



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Keith Gardner

APPLICATION NOS.: Initial Study Application No. 7724 and Director Review and Approval Application No. 4603

DESCRIPTION: Allow the construction and operation of a private school facility comprised of a 31,147 square-foot main building and related improvements, on a 36.90-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the southeast corner of the intersection of North Academy Avenue and East Belmont Avenue (APN 314-150-28S) (SUP. DIST. 5.) (864 North Academy Avenue, Sanger, CA 93657).

I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

No scenic vistas were identified in the analysis, however portions of Academy Avenue along the western parcel frontage and Belmont Avenue along the northern parcel frontage are identified as Scenic Drives according to Figure OS-2 of the Fresno County General Plan, Open Space and Conservation Element and are part of the Blossom Trail. In that context, the subject property having established citrus orchards, could be considered a scenic resource. General Plan Policy OS-L.3 provides that the County shall manage the use of land adjacent to scenic drives and scenic highways based on a number of principles, of which the following relates; (d) Intensive land development proposals shall be designed to blend into the natural landscape and such design shall provide for maintenance of a natural open space area two hundred feet in depth, parallel to the right-of-way. Modification of the setback requirement may be considered

appropriate in cases where, either the property dimensions or other physical characteristics preclude such a setback, or where such physical characteristics provide for screening of buildings and parking areas from the right-of-way.

Staff review of the applicant's site plan indicates that the proposed parking area would be located approximately 8 feet from the northern property boundary and nearest right-of-way of Belmont Avenue. The site plans also indicate that a six (6) foot tall wrought iron fence will be installed along the entire perimeter of the facility. Additionally, the area to the west and south of the proposed facility contains citrus orchards, which will partially screen the proposed development from view along Academy Avenue to the west, and adjacent properties to the south, creating a de facto natural open space buffer as per General Plan Policy OS-L.3.d.

However, the proposed facility has frontage along and will take access from Belmont Avenue, a scenic drive. The provision of an open space area two hundred feet in depth would not be feasible in this case without moving the proposed facility foot print an additional 182 feet to the rear, which would entail the removal of existing citrus orchards and the established sports field. The proposed main school building will be located approximately 86 feet from the nearest right of way of Belmont Avenue, and the parking area will surround the building on the west, north and east. On the north side, the parking area will be located approximately ten (10) feet from the nearest right-of-way of Belmont Avenue. The following Mitigation Measure has been included, to reduce visual impacts resulting from development of the property on the adjacent scenic drive.

* **Mitigation Measure(s)**

1. *Landscaping shall be provided along Belmont Avenue across the entire project site frontage in order to provide a visual buffer between the proposed facility and the roadway, that is consistent with the designation of Belmont Avenue as a Scenic Drive and as a segment of the Blossom Trail. A landscape plan shall be submitted as part of the required Plan Check Review process, and all landscaping improvements shall be completed prior to final occupancy. Landscape areas of 500 square feet or more, are subject to the requirements of the Model Water Efficient Landscape Ordinance (MWELo): 2015 Revision. Landscaping shall consist of native and compatible non-native plant species, especially drought-resistant species in accordance with General Plan Policy OS-F.32 and landscaping shall be maintained for the duration of operation of the proposed private school facility.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed facility and parking areas, outdoor sports fields, and play area will encompass approximately 7.5-acres of agricultural land; once constructed the new building will alter or partially obscure views across the parcel from the adjacent roadway and neighboring properties. However, the balance of the 36.9-acre property, excluding the existing restaurant in the northwest corner, will contain approximately 25-acres of citrus orchards, which will substantially preserve the agricultural character, and visual aesthetic of the property, reducing impacts to less than significant level.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed private school facility will incorporate outdoor security lighting in its design. There will be both building mounted lighting and freestanding pole mounted lighting in the parking area, adjacent to Belmont Avenue, as well as approximately six pole mounted led lights, approximately 33 feet in height around the outdoor sports field to the south of the proposed school building. As such the following Mitigation Measure has been included to reduce impacts to nighttime views and reduce the potential for glare from new lighting sources to a less than significant level.

* **Mitigation Measure(s)**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the 2016 Fresno County Important Farmland Map, produced by the California Department of Conservation Division of Land Resource Protection/Farmland Mapping and Monitoring Program, a portion of the subject parcel is designated as Prime Farmland with the remainder of the parcel designated Farmland of Statewide Importance. The subject parcel is not restricted under Williamson Act contract. Review of the 2016 Important Farmlands Map indicates that the parcel contains approximately equal portions of each category of farmland. The determination of farmland categories is based in part on the underlying soil characteristics and farming history of the property.

Prime Farmland is described as having the best combination of physical and chemical features able to sustain long-term agricultural production; and has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

The remaining portion of the property is designated as Farmland of Statewide Importance, which is described as being similar to Prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture; and the land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

The project proposal would consist of the construction of an approximately 31,147 square-foot main school building surrounded by a paved parking area, a 10,650 square-foot open play area and a 2,900 square-foot fenced play area containing play equipment and a shade structure immediately adjacent to the southwest corner of the proposed school building. An existing approximately 3.40-acre, fenced grass sports field is located approximately 36 feet south of the main building. There is also a 338 square foot restroom facility located approximately 225 feet southwest of the main building near the northwest corner of the sports field. In total the project would involve the conversion of approximately seven-acres of farmland, of the existing 36.9-acre parcel to non-agricultural uses. It should be noted that there is an existing restaurant operation on the parcel which occupies an additional area of approximately 1.30-acres in the northwest corner of the property, which is not included in this calculation.

Although the project will result in the conversion of approximately 7.5 acres of the existing 36.9-acre parcel containing both Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, the remaining balance of the land contains citrus orchards and will remain in active agricultural production. Therefore, impacts resulting from the conversion of such farmland will be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As previously noted, the subject parcel is not restricted under Williamson Act contract, however, the Exclusive Agricultural (AE) Zone District is intended for agriculture and

those uses which are necessary for, and an integral part of agricultural operations. This Zone District is also intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well being of the district. The proposed private school facility is an allowed use within the Exclusive Agricultural Zone District, with the approval of the requisite discretionary application; however, according to General Plan Policy PF-I.6, the County should discourage the siting of schools in agricultural areas due to the growth-inducing potential of schools and conflicts with farming practices such as pesticide applications.

