



## **CITY OF MENDOTA**

**INITIAL STUDY / DRAFT MITIGATED NEGATIVE DECLARATION**

**MENDOTA VALLEY AGRICULTURAL HOLDINGS PROJECT**

**PUBLIC DRAFT – INITIAL STUDY**

**November 2020**

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# Initial Environmental Study

**1. Project Title:**

City of Mendota Application No. 20-23, Mendota Valley Agricultural Holdings Project

**2. Lead Agency Name and Address:**

City of Mendota  
643 Quince Street  
Mendota, CA 93640

**3. Contact Person and Phone Number:**

Cristian Gonzalez, City Manager  
643 Quince Street  
Mendota, CA 93640  
(559)-655-4298

**4. Project Location:**

The Project is located at the end of Belmont Avenue approximately 0.5 mile north of Guillan Park Drive on a 59.0-acre portion of Assessor's Parcel No. (APN) 013-030-68ST within the city limits of the City of Mendota. See Figure 1 (Vicinity Map).

**5. Project Applicant's Name and Address:**

Valley Agriculture Holdings, LLC  
2151 E. Convention Center Way, Ste. 222  
Ontario, CA 91764

**6. General Plan Designation:**

Public/Quasi-Public Facility

**7. Zoning:**

Public Facilities with Commercial Cannabis Overlay District (P-F/CO)

**8. Description of the Project:**

See "Project Description" below

**9. Surrounding Land Uses:**

North: Vacant land and wastewater treatment plant; P-F (portion with CO)  
South: Vacant land and idle biomass plant; M-2/CO, AE-20 (Fresno County)  
East: Vacant land, Fresno/Kings/Mendota Slough, Agriculture; P-F, AE-20 (Fresno County)  
West: Solar Photovoltaic ("PV") Facility, William Robert Johnston Municipal Airport; P-F, A-D

**10. Other Public Agencies Whose Approval is Required:**

The Project may require discretionary actions and approvals by regional and/or State agencies:

- Department of Food and Agriculture (CDFA):

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- Provisional Adult-Use Cannabis Cultivation (A-License) (until annual license is acquired)
  - Type 3 Outdoor Cultivation Licenses
  - Nursery Licenses
  - Processor Licenses
  - Bureau of Cannabis Control
    - Type 11 Distribution Licenses
  - California Department of Public Health
    - Type 7 Manufacturing License
  - Fresno County Department of Environmental Health
    - On-site waste disposal
  - State Water Resources Control Board (SWRCB):
    - National Pollutant Discharge Elimination System (NPDES) Permits
    - Storm Water Pollution Prevention Plan (SWPPP)
  - Central Valley Regional Water Quality Control Board (CVRWQCB):
    - Storm Water Permits
  - Department of Fish and Wildlife
    - Lake & Streambed Alteration Agreement or waiver (FGC Section 1617)
  - San Joaquin Valley Air Pollution Control District
  - Central Valley Flood Protection Board

#### **11. Other Project Assumptions:**

The Initial Study assumes compliance with all applicable State and local codes and regulations including, but not limited to, the City's Design and Improvement Standards, the California Building Standards Code, the Health and Safety Code, and the Public Resources Code.

#### **12. Required City Approvals:**

The Project requires the following actions and/or approvals by the City:

- Adoption of the Mitigated Negative Declaration (MND)
- Approval of a General Plan Amendment (Land Use Map: Public/Quasi-Public Facilities to Light Industrial at the Project Site)
- Rezoning (P-F to M-1; CO to be maintained)
- Conditional Use Permit
- Development Agreement (Agreement number to be assigned once approved by the City Council)
- Commercial Cannabis Business Permit
- Cannabis Business License Tax Certificate

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## Project Description

Application No. 20-23, the Mendota Valley Agricultural Holdings Project (Project), would entail purchase and development of 59 acres (Project Site) of an existing 114-acre parcel (APN 013-030-68ST) to construct and operate a commercial cannabis facility. The City of Mendota, which currently owns the 114-acre parcel, would sell the Project Site to the applicant as Parcels 1 and 2 (approximately 35 acres and 24 acres, respectively) via deed while retaining ownership of the remaining 55 acres. The proposed Project would include approximately 39.7 acres (1.7 million square feet) of open-field cannabis cultivation. Processing of harvested cannabis is currently anticipated to occur by hand within two 30,000-sf head houses onsite. The cannabis facility would include cultivation activities in compliance with current restrictions on allowable cannabis garden canopy (i.e., mature plant coverage). The Project would also include an ancillary nursery and processing of harvested cannabis. Distribution of cannabis and development of supporting onsite facilities are also proposed.

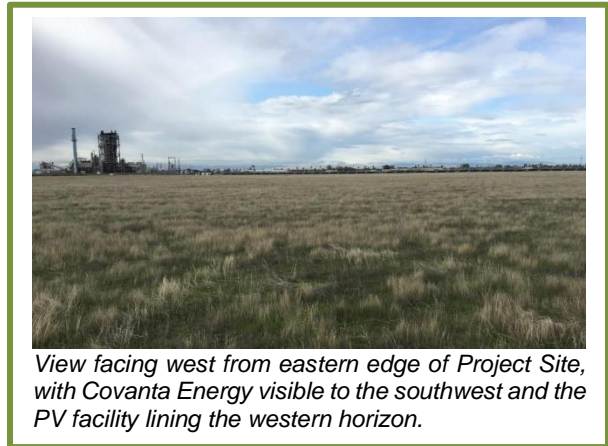
Development of the proposed Project would include offsite improvements to construct an all-weather access road through either the remaining 55-acre portion of the original 114-acre parcel to link with Belmont Avenue (which is aligned north-south in the vicinity of the Project Site) or through abutting property to the south, along with connections for utilities such as water, sewer, and electricity. Project development and operation would proceed in accordance with applicable State regulations, including the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), the Adult Use of Marijuana Act (AUMA), the CalCannabis Cultivation Licensing Program, and the City's Commercial Cannabis Business Ordinance. The Project would require City approval of a General Plan Amendment in order to change the designation of the 59-acre Project Site from Public/Quasi-Public Facilities to Light Industrial and a corresponding rezone of the site from P-F to M-1. The overall site is also within the City's Commercial Cannabis Overlay District, which would remain in effect. Associated actions requiring City consideration include conveying the 59-acre Project Site to Mendota Valley Agricultural Holdings and approval of a conditional use permit (CUP). Consistent with the City's cannabis regulations, the Project includes a request for a development agreement between the City and applicant to authorize construction and operation and to finalize financial arrangements and responsibility for improvements between the City and Project applicant.



*Site access is provided via the terminus of Belmont Avenue, adjacent to a photovoltaic energy facility.*

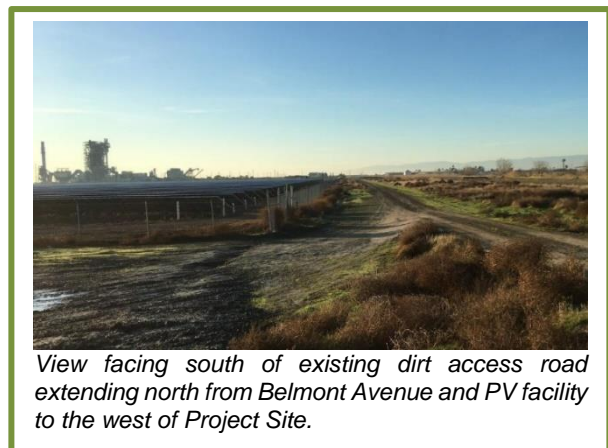
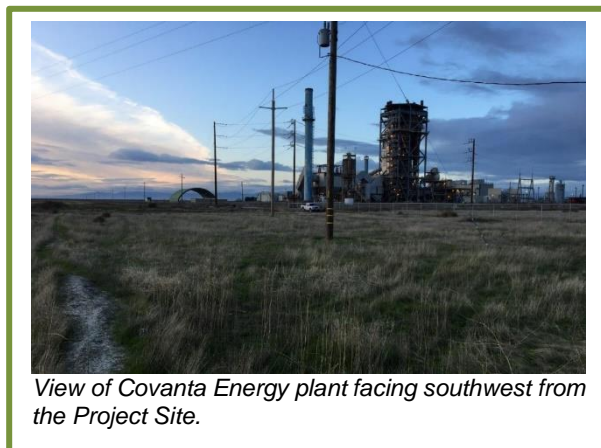
### Project Site and Surrounding Land Uses

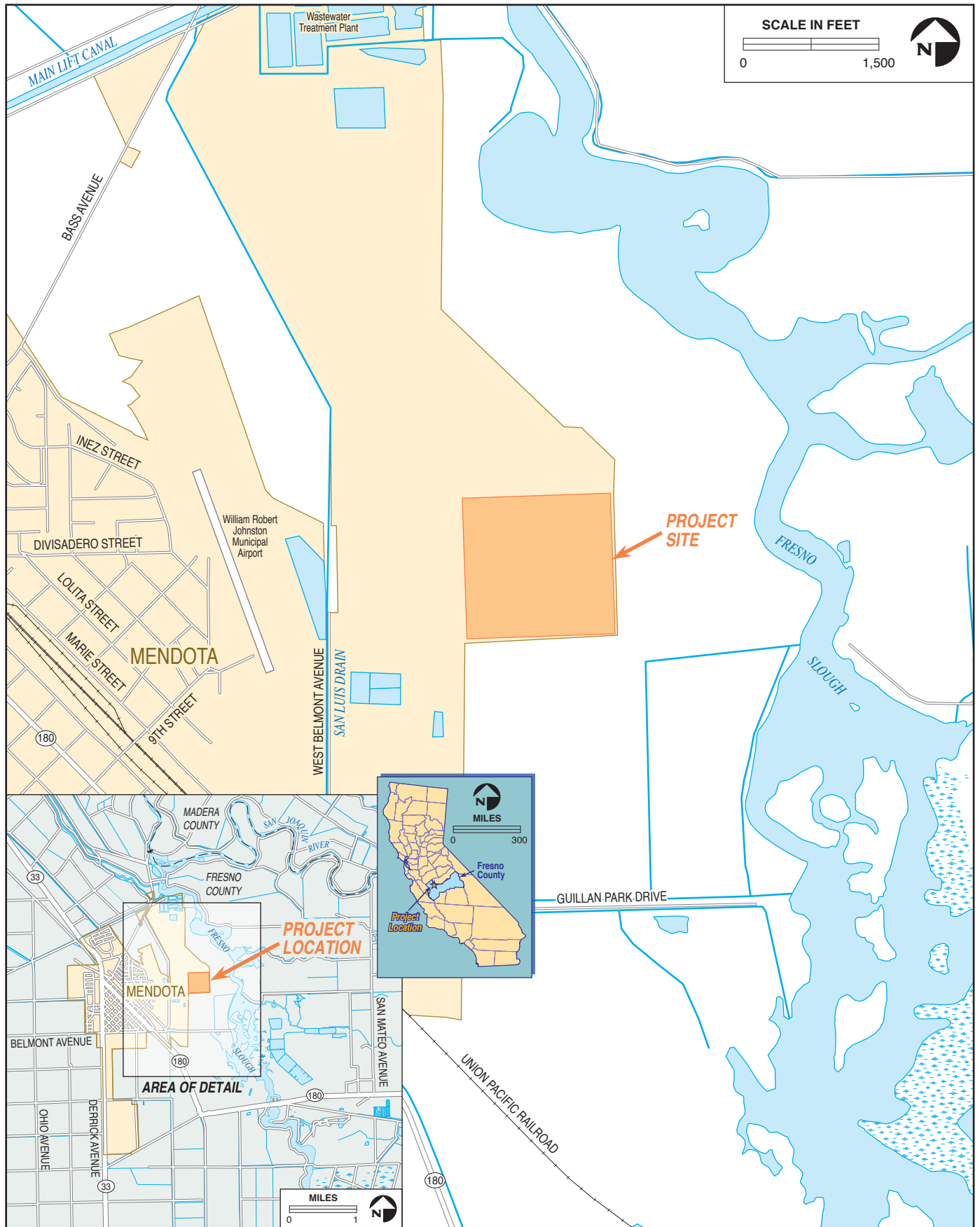
The Project Site includes 59 acres of vacant land located at the end of Belmont Avenue, approximately 0.5 mile north of Guillan Park Drive (Figure 1). The Project Site is designated for Public/Quasi-Public Facilities land uses under the City's General Plan; adjacent properties are designated for both Multi-use/Open Space, Heavy Industrial and Public/Quasi-Public Facilities. The Project Site and adjacent lands are currently zoned Public Facilities (P-F) under the City's Zoning Ordinance and are within the Commercial Cannabis Overlay District.



The Project Site is bordered by the City's wastewater treatment plant to the northwest, vacant land to the north and east, fallow agricultural land to the south and the idle Covanta Energy Corporation biomass plant to the southwest, and a solar photovoltaic (PV) facility to the west. The PV facility is located on 50 acres of land leased from the City (APN 013-030-67ST). The parcels adjacent to the east and south are within unincorporated Fresno County and are owned by River Ranch LLC, a local agricultural enterprise. While zoned for agricultural use, they are currently idle. The nearest residential uses are located approximately 0.5 mile to the west of the Project Site, beyond the PV facility and the Airport (Figure 2). The nearest active agricultural site is approximately 0.5 mile to the south.

The topography of the Project Site is generally flat and slopes down gently to the northeast, with an average elevation of approximately 160 feet above sea level. Existing vehicle access to the Project Site is provided off of Belmont Avenue, with direct access provided via informal dirt roads, including a 1,300 foot long dirt road spanning east-west along the northern boundary of the Project Site (Figure 2). Belmont Avenue is a 44-foot-wide, two-lane north-south paved road within an 80-foot dedicated right-of-way which extends roughly 1,600 feet north of Guillan Park Drive and provides access to the Covanta Energy Corporation site, the PV facility, the City's wastewater treatment plant, the Project Site, and the agricultural land to the east.





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Regulatory Context

The following timeline summarizes the regulatory actions that the City Council has taken associated with cannabis since 2018:

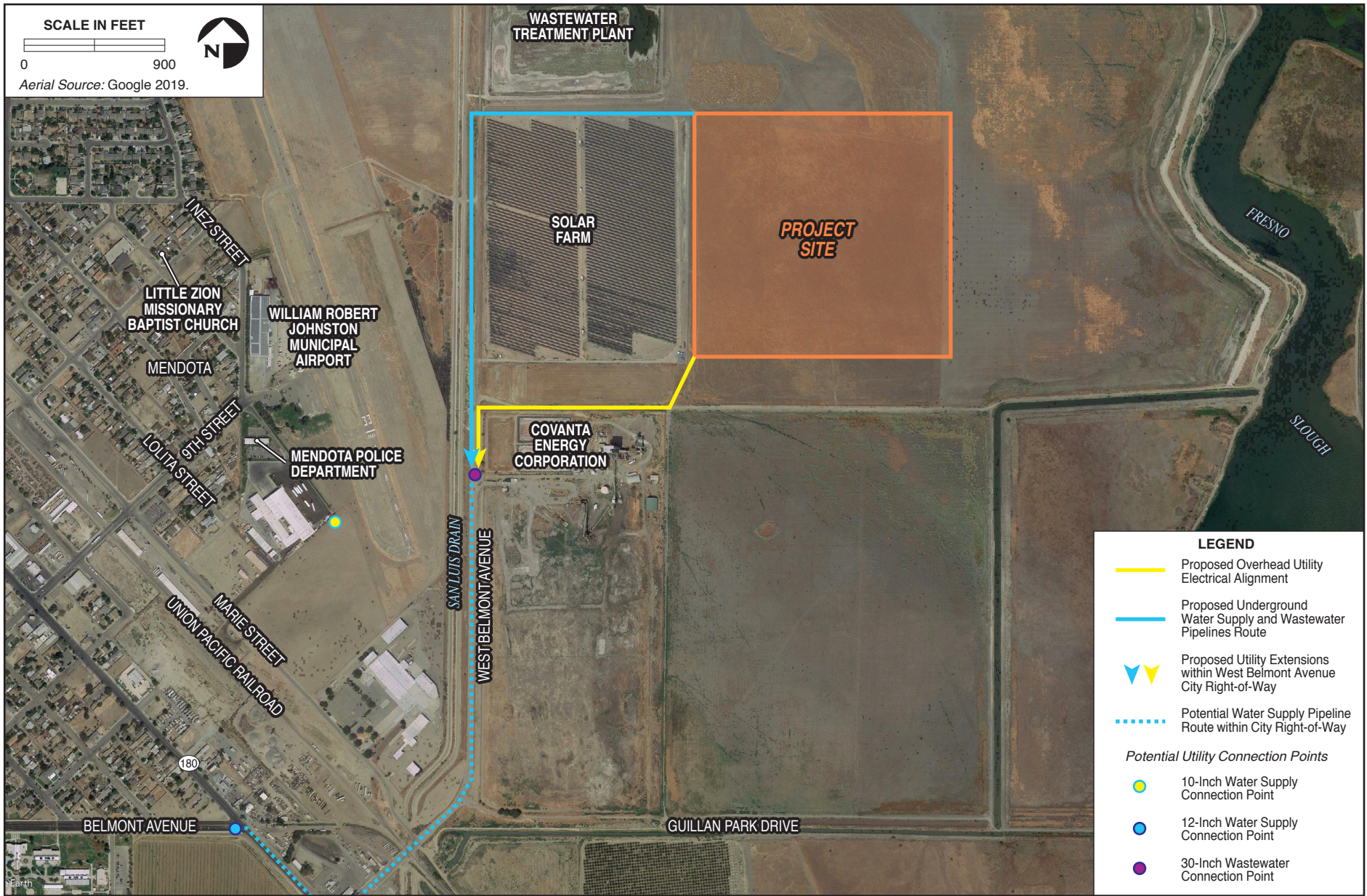
- June 11, 2019: Adopted Ordinance No. 19-06, amending Chapter 8.37 of the Mendota Municipal Code (MMC) to eliminate the ban on cannabis dispensaries and to establish regulations for commercial cannabis businesses. The regulations include provisions for development agreements, permits, licensing, and requirements related to the location, operation, and design of businesses.
- September 10, 2019: Adopted Ordinance No. 19-09, modifying the location requirements for commercial cannabis retail businesses.
- September 24, 2019: Adopted Ordinance No. 19-08, amending the MCC to permit commercial cannabis businesses in the C-3 district subject to a conditional use permit.
- October 8, 2019: Adopted Resolution No. 19-75, establishing the application submittal period for applicants to enter into a development agreement for commercial cannabis businesses.
- September 22, 2020: Adopted Ordinance No. 20-16, amending MMC Chapter 17.99 to address certain cannabis-related performance and development standards and revise language regarding development costs for large-scale operations.

The City currently operates a licensing program under the ordinances for Commercial Cannabis Businesses, found under Title 8, Chapter 8.37 of MMC. The Project applicant is seeking to enter into a Development Agreement with the City under these provisions.

**CA Department of Consumer Affairs:** Responsible for licensing of transporters, distributors, dispensaries, and testing laboratories.

**CA Department of Food and Agricultural (CalCannabis Division):** Responsible for licensing of cultivation and implementation of the Track-and-Trace System.

**CA Department of Public Health:** Responsible for licensing of cannabis manufacturers.





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## Development Summary

The Applicant is seeking to acquire a State cannabis licenses, which include: Type 3 cultivation licenses and Type 11 distribution licenses. Commercial cannabis activities would consist of cultivation and processing by hand and would not include any manufacturing or processing machinery. Additional facilities would include restrooms, offices, roads, fire tanks and pumps, other appurtenant infrastructure. The Project would use standard agricultural operating materials (e.g., fertilizers, nutrient solutions, and small amounts of gasoline and/or diesel for machinery), and does not propose the storage of any high-intensity hazardous materials or require designation as a hazardous materials storage facility.

Of the 59 acres, the Project would include approximately 39.7 acres, or 1.7 million square feet, of outdoor cultivation 68,000 square feet of support buildings, with the remaining acreage dedicated to parking and circulation areas, utilities infrastructure, and undeveloped land. (see Figure 3).

