



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 November 18, 2021

SUBJECT: Consider Unclassified Conditional Use Permit Application No. 3698 and a Proposed Mitigated Negative Declaration based on Initial Study No. 8020

Allow an inground effluent storage pond and related subterranean pipelines to provide tertiary-treated wastewater from an existing Wastewater Treatment facility. The pond will be located on a portion of an 87.9-acre parcel and a portion of a 19.8-acre parcel zoned R-1-B (c) (Single Family Residential, 12,500 square-foot minimum parcel size; Conditional) and R-E (Recreational).

LOCATION: The project is located within Millerton Specific Plan boundary approximately 1,335 feet south of Millerton Road, 1.6 miles west of Auberry Road, and 1.5 miles east of the unincorporated community of Friant (APN 300-542-03, 05, 13, 24T, 28T, 51) (Sup. Dist. 5).

OWNER/APPLICANT: Assemi Group, Inc.

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration based on Initial Study No. 8020; and
- Approve Unclassified Conditional Use Permit No. 3698 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan
6. Applicant’s Operational Statement
7. Summary of Initial Study No. 8020
8. Proposed Mitigated Negative Declaration
9. Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Medium Low Density Residential and Open Space in the Millerton Specific Plan.	No change
Zoning	<ul style="list-style-type: none"> • R-1-B (c) (Single Family Residential, 12,500 square-foot minimum parcel size; Conditional) • R-E (Recreational). 	No change
Parcel Size	<ul style="list-style-type: none"> • 87.9 acres and 19.8 acres (site for effluent storage pond) • 80 acres (site for subterranean pipeline) • 10.58 acres (site for wastewater Treatment facility) 	No change
Project Site	Undeveloped land	An inground effluent storage pond and related subterranean pipelines to store tertiary-treated wastewater generated by a Wastewater Treatment facility

Criteria	Existing	Proposed
Related Structural Improvements	None	None
Nearest Residence	700 feet east of the proposed effluent storage pond.	No change
Surrounding Development	Single-family residences	No change
Operational Features	N/A	<ul style="list-style-type: none"> • A 100-acre-foot effluent storage pond to store the treated wastewater generated by an existing Wastewater Treatment facility • The storage pond will store additional wastewater coming from growth in Millerton Specific Plan. • The storage pond will retain wastewater year-round and be used for future ground application subject to approval of a Use Permit.
Employees	N/A	Two
Customers or Visitors	N/A	N/A
Traffic Trips	N/A	None
Lighting	N/A	None
Hours of Operation	N/A	N/A

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No. 8020 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 7.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: September 24, 2021.

PUBLIC NOTICE:

On Friday, October 15, 2021 notices were sent to 23 property owners, and other interested parties within 1320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit may be approved only if five Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission. Any decision of the Planning Commission on an Unclassified Conditional Use Permit application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The tertiary-treated wastewater generated by an existing Wastewater Treatment Facility (WWTF) is currently stored in a 45-acre-foot effluent storage pond within the Millerton Specific Plan area. This pond is nearing capacity and there is a need to have the water disbursed to reduce pond levels to avoid overflowing. During winter season when temperature is low and there is substantial rainfall the pond level rises and the amount of available effluent storage is diminished, which necessitate lowering of the level by trucking the effluent to an alternative disposal location. The ongoing and proposed residential development within the Millerton Specific Plan area is creating a need for the additional pond to store tertiary treated effluent.

The proposed 100-acre-foot effluent storage pond will provide additional storage capacity needed to accommodate planned growth within the Millerton Specific Plan area. A 4,700-foot-long subterranean supply line will connect the pond to the WWTF and be located within public utility easement outside the two approved residential tracts. The pond will be divided into three areas each with approximately 35-acre feet of capacity and be developed in a north to south fashion.

The project will be constructed on privately owned land that upon completion and acceptance by the County, will be deeded to County Service Area No. 34. (CSA 34) to own and maintain. The County will coordinate with the users of the treated effluent for delivery of the wastewater to locations where it will be used for land application. A separate Use Permit will be required for the disbursement of the effluent.

Finding 1: *That 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*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	R-1-B (c) Zone District Front: 35 feet Side: 20 feet Rear: 20 feet	N/A; no building proposed	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	R-E (Recreational) Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet		
Parking	One parking space in a garage or carport for every dwelling unit	N/A	N/A
Lot Coverage	R-1-B (35 percent) RE (Recreational)	N/A N/A	N/A N/A
Separation Between Buildings	Six feet between accessory building and main building	N/A	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	N/A	N/A
Septic Replacement Area	100 percent for existing system	N/A	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A	N/A

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: No setback or other concerns related to this proposal.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

The proposed 100-acre-foot inground effluent storage pond will store tertiary-treated wastewater generated by an existing Wastewater Treatment facility. The storage pond will occupy a portion of a 87.9-acre parcel and a portion of a 19.8-acre parcel. The subject parcels are adequate in size and shape to accommodate the storage pond. The 80-acre parcel is also adequate in size to accommodate the proposed 4,700 feet long subterranean pipeline which will connect WWTF to the storage pond. The pipeline will be in public utility easements "outside" the two approved residential tracts.

Recommended Conditions of Approval:

None.

Conclusion Finding 1:

Based on the above information, staff believes the site is adequate to accommodate the proposal.

Finding 2: *That 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*

		Existing Conditions	Proposed Operation
Public Road Frontage	No	N/A	No change
Direct Access to Public Road	No	N/A	N/A
Road ADT (Average Daily Traffic)		N/A	N/A
Road Classification		N/A	N/A
Road Width		N/A	N/A
Road Surface		N/A	N/A
Traffic Trips		N/A	None by customer, employees, or delivery vehicles
Traffic Impact Study (TIS) Prepared	Yes	N/A	No TIS required by Design Division of the Fresno County Department of Public Works and Planning.
Road Improvements Required		N/A	N/A

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

Analysis Finding 2:

The effluent storage pond site does not have public road frontage. The closest public road, Lakeridge Drive, is located approximately 2,208 feet northeast of the storage pond and is under construction.

The traffic generated during construction and operation of the project would be insignificant. As such, no Traffic Impact Study (TIS) was required for the project by the Design Division or Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning. The project will have no impact on County roadways.

Recommended Conditions of Approval:

None.

Conclusion Finding 2:

Based on the above information, staff believes All existing roads in the vicinity of the project site will remain adequate to accommodate the proposal.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	20 acres	Single-family residence	AE-40	None
South	59.7 acres 5.24 acres	Undeveloped land	R-1-B & RE	None
East	Less than one-quarter acre	Single-family residences	R-1-C	700 feet
West	120 acres	Undeveloped land	AE-40	None

Reviewing Agency/Department Comments:

The Central Valley Regional Water Quality Control Board (RWQCB): Per Waste Discharge Report Order R5-2008-0127, all tertiary treated effluent shall be stored in lined effluent storage ponds with a permeability less than 10⁻⁷ cm/sec. The applicant shall submit a Construction Quality Assurance Plan and Design Report to RWQCB for the pond liner to ensure the pond is designed and constructed in a manner that prevents leakage. This requirement has been included as a recommended Condition of Approval.

The Fresno County Public Health Department, Environmental Health Division (Health Department): Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter

6.95. To protect groundwater, any water wells or septic systems that exist or that have been abandoned within the project area, not intended for use by the project, shall be properly destroyed. If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be obtained.

The Resources Division of the Fresno County Development Services and Capital Projects Division: All wastewater infrastructure required for the project shall be designed and constructed in accordance with the approved Infrastructure Plan. The applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project. The plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval. The applicant shall provide a one-year warranty for all improvements and obtain all necessary local and state regulatory permits prior to the project operation.

Development Engineering Section of the Fresno County Department of Public Works and Planning: The project shall require either a grading plan, improvement plan, permit, or voucher, file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with 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 and SWPPP shall be provided to Development Engineering prior to onset of grading work.

The above-noted requirements have been included as Project Notes.

Water and Natural Resources Division and Design Division of the Fresno County Department of Public Works and Planning; Fresno County Fire Protection District; Fresno County Department of Agriculture; Native American Heritage Commission; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife: No concerns with the proposal.

Analysis Finding 3:

The subject proposal would allow an inground 100-acre-foot effluent storage pond and related improvements within Millerton Specific Plan area. The pond will receive and store tertiary-treated wastewater from an existing County-maintained Wastewater Treatment Facility (WWTF). The pond will be located on a portion of an 87.9-acre parcel and a 19.8-acre parcel. A 4,700-foot-long subterranean pipeline will carry the wastewater from WWTF to the storage pond. The proposed development will be owned and maintained by County Service Area No. 34.

The tertiary-treated wastewater from WWTF is currently stored in a 45-acre-foot effluent storage pond. The proposed 100-acre-foot effluent storage pond will provide additional storage capacity needed to accommodate planned growth within the Millerton Specific Plan area.

Given no above-ground improvements other than site fencing are proposed by this application, no visual impact to the surrounding area reserved for planned residential development would occur.

Potential impacts related to hazards and hazardous materials and hydrology and water quality, are less than significant. The project will handle storage of hazardous materials in accordance with the California Health and Safety Code (HSC) and the California Code of Regulation and construct pond in accordance with RWQCB requirements. Additionally, all wastewater infrastructure for the project will be designed and constructed in accordance with the approved Infrastructure Plan subject to obtaining local and state regulatory permits. As the water is a tertiary treated waste water, odors are not considered a concern that needs mitigation.

An Initial Study prepared for the project has identified Cultural Resources, and Energy as potential impacts. To mitigate cultural resources impact, if artifacts are uncovered during ground disturbance, all work will be stopped, and a qualified archeologist will be contacted to evaluate the finds. To mitigate Energy impact, the idling of on-site vehicles and equipment during construction will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction. These requirements are included as Mitigation Measures (Exhibit 1).

The project site is 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 by the County. However, in the unlikely event if tribal cultural resources are unearthed during ground disturbance, the Mitigation Measure included in the Cultural Analysis section of Exhibit 7, will reduce the impact to less than significant.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.

Conclusion Finding 3:

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval, and mandatory Project Notes, staff believes that the proposal will have no adverse effect upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
Millerton Specific Plan Policy SP1-P45: Methods shall be instituted for recycling water. Reclaimed water shall be used for irrigation of large areas such as schools, grounds, greenbelts, and landscaping when not precluded by health considerations.	The effluent storage pond will store tertiary treated wastewater generated by Wastewater Treatment Facility (WWTF) for the purpose of land application within and near Millerton Specific Plan area. The project is consistent with Policy SP1-P45.
Millerton Specific Plan Policy SP1-P82, the sewage collection and treatment facilities shall be owned, operated, and maintained by the County Service Area No. 34	Upon completion, the project will be owned, operated, and maintained by the County Service Area No. 34. The project is consistent with Policy SP1-P45.
General Plan Policy SP1-P83: Treated effluent may be disposed of during the winter when evaporation rate is low, during warmer months most of the treated effluent shall be used to irrigate open space, recreation, and buffer areas.	The proposed effluent storage pond will be used for storage, seepage, partial evaporation, and future land application. Approval of a separate Use Permit would be required to allow for ground application. The project is consistent with Policy SP1-P45.

Relevant Policies:	Consistency/Considerations:
The effluent may also be used to irrigate agricultural areas and other open space lands.	

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject site is designated Medium Low Density Residential and Open Space in the Millerton Specific Plan. Millerton Specific Plan Policy SP1-P45 requires recycled wastewater be utilized on ground, greenbelts, and landscaped area. Millerton Specific Plan Policy SP1-P82 requires the sewage collection and treatment facilities shall be owned, operated, and maintained by the County Service Area No. 34. Millerton Specific Plan Policy SP1-P83 requires use of treated effluent be to irrigate open land, landscape area, and other areas.

Analysis Finding 4:

As discussed in General Plan consistency/consideration above, the project meets Millerton Specific Plan Policies SP1-P45, SP1-P82 and SP1-P83.

The proposed 100-acre-foot effluent storage pond will provide additional storage capacity needed to accommodate planned growth within the Millerton Specific Plan area. Approval of a Use Permit would be required to allow the ground application of wastewater. The project will be owned and maintained by the County Service Area No. 34.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion Finding 4:

Based on the above information, staff believes that the project is not in conflict with any Land Use Plan, policy, or regulation of the County-adopted Millerton Specific Plan or County General Plan.

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

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.

Conclusion Finding 5:

Based on the above information, staff believes that the public health, safety, and general welfare can be protected through the conditions of approval recommended for this project. Finding 5 can be made.

PUBLIC COMMENT:

None.

