



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: James & Louella Bratton
- APPLICATION NOS.: Initial Study No. 8148 and Unclassified Conditional Use Permit Application No. 3723
- DESCRIPTION: Allow a high-intensity park with related improvements for weddings, receptions, birthdays, anniversaries, and company parties on an approximately 10-acre portion of three parcels totaling 57.91 acres in size in the R-R(c) (Rural Residential, two-acre minimum parcel size, Conditional) Zone District.
- LOCATION: The project is located on the north side of Auberry Road approximately 5.3 miles northeast of its intersection with E. Copper Avenue and 3.1 miles southeast of unincorporated community of Friant (16399 Auberry Road) (Sup. Dist.: 5) (APN: 300-370-23, 24 & 25).

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area consisting of gentle rolling hills with sporadic landscaping and residential developments. The project area has scenic vistas of oak woodlands along rolling hills and Little Dry Creek on the valley floor adjacent and below the project site. The existing lighthouse on the property is also a notable feature from Auberry Road.

The subject proposal will utilize all the existing improvements (including lighthouse) on the property and will construct a commissary and restroom facilities. Given the limited new construction, the proposal will not cause significant physical changes to the site and therefore will have a less than significant impact on scenic vistas in the area.

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

FINDING: NO IMPACT:

The project site fronts Auberry Road which is identified as a Scenic Drive in the Fresno County General Plan. General Plan Policy OS-L.3 requires that scenic drives shall adhere to a 200-foot setback of natural open space. The nearest improvements relating to this proposal will set back approximately 380 feet north of the Auberry Road right-of-way. As such, the project will not impact the scenic quality of Auberry Road.

- 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 project site is currently developed with a 6,500 square-foot single-family residence converted into a bed & breakfast facility; a 3,000 square-foot observation tower, of which 1,756 square feet is converted into a single-family residence; wedding Sites 1 and 2; and parking and related improvements.

The proposal consists of two phases. In Phase 1, the primary residence will continue to be utilized as a bed & breakfast (B&B) facility with food prepared inside the kitchen of the residence. The existing garage adjacent to the B&B will be converted into a food commissary to be used by the outside vendors during events. The outside area will be used for weddings, special events or as a meeting venue, and new restroom facilities will be constructed as required. In Phase II, the existing observation tower will be utilized as a meeting venue and a commissary and restroom facilities will be constructed.

As noted above, the project area is of scenic qualities due to oak woodlands along rolling hills and water features near the project site. Auberry Road, which provides access to the site, is also considered a scenic drive. The subject proposal will utilize a combination of existing improvements (residence, observation tower) and new improvements (restrooms, commissary) to be constructed on the property. All new improvements are of low height, will blend in with the existing improvements, and will be located within the area of mature landscaping on the property. The project will have a less than significant impact on the existing visual quality of the site and its surroundings.

- 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 project will utilize outdoor lighting fixtures for parking and event lighting. To minimize any light and glare impacts resulting from this proposal, a mitigation

measure would require that all lighting shall be hooded and directed downward as to not shine toward adjacent property and public streets.

* **Mitigation Measure:**

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

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

FINDING: NO IMPACT:

The site is designated as Non-Agricultural and Natural Vegetation on the 2016 Fresno County Important Farmland Map and is not subject to a Williamson Act Land Contract.

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

FINDING: NO IMPACT:

The project is an allowed use on the property zoned for Rural Residential with a discretionary land use approval. The project site is not enrolled in Williamson Act Program.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?

- 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 forest land or timberland. Zoned as Rural Residential land, The site is developed with a single-family residence, an observation tower, parking and related improvements. The project involves limited new and as such will have a less than significant impact on the current rural, low-density environment of the area.

