



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Jerry Cook

APPLICATION NOS.: Initial Study No. 8081 and Unclassified Conditional Use Permit Application No. 3713

DESCRIPTION: Allow a high intensity park with related improvements for weddings, fundraisers, corporate retreat, and private parties, including a veterinary office and a fruit stand/wine tasting room, on approximately 10-acre portion of a 43.94-acre parcel and a 1.62-acre parcel totaling 45.56 acres in the AE-40 (Exclusive Agricultural; 40-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the east side of Tollhouse Road (State Route 168), approximately 4.7 miles northeast of the City of Clovis (APNs: 150-141-24, 150-141-19) (13305 Tollhouse Road) (Sup. Dist. 5).

I. AESTHETICS

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The 45.56 acres project site is developed with a single-family residence and related improvements and is surrounded by open field with sparse single-family residences. There is no active farmland in the vicinity of the project.

A Historic Resources Assessment (Study) was conducted by LSA Associates, Inc., and dated April 2022 on a 43.94-acre parcel developed with six historic-period (50 years of age or older) buildings (residence, garage, barn, shed, stable, and tank house) to determine whether the proposed project would cause substantial adverse changes to

any historical resources that may exist in the project area. Per the study, throughout the various avenues of research, no historic resources were encountered within or adjacent to the project area. The project will have no impact regarding historic period-built environment resources. Also, there are no scenic vistas or qualitative scenic resources including trees, rock outcroppings in the area that could be impacted by the subject proposal.

The project site borders with Tollhouse Road (State Highway 168) which is identified as Scenic Highway in the Open Space and Conservation Element of Fresno County General Plan. General Plan Policy OS-L.3 requires commercial developments adjacent to scenic drives provide for maintenance of a natural open space area 200 feet in depth parallel to the road right-of-way. The applicant has requested relief from the strict application of this policy as provided for under the provisions for exceptions. Considering the very limited percentages of structures that would encroach into the setback the project is deemed compliant with the policy and would not have an appreciable impact on the aesthetics of the area.

- 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 existing improvements on a 43.94-acre parcel include a 3,000 square-foot single-family residence, 600 square-foot garage, 700 square-foot shed, 1,560 square-foot barn, 500 square-foot stable, and a 100 square-foot tank. These improvements will be used in conjunction with the proposed improvements which include the barn converted into an event center, 200 square-foot guard house, 600 square-foot restroom building, 3,000 square-foot bunk house, 1,200 square-foot fruit stand/tasting room, a 1,500 square-foot veterinary office, parking and related improvements.

The surrounding land uses are residential with no farming in the immediate vicinity. Parcels to the north and east of the proposal are developed with single-family homes and parcels to the south and west are undeveloped. The proposed improvements will be set back at an adequate distance from Tollhouse Road (State Route 168) and the residential improvements to the east of the proposal. Given these setbacks, the project will have a less than significant visual impact for travelers on SR 168, or people residing on adjacent parcels.

- 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:

Any outdoor lighting if installed for the project has the potential of generating glare in the area. To minimize such impacts, a mitigation measure would require that all lighting

shall be hooded and directed downward to not shine toward adjacent properties and public streets.

* **Mitigation Measure**

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

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The project is not in conflict with agricultural zoning and is an allowed use on land designated for agriculture with discretionary approval and adherence to the applicable General Plan Policies. The project site is classified as Grazing Land and Rural Residential Land on the 2016 Fresno County Important Farmland Map suitable for residential development and grazing of livestock. The subject 43.94-acre parcel is restricted by a Williamson Act Land Conservation Contract (No. 6179) with soils classified as Non-Prime per the California Department of Conservation (DOC) Fresno County Important Farmland Map. Approximately 33.94-acre balance of the subject 43.94-acre parcel not subject to cancellation is not eligible to remain enrolled in the Williamson Act Program and shall be removed from the Program through the Nonrenewal process.

The applicant has filed Nonrenewal application with the Policy Planning Section of the Department of Public Works and Planning. The application is currently in-process for consideration by the Agricultural Land Conservation Committee.

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

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

FINDING: NO IMPACT:

The project is not in conflict with the existing AE-40 (Exclusive Agricultural, 40-acre minimum parcel size) zoning on the subject parcels and is not located in an area designated for timberland or zoned for timberland production. No forests occur in the vicinity; therefore, no impacts to forests, conversion of forestland, or timberland zoning would occur.

The Fresno County Agricultural Commissioner's Office reviewed the proposal and offered 'No Comments' on the project.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the San Joaquin Valley Air Pollution Control District (SJVAPCD), the project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO_x), 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 (PM_{2.5}).

Additionally, as noted by SJVAPCD a Health Risk Screening/Assessment and Ambient Air Quality Analysis shall be completed as the project may be subject to District Rule 2010 (Permits Required); Rule 2201 (New and Modified Stationary Source Review), ATC (Authority to construct) and PTO (Permit to Operate Permit). An Air Impact Assessment (AIA) application shall be filed to demonstrate project's compliance with District Rule 9510, prior to the issuance of building permits.

