



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** White Fox Creek, LLC. (Austin Ben Ewell Jr.)
- APPLICATION NOS.:** Initial Study No. 7918, General Plan Amendment No. 561, Classified Conditional Use Permit No. 3688, and Amendment Application No. 3847.
- DESCRIPTION:** Amend the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan to allow a 200-unit multiple-family residential complex as an alternative to the planned Hotel/Conference Center and 3-Par Course use, and approve Conditional Use Permit No. 3688 to allow a Planned Residential Development for the 200-unit multiple-family residential complex, and adopt Amendment Application No. 3847 to adjust the boundaries of the existing O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District.
- LOCATION:** The project site is comprised of a 23-acre site located on the east side of Mariana Drive, beginning approximately 150-feet south of Millerton Road. The site is approximately three miles east of the unincorporated community of Friant (APN: 300-350-27s) (Dist. No. 5).

### I. AESTHETICS

Except as provided in Public Resources Code Section 20099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or

**FINDING:** LESS THAN SIGNIFICANT IMPACT:

The subject site is in a predominantly agricultural area with tract homes pocketed throughout the region. Images of the subject site depict views of the nearby foothill range located east and northeast of the subject site. Underlying development standards established by the Zone District will regulate construction of the structure to a maximum height of 35 feet. In considering the project will be following development standards of the underlying zone district and that no scenic vista would be negatively impacted by the project, a less than significant impact can be seen.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is situated along Millerton Road where the terrain begins to change from the valley floor to the foothills. To the north is Millerton Lake and further east of the site is the Sierra Nevada Mountain Range. Per Figure OS-2 of the Fresno County General Plan, Millerton Road at the project site is designated as a scenic road. Although the project site is in areas deemed scenic, these areas are not observed from the project site where an impact to a scenic vista could potentially occur. As there were no scenic resources identified on the project site, the project is not expected to have a significant impact on a scenic vista or scenic resource.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is dual zoned O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional). The O Zone District would provide a buffer of the project site from the right-of-way where public views of the site would occur. The proposed multi-family residential development is expected to comply with the development and architectural standards as described in the White Fox Creek Sub-Unit Plan of the Millerton New Town Specific Plan. The change to the area will not negatively affect the visual character of the surrounding site.

- 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:

Per the Applicant's Operational Statement, the project will utilize outdoor site lighting and pole mounted parking lot lights to provide security for the development. To ensure that new sources of lights and glare do not adversely affect day or nighttime views in the area and not substantially impact adjacent properties or public right-of-way, mitigation measures for the placement and design of outdoor lighting will be implemented.

**Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

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

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

FINDING: NO IMPACT:

Per the 2016 Fresno County Important Farmland Map, the subject property is designated Grazing Land. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

FINDING: NO IMPACT:

The subject parcel is zoned O(c) (Open Conservation, Conditional) and C-6(c) (General Commercial, Conditional) Zone District. The subject parcel is not subject to a Williamson Act Contract. The project will not conflict with the existing zoning for agricultural use and would not conflict with the Williamson Act Contract.

- 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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project will be placed adjacent to existing land development. Given its limited scope; this proposed project is not expected to significantly affect farmland nor forest.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not zoned for agricultural use or forestland. The subject parcel is not Williamson Act Contracted. The subject parcel is located within the boundaries of the Millerton Specific Plan and is designated for commercial use. Surrounding areas are designated for commercial, residential, and open space use. The project would not result in the conversion of Farmland to non-agricultural use or forest land to non-forest use.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The applicant provided an Air Quality and Greenhouse Gas Impact Analysis, completed by VRPA Technologies, dated May 2022. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by the Air District.

Per the Air Quality and Greenhouse Gas Impact Analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction emissions associated with the project would be below SJVAPCD thresholds for ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>2.5</sub>, or PM<sub>10</sub> emissions. In addition to the construction period thresholds of significance, SJVAPCD has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM<sub>10</sub> emissions during the construction period. Implementation of Mitigation Measures as noted below would ensure that the proposed project complies with Regulation VIII and further reduces the short-term construction period air quality impacts. Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions), the following measures would be implemented under the District's regulations for dust control during construction:

