

CARMELITA PROJECT

LAND USE AND PLANNING

ENVIRONMENTAL ASSESSMENT



JULY | 2010

Lead Agency

Fresno County, Public Works and Planning

Operator

Carmelita Resources, LLC

Applicant

Colony Land Company, L.P.

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LAND USE AND PLANNING ENVIRONMENTAL ASSESSMENT

In addition to evaluating project-specific impacts such as noise and traffic, CEQA requires that projects be reviewed for consistency with applicable local land use policies and regulations. The purpose of this Land Use and Planning Environmental Assessment is to evaluate the Project for consistency with adopted land use plans, policies, and regulations, and to evaluate Project compatibility with existing and reasonably foreseeable surrounding uses.

1.0 METHODOLOGY AND TERMINOLOGY

The Environmental Assessment was developed through review of County land use documents, including the County General Plan, regional plans, and zoning ordinance. In addition, aerial photographs and site visits were conducted to identify existing land uses on-site and in the surrounding area. This information was use to assess the Project's impact on existing and surrounding land uses, surrounding communities, and consistency with existing land use goals and policies.

2.0 EXISTING CONDITIONS

2.1 Regional Setting

The regional character of the County is distinguished by three general regions: Sierra Nevada Mountains and foothills (east), San Joaquin Valley, and Coast Ranges (west). According to the Fresno County General Plan Background Report, the County has a

relatively high amount of rural residential land with approximately 6,300 dwelling units (Fresno County 2000a). Commercial and industrial land uses in the unincorporated parts of the County are concentrated along the I-5 and SR 99, and near the incorporated cities of Fresno, Clovis, and Sanger (Fresno County 2000a). Industrial land uses also exist throughout agricultural land between the Sierra Foothills and I-5. Table 1, Summary of Existing Land Use by Generalized Land Use Categories, summarizes the land uses of the County.

TABLE 1
SUMMARY OF EXISTING LAND USE BY GENERALIZED LAND USE CATEGORIES

Generalized Land Use Category	Square Miles	Percent
Residential	152	2.56%
Commercial	7	0.12%
Industrial	11	0.19%
Agriculture	2,911	49.03%
Resource Conservation (including national forests and parks, timber preserves)	2,691	45.32%
Unclassified (includes streets and highways, rivers, etc.)	11	0.19%
Incorporated Cities	154	2.59%
TOTAL	5,937	100.00%

Source: Fresno County 2000a.

The Project site sits at the base of the Sierra Nevada foothills in the eastern region of the County. The existing visual character of the eastern region of the County is characterized by agricultural uses and habitat associated with the Kings River and the backdrop of the Sierra Nevada mountain range. Urbanization in the eastern region of the County is limited to residential, primarily associated with the towns of Sanger and Reedley, rural farming community (single-story residential buildings and farming structures), and limited commercial. Agriculture and grazing land occupy much of the surrounding region and dominates the visual landscape in this region of the County.

2.2 Local Setting

2.2.1 Property Ownership and Current Land Use

The Project site is a part of a larger farming operation and consists of lands previously disturbed through farming and related activities for over the past 30 years. Currently, peaches, plums, and nectarines are grown and packed on the Project site. In addition to

stone fruit orchards, the site includes a packing plant, truck yard and shop, truck loading areas, ranch office, and storage yards. Additionally, there are private roads, county rights-of-way, irrigation systems, agricultural wells, and some utilities. No natural watercourses run through the property nor is the property located in an area prone to flooding. The Project is bordered by Byrd Slough immediately to the west; Reed Avenue is the eastern property boundary, and Annadale and Central Avenues form the northern and southern boundaries, respectively. Figure 1, Site and Surrounding Land Uses, and Figure 2 through Figure 4, Existing Conditions Photographs, and Figure 5, Agricultural Properties Maintenance Rock Plant Area Photographs provides a depiction of the Project site and its current land uses.

Project General Plan and Zoning Designations

The Project site has a Fresno County general plan designation of Agriculture. The following General Plan policy, from Section A of the Agriculture and Land Use Element, is relevant to the proposed Project:

- Policy LU-A.4:** The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element. (See Section OS-G.)