An *Air Quality and Greenhouse Gas Analysis Memorandum* (Analysis) was prepared for the project by LSA Associates, Inc., dated March 28, 2022, and provided to SJVAPCD for comments on May 24, 2022. No response was received from SJVAPCD.

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, an air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a nonattainment area. The main purpose of the air quality plan is to bring

the area into compliance with the requirements of the Federal and State air quality standards.

The California Environmental Quality Act (CEQA) requires that certain proposed projects be analyzed for consistency with the applicable air quality plan. For a project to be consistent with SJVAPCD air quality plans, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds or cause a significant impact on air quality. In addition, emission reductions achieved through implementation of offset requirements are a major component of the SJVAPCD air quality plans. As discussed in III. B. below, construction of the proposed project would not result in the generation of criteria air pollutants that would exceed the SJVAPCD thresholds of significance. Implementation of Regulatory Control Measure also noted in III. B. below would further reduce construction dust impacts. Likewise, the operational emissions associated with the project would not exceed SJVAPCD established significance thresholds. Therefore, the proposed project would not conflict with or obstruct implementation of SJVAPCD air quality plans.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is within the San Joaquin Valley Air Basin (SJVAB) which consist of eight counties that comprise the San Joaquin Valley Air Pollution Control District.

The primary pollutants of concern during project construction and operation are ROG, NO_x, CO, PM₁₀, and PM_{2.5}. The San Joaquin Valley Air Pollution Control District (SJVAPCD) *Guidance for Assessing and Monitoring Air Quality Impacts* (GAMAQI) adopted in 2015 contains threshold for CO, NO_x, ROG, SO_x PM₁₀ and PM_{2.5}. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions per year are 10 tons for ROG, 10 tons for NO_x, 100 tons for CO, 27 tons for SO_x, 15 tons for PM₁₀ and 15 tons for PM_{2.5}.

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, the construction emissions (tons per year) associated with the project are 0.6 for ROG, 4.6 for NO_x, 5.5 for CO, 0.1 for SO_x, 1.3 for PM₁₀ and 0.5 for PM_{2.5} which are less than the threshold of significance. Likewise, the operational emission (tons per year) over the life of the project, primarily from mobile sources, are 0.35 for ROG, 0.66 for NO_x, 2.00 for CO, 0.26 for PM₁₀ and 0.07 for PM_{2.5} which are less than the threshold of significance. In addition to the construction-period thresholds of significance, the SJVAPCD has implemented Regulation VIII measures for dust control during construction which are intended to reduce the amount of PM₁₀ emissions during the construction period. Implementation of the following requirements would ensure that the project complies with Regulation VIII and ensures the short-term construction-period air quality impacts remain less than significant.

Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM₁₀ Prohibitions), the following measures shall be implemented for dust control during construction:

1. 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. 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. 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. 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. 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. *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.*

Based on the construction emissions analysis above, the project would not exceed the significance criteria for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions. Therefore, construction of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable Federal or State Ambient Air Quality Standards.

The long-term operational emissions are associated with mobile source emissions employee, delivery, catering trucks and guest trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) associated with the proposed project.

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, operational emissions (tons per year) associated with the project are: 0.2 for ROG, 0.1 for NO_x, 0.3 for CO, 0.1 for SO_x, and 0.1 for PM₁₀ and PM_{2.5} which are less than the threshold of significance. Therefore, 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 nonattainment under an applicable federal or State Ambient Air Quality Standards.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling units. The closest sensitive receptors to the project site include single-family residences located adjacent to the north and east borders of the project site.

Construction of the proposed project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel fueled vehicles and equipment). However, construction contractors would be required to implement dust control measure described in Section III. B. above. Project construction pollutant emissions would be below the SJVAPCD significance thresholds, and with implementation of dust control measure, emissions would be further reduced. Once the project is constructed, it would not be a source of substantial pollutant emissions. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction and operation.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has not established a rule or standard regarding odor emissions; rather, SJVAPCD nuisance Rule 4102 (Nuisance) 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.

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, during project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of 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. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project was routed to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for comments. The USFWS did not provide any comments. However, the comments provided by CDFW on June 7, 2021, indicated that there are several special-status resources that may utilize the project site and may need to be evaluated and addressed prior to any ground-disturbing activities. This includes special-status species the State threatened Swainson's hawk, the Federally and State threatened California tiger salamander, and the State species of special concern western pond turtle, American badger, burrowing owl, and western spadefoot. To reduce impact to special-status species, CDFW require the implementation of several Mitigation Measures as noted below.

A *Biological Resources Evaluation* (BRE) was prepared for the project by LSA Associates, Inc., and dated April 2022. Based on field observations and habitat suitability analysis, BRE determined that the project could potentially impact four regionally occurring special-status wildlife species (California tiger salamander, spadefoot toad, burrowing owl and pallid bat). The BRE also determined that the project has a low potential to impact San Joaquin kit fox and Swainson's hawk and is not anticipated to impact any special-status plant species, migratory corridors, natural communities of concern, or other habitats of concern. The BRE was circulated to CDFW and USFWS, but no response received by either agency.