### **I. Proposed Support Facilities**

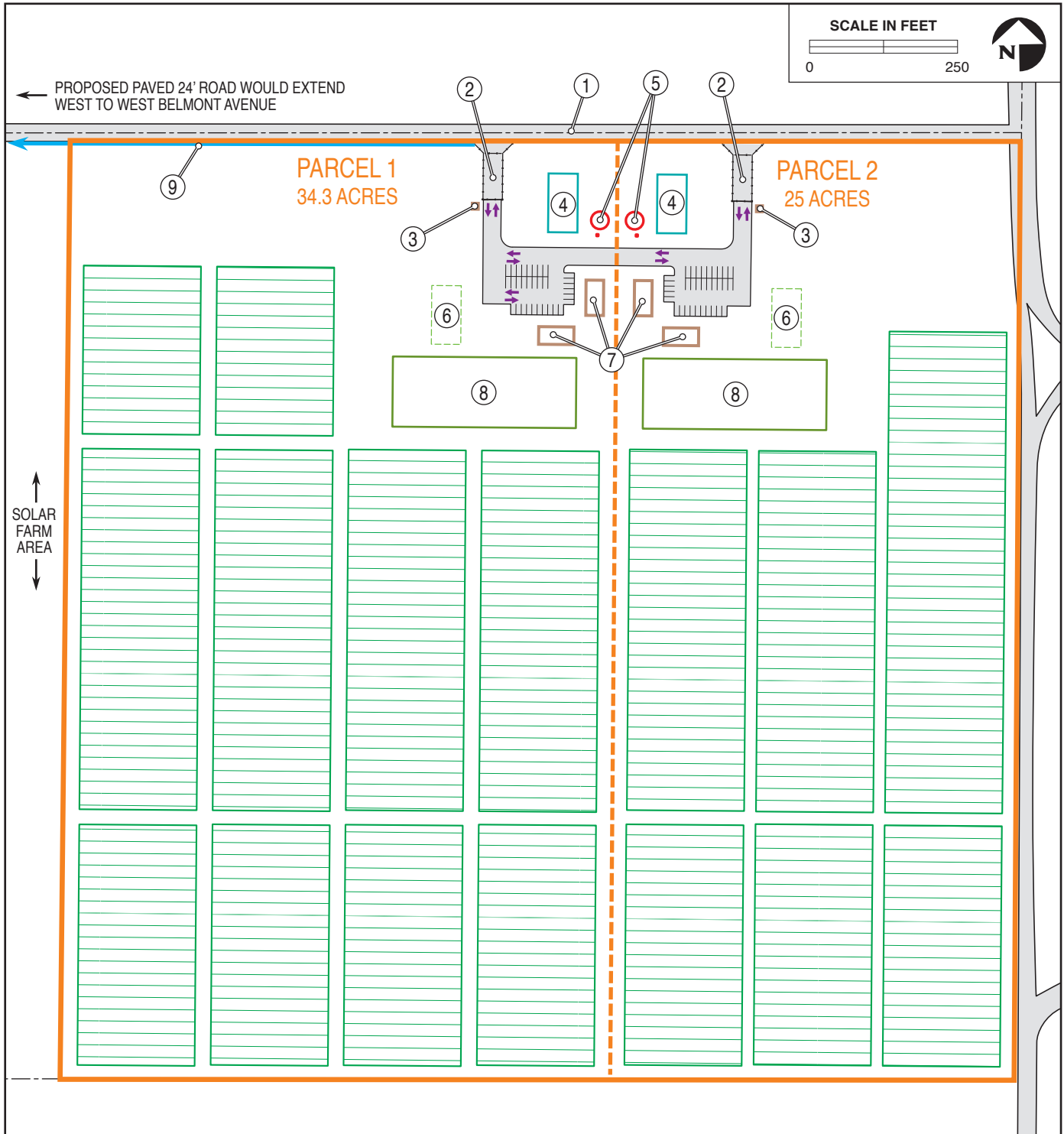
The Project Site would support a capacity for up to 1.7 million square feet of total cannabis cultivation. A detailed description of each of the proposed support facilities is provided below.

#### Buildings

Several structures would be constructed at the north-central area of the Project Site. Four (4) 2,000-sf worker buildings would be constructed to support employees, and would include breakrooms, restrooms, offices, and other ancillary facilities within tilt up concrete buildings assembled on concrete building footprints (Figure 3). Two (2) single-story, 30,000-sf head houses to support onsite processing would be constructed. The buildings would reach a maximum height of 25 feet and face an approximate 30-foot-wide all-weather road that would facilitate access for support equipment and personnel (see Figure 3).

### **II. Parking and Circulation**

Access to the Project Site would be provided via a new 26-foot wide paved or all-weather access road that would extend 1,400 feet east from the northwest corner of the Project Site along and adjacent to the northern boundary of the neighboring PV facility, then south approximately 1,900 feet to the current terminus of Belmont Avenue (Figure 2). The proposed internal circulation, an all-weather-surface road, would follow the perimeter of the Project Site to provide access to the head houses, other structures, and outdoor cultivation areas and would circle the stormwater and fire pump facilities. The employee parking area would provide approximately 64 delineated parking spaces located directly north of the employee buildings. An emergency vehicle hammerhead turnaround would be constructed in the north-central region of the Project Site (Figure 3).



LEGEND		# Proposed Improvements Key	
	Development Area Boundary with 7-Foot-High Perimeter Fence	1	New Gravel Access Road
	Proposed Lot Split	2	Double Gated Entry
	Access Roads and Parking Stalls	3	100-Square-Foot Security Guard Building
	Cultivation Fields – 1.7 Million Square Feet Total	4	Storm Water Retention Catch Basin
		5	Fire Tanks and Pumps
		6	Compost Area
		7	Modular/Mobile Office and Employee Buildings – Restrooms and Break Rooms; 8,000 Square Feet Each
		8	Processing Buildings – 30,000 Square Feet Each
		9	Water Supply and Wastewater Lines

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### III. Security

The Project Site would be surrounded by a seven-foot-tall chain link fence. Motion-sensor security lighting would be installed at the main gates and building entrances, along with pole-mounted lights in the entry and parking/loading areas. The main gates would include two 15-foot-tall double gated entries, and would have two 100 square foot security guard buildings – one near each access point and each with security cameras and motion lighting.

### IV. Utilities

#### Water and Wastewater

Project water demand for onsite cultivation and domestic uses such as restrooms, hand wash stations, and drinking is estimated to range between 100 and 150 acre-feet per year (AFY) and can initially be supplied by the City of Mendota in accordance with the *Conditional Will-Serve* Letter from the City of Mendota dated September 8, 2020. To supply water to the site, the Project would install a 6-inch water main from the Project Site approximately 1,400 feet west along and adjacent to the northern boundary of the PV facility, then south approximately 2,300 feet to the existing terminus of the City's 10-inch water main within Belmont Avenue (Figure 2).

Wastewater from onsite restrooms, breakrooms, and offices would be conveyed within a new 6-inch sewer line approximately 1,400 feet west along and adjacent to the northern boundary of the PV facility and alongside the proposed water main, where it would connect to the City's existing 30-inch East Side Sewer Interceptor pipe. The Interceptor conveys wastewater from the prison facility south of the City to the City's Wastewater Treatment Plant to the north of the Project Site. (Figure 2). The proposed sewer line would be installed alongside the proposed water line, in accordance with Title 22 of California Code of Regulations.

#### Stormwater and Drainage

Stormwater runoff from building roofs and impervious surfaces would be captured and conveyed into two stormwater retention basins to be constructed within the northern region of the site, proposed to be approximately 1.5 acres in Parcel 1, and 1.1 acres in Parcel 2. Captured stormwater may also potentially be utilized to supplement the Project's water irrigation supplies. Additional runoff from the cultivation operation and other onsite stormwater, subject to the state's Cannabis General Order, would either pond, percolate or evaporate within the Project Site. The retention basins will be sized to retain the average annual rainfall volume in accordance with the City's Hydrologic Design Criteria. Emergency overland release from the basins will be to the vacant land to the north, following existing topography.

#### Energy

Electricity would be provided to the Project Site via a new connection to the adjacent PG&E utility lines near the southwest corner of the site (Figure 2). Standby diesel or gasoline generators would be available for use in the case of power outages. The Project would not utilize natural gas nor include solar PV facilities.

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### Solid Waste

The types of potential solid waste generated from this cultivation operation would include gardening materials and wastes (e.g., used plastic seedling pots, plastic fertilizer/pesticide bags), general litter from site personnel, and unusable plant (green) wastes and spent soils. Non-usable cannabis plant material would be composted onsite, adjacent to the proposed buildings in the northern region of the site (see Figure 3). All remaining municipal waste would be placed in trash enclosures located near the proposed structures and regularly hauled to a local permitted solid waste disposal facility via Mid Valley Disposal.

### **V. Construction**

Construction of the Project would occur over an estimated six-month period. Construction is anticipated to begin in early 2021 and be completed in 2021.

Project development would require clearing, grubbing, and grading prior to road construction and building installation, and leveling for the cultivation areas. Construction equipment, such as backhoes, haul trucks, and soil compactors, and associated material deliveries would arrive and leave the site via Belmont Avenue and the proposed access road. All construction equipment would be staged onsite. Project construction would consist of all land preparation, fencing, employee structures, onsite circulation in compliance with CAL FIRE requirements specific to compaction and all-weather access. Construction would also include the processing buildings pursuant to the California Building Code and utility improvements (e.g. water, wastewater, electricity) within and to the Project Site per City standards. Development would also include installation of security perimeter fencing, and utility poles for electric power.

### **VI. Operation and Maintenance**

Cannabis cultivation and overall operations are proposed to occur year-round, with peak activity occurring over a seven-month period between April and October. Approximately two harvests are anticipated to occur each year, with the first crop between April and June and the second crop between July and October. The typical preparation-to-harvesting period would occur between March and October.

Staffing would consist of 20 full-time employees (year-round) to support overall business operations, with an additional 40 part-time workers during planting and harvesting, resulting in an estimate of up to 60 employees during peak times of the year (April-October). Distribution operations would involve delivery/loading of cannabis product up to six (6) times per day using vans.

### **VII. Appendix List**

Appendix A: CalEEMod Air Quality Model  
Outputs

Appendix B: Biological Study

Appendix C: Phase I Cultural Resources Report

Appendix D: Transportation Analysis Memo

Appendix E: Water Supply Feasibility Study

Appendix F: Odor Nuisance Review

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## Environmental Factors Potentially Affected

The environmental factors checked below could potentially be affected by this Project, involving at least one impact that is a “Potentially Significant Impact” (before any proposed mitigation measures have been adopted or before any measures have been made or agreed to by the project proponent) as indicated by the checked box.

- |                                     |                              |                          |                                    |                                     |                                    |
|-------------------------------------|------------------------------|--------------------------|------------------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/>            | Aesthetics                   | <input type="checkbox"/> | Agriculture and Forestry Resources | <input checked="" type="checkbox"/> | Air Quality                        |
| <input checked="" type="checkbox"/> | Biological Resources         | <input type="checkbox"/> | Cultural Resources                 | <input type="checkbox"/>            | Energy                             |
| <input type="checkbox"/>            | Greenhouse Gas Emissions     | <input type="checkbox"/> | Geology and Soils                  | <input type="checkbox"/>            | Hazards and Hazardous Materials    |
| <input type="checkbox"/>            | Hydrology and Water Quality  | <input type="checkbox"/> | Land Use and Planning              | <input type="checkbox"/>            | Mineral Resources                  |
| <input type="checkbox"/>            | Noise                        | <input type="checkbox"/> | Population and Housing             | <input type="checkbox"/>            | Public Services                    |
| <input type="checkbox"/>            | Recreation                   | <input type="checkbox"/> | Transportation                     | <input type="checkbox"/>            | Tribal Cultural Resources          |
| <input type="checkbox"/>            | Utilities and Service System | <input type="checkbox"/> | Wildfire                           | <input checked="" type="checkbox"/> | Mandatory Findings of Significance |

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## Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

November 13, 2020  
Date

Jeffrey O'Neal, AICP, City Planner  
Printed Name/Position

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## Purpose of this Initial Study

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

### Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. A “Less than Significant with Mitigation Incorporated” determination applies when the incorporation of mitigation measures has reduced an effect from a “Potentially Significant Impact” to a “Less than Significant Impact”. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level.
5. A determination that a “Less than Significant Impact” would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be “less than significant.”
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D) of the California Government Code.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated.
8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

# Environmental Impact Analysis

## I. Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the Project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL SETTING

The Project Site is generally level and is bordered by wastewater treatment plant ponds to the northwest, vacant agricultural land to the east, agricultural operations and Covanta Energy Corporation property to the south and southwest, and the PV facility to the west. The Site is located on the lightly developed eastern edge of the City adjacent to rural agricultural lands and limited industrial uses. Roadways in the Project vicinity carry limited traffic. The Project Site is well removed from most public roads and viewing areas, with Belmont Avenue located 1,400 feet to the west of the site and SR-180 located 0.75 mile to the southwest. Intervening uses such as the Conventa Energy Plant and adjacent PV facility partially screen the site from public roads. The closest residences are located 0.5 mile west of the Project Site beyond the Airport and PV facility. Potential views of the Project Site driving northward along SR-180 towards the City are obscured by the Covanta Energy Corporation facility to the south of the Project Site.



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The Project Site and adjacent properties to the north and east consist of agricultural and vacant uses, which results in a low level of artificial light in the vicinity. However, Covanta Energy Corporation facility, the adjacent PV facility, and City wastewater treatment plant all have basic security lights that are a source of existing night lighting. Open Space and Conservation Policy OSC-8.8 in the City's General Plan requires that land uses do not produce glare, the spillage of light off-site, upward illumination, or night glow.

For purposes of CEQA, a "scenic vista" is generally defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. There are no officially designated scenic vistas near within the City, although the area offers low-lying expansive views of the undeveloped and agricultural landscape (City of Mendota 2009).

## DISCUSSION

### a) Have a substantial adverse effect on a scenic vista?

**Less than Significant.** The Project Site is well removed from most public roads and has only limited visibility due to level topography and intervening uses (e.g., Covanta Energy) between the site and the nearest public road, Belmont Avenue, located 1,400 feet to the west. The City currently has no designated scenic corridors or protected vistas, nor does it have any policies regulating development in scenic areas. The Project Site is located approximately 0.75 mile from the nearest public highway, SR-180. The Project area would be surrounded by a new 7-foot tall chain-link fence that would partially shield views of the proposed cannabis operations from nearby roadways and residences. Additionally, given the distance from public roads and the intervening uses (e.g., PV facility), impacts to existing views would be minimized. Further, while the Project is located in a moderately scenic rural area, proposed uses are consistent with surrounding agricultural uses, such as farms. Therefore, no scenic vistas would be obstructed by the proposed changes to the property, and impacts are considered less than significant.



*View of the Project Site looking northeast from the end of Belmont Avenue. The PV facility can be seen on the left, and Covanta Energy can be seen on the right.*

### b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?

**No Impact.** There are no officially designated scenic resources or highways on or near the Project Site. The closest officially-designated scenic highway is the eastern end of SR 180 in the Sierra Nevada Mountains, beginning approximately 50 miles east of the Project Site. There are no trees, rock outcroppings, and historic buildings on the Project Site and no impacts to scenic highways would occur.

### 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

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**from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less than Significant.** The Project Site is located in a rural area on the lightly developed urban fringe of the City. The visual character of the Project Site would remain agricultural, similar to its surrounding setting that is commonly perceived by most viewers in the region. The PV facility to the east and the Covanta Energy Corporation facility to the south would diminish the Project's visibility from nearby roads such as Belmont Avenue or SR 180. While the proposed cultivation, head houses, and other structures would be intermittently visible in the distance from the south to cars traveling northwest on SR 180, views of the structures would be relatively brief and would be distant from approximately 0.75 mile away or greater, and would be partially occluded by intervening uses (e.g., Covanta Energy) limiting the visibility of any structures on the site. Given the distance of the Project Site from public view corridors towards the Project Site, aesthetic impacts are considered less than significant.

**d) Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?**

**Less than Significant.** Daytime operations would fall within traditional farming hours of 6:00A.M. to 6:00P.M. and would not be expected to create light or glare that would impact daytime views in the area. However, potential future sources of nighttime lighting associated with the proposed Project would include exterior building, outdoor security lighting, and headlights of employee and delivery vehicles. Consistent with Open Space and Conservation Policy OSC 8.8, the Project would be conditioned to require that any outdoor lighting includes light fixtures that are low-intensity, shielded, and/or directed away from adjacent properties to minimize glare and overspill on adjacent parcels, the night sky, and the public right-of-way. Additionally, the nearby airport, intervening PV facility and Covanta Energy Corporation facilities also include some exterior security lighting and would also provide a buffer between new light generated from Project activities, further decreasing the potential of future night lighting to reach viewers from the public roadways and residences within the City. Therefore, the impact of new sources of lighting on daytime or nighttime views in the area would be considered less than significant.

## II. Agricultural and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## EXISTING SETTING

The Project Site is located in a semi-rural agricultural region of the City which is zoned P-F but surrounded by agricultural, public facilities and industrial properties zoned AG and P-F. The P-F zone is designated for public and quasi-public facilities and would allow additional uses (e.g., parks, ponding basins, water pumping stations, etc.) under a conditional use permit.

The City does not have any Williamson Act contracted land within its boundary, and the Project Site is not currently enrolled in a Williamson Act land use contract.

Soils within the Project Site are identified primarily as Tachi clay (hnc2) (USDA Natural Resources Conservation Service [NRCS] 2020). The Tachi clay soil is identified as a very poorly drained soil and is listed as a "Farmland of Statewide Importance" soil by the U.S. Department of Agriculture (USDA) (NRCS

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2020). Farmland of Statewide Importance is a designation assigned to land that has the best combination of physical and chemical features for maintaining long-term sustainable crop production.

## DISCUSSION

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

**Less than Significant.** As discussed above, the Project Site is currently listed as “Farmland of Statewide Importance” by the USDA pursuant to the California Resources Agency Farmland Mapping and Monitoring Program (FMMP). The Project would develop facilities to cultivate and process an agricultural commodity as defined under California Code of Regulations Section 6000. Construction of these facilities would result in the development of approximately 68,000 sf (1.6 acres) of farmland of statewide importance with concrete floors and an additional approximate 774,924 square feet (17.8 acres) with ancillary or supporting uses and open area (e.g., access roads, rain water ponds, storage, unimproved area, etc.). Any soils of statewide importance that are converted during development of the Project would remain onsite for subsequent reuse as needed or managed in other appropriate ways as identified by the City pursuant to the requirements of the City’s permit process. However, because these accessory uses would cover less than five percent of the Project Site, and would be constructed in support of agricultural expansion, the Project is not considered to result in significant impacts associated with conversion or loss of valuable agricultural resources. The Project Site would remain in agricultural production of cannabis for the duration of Project activities. For these reasons, the proposed development would result in less than significant impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance caused by the conversion of such resources to a non-agricultural use.

**b) Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?**

**No Impact.** The Project would not conflict with existing zoning or Williamson Act contracts for established agricultural land. While the site is not expressly within an “agricultural” zone, the proposed M-1 zoning does allow agriculture as a permitted use and the Project would expand and intensify agricultural production on the site. The Project Site is not subject to a Williamson Act contract. Therefore, no impact to Williamson Act or agricultural use would occur.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The Project would not conflict with existing zoning for, or cause rezoning of, or result in the loss or conversion of forest or timberland. There are no trees or forestry resources on the Project Site, nor is the site zoned for forestry uses. Therefore, no impact to forest land would occur.

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- 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?**

**No Impact.** As discussed in a) and b), the Project would expand and intensify agricultural production on the Project Site, would bring currently nonproductive land into production, and would not convert any farmland to non-agricultural use. Therefore, no impact to the conversion of farmland to non-agricultural use would occur.

### III. Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### ENVIRONMENTAL SETTING

The Project Site is within the western portion of the San Joaquin Valley Air Basin (Air Basin) and the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD; District), which regulates air quality conditions within the region and City. The SJVAPCD also establishes air quality emissions thresholds and implements air quality management strategies to attain and maintain Central Valley air quality standards. Air quality is affected by stationary sources (e.g., land use and development) and mobile sources (e.g., motor vehicles). Air quality at a given location is a function of several factors, including the quantity and type of pollutants emitted locally and regionally, and the dispersion rates of pollutants in the region. Primary factors affecting pollutant dispersion are wind speed and direction, atmospheric stability, temperature, the presence or absence of inversions, and topography. The Air Basin often experiences high levels of air pollution that are exacerbated by regional climate and topography. The mountain ranges on three sides of the Air Basin trap air within the San Joaquin Valley, creating a zone of high air pollution potential. Within the Air Basin, temperature inversions, long hot summers, and stagnant foggy winters are conducive to the formation and retention of air pollutants. Fugitive dust (and other particulate matter) and ground-level ozone are of particular concern in the area as well. The air quality within the Air Basin is influenced by a wide range of emission sources, such as intermittent dense population centers, heavy vehicular traffic, industry, and agricultural activities.

