



# County of Fresno

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

## Planning Commission Staff Report and Subdivision Review Committee Report Agenda Item No. 2 May 18, 2023

**SUBJECT:** Tentative Tract Map Application No. 6382; Classified Conditional Use Permit Application No. 3726, Initial Study No. 8154.

Allow the creation of a nine-lot residential subdivision from a 39.63-acre parcel and a 2.09-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) Zone District. The ninth 2.09-acre parcel (Lot 9) is a remainder lot from an approved Parcel Map No. 8193.

**LOCATION:** The subject parcels are located on the west side of Auberry Road approximately 600 feet southwest of its intersection with Thunderbird Road, within unincorporated community of Prather (APNs: 118-340-69 and 118-340-75) (28733 Auberry Road) (Sup. Dist. 5).

**OWNER/  
APPLICANT:** Family Farms, LLC

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 8154; and
- Approve Tentative Tract Map Application No. 6382 and Classified Conditional Use Permit Application No. 3726 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Tentative Tract Map No. 6382
6. Operational Statement
7. Summary of Initial Study No. 8154
8. Draft Mitigated Negative Declaration

**ENVIRONMENTAL ANALYSIS:**

An Initial Study was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 6 to the Subdivision Review Committee Report for Tentative Tract Map Application No. 6382 and Classified Conditional Use Permit Application No. 3726.

**PUBLIC NOTICE:**

Notices were sent to 93 property owners within 2640 feet of the subject parcels, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

No comments were received in favor of or opposed to this as of the writing of this report.

**BACKGROUND INFORMATION:**

The current proposal entails division of a 39.63-acre parcel in eight parcels (Lots 1-8) and include an existing 2.09-acre parcel as Lot 9 that was created as a remainder parcel of Parcel Map 8124, recorded June 10, 2016. Three parcels (Lot 1, 8, 9) fronts on Auberry Road, range from 2.09 acres to 3.62 acres in size, and have direct access from Auberry Road. Six parcels (Lot 2,3,4,5,6,7) range from 5 acres to 7.12 acres in size and do not have Auberry Road frontage. These parcels will gain access via two existing private ingress and egress easements off Auberry Road.

**PROCEDURAL CONSIDERATIONS:**

A Tentative Tract Map Application may be approved only if five Findings specified in Section 66474 of the Subdivision Map Act and Title 17, Chapter 17.20.020 of the County Subdivision Ordinance are made by the Planning Commission. These Findings are included in the body of the Subdivision Review Committee Report.

Classified Conditional Use Permit (CUP) Application No. 3726, being considered concurrently

with Tentative Tract Map No. 6382 is to waive County Zoning Ordinance Section 820.J.1.&2. requirement that vehicular access to the tract shall be from a dedicated and improved road.

A CUP may be approved only if five Findings specified in the Zoning Ordinance are made. The subject Tentative Tract Map cannot be approved unless concurrent Conditional Use Permit Application No. 3726 is also approved.

The Planning Commission’s decision on a Tentative Tract Map Application No. 6382 and Conditional Use Permit Application No. 3726 is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**SUBDIVISION REVIEW COMMITTEE REPORT FOR TENTATIVE TRACT MAP NO. 6382: ANALYSYS/DISCUSSION**

Date of Subdivision Review Committee Meeting: February 28, 2023  
 Subdivider: Family Farms, LLC.  
 Project Engineer/Architect: Harbour & Associates Civil Engineers.

**Finding 1:** *That the proposed map and the design improvement of the proposed subdivision are consistent with the General Plan and any applicable Specific Plan.*

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>General Plan Policy PF-C.17:</b>  <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</i></p> <p>a. <i>A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.</i></p> <p>b. <i>A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County.</i></p>	<p>The Water and Natural Resources Division (WNRD) has determined that based on the results of Groundwater Supply Report dated June 2022, and a 72-hour pump test conducted on a monitoring well in the vicinity, the project would have a less than significant impact on groundwater resources.</p> <p>Additionally, prior to the issuance of a permit for residential development, a water well yield test will be conducted and approved by WNRD to confirm that the well capacity is adequate to serve the development as defined in County Ordinance Code Section 15.04.190.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>General Plan Policy PF-E.6:</b>  <i>The County shall require that drainage facilities be installed concurrently with and as a condition of development activity to ensure the protection of the new improvements as well as existing development that might exist within the watershed.</i></p>	<p>Development of the proposed tract will adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements. Prior to the approval of final map, a hydrologic and hydraulic analyses will be required in accordance with standard engineering practices to demonstrate that the proposed tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development.</p>
<p><b>General Plan Policy PF-H.2:</b>  <i>Prior to the approval of development projects, the County shall determine the need for fire protection services. New development in unincorporated areas of the County shall not be approved unless adequate fire protection facilities are provided.</i></p>	<p>Development of the proposed tract will be subject to the California Code of Regulations Title 24 – Fire Code, and approval by Fresno County Fire Protection District prior to issuance of building permits. The development may also require the annexation to Community Facilities District 2010-01 for Fire Protection Services. Additionally, current Fire Code requires that new residences be constructed with fire sprinkler systems.</p>
<p><b>General Plan Policy PF-D.6:</b>  <i>The County shall permit individual on-site sewage and disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</i></p>	<p>Development of the tract will allow individual sewage disposal systems on each parcel in compliance with Fresno County Local Area Management Program (LAMP) as it pertains to septic system design and density and shall receive permits and inspections from Fresno County Department of Public Works and Planning.</p>
<p><b>General Plan Policy LU-E.3:</b>  <i>The County shall maintain two (2) acres as the minimum permitted lot size exclusive of all road and canal rights of way, recreation easements, permanent water bodies, and public or quasi-public common use areas except as provided for in policies LU.E.6 and LU-E.7. which apply to Planned Residential Developments</i></p>	<p>Review of the proposed tract demonstrates that three (3) of the nine (9) parcels (Lot 1, 8, 9) that fronts on Auberry Road are more than two-acre in size.</p>
<p><b>General Plan Policy LU-E.10:</b>  <i>The County shall require new subdivisions within areas designated Rural Residential be designed to utilize individual on-site sewer and water systems. All proposals shall be reviewed by the County Geologist and the</i></p>	<p>The County Health Department expressed no concerns with the development of the tract. Installation of individual sewage disposal system on the parcels will be subject to permits and inspections, as well as State Health and Safety Code, California</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><i>County Health Officer to determine the appropriate minimum lot size based on local hydro-geological conditions.</i></p>	<p>Code of Regulations, and plumbing and building code.</p>
<p><b>Sierra-North Regional Plan Policy 402-01:10.02a1</b>  <i>In Rural Residential Zone District, the minimum lot size shall be two (2) acres (net) for parcels with public road frontage and five (5) acres (gross) for parcels without public road frontage provided:</i></p> <ul style="list-style-type: none"> <li><i>a. The physical characteristics of the site do not preclude development in accordance with County Development standards.</i></li> <li><i>b. Development proposals (subdivisions, Conditional Use Permits) shall show that water quality and quantity are adequate to serve domestic and fire protection needs.</i></li> <li><i>c. The installation of individual sewage systems will not degrade the environment.</i></li> </ul>	<p>The proposed parcels (Lot 2, 3, 4, 5, 6, 7) do not front on Auberry Road and are more than 5 acres in size, and the proposed parcels (Lot 1, 8) and the existing Lot 9 fronts on Auberry Road and are more than two (2) acres in size. All parcels will be developed with R-R zone district development standards with ground water quality and quantity adequate to serve domestic and fire protection needs of the subdivision and with onsite individual sewage systems not to degrade the environment.</p>
<p><b>General Plan Policy PF-G.2:</b>  <i>The County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served.</i></p>	<p>Prior to recordation of a final map, a funding mechanism will be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism as determined by the County, to support costs for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents served. Additionally, the project will pay for any cost associated with the establishment of the funding mechanism.</p>
<p><b>General Plan Policy OS-L.3:</b>  <i>Development on a Scenic Roadway shall adhere to a 200-foot setback of natural open space. The policy provides for flexibility if the property dimensions preclude such setback.</i></p>	<p>Lot 1 and 8 fronts on Auberry Road with lot depth of 278 feet to 394 feet. Residential development on these parcels will maintain scenic setback of 100 feet (with flexibility granted) verses 200 feet when measured from 53 feet ultimate right-of-way west of section line for Auberry Road.</p>
<p><b>General Plan Policy OS-F.11:</b>  <i>The County shall promote the preservation and management of oak woodlands by encouraging landowners to follow the Fresno County Oak Management Guidelines shown below and to prepare an Oak Management Plan for their property.</i></p>	<p>Prior to the recordation of final map, an Oak Woodland Management Plan (OWMG) consistent with the policies of the Fresno County Oak Woodland Management Guidelines will be prepared by a Biologist, Registered Forester, Arborist, Horticulturalist and be approved by the Fresno County</p>

Relevant Policies:	Consistency/Considerations:
	Department of Public Works and Planning in consultation with other agencies including the Sierra Resource Conservation District. The OWMG will contain provisions for preserving, maintaining, and replacing the existing Oak trees on all parcels in the tract

**Reviewing Agency/ Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning:  
The proposed land subdivision (Tract Map No. 6382) shall adhere to the policies of General Plan and Sierra-North Regional Plan as discussed in the table above.

**Finding 1 Analysis:**

Both the 39.63-acre parcel and the existing 2.09-acre parcel subject to the proposed subdivision are designated Foothill Rural Residential in the County’s Sierra-North Regional Plan and are zoned R-R (Rural Residential; two-acre minimum parcel size required) in the County Zoning Ordinance. The project is consistent with General Plan policies and a Sierra-North Regional Plan policy as discussed in **Relevant Policies and Consistency /Considerations** table above.

Regarding consistency with Policy PF-C.17, Policy PF-D.6, and Policy LU-E.10, each parcel in the proposed subdivision will utilize an individual well and individual sewage disposal system subject Local Area Management Program (LAMP) requirements and permit and inspections from Fresno County Health Department, Environmental Health Division.

Regarding consistency with Policy PF-E.6, prior to the approval of final map, the project will adhere to the County Grading and Drainage Ordinance, Building Code, and permit requirements including approval of a hydrologic and hydraulic analyses.

Regarding consistency with Policy PF-H.2, the project will comply with the California Code of Regulations Title 24 – Fire Code and will require its approval by the Fresno County Fire Protection District prior to issuance of building permits.

Regarding consistency with Policy LU-E.3 and Sierra-North Regional Plan Policy 402-01:10.02a1, the project will meet R-R zone district parcel size requirement - two-acre parcels with access from Auberry Road (public road) and five-acre parcels with access from private access easements off Auberry Road.

Regarding consistency with Policy PF-G.2, the project will require establishment of a funding mechanism to provide for Sheriff’s services.

Regarding consistency with Policy OS-L.3., development on Lot 1, 8 and 9 will be provided with 100 feet scenic setback along Auberry Road with flexibility granted verses 200 feet as required by the Policy, as structures on the adjacent parcels have already been developed at 78 to 137 feet from the right-of-way.

Regarding consistency with Policy OS-F.11, to avoid impact to oak trees on the property, and Oak Management Plan will be prepared and approved at the time of residential development.

**Finding 1 Conclusion:**

Finding 1 can be made as the design of the proposed subdivision is consistent with the policies of the County General Plan and Sierra-North Regional Plan.

***Finding 2: The project site is physically suitable for the type and density of development proposed.***

**Surrounding Properties**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Foothill Rural Residential in the Sierra-North Regional Plan	No Change
Zoning	R-R (Rural Residential, two-acre minimum parcel size) Zone District	No change
Surrounding Zoning	R-R, AE-40	No change
Land Use on Project Site	<ul style="list-style-type: none"> <li>• Single-family Residence, mobile home, shed and a C-train on Lot 9</li> <li>• Two sheds on Lot 7</li> </ul>	A nine-lot residential subdivision created from a 39.63-acre parcel and a 2.09-acre parcel in the R-R Zone District.
Parcel Size	<ul style="list-style-type: none"> <li>• 39.63 acres</li> <li>• 2.09 acres</li> </ul>	Nine lots with size as below:  Lot 1: 3.62 acres Lot 2: 5.87 acres Lot 3: 7.12 acres Lot 4: 5.34 acres Lot 5: 5.00 acres Lot 6: 5.00 acres Lot 7: 5.00 acres Lot 8: 2.51 acres Lot 9: 2.09 acres (Existing)
Surrounding Land Uses	Residential, commercial, educational	No change
Source of Water	<ul style="list-style-type: none"> <li>• None for 39.63-acre parcel</li> <li>• Domestic well on Lot 9</li> </ul>	Domestic well on each parcel in the tract.
Sewer	Individual sewage disposal system on Lot 9	Individual sewage disposal system on each parcel in the tract (Lot 1-8).
City Sphere of Influence	None	No change
Nearest City Limit	City of Clovis: 13.8 miles southwest of the project site	No change

Structural Improvements	<ul style="list-style-type: none"> <li>• Single-family homes</li> <li>• Foothill Elementary school</li> <li>• Sierra Unified School District Offices</li> <li>• Motorcycle Riding School</li> </ul>	Single-family residence one on each parcel in the tract.
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**Setback, Separation and Parking**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	RR Zone District  Front yard: 35 feet Rear yard: 20 feet Side yard: 20 feet	No change to current standard	Future residential development will comply with RR Zone District setbacks.
Parking	One (1) parking space for every dwelling unit on the same lot with the main building which they are intended to serve and be located to the rear of the required front yard, except for hillside lots.	No change	Yes
Lot Coverage	No requirements	N/A	N/A
Space Between Buildings	Zoning Ordinance Section 820.5.F	No change	Yes
Wall Requirements	Zoning Ordinance Section 820.5.2(a)(b)(c)	No change	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	No change to the standards	Yes

**Surrounding Parcels**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North	58.5 acres	Elementary school, school district offices.	RR	None
	13.6 acres	Motorcycle riding school.		