1. *At the developer's expense and prior to the issuance of a building permit, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.*
2. *At the developer's expense and prior to the issuance of a building permit, all on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*
3. *At the developer's expense and prior to the issuance of a building permit, all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
4. *At the developer's expense and prior to the issuance of a building permit when materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*
5. *At the developer's expense and prior to the issuance of a building permit, all operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)*
6. *At the developer's expense and prior to the issuance of a building permit, following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.*

The Long-Term Operational Emissions are associated with mobile source emissions that would result from vehicle trips associated with the proposed project. Area sources, such as landscape equipment would also result in pollutant emissions. Based on the air quality impact analysis, emission estimates for operation of the project calculated using CalEEMod shows that the total project emission resulting from the project would not exceed San Joaquin Valley Air Pollution Control District thresholds for annual ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> emissions; therefore, the proposed project would have a less than significant effect on regional air quality, and thus, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

- 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located within the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, lead and others.

Per the Air Quality and Greenhouse Gas Impact Analysis by VRPA Technologies, the project does not pose a substantial increase to basin emissions. As the project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

C. Expose sensitive receptors to substantial pollutant concentrations; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project involves the clearing of vegetation and grading of the proposed construction area. While it is expected that there will be some dust and particulate matter released into the air during construction activities, the overall area of ground disturbance would be limited to the proposed lease areas. The adjacent residential development are considered sensitive receptors, but would not be subject to excessive pollutant concentrations from the Air Quality Plan.

Given its limited scope, this proposed project is not expected to conflict with or obstruct implementation of the applicable Air Quality Plan or violate any air quality standard or result in a cumulatively considerable net increase in any criteria pollutant for which the project region is designated a non-attainment area, under ambient air-quality standard. The proposal will be subject to General Plan Policy OS-G.14, which requires that all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of the use.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Air Quality and Greenhouse Gas Impact Analysis, heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after individual construction is completed. No other sources of objectionable odors have been identified for the project.

The San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the district nuisance rule requires that any

project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The uses proposed by the subject application are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

#### IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed project is within an area identified as California Tiger Salamander and Vernal Pool Fairy Shrimp. Several vernal pools and other seasonal wetlands are located within the low-lying grasslands, along upper terraces of the streams. A Biological Resources Survey Report conducted by Vollmar Natural Land Consulting in 2014 for an adjacent property (located west to the project site) includes Mitigation Measures addressing potential ecologically sensitive areas (creek). White Fox Creek is an ephemeral stream which, under natural conditions, would likely flow only during the winter and spring. White Fox Creek contains some moderately deep (approximately 3' deep) pools shaded by overhanging riparian trees which may remain ponded for much of the dry season, or even perennially in wet years, but most of the stream is dry by early summer. Within the Site, most of the creek's length supports riparian vegetation. However, any potential special-status species location is located within an area designated as Open Space, and therefore impacts resulting in disturbing these habitats can be mitigated to less than significant. The applicant has expanded the total area designated as open space to eight-acres. This expansion helps reduce any negative environmental impacts to the species potentially affected.

#### **Mitigation Measure(s)**

- 1. The project site is currently within the area covered by Incidental Take Permit (ITP) (ITP No. 2081-2014-079-04) that has been the location of recent burrow clearing and biological fencing as a part of the Morningside Way Road project. Approximately two-third of the site is already cleared and fenced as per the requirements of the ITP. Prior to construction on the development site, the balance of the site shall be checked, cleared, and fenced in accordance with the ITP.*
- 2. A qualified biologist shall perform a "Pre- Construction Survey" of the site to check for the California Tiger Salamander (CTS), Western Pond Turtle (WPT), Western Spadefoot toad (WESP), American Badger (AMBA) and Burrowing Owl (BUOW ) as listed in the CDFW letter dated February 1, 2021. If no species are*

*found on the site, the next steps of the plan can occur. If species are located, a biologist shall follow State and Federal protocols for their removal from the 5.17-acre project site.*

- 3. The biologist shall prepare a "Site Education Pamphlet" for distribution both in English and Spanish to all contractors and subcontractors that will be working on the site and shall work with the applicant/owner to have a notification sign placed on the site at the construction entrance. This sign shall be 4 feet by 8 feet in size and shall contain the same information as the Site Education Pamphlet.*
- 4. The owner shall retain the biologist to conduct education "Discussions" with any contractor/subcontractor who will have more than five employees working on the site.*
- 5. The owner and/or biologist shall keep a daily log of all workdays and shall document and signs/sightings of the five species listed above.*
- 6. If a sighting of any of the species occurs during the course of construction, work shall be stopped, and the biologist shall be contacted, and State and federal protocols shall be followed for the removal of the species.*
- 7. The owner shall contact the California Department of Fish and Wildlife at the end of each month, provide that daily log, and a summary of the month's activities on the site.*