Comments from reviewing departments indicate the project proposal may be inconsistent with the following General Plan Policies (summarized): The Policy Planning Unit of the Department of Public Works and Planning, Development Services and Capital Projects Division referenced the following General Plan Policy in their comments; Policy LU-A.14, provides that the County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

The Fresno County Agricultural Commissioner expressed concerns that the siting of the proposed private school would create conflicts with the surrounding agricultural community, particularly with regard to the application of pesticides in the vicinity of a school where children will be present. Additionally, the subject parcel itself contains approximately 24-acres of citrus orchards, surrounding the proposed school site, where the application of pesticides will occur.

According to guidance published by the Department of Pesticide Regulation (DPR) State law (California Code of Regulations) regulates the use of pesticides within a certain distance of school sites depending on the method of application, one-quarter mile for high drift applications such as by aircraft, and 25 feet for lower drift applications such as by tractors or other ground based machinery; and such regulation also requires that pesticide users provide annual notification to public school sites, the notification can then be forwarded by the schools to parents. However, as existing regulation does not apply to private schools, there would be no restrictions or notification requirements imposed upon surrounding pesticide users, as a result of the placement and operation of the proposed facility. Therefore, the project would not conflict with surrounding agricultural uses, and although it would be inconsistent with General Plan Policy PF-I.6 as previously discussed, any potential impacts to agriculture would be less than significant .

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed previously, the project proposal would entail the construction and operation of an approximately 31,147 square-foot private school facility with a paved parking area, a 338 square foot detached restroom building, and an approximately 3.40-acre outdoor sports field. The proposed development would convert approximately 7.50-acres of the 36.90-acre subject parcel to non-agricultural use; however, the balance of the parcel has been planted with citrus orchards thereby preserving the majority of the acreage for agricultural purposes, consistent with surrounding land uses, and with the underlying agricultural land use designation of the subject parcel.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not conflict or obstruct the implementation of any air quality plans; this project proposal was reviewed by the San Joaquin Valley Air Pollution Control District, which did not express any specific concerns related to air quality impacts resulting from the project. However, the project will be subject to all applicable Air District rules as they pertain to grading and building permits, and an Authority to Construct permit may be required. The project will also be subject to the requirements of Title 15 California Building Standards Code.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will be subject to all applicable San Joaquin Valley Air Pollution Control District (Air District) Rules, where criteria pollutants are concerned. The district has established significance thresholds for criteria pollutants, such as Carbon Monoxide, Oxides of Nitrogen (NOx), Reactive Organic Gases, Oxides of Sulfur, and Particulate Matter (PM10 and PM2.5) from Permitted (stationary) sources and non-permitted (mobile) sources. The District recommends that criteria pollutants from both construction and operation be identified and quantified.

Because the project entails the construction of more than 9,000 square feet of educational space, it meets the Air District established applicability threshold for evaluation under District Rule 9510, Indirect Source Review (ISR).

According to available information on the District's website, the purpose of Rule 9510 Indirect Sources Review, is to fulfill the District's emission reduction commitments in the PM10 and Ozone attainment plans, achieve emission reductions from construction and use of development projects through design features and on-site measures, and provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

In accordance with Rule 9510, the project was required to, and submit an Air Impact Analysis application to the District for review and approval. The Air District recommends that demonstration of compliance with Rule 9510 before issuance of the first building permit be made a condition of project approval. The District approved the Air Impact Assessment on September 4, 2020. The approval included a proposed Monitoring and Reporting Schedule, which shall be included as Conditions of Approval. The District determined that the mitigated baseline emissions for construction and operation will be less than two tons of Oxides of Nitrogen per year and less than two tons of PM10 per year. Pursuant to District Rule 9510 Section 4.3, the project is exempt from the requirements of Section 6.0 (General Mitigation Requirements) and Section 7.0 (Off-site Emission Reduction Fee Calculations and Fee Schedules) of the rule. The District determined that the project is in compliance with the emission reduction requirements of District Rule 9510 and is not subject to payment of off-site fees.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

After review of the project proposal, the San Joaquin Valley Air Pollution Control District recommended that the applicant conduct a Health Risk Screening Assessment (HRSA) in order to identify the potential for Toxic Air Contaminants (TAC's) generated by the project to impact surrounding sensitive receptors, on and off site, including hospitals, daycare centers, schools, work sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board, that pose a present or potential hazard to human health. A common source of TAC's can be attributed to diesel exhaust from both mobile and stationary sources. If the HRSA resulted in a prioritization score of 10 or greater, the Air District would recommend a refined Health Risk Assessment. The Air District provides its Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI), which includes discussion of how to evaluate air quality impacts under CEQA. Chapter 7.15 of the Guidance specifically recommends that lead agencies use the district screening tools for evaluating Toxic Air Contaminants, which are described in Chapter 6.5. The Guidance also provides that the location of a development project is a major factor in determining whether the project will result in localized air quality impacts.

Based on the Air District recommendation, the applicant was required by the County to submit a Health Risk Screening Assessment to quantify the potential for TAC's generated by the project to impact sensitive receptors both on and off-site. A Health Risk Screening memorandum was submitted by the applicant's consultant LSA, dated May 13, 2020. According to the conclusions of the memorandum, the health risk posed

to off-site receptors resulting from project construction, is a function of the duration of construction activities, and proximity of receptors to the construction activity, and multi-year construction projects have the potential to influence risk levels in sensitive receptors. The timeline for construction of the proposed project is less than one-year, thereby resulting in minimal risk to off-site receptors; additionally, the nearest off-site receptor is a residence located approximately 65 feet east of the project site. The operation of the proposed private school facility would not be a source of TAC emissions, as the project does not include any sources of TAC emissions such as a generator. Most of the additional traffic associated with the project would consist of passenger vehicles, and substantial numbers of diesel fuel vehicles are not anticipated. Therefore, the proposed project would not expose future students of the project site to an increased health risk, and off-site receptors in the project vicinity would not be exposed to an increased health risk as a result of project.