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?
- 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?
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposed project and expressed no concerns with the proposal. The plan does not conflict with the Air Quality Plan, does not violate any air quality standard, will not result in a cumulative net increase of any criteria pollutant, nor does it expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

The District further stated that the project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the 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). As such, the project will not be in conflict with the applicable Air Quality Plan, 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 or expose sensitive receptors to substantial pollutant concentrations. The project may be subject to the District Regulation VIII and rules provided by the District in the event an existing building will be renovated, partially demolished, or removed. The applicant has been advised of the District's rule which will be included as Project Notes

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

FINDING: NO IMPACT:

The project will not generate any objectionable odors. The San Joaquin Valley Air Pollution Control District expressed no concerns related to odor.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 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: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project site is currently developed with a 6,500 square-foot single-family residence converted into a bed & breakfast facility; a 3,000 square-foot observation tower, of which 1,756 square feet is converted into a single-family residence; wedding Sites 1 and 2; and parking and related improvements. The remainder of the property is undeveloped and is occupied with mature landscaping of various kinds.

The project was routed to the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) for review and comments. Comments provided by CDFW on November 22, 2021, indicated that: 1) known occurrence records document California Tiger Salamander (CTS) within the subject property; and 2) aerial photographs show presence of suitable upland refuge and breeding habitat for CTS within the project site. CDFW expressed concerns that this species may be impacted by ground-disturbing activities related to project implementation and requires that: 1) potential project-related impacts to CTS shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (DFW, 2003); and 2) in the absence of protocol surveys, the Applicant shall assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the

Department or demonstrate that the project could be implemented while avoiding the species. These requirements will be included as mitigation measures:

* **Mitigation Measures:**

1. *Project-related impacts to the California Tiger Salamander (CTS) shall be evaluated prior to any ground-disturbing activities by a qualified biologist using the “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (DFW, 2003)”.*
2. *In the absence of protocol surveys, the applicant can assume the presence of CTS within the project area and obtain an Incidental Take Permit (ITP) from the Department or demonstrate that the project could be implemented while avoiding the species.*

No concerns were expressed with the proposal by the United States Fish and Wildlife Service.

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

FINDING: NO IMPACT:

The project will not conflict with any local policies or ordinances protecting biological resources.

- 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 the provision of any Habitat Conservation Plan or Natural Community Conservation Plan for the area.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project is in an area of moderate archeological sensitivity and was routed to the Southern San Joaquin Valley Information Center (SSJVIC) for review and comments. According to SSJVIC, previous cultural resources investigations have identified cultural resources on the property, and SSJVIC recommends that a qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities. This requirement will be included as a mitigation measure. An additional mitigation measure will require that in the case where archeological resources are found during ground disturbance, all work shall be halted until the proper authorities have been notified for further action.

* **Mitigation Measures:**

1. *A qualified professional archaeologist shall conduct a field survey of any vacant land to determine if other cultural resources are present prior to ground-disturbance activities.*
2. *In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*

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: NO IMPACT:

The project involves limited new construction and site development which will not be subject to inefficient, wasteful, or unnecessary energy use.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-4 of the Fresno County General Plan Background Report, the project site is in an area which has 10 percent probability of seismic hazard in 50 years with peak horizontal ground acceleration of 0 to 20 percent.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project site is not in any identified landslide hazard area. The project site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: NO IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. The project will not increase the net impervious surface or change the existing drainage patterns.

- 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:

As noted above, the project site is flat with no topographical variations. The site bears no potential for on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse due to the project-related improvements.

- 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:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site is not in an area of moderately to highly expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will require construction of on-site sewage disposal systems for proposed restroom facilities under permits and inspections from the Building and Safety Section of the Fresno County Department of Public Works and Planning. The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and requires that sewage disposal systems for the project shall be installed in accordance with the sewage disposal system design prepared by Norbert Larsen, dated June 28, 2014 (NWL 207-14 addendum), or as otherwise deemed acceptable by the Health Department. The applicant should consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. This requirement will be included as a Project Note.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The subject property is not located in an area of moderate or high sensitivity for archaeological resources (See FCGPBR). A cultural resources assessment completed by ESR, Inc. dated August 8, 2013, for the project, found no unique paleontological or geological resources on the subject property. However, in the unlikely event that such resource is discovered during excavation, the project will be required to follow mitigation procedures.

* **Mitigation Measures:**

1. *In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native*

American, the Coroner must notify the Native American Commission within 24 hours.