SUMMARY CONCLUSION:

Staff concludes that the proposal to allow the proposed effluent storage pond in the R-1-B (c) and RE Zone Districts is consistent with the Millerton Specific Plan and County General Plan and will have less than significant impacts on the surrounding properties. Based on the factors cited in the analysis, all the required Findings for granting the Unclassified Conditional Use Permit can be made.

SUMMARY RECOMMENDATION:

Staff therefore recommends adoption of the proposed Mitigated Negative Declaration prepared for the project based on Initial Study No. 8020, and approval of Unclassified Conditional Use Permit No. 3698, subject to the recommended Mitigation Measures and Conditions of Approval.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8020; and
- Move to determine the required Findings can be made based on the analysis in the Staff Report and move to approve Unclassified Conditional Use Permit No. 3698, subject to the Mitigation Measures, 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 Unclassified Conditional Use Permit No. 3698; 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 Application No. 8020
Unclassified Conditional Use Permit Application No. 3698**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*2.	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 shall 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/Fresno County Department of Public Works and Planning (PWP)	As noted
*3.	Energy	The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during project construction	Applicant	Applicant/PWP	As noted
Conditions of Approval					
1.	Development and operation of the use shall be in accordance with the Site Plan, Elevations, and Operational Statement approved by the Planning Commission.				
3.	Per the Central Valley Regional Water Quality Control Board (RWQCB) Order R5-2008-0127, all tertiary treated effluent shall be stored in lined effluent storage ponds with a permeability less than 10 ⁻⁷ cm/sec. Prior to issuance of building permit, the applicant shall submit a Construction Quality Assurance Plan and Design Report to the RWQCB for the pond liner to ensure the pond is designed and constructed in a manner that prevents leakage.				
4.	All parking and circulation areas that are not concrete or asphalt concrete paved shall be treated with a dust palliative to prevent the creation of dust.				
5.	Items 3, Item 4, and Item 5 of the "Project Notes" shall be completed prior to the issuance of building permit or granting of occupancy for the use.				

EXHIBIT 1

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*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.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	This Use Permit will become void unless there has been substantial development within two years of the effective date of this approval, or there has been a cessation of the use for a period more than two years.
2.	Construction plans, building permits and inspections are required for all proposed improvements on the property. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 for plans, permits and inspections.
3.	To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following: <ul style="list-style-type: none"> • A grading plan, improvement plan, permit, or voucher. • Filing of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board before the commencement of any construction activities disturbing 1.0 acre or more of area. • Copies of completed NOI and SWPPP to Development Engineering prior to any grading work.
4.	To address public health impacts resulting from the project, the Resources Division of the Fresno County Development Services and Capital Projects Division requires the following: <ul style="list-style-type: none"> • All wastewater infrastructure required for the project shall be designed and constructed in accordance with the approved Infrastructure Plan. • The applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project. • The plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval. • The applicant shall provide a one-year warranty for all improvements. • The applicant shall obtain all necessary local and state regulatory permits prior to the project operation.
5.	To address public health impacts resulting from the project, Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following: <ul style="list-style-type: none"> • Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5 • The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • 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.

EXHIBIT 1 Page 2

Project Notes

	<ul style="list-style-type: none">• If any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be obtained.
6.	An encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for any work in the County road right-of-way.
7.	To identify San Joaquin Valley Unified Air Pollution Control District (District) rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant shall contact the District's Small Business Assistance Office at (559) 230-5888.

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EXHIBIT 2 LOCATION MAP

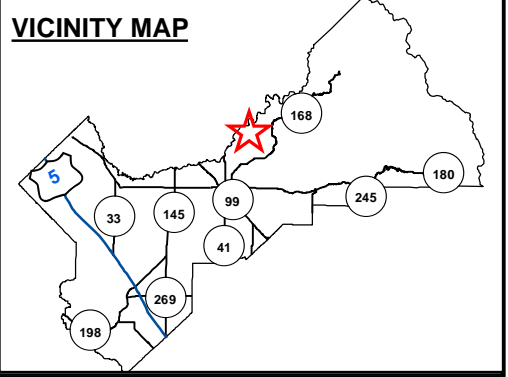
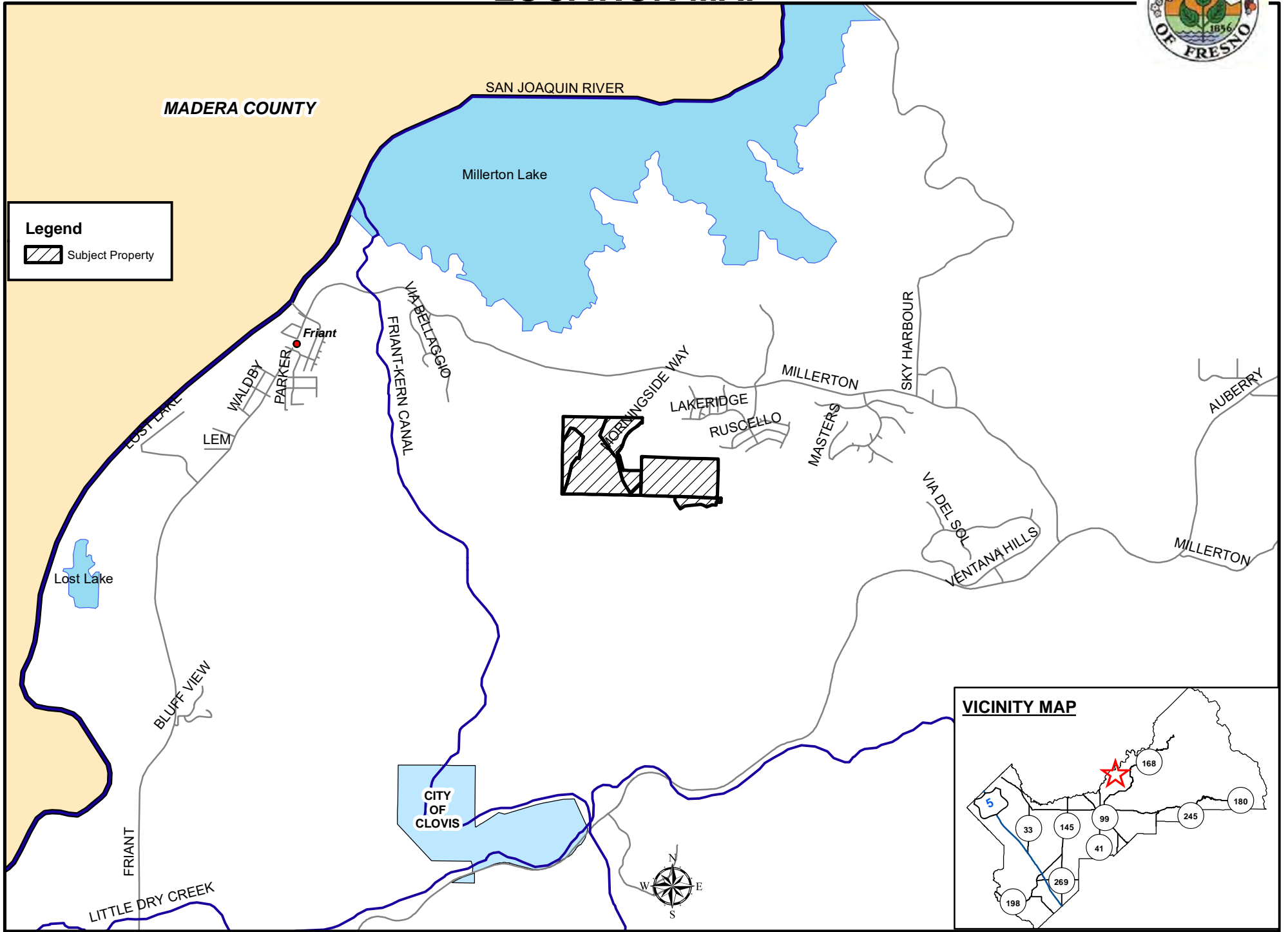
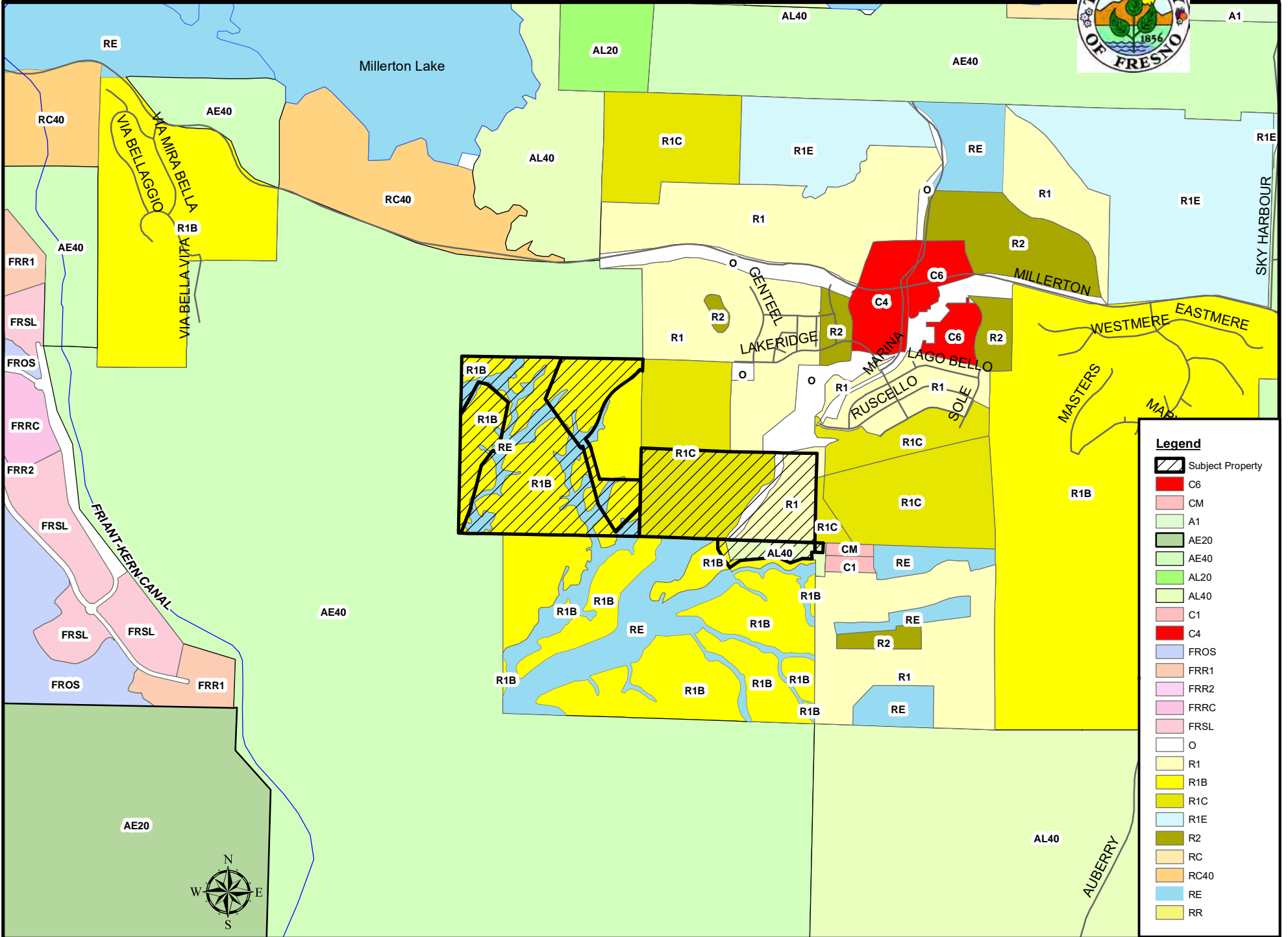