The San Joaquin Valley Air Pollution Control District (Air District) has established thresholds of significance for Toxic Air Contaminants which are listed in Chapter 8.5 of their Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) as follows: for Carcinogens, a maximally exposed individual risk equals 10 in one million. For non-carcinogens, Acute: Hazard Index equals or exceeds one for the maximally exposed individual; and Chronic: Hazard index equals or exceeds one for the maximally exposed individual. Additionally, the Guidance also identifies two types of land use projects that have the potential to cause long-term public health risk impacts: Type A Projects, which place new toxic sources in the vicinity of existing of existing receptors, and; Type B Projects: which place new receptors in the vicinity of existing toxics sources. Type B projects include residential, commercial, and institutional developments. In its Air Quality and Land Use Handbook: A community Health Perspective (2005), the California Air Resources Board includes a table (1-1) entitled "Recommendations on Siting New Sensitive Land Uses Such as Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities. The Table provides some specific recommendations on siting such sensitive land uses near certain source categories such as certain industrial facilities, rail yards, freeways and high-traffic roads.

The recommendations suggest avoidance of siting sensitive uses within a specified distance of each listed source category and suggests using minimum buffer distances, between sensitive land uses and sources, depending on the source category. The list does not include agricultural operations as a sources category, however, in a subsequent table (1-3) the handbook includes a list of other industrial sources, including farming operations, that could pose a significant health risk to nearby sensitive individuals depending on such factors as the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place.

Although there is a possibility that sensitive receptors both on and off-site could be exposed to dust and other airborne pollutants generated by construction of the project, and by ongoing agricultural operations on subject property, The subject parcel and surrounding parcels are within an area where dust and other particulate matter including pollutants from the use of farming equipment and agricultural chemical applications are expected to occur on a continual basis, therefore impacts to off-site sensitive receptors resulting from the project would be less than significant.

According to available aerial imagery, there are approximately 19 properties containing single-family residences located within one-quarter mile of the boundaries of the subject property; two of those residences are located immediately adjacent to the southwest across N. Academy Avenue and east along E. Belmont Avenue. Although construction of the project will result in a temporary increase in Diesel Particulate Matter and dust from off-road construction equipment and truck trips to and from the site, the project will be subject to all applicable requirements of the Californian Green Building Standards Code, and given the limited scope of the project, and relatively short duration of construction, approximately 10 months according to the project proponent, it is not anticipated that substantial pollutant concentrations will be generated either by construction activities or operation of the facility, or that sensitive receptors will be exposed to substantial pollutant concentrations as a result.

* **Mitigation Measure(s)**

1. *The applicant shall install air filters with a minimum MERV rating as recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), for schools, within the building's HVAC system. Filters shall be inspected and replaced regularly, as per the manufacturer's specifications.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not anticipated to result in emissions leading to odors affecting a substantial number of people. As previously discussed, construction of the project will be limited in scale and duration, approximately one year or less according to the applicant, and operation of the proposed private school is not anticipated to generate any new sources of emissions, other than those associated with increased vehicle traffic to and from the site. The SJVAPCD does not provide any quantitative formulaic methodologies to determine if potential odors would have a significant impact and indicates that projects should be assessed on a case by case basis. The subject parcel itself contains approximately 24-acres of citrus orchards, which according to the applicant surrounding the proposed private school site, and as previously discussed regular farming operations have the potential to generate dust (particulate matter) and other pollutants. However, due to the fact that the subject parcel has been historically cultivated and will continue to be cultivated, the additional contribution of pollutants from construction activity is not anticipated to be substantial and impacts resulting from the exposure of sensitive receptors to such pollutants, on or off site, would be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to a search of the web-based California Department of Fish and Wildlife BIOS mapping tool, California Natural Diversity Database (CNDDDB) layer, the subject parcel is located in an area where the plant species Greene's Tuctoria listed as Federally Endangered and State listed as rare has been observed. However, according to the CNDDDB Database the presence of Greene's Tuctoria presence is defined as extirpated, which means that the plant species has been sought but not observed for many years, and or potential habitat has been destroyed at the site. The last known observation of Greene's Tuctoria at the project site was June 1, 1987.

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

FINDING: NO IMPACT:

No sensitive natural communities or state or federally protected wetlands were identified by any departments or reviewing agencies. This project was reviewed by the United States Fish and Wildlife Service (USFWS), which did not express any concerns that the project would result in adverse impacts on any sensitive natural communities. No riparian habitat, or state or federally protected wetlands were identified on the project site. No response was received from the California Department of Fish and Wildlife (CDFW).

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

FINDING: NO IMPACT:

This project proposal was reviewed by the United States Fish and Wildlife Service (USFW) which expressed no concerns with this project resulting in adverse impacts to or conflicting with the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites.

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

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

FINDING: NO IMPACT:

The project will not conflict with any identified local policies or ordinances protecting biological resources or with the provisions of an adopted Habitat Conservation, or other conservation plan approved at the local, regional or state level.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to available County records, the subject parcel is not located in an area of moderate or high sensitivity for archaeological or cultural historical materials, however, the project was routed to the Southern San Joaquin Valley Information Center (SSJVIC) for review and comment. The SSJVIC noted that the archaeological sensitivity of the subject parcel is unknown and recommended that an archaeological survey be completed to determine if prehistoric or historic cultural resources may be present. However, based upon historic aerial imagery, provided by the applicant, which indicated that the parcel had been historically farmed since at least 1988, and according to available historical aerial imagery obtained by Staff, the parcel has been farmed since at least 1937.

