the site to enter the arterial road in a forward motion such that vehicles do not back out onto the roadway. Direct access to an arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway must be used.

if not already present, 10-foot-by-10-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Auberry Road.

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

Finding 2 Analysis:

The applicant's operational statement estimates a maximum patient attendance of 25 per day, with an average of 15 per day. With nine employees, this results in an anticipated maximum daily increase of up to 34 additional round trips. A Traffic Impact Study (TIS) was prepared to determine the likely impacts to local roads as a result of this application.

The numbers discussed in the TIS were based on the rate given by the *Trip Generation Manual, 10th Edition, Institute of Transportation Engineers 2017*, which estimate a higher rate of traffic at the site than the operational statement: 34.8 daily one-way trips for every 1,000 square-foot section of the medical-dental office. Therefore, this project was calculated to generate 87 new daily round trips. This higher estimate was used to determine if the project would result in adverse impacts to local roads.

The TIS determined that the nearby intersections would continue to operate with acceptable queuing conditions through the year 2040, and that no left turn lane was warranted at the propose driveway to the project site.

The addition of medical services in this area will provide for a reduction in overall Vehicle Miles Traveled (VMT) by allowing local residents to use a clinic closer to their homes instead of traveling to more distant locations. In addition, the project site is located in the same area as an existing CVS Pharmacy where patients can fulfill medications prescribed by the clinic doctors with little increase in overall VMT. There is also an open-air mall and grocery store within one-quarter-mile of the project site, which provide additional destinations in this development cluster.

The driveway design features two access points to Auberry Road, one which is dedicated to ingress and the other to egress. This design allows vehicles to turn around onsite and enter Auberry Avenue in a forward motion, without the need to back onto the street.

Because the analysis relied on a number of traffic trips that is more than double the anticipated operational trips to the project site, impacts are likely to be less significant than proposed by the analysis.

Based on the above information, Auberry Avenue is of sufficient width and pavement to accommodate the proposed use.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 2 can be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest* Residence:
North	4.18 acres	Residential	AE-40 (Exclusive Agricultural, 40-acre minimum parcel size)	180 feet
South	1.72 acres 10.57 acres	Commercial Commercial	C-6 (General Commercial)	None None
East	1.14 acres	Residential	RR	20 feet
West	1.06 acres	Residential	RR	70 feet

*As measured from the subject property line to the nearest point of residence

Reviewing Agency/Department Comments:

San Joaquin Valley Information Center: The project area has not been surveyed by a qualified cultural resource consultant and the archaeological sensitivity of the project site is unknown. Based upon the known archaeological sensitivity of the region, prehistoric or historic cultural resources may be present within the project site. An Archeological survey should be done by a

professional archaeologist prior to approval of any project plans and a professional archaeologist should be retained to monitor any ground disturbance activities.

The following agencies provided a “no comments” or “no concerns” response to our request for comments: San Joaquin Valley Air Pollution Control District and the Local Agency Formation Commission.

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

Finding 3 Analysis:

The project site is located along Auberry Road, which is a designated scenic roadway in Fresno County; however, no scenic resources were identified on the project site. The area is currently cleared of uses and presents a vacant grassland/lawn appearance. Surrounding development consists of some residential uses and intensive commercial uses. Development of the proposed medical facility will increase the Urban appearance of this area but will not damage any scenic resources. A mitigation measure is proposed to reduce the impact of development on the scenic drive by requiring that the applicant/developer install and maintain landscaping to a depth of at least 15 feet off the road and that the colors and material of all structures shall be aesthetically harmonious and compatible with development in the area.

The County requested consultation with local Native American Tribal Governments who had requested notice of this project through the provisions of Assembly Bill 52. Staff received one response to the four mailed notices and the nonresponsive three were presumed to have declined Consultation. The response from Table Mountain Rancheria also declined consultation. A mitigation measure was included to describe appropriate steps to be undertaken in the event that previously undiscovered resources are unearthed during project construction.

Another mitigation measure is proposed which would require that the applicant point any exterior lights downwards so that light does not shine on adjacent parcels. Given the small size of parcels in the immediate vicinity of the project site, this requirement is necessary to ensure that new lighting does not shine on any living areas on nearby residences. The density of development also resulted in the need to restrict the type of septic system that could be installed to serve the proposed development. With the limitation that the proposed design must be approved by County Staff prior to construction of the septic system, the County will ensure that the system is installed per current regulations, which will protect the wells of surrounding property owners.

An Air Quality Assessment was prepared for this project by LSA (October 2019) which estimated emissions from this project. No criteria pollutants were estimated to be produced in amounts that would exceed thresholds established by the San Joaquin Valley Air Pollution Control District.

The project proposes to connect to the Prather Water District for water service; however, the District established a usage cap of 125,000 gallons/year as part of the will-serve notice. The operator is required to track (or meter) water usage and compare the annual number to the cap. This ensures that the project will not result in unsustainable water usage that could adversely affect surrounding property owners by requiring accountability on the part of the operator.

Finally, the project would operate only during normal business hours (Monday through Friday, excepting holidays and 8AM to 5PM), which is the time when the noise ordinance is at its least

stringent and when the residents of surrounding developments are least likely to be at home. Therefore, typical operation of the proposed medical facility would not result in any adverse noise impacts are nearby residences.

Based on the above information, staff believes the proposal would not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval and Mitigation Measures attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
General Plan Policy: LU-F.22 – The County shall generally require that significant new office developments locate near major transportation corridors and concentrations of residential uses. New office development may serve as buffers between residential uses and high-intensity commercial uses.	Consistent: The project site is a medical office which is located adjacent to both intensive commercial uses and residential development.
General Plan Policy: LU-F.23 – The County shall require community sewer and water services for commercial development in accordance with the provisions of the Fresno County Ordinance Code, or as determined by the State Water Quality Control Board.	Consistent: In consultation with the State Water Resources Control Board, the County determined that the project would be served water service from the Prather Water District and would process generated wastewater onsite in an engineered septic system.
General Plan Policy: LU-F.24 – The County shall require new commercial development to be designed to minimize the visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses.	Consistent: the project is required to install landscaping for at least the first 15 feet off the edge of the road, which will minimize the visual impact of its parking areas on drivers along Auberry Road.
General Plan Policy: LU-F.25 – The County shall require that new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas rather than being designed primarily to serve vehicular circulation.	Not consistent: The project site is located proximate to other commercial developments; however, the existing path of the roadways and topography of the area do not provide a pedestrian connection. No sidewalks exist in this area, with the exception of in the area around the new roundabout at Auberry and Morgan Canyon Road. Further, the operation of the medical facility is likely to be driven by the need of the patients rather than ease of accessibility for surrounding residents.

Relevant Policies:	Consistency/Considerations:
Sierra-North Regional Plan Policy: 402-01:12.03.b: Commercial development shall be served by community water and sewer systems or provide suitable alternatives.	Consistent: In consultation with the State Water Resources Control Board, the County determined that the project would be served water service from the Prather Water District and would process generated wastewater onsite in an engineered septic system.
Sierra-North Regional Plan Policy: 402-01:12.03.c – The impacts that service and heavy commercial uses can have on residential areas should be mitigated by on-site buffering measures.	Consistent: Review of this application determined that several mitigation measures would be necessary to reduce impacts on nearby properties to less than significant. These measures are listed in the Mitigation Monitoring and Reporting Plan (MMRP) attached as Exhibit 1.
Sierra-North Regional Plan Policy: 402-01:12.03.e – The development of new commercial uses shall be guided by the following criteria: 1. Off-street parking shall be sufficient for the proposed use; and 2. A minimum setback of 50 feet shall be provided from the roadway, where possible.	Consistent: The project site shows parking spaces in excess of what would be required based on the zoning ordinance. Due to the size of the parcel, a setback of 50 feet is not possible; however, the developer is required to install landscaping along the first 15 feet off the roadway to help screen the site.
Sierra-North Regional Plan Policy: 402-01:12.03.a.2 – “In Prather, commercial uses should be located along Auberry Road within ¼ mile of the Morgan Canyon Road intersection.”	Consistent: The project site is on Auberry Road within a ¼ Mile of the Morgan Canyon Road Intersection (.15 Miles actual distance)

Reviewing Agency Comments:

Fresno County Department of Public Works and Planning, Policy Planning Division: The subject parcel is designated as Mountain Urban in the Sierra-North Regional Plan and is located in the RR (Rural Residential) Zone District. The subject parcel is not enrolled in the Williamson Act Program.