According to the Open Space and Conservation Element (Section C – Mineral Resources), Fresno County has been a leading producer of minerals because of the abundance and wide variety of mineral resources present in the county. Aggregate and petroleum are the county’s most significant extractive resources and play an important role in maintaining the overall economy (Fresno County 2000b). Additionally, policies in this section intend to preserve the future availability of the County’s mineral resources and seek to promote the orderly extraction of mineral resources while minimizing the impact of these activities on surrounding land uses and the natural environment. The following policies from Section C of the Open Space and Conservation Element are relevant to the proposed Project:

- Policy OS-C.2:** The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in Fresno County General Plan Background Report.)
- Policy OS-C.3:** The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.
- Policy OS-C.4:** The County shall impose conditions as necessary to minimize or eliminate the potential adverse impact of mining operations on surrounding properties.

- Policy OS-C.5:** The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.
- Policy OS-C.6:** The County shall accept California Land Conservation (Williamson Act) contracts on land identified by the State as containing significant mineral deposits subject to the use and acreage limitations established by the County.
- Policy OS-C.9:** The County shall require that any proposed changes in land use within areas designated MRZ-2 along the San Joaquin and Kings Rivers comply with the provisions of the State Surface Mining and Reclamation Act (SMARA).
- Policy OS-C.10:** The County shall not permit land uses that threaten the future availability of mineral resource or preclude future extraction of those resources.

The Project site's zoning designation is AL-20 (Limited Agriculture, 20-acre minimum lot size). The AL district is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with other less intensive agricultural operations. According to Section 817 of the County of Fresno Zoning Ordinance, the AL district is accompanied by an acreage designation to establish the minimum-size lot.

Section 858 of the Zoning Ordinance sets forth regulations for conducting surface mining and reclamation in a manner consistent with California Surface Mining and Reclamation Act of 1975 (Public Resources Code §2710 *et seq.*), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) §2207 (relating to annual reporting requirements), and State Mining and Geology Board (SMGB) Regulations (hereinafter referred to as "State Regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, §3500 *et seq.*).

According to the Zoning Ordinance, surface mining operations, including "sand and gravel separation plants" and "rock, sand, and gravel trucking operations" are uses permitted by a Conditional Use Permit (CUP) from the County and subject to regulations contained in Sections 858 and 873 (including the public hearing required under Section 873) of the Zoning Ordinance (Fresno County 2000a).

Surrounding Land Uses

The area directly to the north of the Project (north of Annadale) is a part of the same farm and is currently planted in stone fruit orchards. The area to the south of the Project is partially the same farming operation with three residences on the north side of Central and three residences on the south side of Central. Reed Avenue lies to the east of the Project, where the farming operation continues to the northeast. The Cella

Winery operates directly east and southeast. The Project is bordered by the Byrd Slough on the west (see Figure 1).

3.0 REGULATORY SETTING

3.1 Fresno County General Plan

The Fresno County General Plan is a comprehensive, long-term framework for the protection of the County's agricultural, natural, and cultural resources and for development in the County. Designed to meet State general plan requirements, it outlines policies, standards, and programs and sets out plan proposals to guide day-to-day decisions concerning the County's future. The General Plan establishes broad goals, policies and thresholds of significance for specific elements that guide countywide development. These elements are:

- Land Use Element designates the general distribution and intensity of all uses of the land in the community. This includes residential uses, commercial uses, industrial uses, public facilities, and open space, among others.
- Circulation Element identifies the general location and extent of existing and proposed major transportation facilities, including major roadways, rail and transit, and airports.
- Housing Element assesses current and projected housing needs and sets out policies and proposals for the improvement of housing and the provision of adequate sites for housing to meet the needs of all economic segments of the community.
- Conservation Element addresses the conservation, development, and use of natural resources including water, forests, soils, rivers, and mineral deposits.
- Open Space Element details plans and measures for preserving open space for: protection of natural resources such as wildlife habitat; the managed production of resources such as agricultural and timber land; outdoor recreation such as parks, trails, and scenic vistas; and public health and safety such as areas subject to geologic hazards, flooding, and fires.
- Noise Element identifies and appraises noise problems and includes policies to protect the community from excessive noise.
- Safety Element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildlife hazards.

