



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Assemi Group, Inc.
- APPLICATION NOS.:** Initial Study No. 8157, Amendment to Text (AT) No. 382, Unclassified Conditional Use Permit Application No. 3727
- DESCRIPTION:** Amendment to Text No. 382 modifying the text of the Fresno County Zoning Ordinance to allow that Landscaping, Limited Agriculture, and Grazing to be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with tertiary treated sewage effluent from a municipal sewage system Within the:
R-1-E (Single-Family Residential, 37,500 square-foot minimum parcel size)
R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size),
R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size),
R-1 (Single-Family Residential, 6,000 square-foot minimum parcel size); and
R-2 (Low Density Multiple Family Residential, 6,600 square-foot minimum parcel size) Zone Districts, and

Unclassified Conditional Use Permit Application No. 3727 to allow the distribution of tertiary-treated sewage effluent from an existing wastewater treatment facility through lines in the public rights-of-way to spray fields on approximately 158 acres of land within Millerton Specific Plan boundary specifically for Landscaping, Limited Agriculture, and Grazing.
- LOCATION:** The Millerton Specific Plan is located approximately 1.5 miles east of the unincorporated community of Friant. The spray field components of the project site are comprised of five areas with portions on a total of 10 Assessor's parcels totaling 158 acres of open land located on the south side of Millerton Road within the Millerton Specific Plan boundary. The effluent distribution lines to the spray fields will be located within the public rights-of-ways. (APNs: 300-340-13, 300-340-60, 300-542-07, 300-542-08, 300-542-13, 300-542-54, 300-542-55, 300-542-16, 300-542-27 and 300-542-51 (Sup. Dist. 5).

DISCUSSION:

An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified for the Millerton Specific Plan was adopted in December 1984 as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA). Several additional environmental studies have been prepared since the 1984 certification, the most recent being in December 2004.

This Initial Study has been prepared in part to determine if the existing EIR is adequate for the proposed project pursuant to Section 21166 of the Public Resources Code, which states that no subsequent or supplemental EIR shall be required for a project pursuant to Section 21000 *et seq.* of the Public Resources Code unless one or more of the following events has occurred:

- (a) Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The subject project was routed to reviewing agencies initially in November 17, 2021 with mention of the previously adopted EIR and Specific Plan. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated. Based on staff's review of comments received, it has been determined that the provisions of Section 15162 will be utilized in preparing the environmental document.

This Initial Study has been prepared pursuant to Section 15162 of the CEQA Guidelines, to determine if the existing EIR is adequate for the proposed project, or whether any of the three events noted above have taken place necessitating preparation of a new or supplemental EIR.

The Lead Agency may then determine if a subsequent Negative Declaration is appropriate. A determination to prepare a Mitigation Negative Declaration has been made based upon the fact that Mitigation Measures were identified in the Initial Study.

Based upon the comments received, which indicated that no significant impacts would occur, if the project is approved, a Mitigated Negative Declaration has been prepared.

As a project condition, the Applicant would be required to comply with all applicable Mitigation Measures contained in the Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program identified in the previously certified EIR, as well as those identified in Initial Study No. 8157 prepared for this project. The Mitigation Measures and Monitoring Program Matrix is attached to this document for reference purposes.

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

FINDING: NO IMPACT:

The subject Amendment to Text (AT) will modify the text of the Fresno County Zoning Ordinance for R-1-E, R-1-B, R-1-C, R-1 and R-2 Zone Districts to include that Landscaping, Limited Agriculture, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent. The subject Unclassified Conditional Use Permit is to allow the spray of tertiary-treated sewage effluent generated by an existing Wastewater Treatment facility onto approximately 158 acres of land subject to this AT. An underground pipeline system will carry effluent from storage pond to the land subject to spray fields. The pipeline will be installed within the existing and proposed rights-of-ways of residential subdivisions.

One of the five Beneficial-Reuse areas subject to spray disposal of effluent is located on the south side of Millerton Road which is designated as a scenic roadway in the County General Plan. The General Plan policy requires that all development along scenic roadways shall maintain a minimum 200-foot open-space setback. The project does not propose or require any above-ground structures and therefore is not in conflict with setback requirements for scenic roadway. Furthermore, there are no scenic vistas, or scenic resources, including rock outcroppings, or historic buildings on or near five proposed spray sites that will be impacted by the project.

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

FINDING: NO IMPACT:

No illumination is needed for the subterranean pipeline or the spray of wastewater on the landscape area, limited agriculture areas, or grazing land.