- 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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the National Wetlands Inventory mapper web application, the project site is classified under the Palustrine System, of which includes all nontidal wetlands dominated by trees, shrubs, persistent emergent, emergent mosses, or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation. The wetland location is located within an area designated as Open Space, and therefore impacts resulting in disturbing these habitats can be mitigated to less than significant per Biological Resources Section A Mitigation Measures.

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



FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not located within a state or federally-protected wetland. However, the stream traversing southward from eastern portion of the project site has been designated as open space and will not be disturbed. The applicant has expanded the total area designated as open space to eight-acres. This expansion helps reduce any negative environmental impacts to the species potentially affected.

- 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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project is not likely to affect nor interfere substantially with the movement of any native resident or migratory fish or wildlife species. However, any potential fish would be located within the area designated as Open Space (eastern portion of the parcel). Impacts resulting in disturbing these habitats are deemed less than significant. The applicant has expanded the total area designated as open space to eight-acres. This expansion helps reduce any negative environmental impacts to potentially affected species.

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

This project does not conflict with any local policies or ordinances protecting biological resources. The proposed general plan amendment concerning the proposed creek will reduce the setback requirements to 40-feet from the required 100-foot setback previously required by a certified biologist.

- 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 project site is unimproved with limited vegetation. The Millerton Specific Plan has a Oak Tree management plan of which the project shall comply with. In addition, the project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinance.

## 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:

Identification efforts in cooperation with the Table Mountain Rancheria as part of consultation under the provisions of Assembly Bill 52 (AB 52) resulted in updated zoning boundaries reflected in the Amendment Application (rezone). It provides a separation between the proposed development and potential sites for cultural resources through the proposed open space zoning which would ensure that the project would not encroach into the identified archeological/tribal cultural site.

Additional mitigation measures including proper procedure for identification of cultural resources should they be identified during project construction and the requirement of an archeological monitor being present during ground-disturbing activity will further ensure that the project would result in a less than significant impact. See Section 7.E and the mitigation measures listed below.

### **Mitigation Measure(s)**

1. *The Archeological Sites No. FRE-1685 and FRE-1686 identified in the Cultural Resources Inventory Millerton New Town Specific Plan Area (MNTSPA) dated April 21, 2014 prepared by Kristina Roper shall remain in open space and undisturbed by the proposed planned unit residential development.*
2. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of the proposed residential uses on the subject property would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will also be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), effective January 1, 2020, to meet the goals of Assembly Bill (AB) 32 which established a comprehensive program of cost-effective reductions of greenhouse gases to 1990 levels by 2020.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Energy resource consumption is expected to occur during project construction and operation. The proposed development is subject to current building code standards which would consider state and local energy efficiency standards and renewable energy goals. The project would result in a less than significant impact with Mitigation Measures incorporated.

### **Mitigation Measure(s)**

*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.*

## 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?

FINDING: NO IMPACT:

Per the California Department of Conservation's Earthquake Hazard Zone Web Application, the project is not located within or near an Earthquake Fault Zone or known earthquake fault.

2. Strong seismic ground shaking?

FINDING: NO IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project site is located on land that has a 0-20% chance of reaching peak horizontal ground acceleration assuming a probabilistic seismic hazard with 10% probability in 50 years. In consideration of Figure 9-5, the project site has a low chance of reaching peak horizontal ground acceleration and would have a low chance of being subject to strong seismic ground shaking.

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

FINDING: NO IMPACT:

As depicted in Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located within an area with landslide hazard or subsidence hazard. In addition, as noted above, the project site is not expected to be subject to strong seismic shaking which if prolonged would result in liquefaction nor landslides of the site.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Project construction will result in the loss of topsoil due to the addition of impervious surface. The existing terrain of the project site contains small hills and a seasonally flooded stream. The project would be subject to local and state standards for development of the site. Development of the site would be further reviewed under regulatory permits for grading and construction which would ensure that the development would not result in substantial soil erosion where increased risk would occur.

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

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site.