EXHIBIT 3
EXISTING ZONING MAP

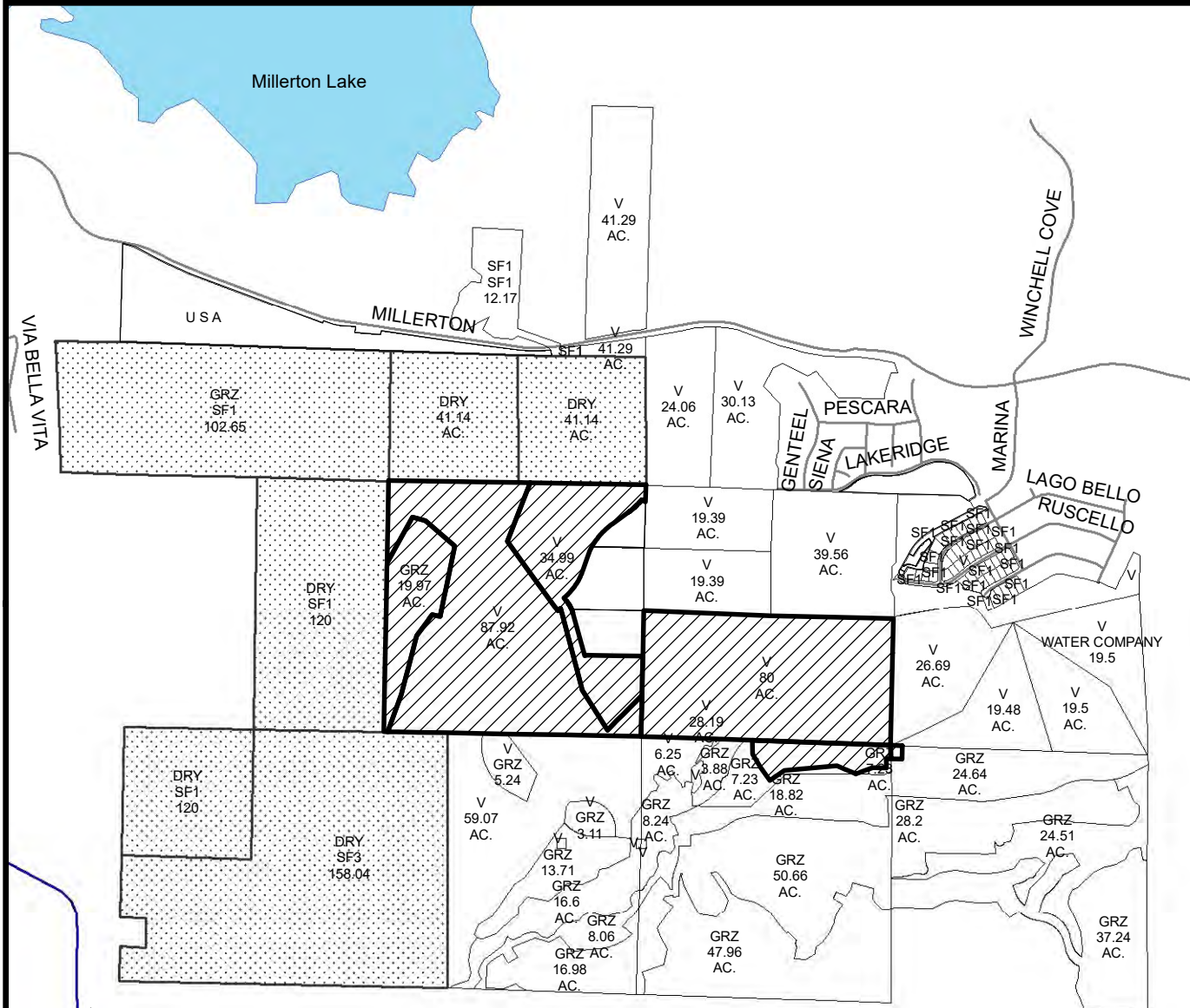


Legend

	Subject Property
	C6
	CM
	A1
	AE20
	AE40
	AL20
	AL40
	C1
	C4
	FROS
	FRR1
	FRR2
	FRRC
	FRSL
	O
	R1
	R1B
	R1C
	R1E
	R2
	RC
	RC40
	RE
	RR

EXHIBIT 3

EXHIBIT 4 EXISTING LAND USE MAP



LEGEND	
DRY - DRY FARMING	
GRZ - GRAZING	
SF#- SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

- Subject Property
- Ag Contract Land

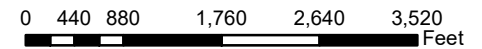
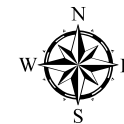


EXHIBIT 5

TRACT 4968

TRACT 4976

TRACT 6186
(IN CONSTRUCTION)

TRACT 6226
(APPROVED TENTATIVE)

TRACT 4934
(FUTURE)

PROPOSED
EFFLUENT
POND

PROPOSED
DRAINAGE
MITIGATION
POND

EXISTING
EFFLUENT
POND

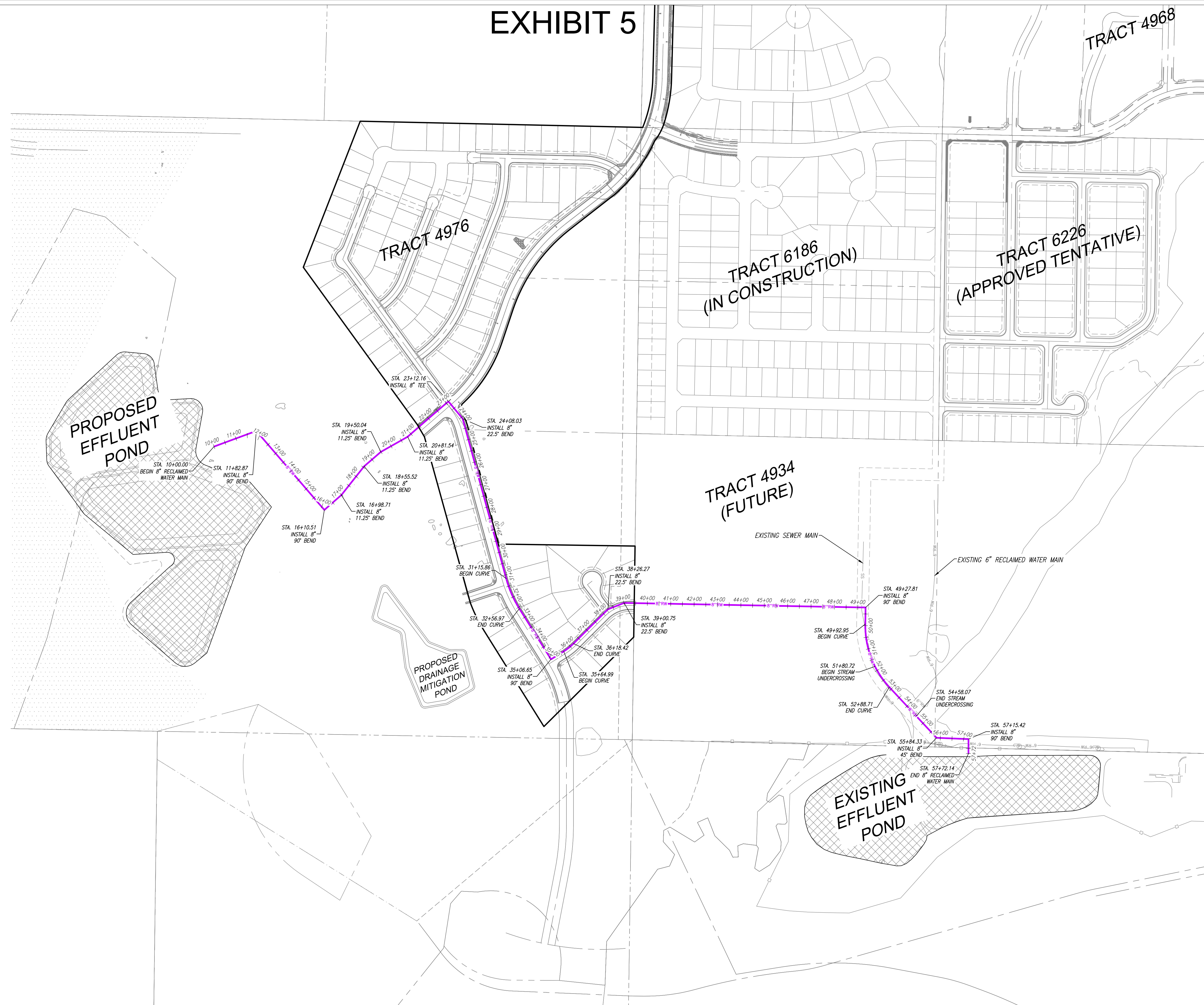


EXHIBIT 5

PLANNING SURVEYING CIVIL ENGINEERING
1234 O STREET, FRESNO, CALIFORNIA 93721
TEL: 559-449-4500 FAX: 559-449-4515
WWW.PRECISIONENGINEERING.NET



PROJECT TITLE: MILLERTON ROAD & MORNINGSIDE WAY
SHEET DESCRIPTION: RECLAIMED WATER ROUTE
COUNTY OF: FRESNO

PREPARED FOR: JEFF ROBERTS
1396 W. HERNDON AVE., SUITE 110
FRESNO, CA 93711
(559) 440-8308

REVISIONS

DRAWN BY: JML
CHECKED BY: DY
DATE: 3/30/2021

SHEET NUMBER:
1 OF 1
JOB NUMBER:
17-190

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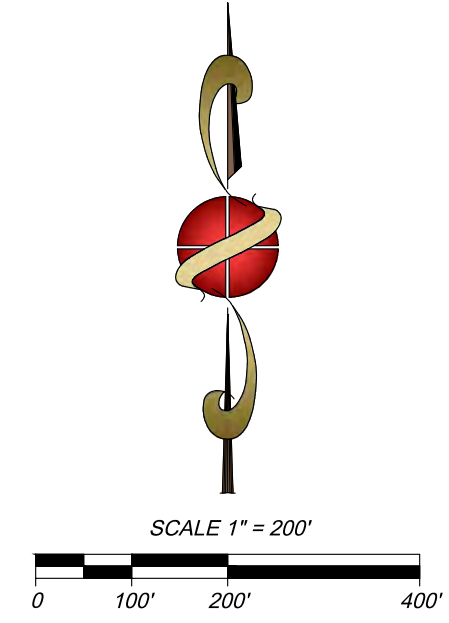


EXHIBIT 6

Jeff Roberts

Subject: Operational Statement - Effluent Storage Pond

BACKGROUND:

The Millerton Specific Plan was originally approved in 1984 by the Fresno County Board of Supervisors. The project proponents envisioned the construction of a "Tertiary" Wastewater Treatment (WWTP) facility within the project boundaries that would provide a water source for the irrigation of project landscaping and park and open space areas. The WWTP facility was constructed and a 45 acre foot lined storage pond was built adjacent to the facility to hold the tertiary treated "effluent" for distribution within the Specific Plan area. Development within the Millerton Specific Plan area has progressed and the point has been reached where the project is in need of a second lined "Effluent Storage Pond".

WHY IS THE PROJECT NEEDED?

The ongoing and proposed residential development within the Millerton Specific Plan area is creating the "need" for the additional pond to store tertiary treated effluent. The existing 45 acre foot effluent pond is sufficient provided there is an ongoing program to reduce the pond level to provide for adequate storage volume. Recent methods used to lower the level have included trucking the treated effluent to an alternative disposal location. High ambient temperatures also aid in the lowering of the pond level due to evaporation. If the temperature is low (as in the winter months) and there is substantial rainfall, the pond level rises and the amount of available effluent storage is diminished. An additional storage pond will provide the County with additional storage and flexibility to deal with changing weather patterns. The 100 acre foot capacity is needed to accommodate planned growth within the Millerton Specific Plan area.

PROPOSED PROJECT:

The applicant, the Assemi Group, Inc., is interested in constructing a 100 acre foot storage pond on approximately 35 acres on land within the Millerton Specific Plan. The proposed pond would be located south of Millerton Road and west of the Morningside Way alignment (now under construction). The pond would be built in three "phases" and would be lined and fenced in a manner consistent with the existing 45 acre effluent storage pond. The pond would receive treated effluent water from an 8" "Purple Pipe" water line that would be installed (underground) in proposed public street alignments in approved Tracts 4934 and 4976. Additionally, portions of the water lines at the west end (connection to proposed pond) and east end (connection to existing WWTP) would be located in public utility easements "outside" the two approved tracts. The proposed supply line would be approximately 4700' in length and would be owed and maintained by CSA 34. The pond will be divided into three areas, each with approximately 35 acre feet of capacity. It is proposed that the pond would be developed in a north to south fashion.

OPERATION OF THE EFFLUENT STORAGE POND:

The proposed facility will be constructed on privately owned land that will, upon completion and acceptance by the County, be deeded to County Service Area No. 34. (CSA 34) The County staff will interact with users of the treated effluent and will coordinate the delivery of the water to locations where it is needed for landscaping, etc. The potential users of the water may include the County CSA 34 staff, the Clovis Unified School District, or farmers using the water to irrigate agricultural crops.