To protect the public health and welfare, the federal and State governments under direction of the U.S. Environmental Protection Agency (U.S. EPA) have identified six criteria air pollutants and a host of air

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toxics, and ambient air quality standards. These are established through the federal Clean Air Act and the California Clean Air Act. Federal and State criteria air pollutants include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter less than 10 microns in diameter (PM<sub>10</sub>), fine particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), and sulfur dioxide (SO<sub>2</sub>). Air quality impacts are assessed by comparing impacts to baseline air quality levels and applicable ambient air quality standards. Standards are levels of air quality considered safe from a regulatory perspective, including an adequate margin of safety, to protect public health and welfare. The Air Basin is classified as a non-attainment area for several air pollutants, including O<sub>3</sub> and PM<sub>2.5</sub> for both federal and State standards, and PM<sub>10</sub> for State standards. The Air Basin is classified as an attainment area or is unclassified for all other criteria pollutants (SJVAPCD 2020c).

The SJVAPCD is responsible for preparing attainment plans for each nonattainment criteria pollutant for which the SJVAPCD does not meet the federal or state standard, which currently include ozone, PM<sub>10</sub> (State standard only), and PM<sub>2.5</sub>. The SJVAPCD has developed plans and established strategies to attain State and federal ozone and PM standards. To meet federal and State Clean Air Act requirements, the SJVAPCD adopted the following plans: 2018 PM<sub>2.5</sub> Plan, 2016 Ozone Plan, 2014 8-hour Ozone Implementation Plan; 2013 Revoked 1-hour Ozone Plan; 2007 Ozone Plan, and the 2007 PM<sub>10</sub> Maintenance Plan. The SJVAPCD continues to coordinate emission reduction strategies to address multiple standards, to maximize efficiency for staff and stakeholders, and to maximize health benefits. Building on previous plans, the 2016 Ozone Plan addresses overlapping standards and streamlines the SJVAPCD's approach to reduce ozone precursors while meeting state and federal requirements. In a similar manner, the 2018 PM<sub>2.5</sub> Plan addresses federal PM<sub>2.5</sub> standards for the years 1997, 2006, and 2012. Preparing a single plan instead of three separate plans allows for the development of a more robust and health-protective plan that incorporates stronger control measures in a short timeframe than may otherwise be required.

To identify ambient concentrations of the criteria pollutants, the SJVAPCD operates air quality monitoring stations throughout the Air Basin. These stations are primarily located in central Fresno County. The monitoring station located closest to the Project Site is located in Tranquility approximately 10 miles southeast. The station monitors O<sub>3</sub> and PM<sub>2.5</sub> (SJVAPCD 2020a). Traffic-congested roadways and intersections have the potential for the generation of localized CO levels (i.e., CO hotspots). As further discussed within Section XVII, *Transportation*, adjacent and nearby intersections to the Project Site consist of relatively low-volume agricultural roadways and are not considered substantial enough to generate a CO hotspot by local Air District standards. Therefore, no CO hotspots are anticipated to occur on adjacent roadways or intersections.

Surrounding land uses include commercial agriculture (e.g., row crops, orchards), PV facility, the currently inoperative Covanta Energy facility, the City's municipal wastewater treatment plant, the William Robert Johnston Municipal Airport, vacant land, and an established rural vehicular network. These uses generate particulate emissions during cultivation or plowing of agricultural fields, emissions from aircraft and related airport operations, potential emissions from the Covanta Energy facility (when in operation), emissions from the City's adjacent wastewater treatment plant, those from operation of diesel or gasoline powered farm equipment and operation of typical residential vehicles and yard maintenance equipment. The nearest sensitive receptors to air quality conditions within the Project vicinity include single-family residences within neighborhoods situated approximately 0.5 mile to the west of the Project Site.

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Cannabis cultivation is often accompanied by strong odors. Odors can vary by variety, ranging from pepper, balsamic vinegar, pine, citrus, and skunk scents. Most of the pungent aromas of cannabis come from a class of chemicals called terpenes. Terpenes are among the most common compounds produced by flowering plants; they vary widely between plants and are responsible for the fragrance of nearly all flowers. Cannabis contains over 140 different terpenes. These terpenes are found in varying concentrations in different cannabis varieties. Tetrahydrocannabinol (THC), the cannabinoid primarily responsible for cannabis' psychoactive effects, has no odor whatsoever. As type and potency of cannabis odors range widely across varieties, so do resident receptors' opinions regarding whether the odor is pleasant or objectionable.

Cannabis odors can spread through the air and potentially be sensed by surrounding sensitive receptors such as residential neighborhoods. The predictability and degree to which cannabis odors can travel are highly variable depending on climatic and topographic conditions near a cannabis site. Field research by Wood on major cannabis operations in Santa Barbara and Santa Cruz counties has indicated that odors are typically lower during cooler temperatures, especially during cooler overcast days. As temperatures increase, increased odors may occur throughout the Mendota area, particularly due to its flat topography. Stagnant air during nighttime hours also has the potential to intensify the concentration of cannabis odors. Wind patterns decrease the intensity of cannabis odors due to air diffusion; however, constant breezes in a certain direction may result in a somewhat constant, lower-intensity odor in the associated direction if there is no suppression. Outdoor cultivation has the greatest potential to expose receptors to odors; although, greenhouse and indoor cultivation may occasionally contribute odors to surrounding areas if ventilation systems are ineffective, or if indoor spaces are periodically aired out.

In the City's specific region of the Central Valley, the prevalent wind direction from March through November is northwest, indicating that wind conditions from early spring to late fall generally flow from the northwest to the southeast. From December through February, the prevalent wind direction ranges from east to southeast, indicating wind in the middle of winter typically flows from the east or southeast to the west or northwest (Western Regional Climate Center 2020).

The City of Mendota is surrounded by active agricultural crop lands that produce a range of products. All of the City lies within 1.8 miles of the Project Site. Sensitive receptors to air emissions and odors may include residential uses, churches, schools, parks, and hospitals. Residential neighborhoods such as those along I Street, J Street, L Street, Inez Avenue, and Airport Boulevard west of the City's airport are all located roughly 0.5 to 0.75 mile west of the Project Site. Additional potential sensitive receptors in this area include churches such as the Little Zion Missionary Baptists Church and the Apostolic Assembly of Faith, and the City's Veterans Park. Mendota Elementary School and the United Health Center lie approximately 1.1 miles northwest of the Project Site, while Mendota High School lies 1.2 miles to the southwest.

The SJVAPCD maintains rules and regulations with which typical development projects are required to comply (SJVAPCD 2020d). The current rules and regulations are published on the SJVAPCD's website and include regulations regarding generation of dust during construction activities and permitting requirements for new and modified stationary sources of air emissions. Listed below are descriptions of those rules that would be applicable to a typical development project and which may apply to the Project to reduce construction and operational emissions:



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- Rule 1080 Stack Monitoring: This rule grants the Air Pollution Control Officer (APCO) the authority to request the installation, use maintenance, and inspection of continuous monitoring equipment. This rule also specifies the performance standards for the equipment and administrative recordkeeping, reporting, and violation and equipment breakdown notification requirements.
  - Rule 1100 Equipment Breakdown: This rule defines a breakdown condition and the procedures to follow if one occurs. The corrective action, the issuance of an emergency variance, and the reporting requirements are also specified.
  - Rule 1160 Emission Statements: The owner or operator of any stationary source operation that emits or may emit nitrogen oxides or reactive organic gases (ROG) shall provide the APCO with a written statement in such form that the APCO prescribes, showing actual emissions of nitrogen oxides and ROG from that source. At a minimum the Emission Statement shall contain all of the information contained in the Air Resources Board's Emission Inventory Turn Around Document as described in "Instructions for the Emission Data System Review and Update Report."
  - Rule 2092 Standards for Permits to Operate: The owner or operator of the source has obtained an Authority to Construct granted pursuant to Rule 2201 (New and Modified Stationary Source Review Rule); and the APCO has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective Authorities to Construct under the applicable sections of Rule 2201 (New and Modified Stationary Source Review Rule); and the APCO has determined that any offsets required as a condition of an Authority to Construct or a Permit to Operate shall commence not later than the date of initial operation of the new or modified source, except that where a new or modified stationary source is, in whole or in part, a replacement for an existing stationary source on the same or contiguous property, the APCO may allow a maximum of 90 calendar days as a start-up period for simultaneous operation of the existing stationary source and the new or replacement source; and the APCO has determined that all conditions specified in the Authority to Construct have been or will be complied with by any dates specified.
  - Rule 2201: The purpose of this rule is to provide for the following: The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards; and no net increase in emissions above specified thresholds from new and modified Stationary Sources of all nonattainment pollutants and their precursors.
  - Rule 4001 New Source Performance Standards: This rule incorporates the New Source Performance Standards from Part 60, Chapter 1, Title 40, Code of Federal Regulations (CFR).
  - Rule 4002 National Emission Standards for Hazardous Air Pollutants: This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR).
  - Rule 4101 Visible Emissions: The purpose of this rule is to prohibit the emissions of visible air contaminants to the atmosphere.

- Rule 4102 Nuisance: A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.
- Rule 4550 Conservation Management Practices (CMP): The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites by requiring agricultural operation sites to submit a CMP Plan.
- Rule 4601 Architectural Coatings: this rule limits volatile organic compound (VOC) emissions for architectural coatings to 50 grams per liter (g/l) for flat coatings on residential and non-residential interiors and exteriors.
- Rule 8021 Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities: Limits fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities by requiring measures to reduce visible dust emissions by 20% opacity. Required measures include application of water or chemical/organic stabilizers/suppressants on unpaved surfaces, limiting the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour (mph), and implementation of an Air Pollution Control Officer (APCO)-approved Dust Control Plan developed by the applicant/owner.
- 8071 Unpaved Vehicle/Equipment Traffic Areas: limits fugitive dust emissions particularly from unpaved vehicle and equipment traffic areas by stabilizing unpaved roads to reduce visible dust emissions by 20% opacity. Stabilization measures include watering, using chemical/organic dust stabilizers, vegetation, and/or implementation of a APCO-approved Dust Control Plan developed by the applicant/owner.

For the evaluation of Project-related criteria pollutant air quality impacts, the SJVAPCD recommends the use of the following thresholds of significance in tons per year (tons/yr) for permitted equipment and activities (Table 1). The City’s General Plan also adopts the SJVAPCD thresholds by reference. There are no specific thresholds for odors.

**Table 1. Air Quality Thresholds of Significance – Criteria Pollutants**

Pollutant	Construction Emissions (tons/yr)	Operational Emissions (tons/yr)
<b>CO</b>	100	100
<b>NO<sub>x</sub></b>	10	10
<b>ROG</b>	10	10
<b>SO<sub>x</sub></b>	27	27
<b>PM<sub>10</sub></b>	15	15
<b>PM<sub>2.5</sub></b>	15	15

Source: SJVAPCD 2015

In addition, the SJAPCD holds thresholds for toxic air contaminants from the operations of both permitted and non-permitted sources (Table 2).

**Table 2. Air Quality Thresholds of Significance – Toxic Air Contaminants**

Toxic Air Contaminant	Threshold of Significance
Carcinogens	Maximally Exposed Individual risk equals or exceeds 20 in one million
Non-Carcinogens	Acute: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual
	Chronic: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual

Source: SJVAPCD 2020b

After California voters passed Proposition 64 in 2016, the District published an Advisory on Cannabis Operations (SJVAPCD 2020e). This Advisory provides local agencies and potential cannabis business operators located in the San Joaquin Valley with guidance regarding the air quality related requirements associated with this activity. The Advisory describes the permit requirements for the following:

- Commercial cannabis growing and harvesting operations: permits required for most diesel generators, and for other equipment if cumulative emissions exceed one-half major source thresholds
- Commercial cannabis processing operations: permits required
- Odor controls associated with commercial cannabis operations (growing, harvesting, storing, processing, dispensary): permits required
- Open burning of cannabis residues: prohibited

## DISCUSSION

### a) Conflict with or obstruct implementation of the applicable air quality plan?

**Less than Significant.** The Project would generate short-term construction and long-term operational emissions. Short-term emissions would result from construction of approximately 68,000 square feet of new buildings, including minor earth moving activities, installation of concrete pads, and construction worker vehicle trips and materials delivery trips during an estimated six-month construction period. Operational mobile source emissions would be generated from maximum estimated potential to of 140 average daily vehicle trips to and from the site (60 maximum employees and up to 10 distribution vehicle trips each day during harvest) associated with the Project. Increased stationary source emission would result from infrequent use of generators, operation of water pumps and electrical equipment, and application of fertilizers and pesticides.

The use of heavy-duty construction equipment and vehicle trips would generate emissions, such as NO<sub>x</sub> and PM<sub>10</sub>. Use of certain paints for architectural coatings would similarly increase the amount of associated ROG and anthropogenic volatile organic compounds (VOC) emissions. The amount of criteria pollutant emissions generated from construction would vary substantially from day to day, depending on the construction activity. The Project would be required to comply with State and local regulations pertaining to air quality, which would substantially limit the generation of construction emissions related to the proposed Project. Unmitigated construction emissions estimated for the Project would not exceed annual construction emissions thresholds for both NO<sub>x</sub> and ROC (see Table 3).

To calculate potential Project construction and operational emissions, the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to calculate emissions based on assumptions regarding Project construction and operation, as informed by the *Project Description* section of this Initial Study. Results of the CalEEMod for this Project are provided as Appendix A. As demonstrated therein and summarized in Table 3 and Table 4 below, unmitigated construction and operation emissions estimated for the Project would not exceed daily or annual emission thresholds established by SJVAPCD. Unmitigated construction and operation emissions assume that the SJVACPD required rules and regulations will be implemented under the Project.

**Table 3. Estimated Unmitigated Construction Emissions from the Proposed Project**

Air Pollutant	SJVAPCD Thresholds (tons/yr)	Estimated Construction Emissions without Mitigation (2021) (tons/yr) <sup>1</sup>	Exceeds Threshold?
<b>CO</b>	100	0.84	No
<b>NO<sub>x</sub></b>	10	0.69	No
<b>ROG</b>	10	0.27	No
<b>SO<sub>x</sub></b>	27	0.002	No
<b>PM<sub>10</sub></b>	15	0.11	No
<b>PM<sub>2.5</sub></b>	15	0.06	No

<sup>1</sup> Refer to Appendix A for CalEEMod output sheets; overall emissions based on rounded totals and an approximate 6-month construction period.

**Table 4. Estimated Unmitigated Operational Emissions for the Proposed Project**

Air Pollutant	SJVAPCD Thresholds (tons/yr)	Estimated Operational Emissions without Mitigation (tons/yr) <sup>1</sup>	Exceeds Threshold?
<b>CO</b>	100	0.65	No
<b>NO<sub>x</sub></b>	10	0.76	No
<b>ROG</b>	10	0.35	No
<b>SO<sub>x</sub></b>	27	0.003	No
<b>PM<sub>10</sub></b>	15	0.19	No
<b>PM<sub>2.5</sub></b>	15	0.06	No

<sup>1</sup> Refer to Appendix A for CalEEMod output sheets; overall emissions based on rounded totals.

As demonstrated through development of a CalEEMod model run, the proposed Project would not substantially conflict with or obstruct implementation of the SJVAPCD air quality plans, including the 2018 PM<sub>2.5</sub> Plan, 2016 Ozone Plan, 2014 8-hour Ozone Implementation Plan; 2013 Revoked 1-hour Ozone Plan; 2007 Ozone Plan, and the 2007 PM<sub>10</sub> Maintenance Plan, or the goals and objectives of the General Plan. Implementation of the Project would result in use of the site and construction of agricultural production and support facilities compatible with the Project's proposed General Plan land zoning, in addition to the City's Commercial Cannabis Overlay District. Implementation of the Project would not result in exceedance of

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thresholds adopted for the purpose of ensuring consistency with federal and State ambient air quality standards, and impacts would be considered 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?**

**Less than Significant.** The SJVAPCD does not have specific guidance to determining cumulative impacts of criteria pollutants other than greenhouse gases (GHG). As discussed under Air Quality Impact Discussion (a) above, the Project would not result in significant construction or operational emissions, and Project construction and operation would not result in exceedance of SJVAPCD adopted thresholds of significance for land use development projects. Although the proposed Project would result in short-term construction emissions and an increase in daily trips to the Project Site, it would not create a cumulatively considerable net increase of any criteria pollutants. Therefore, impacts are less than significant.

However, in addition to the operational emissions generated by typical equipment and vehicle use and impacts of criteria pollutant emissions, cannabis cultivation, as with most typical vegetation growth, can result in the generation and release of biogenic VOCs (BVOCs). Similar to anthropogenic VOCs, BVOC emissions play a role in atmospheric chemistry, including ozone and photochemical smog formation in the stratosphere and troposphere, and they extend the atmospheric lifetime of the key greenhouse gas, methane. In general, flowers and fruits release the widest variety of BVOCs, with emission rates peaking on maturation, but leaves have the greatest mass emission rates. An emerging research topic involves the BVOCs emitted by commercial cannabis operations. Cannabis VOCs are terpenes, which are the source of cannabis' strong and variable odors. Terpenes are a large and diverse class of molecules produced by a variety of plants (e.g., rosemary, thyme) that range in volatility and perceptible odor.

A key factor in BVOC contributions to tropospheric ozone is the concentration of BVOCs and NO<sub>x</sub>, plus sunlight, to result in the photochemical reaction need to create ozone. A recent study in the highly-urbanized Denver, Colorado area identified linkages between concentrations of cannabis BVOCs and hourly ozone concentrations (Denver Environmental Health 2016). It is understood that BVOCs are ozone precursors, just like anthropogenic VOCs. Given the right concentrations of BVOCs and NO<sub>x</sub> with sunlight, ozone can be created. In the absence of urban air pollution (e.g., large concentrations of NO<sub>x</sub>), BVOCs and natural sources of NO<sub>x</sub> maintain a level of oxidation capacity that effectively removes reactive toxic gas species and greenhouse gases (e.g., methane) in the atmosphere. Excess NO<sub>x</sub> emissions from human activities can upset the natural balance and cause secondary photochemical pollution. Therefore, BVOC emission from cannabis cultivation under the Project is not considered substantial, given that the Project is located in a relatively rural area where large concentrations of NO<sub>x</sub> do not exist. Impacts of the Project associated with release of criteria air pollutants are therefore considered less than significant.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Less than Significant.** The potential for Toxic Air Contaminants (TACs) to have an effect on sensitive receptors would occur if the Project is located near an existing significant source of TACs or if it would generate TACs in quantities that may have an adverse effect on sensitive receptors. CARB identifies high-volume freeways and roads as potential sources of TACs. The proposed Project activities are not

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considered uses that would generate substantial amounts of TACs and would not pose a risk to sensitive receptors in the Project vicinity. Consistent with the SWRCB Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy), the Project would be prohibited from use of restricted pesticides and shall integrate pest management strategies where feasible to limit the need and use of pesticides. Project construction would not generate substantial increases in emissions proximate to sensitive receptors. The nearest sensitive receptors to the Project consist of residences located approximately 0.5 miles to the west, and two churches located 0.6 miles west. Further, construction activities would be confined primarily to the undeveloped land, would last up to 6 months, and would include limited construction traffic passing along roadways in proximity to residentially developed neighborhoods. Therefore, impacts from exposure of sensitive receptors to substantial pollutant concentrations or TACs are considered less than significant.

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

**Less than Significant with Mitigation.** Implementation of the Project would result in the handling, cultivation, hand processing of cannabis (e.g. using scissors to trim), of cannabis at the Project Site, and its distribution from the site. Individuals perceive cannabis odor differently. Cannabis users and some other members of the public perceive cannabis odor as pleasant; however, others perceive it as unpleasant, and some residents proximate to cannabis cultivation facilities have stated that they have adverse physical reactions to the odor. Although the scent of cannabis plants is not widely considered to be harmful to human health, in some instances, exposure to cannabis odors has been reported to result in headaches, eye and throat irritation, nausea, discomfort, and mental stress (Denver Environmental Health 2016). Similar symptoms are also experienced by individuals with specific allergies such as pollen. Primarily, the plants can produce a variety of odors, especially during the flowering phase, which are often considered and perceived by some individuals as objectionable or offensive. For others, the smell of cannabis may often be described as fragrant, aromatic, or pleasant. In effect, perception of odors from cannabis is considered to be highly variable between individuals.

Odors would primarily occur during physical disturbance of the plant at maturation, such as during harvest, or during particularly heavy winds that would cause the plants leaves to brush against each other and expel additional terpenes that could be carried by the wind. With consideration for the Project's proposed cultivation periods that would occur during the summer and early fall months, the months with the highest likelihood for experiencing odor from the Project's operation would be during the times of year in which the prevailing winds in the region stem from the northwest (between March and November). As prevailing wind direction in the City stems from the northwest during the periods in which more odorous activity may occur, it is anticipated that the majority of potential odors from the Project Site would be carried towards the southeast into rural agricultural areas that do not support dense sensitive receptors. Therefore, because the Project Site is located on the eastern edge of the City and removed from potential sensitive receptors outside the City farther to the southeast, frequent odorous plumes are not anticipated to approach the City towards existing sensitive receptors which generally lie 0.5 mile or more to the west of the Project Site. Sensitive receptors such as individual rural residential structures separated between agricultural areas may experience odor from the Project Site to the southeast, and a change in wind direction may result in some exposure to sensitive receptors within the City from odorous activity by the Project. For instance, small-scale downdrafts during low-wind periods that create mild winds blowing to the northwest, while not

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expected to be the primary wind flow, may cause odors from the Project to be periodically blown towards the residences.