Given the presence of potential habitat (i.e., grasslands interspersed with burrows and vernal pools/ponds) within and adjacent to the project site, ground-disturbing activities have the potential to significantly impact local populations of California tiger salamander (CTS). To evaluate potential impacts to CTS, the project shall adhere to the following mitigation measures:

* **Mitigation Measures:**

1. A qualified biologist shall conduct protocol-level surveys in accordance with the U.S. Fish and Wildlife Service (USFWS) "*Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander October 2003*" at the appropriate time of year to determine the existence and extent of California Tiger Salamander (CTS) breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with the California Department of Fish and Wildlife (CDFW) and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. The protocol-level survey shall include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.

2. If California Tiger Salamander (CTS) protocol-level surveys are not conducted, a minimum 50-foot no-disturbance buffer shall be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Furthermore, potential or known breeding habitat within and/or adjacent to the project site shall be delineated with a minimum 250-foot no-disturbance buffer. These surveys are repeated any time the disturbance area of the Project expands or there is the potential to eliminate small mammal burrows. Alternatively, the applicant can assume presence of CTS within the project site and obtain from CDFW an Incidental Take Permit (ITP) in accordance with Fish and Game Code section 2081 subdivision (b).
3. If through surveys it is determined that CTS are occupying or have the potential to occupy the project site, consultation with CDFW is warranted to determine if the project can avoid Take. If 'Take' cannot be avoided, Take authorization would be warranted prior to initiating ground-disturbing activities to comply with California Endangered Species Act. Take authorization would occur through the acquisition of an Incidental Take Permit (ITP) from CDFW, pursuant to Fish and Game Code section 2081 subdivision (b). In the absence of protocol surveys, the applicant can assume presence of CTS within the project site and obtain an ITP from CDFW.

Because suitable habitat for Swainson's hawk (SWHA) is present within and near the project site, the project shall adhere to the following mitigation measures:

* **Mitigation Measures:**

1. A qualified wildlife biologist shall conduct surveys for nesting Swainson's hawk (SWHA) following the survey methods developed by the *Swainson's hawk Technical Advisory Committee (SWHA TAC, 2000)* prior to project implementation. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.
2. If expansion of any project activities will take place during the normal bird breeding season (March 1 through September 15), additional pre-activity surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to the start of the project implementation. A minimum no-disturbance buffer of one-half mile shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
3. In the event an active SWHA nest is detected during surveys and the one-half mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid Take. If Take cannot be avoided, Take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code

section 2081 subdivision (b) is warranted to comply with California Endangered Species Act.

The project site is bordered mainly by annual grassland. Subsequent ground-disturbing activities associated with the project have the potential to significantly impact local Burrowing Owl (BUOW) populations. To evaluate potential impacts to BUOW, the project will adhere to the following mitigation measures:

* **Mitigation Measure:**

1. A qualified biologist shall conduct a habitat assessment in advance of project implementation, to determine if the project area or its vicinity contains suitable habitat for BUOW.
2. A qualified biologist shall conduct surveys following the *California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines"* (CBOC 1993) and CDFW's Staff Report on *Burrowing Owl Mitigation*" (CDFG 2012). Three or more surveillance surveys shall be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.
3. A no-disturbance buffers, as outlined in the *"Staff Report on Burrowing Owl Mitigation"* (CDFG 2012), shall be implemented prior to and during any ground-disturbing activities. Impacts to occupied burrows shall be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

The Project area is within the range of western spadefoot, contains suitable upland habitat (i.e., grasslands interspersed with burrows) and breeding habitat (i.e., vernal pools/ponds) nearby. As a result, ground-disturbing activities associated with the project have the potential to significantly impact local populations of western spadefoot, the project shall adhere to the following mitigation measures:

* **Mitigation Measures:**

1. A qualified biologist shall conduct focused surveys for western spadefoot and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation-disturbance.

2. Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If western spadefoot are observed on the project site, project activities in their immediate vicinity shall be ceased and individuals be allowed to leave the project site on their own accord. Alternatively, a qualified biologist with appropriate 'Take' authorization can move them out of harm's way and to a suitable location.

The project-related ground-disturbing activities have the potential to impact local populations of American badger. To evaluate potential impacts to any American badgers associated with the project, the project shall adhere to the following Mitigation Measures.

* **Mitigation Measures:**

1. A qualified biologist shall conduct a habitat assessment, well in advance of the project implementation, to determine if the project area or its immediate vicinity contain suitable habitat for the American badger.
2. If suitable habitat is present, a qualified biologist shall conduct focused surveys for American badgers and their requisite habitat features (dens) to evaluate potential impacts resulting from ground and vegetation disturbance.
3. Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

The project site is across Highway 168 to the east from Dog Creek (approximately 0.3-mile away) and Sales Creek (approximately 0.5-mile away). These features could provide potential Western Pond Turtle (WPT) habitat. To evaluate potential impacts to WPT, the project shall adhere to the following mitigation measure.

* **Mitigation Measure:**

1. A qualified biologist shall conduct focused surveys for Western Pond Turtle (WPT) ten days prior to the expansion of any Project activities beyond its current footprint. In addition, focused surveys for nests occur during the egg-laying season (March through August) shall be conducted and that any nests discovered remain undisturbed until the eggs have hatched. If any WPT are discovered at the site immediately prior to, or during project activities, they be allowed to move out of the area on their own.