Jeff Roberts

Sent: Thursday, February 18, 2021 2:29 PM
Subject: Revised Operational Statement (7-29-2021) - "Effluent Storage Pond" (Millerton Specific Plan)

1. Project Description: Provided on a separate sheet
2. Operational Time Limits: To be determined by CSA 34 staff
3. Number of Visitors: None
4. Number of Employees: To be determined by CSA 34 staff
5. Service and Delivery Vehicles: No deliveries and periodic service vehicles
6. Access to the Site: Unpaved private road
7. Parking Spaces: None
8. Goods sold on site: None
9. Equipment: Mowing, weeding, etc.
10. Supplies or materials: None known
11. Unsightly appearance: No
12. Liquid Waste: None
13. Water Volume: The proposed facility will store up to 100 ac/ft for tertiary treated effluent (Approximately 32,582,400 gallons)
14. Advertising: None
15. Buildings: None existing or proposed
16. Building Operation: NA
17. Lighting / Sound Amplification: None
18. Landscaping or Fencing: No landscaping / fencing to keep the public out of the area with appropriate signage will be provided
19. Other Information: None
20. Owners: See Application for Conditional Use Permit / Jeffrey T. Roberts (Applicants Representative)



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Assemi Group, Inc.

APPLICATION NOS.: Initial Study No. 8020 and Unclassified Conditional Use Permit Application No. 3698

DESCRIPTION: Allow an inground effluent storage pond and related subterranean pipelines to provide tertiary-treated wastewater from an existing Wastewater Treatment facility.

LOCATION: The project is located within Millerton Specific Plan boundary approximately 1,335 feet south of Millerton Road, 1.6 miles west of Auberry Road, and 1.5 miles east of the unincorporated community of Friant (APN 300-542-03, 05, 13, 24T, 28T, 51) (SUP. DIST. 5).

DISCUSSION:

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

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

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

The subject project was routed to reviewing agencies initially in July of 2018 with mention of the previously adopted EIR and Specific Plan. Comments received at the completion of the routing cycle did not reveal any significant project-related impacts that could not be mitigated.

Based on staff's review of comments received, it has been determined that the provisions of Section 15162 will be utilized in preparing the environmental document.

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

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

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

As a project condition, the Applicant would be required to comply with all applicable Mitigation Measures contained in the Millerton Specific Plan - Mitigation Measures and Monitoring Program Matrix Program identified in the previously-certified EIR, as well as, those identified in Initial Study No. 8020 prepared for this project. The Mitigation Measures and Monitoring Program Matrix is attached to this document for reference purposes.

I. AESTHETICS

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

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

FINDING: NO IMPACT:

The proposed site does not front any roadway. Designated as a scenic roadway in the County General Plan, Millerton Road traverses approximately 1,335 feet north of the site and is outside the minimum 200-foot open-space setback required for scenic roadways. There are no scenic vistas or scenic resources, including rock outcroppings, or historic buildings on or near the site that will be impacted by the project.

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

FINDING: NO IMPACT

The project would allow an inground 100-acre-foot effluent storage pond on an approximately 35 acres of land and related subsurface pipelines within Millerton Specific Plan. The storage pond would receive tertiary-treated wastewater from an existing

Wastewater Treatment Facility (WWTF) via a proposed 4,700-foot-long subterranean pipeline that would be owned and maintained by County Service Area No. 34. With no above-ground improvements proposed, the project will have no visual impact to the surrounding area comprised of open land reserved for planned residential development.

The tertiary-treated wastewater from WWTF is currently stored in a 45-acre-foot effluent storage pond. During winter season when temperature is low and there is substantial rainfall, the pond level rises, and the amount of available effluent storage is diminished which necessitate lowering of the level by trucking the effluent to an alternative disposal location. The proposed 100-acre-foot effluent storage pond will provide additional storage capacity needed to accommodate planned growth within the Millerton Specific Plan area.

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

FINDING: NO IMPACT:

No illumination is needed for the proposed effluent storage pond. No impact would occur.

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The project is not in conflict with agricultural zoning and is an allowed use on land designated for residential uses with discretionary land use approval and adherence to the applicable General Plan Policies.

The project site is located within the Millerton Specific Plan which contains no productive agricultural land subject to a Williamson Act Land Conservation Contract.

According to the 2016 Fresno County Important Farmland Map, all land within Millerton Specific Plan is designated as Grazing Land suited to grazing of livestock.

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

FINDING: NO IMPACT:

The project will not conflict with the existing R-1-B (c) (Single-family Residential, Conditional) and RE (Recreational) zoning on the property. The project site is not active forest land or timberland. The site is designated for residential uses which will not change due to this proposal.

III. AIR QUALITY

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

An Air Quality and Greenhouse Gas Analysis Technical Memorandum, dated September 20, 2021, was prepared for the project by Johnson and Miller Air Quality Consulting Services and was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for comments.

Construction and operation of the project (effluent storage pond) would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}).

Noted in III. B below, emissions of ROG, NO_x, PM₁₀, and PM_{2.5} associated with the construction and operation of the project would not exceed the District's significance thresholds. The project complies with all applicable rules and regulations from the applicable Air Quality Plan (AQP). Therefore, the impact would be less than significant.

- 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 primary pollutants of concern during project construction and operation are ROG, NO_x, CO, PM₁₀, and PM_{2.5}. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for ROG, NO_x, CO, SO_x PM₁₀ and PM_{2.5}.

The SJVAPCD's annual emission significance thresholds used for the project, define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO_x, 100 tons per year CO, 27 tons per year SO_x, 15 tons per year PM₁₀, and 15 tons per year PM_{2.5}.

Per the *Air Quality and Greenhouse Gas Analysis Technical Memorandum*, the 2021-2022 construction emissions (ton per year) associated with the project would be 0.141 for ROG, 1.456 for NO_x, 1.153 for CO, 0.002 for SO_x, 0.256 for PM₁₀ and 0.120 for PM_{2.5}, which are less than the threshold of significance for all criteria pollutants. The impact is less than significant.

The operational emission over full buildout for 2022 would be 0.005 for ROG, 0.005 for NO_x, 0.025 for CO, 0.000 for SO_x, 0.006 for PM₁₀ and 0.00 for PM_{2.5} which are less than the threshold of significance for all criteria pollutants. The impact is less than significant.

As discussed above, the regional analysis of the construction and operational emissions indicates that the project would not exceed the District's significance thresholds and is consistent with the applicable Air Quality Attainment Plan. Therefore, the project would not result in significant cumulative health impacts.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as locations that houses or attracts children, the elderly with illness, or other who are sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The nearest sensitive receptors include proposed and existing single-family residences, the closest of which are approximately 840 feet east of the project site.

Per the *Air Quality and Greenhouse Gas Analysis Report*, an analysis of maximum daily emissions during construction and operation of the project was conducted to determine if emissions would exceed 100 pounds per day for each of the criteria pollutant which include NO_x, CO, PM₁₀, or PM_{2.5}.

Per the *Report*, maximum daily on site emissions (pound per day) during 2021-2022 construction would be 4.83 for NO_x, 48.63 for CO, 40.69 for PM₁₀ and 0.08 for PM_{2.5} and would not exceed SJVAPCD screening thresholds for all criteria pollutant. Likewise, the maximum daily onsite emissions (pound per day) during operation would be 0.02 for NO_x, 0.01 for CO, 0.04 for PM₁₀, and 0.00 for PM_{2.5}, and would not exceed SJVAPCD screening thresholds for all criteria pollutant.

Based on above information, both during construction and operation, the project would not cause an ambient air quality standard violation. Impacts would be less than significant.

The SJVAPCD's current threshold of significance for Toxic Air Contaminant (TAC) emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years.

The project construction would involve the use of diesel-fueled vehicles and equipment that emit Diesel Particulate Matter (DPM), which is considered a TAC. As discussed in Section III. B. above, emissions during construction would not exceed the SJVAPCD significance thresholds and would not be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard. Therefore, construction of the proposed project would not result in localized emissions that, if when combined with background emissions, would result in exceedance of any health-based air quality standard. As such, health risk impacts from construction of the project would be less than significant.

The project operation would involve an approximately 100-acre-foot effluent storage pond. The pond would be an inconsequential source of localized emissions. Maintenance would involve irregular vehicle trips to the project site, which was accounted for in this analysis. As noted in Section II above, emissions during operations would not exceed the applicable SJVAPCD significance thresholds and would not be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during operation or result in localized emissions that, when combined with background emissions, would result in an exceedance of any health-based air quality standard.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

Per the *Air Quality and Greenhouse Gas Analysis Report*, SJVAPCD has determined that the common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump, stations, composting facilities, feed lots, coffee roasters, asphalt batch plants and rendering plants. The proposed project is not one of these activities.

The proposed 100-acre-foot effluent storage pond would store disinfected, tertiary-treated effluent from a Wastewater Treatment facility. The proposed pond and an existing pond within the Millerton New town boundary will not substantially increase objectionable odors in the area. Furthermore, no new sensitive receptors will be introduced to the area that could be affected by any existing objectionable odor sources in the area. As such, the project would not be a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment used on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT:

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

The project was routed to USFWS and the California Department of Fish and Wildlife (CDFW) for comments. The project applicant also consulted with CDFW for the comments. No comments were provided by either agency.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

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

The project site is unimproved with no vegetation. The project will not conflict with local policies or ordinances regarding a tree preservation policy or ordinances.

V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

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

Per the *Cultural Resources Inventory* (CRI), six archeological sites exist within the entire Millerton Specific Plan area that appear to meet the eligibility criteria for listing in the National Register of Historic Places and the California Register of Historic Resources. None of those sites are located within the project site. Other sites identified in the CRI as MNT-6, MNT-7, MNT-8, MNT-9 and MNT-10 are comprised of milling features and are located near the project area. However, these sites are not eligible for NRA and do not appear to be in dispositional area where buried materials and/or features may be anticipated.

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

* **Mitigation Measure:**

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

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

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

* **Mitigation Measure:**

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

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

FINDING: NO IMPACT:

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

VII. GEOLOGY AND SOILS

Would the project:

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any site grading associated with the construction of the proposed effluent storage pond and placing of subsurface pipelines will adhere to the Grading and Drainage Sections of the County Ordinance Code.

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section V. CULTURAL RESOURCES above.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

An Air Quality and Greenhouse Gas Analysis Technical Memorandum, completed by Johnson and Miller Air Quality Consulting Services, and dated September 20, 2021, estimated project GHG emissions for construction and operation using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution

Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

The SJVAPCD does not have a recommendation for assessing the significance of construction related emissions, however, other jurisdictions such as the Sacramento Metropolitan Air Quality Management District (SMAQMD) have concluded that construction emissions should be included since they may remain in the atmosphere for years after construction is complete. The SMAQMD has established quantitative significance thresholds of 1,100 MT CO₂e per year for the construction phases of land use projects. As such, annual construction emissions below the 1,100 MT CO₂e would have a less than significant cumulative impact on GHGs.

The total construction-generated greenhouse gas emissions from emission sources such as site grading, reclaimed water main, and other activities would be 213 which is below the significant threshold of 1,100 MT CO₂e. Operational or long-term GHG emissions occur over the life of the project. Source of emissions includes motor vehicles, and indirect electricity (from pumps). The total operation-generated greenhouse gas emissions during operations would be 43 MT CO₂e.

The State of California (State) regulatory program implementing the 2008 Scoping Plan is now fully mature. All regulations envisioned in the Scoping Plan have been adopted, and the effectiveness of those regulations has been estimated by the agencies during the adoption process. The State projects that it will meet the 2020 target (AB 32 requires GHGs emitted in California be reduced to 1990 levels by the year 2020).

The State's regulatory program targets both new and existing development because the two most important strategies, motor vehicle fuel efficiency, and emissions from electricity generation, obtain reductions equally from existing sources and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations, and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. This includes regulations on mobile sources such as the Pavley standards that apply to all vehicles purchased in California, the LCFS (Low Carbon Fuel Standard) that applies to all fuel sold in California, and the Renewable Portfolio Standard and Renewable Energy Standard under Senate Bill (SB) 100 that applies to utilities providing electricity to all California end users. Moreover, the Scoping Plan strategy will achieve more than average reductions from energy and mobile source sectors that are the primary sources related to development projects and lower than average reductions from other sources such as agriculture.

Because the proposed project's operational GHG emissions would principally be generated from electricity consumption and vehicle use, which both activities are directly under the purview of the Scoping Plan strategy and have experienced reductions above the State average reduction, the proposed project would be consistent with the State's AB 32, and SB 32 GHG reduction goals. As such, the proposed project's GHG impacts would be less than significant and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the project and the following is required as Project Notes: 1) Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.; 2) The project shall submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95.