Ultimately, as summarized by the Odor Nuisance Review (Appendix F), wind flow is expected to transport odor compounds away from the closest residences and sensitive receptors. While grow periods are expected to occur in warmer months, which have the potential to increase the dispersion of odor, dispersion benefits from seasonal temperatures are not solely expected to reduce odor impacts to below potential nuisance levels to those that consider the odor objectionable. The public traveling on Belmont Avenue or SR 180 to the southeast could expect to experience cannabis odors due to the proximity of the grow site, however it is uncertain if the odorous plumes will remain strong to the southwest for a considerable distance. Select property owners to the southeast may experience substantial odor, specifically during the flowering periods, and workers at the facilities located at the idle Covanta Energy Corporation biomass plant or solar PV facility could experience noticeable odors. Processing activities are not expected to result in as strong of an odor plume as the flowering and harvesting of the cannabis plants, and would be minimized due to taking place indoors. Due to the potential for nuisance-level offsite odor impacts from implementation of the Project, impacts would be potentially significant. However, with the implementation of **MM AQ-1**, which requires the establishment of an Odor Monitoring Plan, and the variability of cannabis odor considered a nuisance, impacts would be reduced to a less than significant level.

## **REQUIRED MITIGATION MEASURE**

**MM AQ-1. Odor Monitoring Plan (OMP).** *To reduce potential effects of nuisance odors to the extent feasible, the permit issued for the Project shall have an OMP, subject to approved by the City. The requirements of this mitigation are designed to be flexible, to balance the protection of sensitive resources with active monitoring. The approved OMP shall include, but not be limited to, the following elements to address issues from nuisance odors:*

- *The name and telephone number of a designated individual who is responsible for logging in and responding to odor complaints, 24 hours a day, 7 days a week;*
- *Include an enforceable process to require operational changes to mitigate odors in the case that the site generates recurring odor emissions that have been documented to be persistent, intrusive, or pervasive by nearby sensitive receptors, such as the installation of odor control mechanisms on head houses (e.g., filtration systems, HVAC, etc);*
- *Providing property owners and residents of property within a 0.25-mile radius of the cannabis facility with the contact information of the individual responsible for responding to odor complaints;*
- *Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the staff on how to respond;*
- *Description of potential methods for reducing odors;*
- *Require the designated individual to report all odor complaints to the appropriate City department within a reasonable time frame and to record and report the steps they took to resolve the issue, including a record-keeping system to track these actions;*
- *Contingency measures to curtail odor emissions in the event of a potential continuous public nuisance; and*

- 
- *Description of agricultural practices that can be shown to be effective in controlling odors (e.g., changes in cultivation practices).*

**Requirements and Timing.** *The applicant shall prepare and submit an OMP to the City. The City shall review and approve the OMP prior to permit issuance.*

**Monitoring.** *The City shall determine that the site adheres to **MM AQ-1** before issuance of the building permit, and ensure compliance with the OMP.*



#### IV. Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## ENVIRONMENTAL SETTING

The potential for the Project Site to support sensitive biological resources was investigated through a literature review, a review of aerial photographs, U.S. Geological Survey (USGS) topographic maps, U.S. Department of Agriculture (USDA) soil survey maps, and the National Wetlands Inventory, and a site reconnaissance survey. Database sources such as the California Natural Diversity Database (CNDDDB), U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), Calflora, Consortium of California Herbaria database, and the California Native Plant Society Rare Plant Inventory among others were utilized to identify recorded occurrences of sensitive natural communities, plant species, and wildlife species within the region (Appendix B).

The survey was conducted by qualified biologists from Wood in December 2019. The survey area includes the proposed Project Site, a 500-foot burrowing owl (*Athene cunicularia*) survey buffer, and proposed access routes on the west and north side of the adjacent PV facility. Linear transects were walked at a maximum width of 30 feet for the entire survey area, with closer inspection of potential nest trees and shrubs, and scans of the surrounding habitat with binoculars. Potential nesting trees for Swainson's hawk (*Buteo swainsoni*) were investigated out to 0.5 miles from the Site.



Looking northeast at Project Site from near southwest corner.

A review of database records suggests a total of 11 sensitive plant species occur within the region around the Project Site (Table 5). Each species has specific habitat or substrate requirements, none of which are expected on the Project Site (i.e., at least seasonally wet or flooded conditions, and/or saline or alkali soils). Only four (4) of these are known to occur within five (5) miles of the Project Site (Lost Hills crownscale [*Atriplex coronata* var. *vallicola*], heartscale [*A. cordulata* var. *cordulata*], Sanford's arrowhead [*Sagittaria sanfordii*], and recurved larkspur [*Delphinium recurvatum*]). The shallow freshwater habitat that Sanford's arrowhead inhabits are not present onsite, though these may be present in treatment ponds and canals adjacent to the site. Larkspur, crownscale, and heartscale all

require alkali soils which are not present onsite, though alkali seasonal wetlands preferred by the larkspur may be present in the unincorporated area south of the Project. These are only known in the immediate area from CNDDDB historical records (> 20 years, with no recent observations or collections).

**Table 5. Potential Sensitive Plant Taxa**

Species Name	Common Name	Federal Status	State Status	CRPR	Potential to Occur
<i>Cordylanthus palmatus</i>	Palmate-bracted bird's-beak	E	E	1B.1	Not Expected
<i>Sagittaria sanfordii</i>	Sanford's arrowhead	-	-	1B.2	Not Expected
<i>Layia munzii</i>	Munz's tidy-tips	-	-	1B.2	Not Expected
<i>Atriplex cordulata</i> var. <i>cordulata</i>	Heartscale	-	-	1B.2	Not Expected
<i>Atriplex coronata</i> var. <i>vallicola</i>	Lost Hills crownscale	-	-	1B.2	Not Expected
<i>Atriplex depressa</i>	Brittlescale	-	-	1B.2	Not Expected
<i>Atriplex subtilis</i>	Subtle orache	-	-	1B.2	Not Expected
<i>Atriplex minuscula</i>	Lesser saltscale	-	-	1B.1	Not Expected
<i>Eriastrum hooveri</i>	Hoover's eriastrum	-	-	4.2	Not Expected
<i>Delphinium recurvatum</i>	Recurved larkspur	-	-	1B.2	Not Expected
<i>Monolopia congdonii</i>	San Joaquin woollythread	E	-	1B.2	Not Expected

**CALIFORNIA RARE PLANT RANK**

1B = Plants rare, threatened, or endangered in California and elsewhere

4 = Plants of limited distribution

0.1 = Seriously Threatened in California = Over 80% of occurrences threatened/high degree and immediacy of threat

0.2 = Fairly Threatened in California = 20%- 80% occurrences threatened/high degree and immediacy of threat

Wildlife species that may occur in the region around the site area listed in Table 6 and discussed in further detail below.

**Table 6. Potential Sensitive Wildlife**

Species Name	Common Name	Federal Status	State Status	Potential to Occur
<b>Birds</b>				
<i>Riparia riparia</i>	Bank swallow	-	T	Low (Foraging)
<i>Athene cunicularia</i>	Burrowing owl	-	SSC	High
<i>Lanius ludovicianus</i>	Loggerhead shrike	-	SSC	Moderate (Forage)
<i>Falco columbarius</i>	Merlin	-	WL	Low
<i>Charadrius montanus</i>	Mountain plover	PT	SSC	Low
<i>Circus hudsonius</i>	Northern harrier	-	SSC	Moderate (Foraging)

<i>Buteo swainsoni</i>	Swainson's hawk	-	T	Moderate
<i>Agelaius tricolor</i>	Tricolored blackbird	-	SSC	Low
<i>Coccyzus americanus occidentalis</i>	Western yellow-billed cuckoo	C	E	Not Present
<i>Plegadis chihi</i>	White-faced ibis	-	WL	Not Present
<b>Herpetofauna</b>				
<i>Gambelia sila</i>	Blunt-nosed leopard lizard	E	E	Not Expected
<i>Phrynosoma blainvillii</i>	Coast horned lizard	-	SSC	Not Expected
<i>Thamnophis gigas</i>	Giant garter snake	T	T	Not Expected on site; Moderate in buffer zone
<i>Masticophis flagellum ruddocki</i>	San Joaquin whipsnake	-	SSC	Low
<i>Anniella pulchra pulchra</i>	Silvery legless lizard	-	SSC	Not Expected
<i>Thamnophis hammondi</i>	Two-striped garter snake	-	SSC	Low
<i>Emys marmorata</i>	Western pond turtle	-	SSC	Low
<i>Spea hammondi</i>	Western spadefoot	-	SSC	Not Expected
<b>Mammals</b>				
<i>Taxidea taxus</i>	American badger	-	SSC	Moderate
<i>Dipodomys nitratooides exilis</i>	Fresno kangaroo rat	E	E	Low
<i>Ammospermophilus nelsoni</i>	Nelson's antelope squirrel	-	T	Not Expected
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	E	T	Not Expected
<i>Perognathus inornatus inornatus</i>	San Joaquin pocket mouse	-	SA	Not Expected
<i>Eumops perotis californicus</i>	Western mastiff bat	-	SSC	Moderate (Foraging)
<i>Lasiurus blossevillii</i>	Western red bat	-	SSC	Moderate (Foraging)
<i>Myotis yumanensis</i>	Yuma myotis	-	SA	Moderate (Foraging)

**FEDERAL STATUS**

E = Endangered = Danger of extinction throughout range

T = Threatened = Likely to become endangered in foreseeable future throughout range

C = Candidate = In process for listing or recommended for listing but currently precluded

PT = Potentially Threatened = A species or subspecies whose survival may potentially be subject to a threat

**STATE STATUS**

E = Endangered = Applies to a species whose survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors

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T = Threatened = Applies to a species that is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens

SSC = CDFW Species of Special Concern = Species with declining population levels, limited ranges, and/or continuing threats which have made them vulnerable to extinction

WL = Watch List = Species that 1) are not on the current Special Concern list but were on previous lists and they have not been state listed under CESA; 2) were previously state or federally listed and now are on neither list; or 3) are on the list of "Fully Protected" species

SA = California Special Animal = Species that are uncommon and tracked by the CDFW in the California Natural Diversity Database

While the timing of the survey was not appropriate to determine all potential sensitive plant species, based upon known habitat conditions, it is unlikely that any may occur. The Site was observed to provide forage space for CDFW Species of Special Concern such as burrowing owls, loggerhead shrikes, and northern harriers, and may similarly provide forage space for other raptors and bird species as well as bats. No burrowing owls were observed on the Site. Within the survey buffer of the Project Site, a single burrowing owl was observed at a burrow in the south buffer area, and a large California ground squirrel population exists to the north of the site in a rubble field and to the east along the proposed access route, especially on the embankment of the wastewater treatment pond.

Swainson's hawk (*Buteo swainsoni*) is a State-listed Threatened species, which migrates from South or Central America, arriving in late February to March and departs for winter range in September. In the Central Valley, it nests in trees adjacent to large open forage habitats such as agricultural fields and native grasslands. The Swainson's hawk is known as a regular visitor and nesting species in the area; while the Project Site offers no potential nesting habitat, the Project Site is identified as a place that could be utilized for foraging habitat. The closest CNDDDB record is approximately 0.7 miles southwest of the site along North San Benito Avenue, and dates from 2017. The species has a moderate chance of occurrence as a foraging species, however trees capable of providing nesting are lacking within the site within 500 feet of the site, and therefore the species is not expected on site nor anticipated to use the site for frequent foraging. Considering the site is surrounded by comparable fallowed agricultural land, the species will likely continue to forage in nearby areas.

Vegetation on the Project Site is a non-native annual grassland, which appears to be mowed or grazed to maintain a short grass aspect of about a foot or less. Surrounding unimproved areas to the north and east have dense populations of ruderal herb species such as mustard or ox-tongue. The PV facility to the west of the site and the inoperative power plant to the southwest represent developed lands, while properties to the east can be classified as disturbed/ruderal due to construction disturbance and dense ruderal vegetation (mustard). County lands south of the Project appear to be seasonally flooded and hosts a variety of common wetland species such as alkali sacaton, California kochia, purselane, and cattail.

The Project is not located near any riparian habitat. The City General Plan states that there is no Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) within the City or within a 5-mile buffer (City of Mendota 2009). The City General Plan's record of occurrences of special status species indicates that blunt-nosed leopard lizard, giant garter snake, and San Joaquin pocket mouse have occurred along the southern edge of the Project Site. The biology report (Appendix B) found that those three species were unlikely to occur at the Project Site due to the lack of suitable habitat, although the potential for giant garter snakes is moderate in the buffer zones.

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According to the City's General Plan, the San Joaquin Valley serves as a major migration corridor and wintering ground for millions of migratory birds in the Pacific Flyway, a major north-south route of travel for migratory birds in the Americas, extending from Alaska to Patagonia (City of Mendota 2009). Every year, migratory birds travel some or all of this distance both in spring and in fall, following food sources, heading to breeding grounds, or traveling to over-wintering sites. The City is adjacent to an extensive network of waterways and wetlands including the San Joaquin River, Fresno Slough, and several man-made canals, a system that provides refuges, or rest stops, for the many species birds on their way to and from breeding and wintering grounds along the Flyway. Though this wetland and waterway complex also serves as a migratory corridor for numerous resident terrestrial and avian species, there are no trees or associated sensitive habitat identified on the Project Site (Appendix B).

## DISCUSSION

- 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 Game or U.S. Fish and Wildlife Service?**

**Less than Significant with Mitigation.** The existing 59-acre site has no tree cover and is largely vegetated with nonnative grasslands, and thus does not support high-quality nesting bird habitat. However, the grasslands on the Project Site provide ideal habitat for burrowing owls, which are a CDFW Species of Special Concern (SSC). Burrowing owls are known in the immediate region, and have a high potential to occur; one specimen was observed outside of and adjacent to the Project Site. Mountain plover and northern harrier are also CDFW SSCs, known in the area, and tend to forage in grassland habitat. Swainson's hawk is a State-listed Threatened species that nests in trees adjacent to large open forage habitats such as agricultural fields and native grasslands. Nest trees are lacking both onsite and in the nearby vicinity, though has a moderate potential for occurrence as a foraging species at the Project Site, along with other hawks, bats, and badger. Similar habitat surrounds the site to the north, east, and southeast, while developed area and unsuitable habitat, resides to the west and southwest. The lack of habitat or witnessed species (aside from burrowing owl on adjacent site) at the Site reduces the likelihood of Project impacts, though the loss of potential foraging habitat would result in some potential impact. While the converted area is not suitable nesting habitat for Swainson's hawks and other birds, the fallowed land may provide foraging habitat for these species, or potentially rodent dens suitable for use by burrowing owls; however, ongoing regular mowing or discing as well as disturbance by cultivation activities greatly reduce potential for use of allowed land by burrowing owls. Proposed offsite improvements to connect to the Project Site, such as trenching for underground utility lines, pole installation for above ground power lines, and road pavement improvements, would be conducted within City right of way and subject to the City's associated requirements, all of which would occur within previously-disturbed areas adjacent to and extending from Belmont Avenue, and would not result in any additional biological impact.

Due to the moderate potential for some species to occur onsite, there is the potential to impact sensitive species, which would be reduced via the implementation of **MM BIO-1**, which requires pre-construction surveys prior to Project construction. Compliance with this requirement and regulations would ensure impacts to special status species and habitat are less than significant with mitigation.

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

**Less than Significant.** As the Project is not located near any riparian habitat, is not located within any HCP/NCCP, and potential special status species identified by the City's General Plan are unlikely to occur at the Project Site due to the lack of suitable habitat (although the potential for giant garter snakes is moderate in the buffer zones), little to no impact is anticipated on sensitive natural communities. There are no existing trees located in the Project boundary, and construction and operation activities are not anticipated to impact nearby trees. Because there are no riparian habitats or known sensitive natural communities on the Project Site, impacts to the natural communities would be less than significant.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less than Significant.** The Project Site is not located within proximity to any wetlands, nor would the Project impact any wetlands in the region. While the Fresno Slough is located approximately 0.5 mile east of the Project Site, stormwater capture onsite would prevent substantial agricultural runoff from traveling to the Slough ecosystem. Potential water quality related impacts are further discussed in Section X, *Hydrology and Water Quality*. Therefore, impacts to wetlands would be less than significant.

- 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?**

**Less than Significant.** Though the Project Site has been identified with areas suitable for foraging for several species, including mountain plover, northern harrier, and Swainson's hawk, there is no identified suitable habitat on the Project Site for these species or migratory birds. Therefore, the Project is not expected to interfere with the movement of any wildlife species nor impede a wildlife nursery site and impacts to migratory species would be less than significant.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Less than Significant.** The proposed Project does not conflict with any local policies or ordinances protecting biological resources. Impacts to biological resources would be considered less than significant.

- 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?**

**No Impact.** As there are no HCP/NCCP which cover the Project Site, the proposed Project would not conflict with any local policies or ordinances protecting biological resources in the City General Plan, and no impact is anticipated with Project implementation on any adopted conservation plan.

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## REQUIRED MITIGATION MEASURE

**BIO-1. Pre-construction Survey, Worker Awareness Training, and Avoidance Measures.** *The Project Site contains habitat that can be used by CDFW Species of Special Concern. Surveys prior to initiation of construction-related activities shall be undertaken on the Project Site to determine the presence/ absence of the following species according to accepted agency protocols:*

- *Burrowing owl*
- *Swainson's hawk*
- *Giant garter snake*
- *Western pond turtle*
- *American badger*
- *Nesting birds*

*Surveys shall cover areas of suitable habitat as defined in the Biological Resources Technical Report (Appendix H). In the event that special-status species are identified within the proposed basin site, the following would occur: 1) the appropriate agencies shall be notified; 2) the construction site shall be monitored by a qualified biologist who oversees all construction activities affecting sensitive habitat; 3) the site shall be relocated, if necessary; and/or 4) non-disturbance buffers shall be implemented. Pre-construction surveys shall conform to the appropriate CDFW- and/or USFWS-approved survey and monitoring protocols and guidelines for protection of threatened and endangered species. Contractor education regarding sensitive species that have the potential to occur on and adjacent to the site shall also be conducted. Results of these surveys, avoidance measures, and worker awareness training shall be reported to the City.*

**Requirements and Timing:** *Pre-construction surveys and worker awareness shall be conducted prior to the start of Project Site soil disturbance. Avoidance measures determined during the pre-construction surveys shall be adhered to during Project implementation.*

**Monitoring:** *The City shall monitor the results of the pre-construction surveys, review the required avoidance measures, and obtain evidence of the worker awareness training.*



## V. Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL SETTING

Cultural resources in Fresno County reflect the area's history of settlement by Native Americans, Europeans, Mexicans and others, as well as periods of economic and social change such as those associated with the Gold Rush and development of agriculture and rail transportation (County of Fresno 2000a). This region of the San Joaquin Valley, which extends from the forested Sierra Nevada to the Coastal Range, has supported an abundance of wildlife, riparian habitats, and marshes. Records indicate that at least five Native American tribes resided in the area. The presence of archaeological and historic resources would generally be most likely along rivers and streams and in other areas with ground cover or other features which could have invited and sustained habitation. Fresno County's rich history has produced a large stock of historically significant homes, public buildings, and landmarks including important ethnic historical sites. The physical environment of Fresno County has been greatly altered by human modification over the past 150 years, including archaeological resources that may have been buried or displaced (County of Fresno 2000a).

Under CEQA, a historical resource consists of any "object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (Guidelines Section 15064.5(a)(3)). The City General Plan states that there are only two known cultural resource sites within the City which are recorded historic sites: the Cervantes Property (P-10-005364) and the Marchini Property (P-10-005365) (City of Mendota 2009). There are no prehistoric or historic sites within the City listed as State Historic Landmarks (California State Parks 2020a), California Points of Historical Interest or the California Register of Historical Resources (CRHR) (California State Parks 2020b), or on the National Register of Historic Places (NRHP) (National Park Service 2020).

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A Phase I Environmental Site Assessment (ESA) was completed by GeoTek, Inc. on November 25, 2019. Aerial imagery analyzed for the ESA showed that the Project Site appears to have been vacant from at least 1937 to 1946. It was utilized for agricultural cultivation purposes from 1938 to 2006, and then vacant again from 2006 to 2012. In 2012, temporary stockpile uses appeared on the northwest portion of the site, however the site has otherwise changed little since. No building permits have ever been issued for the property.