The project contains and is adjacent to habitat that provides nesting habitat for birds. The project implementation shall occur during the bird non-nesting season. However, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the project shall adhere to the following mitigation measures:

* **Mitigation Measures:**

1. To evaluate project impact on nesting birds, a qualified wildlife biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. Surveys shall cover a sufficient area (any area potentially affected by the project) around the project site to identify nests and determine their status.
2. Prior to initiation of project activities, a qualified biologist shall conduct a survey to establish a behavioral baseline of all identified nests. Once project activities begin, a qualified biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, halt the work causing that change shall be halted and the California Department of Fish and Wildlife shall be consulted for additional avoidance and minimization measures.
3. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be established. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the project site would be concealed from a nest site by topography. A qualified wildlife biologist shall advise and support any variance from these buffers and notify California Department of Fish & Wildlife (CDFW) in advance of implementing a variance.

According to the *Biological Resources Evaluation* (BRE), all bats (including Pallid bats) are protected as non-game mammals under the Fish and Game Code, and maternity roosting sites are considered protected wildlife nursery habitats. A variety of native bat species could forage over or within the study area. However, bats are generally not vulnerable to construction-related mortality while foraging. Pallid bat may roost in hollow ornamental trees or in structures of the study area. Maternity roosts may occur within the ornamental trees or buildings, although suitable maternity roosting habitat is relatively limited. The BRE did not require any mitigation measure for Pallid bats.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the *Biological Resources Evaluation* (BRE), the project does not propose direct placement of fill material or modifications to existing on-site drainage features. Any project feature that would modify mapped drainage features (including culvert extensions or replacements) shall require permits from the United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and/or the Regional Water Quality Control Board (RWQCB). Prior to any modifications to identified

drainage features, the USACE, CDFW, and RWQCB shall be consulted for verification of the extent of waters of the State, waters of the United States and California Fish and Game Code Section 1602 jurisdiction on the project site.

- 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:

According to the *Biological Resources Evaluation* (BRE), the wildlife species that occur in the vicinity of the project site are adapted to the urban-wildland interface, and the proposed project would not introduce new effects to the area. The noise, vibration, light, dust, or human disturbance within construction areas would only temporarily deter wildlife from using areas in the immediate vicinity of construction activities. These indirect effects could temporarily alter migration behaviors, territories, or foraging habitats in select areas. However, because these are temporary effects, it is likely that wildlife already living and moving in proximity of agricultural and rural residential/developed areas would alter their normal functions for the duration of the construction of the proposed project, and then re-establish these functions once all temporary construction effects have been removed. The project would not place any permanent barriers within any known wildlife movement corridors or interfere with habitat connectivity. As such, the project will have a less than significant impacts to migratory fish or wildlife species.

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

FINDING: NO IMPACT:

The project site contains a few trees within the area of the existing improvements which will likely remain undisturbed by the proposed development. The project is not in conflict with the Fresno County Oak Management Guidelines – Policy OS-F.11.

- 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 site is located within the Pacific Gas and Electric (PG&E) Habitat Conservation Plan, which specifically applies to PG&E facilities and not the subject proposal.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project site is within an area moderately sensitive to historical, archeological, or paleontological resources. A record search conducted by the Southern San Joaquin Valley Information Center (SSJVIC) revealed that the project area was last surveyed in 1994 and cultural resources were not found. However, based upon the known archaeological sensitivity of the region, prehistoric or historic cultural resources may be present within the project site. The SSJVIC recommends that an archaeological survey of the property shall be completed.

A *Phase I Archeological Survey Study* (Study) was prepared by LSA Associates, Inc and dated March 28, 2022. The Study, consisting of background research and a field survey, did not identify archaeological deposits or human remains on the project site. According to the Study, while the project site has been previously surveyed for archaeological resources, no subsurface studies have been conducted, and a creek runs through the project site. Additionally, the proximity of the historic-period Academy Post Office site and the Native American habitation site to the project site and the presence of historic-period buildings within the project site suggest a moderate potential for subsurface archaeological resources within the project site. For these reasons, the Study suggested that a professional archaeologist should be contracted to supervise an archaeological monitor in observing ground-disturbing work for any archaeological deposits and/or human remains. If any such resources are discovered, the monitoring archaeologist shall stop work in the immediate area of the find and contact an archaeologist to assess the nature of the find. Upon completion of monitoring activities, the archaeologist should prepare a report to document the methods and results of monitoring activities and submit to the SSJVIC. If human remains are encountered during project work, the regulatory process outlined in Health and Safety Code Section 7050.5 shall be followed, which involves coordination with the Native American Heritage Commission and a Native American Most Likely Descendant.

Per the discussion above and in Section XVIII TRIBAL CULTURAL RESOURCES below, in the unlikely event that cultural resources are unearthed during ground disturbance, the project shall adhere to the following mitigation measures to ensure that impacts to such cultural resources remain less than significant.

* **Mitigation Measures:**

1. *A qualified professional archaeologist shall be contracted to supervise an archaeological monitor in observing ground-disturbing work for any archaeological deposits and/or human remains.*

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction or operation of the facility. 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.