Given the fact that the subject parcel has been under cultivation for a substantial amount of time, and ground disturbance has occurred regularly during that time, staff determined that an archaeological study would not be required for the project at this time. Additionally, local tribal governments who had previously requested to be notified of projects within their respective areas of concern, under the provisions of Assembly Bill (AB) 52, were notified of this project. None of the notified tribes requested consultation on this project or responded to the notification. However, because the possibility still exists that there may be unknown subsurface cultural material present, which could be unearthed by ground disturbing activities, the following Mitigation Measure has been included:

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

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

FINDING: NO IMPACT:

Project construction activities will involve the use of diesel-powered off-road equipment, however given the relatively small scale of the project, environmental impacts due to energy consumption are not anticipated to result in significant environmental impacts; emissions can be minimized or mitigated by utilizing equipment that meets the EPA and California Air Resources Board (CARB) Tier 4 engine emissions standards, which reduce emissions of particulate matter (PM), and nitrogen oxide (NOx). Additionally, construction and operation of the project will be subject to current California Green Building Standards Code (Cal Green), Title 14, Part 11; including the Energy Efficiency Standards for Residential and Non-residential Buildings (Energy Code).

VII. GEOLOGY AND SOILS

Would the project:

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

4. Landslides?

FINDING: NO IMPACT:

The project site is located in an area with relatively flat terrain and is characterized by large irrigated agricultural parcels and sparse residential development. Figure 9-5 of the Fresno County General Plan Background Report (FCGPBR) indicates that given a 10 percent probability of earthquake occurrence in 50 years, the project site is located in an area where ground acceleration due to seismic activity has a 10% chance of generating between zero and 20%g (percent of the force of gravity) during an earthquake. The proposed facility will be subject to current building standards code including seismic design standards. Additionally, the project site is not located in an area of steep slopes nor an area of landslide hazard or subsidence as identified by Figures 7-2 and 9-6 of the FCGPBR.

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

FINDING: LESS THAN SIGNIFICANT IMPACT

The project would involve the grading and paving of an approximately 3.75-acre portion of the 36.90-acre subject parcel, for the construction of the proposed school facility and parking area. The remainder of the parcel would be dedicated to an approximately 3.4-acre outdoor grass sports field, and approximately 25 acres of existing irrigated citrus orchards. There is the possibility that additional storm runoff generated by the proposed development could contribute to erosion of the site, however all grading of the site will require appropriate grading permits or a grading voucher from the Fresno County Department of Public Works and Planning, and may also require an engineered grading and drainage plan. Once the project is constructed, it will add approximately 3.5 acres of impervious surface to the site, which may increase runoff during storm events, however it would not result in substantial soil erosion or loss of topsoil as the majority of the land is dedicated to agricultural production. The project will be required to retain any additional runoff generated by the proposed development on site or dispose of it in accordance with County standards.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or
- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figures 7-1, 7-2 and 9-6, of the Fresno County General Plan Background Report, the subject parcel is not located in an area prone to landslide, lateral spreading, subsidence, liquefaction or collapse; nor is it located on expansive soil.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to construct a new onsite wastewater treatment system (OWTS) to serve the proposed facility. Any new or existing septic system will be subject to the requirements of the Fresno County Local Area Management Program (LAMP). No concerns related to soil capacity to accommodate or support the use or expansion of septic systems, were expressed by any reviewing agencies.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The paleontological sensitivity of the subject parcel is unknown, and no known paleontological resources were identified in the analysis; however, even though the subject parcel has been farmed historically and subject to regular ground disturbance, the possibility exists that paleontological resources may be exposed during construction. Disturbance of any such resources could be considered a significant impact under CEQA, however implementation of the Mitigation Measure under Section V Cultural Resources, would reduce potential impacts to a less than significant level.

* **Mitigation Measure(s)**

1. See Mitigation Measure 1, under Section V.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

A greenhouse gas emissions analysis was prepared for this project by LSA, dated August 25, 2020. The conclusions of the analysis were that construction activities and subsequent operation of the project will produce greenhouse gas emissions. Construction of the project will produce short term GHG emissions as a result of the operation of off-road construction equipment and builder supply and worker vehicle trips and operation of the project will produce long term GHG emissions through mobile sources like vehicle trips, and area source emissions from landscape maintenance, other water use, wastewater disposal, and energy consumption, as well as off-site emissions generated by utility providers. Emissions estimates were calculated using CalEEMod, Version 2016.3.2.

Based on these calculations, the project is anticipated to generate approximately 263.3 metric tons per year, CO₂e or Carbon Dioxide Equivalent, of which 74.2 metric tons of CO₂e would be attributable to construction of the project. However, no numerical threshold of significance for GHG emissions has been established by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project was reviewed by the Air District, which published its Guidance for Valley Land Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA, December 17, 2009. The Guidance recommends using performance-based standards as a means of determining the significance of project specific GHG emission impacts using established specifications or project design elements and Best Performance Standards. The effects of project specific GHG emissions are considered to be cumulative, and unless reduced or mitigated, their incremental contribution to global climate change could be considered cumulatively considerable.

Best performance standards (BPS) are not mitigation, instead, they are defined as the most effective achieved-in practice means of reducing or limiting GHG emissions from a GHG emissions source. For development projects, BPS would include measures that improve energy efficiency and those that reduce vehicle miles travelled. Additionally, projects implementing Best Performance Standards in accordance with Air District guidance would be determined to have less than significant individual and cumulative impact on global climate change and would not require project specific quantification of GHG emissions.

The GHG analysis concluded that the project would implement all of the State required Best Performance Standards (BPS), such as the energy efficiency measures required under the California Green Building Standards Code, in accordance with GHG reduction goals established by California Assembly Bill (AB) 32 and Senate Bill (SB) 32. Given the limited scope of the proposed operation, greenhouse gas emissions from construction and operation are not anticipated to have a significant impact on the environment.