Under CEQA, a unique archaeological resource is defined as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

- contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information;
- has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- is directly associated with a scientifically recognized important prehistoric or historic event or person (Public Resources Code 21083.2(g)).

A Phase I Archaeological Survey (Appendix C) was prepared by cultural resource specialists from Wood Environment & Infrastructure Solutions, Inc. in January 2020 for the Project Site. An archaeological literature and records search was conducted at the California Historical Resources Information System (CHRIS) Southern San Joaquin Valley Information Center (SSJVIC) for the Project Site in December 2019. Data from the SSJVIC indicates that there are no recorded resources within the 0.5-mile search radius and none within the Project Site. A recent archaeological investigation consisting of an intensive ground surface survey and systematic, subsurface backhoe trench excavation was completed in 2018 for the Mendota Pool Group 20-Year Exchange Program directly north of the Project Site. No archaeological resources were discovered during the intensive ground surface survey or subsurface backhoe trench excavation.

The entire 59-acre Project Site, including all proposed improvement areas, was surveyed using 10- to 15-meter (33- to 49-foot) parallel transects in December 2019. This intensive Phase 1 ground surface survey provided a reliable opportunity to evaluate the presence of cultural resources on the ground surface as well as within the topsoil where cultural resources would be expected. Ground surface visibility was poor to excellent (10 to 90 percent). In areas of poor visibility, surface shovel scrapes, the inspection of subsurface soil exposures including scattered rodent burrow tailings, and the excavation of shovel probes were completed. No cultural resources were identified throughout all proposed improvement areas.

## DISCUSSION

### a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?

**No Impact.** As discussed above, there are no potential or designated historic structures identified at the Project Site or immediate vicinity to which the Project, either through construction or operation, would adversely affect the significance of the resource. Therefore, the Project's is not considered to have any impact on an historic structure.

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**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**Less than Significant.** The proposed Project would not have significant impacts on cultural resources and no further archaeological measures including construction monitoring are necessary. Nonetheless, it is possible that the Project Site contains unrecorded archaeological materials. Per Section 7050.5 of the California Health and Safety Code, if human bone is discovered during construction, work is required to immediately cease and the procedures described in the section would be required. Section 7050.5 requires notification of the coroner, and if the coroner determines that the remains are those of a Native American, the Applicant is required to notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code are required, which continues the process to prevent impacts to these culturally sensitive resources. As also required by State law, if prehistoric cultural resources are identified during construction, construction is required to cease, and the appropriate local tribal representative would be notified. In this case, a mitigation data collection program would be undertaken by a qualified archaeologist in consultation with a tribal representative to adequately characterize the nature and research value of the resource. This would include a limited excavation, analysis, reporting, and curation of artifacts, as well as monitoring construction. With consideration for the low potential for onsite resources, adherence to these regulations would be sufficient to protect resources that could be discovered during Project development. Therefore, impacts to archaeological resources would be avoided and residual impacts are considered less than significant.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

**Less than Significant.** No human remains are known or predicted to exist in the Project area and potential for disturbance of such resources is considered highly unlikely. Given the potential for extensive grading to occur onsite, the potential to disturb undiscovered human remains exists. However, these impacts would be avoided by adherence to the above-described California Health and Safety Code Section 7050.5 and California Public Resources Code Sections 5097.94 and 5079.98, which would address impacts associated with inadvertent discoveries of human remains. Therefore, impacts to undiscovered human remains are considered less than significant.

## VI. Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL SETTING

The Project Site is located on vacant land with no development or energy demands. The City of Mendota is supplied power by Pacific Gas & Electric (PG&E). Surface PG&E utility access is located approximately 1,400 ft to the west of the Project Site along Belmont Avenue. PG&E generates electricity at hydroelectric (13 percent), nuclear (34 percent), renewable solar, geothermal and biomass (39 percent), and natural gas (15 percent) facilities (PG&E 2019).

The City's General Plan – Open Space and Conservation Element (2009) provides local policymakers with strategies and action items for reducing GHG emissions associated with energy. Supporting measures within the General Plan include facilitation of an effective Green Building Program, encouraging building owners to maximize energy efficiency, and incentivizing onsite renewable energy generation at residential and commercial properties.

Section 8313 of the CalCannabis Licensing Program prohibits the use of gas- or diesel-powered generators except as a backup energy source in the event of a power outage or emergency. Additionally, wattage of lights used for cannabis production is limited by the existing City Municipal Code §8.36.050 regarding cannabis cultivation.

**a) Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources, during project construction or operation?**

**Less than Significant.** The Project does not propose to utilize significant natural gas supplies for operation of the Project. Outdoor cultivation operations do not require intensive artificial lighting or utilize climate control or air circulation systems. Under the Project, outdoor cultivation is proposed, so the Project would only require lighting in worker buildings and ancillary facilities.

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While the proposed Project would potentially result in incremental new electricity demands, the Project Applicant would be subject to proposed State regulations for such operations, which include requirements for the provision of electricity from a combination of the following sources: 1) on-grid power with a mix of at least 42 percent provided by renewable sources; 2) onsite renewable energy sources which generate and provide at least 42 percent of the Site's energy demands; and/or 3) the purchase of carbon offsets for any portion of power above 58 percent that is not provided by renewable sources (Section 8315 of the CDFA's Proposed Medical Cannabis Regulation and Safety Act [MCRSA] Regulations). These State requirements would ensure that electrical demands from the proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of electricity supplies.

Included under the Project's anticipated approvals is receipt of a PG&E Will Serve Letter. Given regional electricity demand, and the lack of lighting required by the Project, increases in demand under the Project are considered to be negligible and construction of additional regional electrical generation and/or transmission facilities beyond the Project's proposed tie-in to Belmont Ave would not be required.

The Project would not constrain local or regional energy supplies, would not require the expansion or construction of new regional electrical generation and/or transmission facilities, and would not use large amounts of fuel or energy in a wasteful, inefficient, or unnecessary manner. The Project would be required to comply with all existing energy standards and impacts would be less than significant.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**Less than Significant.** The Project would not conflict with the goals and measures of the City's General Plan – Open Space and Conservation Element or applicable State plans for renewable energy or energy efficiency. As discussed above, the Project would be required to comply with all standard local and regional regulatory requirements. The Project would also comply with any applicable local or State plans for renewable energy or energy efficiency, and impacts would be considered less than significant.

## VII. Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i. 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? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## EXISTING SETTING

Earthquakes within the Project vicinity could cause structural damage to buildings, exposing people to falling objects and possible building collapse. According to the General Plan, the only fault near the City that has been identified by the California Division of Mines and Geology to be subject to surface rupture (within an Alquist-Priolo Earthquake Fault Zone) is the Ortigalita Fault. The Ortigalita Fault is located in a sparsely inhabited area of the extreme western corner of Fresno County, approximately 30 miles from the Project Site near the community of Panoche (City of Mendota 2009). Most of this fault extends through Merced County. Other potentially active faults in Fresno County are the San Joaquin Fault and the O'Neill Fault System, which both run parallel to the Ortigalita Fault (California Department of Conservation 2020). However, none of these faults are in the vicinity of the Project Site.

Ground shaking occurs as a result of energy released during faulting, which could potentially result in the damage or collapse of buildings and other structures. Although no region in California is immune from potential earthquake damage, the Project Site is located in an area which is likely to experience low to moderate potential for groundshaking hazards (Branum, Chen, and Wills 2016). Based on historical activity and the County's seismic setting, groundshaking is the primary seismic hazard in Fresno County. Most of the already urbanized locations in the East and West Valleys and Sierra Nevada Foothills areas are subject to less intense seismic effects than locations in the Coast Range Foothills and Sierra Nevada Mountain areas (County of Fresno 2000b).

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer to become saturated with groundwater, causing it to lose strength and take on the characteristics of a fluid. In addition to structural damage resulting from the rapid loss of bearing capacity of underlying soils, liquefaction increases the hazard of fires because of explosions induced when underground gas lines break, and because the breakage of water mains substantially reduces fire suppression capability. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths. As indicated by the Sustainable Groundwater Management Act Data Viewer, groundwater levels at the Project Site are encountered between 40 and 60 feet below ground surface (bgs). Although the California Geologic Survey is currently mapping seismic hazard zones for susceptible portions of California pursuant to the Seismic Hazard Mapping Act, no map of liquefaction hazard has been prepared for Fresno County (County of Fresno 2000b).

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Expansion and contraction of soil volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). As a consequence of these volume changes, structural damage to buildings and infrastructure may occur if the potentially expansive soils were not considered during building design and construction. Soils exhibiting a high to moderately high shrink-swell potential generally occur in a northwest-trending belt approximately parallel to the Friant-Kern Canal, foothills in Kings Canyon National Park in the Sierra Nevada, and along Fresno Slough from Madera County to Kings County. The County has also identified areas of expansive soils that roughly parallel the San Luis Drain west of the community of Tranquillity and the City of San Joaquin (County of Fresno 2000b). Due to the proximity of Mendota to San Joaquin and Madera County, there are likely expansive soils in Mendota.

Landslides involve the downslope transport of soil, rock, and vegetative material, primarily under the influence of gravity. Lateral sliding refers to landslides that form on gentle slopes and that involve a fluid-like flow movement of materials. These events occur when shear stress (i.e. weight of material) exceeds the shear strength of the soil/rock and can be induced by ground shaking from earthquakes or during high rainfall periods as materials become saturated. The Project Site has low landslide susceptibility due to its relatively flat topography and soil stability characteristics.

As discussed in Section II, *Agricultural and Forestry Resources*, soils within the Project Site are identified as the Tachi clay series (hnz2) (NRCS 2019). Soils within this association are considered very poorly drained with moderate to severe soil limitations for septic tank filter fields (NRCS 2019).

## DISCUSSION

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) 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?

**No Impact.** The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone. No landforms are known to be on the Project Site that would indicate the presence of active faults. As discussed above, earthquake fault zones are present in the vicinity of the City (City of Mendota 2009). However, surface ground rupture along faults is generally limited to a linear zone a few yards wide. Because the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone, the likelihood of ground rupture that would cause substantial adverse effects to people or structures at the Project Site is considered low, and the Project would require compliance with the California Building Code, the Project would have no impact on exacerbating the potential for earthquakes.

- ii) Strong seismic ground shaking?

**Less than Significant.** The Project is located nearly 30 miles from the nearest active fault and in an area with a low to moderate potential to experience groundshaking hazards (Branum, Chen, and Wills 2016; City of Mendota 2009). Any proposed construction would be required to be built in accordance with California Building Code requirements that minimize structural damage from groundshaking. Given generally low levels of risk for groundshaking, and development in accordance with mandatory regulations, the Project



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would not directly or indirectly cause people and structures to be exposed to potentially substantial adverse effects involving strong seismic ground shaking, nor exacerbate the potential for such activity. Impacts are considered less than significant.

iii) Seismic-related ground failure, including liquefaction?

**Less than Significant.** Factors determining the liquefaction potential include the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. At the Project Site, groundwater levels occur between 40 to 60 feet bgs, and poorly-draining soils present at the Project Site can be expected to retain high levels of water. However, threats from seismic-related ground failure such as liquefaction are not expected to occur (City of Mendota 2009). Given low levels of risk from seismic-related ground failure and the lack of potential to exacerbate such issues, and that the Project would require compliance with the California Building Code, impacts from seismic-related ground failure are considered less than significant.

iv) Landslides?

**No Impact.** Given the soil characteristics and relatively flat slope of the Project Site and surrounding areas, the Project would not cause people or structures on the Project Site to be exposed to potentially adverse effects of landslides.

b) Result in substantial soil erosion or the loss of topsoil?

**Less than Significant.** Development of the Project is expected to result in a moderate amount of grading associated with construction of the worker buildings, head houses, and site improvements (e.g., building construction, site drainage). In addition, secondary development improvements for the Project (e.g., development of roads, excavation of topsoil to minimize ground failure hazards) may inadvertently result in significant additional grading and subsequent loss of topsoil. Project construction would cause a slight increase in runoff by of approximately 1.6 acres of impermeable surfaces, which would increase site runoff by 1.6 cubic feet per second (720 gallons per minute) during a 25-year storm event, which may cause additional on- and offsite erosion; however, the proposed catch basins would mitigate the potential for substantial offsite impacts. Proposed offsite improvements to connect to the Project Site, such as trenching for underground utility lines, pole installation for above ground power lines, and road pavement improvements, would be conducted within City right-of-way and subject to the City's associated requirements, all of which would occur within previously-disturbed dirt areas adjacent to and extending from Belmont Avenue, and would not result in any additional geologic impact. Construction of the Project and implementation of identified necessary improvements would be subject to a grading plan, as well as a storm water permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) as required for disturbance of one acre or more. These plans would include requirements for erosion control, stability of building sites, building code compliance, and implementation of necessary best management practices (BMPs) that would remain in effect for all phases of Project implementation. Implementation of these standard development/permit requirements would ensure that the Project would not result in substantial adverse impacts caused from soil erosion or loss of topsoil. Impacts are therefore considered less than significant.

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- 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?**

**Less than Significant.** The Project is not expected to substantially affect the stability of the underlying materials such to result in an increase in the potential for on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. The Project Site and surrounding area is generally flat, and soil stability onsite does not indicate enhanced susceptibility to landslides or lateral spreading. The nearest active fault is nearly 30 miles away, and the Project Site is exposed to low to moderate potential for groundshaking activities (Branum, Chen, and Wills 2016; City of Mendota 2009). In addition to the low likelihood of groundshaking activities, a deep groundwater level and poorly-draining soils onsite suggest low to moderate possibility of liquefaction occurring onsite (NRCS 2019). Groundwater resources are not expected to be reduced such to increase the potential for subsidence. Given these conditions, Project impacts are considered less than significant.

- 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?**

**Less than Significant.** As identified in the County General Plan, the Project Site may be located on soils that have high to very high potential to be expansive. However, all development and construction proposals would be reviewed by the City to ensure conformance to applicable building standards. Following adoption and implementation of all applicable measures and standards, substantial risks to life or property would be minimized and impacts would be considered less than significant.

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

**No Impact.** The proposed Project would be connected to the City's existing wastewater sewer system via a connection at Belmont Avenue, and would avoid soils onsite that have moderate to severe soil limitations for septic systems. Therefore, no impact would occur.

- f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**No Impact.** Project construction and implementation are not expected to affect any paleontological resources known or suspected to occur on the Project Site. No paleontological or geologic resources are known to exist on the site or surrounding area, and the excavation or site grading that would under the Project is not expected to occur within areas or at depths where paleontological resources may occur.

## VIII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL SETTING

Climate change can be measured by changes in wind patterns, storms, precipitation, and temperature. California is already experiencing impacts related to climate change, including a seven-inch rise in the sea level along the California coast over the last century; a decrease in the average snowpack in the Sierra Nevada region; an increase in the frequency, length, and severity of wildfires; and a shift in precipitation rates, with increased precipitation in the north and decreased precipitation in the south. The potential impacts of climate change include severe weather patterns, flooding, reduced quality and availability of water, sea level rise, and beach erosion. Primary activities associated with GHG emissions include transportation, operation of utilities (e.g., power generation and transport), industrial activities, manufacturing, agriculture, and residential uses. End-use sector sources of GHG emissions in California are as follows: transportation (41 percent), industry (24 percent), electricity generation (15 percent), agriculture and forestry (8 percent), residential (7 percent) and commercial (5 percent) (California Air Resources Board (CARB) 2020)

Scientific consensus has identified human-related emissions of greenhouse gases (GHGs) above natural levels as a significant contributor to global climate change. GHGs are emissions that trap heat in the atmosphere and regulate the Earth's temperature, and include water vapor, CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ground level ozone, and fluorinated gases, such as chlorofluorocarbons (CFCs), hydro chlorofluorocarbons (HCFCs), and halons.

Primary anthropologic activities associated with GHG emissions include transportation, operation of utilities (e.g., power generation and transport), industrial activities, manufacturing, agriculture, and residential uses. End-use sector sources of GHG emissions in California are as follows: transportation (41 percent), industry (24 percent), electricity generation (12 percent), agriculture and forestry (8 percent), residential (7 percent) and commercial (5 percent) (CARB 2019). Assembly Bill (AB) 32 is a California State Law that establishes a comprehensive program to reduce GHG emissions from all sources throughout the state. AB 32 requires

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the CARB to develop regulations and market mechanisms to reduce California's GHG emissions to 1990 levels by 2020, representing a 25 percent reduction statewide, with mandatory caps beginning in 2012 for significant emissions sources (CARB 2014).

The SJVAPCD, the agency principally responsible for comprehensive air pollution control in the San Joaquin Valley Air Basin, adopted the Climate Change Action Plan (CCAP) in 2008, which provides guidance to assist SJVAPCD staff, valley businesses, land use agencies, and other permitting agencies in addressing GHG emissions as part of the CEQA process. In response, the SJVAPCD adopted a policy and guidance in December 2009 to provide direction assessing and reducing the impacts of project specific GHG emissions on global climate change from stationary sources. The policy is detailed in SJVAPCD Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency (SJVAPCD Policy) and guidance regarding this policy is provided in Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA.

The SJVAPCD Policy establishes the process to evaluate the significance of action-specific GHG emission impacts on global climate change and to establish Best Performance Standards (BPSs) to reduce action-specific GHG emissions. Use of BPSs is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Actions implementing BPSs are determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29-percent reduction in GHG emissions, from business-as-usual, is required to determine that an action would have a less than cumulatively significant impact. The SJVAPCD has not officially adopted a significance threshold for generation of GHGs from water exchanges to assess the level at which an action's incremental contribution is considered cumulatively considerable.

The SJVAPCD Policy applies to projects for which the SJVAPCD has discretionary approval authority over the Project and serves as the lead agency for CEQA purposes. However, land use agencies can refer to it as guidance for projects that include stationary sources of emissions. The guidance does not limit a lead agency's authority in establishing its own process and guidance for determining significance of action-related impacts on global climate change.

## DISCUSSION

### a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less than Significant.** The proposed Project would generate increased GHG emissions over the short-term related to operation of construction equipment. The total emissions from Project construction were modeled using CalEEMod (Appendix A). As presented in Table 7, the total estimated maximum annual unmitigated GHG emissions from construction activities would be 140.86 metric tons (MT) of carbon dioxide equivalent per year (CO<sub>2</sub>e/yr), which would not increase local emissions above the SJVAPCD significance threshold of 230 MT CO<sub>2</sub>e/yr. Therefore, impacts related to generation of greenhouse gas emissions would be less than significant.

**Table 7. Estimated Unmitigated GHG Emissions from Construction of the Proposed Project**

Construction Year	GHG Emissions (MT CO <sub>2</sub> e)
2021	140.86
<b>Amortized Over 30 Years</b>	<b>4.69</b>

<sup>1</sup> Construction GHG emissions for 2020 summed for Phases 1 and 2.  
Source: Appendix A.

Project operational activities would emit minimal GHGs from cultivation equipment (e.g., irrigation pumps), processing and distribution operations (e.g., building lighting, refrigeration, air conditioning and heating), and vehicular traffic. The total emissions from Project operations were modeled using CalEEMod (Appendix A). As presented in Table 8, emissions from operation of the Project would consist largely of electrical energy use and mobile source employee and material delivery vehicles. The total estimated annual unmitigated emissions from Project operation are estimated to be 705.97 MT CO<sub>2</sub>e/yr. However, it is important to note that estimated Project operational emissions are a worst case as they are gross emissions for total operations and do not reflect the Project’s anticipated net increase in annual emissions above existing annual GHG emissions generated by existing onsite cannabis cultivation activities.

**Table 8. Estimated Unmitigated GHG Emissions from Operation of the Proposed Project**

Annual Emissions by Category	GHG Emissions (MT CO <sub>2</sub> e)
Area	0.002
Energy	249.69
Mobile	287.60
Waste	32.11
Water	0.06
Total	569.46
<b>Total + Amortized Construction Emissions</b>	<b>574.15</b>

Source: Appendix A.

The total Project emissions including amortized construction GHG emissions and operation GHG emissions are estimated to be 574.15 MT CO<sub>2</sub>e/yr, which do not exceed the BAAQMD threshold<sup>1</sup> of 1,100 MT CO<sub>2</sub>e/yr for commercial land use development projects. Therefore, the Project would not require additional mitigation nor result in a significant impact from GHG emissions.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Less than Significant.** The Project would be consistent with BPSs required by the SJVACPD Policy. Fresno County does not have specific regulations regarding reducing GHG emissions and the proposed Project would not conflict with the CCAP adopted by the SJVAPCD. Therefore, impacts related to GHG emissions would be less than significant.

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<sup>1</sup> BAAQMD threshold used in this scenario as SJVAPCD has not established a threshold for this metric.

## IX. Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## ENVIRONMENTAL SETTING

The nearest schools are located in the City approximately 1 mile away from the Project Site. As determined through a search of the SWRCB online Geotracker records and the Department of Toxic Substances Control's (DTSC) data management system (EnviroStor), no current hazardous sites exist within a half-mile radius of the Project Site.