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?
- 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:

Greenhouse gas emissions associated with the project would occur over the short-term from construction activities, as stated by LSA in the Air Quality and Greenhouse Gas Analysis dated February 9, 2022. Review of this application by the Air District indicated that this project, with adherence to the mitigation measure proposed by the Air District, would be in compliance with their policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases. These requirements provide oversight for the project to ensure that standards continue to be met. As they do not address any specific impacts, they will be included as conditions of approval to the Conditional Use Permit associated with this Initial Study. The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO_x and PM₁₀ emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions. Adherence to the Air District's regulations will ensure less than significant impacts on the release 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:

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires the following as Project Notes. The facilities proposing to use and/or store 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. The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

The project is not located within one-quarter mile of a school. The nearest school, Solid Truth Academy, is approximately 5.3 miles east of the project site.

- 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:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site.

- 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 11.8 miles south of the project site. The airport will not create safety hazard or be a source of excessive noise 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 site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal is located within a wildland area. According to the Fresno County Fire Protection District (CalFire) the project shall comply with the latest California Code of Regulations Title 24 – Fire Code and shall require approval of the County-approved site plans by the Fire District prior to issuance of building permits. This requirement will be included as a Project Note and be addressed through Site Plan Review, recommended as a Condition of Approval.

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:

See discussion above in Section VI. E. Geology and Soils regarding waste discharge requirements for the project.

The subject proposal will utilize an existing on-site domestic water well and was routed to the State Water Resources Control Board (SWRCB), Division of Drinking water (DDW) for compliance with water quality standards for potable water. According to SWRCB-DDW, the proposal meets the definition of a public water system and shall be permitted as such. SWRCB-DDW also stated that the applicant has complied with all the outstanding issues relating to the current water system on the property and a water supply permit for this proposal has been drafted by that agency.

No impacts on the quality of groundwater were expressed by the California Regional Water Quality Control Board.

- 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:

According to the Applicant's Operational Statement, there is an active water well and two 5,000-gallon water storage tanks on the property. The well produces 150 gallons of water per minute and will supply water for domestic use as well as for landscaping. The property is in a water-short area of Fresno County.

The Water and Natural Resources Division (WNRD) of the Development Services Division reviewed the project and required a hydro-study to demonstrate that adequate and sustainable water exists for the project. A hydro-study (Groundwater Supply Report) was prepared for the project by Strahm Engineering Associates, Inc.

and dated February 2022. WNRD accepted the findings of the hydro-study and indicated that sufficient groundwater supply exists for the proposed use and that impacts to other users in Fresno County are unlikely to occur.

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: LESS THAN SIGNIFICANT IMPACT:

The United States Geological Survey (U.S.G.S) map shows that an intermittent stream traverses through the northern part of the site, and Parcel Map 7733 recorded on the property shows a 50-foot building setback line on either side of the stream. The proposed development on the site is not within the setback area.

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, the southwest corner of parcel lot with Assessor's Parcel Number 300-370-25 is located within flood zone A, subject to flooding from the 100-year storm. The proposed project does not propose to develop or disturb the area within Flood Zone A. 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 divide an established community. The project site is 3- 5 miles from the urbanized portions of the County adjacent to the City of Clovis.

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

FINDING: NO IMPACT:

The project has been reviewed and determined to be consistent with applicable Policies of the General Plan & Sierra-North Regional Plan.

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 outside of any 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; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels; or
- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public

use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Fresno County Noise Ordinance and the City of Fresno Municipal code, the proposed project has the potential to expose nearby residents to elevated noise levels. Fresno County Environmental Health Division reviewed the Acoustical Study that was prepared by ESR, Inc. on September 5, 2013, for CUP 3388. Fresno County Environmental Health Division determined on September 17, 2013, that the study was adequate and that the project would have a less than significant effect on the environment. Any noise exposure resulting from the proposed use inside a commercial building to the nearest residential dwelling, located 1,064 feet west from the commercial project, would be less than significant.

"Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. Ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location (Chapter 10-Regulations Regarding Public Nuisances and Real Property Conduct and Use. Article 1-Noise Regulations. Section 10-102 (b).