A consistency analysis of the Project with applicable County General Plan goals and Policy's, the Sierra South Regional Plan, and the County Zoning Ordinance is provided in Impact LAND-2, below.

3.2 County of Fresno Zoning Ordinance (Division VI of Part VII of Ordinance Code of the County of Fresno)

The County's Zoning Ordinance is the primary implementation tool of the General Plan. The purpose of the Zoning Ordinance is to classify and regulate the highest and best use of land, buildings, and structures located in the unincorporated area of the County in a manner consistent with the County General Plan. The Zoning Ordinance sets forth the detailed standards and procedures for development consistent with the goals, policies, and objectives of the General Plan.

4.0 THRESHOLDS OF SIGNIFICANCE

The criteria used to determine the significance of impacts on land use are based on Appendix G of the CEQA Guidelines and a compilation of local guidelines. The Project would result in a significant impact if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with any applicable habitat conservation plan or natural community conservation plan; or
- Be incompatible with the surrounding land use.

5.0 ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND SIGNIFICANCE DETERMINATIONS

Impact LAND-1: Divide of an Established Community

The two closest established communities to the Project site are Reedley, approximately 6 miles to the south, and Sanger, approximately 5 miles to the west. The Project would not remove any homes, nor divide an established community through development of new roads or infrastructure. This impact is considered less than significant.

Level of Significance Before Mitigation: Less than Significant

Mitigation Measures: None Required

Impact LAND-2: Land Use Plan Consistency

County plans and policies and their consistency with the Project are included in Table 2, Project Consistency with General Plan Goals and Policies.

**TABLE 2
PROJECT CONSISTENCY WITH GENERAL PLAN GOALS AND POLICIES**

Policy	Consistency Analysis
AGRICULTURAL RESOURCES/LAND USE	
Fresno County General Plan Agriculture and Land Use Element	
<p>LU-A.1: The County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.</p>	<p>Although the Project results in the removal of 857 acres of prime, statewide importance, local, and unique farmlands and requires non-renewal of Williamson Act contracts, the impacts to Agricultural Resources have been reduced to the extent feasible through Project design, Applicant-initiated agricultural land management, and with the implementation of Mitigation Measure AG-1, which is provided in the Agricultural Resources Environmental Assessment.</p>
<p>LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <ul style="list-style-type: none"> a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; 	<p>Table LU-3, Typical Uses Allowed in Areas Designated Agriculture, in the Fresno County General Plan considers mineral extraction an allowed use pursuant to the policies in the Mineral Resources section of Open Space and Conservation Element.</p>

Policy	Consistency Analysis
<ul style="list-style-type: none"> c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; d. A probable workforce should be located nearby or be readily available; e. For proposed agricultural commercial center uses the following additional criteria shall apply: <ul style="list-style-type: none"> 1. Commercial uses should be clustered in centers instead of single uses. 2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community. 3. New commercial uses should be located within or adjacent to existing centers. 4. Sites should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences; f. For proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; and g. For proposed churches and schools, the evaluation under criteria LU-A.3a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community. When approving a discretionary permit for an existing 	

Policy	Consistency Analysis
<p>commercial use, the criteria listed above shall apply except for LU-A.3b, e2, e4, and e5.</p>	
<p>LU-A.4: The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element.</p>	<p>Mining is a permitted use on the parcels of the Project, subject to approval of a CUP. The conditions of use would include the implementation of the mitigation measures presented in the various sections of this Environmental Assessment (e.g., Noise, Cultural Resources, and Biology) as well as the Reclamation Plan to reclaim the mining site and processing area. With the approval of the CUP and implementation of mitigation measures, Reclamation Plan, and other conditions, the Project would be consistent with this policy.</p>
<p>LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>County land use policy permits mining activities on the Project site, subject to the conditions established in a CUP. Therefore, with the approval of the CUP, the Project's mining would be consistent with this policy. Therefore the Project is consistent with this policy.</p>
<p>LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The Project site plan includes setbacks and/or screening buffers from the surrounding roadways and other sensitive receptors.</p>
<p>LU-A.14: The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required when appropriate.</p>	<p>As part of the preparation of this environmental impact assessment, the Agricultural Resources Environmental Assessment examined the potential impacts to agricultural resources. The Agricultural Resources Environmental Assessment concludes that incorporation of Project design, Applicant-initiated agricultural land management and Mitigation Measure AG-1 reduces impacts to agricultural resources to the extent feasible.</p>
<p>LU-A.17: The County shall accept California Land Conservation contracts on all designated agricultural land subject to location, acreage, and use limitations established by the County.</p>	<p>The Project site contains parcels that have existing Williamson Act contracts, contracts that are in the process of non-renewal; and parcels with no Williamson Act contract. Because mining operations will begin on parcels not currently subject to a Williamson Act contract, and is phased so that mining operations will not start in new mining areas until a Williamson Act contract, or portion thereof, has expired, this</p>