The Project is located within an airport land use plan for the William Robert Johnston Municipal Airport, and therefore experiences an exceedance of relevant noise level thresholds as a result of aircraft operations (Fresno Council of Governments 2018). The Project Site is within a 2-mile radius of a public airport, located approximately 0.5 miles to the east of the Airport. While there are several agricultural and private airplane landing strips throughout the County, the Project Site is not located within a 2-mile radius of a private airstrip. The nearest private air strip is the El Peco Ranch Airport, located approximately 14 miles to the northeast of the Project Site, outside of proximity to aircraft operations.

As discussed in Section XVII, *Transportation*, SR 33 and SR 180 are designated as the primary routes for emergency evacuation in the City's Circulation Element. The nearest segment of SR 180 is located almost one mile away by car. Both routes are designated as arterials in the General Plan, which means they accommodate a relatively high volume of traffic. The intersection at Belmont Avenue and Oller Street (SR 180), located 0.8 miles southwest of the Project Site, operates at Level of Service (LOS) B, which means it has very light congestion (City of Mendota 2009).

The Project Site is not located in a designated Fire Hazard Severity Zone (FHSZ). The closest FHSZ is 16.5 miles southwest of the Project Site at Interstate 5 (CalFire 2020). The site is 3.8 miles north of the nearest Federal Responsibility Area (CalFire 2020). Additionally, the Project is located in a predominantly agricultural area surrounded by irrigated farmland.

The City of Mendota Sub-Committee on Public Safety is the emergency management agency responsible for the planning, preparing, and coordinating of large-scale emergencies throughout the City. For emergency planning purposes, the City follows the evacuation plans of the Fresno County Office of Emergency Services (OES) and the Fresno County Fire Protection District/CAL FIRE.

## DISCUSSION

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? and**
- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?**

**Less than Significant.** Project construction would require the transport, storage, use, handling, and disposal of different types of hazardous substances including diesel fuel, oil, lubricants, and solvents. The transport, use, and disposal of any construction-related hazardous materials such as tractors and fuel would be handled in accordance with all applicable federal, State, and local requirements, including the City of Mendota Municipal Code Title 8 – Health and Safety regulations. As discussed in Section III, *Air Quality*,

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emissions from diesel vehicles and other construction equipment would not be generated at levels that are considered hazardous.

Project operations would require the use of standard agricultural operating materials that are considered hazardous, including fertilizers, pesticides, nutrient solutions, and small amounts of gasoline for machinery. Per State requirements, the Project would utilize a Nitrogen Management Plan (NMP) to minimize risks associated with the utilization and transportation of agricultural additives. The NMP is reviewed and updated annually as needed and provides detailed instructions for proper storage of hazardous materials in onsite designated Hazardous Materials Storage Facilities, as well as product preparation and crop application. The Project would also implement a Safety Plan, which outlines proper procedures and protocols for equipment operation, hazard reporting, and other requirements to ensure onsite safety. Both the NMP and Safety Plan include required employee training for equipment and product handling to minimize the potential for reasonably foreseeable upset and/or accident conditions

The hazardous materials and management standards proposed by the Project are typical within the agricultural industry, and potential impacts to the public or environment would be considered less than significant.

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

**No Impact.** The Project Site is not located within one-quarter mile of an existing or proposed school and as such, no impacts to schools are anticipated.

**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?**

**No Impact.** Review of records from the SWRCB and the DTSC identified no current hazardous sites existing within a half-mile radius of the Project Site. The Project Site location would not create a significant hazard to the public or the environment, and impacts would be considered less than significant.

**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?**

**Less than Significant.** The Project is located within an airport land use plan and is approximately 0.5 miles from the nearest public airport and approximately 14 miles from the nearest private air strip (Fresno Council of Governments 2018). However, the Project is not located within noise level contours of any airport land use plan, would not place uses in proximity to typical aircraft operations, nor would the Project include any uses that would affect air traffic patterns. Therefore, there would be no significant impact to employees, residents, or visitors from aircraft activities.

**f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**



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**Less than Significant.** Project construction and operation employees may utilize SR 180 or SR 33 to access the Project Site. SR 180 in this area of the City operates at LOS B throughout the day and night, which means traffic conditions in this area are generally quiet (see Section XVII, *Transportation*). Given this relatively minor increase in traffic along SR 180 due to employees entering and existing the Site, the Project would not interfere with emergency response, and impacts to emergency evacuation routes would be considered less than significant.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?**

**No Impact.** The Project would not expose people or structures to threats of wildland fires, as the it is not located in an area designated by CAL FIRE to be at risk for fires, nor near forested areas that may contain the hazard (CAL FIRE 2020).The Project would not lead to offsite effects related to wildland fire hazards; therefore, no wildfire impacts are anticipated.

## X. Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:				
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## EXISTING SETTING

The Project Site is located within a 100-year and 500-year flood plain associated with flooding from the San Joaquin river and Fresno Slough and is designated as Flood Zone A (Special Flood Hazard Area) by the FEMA Flood Insurance Rate Maps (FIRM), Panel 06019C1463H. Flood Zone A (Special Flood Hazard Area) is a designation given to areas identified as being subject inundation by the 1-percent-annual-chance flood event generally determined using approximate technologies (FEMA 2020). The San Joaquin River and Fresno Slough are located approximately 0.5 mile east of the Project Site. The Site is generally level with overall drainage conveyed to the east. Belmont Avenue and SR-180 lack curbs or gutters and no developed storm drains or other public drainage infrastructure exists on or adjacent to the Project Site. Drainage from the site is absorbed into the soil and/or conveyed overland by sheet flow across neighboring properties, eventually reaching the Fresno Slough.

Flooding is a key concern for City residents, particularly in the northwest portion of the City at the intersection of SR 33 (Derrick Avenue) and Bass Avenue, approximately 1.35 miles northwest of the Project Site. One of the City's two designated stormwater retention basins is located northeast of this intersection, in the Hacienda Gardens development area (approximately 1.2 miles northwest of the Project Site). According to the General Plan, this basin which has a maximum storage capacity of 20 acre feet periodically fails (City of Mendota 2009).

The City also experiences flooding due to runoff from Panoche Creek, which lacks an established drainage course to the Fresno Slough as it approaches the City from the west. Panoche Creek terminates at Belmont Avenue approximately seven miles west of the existing City limits. Flooding along Belmont Avenue within the City has been partially alleviated by a storm drain project that involved the construction of a flood wall along the northern right-of-way of Belmont Avenue and by raising the elevation of each cross-street intersection. The project was designed to channel floodwater from the west along Belmont Avenue and prevent flooding in the rest of the City to the north. Stormwater on Belmont Avenue continues eastward to the Caltrans right-of-way at SR 180 and then proceeds south towards the Fresno Slough (City of Mendota 2009).

The Project Site is not located within an area known to be at risk from flooding as a result of seiche or tsunami hazards and is not located near any physical or geologic features that would produce a mudflow hazard (City of Mendota 2009).

The Project Site overlies the Delta-Mendota Subbasin of the San Joaquin Valley Groundwater Basin. The Delta-Mendota Subbasin was designated a high priority basin under the California Statewide Groundwater Elevation Monitoring (CASGEM) and Sustainable Groundwater Management Act (SGMA) programs (County of Fresno 2020). Groundwater in the Delta Mendota Subbasin is characterized by the presence of mixed sulfate to bicarbonate types in the northern and central portion with areas of sodium chloride and sodium sulfate waters in the central and southern portions, but is generally good for agricultural and municipal uses. Shallow, saline groundwater occurs within about 10 feet of the ground surface over a large portion of the Subbasin, with localized areas of elevated concentrations of pollutants such as iron, fluoride, nitrate, and boron (County of Fresno 2020).

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The SWRCB has adopted the comprehensive Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy) and General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), which include principles and guidelines for cannabis cultivation within the state (SWRCB 2019). The general requirements and prohibitions included in the Cannabis Policy address a wide range of issues related to water and water quality, including riparian setbacks and compliance with state and local permits. The Cannabis General Order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers. The law requires that cannabis cultivators provide evidence of compliance with the Water Boards' Requirements (or certification by the appropriate Water Board that a permit is not necessary) as part of their application for a CDFA cannabis cultivation license.

## DISCUSSION

**a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**Less than Significant.** Project construction and operational activities required to support cannabis cultivation would have potential for ground disturbance, runoff, and contamination generated from machinery and sediments. The introduction of sediment or pollutants to surface and groundwater sources during construction could occur through site grading; spoil sites; and leaks of petroleum products or other chemicals associated with cannabis activities (e.g., tractors, excavators). During Project operation, the introduction of sediment or pollutants could occur from the following sources: soils, fertilizers, pesticides, herbicides, and rodenticides; trash associated with cannabis cultivation or associated manufacturing; human waste; and spills or leaks of petroleum products or other chemicals associated with pumps and cultivation equipment.

The Applicant would therefore be required to comply with Waste Discharge Requirements (WDRs) of the CVRWQCB as a standard Condition of Approval, as well as a Storm Water Permit. Additionally, the Project would be required to meet Fresno County Environmental Health Division requirements and standards for water and wastewater systems, including the review and approval of a water supply source plan as well as a sewage disposal site plan/evaluation report. Test results that show that the water supply for domestic uses meets water quality and quantity standards shall be submitted to Environmental Health Division. Consistent with the requirements of the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) Program General Construction Permit Program, a Stormwater Pollution Prevention Plan for the Project would also be submitted to City Engineering staff.

The Project is not expected to directly result in runoff that would potentially impact water quality standards. The Project would utilize BMPs and other required measures for proper onsite water system management and sewage disposal to prevent possible storm water pollution. Given implementation of these measures, Project operations would not be expected to result in any form of runoff where pollutants could be mobilized into nearby surface and ground water sources and exceed water quality standards. The Project would not be expected to substantially degrade surface and/or groundwater, and impacts would be considered less than significant.

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**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

**Less than Significant.** The Project's projected water demand is estimated to be 100 to 150 AFY. An additional 1-2 AFY of potable water is anticipated for municipal uses onsite associated with typical business operations (restrooms, bathrooms, sinks, etc.). New infrastructure would be constructed to support municipal uses such as restrooms, hand wash stations, and drinking water. A new pipeline is proposed extending along Belmont Avenue. The Project would utilize the City municipal water supply via a connection to the transmission main network. The City sources high-quality, potable water from three primary production groundwater wells located on a private well field approximately 3.5 miles northeast of the City, near the San Joaquin River, and has two emergency backup wells off Bass Avenue (City of Mendota 2009).

Under a lease agreement with the well field property owners, the City obtains higher-quality groundwater for domestic consumption in exchange for lower-quality water suitable for crop irrigation that is pumped from City-operated groundwater wells located west of the Fresno Slough. Per the existing lease agreement, the City pays a flat annual rate to pump up to 2,000 AFY before additional rent must be paid to the property owner. Pumping over 2,000 AFY requires additional annual rent in increments of 100 AFY. As of the 2017-18 fiscal year, the City pumped approximately 1,800 AFY to meet its water demand of 1,485 AFY. City water demand is projected to increase with anticipated future development to an estimated 2,200 AFY by 2025.

The City provided a Will Serve letter to the Applicant on August 18, 2020. The letter states that the Project will utilize water supplies delivered by the City in accordance with the City's Lease Agreement with the outside water provider, which is subject to regulatory actions beyond the City's control such as required measures under the Sustainable Groundwater Management Act. These measures may include reductions in water supply during periods such as a drought that would be proportionate to those required of other City rate payers; and disproportionate reductions in water supply would not be imposed on the Project. Finally, due to the relatively small area that would be improved with impervious surfaces, in addition to the proposed onsite catch basins, the Project is not anticipated to reduce overall groundwater recharge capabilities. With these measures in place and complying with the requirements of the Will Serve letter and groundwater agreement, the Project would have less than significant impacts on groundwater supplies.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

- i)** Result in substantial erosion or siltation on- or off-site;
- ii)** Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
- iii)** Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- iv)** Impede or redirect flood flows?

**Less than Significant.** Development of the Project would create approximately 68,000 sf (1.6 acres) of new impermeable surfaces. Runoff generated from new impervious surfaces would generally flow to the

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northeast in overland sheet flow similar to existing conditions, into proposed stormwater retention basins to be constructed in the northern part of the Project Site. Using the Rational Method Equation for calculating runoff, development of the Project would potentially capture up to 21.9 AFY of stormwater rainfall throughout the year, dependent on intensity of rain and capacity of the basins. The proposed stormwater retention basins would be covered to prevent water evaporation, through the use of a physical covering or shade balls. Additional runoff from the cultivation operation and other onsite stormwater would largely percolate within the Project Site or otherwise be directed towards the onsite stormwater basins and subject to the required implementation of BMPs discussed below.

Construction of the Project would be required to comply with City Engineering Standards, and CVRWQCB Storm Water Permit program that would require BMPs to address storm water quality, erosion, and sediment control on- and offsite. Given the Project would disturb more than one acre, the Applicant would also be required to obtain a General Construction Activity Storm Water Permit from the CVRWQCB for stormwater discharges. Consistent with the requirements of the Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) Program General Construction Permit Program, a SWPPP for the Project would also be submitted to City Engineering staff to eliminate or substantially reduce potential for generation of polluted runoff and associated degradation of downstream water quality.

Compliance with applicable permits and new infrastructure onsite would minimize flooding and erosion. Based on the anticipated slight increase in runoff and proposed drainage infrastructure on the Project Site, the increase in stormwater runoff generated by new impervious surfaces under the Project would be minimal. Finally, the Project proposes minimal impervious surfaces and structures that would impede flood flows or increase runoff. Therefore, impacts to flood flows and runoff would be minimal and impacts would be less than significant.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

**Less than Significant.** The Project Site is not in an area subject to seiche or tsunami hazards. However, it is located inside a 500-year flood plain as indicated by FEMA. In the unlikely event of a 100- or 500-yr storm event, the inundation zones indicate areas that could potentially be flooded, with greater threat to developed areas located within proximity to the Fresno Slough and San Joaquin River and less threat to City's developed and surrounding agricultural areas in the flat expanses of the Central Valley. The SWRCB has adopted the comprehensive Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy) and General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order), which include principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the Cannabis Policy address a wide range of issues, from compliance with State and local permits to riparian setbacks. The Cannabis General Order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers. The law requires that cannabis cultivators provide evidence of compliance with the Water Boards' Requirements (or certification by the appropriate Water Board stating a permit is not necessary) as part of their application for a CDFA cannabis cultivation license. These regulations would mitigate the release of pollutants in the case of flood inundation. Development of the Project would also not result in increased

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exposure of adjacent nearby development and populations to significant loss, injury, or death from flooding in the event of extreme flooding. Therefore, impacts are considered less than significant.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Less than Significant.** As discussed above, the Project Site lies within the Delta-Mendota Subbasin of the San Joaquin Valley Basin. Though the City of Mendota is its own Groundwater Sustainability Agency (GSA), it is subject to the Delta-Mendota Subbasin Groundwater Sustainability Plan (GSP). The Delta-Mendota Subbasin is designated a high-priority basin under the CASGEM and SGMA programs, with the County of Fresno serving as the GSA. Project water demands on the City's municipal sources would generally be consistent with the forecast for the Delta Mendota Subbasin GSP and the City would be responsible for participating in actions to improve basin sustainability such as groundwater recharge.

The cannabis waste discharge requirements described above include measures that would protect water quality. The Project relies on municipal water supplies provided by the City, and the City provided a Will Serve letter, described above. The Project would not install a well onsite that would tie directly to the underlying groundwater basin. Therefore, the Project would not have direct impacts on the GSP and would be subject to the requirements of the City's Lease Agreement regarding water supply, resulting in less than significant impacts.

## XI. Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL SETTING

The Project is located within the City of Mendota, near the eastern edge of the City boundary approximately one mile east of the downtown area and one mile north of SR-180. The property is surrounded by other agricultural and industrial uses. Land use in the City is governed by the Mendota General Plan – particularly the Land Use Element. Land Use maps and policies define boundary lines and characterize the intensity of development in the City. The City’s General Plan also guides the physical development of the City, establishes a pattern of land utilization, and also sets out standards for both the density of population and the intensity of development for each of the defined land use classifications. The Project is located on land designated under the Public/Quasi-Public Facilities land use in the General Plan and zoned P-F with the Commercial Cannabis Overlay District.

## DISCUSSION

### a) Physically divide an established community?

**No Impact.** The Project Site is located on vacant land abutting the City’s WWTP, an operative PV facility, and an inoperative biomass power plant and is proximal to ongoing agricultural activities. The facilities and uses proposed would be similar in nature and intensity to nearby uses and would not present a barrier to access, visibility, or operations, or function of existing or future facilities. Therefore, the Project would not physically divide an established community.

### b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

**Less than Significant.** The Project proposes an amendment to the existing General Plan Land Use and the existing zoning of the site to allow for its lawful operation. Therefore, with the Project’s proposed General



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Plan Amendment and implementation, the Project would be compliant with the General Plan and zoning and impacts would be less than significant.

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## XII. Mineral Resources

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## ENVIRONMENTAL SETTING

The Project Site is not located within any identified area of significant aggregate deposits, as classified by the California Department of Conservation. Most aggregate resources near the City are located in the Fresno Production-Consumption Region, the boundary of which is approximately 5 miles west of the Project Site (CDC 2020).

## DISCUSSION

- 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?; and**
- 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?**

**No Impact.** Implementation of the Project would result in development of land that is currently vacant for cannabis cultivation and fallow area and would not result in the loss of any known mineral resources. The Project would not result in any impacts to known mineral resources.

**XIII.Noise**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 of applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ENVIRONMENTAL SETTING**

Noise levels can be presented in several ways. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) compensates for the difference in humans' ability to hear perceive various soundwave frequencies by discriminating against frequencies in a manner approximating the human ear. Averaged noise levels over a 24-hour or annual period can be depicted using Community Noise Equivalent Level (CNEL) measurements. CNEL measurements incorporate a penalty for noises occurring during the late night and early morning (7:00PM to 7:00 AM). Studies have indicated that a noise level increase of 3 dBA is barely perceptible to most people, a 5 dBA increase is readily noticeable, and a difference of 10 dBA would be perceived as a doubling of loudness (California Department of Transportation 1998).

The City of Mendota Code of Ordinances, Chapter 9.05 – Noise Control, states that no person or property owner can produce noise in excess of the adopted sound limits (Table 9).

**Table 9. Mendota Noise Regulations**

Sound Level Limits		
Daytime	7:00am – 7:00pm	55 dBA
Evening	7:00pm – 10:00pm	50 dBA
Nighttime	10:00pm – 7:00am	45 dBA

*Source: City Code of Ordinances, Chapter 9.05, Section 9.05.040*

The proposed Project is located approximately 0.5 miles west of a residential neighborhood. Vehicle trips along roadways are the primary sources of continuous noise generation in the Project vicinity, and farming activities such as operation of heavy equipment or trucks can also generate periodic high noise levels. The General Plan shows noise levels ranging at approximately 60-65 CNEL throughout the City at major street intersections (City of Mendota 2009).

The Project is separated from sensitive receptors such as residential area and churches approximately 0.6 mile away by intervening features such as the PV facility, Belmont Avenue, and William Robert Johnson Municipal Airport. The entire Project Site and vicinity is zoned for Public Facilities, and Industrial to the south.

The City's Noise Control Ordinance (Mendota Code of Ordinances Chapter 9.05) specifies standards for sources of excessive noise affecting sensitive receptors such as residences, schools, hospitals, churches, and libraries. Sources causing exterior noise levels in sensitive areas to exceed 55 dBA daytime (7am-7pm), 50 dBA evening (7pm-10pm), or 45 dBA nighttime (10pm-7am) are prohibited by the ordinance, with specific exceptions for construction activities in line with the Municipal Code.

## DISCUSSION

- 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?**

**Less than Significant.** Project development could generate both short-term construction and incremental long-term operational noise increases in the Project vicinity. Major Project construction activities would be audible at nearby uses, including the municipal airport, agricultural operations, Covanta Energy, and the adjacent PV facility, although the later two uses are generally unoccupied. More distant residential uses, which generally lie more than 0.5 mile to the west, may experience incremental distant increases in noise, but noise attenuation of this large distance would assure that noise standards would not be exceeded. Increased vehicular trips from construction crew commuting and the transport of construction equipment and materials to the Project Site would incrementally increase noise levels on Belmont Avenue and SR-180. While heavy trucks passing residences could create peak noise events of 86 decibels at 50 feet (Caltrans 2013a), such effects would be brief, similar to the operation of typical farm equipment used in the region, and would not affect day time or evening ambient noise levels. Second, noise would be generated from removal of existing site debris, grading of level pads, and construction of commercial buildings. The Zoning Ordinance exempts construction from basic noise regulation on the times and days when construction activities are allowed. While occasional intermittent noise impacts from construction equipment

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would exceed maximum allowed ambient noise levels at the border of the adjacent agriculture site, they would be similar to noise associated with ongoing agricultural activities at and near the Project Site and would not substantially increase average operational noise.