D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located on soils exhibiting moderately high to high expansion potential.

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:

Septic tanks or alternative wastewater disposal systems will not be on site. The subject parcel is located within the boundaries of County Service Area (CSA) 34 and receives sewer service from the CSA. The Fresno County Resources Division indicated in their comments of the project that sewer treatment capacity from the existing wastewater treatment facility will require procurement of additional capacity units if the developer does not have enough units for the proposed development. Confirmation of available capacity units with the Resources Division would occur prior to building permits being issued for the project. As the project will not be allowed to construct septic systems and will be required to hook into the existing CSA and wastewater treatment facility, the project would have a less than significant impact.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project is located in a medium paleontologically sensitive area which may contain unique paleontological resource or unique geologic feature identified on the project site. Ground disturbances related to grading, trenching, foundation work and other excavations exceeding 5 feet in depth has the potential to impact paleontological resources. The project shall initially be monitored on a full-time basis by a qualified paleontological monitor. Mitigation Measures Procedures for paleontological monitoring are described below.

**Mitigation Measure(s)**

*1. At the applicant's expense, all construction activities that disturb intact native sediments at depths exceeding 5 feet should be initially monitored on a full-time basis by a qualified Paleontological Monitor who will work under the supervision of the*

*Qualified Paleontologist. Ground disturbing activity that is less than 5 feet in depth or in previously disturbed areas do not require monitoring. Work activities that do not involve ground disturbances do not require monitoring (i.e., pull-sites, laydown yards, etc.). Small-diameter auguring (less than 3 feet), and pile driving is exempt from monitoring.*

## 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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Greenhouse gas emissions associated with the project would occur over the short-term from construction activities, as stated in the Air Quality and Greenhouse Gas by VRPA Technologies Consulting Services dated May 2022. Existing air quality concerns within Fresno County and the entire SJVAB are related to increases of regional criteria air pollutants (e.g., ozone and particulate matter), exposure to toxic air contaminants, odors, and increases in greenhouse gas emissions contributing to climate change. The primary source of ozone (smog) pollution is motor vehicles. Long-Term emissions from the Project would be generated primarily by mobile source (vehicle) emissions from the Project site and area sources such as lawn maintenance equipment. Since Fresno County does not have GHG thresholds, the study utilized the South Coast Air Quality Management District's (SCAQMD) threshold of 3,000 MTCO<sub>2</sub>eq./year for GHG for construction emissions amortized over a 30-year project lifetime, plus annual operation emissions. Using a CalEEMod model, it was found the project would generate 2,440.89 MT/yr. This is below the SCAQMD threshold for criteria pollutants. Therefore, operational emissions and greenhouse gas emissions associated with the Project are considered less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the *Air Quality and Greenhouse Gas Analysis Report*, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted Climate Action Plan cannot be applied to the project because it does not contain measures that are applicable to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with the South Coast Air Quality Management District's (SCAQMD) threshold. This would be achieved with an assessment of the project's compliance with Assembly Bill (AB) 32 Scoping Plan measures. See Section VIII. Greenhouse Gas Emission A for further details.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed the project and provided comments. There comments include compliance of the project with State and local regulations for the use and/or storage of hazardous materials and wastes should they be utilized. Regulations include compliance with the California Health and Safety Code and preparation of submittal of a Hazardous Materials Business Plan. The project proposes to construct a multi-family residential complex and does not propose the storage of hazardous materials in amounts where a significant hazard to the public or environment could occur. With the project's compliance with applicable State and local handling and reporting requirements, the project is not likely to result in a significant hazard or result in a significant hazard due to accident conditions involving the release of hazardous materials into the environment.

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

FINDING: NO IMPACT:

There are no existing schools within a one-quarter mile of the project site. Additionally, review of the Millerton New Town Specific Plan indicates that there are no designated sites for a school within the Specific Plan area.

- E. 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 NEPAssist database, there are no listed hazardous materials sites located on the project site, nor in proximity of the subject site.

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

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 13.0 miles south of the site.

Given the distance between airport and the project site, the safety and noise impacts resulting from flying operations on people residing or working in the project area would be less than significant.

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not impair the implementation of, or physically interfere with, the implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan.