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

Finding 4 Analysis:

The project site is subject to both the County General plan and the Sierra-North Regional Plan, which provides more specific policies to guide development of parcels. In this case, many of the policies of the Sierra-North Plan overlap with the policies of the County General Plan.

Both Plans have policies (General Plan Policy: LU-F.23 and Sierra-North Regional Plan Policy: 402-01:12.03.b) which require that commercial uses are provided water and sewer service from existing public or private utilities. This project will receive water from the Prather Water District; however, sewer service was not available. Therefore, the County has approved an Engineered Septic System which is large enough to accommodate the expected water flow at the project

site. Because the engineered system was approved by the County, it is considered to be a suitable alternative to sewer connection and the project is consistent with these policies.

Several policies relate to the location of a proposed commercial use and specify that offices may be used to provide a buffer between residential development and commercial development. In this case, the project is located between several houses and other commercial uses, showing consistency with General Plan Policy: LU-F.22. Similarly, mitigation measures were adopted to reduce impacts on adjacent properties, consistent with Sierra-North Regional Plan Policy: 402-01:12.03.c.

These plans also contain policies which require that the County and private development maintain a natural aesthetic in areas that are sensitive to such impacts, such as when a building is proposed along a Scenic Drive. In this case, the project is not able to meet the 50-foot setback described by Sierra-North Regional Plan Policy: 402-01:12.03.e; however, landscaping is required for at least 15 feet off the road, which will help to screen the building and parking area from view (showing consistency with General Plan Policy: LU-F.24.)

The project is not consistent with General Plan Policy: LU-F.25 because it does not have any features which encourage residents to walk rather than drive to their desired location. However, there are no sidewalks in the area of the project, even in the area of other commercial development (with the exception of around the new roundabout development) and therefore such improvements onsite would not connect to other commercial uses. Further, the project is a medical office, which is likely to treat patients based on need (and preventative care, which is typically scheduled in advance of a visit). Therefore, even if sidewalks were provided near and around this site, nearby residents would not be compelled to walk to this site unless they already had a scheduled appointment. In conclusion, the site is not located in an area where pedestrian circulation would be efficient or effective and this policy is determined not to apply.

Based on these factors, the proposed project is consistent with the General Plan.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 4 can be made.

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

Per Section 873-F of the Zoning Ordinance, Finding 5 addresses the question of whether the included Conditions can be deemed necessary to protect the public health, safety and general welfare of the public and other such conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division. The required Conditions of Approval will be addressed through the Site Plan Review process required for this project. The Site Plan Review process and requirements are contained in Section 874 of the Fresno County Zoning Ordinance.

The Mitigation Measures proposed for this project are required to reduce the identified adverse impacts such that they are considered to be “less than significant”. For additional detail

regarding the analysis of environmental impacts, please see the Initial Study which has been attached to this staff report as Exhibit 8.

The Conditions of Approval for this project include filing a Site Plan Review application, which is necessary to ensure compliance with the Zoning Ordinance and the conditions of this CUP application and restrict the applicant to development of what was approved (i.e. the site plan, detail drawings, and elevations attached as Exhibits 5 and 6). This restriction is necessary to ensure that new impacts are not generated as a result of deviation from the documents reviewed by the Commission. Conditions which restrict the material of new structures and the installation of visual screening are required to protect the existing natural views of surrounding residential development.

No other Conditions are proposed. The project notes represent existing regulations to which the applicant/developer is subject and are provided to aid the applicant/developer during construction and/or operation.

Reviewing Agency/Department Comments:

Refer to comments under Findings 1 through 4 of this report.

Recommended Conditions of Approval:

None.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Classified Conditional Use Permit be made. Staff therefore recommends approval of Classified Conditional Use Permit No. 3600, subject to the recommended Conditions of Approval, Mitigation Measures, and Project Notes.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7423 and
- Recommend that the Board of Supervisors approve Classified Conditional Use Permit Application No. 3600 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution to forward Conditional Use Permit Application No. 3600 to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval and Mitigation Measures listed as Exhibit 1 to the Staff Report.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Classified Conditional Use Permit No. 3600; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

CMM:im
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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7423
Classified Conditional Use Permit Application No. 3600
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	Landscaping shall be installed across the parcel frontage to a depth of at least 15 feet in order to screen the parking lot from view of the roadway.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Prior to occupancy
2.	Aesthetics	All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning	Ongoing
3.	Cultural Resources/ Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Department of Public Works and Planning	During ground-disturbing activities
4.	Hydrology and Water Quality	The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the Sewage Feasibility report dated February 21, 2020, or as otherwise approved by the Fresno County Chief Building Inspector.	Applicant/ County	Applicant/Fresno County Department of Public Works and Planning	Ongoing
5.	Utilities and Service Systems	A record of water usage at the project site shall be retained and reviewed annually by the Prather Water District to ensure that water usage does not exceed 125,000 gallons annually. If this amount is exceeded, the property owner shall implement water reduction strategies, including reduced service if necessary, to reduce usage under this cap or shall obtain a 'will serve' letter from Prather Water District authorizing a	Applicant/ Prather Water District	Applicant/Fresno County Department of Public Works and Planning	Annually

		higher annual usage. If a revised 'will serve' letter is provided, the annual water usage shall be compared to the revised annual cap.			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Floor Plan, Elevations, and Operational Statement approved by the Commission.				
2.	A Site Plan Review application shall be submitted to and approved by the Director of the Public Works and Planning, Development Services and Capital Projects Division in accordance with Section 874 of the Fresno County Zoning Ordinance. Appropriate screening of the eastern and western property lines shall be considered as part of this review.				
3.	Except in the front yard setback, a dense landscape visual screen or 6 foot tall masonry wall shall be provided between the use and adjacent residential uses to the east and west				
4.	There shall be no outdoor storage allowed on the site including but not limited to vehicles, materials, and containers, etc.				
5.	The colors and material of all structures shall be aesthetically harmonious and compatible with development in the area. No strident materials, colors or designs that would be dissimilar from the surrounding area shall be allowed.				

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period in excess of two years.
2.	Plans, permits and inspections are required for all onsite proposed improvements. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for permits and inspections.
3.	The Application shall comply with California Code of Regulations (CCR), Title 24 – Fire Code. Prior to receiving Fresno County Fire Protection District (FCFPD) conditions of approval for the project, the Applicant must submit construction plans to the Fresno County Department of Public Works and Planning for review. It is the Applicant's responsibility to deliver a minimum of three sets of plans to FCFPD.
4.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