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

FINDING: NO IMPACT:

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

All construction activities would comply with the 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the project's building plans are submitted. These measures could include insulation; use of energy-efficient heating, ventilation and air conditioning equipment (HVAC); solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; and other measures.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT

According to the California Department of Conservation, Earthquake Hazard Zone Application (EQ Zapp), the project site is not located on an identified earthquake fault zone. The EQ Zapp shows that the nearest earthquake fault is approximately 56 miles northeast of the project site. No agencies expressed any concerns related to ground shaking, ground failure, liquefaction, or landslides. Construction of the proposed project will be subject to seismic design standards.

Figure 9-5 of Fresno County General Plan Background Report (FCGPBR) describes the Peak Ground Accelerations (PGA) values that have a 10 percent probability of being exceeded in 50 years. The project is in an area with 0-20 percent of PGA, which is the lowest impact range available on the map.

Figure 9-6 of FCGPBR shows that the project site is outside of those areas of moderate or high landslide hazard and those areas of shallow or deep subsidence.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The site grading resulting from the proposed development may result in some soil erosion or loss of topsoil. However, the loss would be less than significant in that a Project Note would require approval of an Engineered Grading and Drainage Plan and a grading permit/voucher for any grading proposed with site improvements.

- 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

Landslides and other forms of slope failure form in response to long-term uplift, mass wasting, and disturbance of slopes. The project site contains naturally flat relief which precludes the possibility of land sliding on-site.

Per Figure 9-6 of the Fresno County General Plan Background Report, the subject parcel is not in an area at risk of landslides. Also, the project development involves no underground materials movement and therefore poses no risks related to subsidence.

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

FINDING: NO IMPACT

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located within an area of known risk of expansive soils. The project development will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with shrinking and swelling of 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 proposed development includes a new residence (Bunk House), restroom building, and an existing barn converted into an event center which may require an onsite engineered sewage disposal system designed (based on test hole results) and installation certified by a Professional Engineer or Registered Environmental Health Specialist. A Project Note would require that such system shall be installed under permits and inspections from the Department of Public Works and Planning, Building and Safety Section.

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

FINDING: NO IMPACT:

No paleontological resources or geologic features were identified on the project site.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Human activities, including fossil fuel combustion and land-use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases (GHGs). GHGs are effective at trapping radiation that would otherwise escape the atmosphere.

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. In the *Air Quality and Greenhouse Gas Analysis Memorandum*, completed by LSA Associates, Inc., and dated March 28, 2022, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0 [California Air Pollution Control Officers Association (CAPCOA) 2017].

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, the San Joaquin Valley Air Pollution Control District (SJVAPCD) does not have an adopted threshold of significance for construction related GHG emissions. Construction of the proposed project using CalEEMod would generate approximately 2,123.1 metric tons of CO₂e.

Implementation of the measures included in the AIR QUALITY Section III. B. of this report would reduce GHG emissions by ensuring that the project complies with Regulation VIII to reduce the short-term construction period air quality impacts.

Regarding operation related GHG Emissions, long-term GHG emissions are typically generated from mobile sources (vehicle trips), area sources (maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, and waste sources (land filling and waste disposal). The SJVAPCD has not established a numeric threshold for GHG emissions. Neither Fresno County nor the SJVAPCD has developed or adopted numeric GHG significance thresholds. However, based on the minimal emissions for all sources (mobile, area, energy, water) the proposed project would generate 103.2 metric tons of CO₂e per year emissions which is not a substantial GHG emissions.

- 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:

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, the following discussion evaluates the proposed project according to the goals of AB (Assembly Bill) 32 (2006), the AB 32 Scoping Plan, EO (Executive Order) B-30-15 (2015), SB (Senate Bill) 32, and AB 197.

AB 32 is aimed at reducing GHG emissions to 1990 levels by 2020. The AB 32 Scoping Plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation fee to fund the program.

EO B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. The CARB released a second update to the Scoping Plan, the 2017 Scoping Plan to reflect the 2030 target set by EO B-30-15 and codified by SB 32. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in EO B-30-15. SB 32 builds on AB 32 and keeps the State on the path

toward achieving its 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32, AB 197, provides additional direction to the CARB related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 intended to provide easier public access to air pollutant emissions data that are collected by the CARB was posted in December 2016.

As identified above, the AB 32 Scoping Plan contains GHG reduction measures that work toward reducing GHG emissions, consistent with the targets set by AB 32, EO B-30-15, and codified by SB 32 and AB 197. The measures applicable to the proposed project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

Energy efficient measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The project would comply with the CALGreen Code and Title 24 regarding energy conservation and green building standards.

Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. The project would install low flow fixtures and include drought tolerant, native species landscaping with drip irrigation and would not conflict with any of the water conservation and efficiency measures.

Specific regional emission targets for transportation emissions would not directly apply to the project. However, vehicles traveling to the project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program. Therefore, the project would not conflict with the identified transportation and motor vehicle measures.