	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
South	43.26 acres	Undeveloped land.	AE-40	None
East	Two acres to 2.5 acres  68.7 acres	Single-family residence.	R-R	125 feet
West	40 acres	Undeveloped land.	AE-40	None

**Reviewing Agency/Department Comments:**

Development Engineering:

An Engineered Grading and Drainage Plan shall be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher shall be required for any grading proposed with the project; and onsite retention shall be required of additional storm water runoff generated by site development. Residential development shall meet SRA (State Responsibility Area) standards contained in Chapter 15.60 of the County of Fresno Title 15 Building and Construction Ordinance pertaining to setback for structures, road improvements, road width, driveways, gates, signage, street address, water supply and fire hydrants.

Water and Natural Resources:

Prior to the issuance of any permit for a single-family residence, a water well yield test shall be conducted to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190. The test shall be reviewed and approved by WNRD.

Fresno County Department of Public Health, Environmental Health Division:

An engineered sewage disposal system may be required based on test hole and inspection and be installed on each of the proposed parcel under permits and inspections by the Department of Public Works and Planning Building and Safety Section. Likewise, to construct a water well on the property a Permit to Construct a Water Well shall be obtained from the Fresno County Department of Public Health, Environmental Health Division. As a measure to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. Any underground storage tank(s) if found during construction shall be removed by securing an Underground Storage Tank Removal Permit from the Health Department.

**Finding 2 Analysis:**

The project (proposed tract) consists of a 39.63-acre parcel and a 2.09-acre parcel. The current zoning on the parcels is Rural Residential (R-R) with a two-acre minimum parcel size required. The underlying land use designation is Foothill Rural Residential in the Sierra-North Regional Plan.

The Rural Residential (R-R) Zone District is intended to be applied to areas designated as Rural Residential by the General Plan and is intended to create or preserve rural or very large lot residential homesites where a limited range of agricultural activities may be conducted. The minimum lot size that may be created within the R-R zone district is two (2) acres with public road frontage and five (5) acres without public road frontage.

The project site can be considered suitable for the type and density of the development proposed.

Review of the proposed tract demonstrates that three parcels (Lot 1, 8, 9) that fronts on Auberry Road are more than two-acre in size and six parcels (Lot 2, 3, 4, 5, 6, 7) without public road frontage are more than 5 acres in size and meets the provision of Zoning Ordinance Section 820.5-B.1. a. Approval of the final tentative map will require that all parcels meet the minimum acreage requirement. Lot 1, 8 and 9 are also meet General Plan Policy OS-L.3, relating to Scenic Roadway.

As per the General Plan Policy LU-E.10, new subdivisions within areas designated Rural Residential shall utilize individual on-site sewer and water systems. Tall parcels will utilize individual water well and individual sewage disposal systems by permits and inspections from the Department of Public Works and Planning Building and Safety Section Fresno County Health Department, Environmental Health Division.

A *Groundwater Supply Report* (Report) prepared for the project by *Kenneth D. Schmidt and Associates*, and dated *June 2022*, concluded that the proposed subdivision has an adequate and sustainable supply of groundwater and that future groundwater utilization on the property would not result in significant pumping-related impacts to surrounding properties. However, as required by the Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works, prior to the issuance of a permit for the construction of a new residence, a water well yield test will be conducted to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190 and be approved by the Water and Natural Resources Division of the Department of Public Works and Planning.

Additionally, the proposed development will comply with specific requirements relating to stormwater drainage, hydrologic and hydraulic analysis, right-of-way dedications, improvements to private access easements according to the County improvements standards, and fire protection services as required by Fresno County Fire Protection District. These requirements are included as Subdivision Review Committee Conditions and Project Notes in Exhibit 1 of this staff report.

**Recommended Conditions of Approval:**

*None.*

**Finding 2 Conclusion:**

Finding 2 can be made as the subject parcels has been determined to be physically suitable to accommodate the residential development with density consistent with the provision of the Rural Residential designation.

**Finding 3:** *The design of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

### **Reviewing Agency/Department Comments:**

#### California Department of Fish and Wildlife:

The project may potentially impact to special-status species including, but not limited to, the Federally and State threatened California tiger salamander, species of special concern such as Western Pond Turtle, Western Spadefoot, and Nesting Birds and impact to these resources be evaluated and addressed prior to any ground-disturbing activities.

No comments specific to impacts to wildlife or the environments were expressed by U.S. Fish and Wildlife Service.

### **Finding 3 Analysis:**

The Subdivision Ordinance requires that a tentative map be denied if a finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*Halstead & Associates prepared a Biological Assessment Report (Report) for the project and dated November 2022. The Report was provided to the California Fish and Wildlife and US Fish & Wildlife Service for review and comments. Neither agency provided any comments on the Report.*

According to the Report, sensitive biological resources such as rock outcrops with decomposed granitic soil, one manmade pond, two intermittent drainages, plant resources and large nesting trees exist on the project site and suggested that preventive avoidance measures shall be incorporated into the project. Also, according to the Report, the California Tiger Salamander (CTS) would not be impacted by the project due to no records of CTS on the property or within distances of the property that CTS typically disperse, and no Western Spadefoot were observed or found during the project site visit. In conclusion, the Report stated that to reduce impact to man-made pond which holds water year-long and would be a wetland and Waters of the United States and the State; intermittent drainages; sensitive plant resources; and nesting birds and their nests, the project shall adhere to the specific mitigation measures which are included in Exhibit 1 of this staff report.

In summary, Initial Study No. 8154 prepared for the project in accordance with the California Environmental Quality Act (Exhibit 6) has determined that the project will have no or a less than significant impact on the environment, special-status species, riparian habitats, fish and wildlife, and their habitat with the implementation of Mitigation Measures and Conditions of Approval as noted above.

### **Recommended Conditions of Approval:**

None.

### **Finding 3 Conclusion:**

Finding 3 can be made based on the above information. The project will not cause substantial environmental damage on fish or wildlife, or their habitat.

**Finding 4:     *The design of the subdivision or types of improvements are not likely to cause serious public health problems.***

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health:

An engineered sewage disposal system shall be installed on each of the proposed parcel under permits and inspections from the Health Department. As a measure to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. Any underground storage tank(s) if found during construction shall be removed by securing an Underground Storage Tank Removal Permit from the Health Department.

Water and Natural Resources Division of Fresno County Department of Public Works and Planning:

Each lot in the proposed subdivision shall have water well for domestic use and fire protection. As per the *Groundwater Supply Report* (Report) prepared for the project by *Kenneth D. Schmidt and Associates* and dated *June 2022*, the chemical and bacteriological quality of the groundwater is expected to be suitable for individual wells.

Fresno County Fire Protection District:

The proposed subdivision shall comply with the California Code of Regulations Title 24 – Fire Code; be approved by CalFire prior to issuance of building permits by the County; and shall join the Community Facilities District (CFD) before plans are submitted to the CalFire. These requirements have been included as Project Notes.

**Finding 4 Analysis:**

The design of the subdivision and anticipated subsequent residential developments are not likely to cause serious public health problems.

Residential development within the proposed tract will require individual sewage disposal systems and water well with permits and inspection from the Department of Public Works and Planning Building and Safety Section and the Fresno County Department of Public Health, Environmental Health Division. Also, to protect public health and wellbeing, mandatory separation between a well and a septic system will be maintained as per the County standards. Groundwater quality has been checked per the *Groundwater Supply Report* prepared for the project and is found to be suitable for human consumption.

The development will also comply with the California Code of Regulations Title 24 – Fire Code and obtain necessary approval from the Fresno County Fire Protection District.

**Recommended Conditions of Approval:**

None

**Finding 4 Conclusion:**

Finding 4 can be made, as no reviewing agencies expressed concern that the proposed subdivision would adversely affect public health.

***Finding 5: The design of the subdivision or types of improvements will not conflict with easements acquired by public at large, for access through or use of the property within the proposed subdivision.***

## Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Auberry Road (Good Condition)	<ul style="list-style-type: none"> <li>• Lot 1, 8 and 9 with frontage on Auberry Road.</li> <li>• Lot 2-7 with no frontage on Auberry Road. These lots will gain access through two existing private ingress and egress easements off Auberry Road</li> </ul>
Direct Access to Public Road	Yes	Yes: Auberry Road (Good Condition)	Lot 1,8 and 9 will have direct access to Auberry Road.
Road ADT		3400 vehicles per day	The addition of new residential traffic trips associated with the proposed subdivision would not substantially increase the average daily trips of Auberry Road.
Road Classification		Arterial	No change
Road Width		Sixty (60) foot. The Ultimate right-of-way width required: 106 feet (53 feet on each side of centerline)	Additional 23 feet right-of-way across Lot 1, 8 and 9 is required for Auberry Road.
Road Surface		Asphalt paved	No change
Traffic Trips		3400 vehicles per day	Addition of residential traffic trips
Traffic Impact Study (TIS) Prepared	No	Thresholds for requiring a TIS were currently not met	County Transportation and Planning Unit did not require TIS due to minimal traffic trips generated by the proposed subdivision.
Road Improvements Required		Asphalt concrete paved	None. Lot 2-7 will gain access through two private ingress and egress easements off Auberry Road which will be constructed to a standard not less than that required by the A-15 B and C

	Existing Conditions	Proposed Operation
		county Improvement Standard.

**Reviewing Agency/Department Comments:**

Development Engineering Section of the Development Services Division:

All utilities shall be placed underground in accordance with the provision of the Subdivision Ordinance. This has been included as a Project Note.

Pacific Gas and Energy (PG&E):

The proposed subdivision does not appear to directly interfere with existing PG&E facilities or impact PG&E’s easement rights.

**Finding 5 Analysis:**

The Subdivision Ordinance requires a Finding be made that the design of the subdivision and the type of improvements proposed by this project will not conflict with any easements required by the public at large for access through or use of the property.

There are no known public easements traversing the subject property. The project review by Pacific Gas and Energy (PG&E) indicates that the proposed subdivision does not appear to directly interfere with existing PG&E facilities or impact PG&E’s easement rights. All proposed utilities will be underground in accordance with County Standards and provisions of the Subdivision Ordinance. County Standards also require that any existing overhead utilities within the tract, or within the street right-of-way adjacent to the tract, be removed and placed underground. Adherence to this regulatory requirement (Project Note) will ensure compliance with the Subdivision Ordinance requirements for all new utilities to be placed underground.

**Recommended Conditions of Approval**

See Project Notes in Exhibit 1 of this Report

**Finding 5 Conclusion:**

Finding 5 can be made based as the project will not conflict with easements acquired by public at large.

**ANALYSIS FOR CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3726 (WAIVING VEHICULAR ACCESS FROM A DEDICATED AND IMPROVED ROAD)**

***Finding 1: The site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.***

See **Setback, Separation and Parking** table above in Finding 2 of Subdivision Review Committee Report for Tentative Tract Map No. 6382.

**Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning:  
Per County Zoning Ordinance Section 820.5-J. ACCESS 1., there shall be vehicular access from a dedicated and improve road. To waive this requirement, a Classified Conditional Use Permit is required for the project.

**Finding 1 Analysis:**

The applicant is proposing to subdivide a 39.63-acre parcel into 8 residential. This includes an existing 2.09-acre parcel as Lot 9. The subject parcels are zoned R-R (Rural Residential two (two-acre minimum parcel size required)).

Review of the tentative tract indicates that the 39.63-acre site is adequate in size to accommodate eight (8) single-family residential lots ranging from two acres to five acres and given their size, can be developed with onsite water well and septic system while maintaining mandatory separation between well and septic system. The parcels are also adequate in size to provide for utilities, ingress and egress, fencing and landscaping.

**Recommended Conditions of Approval:**

*See Mitigation Measures and Conditions of Approval Listed in Exhibit 1 of this Report.*

**Finding 1 Conclusion:**

Finding 1 can be made based on the above information. The subject 39.63-acre parcel is adequate in size and shape to accommodate the proposed lots.

***Finding 2:*** *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

See **Circulation and Traffic** table above in Finding 5 of Subdivision Review Committee Report for Tentative Tract Map No. 6382

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations Division, Fresno County Department of Public Works and Planning: Auberry Road is classified as an Arterial in the General Plan requiring the ultimate right-of-way 106. Currently the road has 30 feet of right-of-way along the subject parcel frontage to the centerline. An additional 23 feet in road right-of-way for Auberry Road is required totaling 53 feet. Proposed parcels (Lots 1, 8, 9) shall be limited to one access point from Auberry Road and other access to these parcels through Auberry Road shall be relinquished. Direct access to the proposed parcels (Lots 2-7) shall be through two existing private ingress and egress easements off Auberry Road.

The Development Engineering Section of the Fresno County Department of Public Works and Planning: The two existing private access easements to serve Lot 2, 3, 4, 5, 6 & 7 shall adhere to county development standards.

**Finding 2 Analysis:**

Access to the project site will be from Auberry Road. The Transportation and Circulation Element of the Fresno County General Plan identifies Auberry Road as an Arterial, planned for 4 to 6 lane roadways (currently two-lane road) with ultimate right-of-way width of 106 feet.

Lot 1, 8 and 9 has direct access to Auberry Road and Lot 2 - 7 will have indirect access off Auberry Road via two private access easements. As these lots will not be served by a dedicated and improved road as required by County Zoning Ordinance Section 820.5-J. ACCESS 1. Conditions of Approval of the Subdivision Review Committee Report would require that all roads to serve the proposed lots without public road frontage shall be provided with a 60-foot wide, non-exclusive private road easement from Auberry Road and be constructed to a standard not less than that required by the A-15 B and C County Improvement Standard.

**Recommended Conditions of Approval:**

*See Conditions of Approval Listed in Exhibit 1 of this Report.*

**Finding 2 Conclusion:**

Finding 2 can be made in that both Auberry Road and the private ingress and egress easements when improved to county standards will adequately serve the proposed land division.