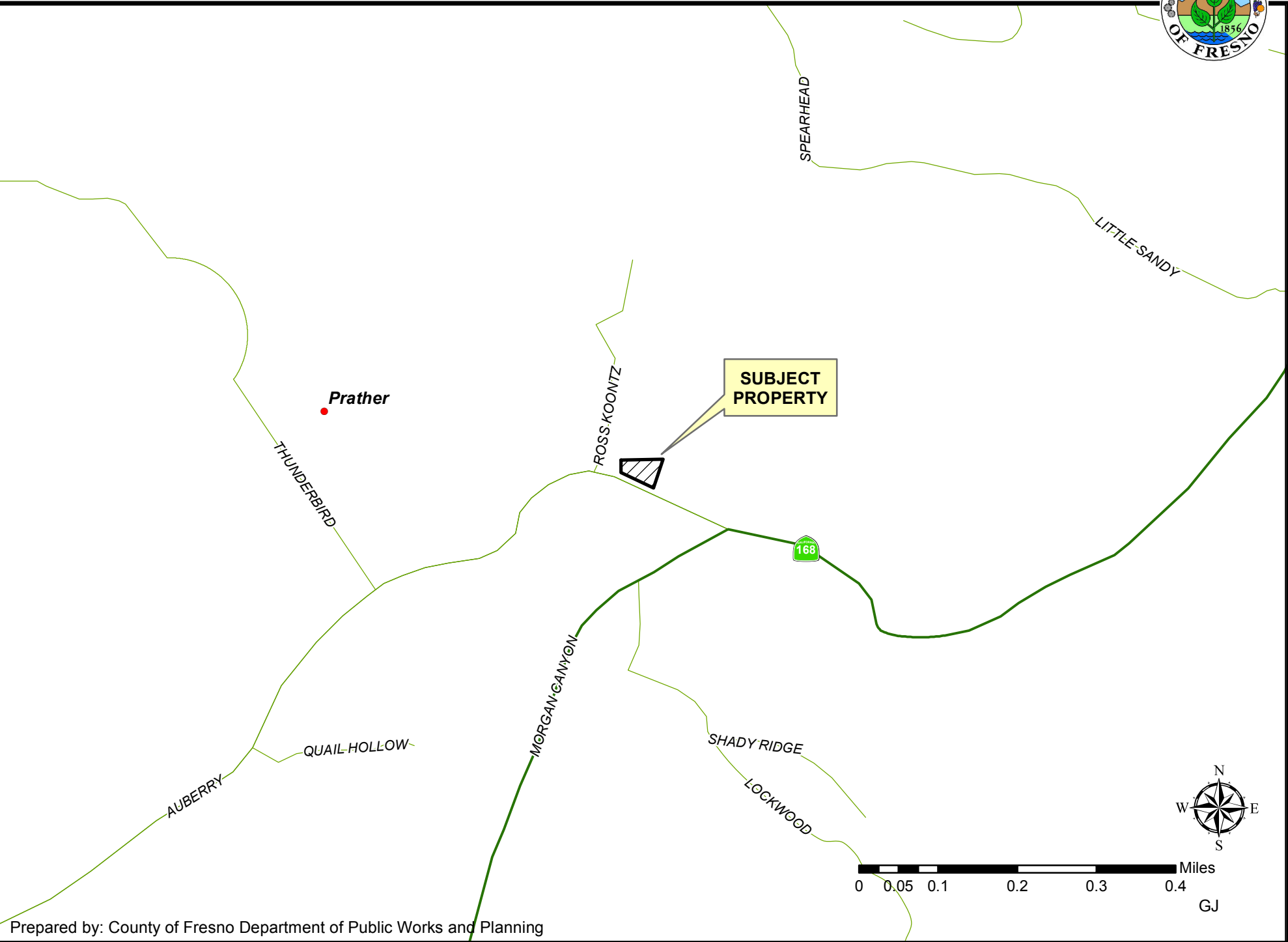
Notes	
5.	This project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project also will be subject to the requirement of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Please note, requirements for this project may include, but are not limited to water flow requirements, water storage requirements, fire pumps, road access, Public Resources Code 4290, fire hydrants, fire sprinklers system, fire alarm systems, premises identification, and title 15.60 County Ordinance.
6.	If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (http://cers.calepa.ca.gov/). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
7.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
8.	Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state, and local government requirements.
9.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
10.	AB 341 - Mandatory Commercial Recycling Program (MCR): After July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
11.	AB 1826 - Mandatory Commercial Organics Recycling (MORE): Effective January 1, 2017: Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
12.	An Engineered Grading and Drainage Plan is required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards.
13.	A grading permit or voucher shall be required for any grading that has been done without a permit and any grading proposed with this application.
14.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

Notes	
15.	Typically, in an Arterial classification, if not already present, onsite turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point.
16.	No new access points are allowed without prior approval, and any existing driveway shall be utilized.
17.	If not already present, the following corner cutoffs shall be improved: 10-foot by 10-foot cutoffs at the exiting driveways onto American and Del Rey Avenues; and 30-foot by 30-foot cutoffs at the intersection of American and Del Rey Avenues.
18.	A minimum back up clearance of 18 feet should be provided and clearly labeled to conform with County Parking Standards.
19.	Any proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23 Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per Governors Drought Executive Order of 2015. The Landscape and Irrigation Plans shall be submitted to the Fresno County Department of Public Works and Planning, Site Plan Review (SPR) unit for review and approval prior to the issuance of building permits.
20.	The applicant may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

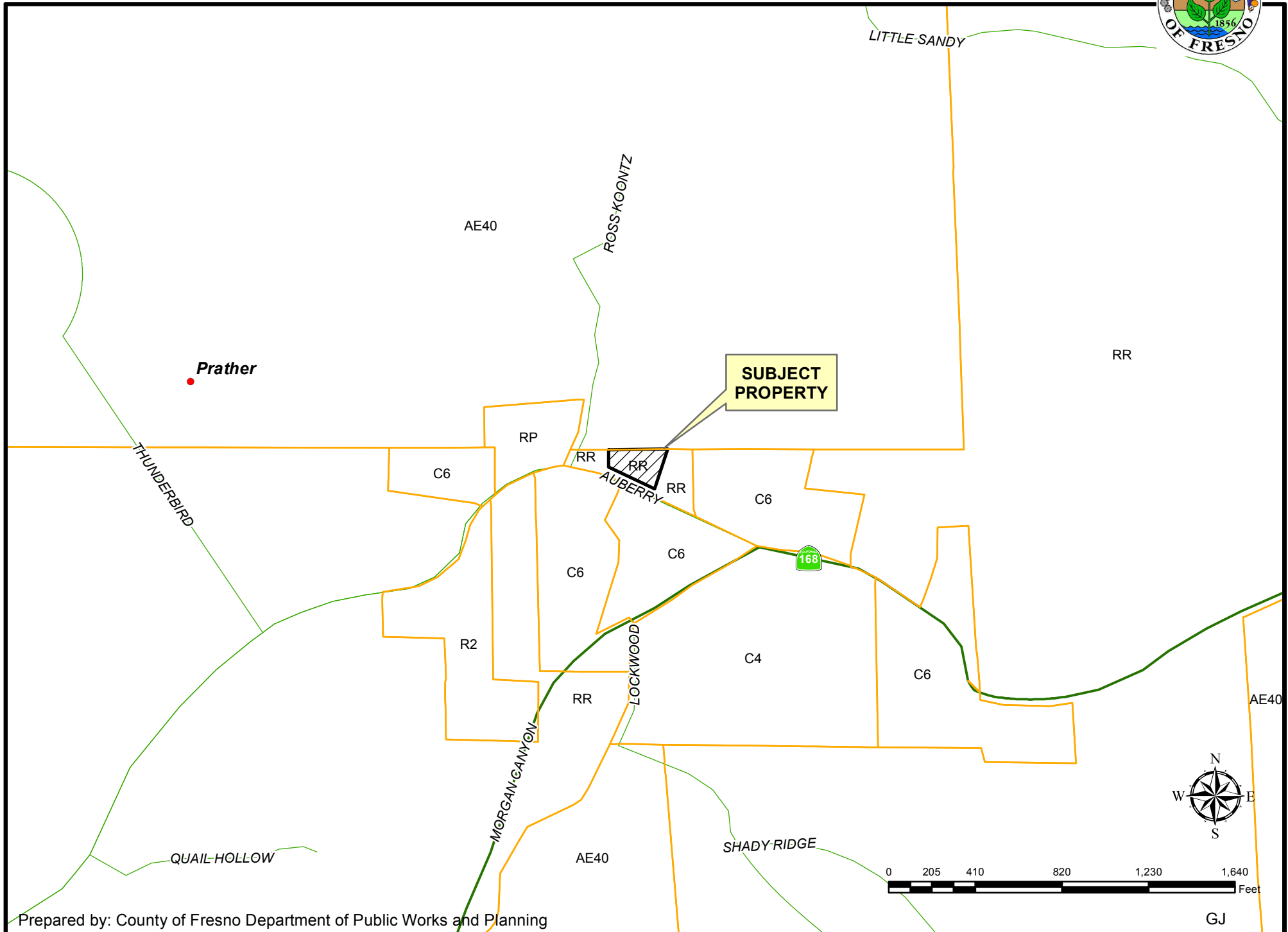
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LOCATION MAP



EXISTING ZONING MAP



EXISTING LAND USE MAP

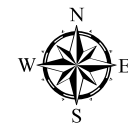


Map Prepared by: GJ
J:GISJCH\Landuse\

LEGEND
C - COMMERCIAL
C# - COMMERCIAL
CP - OFFICE COMM./PROF.
CP# - OFFICE COMM./PROF
SF# - SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

-  Subject Property
-  Ag Contract Land



0 62.5 125 250 375 500 Feet

Department of Public Works and Planning
Development Services Division



1 FLOOR PLAN
scale: 1/4" = 1'-0"

**EXHIBIT 5**

Victor R. Fabionar
Architect
LICENSE NO. C12752
4315 E. Clinton Ave.
Fresno, California 93703
TEL: (559) 225 - 4953 FAX (559) 225 - 4955