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

FINDING: NO IMPACT:

The project will not conflict with any applicable plan, policy or regulation adopted to the purpose of reducing greenhouse gas emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or

- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No transportation or disposal of hazardous materials is proposed with this project; however, it can be anticipated that the use of pesticides and other agricultural chemicals will occur commensurate with the continued agricultural use of the property, unrelated to the proposed private school. As discussed earlier, the subject property is in an area of sparse residential development, and ongoing agricultural operations where the mixing and application of agricultural chemicals is expected. However, it is not anticipated that any reasonably foreseeable adverse event or condition would result in a significant hazard to the public.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project involves the construction and operation of a private school facility; the school facility is not anticipated to generate hazardous emissions or involve the handling of hazardous materials, substances, or waste. The nearest existing school is located approximately two (2) miles northwest of the project site. According to the findings of a Phase One (I) Environmental Site Assessment (ESA) prepared for this project, by Krazan & Associates dated March 5, 2020, there is evidence that the subject parcel has been historically farmed since at least 1937 and is currently engaged in agricultural production.

The scope of the Phase I ESA included a site reconnaissance of property conditions, a review of user provided documents, historical aerial imagery, building permit records, city directories, historic Sanborn Fire Insurance Maps, including interviews with persons knowledgeable of the previous ownership and use of the site, a review of local regulatory agency records, and a review of local, state, and federal regulatory agency lists. The overall conclusions of the Phase I ESA were that given the proposed development of a private school where children will be present, the potential presence of agricultural chemical hazardous materials represents a heightened concern, and that given direct evidence that agricultural chemicals were applied to the crops grown on the site since at least 2016, and the potential that agricultural chemicals were applied to crops grown on the site historically, the condition of the project site soils may have been impacted; and condition of the project site subsurface related to storage, mixing, application, spills, and/or disposal of agricultural chemicals is unknown. Additionally, the site assessment identified evidence of several Recognized Environmental Conditions (RECs) and Potential Areas of Concern (PAOC) on the project site. REC's are defined in the site assessment as the presence of any hazardous substances or petroleum products in, on, or at a property, (1) due to any release to the environment, (2) under conditions indicative of a release to the environment, or (3) under conditions that pose a

material threat of a future release to the environment. 'Potential Area of Concern' is described in the Site Assessment Glossary as a term adopted to provide an alternate designation to REC, or HREC, to address a range of environmental issues related to current site uses, historical site uses, or adjacent property uses where official documentation or other evidence identifying an REC or HREC may be absent. To address the potential for the presence of hazardous materials and/or hazardous substances, the following mitigation measure has been included.

* **Mitigation Measure(s)**

1. *Based upon evidence of the potential for hazardous materials to be present on the subject parcel, identified as Recognized Environmental Conditions (REC's) by the Phase I Environmental Site Assessment prepared for this project:*

- *Prior to the issuance of building permits a Phase II Limited Subsurface Site Assessment shall be conducted on the subject parcel by a qualified Environmental Professional. The Phase II Site Assessment shall be conducted in accordance with the California Environmental Protection Agency Department of Toxic Substances Control (DTSC), 2008 Interim Guidance for Sampling Agricultural Properties (Third Addition). If the Phase II Limited Subsurface Assessment detects the presence of hazardous materials, or substances above established DTSC thresholds, appropriate remediation (removal of identified hazardous materials and/or substances will be required, subject to written verification provided to the County by a qualified environmental professional to ensure that subsequent samples are below applicable State and federal screening thresholds.*

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

FINDING: NO IMPACT:

The project is not located on a hazardous materials site as identified by the US EPA, NEPAassist, Enviro-Mapper web-based tool. One hazardous materials handler site was identified approximately 1,200 feet south of the subject parcel; one transporter of hazardous materials located approximately 1.37 miles southwest; one hazardous materials handler located approximately 2.84 miles northwest; and one small quantity hazardous material generator located approximately 1.22 miles north of the of the subject parcel.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

The project proposes a private school facility on an approximately seven (7) acre portion of a 36.90-acre parcel. The proposed school is not anticipated to impair implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. The project was reviewed by the Fresno County Fire Protection District which did not express any concerns about the project.

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

FINDING: NO IMPACT:

The subject parcel is not located in a State Responsibility Area (SRA) or other area at increased risk for wildfire occurrence; the subject property is located in an area of irrigated farmland.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

The proposed project will be subject to County Ordinance Code with regard to the handling of additional stormwater runoff generated by development. The project proponent will be required to provide for onsite storage of runoff. The project is not anticipated to result in a violation of any Waste Discharge Requirements per the California Code of Regulations (CCR) or degrade surface water or groundwater quality. The subject parcel contains a restaurant, the Blossom Trail Café, which is served by an on-site domestic well which is currently regulated by the State Water Resources Control Board (SWRCB), Drinking Water Division, as a public water system.

The proposed private school facility will be also be supplied by the on-site domestic well. The proposed development of the private school will result in a change of classification of the public water system to a Non-transient, Non-community public water system, which will necessitate increase monitoring by the SWRCB, Drinking Water Division.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Applicant's operational statement estimated that water use associated with the operation of the proposed private school would be approximately 1,000 gallons per day, supplied by an existing domestic well which also serves the restaurant, westerly adjacent to the proposed private school site. Comments from the State Water Resources Control Board (SWRCB), Drinking Water Division, indicated that it had concerns as to whether or not the existing domestic well, which is monitored by the Division, would be able to supply the needs of the proposed project. Based on a statement made by the well operator to the SWRCB, the well is able to produce an average of 33 gallons per minute and would likely be adequate to serve the expansion of use necessitated by operation of the private school, with the installation of water storage capacity and a well pump booster system.

The project also proposes to irrigate approximately 24-acres of citrus orchards occupying most of the remainder of the parcel and an approximately 3.5-acre grass covered sports field with an existing agricultural well. The operational statement did not provide any historical agricultural water use information or domestic water use associated with the existing restaurant, however, an Estimate of Water Consumption memo by Lore Engineering, Inc. dated March 31, 2020, was submitted by the applicant's representative. The Water Consumption memo estimated that the existing water usage for the agricultural operation was approximately 4,193,702 gallons per year; and that the proposed use would add approximately 6,124,835 gallons per year, including landscape irrigation and domestic use. Comments from the Fresno County Water and Natural Resources Division indicated that the project would not be required to undergo a hydrological study as the subject property is not in a low water area. The Water and Natural Resources Division also commented that the overall domestic water use estimated for the project would be less than the current agricultural use.