- H. 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:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is within the State Responsibility area for wildland fire. Potential exposure to wildland fires is deemed less than significant as fire prevention services can adequately service the increased residences.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not violate any water quality standards. The existing surface water treatment facility located within Millerton New Town Specific Plan and operated by County Service Area (CSA) No. 34 will provide water to the project.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, the following shall be included as Project Notes: Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). Construction permits for the proposed development should be subject



to assurance that the County of Fresno County Service Area-34 (CSA-34) community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project obtains water from CSA 34. Water procured from this CSA from treated surface water. Therefore, the project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

- 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 result in substantial erosion or siltation on or off site?

FINDING: NO IMPACT:

The project site has designated the identified stream/ creek (White Fox Creek) as open conservation space and will therefore not propose construction which would alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river.

- 1. Result in substantial erosion or siltation on- or off-site.

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading and drainage associated with the construction of all structures 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.

- 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?
- 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall require: 1) an engineered grading and drainage plan to show how the additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3) providing copies of completed NOI and SWPPP to Development Engineering prior to any grading work. These regulatory requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1035 revised to reflect LOMR Effective January 25, 2013, the westerly and northerly portions of the area of the subject property is within the Special Flood Hazard Area, subject to flooding from the 100-year storm. 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. Furthermore, any proposed structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring; walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the Special Flood Hazard Area must comply with the FEMA flood elevation requirements.

All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every structure proposed to be constructed within the flood zone. If the proposed work is near the flood zone, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required.

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

FINDING: NO IMPACT:

The subject proposal would not conflict with any Water Quality Control Plan or sustainable groundwater management plan. Water to the project will be provided by County Service Area (CSA) 34.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community; or

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is located within the boundaries of the Millerton New Town Specific Plan.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Open Space and Medium-Density Residential in the County-adopted Millerton Specific Plan and zoned for 'O' (Open Conservation) and C-6) General Commercial, Conditional) in the County Zoning Ordinance.

An amendment to Land Use Element of the Millerton Specific Plan is required to re-designate the proposed project site from Open Space and substitute the Hotel/Conference Center and 3-Par Course use from the White Fox Creek Sub-Unit Plan of the Millerton Specific Plan and substitute those uses with a 200-unit multiple-family residential complex.

The project is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project and complies with the following General Plan policies:

Regarding Millerton Specific Plan Policy SP1-P75, the project will be provided with a water system that will deliver sufficient water for domestic use and fire suppression.

Regarding Millerton Specific Plan Policy SP1-P77, the project will construct the necessary water infrastructure facilities required to serve the development.

Regarding Millerton Specific Plan Policy SP1-P80 and Policy SP1-P82, County Service Area 34 will operate and maintain sewer collection and treatment for the project.

Regarding General Plan Policy PF-C.14, water supply obtained from CSA 34 will adhere to public water supply standards for water quality and quantity administered by the State Water Resources Control Board, Division of Drinking Water.

Regarding General Plan Policy PF-H.2, the project will comply with the California Code of Regulations Title 24 – Fire Code and join Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

## 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 more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

Noise from increased vehicular traffic on and around the project site during construction of the storage pond would be less than significant. Construction-related noises are expected to be short term and exempt from compliance with the Fresno County Noise Ordinance, provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

The project will adhere to Mitigation Measure No. 19.a - Noise, listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires that projects adjacent to Millerton Road, shall provide shielding incorporated into the specific design of buildings in the form of noise barriers.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed rezone involves the creation of a 200-unit multiple-family residential complex. A Project Note would require that the construction of the project shall comply with the County Noise Ordinance regulations.

- 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 be residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not near an airport to be subject to airport noise. The nearest public airport, Fresno Yosemite International Airport, is approximately 13.0 miles south of the site.

#### 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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed multi-family residential development is expected to comply with the development and growth as described in the White Fox Creek Sub-Unit Plan of the Millerton New Town Specific Plan. Therefore, with the project's mandatory compliance of the standards laid out in the White Fox Creek Sub-Unit Plan will ensure that the planned population growth follows all development of the Sub-Unit planned area.

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

FINDING: NO IMPACT:

The project proposes create 200-unit multiple-family residential complex on an approximately 18-acre portion of an existing 23-acre parcel. The site is currently vacant and will not displace any exiting people or houses necessitating housing replacement elsewhere.

#### 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, to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection.