OWNER INFORMATION
OWNER: CENTRAL VALLEY INDIAN HEALTH
CONTACT: CHUCK FOWLER
ADDRESS: 20 N. DEWITT
CLOVIS, CA 93612

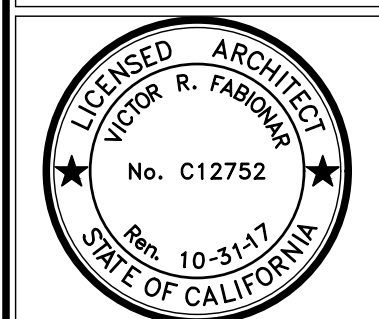
PHONE: 559.225.4953
FAX: 000.000.0000
E-MAIL: victorffabiana@gmail.com

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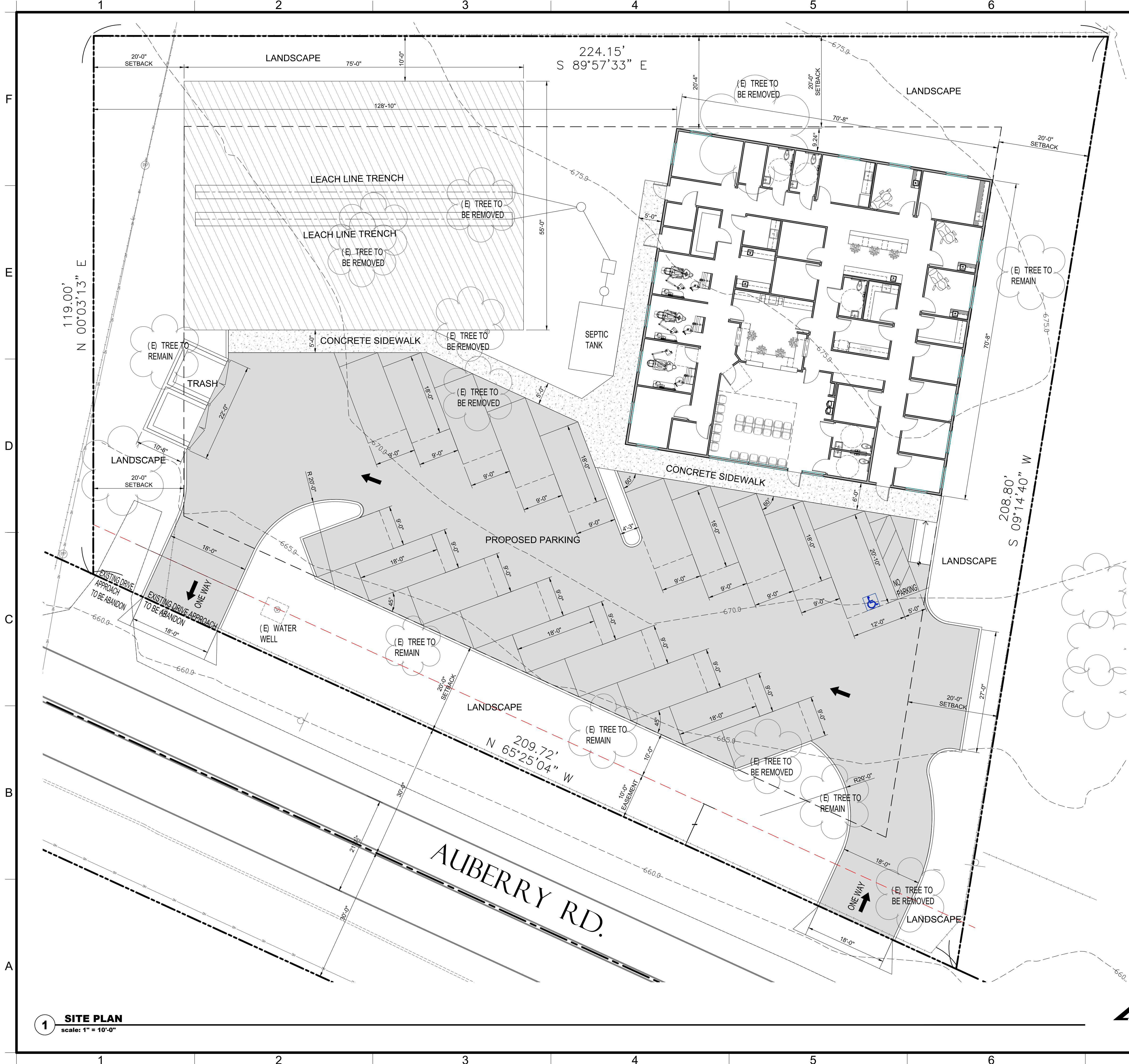
CVI/H MEDICAL CLINIC - PRATHER
29323 AUBERRY ROAD, PRATHER, CA
AN

PROJECT NAME:
SHEET TITLE:
FLOOR:

PROJECT NO:	2017-04
CAD DWG FILE:	2017
DRAWN BY:	H. MARTINEZ
CHK'D BY:	VRF
COPYRIGHT:	
START DATE:	XXXX



A-100



LEGAL DESCRIPTION

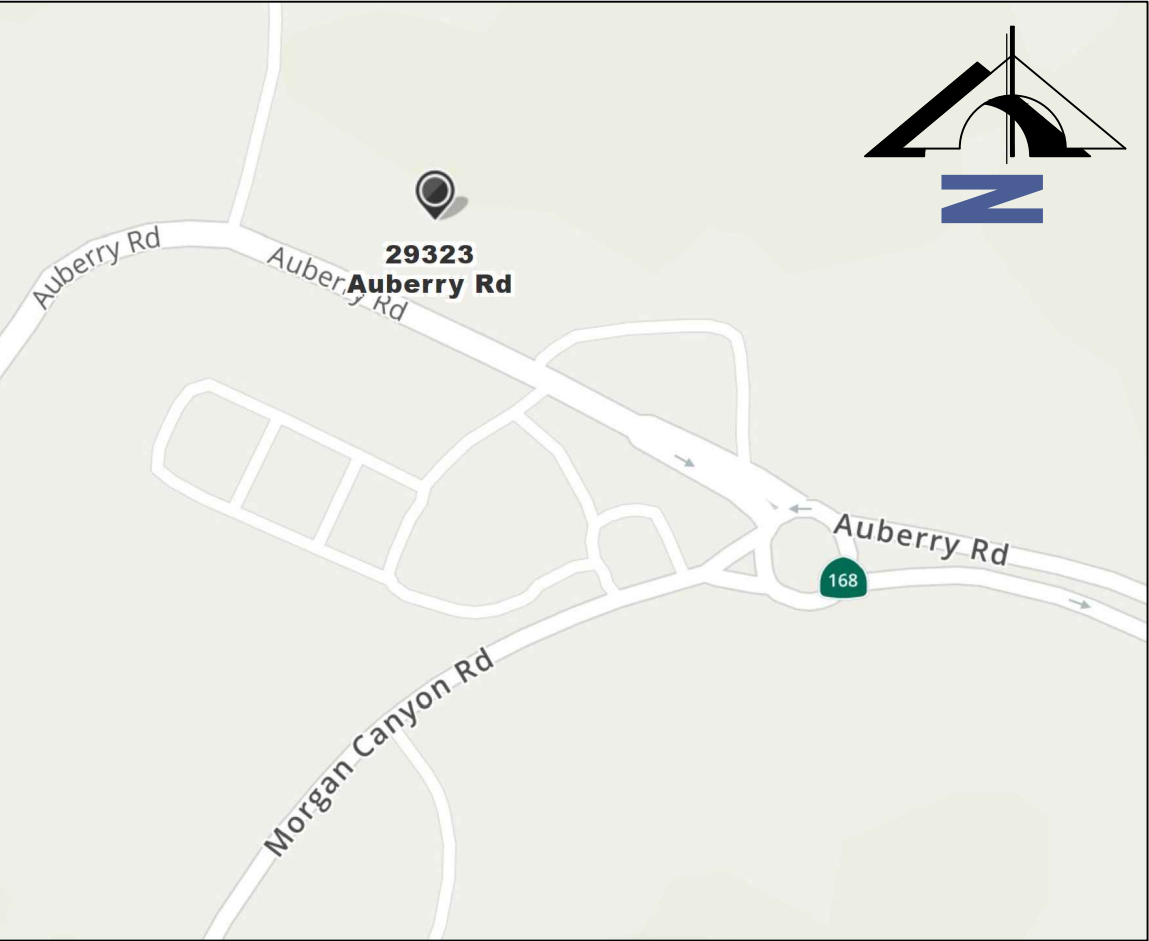
For APN/Parcel ID(s): 118-422-46

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 SOUTH, RANGE 22 EAST, LYING NORTH OF THE AUBERRY ROAD, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF BEGINNING AT A POINT ON THE NORTH SIDE OF AUBERRY ROAD 225 FEET WEST OF THE WEST BOUNDARY LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 25, THENCE WEST ON NORTHSIDE OF AUBERRY ROAD 233.5 FEET, THENCE NORTH TO SECTION LINE COMMON TO SECTIONS 24 AND 25, THENCE EAST ON SECTION LINE TO A POINT 130 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THENCE SOUTHERLY TO THE POINT OF BEGINNING ON AUBERRY ROAD.