Per the *Air Quality and Greenhouse Gas Analysis Memorandum*, the project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32 and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department) a Hazardous Materials Business Plan shall be submitted for the project pursuant to the HSC, Division 20, Chapter 6.95. Additionally, remodeling of any existing structure on the property shall require the following: 1) Should the structure(s) have an active rodent or insect infestation, the infestation shall be abated prior to remodel of the structure(s) in order to prevent the spread of vectors to adjacent properties; 2) If asbestos containing construction materials and materials coated with lead-based paints are encountered, the San Joaquin Valley Air Pollution Control District shall be contacted; and 3) If the structure(s) were constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the California Department of Public Health, Childhood Lead Poisoning Prevention Branch, United States Environmental Protection Agency, Region 9, or State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) shall be contacted. These requirements will be included as Project Notes.

- 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 is no school within one-quarter mile of the project site. The nearest school, Bud Rank Elementary School, is approximately 5.5 miles west 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:

According to the California Department of Toxic Substances Control Site (Envirostor), the project site is not listed as a hazardous materials site. No hazard to public or the environment would occur.

- 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 11.6 miles southwest of the site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people residing/working on the project site.

- 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 design does not include permanent road closures or other features that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. No impact would occur.

- 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:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is within the State Responsibility Area (SRA) boundary. The proposed development will adhere to the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access. With the implementation of SRA requirements any impact of wildland fire on structures and/or people would be less than significant.

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 in Section VII., E. Geology and Soils regarding waste discharge requirements.

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), a Project Note shall require that in an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by a licensed contractor, and any underground storage tank(s) found during the project construction shall be removed upon securing an Underground Storage Tank Removal Permit from the Health Department.

The project will not violate any water quality standards. According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW), as the proposed event center will have less than 60 events per year (proposed 40 events per year), it will not meet the definition of a public water system and will not require a permit from SWRCB-DDW.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in the North King Groundwater Sustainability Area (NKGSA) who reviewed the project and offered no comments.

The project site is in a water-short area. The two existing onsite water well will supply water to the project and an additional well will be drilled if needed. The Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works and Planning required that a hydro-study shall be prepared to determine adequate and sustainable groundwater supply for the project.

A *Hydrogeologic Study Report* (Report) was prepared by Stantec Consulting Services, Inc. and dated February 15, 2022. According to the Report the project on average, will use approximately 1,230 gallons of water per event and there will be approximately 48 events each year with a total annual potable water use of approximately 0.059 million gallons.

According to the report, a 72-hour pump test was conducted with one nearby monitoring well resulting in a final discharge rate of 40 gallons per minute. The WNRD concurred with the Report and determined that the project has an adequate and sustainable supply of groundwater to meet its needs and that future groundwater utilization on the property would not result in significant pumping-related impacts to surrounding properties.

The property is within North Kings Groundwater Sustainability Area (NKGSA). The *Hydrogeologic Study Report* prepared for the project was provided to NKGSA for review and comments. No response was received from that agency. The agency provided no response on the Report.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of the project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off with adherence to the

mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code.

The project site with a rural stream is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary. The FMFCD stated that while a tributary to Dog Creek runs through this property, it is upstream of Big Dry Creek Reservoir (An Army Corps of Engineers Facility) and will not trigger any requirements for improvement or easement. Additionally, the project Site Plan account for this tributary and show that it is to remain.

The Development Engineering Section of the County Department of Public Works and Planning, requires that the project: 1) shall provide an Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) shall require a grading permit or voucher for any grading proposed with this application; and 3) shall retain all additional storm water runoff onsite generated by the proposed development.

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

FINDING: NO IMPACT:

According to the Federal Emergency Management Agency (FEMA) FIRM Panel 1070H, the project site is not subject to flooding from the 100-year storm.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County has no water quality control plan. As such, the project would not conflict with any water quality control plan. The project site is within the North Kings Groundwater Sustainability Area (NKGSA). The NKGSA did not provide comments on *Hydrogeologic Study Report* prepared for the project and provided to that agency. The Report determined that groundwater supply for the project is sustainable and will not have an impact on the other groundwater users in the area.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The proposed development will be confined within the boundaries of a 45.56-acre parcel. The project site will not physically divide the established community of the City of Clovis and is located approximately 4.7 miles northeast of 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: LESS THAN SIGNIFICANT IMPACT:

The project site, comprised of a 43.94-acre and a 1.62-acre parcel, is designated as Eastside Rangeland in the County-adopted Sierra-North Regional Plan and is zoned AE-40 (Exclusive Agricultural; 40-acre minimum parcel size) Zone District. The site is outside of the Sphere of Influence of any city and the project does not conflict with any land use plan, policy, or regulation of an agency other than County of Fresno. The project is an allowed use on AE-40 zoned parcels subject to the approval of a discretionary land use application. The project is consistent with the following General Plan policies.

Regarding consistency with Policy LU-A.3., criteria a. b. c. d., the proposed development (high-intensity park for special events) fits to the subject property based on its location outside the City of Clovis urban areas. Regarding Criteria "b", the project site is not productive farmland and is designated as Grazing Land and Rural Residential Land on 2016 Fresno County Important Farmland Map. Regarding Criteria "c", the *Hydrogeologic Study Report* prepared for the project finds that groundwater supply is adequate and sustainable to meet the project demand. Regarding Criteria "d", the project site is approximately 4.7 miles northeast of the City of Clovis which can provide adequate workforce for the project.