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

FINDING: NO IMPACT:

According to United States Geological Survey (U.S.G.S.) Quadrangle Maps, there are no natural streams or drainage channels adjacent to or traversing the subject property, as such, no stream courses will be altered as a result of this project. The project will add approximately 3.5 acres of new impervious surface to the property, and accordingly increase stormwater runoff from that portion of the site, however, the majority of the 36.9-acre subject property is planted with irrigated citrus orchards. The project will not result in substantial erosion or siltation on or off site, as most of the site will retain its current drainage patterns. The project is not anticipated to provide any additional polluted runoff or contribute to runoff that would exceed existing or planned storm water drainage capacity. Any additionally storm water runoff generated by this proposal will be required to be retained on site or disposed of in accordance with County standards. According the US EPA NEPAAssist, Enviro-Mapper web-based tool, the subject property is located within the Fancher Creek Watershed area; the creek crosses Academy Avenue, approximately one-half mile north of the subject property. However, the project site is located in Zone X, as Identified by FEMA Flood Insurance Rate Maps, which is designated as an area of Minimal Flood Hazard.

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

FINDING: NO IMPACT:

The project site is not located in an area of Dam Failure Flood Inundation risk, as identified by Figure 9-8 of the Fresno County General Plan Background Report (FCGPBR), nor is it located in an area at risk of seiche or tsunami.

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

FINDING: NO IMPACT:

In accordance with the Sustainable Groundwater Management Act (SGMA), comprised of Assembly Bill 1739, Senate Bill 1168, and Senate Bill 1319, codified in Section 10720 of the California Water Code, local agencies were empowered to form Groundwater Sustainability Agencies (GSA's) in order to manage basins sustainability, and requires those agencies to adopt Groundwater Sustainability Plans (GSP's) for crucial groundwater basins in California, and requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, such high and medium priority basins should reach sustainability within 20 years of implementation of their GSP's. SGMA defines sustainable groundwater management as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon (20 years) without causing undesirable results.

The proposed project is not anticipated to conflict with or obstruct implementation of any water quality control plan or sustainable groundwater management plan. The project was reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning and the State Water Resources Control Board; neither agency or department expressed concerns that this project proposal would impact water quality or groundwater management.

The subject parcel is located within the boundaries of the North Kings Groundwater Sustainability Agency (GSA); the project was routed to the North Kings GSA for review and comment. The North Kings Groundwater Sustainability Agency (GSA) reviewed the project, and initially determined that the information provided regarding historic and proposed water use, both domestic and agricultural, was insufficient to determine impacts to groundwater. The GSA requested that the project proponent provide additional information regarding current water use, and the source of water for irrigation of the outdoor sports fields. A water use estimate was completed by the applicant's consultant based upon a recommendation from the North Kings Groundwater Sustainability Agency (GSA). After review of the water use estimate, the North Kings GSA, and Fresno County Water and Natural Resources Division determined that the project would not result in a net increase in demand on the aquifer. The Water and Natural Resources Division comments indicated that water use estimate did not take into account the groundwater recharge occurring through the on-site wastewater disposal system, which would reduce the overall domestic water consumption estimate.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community.

FINDING: NO IMPACT:

The project will not physically divide an established community; the project site is confined to a relatively small portion (approximately seven-acres) of the subject property and will not change the existing land use pattern in the area. The project proposes a private school facility in an area characterized primarily by agricultural operations and sparse single-family dwellings; the majority of the subject parcel, approximately 24 acres will remain in agricultural production.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located within the AE-20 Zone District, and in a rural area characterized by various farming operations, sparse residential development, and is not within the boundaries of any specific, community or regional plan. The "AE" Zone District is intended to be an exclusive district for agriculture and for those uses which

are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. The project proposal to construct and operate a private school is an allowed use in the Exclusive Agricultural Zone District subject to discretionary approval, through the Director Review and Approval (DRA) process. However, during such review as required by the Zoning Ordinance, it may be determined that the proposed use should not be approved, based upon required findings of fact. In this case, the justification for the placement of the proposed school on the subject parcel is not well supported by the Applicant's operational statement, and it is not supported by General Plan Policy, as no need for additional schools to serve the surrounding community was demonstrated.

Although the continued agricultural use of the subject parcel is consistent with the agricultural zoning and land use designation of the property and General Plan Policy, the proposed school is not. As previously noted, General Plan Policy PF-I.6, provides that the County strongly discourages the siting of schools in agricultural areas due to the growth-inducing potential of schools and conflicts with farming practices such as pesticide applications. See discussion regarding pesticide application under Section II above. Moreover, General Plan Policy LU-A.3, provides that the County shall allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria: (a) The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; (b) The use should not be sited on productive agricultural land if less productive land is available in the vicinity; (c) The operation or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; (g) For proposed churches and schools, the evaluation under criteria LU-A.3.a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.

Regarding criteria a, b, c, and g listed under Policy LU-A.3 above, the subject proposal has not demonstrated consistency with criteria a and b. Regarding criteria c, it has been determined, based on the evaluation that the project would not result in a detrimental impact on water resources; and concerning criteria g, the proposed facility does not appear to be larger than would be commensurate with the proposed use, based on the maximum number of students anticipated in the applicant's operational statement. As previously discussed, the need for the facility to serve the surrounding agricultural community was not demonstrated. However, based on the analysis, impacts due to conflicts with land use plans, policies and regulations, resulting from the project would have a less than significant environmental impact.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is not located in an area of known mineral resources, as identified by Figures 7-7, 7-8 or 7-9 of the Fresno County General Plan Background Report.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

While construction of the project is expected to generate a temporary increase in ambient noise levels, including ground borne noises, any such impacts would be less than significant, given the limited scope of construction, approximately 3.5 acres of building area, and the fact the site is located within an agricultural area where farming related noise sources are common. Operation of the proposed private school is not anticipated to result in a substantial temporary or permanent increase in either ambient noise levels or ground borne noise levels. Additionally, both construction and operation of the project will be subject to and must comply with the applicable provisions and standards of the Fresno County Noise Ordinance contained in Section 8.40 (Fresno County Ordinance Code).