PARCEL AREA = 0.7909 ACRES

VICINITY MAP



1 SITE PLAN
scale: 1" = 10'-0"

Victor R. Fabionar
Architect

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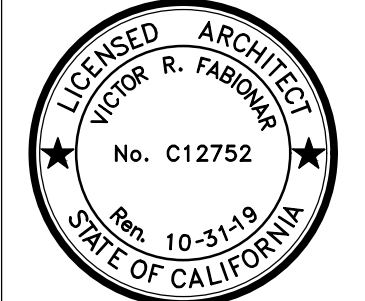
PHONE: 559.225.4953
FAX: 000.000.0000
E-MAIL: victorfabionar@gmail.com

DATE	REVISION	MARK

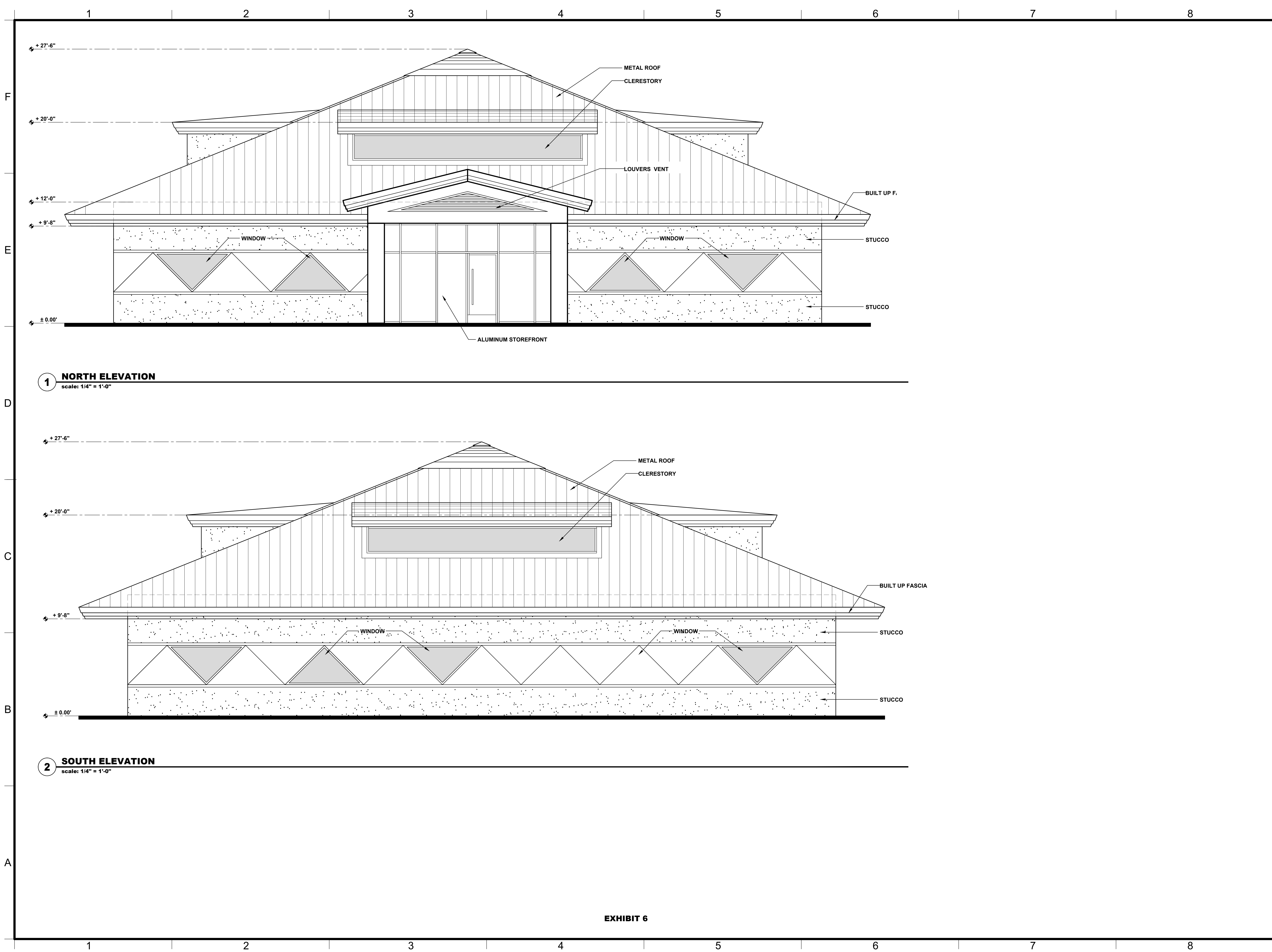
PROJECT NAME: CVIH MEDICAL CLINIC - PRATHER
SHEET TITLE: SITE PLAN

29323 AUBERRY ROAD, PRATHER, CA

PROJECT NO: 2017-04
CAD DWG FILE: 2017
DRAWN BY: H. MARTINEZ
CHKD BY: VRF
COPYRIGHT:
START DATE: xxxx



SP-100



1 NORTH ELEVATION
scale: 1/4" = 1'-0"

2 SOUTH ELEVATION
scale: 1/4" = 1'-0"

EXHIBIT 6

Victor R. Fabionar

Architect

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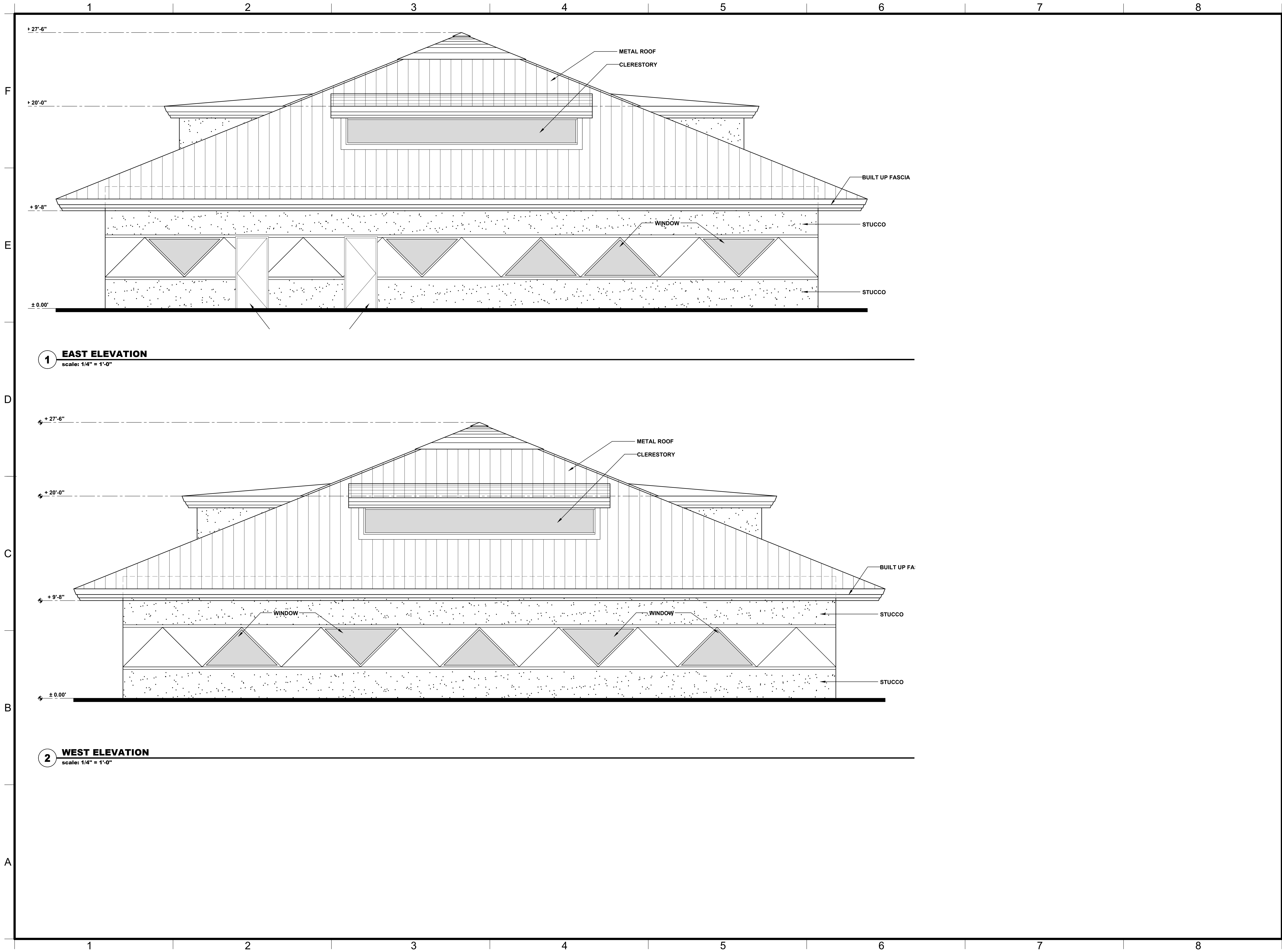
DATE	REVISION	MARK