***Finding 3: The proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.***

See **Surrounding Properties, Setback, Separation and Parking** table above in Finding 2 of Subdivision Review Committee Report for Tentative Tract Map No. 6382

**Reviewing Agency/Department Comments:**

As discussed above in the Subdivision Review Committee Report prepared for concurrent Tentative Tract Map Application No. 6382, the proposed subdivision will comply with the Fresno County Fire Protection District requirements for the project and will be accommodated with individual water well and septic system.

**Finding 3 Analysis:**

The 39.63-acre project site is undeveloped with two existing sheds. The proposed Lot 9 is developed with a single-family residence with a shed and a C-train. The project area is rural residential in character and is developed with sparse single-family residences. There is no active farmland in the vicinity of the project. The Sierra Unified school district offices are located to the north, and a commercial motorcycle riding school to the west, and sparse residential development to the east and south of the project site.

The project entails division of a 39.63-acre parcel into eight parcels and includes an existing fully developed 2.09-acre parcel as Lot 9, which is a remainder lot from approved Parcel Map No. 8193. All parcels will be developed with single-family homes and will meet the property development standards of RR Zone District. Design, construction and height of the residential development on the parcels will be consistent with the existing residential developments in the area thereby resulting in a less than significant visual impact on the physical characteristics of the area.

As indicated in the Subdivision Review Committee Report for concurrent Tentative Tract Map Application No. 6382, the project will comply with fire protection requirements, SRA (State Responsibility Area) standards, building code and permit requirements, site access and site grading and drainage requirements.



**Recommended Conditions of Approval:**

*See Mitigation Measures and Conditions of Approval Listed in Exhibit 1 of this Report.*

**Finding 3 Conclusion:**

Finding 3 can be made in that the development of the proposed subdivision will not have an adverse effect on the abutting properties and surrounding neighborhood.

***Finding 4: The proposed development is consistent with the General Plan.***

See table above in Finding 1 of Subdivision Review Committee Report for Tentative Tract Map No. 6382.

**Reviewing Agency/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The proposed residential subdivision shall adhere to the General Plan policies listed in Finding 1 of Subdivision Review Committee Report of this staff report. These policies relate to water supply, sewage disposal systems, scenic setback, site access from dedicated public road and private access easements, oak management plan, funding mechanism for staffing of sheriff, and fire protection.

**Finding 4 Analysis:**

The subject proposal is consistent with the County General Plan policies and Sierra-North Regional Plan policy as discussed in in Finding 1 of Subdivision Review Committee Report under Relevant Policies and Consistency/consideration table. These policies relate to the adequacy of groundwater supply and onsite individual sewage system for each of the proposed parcels, scenic setback along parcel frontage, access to the parcels through dedicated public road (Auberry Road) and improvements to the existing private access easements to county standards, the preparation of Oak Management Plan to minimize impact to onsite oak trees due to site development, funding mechanism to provide for Sheriff's services, and the adequacy of fire protection facilities for the project.

**Recommended Conditions of Approval:**

*See Mitigation Measures and Conditions of Approval Listed in Exhibit 1 of this Report.*

**Finding 4 Conclusion:**

Finding 4 can be made because the proposed land subdivision is consistent with the policies of the Fresno County General Plan and Sierra-North Regional Plan.

***Finding 5: That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.***

**Reviewing Agency/Department Comments:**

Refer to Reviewing Agency/Department Comments in Finding 1-5 of Subdivision Review Committee Report for Tentative Tract Map No. 6382

**Analysis Finding 5:**

The proposed mitigation measures and conditions of approval were developed based on studies and consultation with specifically qualified staff, consultants, and outside agencies. They were

developed to address the specific impacts of the proposed project and were designed to address the public health, safety, and welfare. Additional comments and project notes have been included to assist in identifying existing non-discretionary regulations that also apply to the project. The Applicant has signed an acknowledgement agreeing to the proposed mitigation measures and has not advised staff of any specific objection to the proposed conditions of approval.

**Recommended Conditions of Approval:**

None.

**Conclusion Finding 5:**

Based on the above information, staff believes that the public health, safety and general welfare can be protected. Finding 5 can be made.

**STAFF RECOMMENDATION:**

Based on the factors cited in the analysis,

Staff believes the required Findings for granting the Tentative Tract Map and Classified Conditional Use Permit can be made and therefore recommends adoption of the Mitigated Negative Declaration prepared for this project and approval of the Tract Map No. 6382 and Conditional Use Permit No. 3726 subject to the included Conditions.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study No. 8154; and
- Move to determine the required Findings can be made and move to approve Tentative Tract Application No. 6382 and Conditional Use Permit Application No. 3726 subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Tentative Tract Map Application No. 6382 and Conditional Use Permit Application No. 3726; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Initial Study No. 8154/Tentative Tract Map Application No. 6382/Classified Conditional Use Permit Application No. 3726  
Mitigation Measures, Conditions of Approval and Project Notes**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Biological Resources	<p>To protect and preserve potential sensitive plant resources and their potential habitat, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to these resources.</p> <p>a. No developments such as roads, trails, barns, sheds, homes, trailers, or bridges shall be built on or over the large rock outcropping as depicted in the attached Exhibits (Aerial Map and Habitat Map) and such areas shall be avoided and designated as open space, unless measure 'b' below is enacted.</p> <p>b. If future construction activities will occur in or over this sensitive open space area, a sensitive plant survey shall be conducted by a qualified biologist at the appropriate flowering period to further evaluate the potential occurrence and impacts of sensitive plants.</p>	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Prior to ground disturbance
*2.	Biological Resources	<p>To protect and preserve nesting bird and nest resources, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to such resources.</p> <p>a. Prior to ground-disturbing activities on the project site (such as road building, land contouring, house pad grading, etc.) in February thru August period, a preconstruction survey will be conducted by a qualified biologist for nesting birds. A findings memo shall be prepared by the biologist for the project files.</p>	Applicant	Applicant/PW&P/California Dept. of fish and Wildlife (CDFW)	Prior to issuance of development permits

EXHIBIT 1

		<p>b. If any active nests are observed, the nests and nest trees/areas shall be designated as an Environmentally Sensitive Area and protected (while occupied by eggs or birds) during the construction activities.</p> <p>c. If nests are found, the California Department of Fish and Wildlife shall be contacted, consulted, and additional avoidance measures, specific to each incident above, shall be developed in cooperation with the landowner, developer, and a qualified biologist. The plan with comments from the California Department of Fish and Wildlife shall be submitted to County for approval prior to issuance of any development permits on the property.</p>			
*3.	Biological Resources	<p>To protect and preserve the pond resource, the following preventive avoidance measures shall be incorporated into the project and shall be implemented to avoid any potential significant impacts to this resource.</p> <p>a. A no impact zone of 25 feet around the pond and the pond itself shall be designated as open space. No developments such as roads, trails, barns, sheds, homes, trailers, or bridges shall be constructed in the open space area unless measure 'c' below is enacted.</p> <p>b. A qualified biologist shall locate the pond edge and measure, designate, and mark (flag) its protection zone prior to ground-disturbing construction activities in its area.</p> <p>c. If future road or construction activities will occur in, over, or along the pond and within its protection zone (open space), a qualified biologist will review and examine the plans, determine if the pond will be altered, consult with the CDFW and Corps, and if needed, obtain permits from the Corps and CDFW. The plan with comments from the</p>	Applicant	Applicant/PW&P/CDFW	Prior to issuance of development permits

		California Department of Fish and Wildlife shall be submitted to County for approval prior to issuance of any development permits on the property.			
*4.	Biological Resources	<p>To protect and preserve the intermittent drainage resources, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to these resources.</p> <p>a. A no impact zone of 25 feet on either side of intermittent drainages shall be designated as open space. No developments such as roads, trails, barns, sheds, homes, trailers, or bridges shall be conducted in the open space area-drainage protection zone unless measure 'c' below is enacted.</p> <p>b. A qualified biologist shall locate the drainages and measure, designate, and mark (flag) its protection zone prior to ground-disturbing construction activities.</p> <p>c. If future road or construction activities will occur in, over, or along the intermittent drainages and within its protection zones (open space), a qualified biologist will review and examine the plans, determine if the bed or bank of the drainage will be altered, consult with the California Department of Fish and wildlife (CDFW) and Army Corps of Engineers (ACOE), and if needed, obtain permits from CDFW and ACOE. The plan with comments from the California Department of Fish and Wildlife shall be submitted to County for approval prior to issuance of any development permits on the property.</p>	Applicant	Applicant/PWP	Prior to issuance of development permits
*5	Biological Resources	Prior to recordation of the Tract Map, an Oak Woodland Management Plan consistent with the policies of the Fresno County Oak Woodland Management Guidelines, shall be prepared by one of the following professionals: Biologist, Registered Forester, Arborist,	Applicant	Applicant/PWP	Prior to recordation of final map

		Horticulturalist, or any other professionals experienced in the management of Oak tree habitat. The Plan shall contain provisions for preserving, maintaining, and replacing Oak trees currently existing on the project site at an acceptable ratio and maintenance of plantings for seven years. The plan shall be submitted to and approved by the Fresno County Department of Public Works and Planning in consultation with other agencies including the Sierra Resource Conservation District.			
*6.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PWP	During ground-disturbance
*7.	Hydrology and Water Quality	Prior to the issuance of any Development permit or recordation of the Final Map, a water well yield test shall be conducted to demonstrate that the well is capable to adequately serve the proposed use and must be reviewed and approved as adequate by the County of Fresno Public Works and Planning Department's Water Natural Resources Division.	Applicant	Applicant/PWP	Prior to issuance of development permits
<b>Subdivision Review Committee Conditions For Tract Map No. 6382</b>					
1.	The proposed subdivision (final map) shall be in substantial conformance with the tentative map as approved by Planning Commission.				
2.	A 60-foot wide, non-exclusive private road easement from a public road shall be provided to all parcels without public road frontage. The alignment design shall provide for grades not exceeding the requirements of the A-15 improvement Standard and a minimum centerline curve radius of 125 feet, except the minimum radius may be 75 feet when grade is in excess of ten percent. It will be the duty of the Registered Civil Engineer to attest to compliance with this condition.				

3.	The easement shall be constructed to a standard not less than that required by the A-15 B and C County Improvement Standard from the intersection of Auberry Road to the end of the proposed private roads (18-feet wide).
4.	The private road shall be named, and street signs shall be provided at the intersection of the private roads and Auberry Road.
5.	Prior to the approval of subdivision, an engineered plan for road improvement and an engineered grading and drainage plans shall be prepared and submitted by a certified professional engineer for review and approval by the Fresno County Department of Public Works and Planning. The initial submittal shall include a soils report, which shall identify a recommended traffic index, R-value and pavement structural section. Subsequent R-values shall be obtained for sub-grade after completion of earthwork operations. The Plan show how additional storm water runoff generated by the proposed development of the access road will be handled without adversely impacting adjacent properties. The Fresno Metropolitan Flood Control District shall be consulted for drainage requirements.
6.	Prior to the recordation of final map of subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a Road Maintenance Agreement or a Homeowners Association acceptable to the Director of Public Works and Planning.
7.	Prior to the recordation of final map of the subdivision, twenty-three (23) feet of additional road right-of-way across parcel frontage on Auberry Road shall be provided to meet 53 feet ultimate right-of-way for Auberry Road designated as an Arterial in the Transportation and Circulation Element of the Fresno County General Plan.
8.	All buildings and structures related to the future residential development on the proposed Lot 1 and Lot 8 shall maintain a scenic setback a minimum of 100 feet measured from 53 feet ultimate right-of-way for Auberry Road in compliance of General Plan Policy OS-L.3.d.3.
9.	Access to Lot 1, 8 and 9 each shall be limited to one direct access point off Auberry Road. The balance of the frontage shall be relinquished on the Final Map to restrict further direct vehicular access.
10.	Prior to the recordation of final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism."
11.	Hydrologic and hydraulic analyses shall be prepared and submitted prior to final map for approval by the County in accordance with standard engineering practices to demonstrate that the proposed tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of those parcels adjacent to the development.
12.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

<b>Project Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	As per Fresno County Ordinance Section 17.48.390.C; Water storage facilities for fire protection shall be provided where the parcels are to be served by individual wells. Such facilities shall be located within one half-mile of each lot measured along a public or approved private road and shall be capable of supplying a quantity of water for a one-hour period determined by the application of the following formula: $Q=700 F^{1/2}$ ; Q= Available storage in gallons; F= Number of families to be served by the fire protection water storage facility. In no case shall the storage facilities have a capacity of less than six (6) thousand gallons. Water storage facilities shall consist of a well, pump and storage tank located upon a water lot easement, together with an unsurfaced fire road between the water lot and a private or public road. Prior to the approval of the final map, the well shall be drilled and developed to supply the quantity of water necessary to replenish the storage facility in a 24-hour period. <b>See Condition of Approval No. 5.</b>
2.	Upon approval and acceptance of the Tentative Tract Map and any Conditions imposed thereon, a Final Tract Map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Tract Map shall take place within two years of the acceptance of the Tentative Tract Map unless a Map extension is received prior to the expiration date of the approved Tentative Tract Map. Failure to record the Final Tract Map prior to the expiration of said Tentative Tract Map may void the Tract Map application.
3.	Both the Tentative Tract Map and Final Tract Map shall be approved and signed by all parties with a financial or beneficial interest in the subject parcel.
4.	Prior to the recordation of final map, any proposed wells shall be constructed, permitted, and tested by the County. Additionally, sewer system improvements must be completed and accepted by the County prior to the issuance of building permits for residential construction.
5.	An engineered Grading and Drainage Plan is required to show how additional runoff is being handled and verify compliance with Fresno County's Ordinances. If community facilities are not installed or available, the applicant will be required to contain additional storm water runoff associated with development in on-site retention areas. Any retention facilities greater than 18 inches in depth will require fencing to preclude public access.
6.	Auberry Road is classified as Arterial. All frontage access to Auberry Rd. shall be relinquished. Direct access shall be limited to the proposed parcels through the proposed access easements. The proposed lot 1 and the existing Lot 9 shall be limited to one access point.
7.	An encroachment permit shall be obtained from the Road Maintenance and Operations Division prior to any work