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Fire Protection District, the project shall comply with the California Code of Regulations Title 24 – Fire Code and obtain approval of County-approved site plans by the Fire District prior to the issuance of building permits by the County. The project shall also adhere to Water Flow Requirements, Fire Hydrants, Water Storage Requirements, Fire Sprinklers Systems, Fire Pumps, Fire Alarm Systems, Road Access, Premises Identification, Public Resources Code 4290, Title 15.60 County Ordinance, and California Code of Regulations: Title 14 Natural Resources 1272.00. Maintenance of Defensible Space Measures. Additionally, the project may require joining Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. These requirements will be included as Project Notes.

The project will adhere to Fire Protection Mitigation Measures (No. 6.a - e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. These measures relate to fee establishment for Fire Protection Benefit Assessment District for new fire station, costs support for fire protection services, road design to accommodate fire-fighting equipment, and site planning as it relates to fire protection measures incorporated into the project design.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will have less than a significant impact on police protection, parks, and schools as the specific plan accounted for services to the public. Regarding public facilities (CSA 34), The Resources Division has identified the following conditions that will need to be met before CSA 34 can serve the 100 EDU multi-family development. Prior to any services being provided, the Developer at its own expense, shall submit for review and approval all engineered plans for improvements necessary to serve the development. These may include both on-site and off-site improvements and may require the installation of new and or upgrades to existing facilities. The plans must include information for estimated wastewater flows and water use to confirm capacity or identify capacity needs and determine the size of the infrastructure and to upgrade existing infrastructure at the point of connection. Developer will be responsible for demonstrating how CSA 34 will provide treatment capacity prior to issuances of building permits and services.

**Mitigation Measure(s)**

1. *At the developer's expense and prior to the issuance of a building permit, the developer shall complete and provide final, stamped Engineer's Report approved by the State*

*Water Resources Control Board on utilization of reclaimed water to ensure permanent disposal capacity of treated wastewater exists along with a backup disposal plan if the proposed disposal area is compromised. Amend the Waste Discharge Requirements (WDR) to allow discharge as proposed.*

- 2. Design and construct Infrastructure necessary to serve the development as per the approved on-site and off-site plans.*
- 3. The project will adhere to Fire Protection Mitigation Measures (No. 6.a - e) listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix. These measures relate to fee establishment for Fire Protection Benefit Assessment District for new fire station, costs support for fire protection services, road design to accommodate fire-fighting equipment, and site planning as it relates to fire protection measures incorporated into the project design.*
- 4. At the developer's expense and prior to the issuance of a building permit, the developer shall expand the existing wastewater treatment facility as necessary to serve the development. This could include the installation of a new headworks or other upgrade determined necessary by the Department.*
- 5. At the developer's expense and prior to the issuance of a building permit, the developer shall design and construct water infrastructure necessary to serve the development prior to the issuance of development permits, as per the approved on-site and off-site plans.*
- 6. At the developer's expense and prior to the issuance of a building permit, amend the existing Waste Discharge Requirements, issued by the Regional Water Quality Control Board, for the utilization of reclaimed water to ensure permanent disposal capacity of the development's treated wastewater. The amendment must include a backup disposal area in the event the proposed area is compromised.*
- 7. At the developer's expense and prior to the issuance of a building permit, address and provide permanent solution for current headworks issues at the wastewater treatment plant.*
- 8. At the developer's expense and prior to the issuance of a building permit, design and construct Infrastructure necessary to serve the development prior to the issuance of building permits as per the approved on-site and off-site plans.*
- 9. To mitigate potential impacts to the County-maintained roads, a pro-rata share for future off-site improvements is required as defined in item a-s below. This fee shall either be paid prior to recordation of the map, or a covenant shall be recorded on each lot providing notice that issuance of a development permit is subject to payment of a Public Facilities fee. If the Applicant opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.*