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of

Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

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

FINDING: NO IMPACT:

Within the Millerton Specific Plan boundary, there is no productive agricultural land subject to a Williamson Act Land Conservation Contract. According to the 2016 Fresno County Important Farmland Map, all land within Millerton Specific Plan (MSP) is designated as Grazing Land suited to grazing of livestock.

The proposed Amendment to Text (AT) will amend the text of R-1-E, R-1-8, R-1-C, R-1, and R-2 Zone Districts to allow Landscaping, Limited Agriculture, and Grazing within or adjacent to MSP Area when supplied or irrigated with a source of tertiary treated sewage effluent. With the approval of the proposed AT, spraying of tertiary treated sewage effluent onto 156 acres of open land will not be in conflict with Zoning Ordinance.

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

FINDING: NO IMPACT:

The project site is not active forest land or timberland. The site is designated for residential uses and this designation will not change due to the subject proposal.

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: NO IMPACT:

San Joaquin Valley Unified Air Pollution Control District (District) reviewed the project and indicated that the project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). The project complies with all applicable rules and regulations from the applicable Air Quality Plan (AQP). No impact would occur.

- 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: NO IMPACT:

As noted above, the project construction and operational emissions would not exceed the District's significance thresholds. The project is consistent with the applicable Air Quality Attainment Plan and would not result in significant cumulative health impacts.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

Sensitive receptors are defined as locations that houses or attracts children, the elderly with illness, or other who are sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools.

Per the comments provided by SJVAPCD, the project's regional construction and operational emissions would not exceed the District's significance thresholds. The project is consistent with the applicable Air Quality Attainment Plan and would not result in significant cumulative health impacts.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. The project site is near planned residential sudations.

San Joaquin Valley Unified Air Pollution Control District (District) has determined that the common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump, stations, composting facilities, feed lots, coffee roasters, asphalt batch plants and rendering plants. The proposed project is not one of these activities. The subject proposal would allow ground application of tertiary-treated sewage effluent generated by a Wastewater Treatment Facility.

During construction of the project various diesel-powered vehicles and equipment used onsite would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore 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; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal is part of the Millerton Specific Plan for which the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) on August 25, 2018. All development projects within the Millerton Specific Plan boundary, including the subject proposal, are required to comply with Avoidance and Minimization Measures noted in the BO memo.

The project was routed to United States Fish and Wildlife Services and the California Department of Fish and Wildlife (CDFW) for comments. CDFW was also contacted for comments by the project applicant. No comments were provided by either agency.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

All land within the Millerton New Town Specific Plan has been subject of Wetlands Delineation and Verification with the U.S. Army Corps of Engineers (USACE).

The project will be subject to Clean Water Act (CWA) Section 404 dredge and fill permits, Section 401 water quality certifications and California Fish and Game Code Section 1602 streambed alteration agreements, where applicable.

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

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

FINDING: NO IMPACT:

Per the Millerton Specific Plan Policy SP1-P68, Habitat Preservation, an Open Space and Natural Resource Plan (OSNRP) has been established for the Millerton, Dry Creek and Sierra Foothill areas. The OSNRP will provide protection to sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridge tops and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.

The 158 acres of land to receive tertiary-treated sewage effluent generated by a Wastewater Treatment facility is currently unimproved with no vegetation. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinances.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is in an area designated as highly sensitive for archeological Resources. A study entitled *Cultural Resources Inventory (CRI) Millerton New Town Specific Plan*, was prepared by Kristina Roper and dated April 21, 2014. While encompassing all properties within the Millerton New Town Specific Plan area, this study was used as the basis for preparing a Cultural Resources Management Plan for Millerton Specific Plan development projects.

Per the *Cultural Resources Inventory (CRI)*, there are six archeological sites within the entire Millerton Specific Plan area that appear to meet the eligibility criteria for listing in the National Register of Historic Places and the California Register of Historic Resources. None of those sites are located within 158 acres of area subject to receiving

tertiary-treated effluent. Other sites identified in the CRI and scattered throughout the Millerton Specific Plan area are comprised of milling features. These sites are not eligible for NRA and do not appear to be in dispositional area where buried materials and/or features may be anticipated.

Additionally, the applicant and local tribe, Picayune Rancheria of the Chukchansi Indians, met and reviewed the project and known cultural resources to verify that the project did not impact said sites. While the area is rich in cultural resources no conflicts or impacts were identified.