Policy	Consistency Analysis
	impact was found less than significant (see Impact AG-2 in the Agricultural Resources Environmental Assessment.
Fresno County General Plan <i>Open Space and Conservation Element</i>	
OS-C.1: The County shall not permit incompatible land uses within the impact area of existing or potential surface mining areas.	The area of the Project is identified as Agricultural. Mining is an approved use subject to the issuance of a CUP. The Project’s development of a mining operation would not be an incompatible use within the impact area of the potential mining area.
Policy OS-C.2: The County shall not permit land uses incompatible with mineral resource recovery within areas designated as Mineral Resource Zone 2 (MRZ-2). (See Figures 7-9, 7-10, and 7-11 in Fresno County General Plan Background Report.)	This Project includes the removal, processing, off-site transport of an identified high quality mineral resource. The Project’s development of a mining operation involves mineral resource recovery, and is therefore compatible with the MRZ-2 zone.
OS-C.3: The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.	The Project is subject to this County policy. As part of the Project application, the Applicant has prepared a Reclamation Plan (Plan) according to the requirements of SMARA. The Plan and its implementation will be included in the conditions of approval for the Project. The reclamation plan requires that once a specific phase has been completed, that phase will be reclaimed concurrently with the mining of the next phase. Reclamation would return the site to open water and agriculture. Therefore the Project is consistent with this policy.
OS-C.4: The County shall impose conditions as necessary to minimize or eliminate the potential adverse impact of mining operations on surrounding properties.	Based on the analysis presented in this Assessment, mitigation measures have been established for the following issue areas: Aesthetic/Visual Resources, Agricultural Resources, Air Quality, Biology, Cultural Resources, Geology and Soils, Hazardous Materials, and Traffic. These measures will minimize and/or eliminate potential adverse impact of the Project on surrounding properties.
Policy OS-C.5: The County shall require reclamation of all surface mines consistent with SMARA and the County’s implementing ordinance.	A Reclamation Plan has been prepared consistent with SMARA and the County’s implementing ordinance. This Plan is included in the Application Package.
OS-C.6: The County shall accept California Land Conservation (Williamson Act) contracts on land identified by the State as containing significant mineral deposits subject to the use and acreage limitations established by the County.	The Project site contains parcels that have existing Williamson Act contracts, contracts that are in the process of non-renewal; and parcels with no Williamson Act contract. Because mining operations will begin on parcels not currently subject to a Williamson Act contract,