PROJECT NAME: CVIH MEDICAL CLINIC - PRATHER
SHEET TITLE: EXTERIOR ELEVATIONS

29323 ALBERRY ROAD, PRATHER, CA

PROJECT NO:	2017-04
CAD DWG FILE:	2017
DRAWN BY:	H. MARTINEZ
CHKD BY:	VRF
COPYRIGHT:	
START DATE:	xxxx





Victor R. Fabionar

Architect

LICENSE NO. C12752

4315 E. Clinton Ave.

Fresno, California 93703

TEL: (559) 225 - 4953

FAX (559) 225 - 4955

OWNER INFORMATION

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CONTACT: CHUCK FOWLER

ADDRESS: 20 N. DEWITT

CLOVIS, CA 93612

PHONE: 559.225.4953

FAX: 000.000.0000

E-MAIL: victorfabionar@gmail.com

DATE	REVISION	MARK

PROJECT NAME

CVIH MEDICAL CLINIC - PRATHER

SHEET TITLE

EXTERIOR ELEVATIONS

29323 ALBERRY ROAD, PRATHER, CA

PROJECT NO: 2017-04

CAD DWG FILE: 2017

DRAWN BY: H. MARTINEZ

CHK'D BY: VRF

COPYRIGHT:

START DATE: xxxx

LICENSED ARCHITECT

VICTOR R. FABIONAR

No. C12752

Rev. 10-31-17

STATE OF CALIFORNIA

REVISED COPY

RECEIVED
COUNTY OF FRESNO

VICTOR R FABIONAR ARCHITECT, 921 e Hampton way, Fresno, CA 93704

JUL 01 2019

PROJECT: CENTRAL VALLEY INDIAN HEALTH, PRATHER, CA

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

REVISED OPERATIONAL STATEMENT CHECKLIST

27 June 2019

CWP 3600

1. Central Valley Indian Health, Inc. proposes to build a 5,000 square foot outpatient medical clinic at 29323 Auberry Road, Prather, CA 93651. The clinic is specific for providing services to Native Americans, services also are provided to people of Prather, Auberry and the Tollhouse area. The current clinic population is about 35% non-Native American

Central Valley Indian Health Inc. has an existing clinic at 29369 Auberry Road, Suite 102, at the Prather Professional Center in Prather.

The intention is to build an approximately 5,000 square foot clinic to include offices for one physician, registered nurse, licensed vocational nurse, medical assistant, one dentist, one assistant, receptionist referral clerk and security guard.

2. Operational time limits:

Months: 12 months/year

Hours: 8 AM to 5 PM, closed noon to 1 PM

Days per week: Monday through Friday, less holidays

Total hours per day: 9

Services indoors

3. Number of patients:

15/day average, 24 maximum, 8 AM-12 PM, 1 PM-5PM

4. Number of employees: 9, current and future

5. Service/Delivery vehicles: Number: 5, type: N/A, frequency: N/A

*CLARIFY VAN OR?
DELIVERY VANS, NO LARGE TRUCKS*

6. Access to property: Paved private road accessed from public road

7. Number of parking stalls provided: 22

8. Goods sold on-site: none

9. Equipment: None

10. Supplies and materials used and stored: Standard medical, dental supplies, stored in locked cabinets and or storage rooms.

11. Unsightly appearance: no
12. Solid or liquid wastes: Medical wastes stored in a locked bio-hazard room and disposed by contracted State certified waste disposal company.
13. Estimated volume of water usage: 500 gallons/day, Prather Water District
14. Proposed signage : Monument, 4feet x 6 feet
15. Type of building: Wood frame with stucco finish, metal roofing, colors to be natural.
16. Building uses: 5,000 square foot building to be used for clinic.
17. Type of lighting: Pole mounted parking lot lighting, pole mounted or ground walkway lighting, wall mounted and soffit building lighting.
18. Site fencing: wrought iron, retaining walls of concrete or concrete masonry.
19. Landscaping: Drought tolerant, drip irrigation.
20. Owners: See attached Board of Directors.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Central Valley Indian Health (Victor Fabionar)

APPLICATION NOS.: Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600

DESCRIPTION: Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential Zone District) to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.

LOCATION: The project site is located on the northern side of Auberry Road, approximately 340 feet west of its intersection with Morgan Canyon Road. Address: 29323 Auberry Road (APN: 118-422-46) (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?

FINDING: NO IMPACT:

No scenic vistas have been identified in Fresno County.

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

FINDING: LESS THAN SIGNIFICANT IMPACT

The project site is located along Auberry Road, which is a designated scenic roadway in Fresno County; however, no scenic resources were identified on the project site. The area is currently cleared of uses and presents a vacant grassland/lawn appearance. Development of the proposed medical facility will increase the industrial appearance of this area but will not damage any scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project proposes to construct a new building with a parking lot on a parcel of land that was previously undisturbed. Surrounding uses include residential directly east and west of the site; a Shell gas station and Dollar General further to the east; and a CVS and Mexican restaurant to the south. The southern operations do not take access from Auberry road; however, the development is visible at the project site. As a result of the visibility of other sites along this road and the visibility of the project site, it will have a potentially significant cumulative impact on the degradation of natural views in this area. To mitigate this impact, the applicant shall be required to install landscaping along the frontage of the parcel to a depth of at least 15 feet.

* **Mitigation Measure**

1. *Landscaping shall be installed across the parcel frontage to a depth of at least 15 feet in order to screen the parking lot from view of the roadway.*

- 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:

This project has the potential to adversely impact nighttime views in the area due to the proposed installation of outdoor lighting. In order to prevent adverse impacts from light pollution, the developer/operator will be required to install all outdoor lighting in such a manner that light is directed downwards and/or away from neighboring properties and the public right-of-way.

* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The project site is designated by the Department of Conservation's Important Farmlands Map (2016) as rural residential land and therefore this project will have no impact on the conversation of important farmlands to non-agricultural use. No agricultural uses are currently present on the parcel. Similarly, the project site is not zoned for or used for timberland production and therefore will have no impacts on such resources.

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 scope of this project includes the construction and operation of a medical clinic to serve the local community, including dentistry services. These types of services do not generate onsite criteria pollutants in excess of thresholds. Therefore, the air quality impacts are limited to the construction of the building and the daily impact of traffic to and from the site. Construction must comply with existing San Joaquin Valley Air Pollution Control District restrictions, which will ensure that emissions do not exceed significance thresholds. These regulations include implementation of best management practices such as the use of dust palliatives.