The project will adhere to the following mitigation measure to ensure that in the unlikely event that cultural resources are unearthed during ground disturbance, impacts to cultural resources remain less than significant. The Mitigation Measure No. 12. c. - Historic/Cultural Resources listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix also reflects on this requirement.

* **Mitigation Measure:**

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

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project is unlikely to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. To minimize the potential for wasteful or inefficient consumption of energy resources, the project will adhere to the following Mitigation Measure.

* **Mitigation Measure:**

1. *The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction.*

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project is not in any identified landslide hazard area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading associated with laying of subsurface pipeline will adhere to the Grading and Drainage Sections of the County Ordinance Code.

The project will adhere to Mitigation Measure 13.g, Geology and Soils, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that the Applicant shall provide a detailed erosion and drainage control program for the project to control erosion, siltation, sedimentation and drainage.

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

FINDING: NO IMPACT:

Per Figure 9-6 of Fresno County General Plan Background Report, the project is not in an area at risk of landslides. The installation of subsurface pipelines would not result in underground materials movement and poses no risks related to subsidence.

- 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:

The Millerton Specific Plan identifies no potential soil problems. According to the Soils Analysis contained in the 1984 Environmental Impact Report (EIR) for Millerton Specific Plan, the predominant soil type in the area is not subject to shrink/swell. There is no geomorphic evidence of past landslides, slumps or mudslides on the site or adjacent property.

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

FINDING: NO IMPACT:

The project requires no restroom facility for which an onsite wastewater disposal system may be required.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) does not have a recommendation for assessing the significance of construction related emissions, however, other jurisdictions such as the Sacramento Metropolitan Air Quality Management District (SMAQMD) have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is

complete. The SMAQMD has established quantitative significance thresholds of 1,100 MT CO_{2e} per year for the construction phases of land use projects. As such, annual construction emissions below the 1,100 MTCO_{2e} would have a less than significant cumulative impact on GHGs.

The subject proposal is identical in nature to a recently approved CUP No. 3698 which was permitted to allow a 100-acre-foot inground tertiary-treated effluent storage pond and related subterranean pipelines to transport tertiary-treated sewage effluent from an existing Wastewater Treatment Facility to the pond. The construction intensity and duration of the subject proposal is far less than construction activity associated with CUP No. 3698. The subject proposal involves laying of subterranean pipeline only. The pipeline will carry effluent from the approved effluent storage pond to irrigate 158 acres of open land within the Millerton Specific Plan boundary.

The total construction-generated greenhouse gas emissions related to CUP 3698 from emission sources such as site grading, reclaimed water main, and other activities was 213 MTCO_{2e}. Given the scope of the subject proposal, the total construction-generated greenhouse gas emissions generated is anticipated to be less than 213 MTCO_{2e} and well below the significant threshold of 1,100 MTCO_{2e}.

Regarding operational GHG Emission, after construction of underground piping system, the ground will be returned to pre-construction condition resulting in no associated operational emissions of GHG.

In summary, the GHG impacts resulting from the subject proposal would be less than significant. The proposal is not in conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

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; or
- 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 Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the proposal and requires the following as Project Notes: 1) any use and/or storage of hazardous materials and/or hazardous wastes shall meet the

requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5; 2) submittal of a Hazardous Materials Business Plan may be required pursuant to the HSC, Division 20, Chapter 6.95, Section 25507; and 3) should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department.

The nearest school, Foothill Elementary School, is approximately 8.7 miles northeast of the project site.

The Consolidated Mosquito Abatement District (CMAD) reviewed the proposal and stated that use of tertiary-treated effluent water to irrigate landscape plants limited agricultural crops can be beneficial if undertaken with oversight, attention and planning to reduce the potential for mosquito production. The inclusion of pasture as a crop is a significant source of mosquito production and cost to control, in terms of manpower and pesticide.

The CMAD requires that project proponent shall be responsible for ensuring that the ongoing project takes all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production and be required to respond to requests from CMAD for actions to abate mosquito production on the property throughout the existence of the project. Further, the District shall have unhindered access to areas where irrigation occurs for surveillance and control purposes, if it becomes necessary to minimize and mitigate any nuisance or disease impacts created by the project. The project will adhere to these requirements and are noted below as a Mitigation Measure:

* **Mitigation Measure:**

1. *To minimize and mitigate any nuisance and disease impact created by the project, the project proponent shall take all necessary steps and costs to prevent, reduce and eliminate sources of mosquito production; shall respond to requests from Consolidated Mosquito Abatement District (District) for actions to abate mosquito production on the property throughout the existence of the project; and shall provide the District unhindered access to areas where irrigation occurs for surveillance and control purposes.*

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

FINDING: NO IMPACT:

According to the search results of the CalEPA (Cortese List: Section 65962.5(a), the 158 acres project site is not listed as a hazardous materials site. The project will not create hazards to the public, or the environment.