Policy	Consistency Analysis
	and is phased so that mining operations will not start in new mining areas until a Williamson Act contract has expired, this impact was found less than significant (see Impact AG-2 in the Agricultural Resources Assessment).
Policy OS-C.9: The County shall require that any proposed changes in land use within areas designated MRZ-2 along the San Joaquin and Kings Rivers comply with the provisions of the State Surface Mining and Reclamation Act (SMARA).	The Project site is located within the designated MRZ-2 zone. A Reclamation Plan has been prepared consistent with SMARA and is included in the Application Package.
OS-C.10: The County shall not permit land uses that threaten the future availability of the mineral resource or preclude further extraction of those resources.	The Project is a mining project that is located on Agricultural zoned lands that permits mining subject to a CUP. The reclaimed use of water storage and agriculture would not preclude further extraction of the Project site’s remaining resources.
AESTHETICS	
OS-K.1: The County shall encourage the preservation of outstanding scenic views, panoramas, and vistas whenever possible. Methods to achieve this may include encouraging private property owners to enter into open space easements for designated scenic areas.	The Project is located on and within agricultural property, part of the dominant land use in the region. Much of the development of the site would be shielded to motorists and others outside the Project boundary by buffers of orchards that would remain in place throughout the life of the Project. Mining on this site would not compromise scenic views of the area.
OS-K.4: The County should require development adjacent to scenic areas, vistas, and roadways to incorporate natural features of the site and be developed to minimize impacts to the scenic qualities of the site.	The closest eligible stated designated scenic highway is State Route 180. The Project is approximately 1 mile from this roadway at the northeastern most corner of the Project site and would not be visible.
OS-L.4: The County shall require proposed new development along designated scenic roadways within urban areas and unincorporated communities to underground utility lines (sic) on and adjacent to the site of the proposed development or, when this is infeasible, to contribute their fair share of funding for future undergrounding.	See OS-K.4 above.
BIOLOGY	
OS-E.1: The County shall support efforts to avoid the “net” loss of important wildlife habitat where practicable. In cases where habitat loss cannot be avoided, the County shall impose adequate mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the	The Project site has been surveyed for sensitive habitats and special status species. Because much of the site has been subject to significant and routine surface disturbance as a result of current agricultural operations, limited habitat was identified on-site. Project commitments, as explained in the Project Description and Biological Resources Environmental

Policy	Consistency Analysis
<p>function, and value of the habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements should include provisions for maintenance and management in perpetuity. The County shall recommend coordination with the USFWS and the CDFG to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat and habitat components include nesting, breeding, and foraging areas, important spawning grounds, migratory routes, migratory stopover areas, oak woodlands, vernal pools, wildlife movement corridors, and other unique wildlife habitats (e.g., alkali scrub) critical to protecting and sustaining wildlife populations.</p>	<p>Assessment, have been put in place to avoid many of the impacts to identified special status species. In addition, mitigation measures have been provided that require preconstruction surveys for nesting raptor species within the limits of disturbance. Implementation of the identified project commitments and mitigation measures reduce associated biological impacts to a less than significant level. Informal consultation will take place after Project approval and before surface disturbance, as necessary.</p>
<p>OS-E.2: The County shall require adequate buffer zones between construction activities and significant wildlife resources, including both on-site habitats that are purposely avoided and significant habitats that are adjacent to the project site, in order to avoid the degradation and disruption of critical life cycle activities such as breeding and feeding. The width of the buffer zone should vary depending on the location, species, etc. A final determination shall be made based on informal consultation with the USFWS and/or CDFG.</p>	<p>See OS-E.1 above.</p>
<p>OS-E.3: The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the value of the habitat for wildlife is maintained.</p>	<p>See OS-E.1 above.</p>
<p>OS-E.6: The County shall ensure the conservation of large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife populations, as long as this preservation does not threaten the economic well-being of the County.</p>	<p>The Project site has been in agriculture for over 30 years and subject to significant and routine surface disturbing activities as result. Limited to no native habitat exists on-site.</p>
<p>Policy OS-E.9: Prior to approval of discretionary development permits, the County shall require, as part of any required environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based upon field reconnaissance performed at the</p>	<p>The preparation of field surveys and analyses completed to identify the potential impacts to biological resources and the proposed mitigation measures were conducted according to professional standards, consistent with the requirements of CEQA, and proposed approval</p>