An Air Quality Assessment was prepared for this project by LSA (October 2019) which estimated emissions from this project. No criteria pollutants were estimated to be produced in amounts that would exceed thresholds established by the San Joaquin Valley Air Pollution Control District. Therefore, the project will have less than significant impacts on individual or cumulative contributions to air quality impacts.

- 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:

This project proposes to develop an out-patient medical facility and therefore does not include any industrial uses that would result in substantial pollutant concentrations or emissions that could result in odors/other adverse effects.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- 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:

This project was reviewed by the Fish and Wildlife Service who did not identify any potential impacts to special status species. Review of reports submitted to the California Natural Diversity Database (CNDDB) show that no special-status species observations have been reported within more than one mile of the site. In addition, surrounding properties have been developed with commercial and residential usage, reducing the opportunity for special-status species to occur.

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:

Pursuant to the provisions of Assembly Bill 52 (AB 52), notice was sent to the following tribal governments that this application was complete on January 24, 2018: Table Mountain Rancheria, Picayune Rancheria of Chukchansi Indians, and Dumna Wo Wah. The project site was not in the area of interest for Santa Rosa Rancheria. Table Mountain Rancheria declined consultation within the window and the Dumna Wo Wah Government responded with a request to consult following the 30-day window. This tribe was invited to provide public comment, but they did not provide any information regarding their concerns. The Picayune Rancheria did not respond at all and were assumed to decline. Therefore, the County's responsibilities under AB 52 were met.

However, despite the lack of known cultural resources at the project site, it cannot be concluded with certainty that subsurface resources are not present. Therefore, a mitigation measure which describes the steps necessary to preserve a resource in the event of discovery has been included to reduce such impacts to less than significant.

* **Mitigation Measure**

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

remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

As new construction, this building will be subject to the most current requirements of the California Green Code. The proposed use is also not likely to conflict with state and local plans for renewable energy because the operation of an outpatient facility is not the type of use which requires large amounts of energy input.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: NO IMPACT:

Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) shows that the project site is not located in areas which were determined to have moderate or high chance of seismic hazard. In addition, Figure 9-6 shows that the site is not located in an area determined to be at risk from landslide or subsidence.

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

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

Figure 7-1 (FCGPBR) shows that the project site is not in an area identified as having soils with moderately high to high expansion potential. Review of the Department of Agriculture's Web Soil Survey indicates that the project site is a mix of Auberry coarse sandy loam and Auberry very rocky coarse sandy loam. Both types of soil contain approximately 18% clay, which is a primary factor in shrink-swell potential; however, the majority of the clay occurs at depths greater than three feet. The overall (average) coefficient of soil extensibility is reported at 2.8%, which does not represent a hazard to life or property as a result of the shrink-swell potential.

Figure 9-6 indicates that the project site is not in an area determined to be at high risk of landslide hazard. The site does not have nearby or onsite steep slopes that would present a local risk. Therefore, there is a less than significant impact on risk as a result of landslides and expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is not located in an area that is served by a public sewer system and therefore must install a septic tank to process wastewater. An engineered system was designed to show how the parcel could support a septic system of sufficient size. Due to the small size of the parcel and existing regulations regarding setbacks from property lines and water wells, the project must install the system described by the Technicon Engineering Services, Inc. Sewage Feasibility Analysis as revised on February 21, 2020 or an alternative system as approved by the Chief Building Inspector prior to installation.

* **Mitigation Measure**

1. *The on-site wastewater treatment system shall be designed and installed in accordance with California Well Standards, California Plumbing Code and the Sewage Feasibility report dated February 21, 2020, or as otherwise approved by the Fresno County Chief Building Inspector.*
- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No unique paleontological resources or geologic features were identified on this parcel. While it is possible that resources may be present at the subsurface level, it is not considered likely that such resources would meet the qualifications of a “unique” resource.

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:

An Air Quality Assessment was prepared for this project by LSA (October 2019) which estimated construction impacts to total approximately 59.8 metric tons of carbon dioxide equivalent (MTCO₂e). Operation of the facility, including emissions from traffic, was estimated to produce approximately 135 MTCO₂e. The report also considered a “business as usual” model for the operation of this facility in the absence of environmental regulations. Compared to a 2005 model of this facility, which represents a business-as-usual estimate from before the adoption of Assembly Bill 32, the project shows a 36% reduction in emissions. This reduction is realized through adherence with San Joaquin Valley regulations regarding best practices and through the introduction of increasingly stringent regulation of vehicular emissions. Therefore, because the reduction in emissions is greater than 29%, the project is determined to have a less than significant impact regarding conflicts with greenhouse gas reduction plans.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

While some household hazardous materials may be used at the project site, it is not anticipated that large amounts of hazardous waste would be transported to or from the site in volumes that would create a significant hazard to the public.

- 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 site is not located within one quarter mile of a school. The Sierra Unified School District has a building at the corner of Auberry Road and Thunderbird Lane which is within one quarter-mile of the project site; however, this location is an administrative office and is not attended by students. Therefore, the project is not located within one quarter-mile of an existing or proposed school and will have no impacts relating to the handling of hazardous materials within such a radius.

- 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:

The project site is not located on a site which is listed on the National Priorities/Superfund list, the Resource Conservation and Recovery Act list, the Toxic Releases Inventory, the Brownfields Assessment, Cleanup, and Redevelopment Exchange System, or the Toxic Substances Control Act.

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

FINDING: NO IMPACT:

The project site is not located within two miles of a public or private airport.

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

FINDING: NO IMPACT:

The project will not require the closure of any roads which would result in interference with an adopted emergency response plan. The traffic management plan for the operation of the proposed clinic will ensure that traffic on-site and transiting to the site do not cause traffic impacts that could result in interference with an emergency evacuation plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area which is at high risk of wildland fires. The development of the project site is subject to additional regulations to ensure the protection of residents in the case of fire and the scope of the project is not likely to increase such risk. Medical clinics typically do not generate large piles of vegetation which could exacerbate risk. Further, the site will be generally paved over, except where landscaping is required adjacent to the roadway, further limiting impacts from wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Due to the size of the parcel, an improperly designed septic system could result in a violation of waste discharge requirements which could degrade local groundwater quality. However, compliance with the mitigation measure which requires the developer to install the wastewater treatment system approved by the Chief Building Inspector will also reduce such impacts to less than significant.

* **Mitigation Measure**

1. *See Section VII.*

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

FINDING: NO IMPACT:

This project will have no impact on the availability of groundwater supplies or groundwater recharge in this area because the clinic will be provided water service from the Prather Water District.

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

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

FINDING: NO IMPACT:

The County ordinance requires that all run-off from developed properties be retained on the project site and that such runoff cannot be diverted to neighboring parcels or the road right-of-way, except where drainage systems have been established for that purpose. A preliminary drainage plan was provided to the County which shows that the anticipated runoff can be retained in this manner, despite the size of the parcel. Final grading permits must be obtained prior to the performance of any grading at the site. Therefore, compliance to existing regulation will ensure that there is no impact from this project on surface runoff or drainage .

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

FINDING: NO IMPACT:

The project site is in an area designated by FEMA as “X” or minimal flood hazard (Panel No. 06019C0675H). The parcel is distant from the coast, precluding impacts from tsunami and is not located near a large, still body of water that could be the subject of seiche.

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

FINDING: NO IMPACT:

The project will be provided water service through the Prather Water District, which confirmed that sufficient supply was available to serve the proposed use.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or
- 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: NO IMPACT:

The scope of the project is limited to the property lines and therefore does not have the potential to divide an established community.

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:

Figure 7-7 shows the areas which the County has designated as mineral resource locations. While the project site is near a tungsten deposit, it will not affect access to that resource. No other known mineral resources are present on the site and therefore, this project will have no impact on mineral resources.

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 operation of the proposed medical clinic will not generate noises in excess of the County Noise Ordinance. During construction, there is potential for temporary increase in noise; however, construction noise is exempt from the County Noise Ordinance, provided construction occurs between 6:00 a.m. and 9:00 p.m. on weekdays, and between 7:00 a.m. and 5:00 p.m. on Saturday or Sunday. Compliance with the noise ordinance during construction will result in less than significant impacts as a result of noise or groundborne vibration.