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

FINDING: NO IMPACT:

Per the Fresno County Airport Land Use Compatibility Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport, is approximately 13.5 miles south of the project site. The airport will not result in a safety hazard for the project.

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

FINDING: NO IMPACT:

The project will not impair implementation of, or physically interfere with an adopted emergency response/evacuation plan.

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

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is within the State Responsibility Area for wildland fire. There are no above ground structures associated with the proposal which may expose persons or structures to wildland fire hazards. No impact would occur.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the California Regional Water Quality Control Board (RWQCB), the existing wastewater discharge at Millerton Specific Plan (MSP) is regulated by Waste Discharge Requirement Order No. R5-2008-0127 and Master Reclamation Permit Order No. 2008-0128.

The RWQCB reviewed the proposal and required additional information to be provided on the land disposal areas and the crops to be grown. RWQCB also required that timing of the effluent application on the ground shall be in accordance with Master Reclamation Permit Order No. 2008-0128.

The applicant is working on a detailed design for the first of five effluent application areas. The design will indicate the grading necessary for the "protection" of the Rocky Branch Creek, the method of irrigation and the proposed crop and will be presented to

RWQCB for review and approval. The project will adhere to the following Mitigation Measure:

* **Mitigation Measure:**

1. *Prior to the issuance of any required permit or installation of any component of the Beneficial Re-Use of Title 22, tertiary-treated sewage effluent, the applicant shall meet with and obtain approval on the plans for each area from the California Regional Water Quality Control Board.*

The Resources Division of the Fresno County Development Services and Capital Projects Division reviewed the subject proposal and requires the following as Project Notes: (1) all irrigation infrastructure required for the project shall be designed and constructed in accordance with the approved Millerton Infrastructure Plan; (2) the applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project; (3) the plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval; (4) the applicant shall provide a one-year warranty for all improvements; and (5) the applicant shall obtain all necessary local and state regulatory permits prior to the project operation; (6) the reclaimed water distribution system shall comply with requirements contained in the AWWA publication "Guidelines for Distribution of Non-potable Water"; (7) the required separation of reclaimed water, potable water and raw wastewater piping shall be maintained; (8) all reclaimed water valves, outlets, quick couplers and sprinkler heads shall be of a type, or secured in a manner, that only permits operation by authorized personnel; and (9) the areas around the proposal shall be landscaped and designed to blend into the surrounding area in a compatible manner.

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

FINDING: NO IMPACT:

The project will not decrease ground water supplies. In fact, application of tertiary-treated effluent on 158 acres land (project site) by using irrigation equipment will help improve groundwater resources.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and offered no comments. The State Water Resources Control Board Division of Drinking Water (SWRCB-DDW) also reviewed the proposal and stated that the project does not meet the definition of a new public water system and is not subject to a permit from SWRCB-DDW.

- 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; or
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
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: LESS THAN SIGNIFICANT IMPACT:

The project development may cause minimal changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall be subject to the following requirements included as Project Notes. The project shall require either a grading plan, improvement plan, permit, or voucher; file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the California Regional Water Quality Control Board before the commencement of any construction activities disturbing 1.0-acre or more of area; and provide copies of completed NOI and SWPPP to Development Engineering prior to any grading work.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1035H LOMR Case No. 12-09-1045P, portions of the area of the parcel lots with APNs 300-542-13, 54 and 27 are within the Flood Zone AE, subject to flooding from the 100-year storm. A Project Note would require that any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas.

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

FINDING: NO IMPACT:

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

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project is within Millerton Specific Plan boundary, a self-sustained community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails Amendment to Text (AT) No 382 modifying the Fresno County Zoning Ordinance to add the following language to the R-1-E, R-1-B, R-1-C, R-1, and R-2 Zone Districts:

Landscaping, Limited Agriculture, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.