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

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

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Central Valley Regional Water Quality Control Board (RWQCB) reviewed the proposal and stated that per WDRs Order R5-2008-0127, all tertiary treated effluent shall be stored in lined effluent storage ponds with a permeability less than 10⁻⁷ cm/sec. A Condition of Approval would require that the applicant shall submit a Construction Quality Assurance Plan and Design Report to the RWQCB for the pond liner to ensure the pond is designed and constructed in a manner that prevents leakage. With adherence to this requirement, impacts to the groundwater will be reduced to less than significant.

The Resources Division of the Fresno County Development Services and Capital Projects Division reviewed the project and requires the following as Project Notes: 1) all wastewater infrastructure required for the project shall be designed and constructed in accordance with the approved Infrastructure Plan; 2) the applicant shall provide engineered plans and documents, prepared by a Registered Professional Engineer, for any improvements associated with the project; 3) the plans, along with fees per the Master Fee Schedule, shall be submitted to the County of Fresno Department of Public Works and Planning for review and approval; 4) the applicant shall provide a one-year warranty for all improvements; and 5) the applicant shall obtain all necessary local and state regulatory permits prior to the project operation.

The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the project and requires the following as Project Notes: 1) In an effort 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; and 2) if any underground storage tank(s) are found during construction, an Underground Storage Tank Removal Permit shall be obtained.

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

FINDING: NO IMPACT:

All existing and proposed improvements within the Millerton New Town Specific Plan are served with surface water from Millerton Lake through County Service Area (CSA) No. 34. The effluent storage pond proposed by this application will receive and store tertiary-treated wastewater from CSA 34 Wastewater Treatment Facility for ground spray subject to approval of a Use Permit.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and offered no comments.

The State Water Resources Control Board Division of Drinking Water (SWRCB-DDW) reviewed the project and stated it does not meet the definition of a new public water system and is not subject to a permit from SWRCB-DDW.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project development may cause minimal changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction of effluent storage pond and placing of subsurface pipelines.

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the project shall be subject to the following requirements included as Project Notes. The project shall: 1) require either a grading plan, improvement plan, permit, or voucher; 2) file a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with State Water Resources Control Board (SWRCB) before the commencement of any construction activities disturbing 1.0 acre or more of area; and 3) provide copies of completed NOI and SWPPP to Development Engineering prior to any grading work.

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

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in a 100 Year Flood Inundation Area and not subject to flooding from the 100-year storm per the Federal Emergency Management Agency (FEMA) FIRM Panel 1035H.

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

FINDING: NO IMPACT:

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

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project entails construction of an effluent storage pond and subterranean pipelines connecting the pond to an existing offsite Wastewater Treatment Facility (WWTF).

The proposed 35-acre inground effluent storage pond will be located on a portion of an 87.9-acre parcel (APN 300-542-51) and a portion of a 19.8-acre parcel (APN 300-542-03). These parcels have split zoning comprised of R-1-B (c) (Single Family Residential, 12,500 square-foot minimum parcel size; Conditional) and R-E (Recreational). The R-1-B zoned portions of the subject parcels are designated as Medium Low Density Residential and the R-E zoned portions of said parcels are designated as Open Space in the Millerton Specific Plan.

The existing WWTF (APN 300-542-24T & 28T) is in the AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District, and is designated as Public Facilities in the Millerton Specific Plan.

The proposed underground pipelines to transport treated wastewater from WWTF to the pond will pass through an 80-acre parcel (APN 300-542-13) which has split zoning comprised of R-1 (Single Family Residential, 6,000 square-foot minimum parcel size) and O (Open Conservation). The R-1 zoned portions of the parcel are designated as Medium Low Density Residential and the O zoned portions of said parcel are designated as Open Space in the Millerton Specific Plan. The pipeline will also pass through a 34.9-acre parcel (APN 300-542-05) which has split zoning comprised of R-1-B (Single Family Residential, 12,500 square-foot minimum parcel size) and R-E (Recreational). The R-1-B zoned portions of the parcel are designated as Medium Low Density Residential and the R-E zoned portions of said parcel are designated as Open Space in the Millerton Specific Plan.

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

Regarding Millerton Specific Plan Policy SP1-P45, the effluent storage pond will be used to store treated wastewater from WWTF for the purpose of irrigating land within the Millerton Specific Plan area.

Regarding Millerton Specific Plan Policy SP1-P82, the project will be owned, operated, and maintained by the County Service Area No. 34.

Regarding General Plan Policy SP1-P83, the effluent from WWTF will be collected in the proposed effluent storage pond for storage, seepage, and partial evaporation. The effluent will be used for ground spray subject to approval of a Use Permit.

XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

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

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the project and expressed no specific concerns related to noise.

The project could result in an increase in noise level due to the construction noise. Noise impacts associated with construction will be temporary and be subject to the County Noise Ordinance.

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

See Section IX. E. above.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

This project to allow an effluent storage pond is unrelated to population growth. The project would not induce population growth, displace housing, or displace a substantial number of people, necessitating the construction of replacement housing elsewhere.

XV. PUBLIC SERVICES

Would the project:

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

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed the project and identified no concerns related to fire hazard.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on police protection, parks, schools, or other public facilities.

XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

The project will require no new or expanded recreational facilities in the area.

XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the project and offered no comments related to traffic.

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

FINDING: NO IMPACT:

Construction and/or operation of the proposed effluent storage pond is expected to generate fewer than 110 trips per day which is presumed to cause a less-than-significant transportation impact per the State of California Governor's Office of Planning and Research document entitled *Technical Advisory on Evaluating Transportation Impacts* in CEQA dated December 2018 (OPR Technical Advisory). As such, no traffic impact related to vehicle miles travel (VMT) would occur from this proposal.

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

FINDING: NO IMPACT:

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

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of

the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is in an area designated as highly sensitive for archeological Resources. Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, in the unlikely event tribal cultural resources are unearthed during ground disturbance, the Mitigation Measure included in the CULTURAL ANALYSIS section above will reduce impact to less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: NO IMPACT:

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

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

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY above.

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

FINDING: NO IMPACT:

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

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

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

XX. WILDFIRE

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

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

FINDING: NO IMPACT:

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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

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

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

FINDING: NO IMPACT:

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

CONCLUSION/SUMMARY

Based upon Initial Study No. 8020 prepared for Unclassified Conditional Use Permit Application No. 3698, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities, and service systems or wildfire.

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

Potential impacts to cultural resources and energy have been determined to be less than significant with the identified Mitigation Measures.

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

EA:im

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EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below for County Clerk Only. CLK-2046.00 E04-73 R00-00			
Agency File No: IS 8020		LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-	
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): Assemi Group, Inc.			Project Title: Unclassified Conditional Use Permit Application No. 3698		
Project Description: Allow an inground effluent storage pond and related subterranean pipelines to provide tertiary-treated wastewater from an existing Wastewater Treatment facility. The project is located within Millerton Specific Plan boundary approximately 1,335 feet south of Millerton Road, 1.6 miles west of Auberry Road, and 1.5 miles east of the unincorporated community of Friant (APN 300-542-03, 05, 13, 24T, 28T, 51) (SUP. DIST.: 5)					
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 8020) prepared for Unclassified Conditional Use Permit Application No. 3698, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to aesthetics, agriculture and forestry resources, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems or wildfire. Potential impacts related to air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology & water quality, land use and planning, noise, and tribal cultural recourses have been determined to be less than significant. Potential impacts related to cultural resources and energy 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 – September 24, 2021			Review Date Deadline: Planning Commission – October 25, 2021		
Date: September 21, 2021	Type or Print Name: David Randall, Senior Planner		Submitted by (Signature):		

State 15083, 15085

County Clerk File No. _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT 9

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

LAND USE AND ZONING

1.a	From a land use standpoint, the key to ensuring that development is undertaken in an environmentally sensitive manner is to adopt standards in the Specific Plan (supplemented by mitigation measures in the EIR) and to require sound, comprehensive development conditions. The level of detail in the application should be sufficient to evaluate the consistency of the project with overall Specific Plan design.	PW&P	8	Once	Once		
1.b	Each area of the Millerton New Town Specific Plan shall be annexed to CSA No. 34 prior to Site Plan Review or recordation of Final Map or Parcel Map.	PW&P LAFCo	1, 2	Once	Once		
1.c	The location and number of units in the Specific Plan shall be restricted to 3499 units in the locations shown in Figure 5, Development Allocation Areas of the Specific Plan	PW&P	1	Once per phase	Once per phase		
1.d	Prior to recordation of a final map or approval of a site plan review for development which is within 300 feet of an AE or AL Zone District a Right-To-Farm Notice shall be recorded pursuant Fresno County Ordinance Code Section 17.04.100.	PW&P	1, 2	Once per phase	Once per phase		
1.e	Prior to recordation of a final map or approval of a site plan review, a notice shall be recorded to run with the land which discloses the presence, operation and noise generation of the Fresno Rifle and Pistol Club, operating under CUP #2344, located south of the Millerton Specific Plan area at 15687 Auberry Road.	PW&P	1, 2	Once per phase	Once per phase		

TRAFFIC AND CIRCULATION

2.a	Continue the standards of the Specific Plan which provide a safe and convenient circulation network at final development including a hierarchy of roadway designations, scenic roads, trails and bike paths.	PW&P	8	Once	N/A		
2.b	Develop Marina Drive (Winchell Cove Road) from Winchell Cove Marina to Auberry Road as a two lane roadway with left turn and right turn lanes at all intersections and one additional lane in each direction plus parking lanes adjacent to all non-residential land uses, and modify the intersection of Marina Drive and Millerton Road to form a more normal right angle intersection.	PW&P	2, 6	Once per phase	Once per phase		

Responsible Person/Agency

MM = Mitigation Monitor
 PW&P = Public Works & Planning. Dept.
 FCFPD = Fresno Co. Fire Protection Dist.
 FCSO = Fresno Co. Sheriff's Department
 LAFCo = Local Agency Formation Comm.
 FCEH = Fresno Co. Environmental Health
 CSA = County Service Area No. 34
 CALTRANS = CA Dept. of Transportation

Responsible Person/Agency, con't

WQCB = CA Regional Water Qual. Control Bd.
 APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist.
 CUSD = Clovis Unified School District
 SUSD = Sierra Unified School District
 NRCS = Natural Resource Conserv. Serv., USDA
 F&G = Calif. State Dept. of Fish & Game
 FCRD = Fresno Co. Resource Div., DPW&P
 DOHS = CA Dept. of Health Services

Mitigation Phase Key

1 - Site Plan Review
 2 - Prior to Recording Final Map
 3 - Prior to Issuance of Bldg. Permit
 4 - Prior to Occupancy
 5 - During Grading Activity
 6 - During Construction
 7 - Other
 8 - SP/CUP/TM
 n/a - Not Applicable

Frequency

Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
 CDC - Continuous during construction
 @Occ - At occupancy

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

TRAFFIC AND CIRCULATION, con't.

2.c	Install an eastbound left turn lane in Auberry Road at Marina Drive	PW&P	2 , 6	Once per phase	Once per phase		
2.d	Widen Millerton Road to provide left and right turn lanes at all intersections within the project.	PW&P	2 , 6	Once per phase	Once per phase		
2.e	Relinquish direct access to residential properties fronting on Millerton Road.	PW&P	2	Once per phase	Once per phase		
2.f	Install a raised median island barrier in Millerton Road adjacent to all non-residential land uses.	PW&P	1 , 2 , 6	Once per phase	Once per phase		
2.g	Agree to install a traffic signal at the intersection of Marina Drive and Millerton Road at the time that the County determines a traffic signal is warranted.	PW&P	1 , 2	Once	Once		
2.h	<p>The project proponent shall pay the project's pro-rata share of the cost of improvements as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County, prepared by Valley Research and Planning Associates for the following described traffic improvements that are to be provided as part of the Millerton Specific Plan:</p> <p>A. Marina Drive Extension to the south: i. Four-lane roadway: approximately one mile ii. Two-lane roadway: approximately two miles</p> <p>B. Auberry Road/Marina Drive Turn Lane</p> <p>The pro-rata share shall be established prior to recordation of the final map and payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.</p>	PW&P	2 , 3	@BP	Annual		

EXHIBIT 9, Page 2

Responsible Person/Agency

MM = Mitigation Monitor
PW&P = Public Works & Planning. Dept.
FCFPD = Fresno Co. Fire Protection Dist.
FCSD = Fresno Co. Sheriff's Department
LAFCo = Local Agency Formation Comm.
FCEH = Fresno Co. Environmental Health
CSA = County Service Area No. 34
CALTRANS = CA Dept. of Transportation

Responsible Person/Agency, con't

WQCB = CA Regional Water Qual. Control Bd.
APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist.
CUSD = Clovis Unified School District
SUSD = Sierra Unified School District
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F&G = Calif. State Dept. of Fish & Game
FCRD = Fresno Co. Resource Div., DPW&P
DOHS = CA Dept. of Health Services

Mitigation Phase Key

1 - Site Plan Review
2 - Prior to Recording Final Map
3 - Prior to Issuance of Bldg. Permit
4 - Prior to Occupancy
5 - During Grading Activity
6 - During Construction
7 - Other
8 - SP/CUP/TM
n/a - Not Applicable

Frequency

Once - One time during specified mitigation Phase
Annual - Annually
OGAP - Ongoing & periodic dep. on mitigation
@BP - At each bldg. permit
CDC - Continuous during construction
@Occ - At occupancy

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

TRAFFIC AND CIRCULATION, con't.