- 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 within two miles of a public or private 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)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The addition of a health clinic in this area will increase access for nearby residents of Prather and the Tollhouse area to medical services. The clinic proposes to employ one physician, registered nurse, licensed vocational nurse, medical assistant, and dentist, with one assistance, receptionist/referral clerk, and a security guard for a total of nine employees. It is anticipated that an average of 15 patients with a maximum of 24 patients will be seen on a daily basis. This increase in medical services may make this area more appealing to potential residents but does not present a substantial increase in services in this area such that substantial unplanned population increase would occur.

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

FINDING: NO IMPACT:

This project will not displace people or housing – the project site is currently vacant of any uses.

XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection;
2. Police protection;
3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

As this project will not be increasing the local population, no increases are necessary to maintain Police and Fire staffing ratios and response times. Similarly, the project will not result in an increase in the amount of school age children in the area, precluding impacts to the school systems. No neighborhood parks are located near the project site.

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:

There are no neighborhood parks or other recreational facilities in the vicinity of the project site. Therefore, no environmental impacts will occur as a result of the need to create new facilities or expand existing facilities.

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

The Traffic Impact Study (TIS) prepared for this project (Peters Engineering Group, May 16, 2019) estimated that up to 87 daily round trips could occur at the project site. The Fresno County General Plan contains policies requiring that the project limit the growth of delay as measured by Level of Service and the TIS determined that no deterioration of existing Level of Service conditions would occur until 2040, when delay at the project site (along with other local projects) would decrease to a "C" rating. This does not violate County Guidelines for Level of Service in this area. There are no requirements for bicycle or pedestrian facilities in this area.

- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The addition of medical services in this area will provide for a reduction in overall Vehicle Miles Travelled by allowing local residents (and specifically Native American residents) to use a clinic closer to their homes instead of traveling to more distant locations. In addition, the project site is located in the same area as an existing CVS Pharmacy where patients can fulfill any medications prescribed by the clinic doctors. This results in further reduction in vehicle miles travelled. Therefore, this project is determined to have a less than significant impact on increase in Vehicle Miles Travelled.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As part of this project, a new driveway will provide access from Auberry Road. This drive will be one-way with another drive on the western portion of the project site which will be one-way back out to Auberry Road. Queuing analysis was performed for the ingress driveway and determined that a left turn storage lane would not be required to reduce impacts due to queuing. Aside from the two new access (one ingress, one egress), the project will make no additional modifications to the roadway and therefore will have a less than significant impact on geometric design hazards.

- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The ingress and egress access roads will be approximately 18 feet wide, which is sufficient to allow access to the project site for oversize vehicles such as fire trucks and ambulances. This project was reviewed by the Fresno County Fire Department who identified no concerns with access to the project site.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

(c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As discussed in Section V., the County provided notice to Native American Tribal Governments who have a cultural history within the area of the project. No resources were identified which were listed or eligible to be listed in the California Register of Historical Resources or determined to be otherwise significant. However, it cannot be determined with certainty that no such resources are present beneath the ground surface. Therefore, the mitigation measure identified in Section V., which prescribes certain actions in the event of a potentially significant discovery, would also reduce impacts on Tribal Cultural Resources to less than significant.

* **Mitigation Measure**

1. See Section V.

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: LESS THAN SIGNIFICANT IMPACT:

The Prather Water District has agreed to provide water to the project site. Additional construction may be necessary to establish the connection; however, installation of pipelines will not result in additional significant environmental impacts. The existing onsite well will be abandoned and the Water District did not identify the need to create new treatment plants to accommodate this application.

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

The Prather Water District determined that there was sufficient supply for this project so long as water usage did not exceed 125,000 gallons of water per year. The applicant

estimates a daily water usage of 500 gallons/day. The sewage feasibility analysis estimated that the clinic (without landscape irrigation water) would use approximately 370 gallons/day. The clinic will operate during weekdays and excepting holidays, resulting in approximately 250 days of water usage per year. Therefore, the project is estimated to require 125,000 gallons of water annually. Usage in excess of this amount could have a significant adverse impact.

* **Mitigation Measure**

1. *A record of water usage at the project site shall be retained and reviewed annually by the Prather Water District to ensure that water usage does not exceed 125,000 gallons annually. If this amount is exceeded, the property owner shall implement water reduction strategies, including reduced service if necessary, to reduce usage under this cap or shall obtain a 'will serve' letter from Prather Water District authorizing a higher annual usage. If a revised 'will serve' letter is provided, the annual water usage shall be compared to the revised annual cap.*

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

While the generation of solid waste at this site does present an increase in total solid waste that would need to be processed by the County on a daily basis, the contribution of the project site to overall capacity and waste reduction goals would be less than significant. During construction, the developer will be required to comply with Fresno County regulations which require percentages of the solid waste generated to be recycled or reused rather than discarded.

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project will comply with existing regulations related to solid waste. Space is available on the parcel for regulation waste and recycle containers.

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:

The project site is located in an area which is considered a State Responsibility Area in regard to wildland fires. Review of this project by the Fire Department did not identify any parts of the project which would impair the implementation of an emergency response plan. The traffic flow of the site has been designed so as not to result in back-up on Auberry Road and the parking lot is designed for vehicles to pull through so that they can return to Auberry Road without the need to back into traffic.

The project will be required to develop in accordance with Fresno County Regulations which restrict runoff from the site from being directed to the right-of-way or adjacent properties. The slope of the site is approximately

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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project has the potential to degrade the environment due to the limited on-site space for operation of the septic system. An engineered septic system, which can accommodate the anticipated flow, must be installed. Construction of the project also has the potential to disturb previously unknown historic and/or cultural resources. Mitigation Measures have been adopted to protect such resources.

* **Mitigation Measures**

1. See Section V.
2. See Section VII.



County of Fresno

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

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services and Capital Projects
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Contact: Chrissy Monfette, (559) 600-4245

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resource Code

Project: Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600

Location: The project site is located on the northern side of Auberry Road, approximately 340 feet west of its intersection with Morgan Canyon Road. Address: 29323 Auberry Road (APN: 118-422-46) (Sup. Dist. 5)

Sponsor: Victor Fabionar obo Central Valley Indian Health

Description: Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential Zone District) to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.

This is to advise that the County of Fresno (☒ Lead Agency ☐ Responsible Agency) has approved the above described project on July 23, 2020, and has made the following determination:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.

5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.

6. Findings [☐ were ☒ were not made pursuant to the provisions of CEQA.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.

Chrissy Monfette, Planner
(559) 600-4245 /EMAIL cmonfette@fresnocountyca.gov

Date

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7423	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Chrissy Monfette, Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Project Applicant/Sponsor (Name): Victor Fabionar obo Central Valley Indian Health	Project Title: Initial Study Application No. 7423 and Classified Conditional Use Permit Application No. 3600		
Project Description: Allow the construction and operation of an outpatient medical clinic on a 0.79-acre parcel in the RR (Rural Residential Zone District) to provide services specifically to Native Americans and also to the people of Prather, Auberry, and the Tollhouse area.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Conditional Use Permit Application No. 3600, staff has concluded that the project will not/will have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Biological Resources, Energy, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire. Potential impacts related to Air Quality, Hazards and Hazardous Materials, Greenhouse Gas Emissions, Noise, and Transportation have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Utilities and Service Systems have determined to be less than significant with compliance with the identified mitigation measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – June 12, 2020		Review Date Deadline: Planning Commission – July 23, 2020	
Date:	Type or Print Signature: David Randall, Senior Planner	Submitted by (Signature): Chrissy Monfette, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects); or
- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

This project will not have any cumulatively considerable impacts because compliance with increasingly-strict state and federal regulations associated with air quality/emissions, construction standards, and automobile manufacture/efficiency will reduce such impacts to less than cumulatively considerable. No substantial adverse effects on humans was identified. It is possible that this project will result in minor beneficial impacts on human beings by increasing accessibility of medical services.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Conditional Use Permit Application No. 3600, staff has concluded that the project will have a significant effect on the environment. It has been determined that there would be no impacts to Agricultural and Forestry Resources, Biological Resources, Energy, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Air Quality, Hazards and Hazardous Materials, Greenhouse Gas Emissions, Noise, and Transportation have been determined to be less than significant.

Potential impacts relating to Aesthetics, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Utilities and Service Systems have determined to be less than significant with compliance with the identified 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.

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