- a. *Signalization at the intersection of N. Friant Road and Copper/ Millbrook Avenues: The project's maximum share for the 2020 scenario is \$0.00. (Note: Improvements are constructed)*
- b. *Signalization at the intersection of N. Friant Road and N. Willow Avenue: The project's maximum share for the 2020 scenario is 2.42% or \$30,283.00.*
- c. *Signalization at the intersection of N. Friant Road and North Fork Road: The project's maximum share for the 2020 scenario is 2.32% or \$4,299.00.*
- d. *Signalization at the intersection of N. Willow Avenue and E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.83% or \$7,736.00.*
- e. *Signalization at the intersection of Millerton Road and Auberry Road: The project's maximum share for the 2020 scenario is 0.60% or \$5,654.00.*
- f. *Signalization at the intersection of Millerton Road and Sky Harbor Road: The project's maximum share for the 2020 scenario is 1.37% or \$12,878.00.*
- g. *Signalization at the intersection of Millerton Road and Brighton Crest Drive: The project's maximum share for the 2020 scenario is 1.54% or \$9,518.00.*
- h. *Signalization at the intersection of Millerton Road and Marina Drive: The project's maximum share for the 2020 scenario is 3.44% or \$21,524.00.*
- i. *Signalization at the intersection of Millerton Road and Table Mountain Road: The project's maximum share for the 2020 scenario is \$0.00. (Note: Improvements are constructed)*
- j. *Signalization at the intersection of Auberry Road and E. Copper Avenue: The project's maximum share for the 2020 scenario is 2.09% or \$5,485.00.*
- k. *Signalization at the intersection of Auberry Road and Marina Drive and Winchell Cove Road: The project's maximum share for the 2020 scenario is 3.27% or \$30,691.00.*
- l. *Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from Copper River Drive to N. Willow Avenue: The project's maximum share for the 2020 scenario is 2.83% or \$7,015.00.*
- m. *Widening of N. Friant Road from two (2) lanes to a four (4)-lane Expressway from N. Willow Avenue to Bugg Street: The project's maximum share for the 2020 scenario is 2.38% or \$5,897.00.*
- n. *Widening of Friant Road from two (2) lanes to a four (4)-lane Arterial from Bugg Street to North Fork Road: The project's maximum share for the 2020 scenario is 2.59% or \$6,430.00.*



- o. *Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from North Fork Road to Marian Drive. The project's maximum share for the 2020 scenario is 3.01% or \$205,345.00.*
- p. *Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Marina Drive to Sky Harbor Road: The project's maximum share for the 2020 scenario is 1.54% or \$105,084.00*
- q. *Widening of Millerton Road from two (2) lanes to a four (4)-lane Arterial from Sky Harbor Road to Auberry Road: The project's maximum share for the 2020 scenario is 0.95% or \$54,336.00. The project's total right-of-acquisition cost is 1.83% or \$10,984.00.*
- r. *Adding two (2) lanes to Willow Avenue from N. Friant Road to E. Copper Avenue: The project's maximum share for the 2020 scenario is 0.26% or \$5,715.00. The project's total right-of-acquisition cost is 0.26% or \$1,843.00.*
- s. *The County shall update cost estimates for the above-specified improvements prior to execution of the agreement. The Board of Supervisors, pursuant to Ordinance Code Section 17.88, shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.*

## XVI. RECREATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would not result in the increased use of existing neighborhood and regional parks or other recreational facilities as the project will incorporate the existing eight-acres of Open Space and create future housing facilities within the project scope. This increase of recreational facilities will not require construction or expansion of existing recreational facilities which would have an adverse physical effect on the environment.

## XVI. 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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and did not require a Traffic Impact Study (TIS) to determine the project's impacts to County roads and intersections, A Transportation Impact Analysis dated October 1998 (EIR) was prepared for the project. The memo concludes that the change in the Specific Plan would have a less than significant impact as the proposed project would generate fewer trips than previously approved.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Additional traffic from the proposed subdivision was not sufficient to require a traffic analysis. The Design Division and Transportation Division stated " The Transportation Planning Unit has reviewed the subject applications and has determined that no additional traffic analysis required at this time. This determination is made based upon our review of the March 29, 2023, Memorandum submitted by the Applicant's transportation consultant, VRPA Technologies, Inc." Therefore, the project will not conflict nor be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

**Mitigation Measure(s)**

*1. Millerton Road shall be constructed to Fresno County Standards with improvements not limited to railing, end treatments, and right-of-way that are in accordance with Fresno County Standards to reduce potential hazards and provide adequate emergency access.*

The Road Maintenance & Operations division reviewed the proposal and requires the following: Millerton Road is County maintained road classified as an arterial road with an existing 60' of road right-of-way and an ultimate right-of-way of 106' per the Fresno County General Plan. Pavement width is 26.7' with dirt shoulders, ADT is 9,400 VPD, and PCI is 99. Roadway is in good condition. Millerton Road shall be constructed to Fresno County Standards with improvements and right-of-way that are in accordance with Millerton New Town Specific Plan to reduce potential hazards and provide adequate emergency access.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 20074 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:

The project site is in an area determined to be highly or moderately sensitive to archeological resources. Pursuant to Assembly Bill (AB) 52, project information was routed to the Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, Table Mountain Rancheria and Santa Rosa Rancheria Tachi Yokut Tribe offering them an opportunity to consult under Public Resources Code (PRC) Section 20080.3(b) with a 30-day window to formally respond to the County letter.