2.i	The project proponent shall pay the project's pro-rata share of the cost of improvements for four-lane roadway projects and traffic signal installation as described in the Traffic Impact Analysis, Millerton Specific Plan Amendment Clarksfield Project, Fresno County and the Supplemental Report (11/98), both prepared by Valley Research and Planning Associates. Unless and until traffic impact fees for the area are adopted by the County, each project proponent shall enter into an agreement with the County to provide for the funding of the traffic impact fees. The Traffic Impact Agreement between the County and a project proponent shall consider the Traffic Impact Analysis described above and any other relevant traffic analysis or information. The agreement may include provision for credit or reimbursement of the cost of the construction of prescribed improvements by a project proponent. Traffic related impact fees established on a per-unit basis as set forth in the Traffic Impact Analysis shall be payable at the time of issuance of a building permit. The fee shall be adjusted annually for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index. NOTE: Expenditures for improvements to Millerton Road will be prioritized pursuant to Board policy.	PW&P	2, 3	@BP	Annual		
2.j	The pro-rata share of \$310,000 for improvements at the State Route 41/Friant Road interchange shall be paid through an impact fee of \$390 for each of the 795 dwelling units reallocated to the 440 acre expanded Specific Plan area (Development Allocation Area G). The impact fee shall be paid prior to issuance of each building permit.	CALTRANS PW&P	2, 3	@BP	Annual		
2.k	Each phase of development shall be reviewed to determine the essential circulation system improvements to be installed both in terms of the local street system and the areawide improvements identified in the Traffic Analysis Studies prepared by Valley Research and Planning Associates.	PW&P	1, 2, 8	Once per phase	Once per phase		

WASTE WATER DISPOSAL

3.a	All development that occurs within the Specific Plan area must utilize a community sewer system with effluent treated to tertiary level.	PW&P WQCB	1, 2 7	Once per phase OGAP	Once OGAP		
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Responsible Person/Agency

MM = Mitigation Monitor
 PW&P = Public Works & Planning. Dept.
 FCFPD = Fresno Co. Fire Protection Dist.
 FCSD = Fresno Co. Sheriff's Department
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 FCEH = Fresno Co. Environmental Health
 CSA = County Service Area No. 34
 CALTRANS = CA Dept. of Transportation

Responsible Person/Agency, con't

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
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WASTE WATER DISPOSAL, con't

3.b	Initial projects may be much smaller than the 100,000 gpd increment needed for phased construction of the treatment facility. In this case, interim disposal sites may be acceptable if it can be demonstrated that the proposed site has acceptable locational criteria for a package sewage treatment plant. In no case should the County consider use of an interim disposal site if the cumulative flows generated will exceed 100,000 gallons/day after a proposed project is added.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3.c	The wastewater treatment and disposal facilities shall be operated by County Service Area No. 34 in accordance with the State Water Resources Control Board and the California Administrative Code.	PW&P CSA	7	OGAP By CSA	OGAP		
3.d	An effluent monitoring program will be established by the Regional Water Quality Control Board consistent with the Waste Discharge Requirements and State Health Wastewater Reclamation Criteria.	WQCB (CSA)	2, 7	OGAP	OGAP		The Waste Discharge Requirements (Order No. R5-2002-0193) contain a Monitoring and Reporting Program that is acceptable to the Regional Water Quality Control Board.
3.e	Reliability and design requirements for the treatment process shall adhere to established engineering standards for Department of Health criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
3.f	Stormwater drainage shall be routed around the treatment plant and ponding site via improved or unimproved drainage courses.	PW&P	1, 2, 6	Once per phase	Once per phase		

EXHIBIT 9, Page 4

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3.g	The management plan for storing treated effluent consists of two operational modes – wet weather and intermittent storage. Toward the end of the irrigation season (typically September to October) the storage ponds will be emptied to provide maximum capacity for winter storage. Discharge to disposal would occur in the winter only if weather conditions and soil moisture were conducive to effluent disposal. The ponds would also provide intermittent effluent storage between irrigations during the growing season (March to October). Minimum water depths of three feet would be maintained in a pond whenever possible, thus reducing weed growth and potential habitats for breeding of mosquitoes. Effluent may be applied to cropland using normal farming practices. Personnel will be instructed on the character of the effluent and pertinent health and safety precautions	CSA RWCB	7	OGAP	Annual		
3.h	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P FCRD	1, 2, 3	Once per phase	Once		Infrastructure Plan for water, sewer and drainage adopted by Bd. of Supervisors Dec. 2000
3.i	The sewage infrastructure facilities required to serve each phase of development shall be constructed prior to issuance of building permits in the respective development phase area.	PW&P	3	Once per phase	Once per phase		
3.j	To the greatest extent possible reclaimed water shall be reused for irrigation of golf courses and other landscaped areas.	CSA WQCB	7	OGAP	Annual		
3.k	The plan for reuse of reclaimed water and necessary infrastructure for implementation shall be made a part of the infrastructure plan.	PW&P	1, 2	Once	Once		Plan for reclaimed water included in Adopted Infrastructure Plan

EXHIBIT 9, Page 5

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WASTE WATER DISPOSAL, con't

3.1	For disposal to greenbelt areas, appropriate measures should be taken to ensure protection of public health. Typical measures include: a 50 foot setback from adjacent properties, irrigation at night, positive controls to avoid irrigation run-off, and appropriate cross-control requirements with respect to potable water.	WQCB FCEH	2, 7	OGAP	Annual		On October 18, 2002, the Regional Water Quality Control Board issued Waste Discharge Requirements (Order No. R5-2002-0193) for County Service Area No. 34- Millerton New Town. The Order allows the discharge of treated wastewater from the tertiary wastewater treatment plant to the effluent spray fields.
3.m	The wastewater treatment facility(ies) shall comply with the regulations and guidelines governing wastewater treatment and effluent reuse. The plans shall be approved by the Fresno County Public Works & Development Services Department, the Fresno County Department of Health, the California Regional Water Quality Control Board (RWQCB), and the State Department of Health Services (DOHS).	PW&P FCRD FCEH WQCB DOHS	1, 2	Once	Once		
3.n	A tertiary treatment facility shall be constructed in the southwesterly portion of the Specific Plan area in the vicinity of the temporary evaporation pond no.1 for the Brighton Crest development. It shall include subsurface concrete tankage with a building on top to provide odor and noise control, visual attractiveness and security and the perimeter of the entire treatment area shall be landscape based on the elevation drawings and preliminary landscape plans in the "Millerton New Town Plan Area, Wastewater Treatment System Site and Disposal Area, Report Update, October, 1998 by Allied Engineers, Inc.	PW&P WQCB FCEH	1, 2, 3	OGAP during construction	Once		CUP 2979 approved by Fresno Co. PC for construction of tertiary treatment facility and related landscape features
3.o	Areas for use of reclaimed water shall be constructed to allow for landscaping and golf course use, and protection of wetlands.	PW&P CSA	1, 2, 6	OGAP during construction	Once		

EXHIBIT 9, Page 6

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WASTE WATER DISPOSAL, con't

3.p	Effluent shall not be applied to any permanent wetland areas that would result in a surface water discharge which would require a NPDES permit.	PW&P CSA	1, 2, 6	OGAP	Annual		
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COMMUNITY WATER

4.a	The Specific Plan area will be served with a community water system(s). As designed the systems will provide sufficient supplies for domestic, commercial and fire flow requirements.	PW&P FCEH	1, 2	Once per phase OGAP	Once per phase OGAP		
4.b	A domestic water delivery plan, including specifications for pumping and storage will guide planned New Town phasing.	PW&P FCEH	1, 2, 3	Once	Once		
4.c	Agreements between Fresno County and "Millerton Water Users" stipulate conditions which will mitigate water demand and community growth requirements.	PW&P	1, 2, 8	Once	Once		
4.d	Reliability and design requirements for water systems will adhere to established standards of the RWQCB and Department of Health Criteria.	PW&P FCEH	1, 2	Once per phase	Once per phase		
4.e	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water sewer and drainage.	PW&P FCRD	1, 2, 3'	Once	Once		Infrastructure Plan adopted by Bd. of Supervisors December 2000
4.f	Prior to the recordation of a final map or Site Plan Review approval, a finalized agreement shall have been completed whereby the project proponent provides an adequate water supply to CSA No. 34, with the acquisition costs to be borne by the project proponent.	PW&P CSA	1, 2	Once	Once		Water Agreements in place to provide adequate water supply to approved Projects
4.g	Each residential lot shall be required to have two water meters; one meter will serve the residence and the second will serve the landscape irrigation needs.	FCRD PW&P CSA	4	@Occ	Annual		

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COMMUNITY WATER con't.

4.h	Prior to recordation of a final map or site plan review, a tiered rate schedule for the irrigation service shall be adopted by the Governing Board of the County Service Area serving the project. The rate for irrigation services shall be significantly tiered to discourage the over-use of irrigation water. The tiered rate structure shall include procedures indicating when water meters will be read, payment of fees, notification of overuse, criteria for the disconnection of irrigation service due to overuse, an appeal process, and criteria for the recommendation of the water supply for irrigation services.	CSA	2	Once	Once		
4.i	Groundwater shall only be used in the Specific Plan Area for backup or emergency purposes, or for groundwater management.	CSA	2 , 7	OGAP	Annual		
4.j	Water infrastructure facilities necessary to serve the development shall be constructed and operational prior to issuance of building permits.	PW&P FCRD	3	@Occ	Once per phase		Water treatment plant constructed and being operated by CSA-34
4.k	Water conservation, in accordance with approved conservation plans of Fresno County including adoption of pricing policies, best-management practices, education programs, and incentives for conservation, shall be implemented for the Clarksfield Company consistent with the contract with the Deer Creek and Tule River Water Authority. Where possible the developer is to promote reuse of reclaimed water.	PW&P CSA	7	OGAP	Annual		
4.l	Prior to recordation of a Final Tract Map or Site Plan Review, the developer shall provide evidence of adequate water supply to serve that development to include a volume of water to serve as a safety factor over and above the calculated demand.	PW&P CSA	1, 2	Once	Once		

LAW ENFORCEMENT

5.a	The Sheriff's Department should be consulted during site planning and building design to ensure that adequate provisions for police protection and burglary prevention are designed into the project.	FCSD	1	@BP	Once		
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LAW ENFORCEMENT, con't

5.b	Prior to recordation of a final map or site plan review a pro-rata fee shall be established for the cost of a Sheriff's substation in the government center. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the substation.	FCSD PW&P	1, 2	Once	Once		
5.c	Prior to recordation of a final map or approval of a site plan review, 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 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.	FCSD PW&P	1, 2	Once	Once		CFD being established for Sheriff Protection Services

FIRE PROTECTION

6.a	The Specific Plan includes several standards to reduce fire protection impacts: 1. Requirement for two points of access for each development 2. Design of water system with adequate fire flows, fire hydrant, and storage facilities. 3. Fire retardant construction. 4. Fuel modification zones around development. 5. Automatic fire sprinkling systems in commercial developments over 7,500 square feet. 6. A fire station location with an engine within the government center complex.	PW&P	8, 1, 2, 3	Once in each processing phase	Once		
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EXHIBIT 9, Page 9