Long-term noise sources from Project operation would include those from onsite agricultural activities (e.g., tractor operation) and from mobile sources such as transport vehicles (e.g., Sprinter vans) for deliveries to and from the site up to five times a day during an 8-hour operational period, as well as site access for employees and delivery vehicles during typical farming hours of operation from an estimated 6:00<sub>A.M.</sub> to 6:00<sub>P.M.</sub> Monday through Friday. Noise levels from this Project generated traffic would not exceed 40 dBA at 50 feet (Caltrans 2013a). Mobile noise from standard farm machinery such as pickup trucks would also be generated. Stationary noise sources would come from fertigation systems, air compressors, agricultural well pumps, chippers, and other machinery commonly used in farming activities. Cannabis processing operations would be located within enclosed structures and would not generate substantial increases in noise levels for adjacent land uses. Therefore, noise impacts from operations would be considered less than significant.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**No Impact.** Groundborne vibration levels may be measured similar to noise in vibration decibels (VdB). Typical construction vibration levels range from 58 VdB at 25 feet for a small bulldozer and up to 112 VdB for a pile driver (Caltrans 2013b). However there would be no pile driver used for the construction of this Project and any vibration caused at or near the site would not impact the nearest sensitive receptors and residential areas over 0.5 miles from the Project Site opposite the existing airport. Therefore, vibrations that could occur on the Project Site as a result of Project construction or operation would have no significant impact on adjacent communities.

**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?**

**Less than Significant.** The Project is located within 0.5 miles of the Airport to the west of the Project Site. However, as the runway runs from north to south parallel to the Project Site, most noise impacts would be experienced by users directly north and south of the Airport, as shown in the Fresno County Airport Land Use Compatibility Plan (Fresno Council of Governments 2018). The Site is outside the 60, 65, 70, and 75 CNEL future noise contours. In addition, parcels to the north, south, and east of the Project Site are used for agriculture. Therefore, the Project expose minimal people within the Project Site to excessive noise levels, would not contribute significant ambient noise to the area, and impacts would be less than significant.

**XIV. Population and Housing**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ENVIRONMENTAL SETTING**

The Project Site is located within the City and is largely surrounded by rural agricultural areas on P-F zoned land currently undeveloped. The nearest residential community to the Project Site in the City is located approximately 0.5-mile west and the nearest community outside the City is the City of Firebaugh approximately 8.5 miles northwest. A report generated by the Fresno County Council of Governments in 2017 predicted that the population of Mendota in 2020 would be 11,920 people, and that there would be 2,670 total households. The report projected 900 total jobs in the City, with 160 in agriculture (Fresno Council of Governments 2017). Over the past three years, the unemployment rate for the City’s population has exceeded 9 percent and as high as 18 percent, which is above the state average of approximately 4 percent (U.S. Census Bureau 2020).

**DISCUSSION**

- a) **Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?**

**Less than Significant.** The proposed Project is estimated to result in the employment of 20 full-time employees and up to 40 additional employees during cultivation periods (i.e. planting, harvesting), for a total of 60 employees during peak periods. With consideration for the City’s employment rate, full-time employment positions offered by the Project are expected to be filled by existing residents of the City or surrounding communities as part of the area’s agricultural economy. While the Project would extend a paved road east onto the Project Site, and introduce limited water supply infrastructure, these facilities

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would not extend beyond the City limits, with bordering uses outside the City all designated for agricultural use and not planned for residential uses. Further, the Project Site is well separated from much in the City, and the City's Sphere of Influence does not extend beyond the City limits in this area. Therefore, the Project would not result in substantial direct or indirect growth inducement, and impacts would be less than significant.

**b) Displace a substantial number of existing people or housing units, necessitating the construction of replacement housing elsewhere?**

**Less than Significant.** There are no existing onsite residences located within the Project Site. The Project would not displace any existing housing units or existing residents and is not expected to substantially increase the population or require construction of new or replacement housing. All new employees for the Project are anticipated to reside within the City or nearby unincorporated communities within Fresno County. Therefore, the Project would not contribute substantially towards the local population growth or demand for housing and impacts would be less than significant.

**XV. Public Services**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the following public services:</p>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ENVIRONMENTAL SETTING**

The Fresno County Fire Protection District (FCFPD), the governing body responsible for administration of fire protection services at the Project Site, is staffed 24 hours a day, 365 days a year. The closest office to the Project Site is located at 101 McCabe Avenue, approximately 1.3 miles from the Project Site, or a 2-mile, 5-minute drive. The daily emergency response staffing for the entire fire district is 48 personnel. This staffing includes seven Battalion Chiefs, thirteen 2 – 3 Person Engine Companies, one 3-Person Truck Company, one Medium Rescue Unit, Water Tenders and Patrols housed in 13 full time fire stations (FCFPD 2020).

Law enforcement within the City is provided by the Mendota Police Department (MPD), with the City’s police station located approximately 0.5 mile to the west of the Project Site. By car the route is approximately 1.3 miles, or 4 minutes away. The MPD employs a total of 19 personnel, including 12 sworn Police Officers and six volunteer Reserve Police Officers. The City’s police station is staffed 24 hours a day, 365 days a year. Dispatch is located 8 miles north of the City in the City of Firebaugh. Mendota and Firebaugh Police Officers operate jointly on one dispatch ratio channel (City of Mendota 2020). Additional dispatch from the County Sheriff’s department may be involved in emergency response throughout the City (Sergeant Jorge Urbieta 2020).

There are no schools, parks, or libraries located within proximity of the Project Site. The nearest such facilities are located between approximately 1.0 and 1.5 miles to the west of the Project Site. Facilities closest to the Project include Mendota High School (1.0 mile), Mendota Elementary School (1.0 mile), and



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the Mendota Branch Library (1.4 miles). Other nearby public facilities of regional importance include the William Robert Johnston Municipal Airport (0.5 mile) and Mendota City Hall (1.1 miles). The closest park is Veteran's Park, located 0.8 miles west of the Project Site.

## DISCUSSION

### a) Fire protection?

**Less than Significant.** Construction and operation of the Project would incrementally increase the demand for emergency response service, including for fire protection and emergency medical services. According to Fire District staff, FCFPD has enough staff to service the site (Eric Watkins 2020). Backup fire protection and emergency medical response services are available from the Tranquillity fire station south of the City of Mendota, and from the City of Firebaugh. The Project must have a system in place to allow FCFPD access through the entrance gate in case of emergency. Pending review from the District, the Project would be compatible with all fire regulations (Eric Watkins 2020).

The Project would comply with all applicable fire codes, including provision of fire suppression equipment and onsite water supply, as required by the FCFPD. Additional improvements required by FCFPD would be accommodated within the site as needed within currently undeveloped areas (e.g., compaction, all-weather access, hammerhead turnaround, etc.; see Figure 3). Project construction would be conditioned to ensure an adequate onsite water supply is secured for fire-fighting purposes, as approved by the FCFPD. The Project would include a fire tank and pump located on the northern portion of the Site near the Storm Water Retention Catch Basin. This water would be available for both irrigation and emergency purposes. Mandatory employee training would include fire prevention and extinguishment. Prior to issuance of required building permits, the City would require the Applicant to remit any applicable impact fees. The FCFPD would also review the site plans (e.g. primary/secondary access, turning radii for fire equipment) to ensure access for fire trucks is provided throughout the Project Site. Implementation of City and FCFPD conditions and standard development requirements relating to fire protection measures (e.g., payment of development impact fees), as well as implementation of construction standards that meet current building and fire codes, would minimize impacts to fire protection services. Therefore, the change in demand for fire services would not require the provision of new or physically altered fire facilities and impacts would be less than significant.

### b) Police protection?

**Less than Significant.** The Project Site would continue to be served by the Mendota Police Department. Currently, MPD's employees and facilities are considered sufficient to meet current and expected demand for law enforcement (Sergeant Jorge Urbieta 2020).

Added employment at the site and the potential for theft and intrusion at the Project Site would potentially increase the need for local law enforcement services. The Applicant includes a Site Security Plan in compliance with state cannabis regulation that identifies policies, protocols, and other mechanisms to address the potential for criminal activity. The Security Plan includes utilization of a security fence, motion sensors, and surveillance. These security measures are considered to reduce potential for theft, vandalism, or intrusion and would serve to reduce demand for local law enforcement services. While MPD resources

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are currently adequate to address City law enforcement needs, onsite security measures would reduce further potential for vandalism and would not substantially increase the need for additional police protection services or facilities, therefore resulting in less than significant impacts to police protection services.

- c) **Schools?**
- d) **Parks?**
- e) **Other public facilities?**

**Less than Significant.** The employment of 20 full-time employees and up to 40 seasonal employees is anticipated to be fulfilled from the City and surrounding communities (see Section XIV, *Population and Housing*), and so is not anticipated to generate an increase of new residents to the area. Therefore, the Project would not introduce an influx of employees and residents that would require additional schools, parks, or other public facilities such as libraries, hospitals, or satellite City offices that may result in additional environmental impacts. Prior to receiving any required building or operation permits, the Applicant would remit any applicable impact fees to address increased demand for these resources (e.g., parks, schools). Impacts would be considered less than significant.

**XVI. Recreation**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ENVIRONMENTAL SETTING**

The Project Site is located in a rural agricultural area and would involve the construction of agricultural, processing, and distribution support facilities on a parcel currently designated and zoned for public facilities. There are no recreational facilities on or within the vicinity of the Project Site. The nearest parks and recreational facilities consist of the three City owned facilities including Veteran’s Park, Jess Gill Park, and Rojas Pierce Park, located between approximately 1.0 and 1.5 miles to the west. In addition to resources provided by the City, the Mendota State Wildlife Area is located approximately three miles to the south of the City, offering miles of recreation facilities and nearly 12,000 acres of wildlife habitat (City of Mendota 2009).

**DISCUSSION**

- 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?; and**
- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

**Less than Significant.** The Project would not require the construction of additional recreational facilities nor substantially increase the use of existing recreational facilities. As discussed in Section XIV, *Population and Housing*, the majority of future employees are anticipated to currently live within the City or in nearby surrounding communities within Fresno County, which are linked to the City by SR 33

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and SR 180. Therefore, demand for or use of recreational facilities is not expected to increase, nor require the construction or expansion of recreational facilities that may detrimentally impact the environment, and associated impacts would be considered less than significant.

**XVII. Transportation**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the Project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**ENVIRONMENTAL SETTING**

A Traffic Memo (Appendix D) was prepared for this Project by KD Anderson & Associates, Inc., and was used to inform the environmental document analysis.

Existing Roadway Network

The Project Site is located east of State Route 180 beyond the Union Pacific Railroad (UPRR) and Mendota airfield. Entrance to the Project Site would be provided by a paved road from the end of Belmont Avenue, and compacted earth roads would be present for circulation within the Site. The following streets and intersections serve the area of the Project.

State Route 180 (Oller Street) is the primary arterial through the City of Mendota. SR 180 provides access to the City of Fresno to the east and terminates at the intersection with SR 33 in the northwest corner of Mendota. The highway has two lanes in each direction within Mendota, from Belmont Avenue (W) north to

SR 33. The roadway narrows to a two-lane facility south of Belmont Avenue (W). Caltrans' Transportation Concept Report (TCR) for the highway indicates that the ultimate plan for both segments is a four-lane expressway. A Route Adoption Study was completed in March 2013 that analyzed a plan line to connect SR 180 to I-5. In 2002, the policy board of the Council of Fresno County Governments (COFCG) supported the Caltrans District 6 proposal to add SR 180-West between Route 99 and I-5, to the National Highway System (NHS) routes.



The most recent traffic volume data reported by the California Department of Transportation (Caltrans) indicates that in 2018 SR 180 carried an Average Annual Daily Traffic (AADT) volume of 10,600 vehicles per day south of the SR 33 junction, 6,700 north of the Belmont Avenue (W) intersection and 7,300 AADT south of Belmont Avenue (W). Caltrans data indicates that trucks comprise 9% of the daily traffic on SR 180.

Belmont Avenue is an east-west Arterial street that runs along the south side of Mendota. Today the western segment of Belmont Avenue extends west from a “tee” intersection on SR 180 across SR 33 and into Rural Fresno County. The portion of Belmont Avenue west of SR 180 is a two-lane roadway with continuous Two-Way Left-Turn lane and Class 2 Bike lanes. The Mendota General Plan indicate that this roadway carried peak hour volumes that were equivalent to roughly 3,000 vehicles per day (vpd) when that document was prepared.

Belmont Avenue (E) also extends easterly beyond SR 180 and would provide access to the Project Site. This segment is designated a two-lane Industrial Collector street in the circulation element and originates at a “tee” intersection with SR 180 roughly 800 feet to the south of the Belmont Avenue (W) intersection. From that point the road crosses the UPRR and turns northerly along the east side of the airport. The portion of Belmont Avenue from SR 180 to the UPRR is a four-lane facility but narrows to a two-lane roadway through the Marie Street intersection about 100 feet east of the railroad. The paved two-lane section continues for about 0.5 mile and ends roughly 320 feet south of the existing PV facility. Based on interpolation of the weekday peak hour traffic volume counts collected for this study, the daily traffic volume on Belmont Avenue east of SR 180 is estimated to be roughly 500 vpd.

Marie Street and Guillan Park Drive are local streets that intersect Belmont Avenue in the area east of the UPRR. Marie Street extends north along the west side of the railroad to an intersection on 9th Street near its UPRR crossing and continues its northern terminus at 2nd Street. Guillan Park Drive intersects Belmont Avenue (E) about 375 feet north of Marie Street and extends easterly.

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The SR 180 / Belmont Avenue (E) intersection is a “tee” controlled by a stop sign on the westbound Belmont Avenue approach. The SR 180 approaches have single lanes, and no left turn lane is available on the state highway. The Belmont Avenue approach has separate left turn and right turn lanes, and the intersection is wide enough to accommodate truck turns. Streetlights exist on the northeast and southwest corners. No crosswalks are striped at this intersection.

The SR 180 / Belmont Avenue (E) intersection provides the only access to the Project Site. New weekday a.m. and p.m. peak hour traffic counts were conducted in January 2020 at this location to establish the current Level of Service. Based on the methods contained in the 2010 Highway Capacity Manual (HCM) the westbound approach at this location operates LOS B. Based on methods contained in the Manual of Uniform Traffic Control Devices (MUTCD) current peak hour traffic volumes fall far below the level that would justify an all-way stop or traffic signal.

The UPRR Crossing on Belmont Avenue (E) is equipped with cantilevered flashing-light signals combined with automatics gates. Warning signs and crossing pavement markings exist on both approaches.

### Other Transportation Options

Fresno County Rural Transit Agency (FCRTA) services are currently available to the elderly (60 yrs+), disabled, low-income, and general public patrons within 13 incorporated cities of Fresno County. Limited service is available to neighboring counties, and there are no transit stops within 0.5 mile of the Project Site. Currently, the FCRTA has 18 transit subsystems that are offered on a demand responsive and/or scheduled, fixed route basis. Scheduled, multiple roundtrips, intercity service is provided to Mendota through Kerman to the Fresno-Clovis Metropolitan Area and to Firebaugh, Monday through Friday, by the Westside Transit system. Demand responsive services are also available Monday through Friday.

The Fresno County Regional Active Transportation Plan (ATP) describes facilities in Mendota. Pedestrian circulation is currently provided by the 45.4 miles sidewalk system in residential and commercial neighborhoods throughout the City. There are no Class I bike paths in Mendota, but 1.2 miles of Class II bike lanes exist. The closest bike lanes are on Belmont Avenue west of SR 180.

The City of Mendota is bisected by a branchline of the UPRR that is operated by the San Joaquin Valley Railroad Company. Movement between the western and eastern portions of the City is severely restricted by the railroad line. The only crossing within the central portion of the City is via 9<sup>th</sup> Street. One additional crossing occurs in the northwest where SR 33 crosses the tracks and provides access via the intersection with Bass Avenue.

## **DISCUSSION**

### **a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

**Less than Significant.** The proposed Project would generate both short-term construction increases in traffic and long-term operational increases. The City of Mendota General Plan describes the traffic operating

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conditions on City streets and at intersections in terms of Level of Service, and policy C 1.2 describes City goals for the operation of its streets.

POLICY C-1.2 Seek to maintain operations on all roadways and intersections at Level of Service C or better at all times, including peak travel times, unless maintaining this Level of Service would, in the City's judgment, be infeasible and/or conflict with the achievement of other goals. Congestion in excess of Level of Service C may be accepted in these cases, provided that provisions are made to improve traffic flow and/or promote non-vehicular transportation as part of a development project or a City-initiated project.

The Caltrans SR 180 Transportation Concept Report, 2014 (SR 180 TCR) indicates that SR 180 north of Belmont Avenue (W) operates at LOS C and is expected to continue to operate at LOS C into the foreseeable future. The two-lane segment south from Belmont Avenue to Panoche Road is reported to operate at LOS D and was projected to operate at LOS E in the Year 2035.

The Mendota General Plan EIR described current traffic operations at major intersections and roadway segments during peak hours. The Level of Service at SR 180 / Belmont Avenue (W) intersection was LOS B. The Level of Service on Belmont Avenue west of SR 180 was LOS B in the a.m. peak hour and LOS C in the p.m. peak hour. East of SR 180, the roadway provides LOS C in the a.m. peak hour and LOS B in the p.m. peak hour.

Project construction would require construction employee vehicle trips as well as haul, material delivery and concrete truck trips associated with site preparation, grading, and building construction. Construction would be completed over a 6-month period. Construction would involve the use of several large flatbed trucks to deliver heavy equipment and building materials, haul trucks to remove debris or deliver gravel, and concrete trucks to pour foundations. Construction traffic would intermittently peak during periods of material delivery and debris removal with periods of lower levels of traffic trips for general construction of the onsite structures and associated facilities. The construction vehicle trips would occur on roadways with efficient level of service, would be short term associated with the smaller building sizes, and would not obstruct existing adopted programs addressing circulation.

The Project would generate automobile and truck traffic as a result of employee commute activities as well as from deliveries to and from the site by truck and van. The Project is expected to employ 60 persons during harvest, while the number employed at the site on a regular basis outside of harvest would be less. Truck activities would occur at various times. Delivery schedules for nutrients and general supplies to the site could occur once every week or two. Nutrients are typically shipped via a single-unit truck. State mandated cannabis waste pick-up typically occurs every two months, and single unit trucks would also be used for this purpose. It is anticipated there could be up to three (3) deliveries on a weekday should all schedules coincide, not including general mail delivery from the U.S. Postal Service. It is anticipated there would be days with no deliveries. Outdoor cultivation of cannabis is proposed to occur year-round, with one or two harvests anticipated to occur each year. Distribution operations would involve delivery/loading of cannabis product up to 5 times using single unit trucks or vans during an 8-hour operational period each day.



The amount of vehicle traffic associated with the Project is described in terms of vehicle “trips”. Each roundtrip consists of one vehicle trip in and one vehicle trip out or two trips total. For this Project, the number of trips would vary from day to day based on the level of delivery and shipment activity that occurs on a particular day.

To provide a “worst case” assessment of daily traffic, the following assumptions have been made:

- All 60 peak-season employees would generate trips that are “new” to the site
- All weekly deliveries to the site occur on the same day
- All five shipments from the site occur on the “worst case” day

As noted in Table 10, on a “worst case” basis the Project could generate 140 daily vehicle trips in the peak season, of which 16 would be trucks or vans and 124 would be automobiles.

**Table 10. Trip Generation Estimate**

Activity	Quantity	Schedule	Trip Rate per Day	Daily Trips			PM Peak Hour Trips	
				Total	Trucks and Vans	Cars	In	Out
<b>Employee Commute</b>	60	Daily	2 per employee	120	0	120	0	30
<b>Miscellaneous Deliveries</b>	2	Daily	2 per delivery	4	0	4	1	1
<b>Deliveries to the Site</b>	3	Weekly	2 per delivery	6	6	0	1	1
<b>Shipments from the Site</b>	5	Daily during harvest	2 per shipment	10	10	0	1	1
<b>Total</b>				140	16	124	3	33

A portion of the Project’s daily traffic may fall within typical peak commute hours that are the subject of traffic analysis under Fresno County traffic study guidelines (i.e., 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.). Typically, employee commute activity constitutes the majority of peak hour trips. For this analysis it was assumed that the share of the daily traffic accompanying cannabis facilities falling in peak hours would be similar to the share identified for other employment related businesses (see Appendix D for full analysis).