Regarding consistency with General Plan Policy LU-A.13 and Policy LU-A.14, the project site is nonagricultural land developed with a single-family residence and related improvements. The surrounding land are also nonagricultural and are developed with single-family dwellings. No buffer is required between the project site and the surrounding non-agriculture land.

Regarding consistency with General Plan Policy PF-C.17, a *Hydrogeologic Study Report* prepared for the project finds that groundwater supply to be provided by onsite wells is adequate to meet the project demand, is sustainable, and will have no impact on groundwater users in the area.

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 a mineral-producing area of the County.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to the Fresno County Department of Public Health, Environmental Health Division, the project could potentially expose nearby residents to elevated noise levels; shall comply with the provisions of the Fresno County Ordinance Code (Chapter 8.40 - Noise Control); and shall prepare an acoustical analysis to evaluate and address the potential noise impact to nearby noise sensitive receivers.

The *Acoustical Analysis* (Analysis) was prepared by WJV Acoustics, and dated January 25, 2022. The Analysis determined that the project-related noise levels are not expected to exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards. However, if the noise levels produced by onsite speaker systems are set to excessively high volumes, noise rates at nearby sensitive receivers could be higher than those described in the Analysis. In such case, the sound shall be controlled to end or move indoors before 10 p.m. to comply with the County noise level standards.

The Fresno County Environmental Health concurred with the Analysis that the project shall meet the Fresno County Noise Ordinance. The project will adhere to the following Mitigation Measure.

* **Mitigation Measure:**

1. *The project-related noise levels shall not exceed the applicable County of Fresno daytime (7:00 a.m. to 10:00 p.m.) noise level standards contained in the Fresno County Ordinance Code. If, during events, the sound produced by onsite speaker systems exceeds the noise level standards, the noise shall be controlled to end, or move indoors before 10 p.m. to comply with the standards.*
- 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?

FINDING: NO IMPACT:

The project is not located within two miles of a public airport or public use airport. The nearest airport, Fresno-Yosemite International Airport is approximately 11.3 miles southwest of the project site. Given the distance, attendees of the events will not be exposed to excessive noise of flight operations.

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 induce population growth in the area, nor will it displace housing or people. Except for a new 3,000 square feet bunk house, no new residential development is proposed on the property.

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:

According to the Fresno County Fire Protection District, (FCFPD), the project shall comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 14 Natural Resources, shall submit construction plans to the County prior to receiving FCFPD conditions of approval for the project, and shall annex into the Community Facilities District No. 2010-01 of the FCFPD. These requirements will be included as Project Notes.

- 2. Police protection?

FINDING: NO IMPACT:

The project did not receive any comments from the Fresno County Sheriff's office. As such, no impact to the police protection would occur.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact the existing public services or result in the need for additional public services related to schools or parks or both.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project will not induce population growth which may require new or expanded recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

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

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

The project will not conflict with any policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The project area is rural in nature and is not planned for any transit, bikeways, or pedestrian facilities per the Transportation and Circulation Element of the Fresno County General Plan. The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the scope of the Traffic Impact

Study (TIS) presented by Peter's Engineering and determined that a TIS is not required for the project. The California Department of Transportation (Caltrans), however, required that a TIS shall be prepared for the project to fully assess the project's impacts and to recommend mitigation for all project-related impacts to the State Highway System.

A Traffic Impact Study (TIS) was prepared by Peters Engineering Group, and dated March 25, 2022. The TIS analyzed the estimated amount of traffic the project is expected to generate, the existing traffic conditions, and the traffic conditions projected to occur in the future and concluded that given the proposed events on the property, visitors may experience on-site delays and queues when exiting the site. Delays and congestion on Tollhouse Road (State Route 168) are not expected to be substantial. Therefore, special traffic management measures are not required for the project.

Regarding traffic entering the site during large events, the applicant's traffic consultant stated that the existing driveway into the property shall be maintained to allow vehicles to freely move away from the highway without no stopping along the driveway. A guard shack could be placed immediately adjacent to the highway right of way if vehicles are not required to stop at the shack and queue up during entry to large events. The vehicular access between the highway and the parking lot should be maintained without vehicles being required to stop. In that regard, a 200 to 300-foot-long driveway would suffice if vehicles were not required to stop and pay a fee or show identification to get into the parking lot.

The California Department of Transportation (Caltrans) concurred with the traffic consultant analysis regarding the location of the guard shack on the property and the 200 to 300-foot-long driveway provided that vehicles do not queue onto the highway. Additionally, if the guard observes queuing, vehicles should be allowed to move vehicles into the parking lot to keep traffic moving.

Based on the above discussion and to eliminate traffic back up into the highway (SR 168) prior to a large event, the project shall adhere to the following mitigation measure:

* **Mitigation Measure:**

- 1. The proposed guard shack shall be setback a minimum of 200 feet from the Tollhouse Road (State Route 168). Mandating of stoppage of vehicles for collection of fees or checking for identification at the guard shack shall only be allowed beyond 200 feet of driveway so as to not cause queues to back up into the highway during large events. If the guard observe queuing, vehicles shall be required to move into parking lot to keep traffic moving.*

According to Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the County does not require a Traffic Management Plan since the project site fronts on and gain access from State Route 168. Likewise, no specific Traffic Management Plan was required by the California Department of Transportation.