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6.b	Prior to recordation of a final map or approval of a site plan review, a fee shall be established through the Millerton New Town and Surrounding Area Fire Protection Benefit Assessment District CSA No. 34 for the cost of a new fire station in the Millerton New Town Specific Plan area and initial equipment for the station. Said fee shall be paid prior to issuance of building permits. In establishing said fees provisions should be made for developer agreements wherein a developer might be reimbursed or receive credit for dedication of the land or for construction of the fire station. The fire station and related initial equipment will be provided upon the construction of the 400th unit, unless otherwise agreed to by the Fresno County Fire Protection District, based on the current conditions and need.	PW&P CSA	1 , 2	Once	Once		Fresno County Fire Protection District has established a fee to be subject to covenants being recorded on each Project providing for payment of fee at the time of Building Permit issuance.
6.c	Prior to recordation of a final map or approval of a site plan review, a Benefit Assessment (as defined in Article 3.6, commencing with Section 50078, of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), shall be established by the Board of Directors of the Fresno County Fire Prevention District (FCFPD) to support on-going costs for fire protection services, when it can be shown that the funding will provide a greater level of fire protection service to the affected properties. In addition, the project proponents shall reimburse the FCFPD or pay for any required engineering study or report for establishment of the referenced Benefit Assessment.	PW&P CSA	1 , 2	Once	Once		FCFPD has established Millerton New Town and Surrounding Area Fire Benefit Suppression Assessment District
6.d	All roads should be designed and constructed to accommodate fire-fighting equipment. Roadway design should consider pavement width, turn-around radii on dead-end or cul-de-sac roads, and maximum grades that can be negotiated by fire-fighting equipment.	PW&P FCFPD	2	Once per phase	Once per phase		
6.e	Detailed site planning of the project should be done in consultation with fire protection agencies to ensure that the mitigation measures and any other fire protection measures that may be necessary are incorporated into the overall project. The publication, <u>Fire Safe Guides for Residential Development in California</u> (1980), should be used in project site planning and design.	PW&P FCFPD	1	Once	Once		

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SCHOOLS							
7.a	Designation of a 10 acre elementary school site (to be purchased at fair market value by the appropriate district).	PW&P CUSD SUSD	8	Once	Once		CUSD has acquired 20-acre site within Specific Plan area south of Millerton Road
7.b	The County shall keep the Districts informed on the progress of the project, and especially, on approved time tables for project construction.	PW&P	7	Annual	Annual		
7.c	The developer shall pay adopted school impact fees. If there is a temporary unmet need temporary facilities fees or other fee structures satisfactory to all parties involved may be utilized.	CUSD SUSD	1, 2	Once	Once		
SOLID WASTE MANAGEMENT							
8.a	A community recycling center should be considered in overall project design.	FCRD PW&P	1, 2	Once	Once		
8.b	Solid waste collection areas for multi-family portions of the project should be designed to encourage recycling by providing adequate, well-marked containers for cans, glass and newspapers.	FCRD	1	Once	Once		
8.c	The Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall have an active on-site recycling program which includes the collection and delivery of the recyclables to a recycling facility.	PW&P FCRD	1	Annual	Annual		
PARKS AND RECREATION							
9.	Additional facilities for improved open space should be planned north of Millerton Road both east and west of Winchell Cove Road (Marina Drive).	PW&P	8	Once	Once		
ELECTRICAL AND TELEPHONE SERVICES							
10.	Upon plan approval, proceedings should begin for placing the entire Specific Plan area within the service district of Pacific Bell as a logical extension of urban telephone service from the FCMA.	PW&P	1, 2	Once per phase	Once per phase		

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VISUAL QUALITY

11.	The degree of impact on the visual environment will be softened somewhat by standards within the Specific Plan, including: 1 Building sites located below or beside ridgelines, rather than on top, to preserve vistas. 2 Provisions calling for submittal of landscaping plans to the County for all planned developments or commercial site plans. 3 Establishment of a design review committee to make recommendations to the County on architectural style, building materials, lighting, fencing and signs. 4 Grading and erosion control requirements. 5 Scenic roadways along Millerton Road and Winchell Cover Road (Marina Drive). 6 Park development including White Fox Parkway.	PW&P	1, 2, 8	Once per processing phase	Once per processing phase		
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HISTORIC/CULTURAL RESOURCES

12.a	Archeological resources occurring Allocation Area E are potentially significant. Final design of the tentative tract map or other mapping should incorporate these features into the open space system. If such design is not possible, detailed investigation to determine significance shall be required prior to development entitlement and appropriate mitigation measures instituted.	PW&P	1, 2, 8	Once	Once		
12.b	Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, Archeological Sites No. CA-FRE-2184 and CA-FRE-2185 shall be placed in open space easements. The legal description of the boundaries of these sites shall be based on the staking done by Donald G. Wren, Consulting Archeologist, as described in his report, "ARCHEOLOGICAL MITIGATION OF CULTURAL RESOURCES NEAR MILLERTON, CALIFORNIA", dated May 1997.	PW&P	1, 2	Once	Once		

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Mitigation Phase Key

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 7 - Other
 8 - SP/CUP/TM
 n/a - Not Applicable

Frequency

Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

HISTORIC/CULTURAL RESOURCES, con't

12.c	In the event cultural resources are unearthed during grading or construction all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Heritage Commission within 24 hours. This requirement shall be shown on the Waiver Certificate and on all approved parcel maps associated with the project site.	PW&P	5, 6	CDC	Once		
12.d	An Open Space Easement Indenture Agreement shall be executed between the County and the property owner to protect the two significant archaeological resources identified as P-10-002183 and P-10-002188 in the archaeological survey entitled, Twins Hills Project, A Resurvey of 160 Acres Fresno County, California prepared by Donald G. Wren, consulting Archaeologist, dated October 2002. This requirement shall be shown on all final maps associated with the project site.	PW&P	1, 2	Once	Once		

GEOLOGY AND SOILS

13.a	No disturbance on cut and fills on slopes over 30 percent shall be allowed without a geotechnical analysis.	PW&P	1, 2, 3	Once per phase	Once per phase		
13.b	Shallow (less than 2 feet) road cuts should be designed with slopes of 1:1.	PW&P	1, 2	Once per phase	Once per phase		
13.c	Fill slopes should be no steeper than 2:1.	PW&P	1, 2	Once per phase	Once per phase		
13.d	Road cuts greater then 6 feet should be designed with slopes of 2:1 and permanently stabilized.	PW&P	1, 2	Once per phase	Once per phase		
13.e	Implement the California Uniform Code for Seismic Zone 3.	PW&P	3	@BP	Once per phase		
13.f	Attention shall be given at time of construction to building pads and driveways in order to lessen erosion or similar problems.	PW&P	3	CDP	Annual		

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GEOLOGY AND SOILS, con't.

13.g	A detailed erosion and drainage control program shall be developed for the project to control erosion, siltation, sedimentation, and drainage. The control program shall: <ul style="list-style-type: none"> a. Provide drainage reports for each phase of development showing all tributary areas and information pertinent to erosion and grading control. b. Maintain and protect all natural streams and drainage corridors from development encroachment. Where possible, sites should be graded to provide for sheet flow rather than channeling the runoff. Where channeling is necessary, protection should be provided in the form of planting or rip-rap. Landscaping, walls, and other improvement should be placed so as to prevent blocking of natural drainage. c. Minimize disturbance or removal of existing vegetation, including trees, shrubs, and grasses, or other ground cover. d. Provide engineering plans with each phase of development demonstrating treatment and type of planting by area, for each soil type and slope required to stabilize cut and fill slopes. e. Maintain temporary erosion controls during construction. Improvement plans shall include a plan and implementation schedule of measures for the prevention and control of erosion, siltation and dust, until erosion control plantings become established. 	PW&P	1, 2, 5	CDC	N/A		
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HYDROLOGY

14.a	The increase in imported water will stimulate riparian vegetation which if not managed properly will reduce the capacity of existing drainways and the White Fox Parkway. Proper drainage management should be provided by a County Service Area.	CSA	7	OGAP	Annual		
14.b	Groundwater shall only be used for backup or emergency purposes, or for groundwater management.	CSA	7	OGAP	Annual		

DRAINAGE AND FLOODING

15.a	Natural drainage courses shall be preserved through density allocation and dedication of drainage easements.	PW&P	1, 2, 8	Once per phase	Once per phase		
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EXHIBIT 9, Page 14

**Millerton Specific Plan
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DRAINAGE AND FLOODING, con't

15.b	No final map, improvement plans associated with a final map, site plan, or building permit shall be issued unless the County has adopted the Infrastructure Plan for water, sewer and drainage.	PW&P	1, 2, 3	Once	Once		Infrastructure Plan adopted December 2000
15.c	Implementation of drainage control practices should be implemented so that incremental development completes component parts of a "master sub-basin drainage plan".	PW&P	2, 5	CDC	Once		
15.d	The County Service Area should implement the drainage plan, maintain drainage easements and facilities.	CSA	7	OGAP	Annual		

VEGETATION AND WILDLIFE

16.a	Existing healthy oaks shall be preserved through setbacks and use restrictions within the drip line.	PW&P	1,2,3,5,6	CDC	OGAP		
16.b	Habitat will be enhanced through development of parkways and other urban landscape area.	PW&P	8	Once	N/A		
16.c	Select vegetation species for erosion control, aesthetic value and habitat improvement for parks, school areas, and scenic corridor.	PW&P CUSC	1, 2, 3	Once	Once		
16.d	"No shooting" and "leash law" districts shall be established for the Millerton community in keeping with existing Fresno County policy in these areas. Prior to recordation of a final map or approval of a site plan review a funding mechanism shall be established to pay for the cost of the associated services.	PW&P	1, 2	Once	Once		
16.e	The Landscape Plan for the Inn and Conference Center proposed under Conditional Use Permit No. 2865 shall include the substantial use of native plant species.	PW&P	1	Once	Once		

EXHIBIT 9, Page 15

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**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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16.f	<p>Prior to recordation of a Final Tract Map or Site Plan Review approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the Project Proponent and approved by the County through consultation with the California Department of Fish & Game for all lands either containing delineated wetlands or adjacent to delineated wetlands as defined by the U. S. Army Corps of Engineers. The Wetland and Open Space Mitigation and Management Plan shall provide for on-site preservation, off-site preservation, or a combination of the two to ensure a no-net loss of wetland acreage or function, and shall restore native upland vegetation to non-wetland habitats in new open space areas adjacent to wetland habitat. It shall contain provision for the restoration or preservation activities for subject areas within the Plan Area with the short-term provision as agreed to by the California Department of Fish and Game, and also have a long-term Management and Monitoring Program. After the mitigation monitoring has been completed, the Wetland and Open Space Mitigation and Management Plan shall address long-term management issues of the recreational open space. Where required, the Wetland and Open Space Mitigation and Management Plan shall be submitted to the U.S. Army Corps of Engineers for review. Funds for the Wetland Management and Monitoring Plan shall be part of the CSA No. 34 budget. A Monitoring Program shall be approved that provides for the following:</p> <ol style="list-style-type: none"> 1 Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species. 2 Address long-term management issues of the recreational open space after mitigation monitoring has been completed. 3 Where required, submit the mitigation and management plan to the U.S. Army Corps of Engineers for review and approval. 4 Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget. 5 A Monitoring Program shall be approved that provides for the following: <ul style="list-style-type: none"> - Measurable mitigation objectives. - Measures which will result in the objectives being met. - Monitoring protocol for measuring the success of the plan which identifies: <ul style="list-style-type: none"> - When the monitoring shall occur - Survey method to be used. - Reporting requirements. 	<p>PW&P F&G NRCS CSA</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>	1, 2	Annual	Annual		
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<u>Responsible Person/Agency</u>	<u>Responsible Person/Agency, con't</u>	<u>Mitigation Phase Key</u>	<u>Frequency</u>
MM = Mitigation Monitor	WQCB = CA Regional Water Qual. Control Bd.	1 - Site Plan Review	Once - One time during specified mitigation Phase
PW&P = Public Works & Planning. Dept.	APCD = San Joaquin Valley Unified Air Pollution Contrl. Dist.	2 - Prior to Recording Final Map	Annual - Annually
FCFPD = Fresno Co. Fire Protection Dist.	CUSD = Clovis Unified School District	3 - Prior to Issuance of Bldg. Permit	OGAP - Ongoing & periodic dep. on mitigation
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FCEH = Fresno Co. Environmental Health	F&G = Calif. State Dept. of Fish & Game	6 - During Construction	@Occ - At occupancy
CSA = County Service Area No. 34	FCRD = Fresno Co. Resource Div., DPW&P	7 - Other	
CALTRANS = CA Dept. of Transportation	DOHS = CA Dept. of Health Services	8 - SP/CUP/TM	
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EXHIBIT 9, Page 16