The Mendota General Plan EIR described current traffic operations at major intersections and roadway segments during peak hours. The Level of Service at SR 180 / Belmont Avenue (W) intersection was LOS B. The Level of Service on Belmont Avenue west of SR 180 was LOS B in the a.m. peak hour and LOS C in the p.m. peak hour. East of SR 180, the roadway provides LOS C in the a.m. peak hour and LOS B in the p.m. peak hour.

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The SR 180 / Belmont Avenue (E) intersection provides the only access to the Project Site. New weekday a.m. and p.m. peak hour traffic counts were conducted in January 2020 (Appendix D) at this location to establish the current Level of Service. Based on the methods contained in the 2010 Highway Capacity Manual (HCM), the westbound approach at this location operates LOS B. Based on methods contained in the Manual of Uniform Traffic Control Devices (MUTCD) current peak hour traffic volumes fall far below the level that would justify an all-way stop or traffic signal.

As previously discussed, Project generated short-term construction and long-term operational trips would access the site primarily from via SR 180. Construction traffic would be intermittent and short-term and is not anticipated to impact the LOS or long-term operational characteristics or levels of congestion on area roads, or to create long-term impacts to the operation of any intersections, streets, highways or freeways (see safety discussion below). As there are no pedestrian and bicycle paths or mass transit facilities in the Project vicinity, no impacts to such facilities from the Project would occur. Project traffic would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

Ultimately, the proposed Project would not conflict with an applicable program, plan, ordinance or policy addressing the circulation system. This takes into account mass transit as well as bicycle and pedestrian modes of transportation. It also includes but is not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Impacts of the Project would be less than significant.

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

**Less than Significant.** SB 743 requires lead agencies to move from a Level of Service based analysis under CEQA to an approach that is based on regional Vehicle Miles Traveled (VMT). The CEQA Guidelines and the California Governor's Office of Planning and Research (OPR) document Technical Advisory on Evaluating Transportation Impacts in CEQA encourage all public agencies to develop and publish thresholds of significance to assist with determining when a project would have significant transportation impacts based on the new metric of VMT, rather than operating Level of Service (LOS). The CEQA Guidelines generally state that projects that decrease VMT can be assumed to have a less than significant transportation impact. The CEQA Guidelines do not provide any specific criteria on how to determine what level of project VMT would be considered a significant impact.

Fresno County and the City of Mendota have not yet adopted methods for estimating regional VMT or significance criteria for evaluating impacts based on VMT. However, the Fresno Council of Governments (FCOG) has published draft guidelines that make use of the Fresno County regional travel demand forecasting model and expand upon OPR guidance. Those guidelines recommend that a project first be subject to a screening analysis to determine the extent of VMT analysis that is necessary. That screening identifies projects that can be reasonably assumed to have less than significant VMT impacts based on criteria such as:

- Projects in low-VMT generating areas
- Project along high quality transit corridors

- 
- Locally serving retail projects
  - Project with low trip generation
  - Affordable housing projects

Of the screening criteria, the low trip generation measure is applicable to this Project. FCOG guidelines suggest that projects generating 500 or fewer daily trips be considered less than significant. The Project's seasonal daily trip generation estimate of 140 daily trips falls below that level, and as a result, the Project's impact to regional VMT is not significant.

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

**Less than Significant.** Roads providing access to the Project Site are flat, straight roads with no line-of-sight issues or large amounts of traffic. Sight distance along local roads exceeds 1,000 feet. There are no safety or design hazards associated with SR 180 or Belmont Ave that would be exasperated as a result of implementation of the Project. Though uses in the vicinity of the Project include commercial agricultural operations and larger, slower-moving farm equipment is likely to be encountered along Belmont Avenue and Guillan Park Drive, the frequency of vehicles interacting with larger equipment is considered low given the existing and proposed volume of traffic along this roadways. As the Project would involve development and operation of a compatible use with surrounding commercial agricultural uses, roadway safety impacts associated with incompatible uses would be less than significant.

**d) Result in inadequate emergency access?**

**Less than Significant.** The Project would not result in inadequate emergency access to and from the area. As discussed above, the Project Site would be accessed from the point where the pavement currently ends at Belmont Avenue. From that point an approximately 24-foot-wide paved road would run northerly, then easterly and adjacent to the north side of the PV facility and along the north Project boundary to the Site, and would be constructed in compliance with fire access requirements. The internal roadway and parking areas would be provided adjacent to the constructed buildings. Impacts to emergency access would be less than significant.

**XVIII. Tribal Cultural Resources**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>a. 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</p> <p>b. 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ENVIRONMENTAL SETTING**

The main Native American tribe present in the San Joaquin Valley were the Northern Valley Yokuts. The tribe was severely impacted by Spanish settlement in the early 1800's, when disease and later the influx of people during the American conquest of California drove the Northern Valley Yokuts from their lands (Appendix C).

AB 52, which went into effect on July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) List and required consideration of Tribal Cultural Values in the determination of project impacts and mitigation. AB 52 established a new class of resources, tribal cultural resources, defined as a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe. Tribal cultural resources are either: (1) on or eligible for the California Historic Register or a local historic register; or (2) treated by the lead agency, at its discretion, as

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a traditional cultural resource per Public Resources Code (PRC) 21074 (a)(1)(A)-(B). SB 18, which requires consultation for a General Plan Amendment, was also conducted in compliance with PRC 65352.3, which gives the local respondents 90 days in which to request a consultation.

A search of the Native American Heritage Commission's (NAHC's) Sacred Lands File was requested on December 4, 2019, and conducted on December 10, 2019 to determine the presence of any Native American cultural resources within the proposed Project Site and general vicinity. The NAHC indicated that no known Native American cultural sites are present within the proposed Project Site. The NAHC identified 13 Native American contacts, both tribes and individuals, who would potentially have specific knowledge as to whether cultural resources are identified in the proposed Project Site (Appendix C).

Consistent with AB 52 and SB 18, on between January 17 and January 23, 2020, the City contacted representatives with traditional territory in the region to request consultation regarding tribal cultural resources in the Project Site. Of the 13 identified Native American contacts, the only response received within the 30-day comment period for AB 52 or the 90-day comment period for SB 18 was from Dirk Charley of the Dunlap Band of Mono Indians, expressing goodwill towards the City and the Project, but noting that the Project Site is far outside his Tribe's area of concern or interest.

A Phase 1 archaeological survey (i.e., an intensive, pedestrian ground surface survey) of the proposed Project Site to assess the presence/absence of cultural resources was conducted on December 18 and 19, 2019 (Appendix C). The archaeological survey was conducted using 10- to 15-meter (33- to 49-foot) parallel transects. As discussed further in Section V, Cultural Resources, no previously unrecorded resources were identified during the survey. The survey of the entire Project Site provided an opportunity to evaluate the absence of cultural resources on the ground surface as well as throughout topsoils where archaeological materials would be expected. Based on the negative records search results and the absence of tribal resources noted during the Phase 1 archaeological survey, the potential for unknown, intact cultural resources within the proposed Project Site is considered remote.

## DISCUSSION

- a) **Listed or eligible for listing in the California Register or Historical Resources, or in a local register of historical resources as defined in the Public Resources Code section 5020.1(k).**

**No Impact.** As discussed in Section V, *Cultural Resources*, the Project Site is currently utilized for agricultural cultivation and is not recognized as an historical resource. There are no recognized historical resources near the Project Site, and no previously unrecorded historic resources were identified during the intensive Phase 1 archeological survey. Therefore, the Project is not expected to result in impacts to historic resources with cultural value to a California Native American tribe.

- b) **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 Resources Code 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

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**Less than Significant.** As discussed above, there are no known cultural resources near the Project Site, and a cultural monitor would not be needed. While no known archaeological, cultural, or tribal resources are anticipated to exist within the Project Site, there remains the possibility for undiscovered resources to be unearthed during construction. Adherence to California Health and Safety Code Section 7050.5 and California Public Resources Code Sections 5097.94 and 5079.98, which would address impacts associated with inadvertent discoveries and requiring the implementation of appropriate protocols in the event that unanticipated resources are discovered, would address potential impacts. Therefore, impacts of the Project on unanticipated tribal resources are considered less than significant.

**XIX. Utilities and Service Systems**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ENVIRONMENTAL SETTING**

Electrical and Natural Gas

PG&E provides the City's existing residential and commercial facilities with natural gas and electrical services. Subterranean PG&E utility access is located along Belmont Avenue to the southwest of the Project Site. The Project Site would be serviced by above-ground utility poles from PG&E power. Diesel or gasoline generators would be available for use in case of power outages.

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### Water and Wastewater

The Project Site is located on undeveloped land and is not served by public water or wastewater services. Under a lease agreement with the well field property owners, the City obtains higher-quality groundwater for domestic consumption in exchange for lower-quality water suitable for crop irrigation that is pumped from City-operated groundwater wells located west of the Fresno Slough. Per the existing lease agreement, the City pays a flat annual rate to pump up to 2,000 AFY before additional rent must be paid to the property owner. Pumping over 2,000 AFY requires additional annual rent in increments of 100 AFY. As of the 2017-18 fiscal year, the City currently pumps approximately 1,800 AFY to meet its water demand of 1,485 AFY. City water demand is projected to increase with anticipated future development to an estimated 2,200 AFY by 2025 (Appendix E).

Wastewater for the City is handled by the City's wastewater treatment plant.<sup>2</sup> The 120-acre plant is located directly northwest of the Project site and consists of aerated and facultative lagoons, percolation ponds, and 57 acres of shallow basins for wastewater treatment and disposal. Permitted treatment capacity of the plant is 2.0 million gallons per day (MGD) with a disposal capacity of 1.12 MGD. Annual total treatment at the plant in 2019 totaled 380.38 million gallons, averaging to 1.04 MGD. Dry weather flows from July through September average approximately 1.017 MGD, reflecting the slightly lower amount of wastewater that requires treatment during that period of the year, and indicating there is remaining capacity at the plant.

### Solid Waste

Consistent with CalCannabis Licensing Program requirements, existing cannabis operations shall utilize a designated composting area for non-usable cannabis plant material. This compost is then reintroduced as an organic soil amendment to be applied at the cannabis cultivation area. The organic soil mixture used for cannabis cultivation is also amended for re-use. All remaining municipal waste would be placed in trash enclosures located near the proposed structures and regularly hauled to Mid Valley Disposal Inc., a locally permitted solid waste disposal facility. The Mid Valley Disposal facility is permitted to collect 1,500 tons per day with a maximum capacity of 49,000 cubic yards of municipal waste (Mid Valley Disposal 2020). In compliance with California's Integrated Waste Management Act (AB 939), the City enacted the Construction and Demolition (C&D) Ordinance in 2007 (Mendota Municipal Code Chapter 8.16.040) requiring the construction, demolition, and renovation projects to dispose of job site waste in an environmentally responsible manner. The C&D Ordinance requires debris associated with construction, demolition, and/or renovation or green houses to be routed to the County Integrated Waste Management Division's waste disposal facilities (e.g., Mid Valley Disposal).

## **DISCUSSION**

- 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**

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<sup>2</sup> Information on the City's wastewater treatment plant verified by Provost & Pritchard Senior Civil Engineer via phone call October 30, 2020.



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**facilities, the construction or relocation of which could cause significant environmental effects?**

**Less than Significant.** The Project would require new infrastructure to supply water to the site. Irrigation water to be used for agricultural purposes would be supplied by the City, as well as municipal uses such as restrooms, hand wash stations, and drinking. The Project would include the trenching of new pipeline infrastructure extending along Belmont Avenue within previously disturbed areas to a connection point in the north-central region of the Project Site. The Project also proposes to construct a stormwater retention basin or basins to capture stormwater conveyed from buildings and impervious surfaces onsite, which could potentially supplement the Project's water supplies.

Wastewater for the property would be conveyed via a new sewer connection to the City's existing wastewater sewer infrastructure and wastewater treatment plant. The Project is conservatively estimated to generate no more than 893 to 1,785 gallons per day of wastewater from municipal uses onsite associated with typical business operations (restrooms, bathrooms, sinks, etc.) (Appendix E). Considering the wastewater treatment plant's permitted capacity of 2.0 MGD, disposal capacity of 1.12 MGD, and average throughput of approximately 1.04 MGD, the plant has capacity to accommodate the Project's potential generated wastewater. Therefore, integration of this system would not result in the required expansion of City sewer treatment infrastructure, and result in less than significant impacts.

Development of the Project may result in minimal changes in on- and offsite drainage patterns. As discussed in Section IX, *Hydrology and Water Quality*, the increase in impervious surfaces is anticipated to be approximately 68,000 sf (1.6 acres), which would only slightly increase runoff and would be mitigated by the proposed onsite basins. These improvements would be subject to standard development/permitting requirements (e.g., storm water permit) by the County and CVRWQCB to reduce on and offsite impacts.

The Project is expected to increase onsite electricity demand. Project construction will include a new connection to the site, and would require a Will Serve Letter from PG&E. Given sufficient regional electricity production, this increase in demand is not anticipated to require the construction or expansion of regional electrical generation and/or transmission facilities. The implementation of power lines to the connection point along Belmont Avenue would occur within previously disturbed areas and would not result in additional environmental impacts. While the Project would not utilize natural gas supplies for operation of the Project, the Project would use small-scale propane such as for the purposes of heating sink water for employee breakrooms.

Environmental effects associated with onsite construction/expansion of the water and sewer systems would be located within the footprint of development under the proposed Project, consisting of trenching and minor grading. Offsite activities associated with the expansion of these facilities would similarly require trenching, though would occur within previously disturbed areas and within City right of way. The Project would also result in minimal increases in demand of electricity, gas, or telecommunications services. Therefore, impacts would be less than significant.

**b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?**

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**Less than Significant.** The Applicant estimates Project water demand to be 100-150 AFY, supported by the City's Will Serve Letter administered in 2020. The letter states that the Project will utilize water supplies delivered by the City in accordance with the City's Lease Agreement with the outside water provider, which is subject to regulatory actions beyond the City's control such as required measures under the Sustainable Groundwater Management Act. These measures may include reductions in water supply during periods such as a drought that would be proportionate to those required of other City rate payers; and disproportionate reductions in water supply would not be imposed on the Project. The Delta-Mendota Subbasin that would supply the site is designated a high priority basin under the CASGEM and SGMA programs. Project water demands on the City's municipal sources, with consideration for the Project Site's current public facility designation, proposed update to light manufacturing use, and regional agricultural use, would generally be consistent with the forecast for the Delta Mendota Subbasin GSP and the City would be responsible for participating in actions to improve basin sustainability such as water conservation and groundwater recharge initiatives. Finally, due to the relatively small area that would be improved with impervious surfaces, in addition to the proposed onsite catch basins, the Project is not anticipated to reduce overall groundwater recharge capabilities. With these measures in place and complying with the requirements of the Will Serve letter and applicable groundwater agreement, the Project would have less than significant impacts on water supplies available for the foreseeable future. The Applicant has sufficient entitlement of water to serve the Project, and the Project would not require new or expanded water entitlements to serve the Project beyond those required by the City's Lease Agreement. Impacts would be less than significant.

- c) Result in a determination by the wastewater treatment provider that 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?**

**Less than Significant.** The Project Site would be served by the City's wastewater treatment facility for domestic wastewater discharge. In compliance with Zoning Code 13.08.030, the Applicant would obtain a permit to connect to the municipal sewer system. By participating in the permitting process, the sewer demand of the Project would be evaluated by the City prior to permit issuance. As discussed above, the City's wastewater treatment facility has capacity to accommodate the Project's generated wastewater. Assuming permit issuance, impacts to the sewer system would be less than significant.

- 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?**
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

**Less than Significant.** Solid waste generated from agricultural operations would include waste from gardening materials (e.g., used plastic seedling pots, plastic fertilizer/pesticide bags), general trash generated by site personnel, and unusable plant (green) wastes and soils. Onsite solid waste generation

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by the Project is estimated to be less than 350 pounds per day (CalRecycle 2020),<sup>3</sup> and existing facilities in Fresno County can adequately accommodate this quantity (Mid Valley Disposal 2020). In compliance with the City's C&D Ordinance, debris generated from Project construction would be routed to the County Integrated Waste Management Division's waste disposal facilities. During operation, the Project would chip and compost organic waste generated from cannabis cultivation and processing onsite as necessary. This compost would be reintroduced as organic soil amendment for the cannabis cultivation area. Other waste generated from the Project such as gardening materials and general trash would be regularly collected and hauled to a local permitted solid waste disposal facility such as the Mid Valley Disposal facility. The Project would comply with federal, State, and local waste management and reduction statutes, and impacts to local and regional solid waste disposal facilities would be less than significant.

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<sup>3</sup> Assumes similar agricultural/commercial/industrial uses of ~5 lbs/1000sf/day, extrapolated to the project's development area, for ~340 lbs per day, and that plant material would be largely composted or otherwise processed for delivery onsite.

**XX. Wildfire**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ENVIRONMENTAL SETTING**

As discussed in Section IX, *Hazards and Hazardous Materials*, the Project Site is not located in a designated Fire Hazard Severity Zone (CAL FIRE 2020). Additionally, the Project is located approximately 17 miles away from the nearest state responsibility area boundary. The Project is located in a predominantly agricultural area with substantial areas of irrigated farmland, further reducing risk of fires.

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** As discussed in Section IX, *Hazards and Hazardous Materials*, the Project would have a minimal impact on emergency response and evacuation routing. Project construction and operation would contribute nominally to existing traffic along SR 33 and SR 180, and would not interfere with emergency response and evacuation along this roadway (see Section XVII, *Transportation*). Therefore, impacts to emergency response and evacuation in the result of a wildfire would be less than significant.

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- 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?**

**No Impact.** The Project Site is located over 17 miles away from the nearest state responsibility area boundary and is not located in a designated Fire Hazard Severity Zone. Therefore, wildfire risks are considered negligible, and no impact would occur.

- 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?**

**No Impact.** As discussed in Section XIX, *Utilities and Service Systems*, the only utility infrastructure to be expanded as a result of the Project are those for extension of new water and wastewater sewer lines to the Project Site, with minor additional improvements (e.g., extension and connection) of electrical and telecommunication lines to exclusively serve proposed development. These would be subject to standard development/permitting requirements, would not require the regional increase of associated facilities, and would not be expected to exacerbate fire risks or result in temporary or ongoing impacts to the environment. Therefore, there would be no impact.

- 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?**

**No Impact.** The Project Site is not located within a state responsibility area boundary and is not located in a designated Fire Hazard Severity Zone. Therefore, there is very low probability of exposure to significant risk as a result of runoff, post-fire instability, or drainage changes resulting from fires, and there would be no impacts to people or structures.

**XXI. Mandatory Findings of Significance**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project 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 rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

- a) **Does the project 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 rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?**

**Less than Significant with Mitigation.** As described in Section IV, *Biological Resources*, the Project Site is located within an area with moderate potential to contain sensitive wildlife species. Impacts to the environment have been determined to be less than significant with implementation of **MM BIO-1**. Sections V, *Cultural Resources* and XVIII, *Tribal Cultural Resources*, describe the potential for cultural or significant paleontological resources to be encountered due to the proposed Project; however, due to the low potential for unanticipated onsite resources, adherence to California Health and Safety Code Section 7050.5 and

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California Public Resources Code Sections 5097.94 and 5079.98 would address impacts associated with cultural resources and ensure impacts to California history or prehistory would be less than significant.

- b) **Does the project 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; and**
- c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

**Less than Significant.** Based on the analysis provided in this IS/MND and cumulative projects anticipated by the City, the proposed Project would not result in any significant impacts on an individual or cumulative level and would not result in any significant adverse effects on human beings. The Project would provide a beneficial impact for employment within the City. The Project would not impact the visual aesthetics of any nearby projects and would be consistent in nature and use with the surrounding agricultural environment.

Cumulative construction impacts related to the proposed Project and other development projects has the potential to result in cumulative air quality, GHG, noise, and temporary traffic safety and circulation impacts. There is the potential for future projects (existing or not yet existing) in the vicinity of the proposed site to undergo construction simultaneously with the Project, resulting in temporarily adverse impacts; however, such impacts would be short-term due to the temporary nature of construction. Cumulative construction impacts therefore would be temporarily adverse but less than significant.

Operation of the Project in combination with cumulative projects would increase demand on City public services and utilities; however, as described in Sections XV, *Public Services* and Section XIX, *Utilities and Service Systems*, the Project would result in manageable increases in demand for regional services or utility supplies due to provision of services onsite or due to the negligible increase in need for additional City infrastructure beyond what is proposed under the Project.

Operation of the Project would not individually, nor in combination with cumulative projects, result in significant impacts to operations and safety along SR 180 or other local City or County roads (see Section XVII, *Transportation*). Therefore, cumulative impacts and impacts to human beings from the proposed Project are considered less than significant.

## **REQUIRED MITIGATION MEASURES**

**MM BIO-1** would apply.

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