**Project Notes**

	done within the County Road right-of-way (Auberry Road).
8.	Access points to Auberry Road shall be kept clear from any obstructions for visibility purposes with a 30-foot by 30-foot corner cutoff. Fences, walls, and hedges shall not exceed three (3) feet in height. Any branches of trees, signs, located within the corner cut-off area must be trimmed and/or maintained at a height of not less than eight (8) feet. If not already present, a 10-foot by 10-foot corner cut-off shall be improved for sight distance purposes at any existing or proposed driveway accessing Auberry Road.
9.	A grading permit/voucher is required for any grading that has been done without a permit and any proposed grading with this application.
10.	The proposed subdivision is within the State Responsibility Area (SRA). All access easements must satisfy SRA standards for emergency access. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
11.	Discharging pollutants through a "point source" into a "water of the United States" are prohibited unless an NPDES permit has been obtained. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area. Copies of completed NOI with WDID # and SWPPP incorporated into the construction improvement plans shall be submitted to the County prior to commencement of any grading activities.
12.	The proposed subdivision (tract map) is located within the State Responsibility (SRA) area and shall meet the development requirements within chapter 15.60 of the County of Fresno Title 15 Building and Construction Ordinance and any applicable State Fire Safe Regulation.
13.	On-site turnarounds are required for vehicles leaving the site to enter Auberry Road (Arterial) in a forward motion. Direct access to an Arterial is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
14.	For any discharge of dredge and/or fill material to wetlands and/or to local creeks, the project proponent shall submit application to the Central Valley Regional Water Quality Control Board for such discharges. The State Water Resource Control Board (State Board) or Regional Water Quality Control Boards (collectively, Water Boards) have the authority to regulate the discharge of dredged or fill material under section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne). Dischargers that obtain a federal permit or license that authorizes impacts to waters of the United States (i.e., waters that are within federal jurisdiction), such as section 404 of the CWA and section 10 of the Safe Rivers and Harbors Act, must obtain certification from the Water Boards to ensure that the discharge does not violate state water quality standards or any other appropriate requirement of State law. When a discharge is proposed to waters outside of federal jurisdiction, the Water Boards regulate the discharge under Porter-Cologne through the issuance of Waste Discharge Requirements (WDRs). CWA section 401 Water Quality Certifications, WDRs, and waivers of WDRs are referred to as orders or permits.

**Project Notes**

15.	<p>The State Water Resources Control Board (State Water Board) adopted the <i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i> (<a href="#">Procedures</a>), which became effective on 28 May 2020. Applications for dredge/fill activity and the processing of applications must comply with the Procedures. The Procedures require, among other things, the project applicant to conduct a delineation of waters, including wetlands, in an aquatic resource delineation report. The delineation must be performed as specified in the Procedures. The Procedures also require, in some instances, an alternatives analysis to identify the Least Environmentally Damaging Practicable Alternative (LEDPA). Even if the project is determined to be exempt from the Procedures' alternatives analysis requirement, the applicant must, at a minimum, demonstrate a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized to waters of the state.</p> <p>Information supporting the Procedures including an implementation guidance document can be found here: <a href="https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html">https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html</a>. Other related resources can be found at: <a href="https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources">https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources</a></p>
16.	<p>If the project will disturb an acre or more, the project proponent must also comply with the National Pollutant Discharge Elimination System (NPDES) <i>General Permit No. CAS000002</i> (Order No. 2009-0009-DWQ) for <i>Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities</i>. The Construction General Permit requires development of a Storm Water Pollution Prevention Plan to control all pollutants and their sources associated with construction, construction site erosion, and all other activities associated with construction activity. Additionally, the General Permit requires compliance with post construction standards which requires low impact development design features, unless demonstrated to be infeasible, to minimize any increase in runoff or runoff pollutants. Information on the Construction General Permit can be obtained at: <a href="https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html">https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html</a></p>
17.	<p>Prior to constructing water wells on the parcels, the water well contractor with a valid C-57 contractor's license shall apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division.</p>
18	<p>An Underground Storage Tank Removal Permit shall be obtained from the Fresno County Department of Public Health, Environmental Health Division for any underground storage tank(s) found during construction,</p>
19.	<p>Any existing septic tank(s) on the property should be pumped and the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.</p>
20.	<p>A test hole and inspection is required prior to the issuance of construction permits. The test hole evaluation may result in a requirement for an engineered septic system. Such a system, following an on-site investigation, must be designed and installation certified by a Professional Engineer or Registered Environmental Health Specialist who is knowledgeable and experienced in the field of onsite wastewater treatment system design and installation.</p>

<b>Project Notes</b>	
	Whenever possible, test hole procedures should be conducted during the Spring runoff period to accurately assess seasonal high ground water conditions. Any proposal for a new sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section.
21.	As a measure to protect ground water, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed by contacting the Water Surveillance Program at (559) 600-3357.
22.	Before any digging or excavation occurs, Underground Service Alert (USA) shall be contacted by dialing 811 a minimum of two (2) working days prior to commencing any work.
23.	The Sierra Unified School District in which the proposed development will occur has adopted a resolution requiring the payment of a construction fee. The County, in accordance with State Law, which authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid. The County will provide an official certification form when application is made for a building permit.
24.	Interior roads shall provide adequate sight distance at all intersections together with necessary property corner cutoff rights-of-way (20-foot by 20-foot minimum). Adequate sight distance shall be provided for the interior road entrances onto Auberry Road and shall intersect as near to a right angle as practicable. A County Standard B-2 rural residential cul-de-sac shall be provided at the end of cul-de-sac road and at the end of the private road on Lot 4.
25.	All parcels within the proposed subdivision shall have a minimum gross area of five (5) acres unless a public road is provided exclusive of all road and canal rights-of-way, recreation easements, permanent water bodies and public or quasi-public common use areas. Curved and cul-de-sac lots shall have a minimum street frontage of ninety (90) feet. All other lots shall conform to the development standards of the Rural Residential Zone District which requires a minimum width of 170 feet.
26.	Prior to the recordation of final map, the project shall be annexed into the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. A pressurized hydrant system will be required for the subdivision. The well, and pressurized storage tank shall be located on each lot and shall be maintained in perpetuity in accordance with Fresno County Ordinance Code and Fresno County Fire Protection District requirements, and subject to inspection and approval by the County Fire Protection District.
27.	As per Title 17, Section 17.04.100 of the Fresno County Ordinance Code; if a subdivision is at any point within three hundred feet of an AE-20 (Exclusive Agricultural), AL (Limited Agricultural), TPZ (Timberland Preserve) or RC (Resource Conservation) Zone District, the approval of the tentative and final subdivision map shall be conditional upon the recordation with the Fresno County Recorder of notice in substantially the following form:  <i>Fresno County Right to Farm Notice: It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents</i>

**Project Notes**

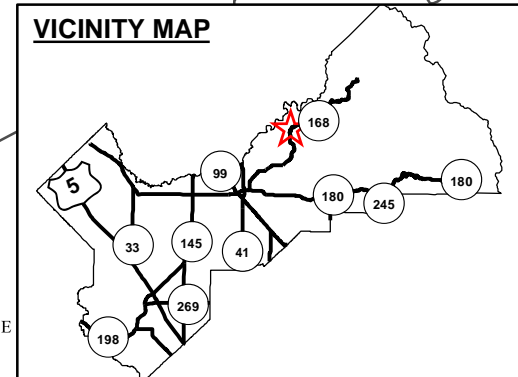
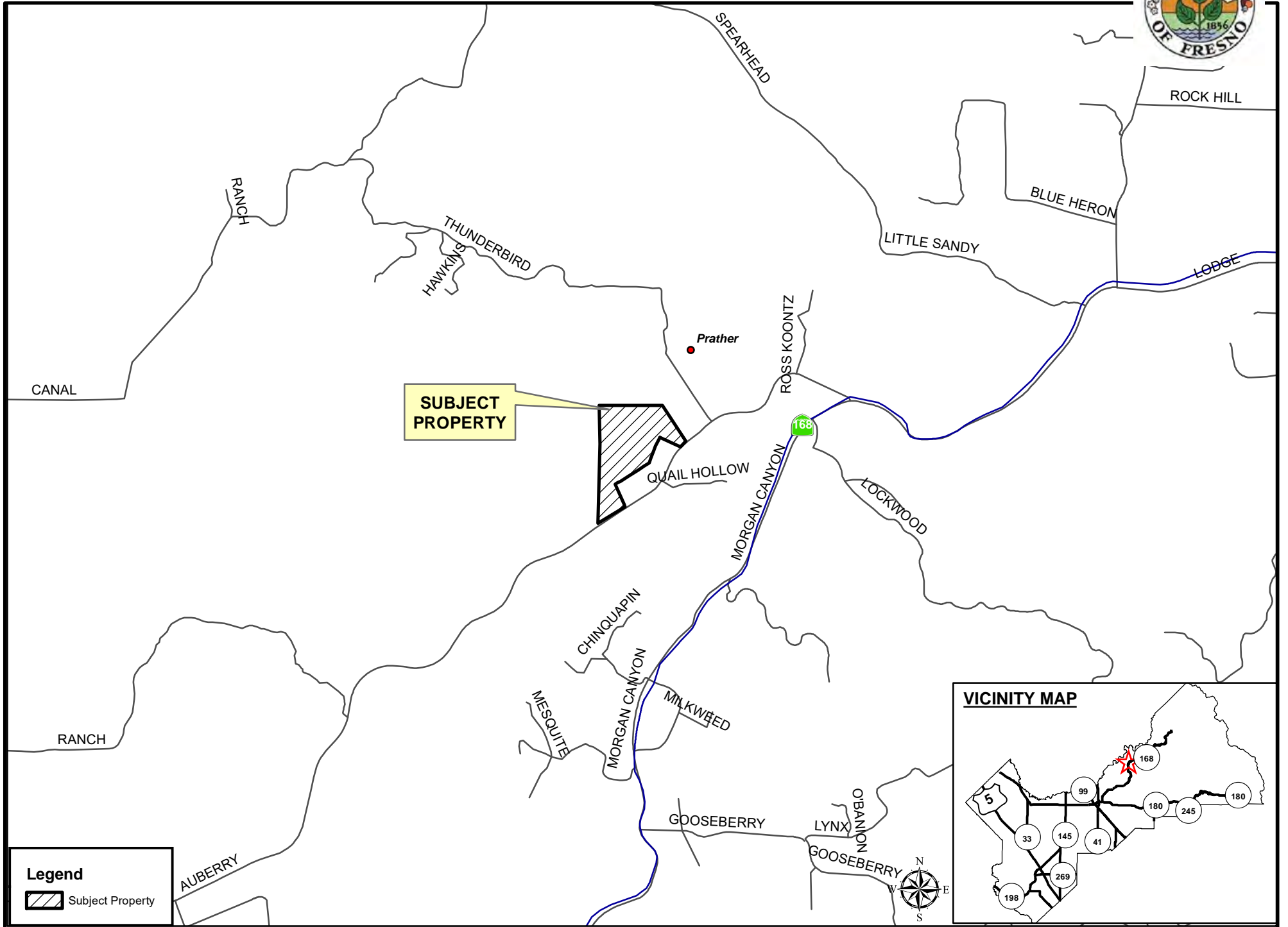
	<i>of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-fate law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not be or become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years.</i>
28.	Fresno County Ordinance Code Title 17.48.350 street name signs, regulatory signs, markers, barricades and other markings shall be included in the design and be installed in accordance with the improvements and Specifications established by the County.
29.	Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
30.	A soils investigation report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required for the subdivision as a condition of the final map. The soils report needs to address the feasibility of the site for the proposed type of development.
31.	Prior to any work conducted within the jurisdictional waters of the United States, the subdivider shall obtain necessary permits from the responsible agencies, including, but not limited to, the Army Corp of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board.
32.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

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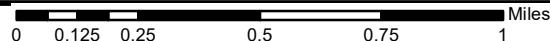
# LOCATION MAP