A cultural survey was requested by Table Mountain Rancheria and prepared by C. Kristina Roper with Sierra Valley Cultural Planning. The report states there is a high likelihood that buried archaeological deposits may be present. In the event that cultural resources are identified on the property, the Mitigation Measure included in the CULTURAL ANALYSIS section V of this report shall apply to reduce potential impacts to tribal cultural resources resulting in less than significant impact.

## 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; or

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Adopted Millerton New Town Infrastructure Plan "requires each new project to provide an adequate water supply to CSA-34, with the water supply acquisition costs to be borne by the project proponent." Water supply from Millerton Lake has been allocated for the Specific Plan site and surrounding areas under agreements with County Service Area #34. This water allocated for use within the CSA-34 boundaries is up to 1,242 acre-feet per year, plus an additional 278 acre-feet per year under existing exchange Agreements. These water allocations, together with additional supplies that have been or will be acquired by project developers, will provide a supply in excess of that required by Specific Plan area households. Additional water and sewage capacity supplies to adequately serve the Plan Area must be acquired by the project proponent shall be provided at no cost to the County as required by the Millerton New Town Infrastructure Plan. Further utility expansion for increased demand shall be addressed during the period of future construction. The Developer will be responsible for demonstrating how it will provide treatment capacity, effluent storage capacity, and reclaimed water reuse area(s) sufficient to treat and dispose of wastewater flow from the development.

**Mitigation Measure(s)**

*1. The Mitigation Measures included in the Public Services Section XV of this report shall apply.*

- 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:

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: LESS THAN SIGNIFICANT IMPACT:

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

- D. Generate solid waste more than State or local standards, or more than 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:

A local waste hauler designated to provide refuse and recyclable material removal as required by County Ordinance will serve the project site. Operation of the proposed facility would generate less than significant amounts of solid waste to impact local landfill. As such, the impact would be a less than significant impact. The impact would be further reduced with the adherence to Mitigation Measure No. 8.a-c., Solid Waste Management, listed in the approved Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix, which requires community recycling centers and encourages solid waste recycling.

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, because of runoff, post-fire slope instability, or drainage changes?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Although, the project is located within the State Responsibility Area (SRA), it would not impair any emergency response/evacuation plan, exacerbate wildfire risks due to slope, prevailing winds, and other factors to require installation or maintenance of associated infrastructure, or create risks related to downstream flooding due to drainage changes or landslides.

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; or

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

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 and listed in Section IV of this report. Regarding impact to cultural resources, the project will adhere to Mitigation Measures listed in the Millerton Specific Plan Mitigation Measures and Monitoring Program Matrix and in Section V. A.B.C.D. of this report.

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

**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 adhere 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 at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air quality or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Cultural Resources, and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., V., and XVII of this report.

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

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

The project 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, the San Joaquin Air Pollution Control District, and the California Code of Regulations Fire Code. No cumulatively considerable impacts relating to Agricultural, and Forestry Resources, Air Quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Energy will be addressed with the Mitigation Measures discussed above in Section I, Section IV, Section V and Section VI.

## **CONCLUSION/SUMMARY**

Based upon Initial Study No. 7918 prepared for General Plan Amendment No. 561, Classified Conditional Use Permit No. 3688, and Amendment Application No. 3847, staff has concluded that the project will not have a significant effect on the environment.

No potential impacts were identified related to agricultural and forestry resources, and mineral resources.

Impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, population and housing, hydrology and water quality, land use and planning, noise, public services, recreation, and wildfire have been determined to be less than significant.

Impacts related to aesthetics, biological resources, energy, transportation, utilities and service systems and tribal cultural resources have been determined to be less than significant with adherence to the proposed 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, Ste. "A", Fresno, CA.

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.

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