AT 382 was filed in conjunction with Unclassified Conditional Use Permit Application No. 3727 to be able to irrigate 158 acres of open land with tertiary-treated effluent generated by an existing Wastewater Treatment Facility. The subject land is designated as Medium Low Density Residential, Medium Density Residential, Public Facilities, and Open Space in the Land Use and Circulation Elements of the Millerton Specific Plan.

With the approval of AT 382, the limited conditionally approved spraying of tertiary-treated sewage effluent for landscaping, agriculture and grazing on residentially zoned properties noted above would be in conformance with land use plan, policy, or regulation of Fresno County.

The project complies with the following Millerton Specific Plan policies.

Regarding Millerton Specific Plan Policy SP1-P83, the tertiary-treated effluent generated by an existing WWTF will be stored in a 100-acre-foot effluent storage pond for the purpose of seepage, and partial evaporation and will be used to irrigate agricultural, landscaping, and grazing areas.

Regarding Millerton Specific Plan Policy SP1-P45, the tertiary-treated effluent will be used to irrigate 158 acres of land within the Millerton Specific Plan area subject to the approval of AT and CUP

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

Per Figure 7-8 of the Fresno County General Plan Background Report, the project site is not located within a mineral-producing area of the County.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction activities related to underground pipeline could increase noise level in the area. However, noise impacts associated with construction will be temporary and are required to adhere to the County Noise Ordinance.

- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: NO IMPACT:

The construction or operation of the project would not result in ground-borne vibration or generate ground-borne noise levels.

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

FINDING: NO IMPACT:

See Section IX. E. above.

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:

This project is unrelated to population growth. No impact would occur.

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?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed the project and did not identify any concerns related to fire hazard.

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

FINDING: NO IMPACT:

The project will have no impact on police protection, parks, schools, or other public 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: NO IMPACT:

The project will not require new or expanded recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

The subterranean pipeline will be installed within the public road right-of-way maintained by County Services Area (CSA). According to the Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning these roads are not county-maintained roads and will have no impact on County maintained roads. The Design Division of the Fresno County Department of Public Works and Planning also reviewed the project and offered not comments related to traffic.

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

FINDING: NO IMPACT:

The project related construction activities would generate fewer than 110 trips per day which is presumed to cause a less-than-significant transportation impact per the State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts* in CEQA dated December 2018 (OPR Technical Advisory). As such, the project will have no traffic impact related to vehicle miles travel (VMT).

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

FINDING: NO IMPACT:

The project will not change the existing roadway design, or result in inadequate emergency access within or near the Millerton Specific Plan boundary. No impacts would occur.

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:

The project site is in an area designated as highly sensitive for archeological Resources. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested for consultation. Table Mountain Rancheria, however, indicated that all cultural sites within the project area shall be avoided. A Mitigation Measure included in the CULTURAL ANALYSIS section above will reduce impact to cultural resources to less than significant.

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:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

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

FINDING: NO IMPACT:

See discussion in 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:

See discussion in Section VII. E. GEOLOGY AND SOILS above.

- 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 will not generate any solid waste for disposal to local land-fill. No impact would occur.

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

The project is located within the State Responsibility Area (SRA). Due to no above-ground structure proposed, the project will not be subject to wildfire issues noted above.

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:

The project site is located within an area of wildlife and wetlands which were previously identified in the Environmental Impact Report certified for the Millerton Specific Plan approved in 1984. As indicated in the above analysis, the project will adhere to Mitigation Measures listed in the Monitoring Program Matrix, Avoidance and Minimization Measures noted in the Biological Opinion (BO) for Millerton Specific Plan. Impacts on the Cultural Resources will be less than significant with a Mitigation Measure included in Section V above.

- 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:

The project was analyzed for potential impacts, and appropriate project-specific Mitigation Measures have been developed to reduce project impacts to less than significant levels. The project is required to comply with applicable County policies and ordinances. The incremental contribution by the proposed project to overall development in the area is less than significant.

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air Quality, Greenhouse Gas Emission or Transportation were identified in the project analysis. Impacts identified for Cultural Resources, Energy and Hydrology & Water Quality will be addressed with the Mitigation Measures discussed in Section V, Section VI, and Section X above.

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

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study No. 8157 prepared for Amendment to Text No. 382 and Unclassified Conditional Use Permit Application No. 3727, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems or wildfire.

Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, land use and planning, noise, and tribal cultural resources have been determined to be less than significant.

Potential impacts to cultural resources, energy, hazards and hazardous materials, and hydrology & water quality have been determined to be less than significant with the identified Mitigation Measures.

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

EA:jp

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