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

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				Monitoring	Reporting	Date Repts. Rec'd	Notes
VEGETATION AND WILDLIFE, con't							
16f con't	6 The ongoing funding source shall be confirmed for the implementation of the Wetland and Open Space Mitigation and Management Plan.						
16.g	The project proponent shall participate in the formation of a Open Space and Natural Resource Plan (OSNRP) for the Millerton, Dry Creek, and Sierra Foothill areas. The OSNRP will provide protection of sensitive resources by establishing key habitat areas, open and continuous wildlife corridors, ridgetop and view protection, native plant landscapes, and lighting restrictions on hilltops to mitigate glare.	F&G	7	Once	Once		OSNRP has been formed
16.h	The project proponent shall pay a one-time fair share of the mitigation fees established by the OSNRP consistent with other projects within the OSNRP area, taking into account previous development commitments recognized in the Millerton Specific Plan adopted in 1984 and amended in 1999 and 2004, and the project conditions of approval that already include open space set-aside and other protection measures. The OSNRP mitigation fees consist of \$175 per residence and \$.10 per square foot of commercial space payable to Sierra Foothill Conservancy at the time of issuance of Building Permit with provision for future adjustment of these fees based upon the Engineering News Record Index.	F&G	1, 2, 3	TO BE DETERMINED BASED ON PLAN			Mitigation Fees have been adopted by the OSNRP for both residential and commercial projects

EXHIBIT 9, Page 17

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VEGETATION AND WILDLIFE, con't

16.i Added 2-3-00 TT 4870	<p>Prior to recordation of a Final Tract Map or Site Plan Review (SPR) approval, a Wetland and Open Space Mitigation and Management Plan and a Monitoring Program shall be developed by the project proponent and approved by the County through consultation with the California Department of Fish & Game for those lands identified in Figure No. 3 of the Mitigation Plan, Westcal Project Site, Fresno County by Hartesveldt Ecological Consulting Services dated December 22, 1998. The Wetland and Open Space Mitigation and Management Plan shall be developed as outlined in the Hartesveldt Plan and at a minimum:</p> <p>a. Ensure no-net loss of wetland acreage or function. The plan shall provide for on-site preservation, off-site preservation, or a combination thereof.</p> <p>b. Preserve and enhance approximately 4.3 acres of emergent marsh/freshwater seep in an open space corridor along White Fox Creek and its principle tributary.</p> <p>c. Create approximately 3.9 acres of emergent marsh/freshwater seep from upland habitats adjacent to White Fox Creek.</p> <p>d. Preserve and enhance approximately 0.3 acres of vernal pools providing habitat suitable for a suite of plants and animals (including species of special status) endemic to them.</p> <p>e. Create two vernal pools that together will be approximately 0.01 acres in size.</p> <p>f. Establish native riparian vegetation (i.e., valley oaks, willows, and cottonwoods) along the margins of White Fox Creek and adjacent wetlands.</p> <p>g. Restore native upland vegetation to non-wetland habitats by means of managed grazing and re-introduction of native grass species.</p> <p>h. Address long-term management issues of the recreational open space after mitigation monitoring has been completed.</p> <p>i. The plan shall be submitted to the U.S. Army Corps of Engineers for review .</p> <p>j. Funds for the Open Space Management Plan shall be part of the CSA No. 34 budget.</p> <p>Con't next page.</p>	<p>P & RM F & G NRCS</p> <p>REQUIRES DEVELOPMENT OF A PLAN.</p>	1, 2	Annual	Annual		<p>Revised Wetland Open Space Mitigation and Management Plan and Monitoring Program has been revised and submitted to Department of Fish and Game for review and approval</p>
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EXHIBIT 9, Page 18

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VEGETATION AND WILDLIFE, con't

16.i con't.	<p>k. The Monitoring Program shall at a minimum include:</p> <ul style="list-style-type: none"> - Measurable mitigation objectives. - Measures which will result in objectives being met. - A monitoring protocol by which the success of the plan can be measured that identifies: <ul style="list-style-type: none"> - When monitoring will occur - Survey methods - Reporting requirements <p>i. Confirmation of a funding source for plan implementation.</p>						
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CLIMATE AND AIR QUALITY

17.a	The Specific Plan provides for pedestrian and bicycle pathways and bike lanes through the project which link residential areas to shopping and schools to reduce vehicular trips and associated air pollution emissions. To encourage the use of bicycles, commercial, recreational and school areas should be equipped with secure bike parking facilities. The bicycle circulation system should be linked to the Metropolitan Bikeways System and Fresno County Recreation Trail System.	PW&P	1, 2, 8	Once per phase	Once per phase		
17.b	A centralized location for a park and ride lot is established in the project within the central commercial area.	PW&P	1, 8	Once	Once		
17.c	To reduce particulate emissions during construction water spray or other dust palliatives should be used. This is particularly important adjacent to developed areas to avoid potential nuisance problems.	PW&P APCO	5, 6	CDC	N/A		
17.d	Installation of emission reduction catalyst devices on all fireplace flues is recommended; they are effective in reducing carbon monoxide and particulate emissions.	APCD PW&P	3	@BP	N/A		
17.e	Express bus service should be provided for commuters going to the FCMA.	FCRTA	7	Annual	N/A		
17.f	Any gas-fired appliances shall be low nitrogen oxide (Nox) emitting gas-fired appliances complying with California Nox Emission Rule # 1121.	PW&P	4	@ OCC	Annual		
17.g	All sidewalks and pedestrian paths shall be lined with trees that will develop a full canopy and provide shade during hot summer months.	PW&P	1, 2	Once	Once		

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EXHIBIT 9, Page 19

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CLIMATE AND AIR QUALITY, con't

17.h	The San Joaquin Valley Unified Air Pollution Control District's Rule No. 4901- Residential Wood Burning, adopted July 15, 1993 to limit emissions of carbon monoxide and PM-10 from residential wood burning shall be applicable to this project.	APCD PW&P	3 , 4	@BP	@BP		
17.i	Bicycle parking facilities shall be installed for employees and guest/visitors at the Inn, Conference Center, and Retail Site B.	PW&P	1 , 4	@BP	@BP		
17.j	Direct pedestrian access from existing or potential public transit stops and the sidewalk to the main entrances of the Inn, Conference Center, and Retail Site B shall be provided. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.	PW&P	1 , 4	@BP	@BP		
17.k	If fireplaces are used for the Inn or Conference Center, natural gas fireplaces <u>or</u> EPA certified wood burning inserts/stoves shall be installed (as opposed to conventional open-hearth fireplaces).	PW&P APCD	1 , 4	@BP	@BP		

EXHIBIT 9, Page 20

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CLIMATE AND AIR QUALITY, con't

17.I	<p>The following measures shall be implemented in Allocation Area H, the 160 acre Southeastern Expansion Area.</p> <ol style="list-style-type: none"> No wood-burning fireplaces, wood stoves, or chimneys shall be allowed within the Twin Hills Project Amendment Area. Natural gas, propane, electrical, or other EPA certified gas fireplaces or stoves shall be installed as opposed to conventional open-hearth wood-burning fireplaces. The Neighborhood Commercial Center shall provide space available for lease for development of a telecommunicating center for employment purposes. A park-and-ride facility shall be included in the Neighborhood Commercial Center. All homes shall be wired for telecommuting, computers, and electronic meter reading; and have outdoor electrical and propane hookups. A transit stop shall be located within the site, the location of which is to be coordinated with the regional transit provider. The Project design shall provide for pedestrian and bike facilities such as sidewalks or paths, street trees to shade walkways, bikeways/paths connecting to a bikeway system in accordance with the Millerton Specific Plan Circulation Element and bicycle parking. The Project shall be subject to Air Quality Mitigation Measures, both during Project construction and thereafter, as described in the Air Quality Impact Assessment for the Millerton Specific Plan dated December 11, 2003. The 207 residential units in Allocation Area H shall pay at time of Building Permit a one-time Air Quality Impact fee of \$500 per residence to Fresno County or as directed by Fresno County. This fee is not in lieu of any Indirect Source Fee adopted by the San Joaquin Valley Air Pollution Control District, but may be allowed as a credit toward such fee. All other conditions related to air quality currently found in the Millerton Specific Plan and Fresno County General Plan shall be applicable to the Twin Hills Project. 	PW&P APCD	1, 2, 3	OGAP	Annual		
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EXHIBIT 9, Page 21

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 CUSD = Clovis Unified School District
 SUSD = Sierra Unified School District
 NRCS = Natural Resource Conserv. Serv., USDA
 F&G = Calif. State Dept. of Fish & Game
 FCRD = Fresno Co. Resource Div., DPW&P
 DOHS = CA Dept. of Health Services

Mitigation Phase Key

1 - Site Plan Review
 2 - Prior to Recording Final Map
 3 - Prior to Issuance of Bldg. Permit
 4 - Prior to Occupancy
 5 - During Grading Activity
 6 - During Construction
 7 - Other
 8 - SP/CUP/TM
 n/a - Not Applicable

Frequency

Once - One time during specified mitigation Phase
 Annual - Annually
 OGAP - Ongoing & periodic dep. on mitigation
 @BP - At each bldg. permit
 CDC - Continuous during construction
 @Occ - At occupancy

**Millerton Specific Plan
Mitigation Measures and Monitoring Program Matrix**

Mit. Meas. #	Mitigation Measures	Responsible Person/ Agency	Mitigation Phase	Frequency of:		Verification & Implementation	
				Monitoring	Reporting	Date Repts. Rec'd	Notes

CLIMATE AND AIR QUALITY, con't

17.m	Each project will complete an Air Quality Impact Assessment under the guidelines of the San Joaquin Valley Air Pollution Control District and include in the Project Conditions, Air Quality Mitigation Measures, both during Project construction and thereafter, including any Indirect Source Fee as may be adopted and required by the San Joaquin Valley Air Pollution Control District or the County of Fresno. Project Proponents shall work with representatives of Fresno County and the San Joaquin Valley Air Pollution Control District to encourage any Indirect Source Fees imposed to be used within the Project and surrounding area to reduce emissions.	APCD PW&P	1, 2	Once	Once		
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ENERGY RESOURCES

18.a	The Specific Plan contains standards to reduce energy consumption including: 1. Public building design requirements; 2. Solar access provisions; 3. Parking lot shading; 4. Requirement for project level energy efficiency and evaluation; 5. Provisions for mixed land use and compact form; 6. A bikeways and pedestrian trail plan; 7. Proposal for a community recycling center; 8. Water conservation programs; 9. Requirement for bus, car, and van pooling facilities within the community core.	PW&P	1, 2, 8	Once per phase	Once per phase		
18.b	The designers, architects, and engineers for individual projects should select an optimum combination of energy conservation measures for inclusion in design. General types of measures that should be considered include building orientation, windows, insulation and weatherization, space heating and cooling, appliances, lighting and landscaping.	PW&P	1, 3	@BP	N/A		

EXHIBIT 9, Page 22

Responsible Person/Agency

MM = Mitigation Monitor
PW&P = Public Works & Planning. Dept.
FCFPD = Fresno Co. Fire Protection Dist.
FCSD = Fresno Co. Sheriff's Department
LAFCo = Local Agency Formation Comm.
FCEH = Fresno Co. Environmental Health
CSA = County Service Area No. 34
CALTRANS = CA Dept. of Transportation

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NOISE

19.a	Adjacent to Millerton Road, shielding should be incorporated into the specific design of buildings in the form of noise barriers (walls, berms, etc.) to protect outdoor activity areas. For multi-family dwellings to be located wholly or partially within the L _{dn} 60 dBA contour, interior noise levels may be mitigated by requiring an acoustical analysis in accordance with Title 25 of the California Administrative Code (Noise Insulation Standards) to ensure that proposed building facades will attenuate levels to L _{dn} 45 dBA or below.	PW&P	1, 2, 3	Once per phase	Once per phase		
19.b	Noise levels from commercial uses may be mitigated by requiring that delivery areas, loading docks, and refuse storage areas be located so that they are effectively shielded from adjacent sensitive uses. Air conditioning/ventilation equipment should be located on the roofs of commercial buildings or in such a way that equipment is effectively shielded. Parking lot noise may be mitigated by requiring masonry walls or other suitable barriers with an effective height of at least six feet between commercial and noise-sensitive uses.	PW&P	1, 3	@BP	Once per phase		
19.c	Construction noise impacts may be minimized by restricting hours of operation to between 6 a.m. and 9 p.m. on weekdays and 7 a.m. and 5 p.m. on Saturday and Sunday (Fresno County Noise Ordinance).	FCEH	5, 6	CDC	N/A		
19.d	Each commercial development shall be conditioned to require that under Site Plan Review there shall be verification that the development and use of the property will be in compliance with the County Noise Ordinance. Conditions of the SPR may include but are not limited to design features and operational controls.	FCEH	1	Once	Once		

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April 20, 1999

Rev. February 3, 2000

Adopted December 7, 2004

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