- 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:

The State of California Governor's Office of Planning and Research document entitled *Technical Advisory (TA) on Evaluating Transportation Impacts in CEQA* dated December 2018 (OPR Technical Advisory) indicates that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact.

Per the project Operational Statement, events will be limited to 300 guests when indoors, and 500 guests when outdoors. Average will likely be around 150 guests for weddings and 10-20 for corporate retreats, catered dinners, and the like. Weddings will primarily be on weekends (Friday, Saturday, Sunday) during the afternoon/evening hours. Weekday functions (Monday through Thursday) will be limited to smaller retreats and gatherings with a maximum of 50 guests. Furthermore, events will be limited to 40 per year, including weekdays and weekends. No more than 4 events per week shall occur.

Per the Traffic Impact Study (TIS), if all 40 events were the maximum event with 500 visitors, the annual average trips per day would be approximately 86. If 40 events per year with 150 guests were to occur, the annual average trips per day would be approximately 28. These values are substantially less than the significance threshold of 110 trips per day established in the TA. Since the Project will generate fewer than 110 trips per day, the impact on transportation as it relates to VMT would be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the project site gains access off Tollhouse Road (State Route 168) via an existing gravel-based access road. This access road leads to the existing onsite improvements and will lead to the proposed improvements as well. Due to no changes to the existing access road, no increase in traffic hazards would occur due to project design.

The California Department of Transportation (Caltrans) approved the existing single driveway access through Tollhouse Road (State Route 168) provided that: 1) it meets or exceeds the current Caltrans standards; and 2) no additional driveway are allowed off State Route 168. These requirements will be included as Conditions of Approval.

The Road Maintenance and Operations Division stated that the project will have less than significant impact to nearby County maintained roads (Mendocino, Madsen, Newmark, and Academy). No additional comments were offered.

D. Result in inadequate emergency access?

The project will utilize the existing access road off State Route 168 for routine access and emergency access to the site.

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Fire Protection District (District) expressed no concerns regarding inadequate emergency access to the site. Further review of the emergency access will be occurring at the time project goes through Site Plan Review process and prior to the issuance of building permits.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area designated as medium sensitive for archeological resources. Pursuant to Assembly Bill (AB) 52, the project was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, and Dumna Wo Wah Tribal Government offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. Because the property is moderately sensitive to archaeological resources, Mitigation Measures has been included in the CULTURAL ANALYSIS section of this report. With adherence to these mitigation measures, impact to tribal cultural resources will be less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: 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 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:

According to the Applicant's Operational Statement, the proposed development will produce approximately two (2) cubic yards of solid waste per week (8 cubic yards per month), of which at least half is expected to be recyclable.

All solid waste will go to local landfill and be collected through regular trash collection service, while others will be recycled. All solid waste disposal will adhere to local and state standards and will have a less than significant impact on the holding capacity of local landfills.

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?

FINDING: NO IMPACT:

The project will not modify current access to the project site off State Route 168, or the existing street system in the area. As such, there will be no interference with any adopted emergency response plan or emergency evacuation plan.

- 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?

FINDING: NO IMPACT:

The southwest corner of the site is gently sloped whereas rest of the site is flat and developed with a single-family residence, garage, shed, barn, stable, and a tank house. The proposed improvements include a barn/event center, guard house, restroom building, bunk house, fruit stand/tasting room, and a veterinary office. These improvements will be subject to State Responsibility Area (SRA) Fire Safety Regulation pertaining to building setback, driveway, addressing, waste, and roofing to optimize fire safety for improvements in SRA area.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The existing access road off SR 168 will be re-surfaced with decomposed granite. As noted in XX. B. above, the proposed improvements will comply with SRA requirements for fire safety.

- 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:

The project site is annually disked within the area of the proposed development and is currently held in residential use. The area of the property for the existing and proposed development is relatively flat although the property's southwest portion, not included in the scope of work, is hilly with gentle slopes. The project will not change the natural

course of the drainage. As such, the impact of downstream flooding onto people or proposed improvements will be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Construction and operation of the project may impact sensitive biological and cultural resources. Included Mitigation Measures in Section IV. BIOLOGICAL RESOURCES and Section V. CULTURAL RESOURCES of this report will minimize such impacts to less than significant.

- 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 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, Biological Resources, Cultural Resources, Noise and Transportation will be mitigated by compliance with the Mitigation Measures listed in Sections I., IV., V., XII and XVII of this report.

- 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 the Initial Study No. 8081 prepared for Unclassified Conditional Use Permit Application No. 3713, 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 Mineral Resources, Population and Housing, and Recreation.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Public Services, Tribal Cultural Resources, Utilities and Service Systems and Wildfire have been determined to be less than significant.

Potential impacts related to Aesthetics, Biological Resources, Cultural Resources, Noise and Transportation, have determined to be less than significant with the implementation of recommended mitigation measures.

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

EA;JP

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