* **Mitigation Measures:**

Adherence to the Fresno County Noise Ordinance and the City of Fresno Municipal code shall be followed.

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 will not result in an increase of housing, nor will it otherwise induce population growth.

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: LESS THAN SIGNIFICANT IMPACT:

Per the Fresno County Fire Protection District (District), the project may require annexation into the Community Facilities District No. 2010-01. These requirements will be included as Project Notes.

- 2. Police protection?

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

The scale of the project is not significant enough to cause an increase in demands for service that would require additional facilities or service resources.

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 does not involve residential development which may increase demand for neighborhood and regional parks, or other recreational facilities in the area. The project may be considered a recreational facility but is an enhancement to the public environments and does not physically interact or detract from other facilities or adversely impact 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; or
- 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 WITH MITIGATION INCORPORATED:

This project has the potential to impact traffic along North Auberry Road and back to Copper Avenue; however, with adherence to the Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division, said impacts will be less than significant. Further details of the VMT Analysis and TMP can be found in the VMT Impact Analysis provided by Peters Engineering Group. In addition, all other conditions of approval for CUP 3388 shall remain applicable.

* **Mitigation Measure**

- 1. *Operation of the proposed High Intensity Park shall be in conformance with the Traffic Management Plan approved by the County and dated October 27, 2021 or other Traffic Management Plan approved by the Fresno County Design Division and the Fresno County Road Maintenance and Operations Division.*
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
 - D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The applicant will be required to adhere to the Traffic Management Plan prepared by Peters Engineering, which includes the requirement to install directional signs to ensure that traffic does not back up along Auberry Road.

* **Mitigation Measure**

- 1. *See Section XVII.B*

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Under the provisions of Assembly Bill 52 (AB 52), participating California Native American Tribes were notified of the project proposal and given the opportunity to enter into consultation with the County of Fresno on addressing potential cultural resources. No requests for consultation were received and no concerns were expressed by reviewing tribal governments. As no evidence was supplied to verify presence of tribal cultural resources and in considering the subject sites past use as agricultural production and supportive of the adjacent dairy, there is minimal likelihood that a cultural resource is present on the subject site. A mitigation measure shall be implemented to properly address a cultural resource in the unlikely event that such a resource is unearthed during ground-disturbing activities associated with the project.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C. Mitigation Measure #1

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will involve the construction of new restrooms. No other wastewater facilities are planned. The project will also entail the construction of a lighting, speakers, parking,

and a walking path. There are no major electrical, gas or telecommunications distribution facilities proposed with this application.

- 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 project is anticipated to use approximately 4,464 gallons of water per day during operation of the facility, which will be supplied by an onsite well. The Water and Natural Resources Division conducted a water evaluation for the proposed project and determined that the water supply is adequate to support the project. Additionally, the subject parcel is not located within an area of the county defined as being a water short area.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Wastewater is processed on site not by a service provider, 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: LESS THAN SIGNIFICANT IMPACT:

The solid waste generated by the project include 1 cubic yard per day of regular solid waste. All solid wastes and recyclables will be sent to local land-fill site through regular trash collection service.

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: LESS THAN SIGNIFICANT IMPACT:

The subject site is already improved with structures that are proposed to be utilized with the subject operation. In addition, there are additional structures proposed with this project. The project will not substantially degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: NO IMPACT:

The project will have no impact on biological or cultural resources. It would not degrade the quality of the environment; 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; or reduce the number or restrict the range of an endangered, rare, or threatened species.

- 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are 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 be subject to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. The project involves limited new development. As such, no cumulatively considerable impacts relating to Agricultural and Forestry Resources, or Air quality were identified in the project analysis.

- 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. 8148 prepared for Classified Conditional Use Permit Application No. 3723, 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 agriculture and forestry resources, mineral resources, population and housing, or recreation. . .
- Potential impacts related to aesthetics, air quality, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, utilities and service systems, and wildlife have been determined to be less than significant.
- Potential impacts related to biological resources, cultural, and tribal cultural resources, noise, and transportation have been determined to be less than significant with Mitigation Measures incorporated into the project.

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.

MP:

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