CUP 3726



**Legend**

 Subject Property



# EXISTING ZONING MAP

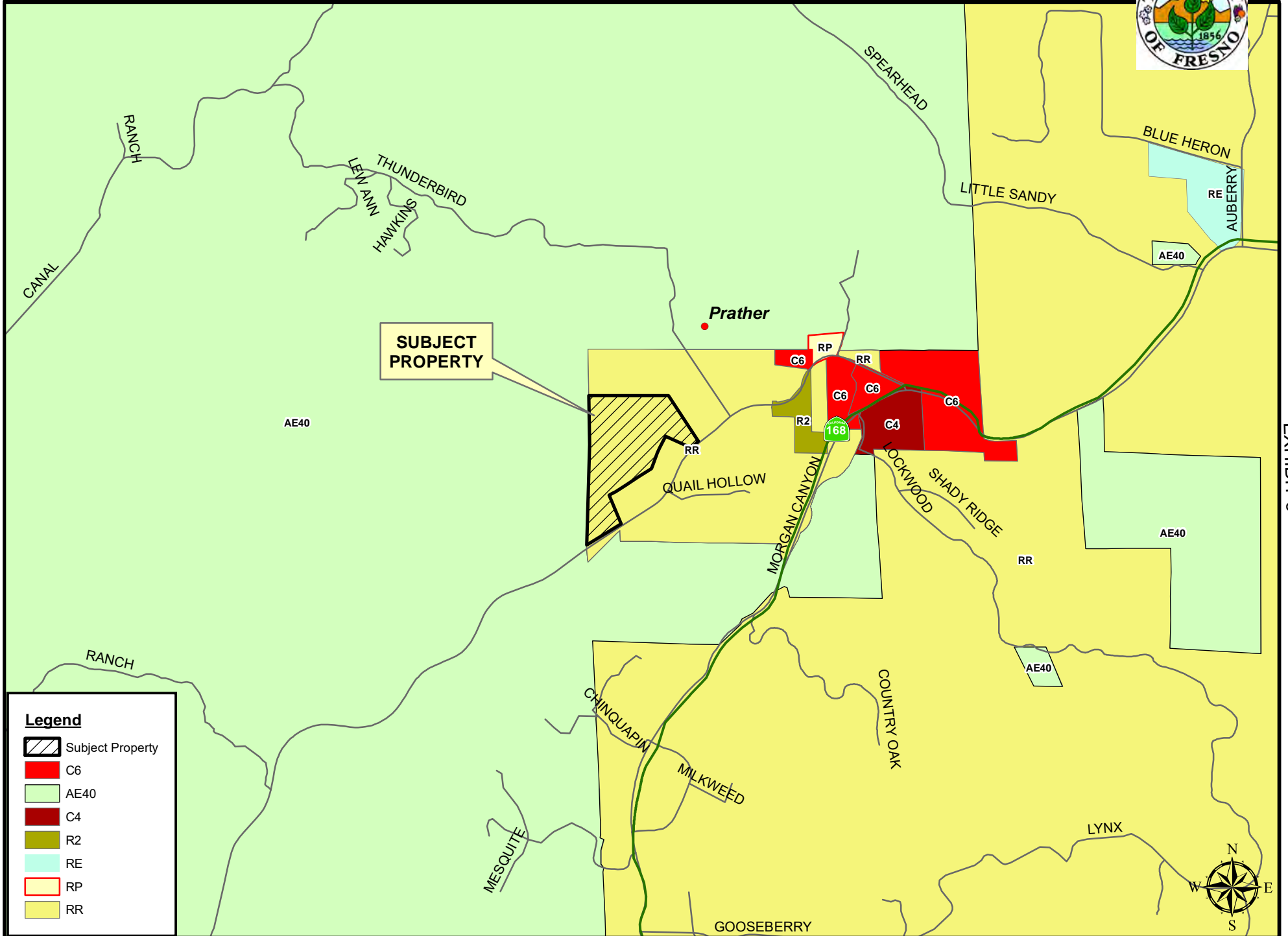


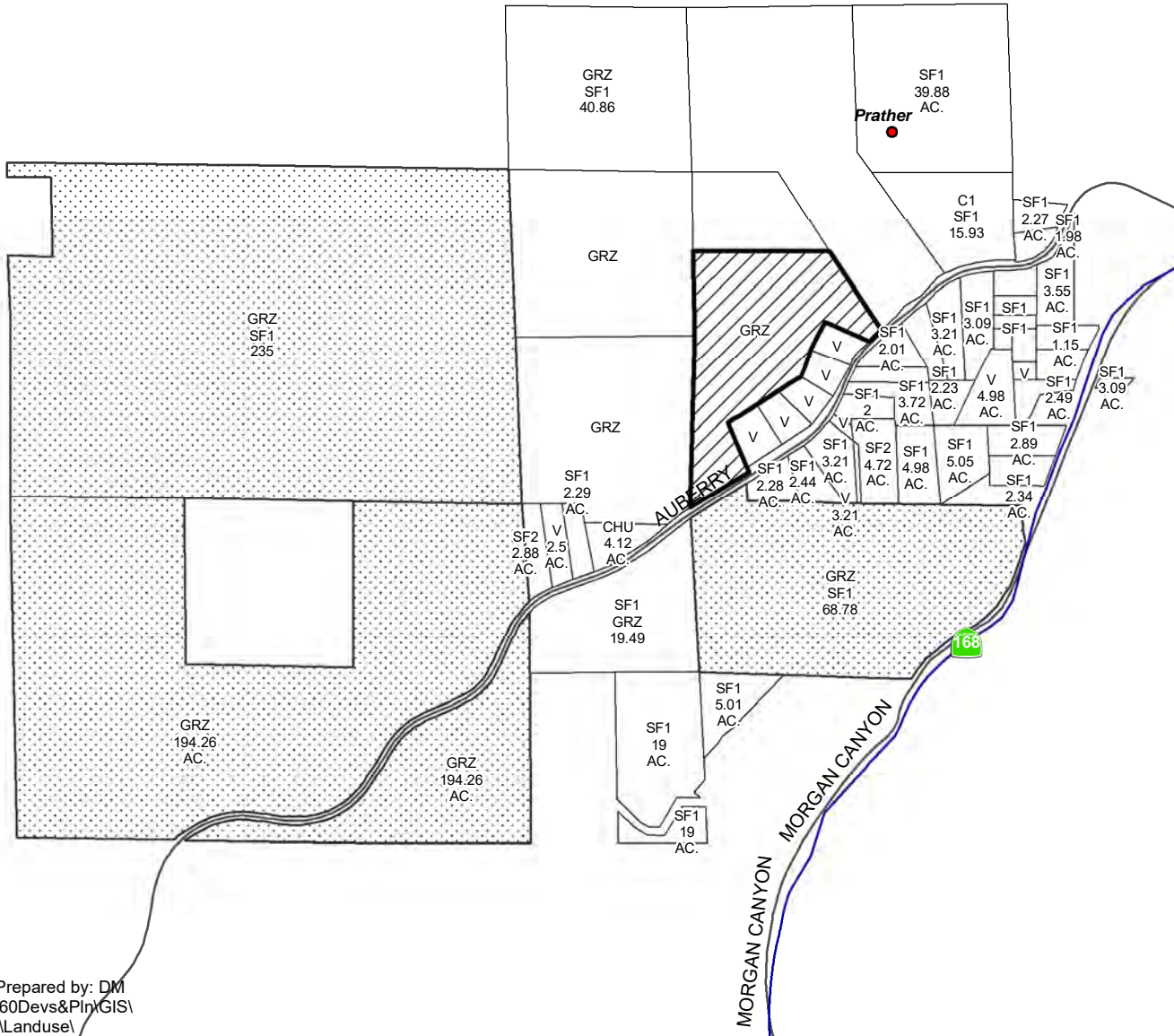
EXHIBIT 3

**Legend**

- Subject Property
- C6
- AE40
- C4
- R2
- RE
- RP
- RR



# EXISTING LAND USE MAP

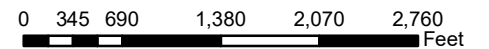


### LEGEND

- C# - COMMERCIAL
- CHU - CHURCH
- GRZ - GRAZING
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT

### LEGEND:

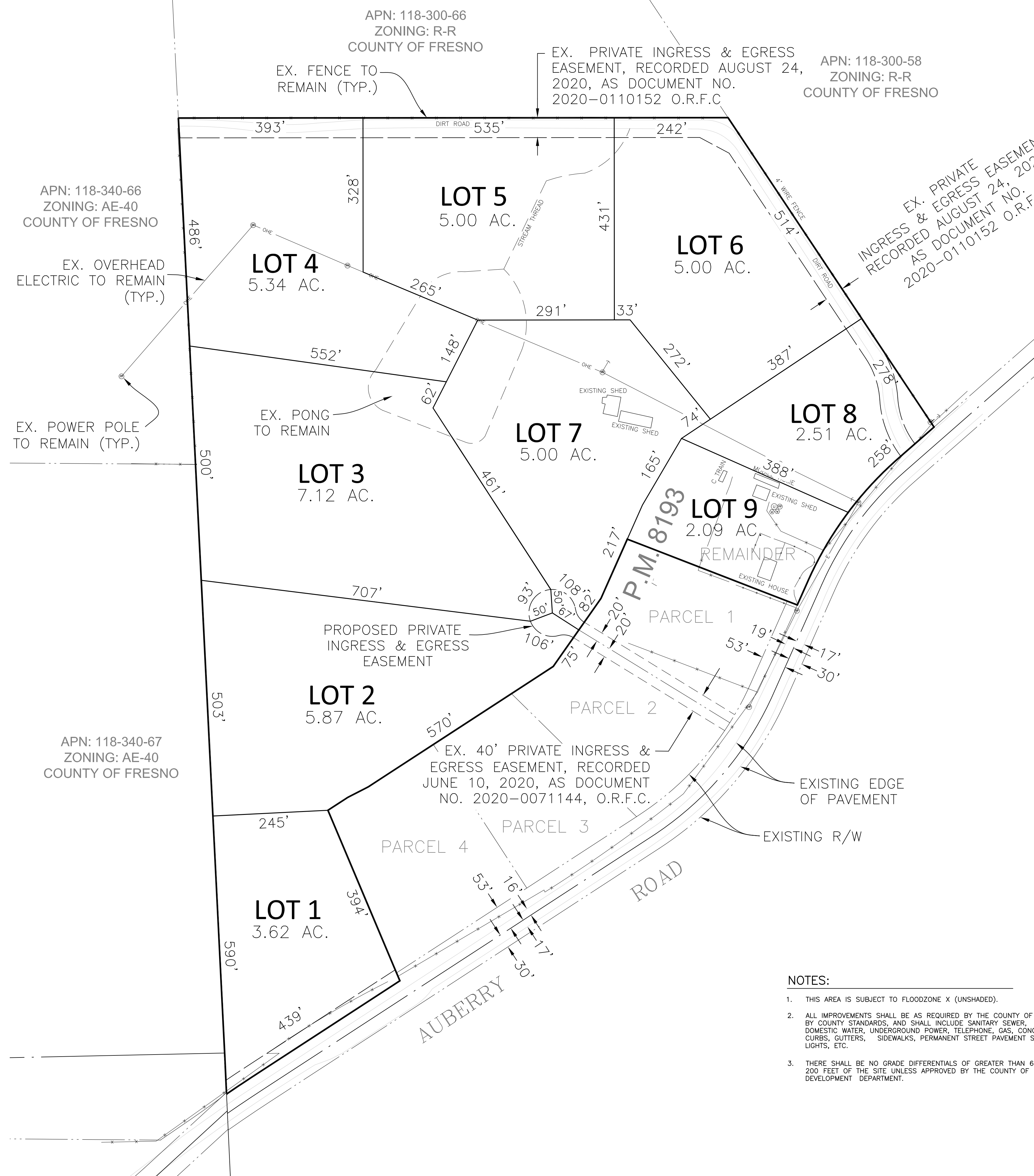
- Subject Property
- Ag Contract Land



Department of Public Works and Planning  
Development Services Division

# EXHIBIT 5

VESTING  
TENTATIVE SUBDIVISION MAP  
OF  
**TRACT NO. 6382**  
A PLANNED DEVELOPMENT  
FRESNO COUNTY, CALIFORNIA



### SUBDIVIDERS STATEMENT

TRACT NO. 6382  
DATE FEBRUARY 4, 2022

TO: FRESNO COUNTY PLANNING COMMISSION  
449 E. KINGS CANYON ROAD  
FRESNO, CALIFORNIA 93702

I HEREBY APPLY FOR APPROVAL OF THE ATTACHED TENTATIVE TRACT MAP.

THE ACREAGE OF THIS TRACT IS 37.59 AC. THERE WILL BE 8 LOTS IN THIS TRACT WITH A MINIMUM LOT SIZE OF 2.5 ACERS.

THE EXISTING USE OF THIS PROPERTY IS PARTIALLY STORAGE AND MOSTLY VACANT.

THE PROPOSED USE OF THIS PROPERTY IS RURAL RESIDENTIAL.

THE EXISTING ZONING ON THIS PROPERTY IS R-R.

THE PROPOSED ZONING ON THIS PROPERTY IS R-R.

THE EXISTING STRUCTURES ON THIS PROPERTY INCLUDE SHEDS, POND, AND STREAM. THE SHEDS WILL BE REMOVED, AND THE POND AND STREAM WILL REMAIN.

THE EXISTING EASEMENTS ON THIS PROPERTY INCLUDE:  
- AN EASEMENT FOR PASS AND REPASS OVER THE ROADWAY.  
- AN EASEMENT FOR A SINGLE LINE OF PG&E POLES.

ALL IMPROVEMENTS WILL CONFORM TO COUNTY STANDARDS.

TYPE OF STREET TREES TO BE PLANTED ARE AS REQUIRED.

THE INTERVALS OF THESE TREES WILL BE EVERY 60 FEET.

THE PROPOSED DRAINAGE, FLOOD CONTROL MEASURES AND METHOD OF STORM WATER DISPOSAL IS:

AS APPROVED BY COUNTY OF FRESNO.

THE PROPOSED FIRE HYDRANT AND WATER FLOW WILL CONFORM TO COUNTY STANDARDS, IF REQUIRED.

THE PROPOSED SOURCE OF WATER SUPPLY WILL BE INDIVIDUAL WELLS.

THE PROPOSED METHOD OF SEWAGE DISPOSAL WILL BE INDIVIDUAL SEPTIC SYSTEMS.

THE FOLLOWING UTILITIES ARE TO BE PROVIDED: ELECTRICITY, AND PHONE. ARRANGEMENTS HAVE NOT BEEN MADE WITH UTILITY COMPANIES SERVING THIS AREA.

- THERE IS ATTACHED HERETO A COPY OF THE RESTRICTIVE CONVENIENTS TO BE RECORDED.
- THERE IS ATTACHED HERETO SUFFICIENT LOG OF BORINGS AND PERCOLATION TESTS TO PERMIT THE HEALTH DEPARTMENT TO MAKE A DETERMINATION REGARDING LOT SIZE AND DESIGN.