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

FINDING: NO IMPACT:

The project site is not located within two miles of a private or public airport or airstrip, nor within the boundaries of an airport land use plan.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project does not propose any new housing or other infrastructure which may generate population growth. According to the Applicant's Operational Statement, the proposed private school will give attendance priority to students who are children of employees of Kings River Packing. The number of students is expected to be approximately 40 (ten students per classroom) for the first 3-5 years of operation. The proposed facility will have four classrooms with a seating capacity of 24 students per classroom, and a total capacity for up to 96 students. The project will not displace any people or existing housing.

XV. PUBLIC SERVICES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes the construction and operation of a private school with related facilities, primarily to serve the families of employees of Kings River Packing. The nearest public school to the proposed site is located approximately two miles northwest and is within the Sanger Unified School District. The proposed private school would be

located outside of the city limits of and outside of the Sphere of Influence of the City of Sanger. None of the reviewing agencies who provide public services to the surrounding area of the project, including the Sanger Unified School District, expressed any concerns indicating that this proposal would cause adverse physical impacts, resulting from the provision of or creating the need for new or physically altered government facilities.

XVI. RECREATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed private school will include the construction of outdoor playing fields totaling approximately three and one-half acres in size. The use of the facility will be limited to students and staff of the private school as well as limited numbers of members of the public, described by the applicant's operational statement as incidental community recreation. However, the project does not entail the construction of any neighborhood parks nor would it increase the use of any existing parks or recreational facilities resulting in adverse physical impacts on the environment.

XVII. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is located approximately 0.75 miles north of State Route 180, at the southeast corner of the intersection of Belmont Avenue and Academy Avenue. Academy Avenue is classified as an arterial road in the Fresno County General Plan (General Plan) Regional Circulation Diagram; arterials are intended to provide for mobility within the county and its cities, and carry traffic on continuous routes joining freeways, expressways, super arterials and other arterials. Belmont Avenue is classified as a collector road in the General Plan, collectors provide for internal traffic movement within communities, and connect local roads to arterials, super arterials and expressways.

The project proposes to construct and operate a private school facility for the exclusive use of children and family members of employees of the project proponent. The applicant's submitted operational statement anticipates that approximately 40 +/- students, grades K-8 will be served by the facility for the first three to five years of operation, and that the facility will have a capacity for up to 96 students, serving grades 9-12, (24 students per each of four classrooms as designed, with the possibility for expansion to an unspecified additional number of seats by the conversion of one or more storage rooms into classrooms.

The project was reviewed by the Fresno County Design Division, Transportation Planning Section, the Fresno County Road Maintenance and Operations Division, and the California Department of Transportation (Caltrans). None of these reviewing agencies or departments expressed concerns the project would conflict with a circulation program, plan or ordinance.

The transportation impacts of the project were evaluated in part on the Level of Service (LOS) methodology consistent with Fresno County General Plan Policies. Policy TR-A.2 provides that the County shall plan and design its roadway system in a manner that strives to meet Level of Service (LOS) D on urban roadways within the spheres of influence of the cities of Fresno and Clovis and LOS C on all other roadways in the county. Level of Service is a qualitative measurement of the operational conditions of a roadway or intersection, based on traffic volume and facility type. Levels of service range from A to F, with A representing the highest level of service. The County has established LOS C as an acceptable level of service for analyzing traffic conditions on road segments and intersections that fall outside the sphere of influence of cities, as in the case of the proposed project.

A Traffic Impact Analysis prepared for the project focused on three intersections Academy and Belmont, the project driveway and Belmont, Newmark Avenue and Belmont, and two road segments, Belmont Avenue between Academy and the project driveway and the project driveway and Newmark Avenue in the vicinity of the project site. The analysis concluded that all of the three study intersections and both road segments would continue to operate at an acceptable level of service (C or better) during the 7-9 AM peak time and 4-6 PM peak time both currently and in the near term 2024 and 2035 based on anticipated annual average growth rates, and that the location of the proposed driveway along Belmont Avenue would minimize impacts to the operation of surrounding roadways.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

CEQA Guidelines Section 15064.3(b)(1) discusses the criteria for analyzing transportation impacts for land use projects. The guidelines recommend using vehicle miles travelled (VMT) generally, as the most appropriate measure of transportation impacts attributable to a project; and that projects located within one-half mile of either

an existing major transit stop or a stop along an existing “high quality” transportation corridor should be presumed to cause a less than significant transportation impact.

Section 15064.3(b)(3) of the CEQA Guidelines provides that a lead agency may, in the absence of available models or methods to evaluate VMT for a project, utilize a qualitative analysis of Vehicle Miles Travelled, which would consider such things as availability of transit and proximity to other destinations. In this case there are no available transit routes or stops in the vicinity of the project, and the project site is not necessarily close in proximity to other destinations such as shopping centers, medical or professional offices or government services.

A Traffic Impact Analysis (TIA) was prepared for this project by JLB Traffic Engineering, Inc. dated October 30, 2020. The TIA concluded that the proposed private school facility operating at full capacity is estimated to generate approximately 191 total daily trips for the three combined school grade level categories, which included 58 AM peak hour (7:00AM-9:00AM) trips and 15 PM peak hour (4:00PM-6:00PM) trips and 12 weekday truck trips. The total trips were derived by combining the total anticipated number of students for each category, elementary, middle and high school, and multiplying by the trip generation rate from the Institute of Transportation Engineers (ITE) manual 10th edition.