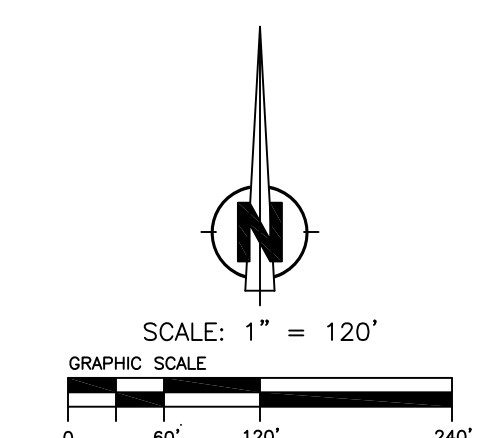
SIGNATURE OF SUBDIVIDER	SIGNATURE OF AGENT	SIGNATURE OF ENGINEER
FAMILY FARMS, LLC P.O. BOX 40 PRATHER, CA 93651	NAME ADDRESS CITY PHONE	HARBOUR & ASSOCIATES 389 CLOVIS AVENUE STE. 300 CLOVIS, CA 93612 (559) 325-7676

I, \_\_\_\_\_, HEREBY CERTIFY THAT I HAVE THE OPTION OR CONTRACT TO PURCHASE THE PROPERTY SHOWN ON THE TENTATIVE MAP OF TRACT NO. 5027, THAT I HAVE EXAMINED THE MAP AND CONSENT TO ITS SUBMISSION TO THE FRESNO COUNTY PLANNING COMMISSION FOR CONSIDERATION.

SIGNATURE  
FAMILY FARMS, LLC  
P.O. BOX 40  
PRATHER, CA 93651

- NOTES:**
- THIS AREA IS SUBJECT TO FLOODZONE X (UNSHADED).
  - ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE COUNTY OF FRESNO BY COUNTY STANDARDS, AND SHALL INCLUDE SANITARY SEWER, DOMESTIC WATER, UNDERGROUND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, SIDEWALKS, PERMANENT STREET PAVEMENT STREET LIGHTS, ETC.
  - THERE SHALL BE NO GRADE DIFFERENTIALS OF GREATER THAN 6" WITHIN 200 FEET OF THE SITE UNLESS APPROVED BY THE COUNTY OF FRESNO DEVELOPMENT DEPARTMENT.

ASSESSOR'S PARCEL NUMBER  
118-340-69 & 118-340-75  
EXISTING USE  
RURAL RESIDENTIAL  
EXISTING ZONING  
R-R  
PROPOSED USE  
RURAL RESIDENTIAL  
PROPOSED ZONING  
R-R



TENTATIVE TRACT MAP	
OWNER/SUBDIVIDER <b>Family Farms, L.L.C.</b> P.O. Box 40 PRATHER, CA 93651 559-977-2290	
 <b>Harbour &amp; Associates</b> Civil Engineers 389 Clovis Avenue, Suite 300 • Clovis, California 93612 (559) 325-7676 • Fax (559) 325-7688 • e-mail: harr@harbour-engineering.com	REVISIONS _____ _____ _____ _____ SHEET NO. 1 OF 1
DATE: 2-4-22	SCALE: 1" = 120' DRAWN BY: KPA

EXHIBIT 5



EXHIBIT 6  
**Operational Statement**

- 1. Nature of the Operation:** A Tentative Tract Map, Conditional Use Permit, and a Site Plan Review are being submitted by Harbour and Associates on behalf of Don Fowler of Family Farms, LLC. These applications pertain to 39.63± Acres of property located on the West side of Auberry Road just south of Thunderbird Drive, APN: 118-34-69 and is zoned R-R with a planned land use of Rural Residential. The Development will consist of 8 lots with a minimum lot size of 2.5 Acres for lots on Auberry Road, and 5 Acres for interior lots, a pond, and private access roads for interior lots. The existing site is mostly vacant with two storage sheds, a pond, and a stream.
- 2. Operational Time Limits:** This residential project will have regular, year round occupancy. Once build out is complete, property use patterns will be similar to those of adjacent rural residential homes.
- 3. Number of Visitors:** N/A in the context of a business. Regular residential usage.
- 4. Number of Employees:** N/A.
- 5. Service and Delivery Vehicles:** There will be refuse collection and periodic parcel delivery.
- 6. Access to the Site:** Two of the lots will be accessed via the public right of way. The remaining lots will be accessed via a private road easement. The public and private roads will be paved.
- 7. Number of Parking Spaces for Employees, customers, and service/delivery vehicles:** N/A.
- 8. Are any goods to be sold on-site?** No.
- 9. What Equipment is used?** Construction equipment during the construction phase of the project. After the construction phase, typical rural residential equipment may be used.
- 10. What supplies or materials are used and how they are stored?** Construction materials will be used during the construction phase of this project and storage will be short term.
- 11. Does the use cause an unsightly appearance?** No.
- 12. List any solid or liquid wastes to be produced.** Yes. Residential Waste water will be disposed of via septic systems and solid waste will be collected.
- 13. Estimated volume of water to be used (gallons per day).** 4,850 Gallons per Day (Estimated)
- 14. Describe any proposed advertising included size, appearance, and placement.** N/A.
- 15. Will existing buildings be used or will new buildings be constructed?** New homes will be constructed.
- 16. Explain which buildings or what portion of buildings will be used in the operation.** New homes will be constructed on the lots created.
- 17. Will any outdoor lighting or an outdoor sound amplification system be used?** No.
- 18. Landscaping or fencing proposed?** Individual property owners will implement me landscaping. Fencing is anticipated along property lines.
- 19. Any other information that will provide a clear understanding of the project or operation.** N/A.
- 20. Identify all owners, Officers and/or Board Members for each application submitted.** See attached.



# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Family Farms, LLC
- APPLICATION NOS.:** Initial Study No. 8154; Tentative Tract Map Application No. 6382, Classified Conditional Use Permit Application No. 3726.
- DESCRIPTION:** Allow the creation of a nine-lot residential subdivision from a 39.63-acre parcel and a 2.09-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) Zone District. The ninth parcel (Lot 9) is a remainder lot from an approved Parcel Map No. 8193.
- LOCATION:** The subject parcels are located on the west side of Auberry Road approximately 600 feet southwest of its intersection with Thunderbird Road, within unincorporated community of Prather (APN: 118-340-69 and 118-340-75) (28733 Auberry 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 subject 39.63-acre parcel will be subdivided into eight (8) residential lots for single-family homes. The ninth lot, a remainder lot from approved Parcel Map No. 8193, is developed with a single-family residence. All lots will have direct access or access provided via two existing private ingress and egress easements off Auberry Road.

The project area is rural residential in character and is developed with sparse single-family residences. There is no active farmland in the vicinity of the project. Also, there are no scenic vistas or qualitative scenic resources including trees, rock outcroppings, or historic buildings on or near the project site that could be impacted by the subject land subdivision or the construction of single-family homes.

The proposed Lot 1 and 8 and the existing Lot 9 borders with Auberry Road which is identified as Scenic Drive in the Open Space and Conservation Element of Fresno County General Plan. Under General Plan Policy OS-L.3, development on a Scenic Roadway shall adhere to a 200-foot setback of natural open space. However, the policy provides for flexibility if the property dimensions preclude such setback. In this case, the Lot 1, Lot 8 and Lot 9 range in size from 2.09 acres to 3.62 acres with lot depth ranging from 278 feet to 394 feet.

The lot size and lot depth prohibit reasonable application of the 200-foot setback for Lot 1, Lot 8, and Lot 9. These lots are also subject to a 23-foot additional right-of-way for Auberry Road and a 35-foot building setback. When applied, a total of 258 feet set back from Auberry Road would leave almost no developable area on the parcels. Given the flexibility identified in the General Plan Policy OS-L.3. d. 3., a Condition of Approval would require that all buildings and structures related to the future residential development on the proposed Lot 1 and Lot 8 shall maintain a scenic setback a minimum of 100 feet measured from 53 feet ultimate right-of-way for Auberry Road.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Residential development on the proposed lots would be consistent with the existing foothill rural residential uses in the area and will not degrade the visual character of the neighborhood. The impact would be less than significant.

- 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:

Residential development on the proposed lots is not anticipated to produce a substantial amount of new outdoor lighting which may adversely affect nighttime views in the area. Any new lighting associated with the residential development will be required to comply with applicable County property development standards.

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

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

FINDING: NO IMPACT:

The project site (39.36-acre parcel and a 2.09-acre parcel) is designated as Foothill Rural Residential in the County-Adopted Sierra North Regional Plan and is designated Grazing Land in the 2016 Fresno County Important Farmlands Map, suitable for grazing of livestock. No impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur.

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

FINDING: NO IMPACT:

The subject parcels are not farmland subject to Williamson Act Program.

- 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?

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

FINDING: NO IMPACT:

The project site is not zoned as forestland or timberland, or for timberland production and would not result in the conversion of forestland or the conversion of farmland.

### 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:

An *Air Quality and Greenhouse Gas Impact Assessment* (Report) was prepared for the project by Stantec Consulting Services, Inc., dated May 6, 2022, and provided to SJVAPCD for comments. No comments on the Report were received from SJVAPCD.

A measure of determining if the project is consistent with the Air Quality Plan is if the project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the Air Quality Plan. Because of the region's nonattainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, if project-generated emissions of either of the ozone precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub>, or PM<sub>2.5</sub> would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans.

As shown in III. B. below, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from construction and operation of the project would not exceed the SJVAPCD's significance thresholds. Also, as shown in III. C. below, the project would not expose sensitive receptors to a substantial pollutant concentration. Therefore, the project would not contribute to air quality violations.

The project is consistent with Air Quality Plan (AQP) which contains several control measures, which are enforceable requirements through the adoption of rules and regulations. A detailed description of rules and regulations that apply to this project is provided in the Regulatory Setting. The project would comply with all applicable SJVAPCD rules and regulations and would not conflict with or obstruct implementation of AQP.

- 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<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. 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<sub>x</sub>, ROG, SO<sub>x</sub> PM<sub>10</sub> and PM<sub>2.5</sub>. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO<sub>x</sub>, 100 tons per year CO, 27 tons per year SO<sub>x</sub>, 15 tons per year PM<sub>10</sub> and 15 tons per year PM<sub>2.5</sub>.

Per the *Air Quality and Greenhouse Gas Impact Assessment*, the construction emissions (tons per year) associated with the project for 2023 are 0.24 for ROG, 2.21 for NO<sub>x</sub>, 2.32 for CO, 0.1 for SO<sub>x</sub>, 0.37 for PM<sub>10</sub> and 0.22 for PM<sub>2.5</sub>. Likewise, the construction emissions (tons per year) associated with the project for 2024 are 0.27 for

ROG, 1.11 for NO<sub>x</sub>, 1.38 for CO, 0.1 for SO<sub>x</sub>, 0.07 for PM<sub>10</sub> and 0.05 for PM<sub>2.5</sub>. These emissions are less than the SJVAPCD's thresholds of significance.

The operational emission over the life of the project, primarily from area, energy and mobile sources combined are 0.61 for ROG, 0.08 for NO<sub>x</sub>, 0.96 for CO, 0.01 for SO<sub>x</sub> and 15 for PM<sub>10</sub> and for PM<sub>2.5</sub> which are also less than the SJVAPCD's thresholds of significance.

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.

Per the *Air Quality and Greenhouse Gas Impact Assessment*, the proposed project is considered a sensitive receptor once operational, however there are no sources of Toxic Air Contaminants (TAC) near the site and impact to these receptors was not evaluated. The nearest offsite sensitive receptors are the residents adjacent to the project site.

The pollutants of concern for localized impact in the SJVAB are NO<sub>2</sub> and CO. According to the SJVAPCD if a project does not exceed 100 pounds per day of any criteria pollutant, then it can be assumed that it would not cause a violation of an ambient air quality standard. The localized concentration of PM<sub>10</sub>, PM<sub>2.5</sub>, CO and NO<sub>2</sub> for site preparation, grading and building construction (2023) would be 34.52 for NO<sub>x</sub>, 28.05 for CO, 20.92 for PM<sub>10</sub> and 11.27 for PM<sub>2.5</sub>. Likewise, for building construction, paving, and architectural coating would be 13.44 for NO<sub>x</sub>, 16.17 for CO, 0.61 for PM<sub>10</sub> and 0.58 for PM<sub>2.5</sub>. The project impact would be less than significant.

During paving operations, ROG is emitted. The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Sensitive receptors are not in the immediate vicinity of the fumes; therefore, they would not be subjected to concentrations high enough to evoke a negative response. The impact to sensitive receptors from ROG during construction is less than significant.

According to a map of areas where naturally occurring asbestos in California are likely to occur (USGS 2011), there are no such areas in the project area. Therefore, development of the project is not anticipated to expose receptors to naturally occurring asbestos.

Valley fever, or coccidioidomycosis, is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (C. immitis). Construction activities would generate fugitive dust that could contain C. immitis spores. The project will minimize the generation of fugitive dust during construction activities by complying with the SJVAPCD's Regulation VIII. Therefore, this regulation would reduce Valley fever

impacts to less than significant. During operations, dust emissions are anticipated to be negligible, because most of the project area would be occupied by buildings, pavement, and landscaped areas.

The construction Health Risk assessment (HRA) evaluated Diesel particulate Matter (DPM) (represented as exhaust PM10) emissions generated during construction of the project (single-family homes) and the related health risk impacts for sensitive receptors near the project boundary. A project would result in a significant impact if it would individually expose sensitive receptors to Toxic Air Contaminant (TAC) resulting in an increased cancer risk greater than 20 in one million or an increased non-cancer risk of greater than 1.0 on the hazard index.

Concerning HRA, the project site is within 1,000 feet from existing sensitive receptors near that could be exposed to diesel emission exhaust during the construction and operational periods. The nearest sensitive receptors are residents occupying the single-family houses to the east of the site. Furthermore, Foothill Elementary School is located to the north of the project site. Per the *Air Quality and Greenhouse Gas Impact Assessment*, when used a dispersion model found that risk of hazards (cancer) was 18 for infant, 3.15 for child and 0.48 for adult which is less than 20 in one million, and the risk of hazards (cancer) was 0.015 for infant, child and adult each which is less than 1.0 on the hazard index.

The greatest potential during long-term operations for exposure to TACs is from the use of heavy-duty diesel trucks and stationary generators that use diesel fuel. Occupancy of the proposed residential development would attract very few diesels truck trips and would not propose any stationary generators on-site. As such, the project would not be expected to expose nearby sensitive receptors to substantial amounts of air toxics. The impacts would be less than significant.

- 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 Assessment*, 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 and the impact would be less than significant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; 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 California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) for comments. According to CDFW, the project may potentially impact to special-status species including, but not limited to, the Federally and State threatened California tiger salamander, species of special concern such as Western Pond Turtle, Western Spadefoot, and Nesting Birds. The CDFW recommends that impact to these resources be evaluated and addressed prior to any ground-disturbing activities.

A *Biological Assessment Report (Report)* was prepared for the project by Halstead & Associates and dated November 2022. The *Report* was provided to the California Fish and Wildlife and US Fish & Wildlife Service for review and comments. Neither agency provided any comments on the *Report*.

According to the *Report*, the project site is comprised of the typical foothill oak woodland habitat. The site has a gently rolling topography and is relatively open with scattered blue and interior live oak trees, gray pine, and buckbrush. The site has sheds, a barn, and old trailer. Lands surrounding the project site are scattered foothill residences within oak woodland habitat. Further, as noted by *Report*, the project site has sensitive biological resources including rock outcrops with decomposed granitic soil, one man-made pond, two intermittent drainages, and large nesting trees. In general, such resources could be impacted by ground disturbing project activities such as access roads, utility connections, septic systems, building sites, trailer sites, land contouring, pad grading, removal, soil compaction, dust, breaking, filling, erosion, siltation, noise, and contamination. To prevent impacts, the *Report* suggest preventive avoidance measures to be incorporated into the project and be implemented.

As noted above, CDFW had concerns about potential impacts to California Tiger Salamander (CTS), Western Pond Turtle, Western Spadefoot, Wetlands, Waters on the project site, and nesting birds and their nests.

According to the *Report*, the California Tiger Salamander (CTS) would not be impacted by the project because there are no records of CTS on the property or within distances of the property that CTS typically disperse. Therefore, the property is not likely summering habitat for the CTS because it does not support water bodies that provide suitable breeding habitat for CTS due to year-round water and the presence of predatory fish in the pond. Also, during site surveys, Western Pond Turtle and Western Spadefoot were not observed and are not present on the project site. The *Report* concludes that negative impacts could potentially occur with wetlands and waters on the



project site (See discussion under IV. C.), sensitive plant resources, and nesting birds and their nests unless the project adhere to the mitigation measures:

\* **Mitigation Measures:**

1. *To protect and preserve potential sensitive plant resources and their potential habitat, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to these resources.*
    - a. *No developments such as roads, trails, barns, sheds, homes, trailers, or bridges shall be built on or over the large rock outcroppings as depicted in the attached Exhibit (Aerial Map and Habitat Map) and such areas shall be avoided and designated as open space, unless measure 'b' below is enacted.*
    - b. *If future construction activities will occur in or over this sensitive open space area, a sensitive plant survey shall be conducted by a qualified biologist at the appropriate flowering period to further evaluate the potential occurrence and impacts of sensitive plants.*
  2. *To protect and preserve nesting bird and nest resources, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to such resources.*
    - a. *Prior to ground-disturbing activities on the project site (such as road building, land contouring, house pad grading, etc.) in February thru August period, a preconstruction survey will be conducted by a qualified biologist for nesting birds. A findings memo shall be prepared by the biologist for the project files.*
    - b. *If any active nests are observed, the nests and nest trees/areas shall be designated as an Environmentally Sensitive Area and protected (while occupied by eggs or birds) during the construction activities.*
    - c. *If nests are found, the California Department of Fish and Wildlife shall be contacted, consulted, and additional avoidance measures, specific to each incident above, shall be developed in cooperation with the landowner, developer, and a qualified biologist. The plan with comments from the California Department of Fish and Wildlife shall be submitted to County for approval prior to issuance of any development permits on the property.*
- 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 WITH MITIGATION  
INCORPORATED:

According to the *Biological Assessment Report (Report)* prepared for the project, there is one man-made pond in the middle of the project site. The pond is 240 feet wide and 400 feet long and approximately 2 acres in size. It is deep and holds water year-long and would be a wetland and Waters of the United States and State.

According to the *Report*, a CTS Habitat Assessment conducted in October 2022 concluded that CTS not likely present on the project site. Impacts to the pond would require permitting and mitigation with the Army Corps of Engineers (ACOE) and California Department of Fish and Wildlife (CDFW).

\* **Mitigation Measures:**

1. *To protect and preserve the pond resource, the following preventive avoidance measures shall be incorporated into the project and shall be implemented to avoid any potential significant impacts to this resource.*
  - a. *A no impact zone of 25 feet around the pond and the pond itself shall be designated as open space. No developments such as roads, trails, barns, sheds, homes, trailers, or bridges shall be conducted in the open space area unless measure 'c' below is enacted.*
  - b. *A qualified biologist shall locate the pond edge and measure, designate, and mark (flag) its protection zone prior to ground-disturbing construction activities in its area.*
  - c. *If future road or construction activities will occur in, over, or along the pond and within its protection zone (open space), a qualified biologist will review and examine the plans, determine if the pond will be altered, consult with the CDFW and ACOE, and if needed, obtain permits from the ACOE and CDFW. The plan with comments from the California Department of Fish and Wildlife shall be submitted to County for approval prior to issuance of any development permits on the property.*

According to the *Report*, two intermittent drainages also occur through the middle of the project site. The drainages run off the parcel to the west into North Fork Little Dry Creek which is a larger intermittent drainage. North Fork Little Dry Creek has a band of riparian vegetation including Goodding's Black Willow, Button Bush, Fremont Cottonwood, and Valley Oak. Little Dry Creek flows from rainfall events, drains onto the valley floor and into the Dry Creek Storage Basin just north of Clovis, and eventually into the San Joaquin River. The drainages would be classified as an intermittent drainage, a Waters of the State and United States, and would be regulated by the CDFW and Army Corps of Engineers (ACOE). Impacts to the drainage would require permitting and mitigation with the CDFW and ACOE. The drainages have a short flowing/wet season and would not be suitable habitat for sensitive shrimp, turtles, toads, frogs, or salamanders.

\* **Mitigation Measures:**

1. *To protect and preserve the intermittent drainage resources, the following preventive avoidance measures shall be incorporated into the project and be implemented to avoid any potential significant impacts to these resources.*

a. *A no impact zone of 25 feet on either side of intermittent drainages shall be designated as open space. No developments such as roads, trails, barns, sheds, homes, trailers, or bridges shall be conducted in the open space area-drainage protection zone unless measure 'c' below is enacted.*

b. *A qualified biologist shall locate the drainages and measure, designate, and mark (flag) its protection zone prior to ground-disturbing construction activities.*

c. *If future road or construction activities will occur in, over, or along the intermittent drainages and within its protection zones (open space), a qualified biologist will review and examine the plans, determine if the bed or bank of the drainage will be altered, consult with the California Department of Fish and Wildlife (CDFW) and Army Corps of Engineers (ACOE), and if needed, obtain permits from CDFW and ACOE. The plan with comments from the California Department of Fish and Wildlife shall be submitted to County for approval prior to issuance of any development permits on the property.*

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

FINDING: NO IMPACT:

The project site does not provide for migratory wildlife corridors.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The project site contains scattered live oak trees that may require removal prior to residential development on the proposed parcels. As such, the project will require adherence to the Fresno County Oak Woodlands Management Guidelines (Policy OS-F.11) and the following Mitigation Measure.

\* **Mitigation Measure:**

*Prior to recordation of the Tract Map, an Oak Woodland Management Plan consistent with the policies of the Fresno County Oak Woodland Management Guidelines, shall be prepared by one of the following professionals: Biologist, Registered Forester, Arborist, Horticulturalist, or any other professionals experienced in the management of Oak tree habitat. The Plan shall contain provisions for preserving, maintaining and replacing Oak trees currently existing on*

*the project site at an acceptable ratio and maintenance of plantings for seven years. The plan shall be submitted to and approved by the Fresno County Department of Public Works and Planning in consultation with other agencies including the Sierra Resource Conservation District.*

- 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:

No conflicts with habitat conservation plans, or natural community conservation plans were identified which pertain to the subject parcels, or its immediate vicinity.

## 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 area is highly sensitive to historical or archeological resources. The Southern San Joaquin Valley Information Center notes that the area has not been surveyed by a qualified cultural resource consultant and prehistoric or historic cultural resources may be present within the project site. Therefore, an archaeological survey of the site shall be conducted.

A *Phase I Cultural Resources Assessment (Report)* was prepared for the project by Soar Environmental Consulting and dated July 2022. The Report stated that no cultural resources, or isolate materials potentially derived from a primary or secondary archaeological contexts, were observed on the site. The Report also stated that although there is low possibility for subsurface cultural resources on the property, a potential always exists to encounter previously undetected cultural resources. If archaeological resources are encountered or suspected, all work in the immediate area of the find(s) shall be halted until a qualified archaeologist can examine the find(s). If human remains are found, no further disturbance shall occur until a County Coroner has determined the origin and disposition of the remains. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, to make recommendations for the disposition of the remains.

Per the discussion above and in Section XVIII TRIBAL CULTURAL RESOURCES below, in the unlikely event that cultural resources are unearthed during construction activities, the following actions shall be required to ensure that impacts to such cultural resources remain less than significant.

\* **Mitigation Measure:**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures 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 would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources (gas, electricity, gasoline, and diesel) during construction or occupancy of the homes to be constructed on the proposed lots. 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. Furthermore, construction will be subject to the applicable energy efficiency provisions of the Green Building Standards Code.

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

FINDING: NO IMPACT:

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

Residential development on the proposed lots would comply with the 2019 Building Energy Efficiency Standards. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, County of Fresno would review the design components of the project's energy conservation measures when the residential 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: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-5 of the Fresno County General Plan Background Report, the project site is not located in an area subject to a substantial risk from seismic activity. The Probabilistic Seismic Hazards for the area amounts to ten (10) percent Probability in 50 Years which is a relatively low probability. However, known fault systems along the eastern and western boundaries of the County, do have the potential to cause high magnitude earthquakes, which could affect other parts of the County. Residential development on the proposed lots will be subject to current California Building Code which addresses seismic design standards. The project site is not located in an area prone to liquefaction, or landslides. Therefore, based on the analysis, the potential for the project to cause adverse effects resulting from seismic activity would be less than significant.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No geologic unit or unstable soil was identified on the project site. Any grading related to residential development on the proposed lots will require approved Grading and Drainage Plan and permits to ensure that substantial erosion does not result.

- 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.

The potential for seismic-related ground failure (lateral spreading and liquefaction) occurring on the project site is minimal because of the absence of high groundwater levels and saturated loose granular soil.

According to Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area subject to increased risk of landslide, lateral spreading, subsidence, or liquefaction.

- 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. However, the residential development on the proposed lots 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:

Residential development on the proposed lots will utilize on-site sewage disposal systems. Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), an engineered sewage disposal system shall be required and be installed under permits and inspections from the Health Department.

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

FINDING: NO IMPACT:

No paleontological resources were identified in the project analysis.

## 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:

The division of land proposed by this application will not itself generate greenhouse gas emissions, however, residential development on the proposed lots has the potential to generate greenhouse gas emissions both during construction and occupancy of dwellings, and as such the project proponent was required to quantify such GHG emissions.

In the *Air Quality and Greenhouse Gas Impact Assessment*, prepared by Stantec Consulting Services Inc., and dated May 6, 2022, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0.

Construction GHGs would be emitted by the off-road construction equipment and vehicle travel by workers and material deliveries to the project site. 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 project (single-family homes) using CalEEMod would generate approximately 375 and 212 metric tons of CO<sub>2</sub>e for construction year 2023 and 2024 respectively. Because construction GHG emissions are temporary and reduction measures are limited, a common professional practice is to amortize the construction emissions over the life of the project. A residential project is conservatively assumed to have a life of 30 years. When amortized over 30 years it comes down to 19.57 MTCO<sub>2</sub>e per year which is less than significant.

Operational or long-term emissions occur over the life of the project 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. Operational GHG emissions associated with the project for all sources (area, energy, mobile, water) using CalEEMod 2020.4.0 were estimated 129.58 MTCO<sub>2</sub>e.

The project's GHG impact is determined by its consistency with applicable statewide and regional GHG reduction plans. The project would be consistent with the California Air Resources Board's (CARB) 2017 Scoping Plan, Fresno County Council of Government's (COG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and the County's General Plan goals that aim to reduce air quality and energy (which in turn reduce GHG emissions). As such, the project will comply with applicable reduction plans and GHG emissions and would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The impact would be less than significant.

- 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 Impact Assessment*, the residential development on the proposed lots will adhere to Title 24 and the latest California Building Standards. The development would not conflict with the goals and objectives of the SJVAPCD's Center for Clean Air Policy which includes suggested Best Performance Standards for residential development projects, with California Air Resources Board's 2017 Scoping Plan, or any other State or regional plan, policy, or regulation of an agency (Fresno County General Plan; Fresno County Council of Government Regional Transportation Plan/Sustainable Communities Strategy Goals) adopted for the purpose of reducing GHG emissions. As such, the project would not conflict with an applicable plan; therefore, impacts would be considered less than significant.

#### 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: NO IMPACT:

The project entails creation of a nine-lot residential subdivision for single-family homes. The project involves no transport or storage of hazardous materials and therefore would not create hazard to the public or the environment.

The Fresno County Department of Public Health, Environmental Health Division expressed no concerns related to hazard or hazardous materials.

- 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:

The project site is not located within one-quarter mile of a school. The nearest school, Foothill Elementary School, is approximately 1,180 feet north of the nearest site boundary.