The TIS also indicated that the project trip distribution was based upon current addresses of employees who may have children attending the proposed private school. Assumptions were made about the route employees would likely take traveling from home to Kings River Packing with a stop at the proposed school on the way, which is defined as a “pass by trip”, based upon the assertion that the employees whose children would attend the proposed school, mostly reside in and around the Cities of Sanger, Reedley and Fresno. Additionally, the TIA assumed that up to 85 percent of the students would be children of employees of Kings River Packing (15 percent may be children of staff of the project), and would be arriving at school via employee pass by trips, i.e., on their way to work, and that approximately 60 percent of the employees of Kings River Packing currently live in or around the City of Sanger and travelled the most direct path between the City of Sanger and Kings River Packing. Based on these assumptions it was estimated that approximately 97 daily trips would be considered pass by trips and therefore could be deducted (pass by trip reductions) from the original estimate of 191 daily trips, resulting in approximately 94 new daily new traffic trips, which is below the State threshold of 110 new traffic trips. Therefore, the project’s contribution to Vehicle Miles Traveled would be less than 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)?

FINDING: NO IMPACT:

The design features of the proposed facility include one point of ingress and egress, along Belmont Avenue, at the northeast corner of the subject parcel. None of the design features addressing ingress and egress and/or parking, appear to have the potential to increase hazards or include incompatible uses.

D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project, if approved may require a Site Plan Review application and approval, which will address parking and access and other property development standards. Additionally, the project will be subject to Title 15.10 of the County Ordinance Code (Fire Code/ Title 24 of the California Code of Regulations) including but not limited to, access for emergency apparatus.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

No tribal cultural resources, historical resources or other resources were identified in the analysis. None of the tribal governments who were notified under the provisions of AB-52 expressed interest in consultation nor did any provide comments on this application or identify any tribal cultural resources on or in the vicinity of the subject parcel.

* **Mitigation Measure**

1. See *Mitigation Measure No. 1 under Section V above.*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

The project proposes to utilize an existing septic system to serve the private school facility. The applicant may be required to submit a sewage feasibility study to demonstrate that the increase use can be accommodated by the existing system, in accordance with General Plan Policy PF-D.6

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is not located in an area of the County designated as being water short. This proposal was reviewed by the Water and Natural Resources Division which did not express any concerns with water supply. The project proposes to use approximately 1,000 gallons of water per day for operation of the proposed school facility, supplied by an existing domestic well, which also serves the restaurant on site. The property also contains an approximately 3.5-acre sports field which will be irrigated with an existing ag well or domestic well, and approximately 25 acres of citrus orchards which will be irrigated with an existing agricultural well.

The project was reviewed by the State Water Resources Control Board (SWRCB), Division of Drinking Water which currently monitors the restaurants water use and water quality of the onsite well. The well is classified by the SWRCB as a public water system; the SWRCB indicated that the well's current stated capacity could supply the proposed private school, with the installation of water storage capacity and a booster system, and that the proposed development would require that the water system's classification be changed to a Non-transient, Non-community water system, which would also necessitate increased monitoring by the SWRCB.

General Plan Policy PF-C.17 provides that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation in accordance with the specific evaluation criteria contained therein.

A water use estimate was completed by the applicant's consultant based upon a recommendation from the North Kings Groundwater Sustainability Agency (GSA). After review of the water use estimate, the North Kings GSA determined that the project would not result in a net increase in demand on the aquifer. The project proposal and water use estimate was also reviewed by the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning which did not indicate any concerns that there would not be sufficient water supplies to serve the proposed development. The Water and Natural Resources Division comments indicated that water use estimate did not take into account the groundwater recharge occurring

through the on-site wastewater disposal system, which would reduce the overall domestic water consumption estimate. See Discussion under Section X.B Hydrology and Water Quality Above.

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

FINDING: NO IMPACT:

The project proposes to construct a new on-site wastewater treatment system (OWTS) to handle liquid waste generated by the proposed school facility. The Applicant's site plan indicates that the proposed OWTS will have a 5,000-gallon capacity septic tank, primary leach field underlying the open outdoor play area and a leach field expansion area underlying the fenced outdoor sports field. This proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division (EHD). The EHD did not express any concerns with septic capacity.

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

FINDING: NO IMPACT:

The project, proposing to construct and operate a private school, and according to the applicants operational statement which estimates less than one cubic yard of solid waste per day to be picked up by a local hauler and taken to an authorized landfill site; is not anticipated to generate substantial amounts of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure; or in any way conflict with or impair attainment of solid waste reduction goals. The project will be required to comply with all applicable federal, state, and local management and reduction statutes and regulations pertaining to solid waste, from both construction and operation of the proposed facility.

XX. WILDFIRE

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

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or

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

FINDING: NO IMPACT:

The subject parcel is not located in an area of increased wildfire risk or State Responsibility Area (SRA). The parcel is designated as Hazard Class: Non-Wildland/ Non-Urban. The area is characterized by relatively flat level terrain, irrigated farmland and sparse residential development. The risk of wildfire is low.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This project entails the construction and operation of a private school facility on an approximately 7.0-acre portion of a 36.90-acre parcel, the balance of which is planted with citrus orchards, with the exception of an existing restaurant on an approximately 1.0-acre site adjacent to the proposed private school.

* **Mitigation Measure(s)**

1. See Mitigation Measure No. 1 Section I.D above.
2. See Mitigation Measure No. Section
3. See Mitigation Measure No. Section

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively considerable impacts were identified in the analysis that would result from the project.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will not result in substantial adverse effects on human beings directly or indirectly with adherence to the Mitigation Measures listed under Section IX above.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Director Review and Approval Application No. 4603, staff has concluded that the project will not have a significant effect on the environment with adherence to the included Mitigation Measures. It has been determined that there would be no impacts to Energy, Mineral Resources, Population Housing, Recreation, Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Transportation, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to, Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources have determined to be less than significant with compliance with the included Mitigation Measures.

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

JS

G:\4360Devs&Pln\PROJSEC\PROJDOCS\DRA\4600-4699\4603\IS CEQA\DRA 4603 IS wu.docx