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

FINDING: NO IMPACT:

Per the California Department of Toxic Substances Control Site (Envirostor), the project site is not listed as a hazardous materials site. The project would not create hazards to the public or the environment.

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

FINDING: NO IMPACT:

Per the Fresno County *Airport Land Use Compatibility Plan Update* adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno-Yosemite International Airport is approximately 20 miles southwest of the site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people living in the proposed residential subdivision.

- 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.

Lot 2,3 and 7 of the proposed subdivision will utilize an existing 40-foot-wide private ingress and egress easement off Auberry Road which traverses through Parcel 2 of an approved Parcel Map No. 8193. Likewise, Lot 4, 5, and 6 will utilize an existing 40-foot-wide private ingress and egress easement off Auberry Road which traverse through the proposed Lot 8 bordering with Auberry Road. These easements will need turn around area and will be required to comply with Fire Code, and County standards related to emergency access.

- 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) for wildland fire protection. Residential development on the proposed lots is required to meet SRA standards contained in Chapter 15.60 of the County of Fresno Title 15 Building and Construction Ordinance. These standards pertain to setback for structures, road improvements, road width, driveways, gates, signage, street address, water supply and fire hydrants.

The Fresno County Fire Protection District (CalFire) reviewed the project and stated that the proposed subdivision meets the SRA standards.

## 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:

Each lot in the proposed subdivision will have its own onsite well for domestic use and fire protection. As per the *Groundwater Supply Report* (Report) prepared for the project by Kenneth D. Schmidt and Associates and dated June 2022, the chemical and bacteriological quality of the groundwater is expected to be suitable for individual wells. Concentrations of nitrate, arsenic, iron, and manganese, hexavalent chromium, and gross alpha activity for deep wells were well the respective Maximum Contaminant Levels. The project will not violate any water quality standards.

According to the State Water Resources Control Board-Division of Drinking Water (SWRCB-DDW) the project does not meet the definition of a new public water system and requires no permit from SWRCB-DDW. The project will meet the definition of a new public water system if it exceeds 15 service connections or serve 25 or more people for at least 60 days or more in a year and will require additional review and comments from SWRCB-DDW.

According to Central Valley Regional Water Quality Control Board (CVRWQCB), discharge of dredge and/or fill material to wetlands and/or to local creeks would require CVRWQCB approval, processing of the applications for dredge/fill activity shall comply with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*, and discharge of storm water runoff associated with construction and land disturbance activities on land one-acre or more shall comply with the National Pollutant Discharge Elimination System (NPDES).

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), as a measure to protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for future use and/or use by the project, shall be properly destroyed. Likewise, any underground storage tank(s) if found during construction shall be removed by securing an Underground Storage Tank Removal Permit from the Health Department.

The above-noted requirements will be included as Project Notes.

- 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 within a water-short area of Fresno County. The Water and Natural Resources Division required that a hydro-study shall be prepared to determine that the

groundwater supply is adequate to meet the highest demand that could be permitted on the proposed lots; use of the proposed water supply will have no effects on other water users in Fresno County; and the water supply is sustainable.

Per the *Groundwater Supply Report* (Report) prepared by Kenneth D. Schmidt and Associates, and dated June 2022, a 72-hour of continuous pump test was conducted with one nearby monitoring well resulted in a total of 68,925 gallons being pumped with an average discharge rate of 14.6 gallons per minute. The Report concluded the project has an adequate and sustainable supply of groundwater and that future groundwater utilization on the property would not result in significant pumping-related impacts to surrounding properties. The Water and Natural Resources Division (WNRD) of the Fresno County Department of Public Works reviewed the Report and concurred with its findings. A Project Note would require that prior to the issuance of a permit for the construction of a new residence, the owner of the property shall conduct a water well yield test to demonstrate that the well is capable of adequately serving the proposed use as defined in County Ordinance Code Section 15.04.190 and that water well yield test must be reviewed and approved adequately by the Water and Natural Resources Division of the Department of Public Works and Planning.

- 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:

North Fork Little Dry Creek crosses the project site. Any groundwork performed within or near the creek would require clearance from the California Department of Fish and Wildlife (CDFW). The project was routed for comments to the U.S. Fish and Wildlife Service and Army Corps of Engineers due to the possibility of a wetland on the property. However, neither agency provided any comments on the project.

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.

According to the Development Engineering Section of the Department of Public Works and Planning, the project shall require 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; a grading permit or voucher for any grading proposed with the project; and onsite retention of additional storm water runoff generated by site development. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report and the Federal Emergency Management Agency (FEMA) FIRM Panel 0675H, 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: NO IMPACT:

The project site is not located within the boundaries of any Groundwater Sustainability Agency. As such, the project is not in conflicts with a Groundwater Sustainability Plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT

The project site will not physically divide the established community of Prather. The proposed residential lots will be confined within the boundaries of an existing 39.63-acre parcel.

- 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 (39.36 acres parcel and a 2.09-acre parcel) is designated Foothill Rural Residential in the Sierra-North Regional Plan and is zoned RR (Rural Residential) in the County Zoning Ordinance. The project, a nine-lot residential subdivision, is not in conflict with any land use plan, policy, or regulation of an agency in the area. The

project complies with the following policies of the Sierra-North Regional Plan and County General Plan:

Regarding consistency with Policy 402-01:10.02a1 the proposed lot 2, 3, 4, 5, 6 and 7 without public road frontage will be more than 5 acres in size, and the proposed lot 1, 8 and 9 with public road frontage on Auberry Road will be more than two (2) acres in size. The proposed lots without public road frontage will gain access via private ingress and egress easements which will be dedicated for public use. The proposed lots will be developed in accordance with County development standards, water quality and quantity are adequate to serve domestic and fire protection needs of the project, and the onsite individual sewage systems will not degrade the environment.

Regarding consistency with Policy PF-C.17, the residential development on the proposed lots will be served by individual wells due to nonexistence of a public water system in the area.

Regarding consistency with Policy PF-E.6, Policy PF-H.2, and Policy PF-D.6, residential development will be provided with adequate fire protection measures; onsite storm water retention basins; and individual sewage disposal systems in accordance with soil conditions.

## XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The project site is outside of a mineral resource zone identified by Figure 7-8 and 7-9 of the Fresno County General Plan Background Report and involves no mineral extraction or excavation activities.

## XIII. NOISE

Would the project result in:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division, construction of single-family homes has the potential to expose nearby residents to elevated noise levels.

Noise impacts associated with construction will be short-term and subject to the County Noise Ordinance. Construction noise is considered 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.

#### 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: NO IMPACT:

The project entails creation of a nine-lot residential subdivision for single-family homes. The project would not result in unplanned population growth. The County General Plan has planned for the population growth generated from this proposal.

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

FINDING: NO IMPACT:

The proposed subdivision will not displace people or housing.

#### XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT

The project review by Fresno County Fire Protection District (CalFire) did not identify any concerns with fire hazard. Residential development on the proposed lots will require compliance with the California Code of Regulations Title 24 – Fire Code, and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The project may also require joining the Community Facilities District (CFD) before plans are submitted to the CalFire. These requirements will be included as Project Notes.

2. Police protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

General Plan Policy PF-G.2, states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A Condition of Approval has, therefore, been included requiring that prior to recordation of a final map, a funding mechanism shall be established through a community facilities district or districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support costs for Sheriff's protection services to achieve a ratio of 2.0 sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.

3. Schools?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within the boundary of Sierra Unified School District. All new residential development resulted of the project would require paying school facilities fee prior to the issuance of building permits.

4. Parks?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Addition of eight (8) single-family dwellings resulting from this project will have a less than significant impact on local parks.

5. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project review by Pacific Gas & Electric Company (PG&E) requires that the project shall not alter, modify, or terminate any provision of any existing easement rights and prior to commencing any work, Underground Service Alert (USA) shall be contacted. These requirements will be included as Project Notes.



## 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 will not require construction of a new or expansion of an existing neighborhood or regional park or any recreational facilities in the area. The impact would be less than significant.

## XVII. TRANSPORTATION

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The 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 Auberry Road is designated for existing and planned bikeways in Figure TR-2 of Rural Bikeway Plan in the Transportation and Circulation Element of the Fresno County General Plan.

The Design Division of the Fresno County Department of Public Works and Planning expressed no concerns related to traffic generated by the proposed residential development and did not require Traffic Impact Study for the project. Regarding Design Division comments on private road easement, a Condition of Approval shall require that private access easement shall be constructed to a standard not less than that required by the A-15 B and C county Improvement Standard.

- 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:

Per the recommended screening threshold for small projects contained in the Governor's Office of Planning and Research (OPR), the projects that generate or attract fewer than 110 trips per day, may be assumed to cause a less than significant transportation impact.

A Vehicle Miles Traveled (VMT) evaluation was completed for the project by Stantec Consulting Services, Inc., and dated August 26, 2022. Based on the modeling prepared for the *Air Quality and Greenhouse Gas Impact Assessment*, which relied on data developed by the ITE, the project would generate an average of 75 trips per day, which is considered a low trip generator (less than 110 daily trips generated) per the OPR Technical Advisory. As such, implementation of the project would result in less than significant VMT impacts.

- 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:

The proposed lots will be served by two existing private access ingress and egress easements. These easements do not create sharp curves or dangerous intersection with Auberry Road and would require to be dedicated for public use with a maintenance mechanism in place.

The Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, review of the project requires that the project applicant shall dedicate 23 feet of road right-of-way across parcel frontage on Auberry Road; the proposed Lot 1, 8 and 9 each shall be limited to one direct access point off Auberry Road; the balance of the frontage shall be relinquished on Final Map to restrict further direct vehicular access, and an encroachment permit shall be obtained for any work done within the Auberry Road right-of-way. These requirements will be included as Project Notes.

- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above, the proposed nine-lot subdivision will be served by two existing ingress and egress easements from Auberry Road. Fire department did not identify any concerns related to emergency access. Additional review will occur prior to the recordation of the Final Map. The road will meet current Fire Code regarding access and turnaround area.

## XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area designated as highly sensitive for archeological resources. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, Table Mountain Rancheria (TMR) stated that the tribe should be informed in the unlikely event that cultural resources are identified on the property. With the implementation of the Mitigation Measure included in the Section V, CULTURAL ANALYSIS above, impact on tribal cultural resources would 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 require relocation or construction of new or expanded water, wastewater treatment facility. The water and sewer need of each proposed lot will be met by onsite well and septic system. Likewise, extension of electric power and natural gas to single-family homes would be typical of such development and would have less than significant impact on the environmental.

- 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:

The proposed nine-lot residential subdivision will not produce significant amount of solid waste to impact local area landfills. The project will comply with the provisions of Chapter 8.20 – Solid Waste Disposal of Fresno County Ordinance Code. A local waste hauler in accordance with federal, state, and local statutes will handle all solid wastes.

## 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:

Residential subdivision will not interfere with any adopted emergency response plan or emergency evacuation plan for the area.

- 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: LESS THAN SIGNIFICANT IMPACT:

The project site is within the State Responsibility Area (SRA). All access easements must satisfy SRA standards for emergency access. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.

- 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: NO IMPACT:

The installation and maintenance of infrastructure for the proposed lots would be minimal and would cause no impact, whether temporary or ongoing, to the environment.

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The project site and the surrounding area is generally flat. Residential development on the proposed lots will not expose people or structures to the risks of downstream flooding or landslides. Storm water drainage resulting from the site improvements will be retained onsite per the County Standards.

## 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 occupancy of single-family homes resulting from this proposal may have an impact on sensitive biological and cultural resources in the area. However, Mitigation Measures included in Section IV. BIOLOGICAL RESOURCES and Section V. CULTURAL RESOURCES of this report will reduce 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 entails the creation of a nine-lot residential subdivision in a rural residential area. 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 Biological Resources, Cultural Resources and Hydrology and Water Quality will be mitigated by compliance with the Mitigation Measures listed in Sections IV, Section V, and Section X 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:

The development of the single-family homes on the proposed lot in not anticipated to result in substantial adverse effects on human beings directly or indirectly.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study No. 8154 prepared for Tentative Tract Map Application No. 6382 and Conditional Use Permit Application No. 3726, 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 Agricultural and Forestry Resources, Mineral Resources, Population and Housing, and Recreation, or Wildfire.

Potential impacts related to, Aesthetics, Air Quality, Energy, Geology and Soils, Greenhouse Gas Emission, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Greenhouse Gas Emissions, Public Services, Transportation, Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Biological Resources and Cultural Resources have determined to be less than significant with compliance with 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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**EXHIBIT 8**

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below for County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8154	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>	County Clerk File No: <b>E-</b>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Family Farms, LLC	Project Title: Tentative Tract Map Application No. 6382 and Classified Conditional Use Permit Application No. 3726		
Project Description: Allow the creation of a nine-lot residential subdivision from a 39.63-acre parcel and a 2.09-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) Zone District. The ninth parcel (Lot 9) is a remainder lot from an approved Parcel Map No. 8193. The subject parcels are located on the west side of Auberry Road approximately 600 feet southwest of its intersection with Thunderbird Road, within unincorporated community of Prather (APN 118-340-69 and 118-340-75) (28733 Auberry Road) (Sup. Dist. 5).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8154) prepared for Tentative Tract Map Application No. 6382 and Classified Conditional Use Permit Application No. 3726, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to agricultural and Forestry Resources, Mineral Resources, Population and Housing, and Recreation, or Wildfire  Potential impacts related to, Aesthetics, Air Quality, Energy, Geology and Soils, Greenhouse Gas Emission, , Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Greenhouse Gas Emissions, Public Services, Transportation, Utilities and Service Systems have been determined to be less than significant.  Potential impacts related to Biological Resources and Cultural Resources have been determined to be less than significant with the included Mitigation Measure.  The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – March 31, 2023		Review Date Deadline: Planning Commission – May 18, 2023	
Date: March 28, 2023	Type or Print Name: David Randall, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No. \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**