Policy	Consistency Analysis
<p>appropriate time of year to determine the presence or absence of significant resources and/or special-status plants or animals. Such evaluation will consider the potential for significant impact on these resources and will either identify feasible mitigation measures or indicate why mitigation is not feasible.</p>	<p>procedures established by the County. The Project meets this County policy.</p>
<p>OS-E.12: The County shall ensure the protection of fish and wildlife habitats from environmentally-degrading effluents originating from mining and construction activities that are adjacent to aquatic habitats.</p>	<p>As a result of field surveys, potential impacts were identified to the limited habitat on-site. Project commitments and Mitigation Measures including preconstruction surveys and the creation of buffers (see Biological Resources Assessment) would reduce potential impacts to less than significant levels.</p>
<p>OS-E.13: The County should protect to the maximum extent practicable wetlands, riparian habitat, and meadows since they are recognized as essential habitats for birds and wildlife.</p>	<p>Fresh Emergent Wetlands were identified within 1.2 miles (2 km) of the Project site, primarily associated with the Cameron and Byrd Sloughs and the Kings River systems. These wetlands included some highly managed man-made ornamental, recreational and sediment ponds that are not in a natural state. During the field portion of the survey all of the accessed ponds were observed to be occupied by large numbers of non-native predatory species. Riverine habitat occurs within 1.2 mile (2 km) of the project site associated with the Kings River and the areas surrounding the Byrd and Cameron Sloughs, which lie south, west northwest of the Project site and trends along a northwest-southeast axis. These areas are outside the limits of surface disturbance and would not be impacted by the Project.</p>
<p>OS-E.16: Areas that have unusually high value for fish and wildlife propagation should be preserved in a natural state to the maximum possible extent.</p>	<p>See OS-E.1, OS-E.9, OS-E.12, and OS-E.13 above.</p>
<p>OS-E.17: The County should preserve, to the maximum possible extent, areas defined as habitats for rare or endangered animal and plant species in a natural state consistent with State and Federal endangered species laws.</p>	<p>See OS-E.1, OS-E.9, OS-E.12, and OS-E.13 above.</p>
<p>OS-F.1: The County shall encourage landowners and developers to preserve the integrity of existing terrain and natural vegetation in visually-sensitive areas such as hillsides and ridges, and along important transportation corridors, consistent with fire hazard and property line clearing requirements.</p>	<p>See OS-E.1, OS-E.9, OS-E.12, and OS-E.13 above.</p>

Policy	Consistency Analysis
<p>OS-F.2: The County shall require developers to use native and compatible non-native plant species, especially drought-resistant species, to the extent possible, in fulfilling landscaping requirements imposed as conditions of discretionary permit approval or for project mitigation.</p>	<p>Revegetation of disturbed areas, as outlined in the Reclamation Plan, would return the site to agricultural production. Phases subject to final reclamation actions will be returned to a fertility level equivalent to the level required to support crops recommended by an agricultural consultant or currently or historically supported. Revegetation fertility level success will be achieved when the productive capability of the revegetated area is equivalent to or exceeds, for 2 equivalent crop years, that of the pre-mining condition or any similar crop production in the region, as determined by an agricultural consultant or as compared to Colony Land Company and/or its affiliate’s own on-site agricultural production.</p>
<p>OS-F.3: The County shall support the preservation of significant areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.</p>	<p>As discussed above, the Project site lacks significant natural vegetation as much of the site has been converted to agricultural uses. No oak woodlands, riparian areas, or vernal pools would be disturbed as a result of the Project.</p>
<p>OS-F.7: The County shall require developers to take into account a site’s natural topography with respect to the design and siting of all physical improvements in order to minimize grading.</p>	<p>The Project site is relatively flat, as a result of agricultural activities on-site, with elevations ranging from 350 feet above mean sea level (amsl) at the southern site limits, to 370 amsl at the northern limit. Site design will use existing orchards and berming to shield Project operations.</p>
<p>OS-F.8: The County should encourage landowners to maintain natural vegetation or plant suitable vegetation along fence lines, drainage and irrigation ditches and on unused or marginal land for the benefit of wildlife.</p>	<p>Much of the development of the site would be shielded from view of motorists and others outside the Project boundary by buffers of orchards that would remain in place throughout the life of the Project.</p>
CULTURAL RESOURCES	
<p>OS-J.1: The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archaeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archaeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.</p>	<p>No archaeological deposits or isolated finds were identified during the cultural resources survey. No plant resources of potential value for Native Americans such as sedge or deer grass, which are of importance in the traditional methods of basketry construction, were observed in the Project site.</p>

Policy	Consistency Analysis
<p>OS-J.2: The County shall, within the limits of its authority and responsibility, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.</p>	<p>As part of the site surveys the archaeological resources were mapped, however the maps presented in this document do not present the location of these resources to protect confidentiality of the resources.</p>
<p>OS-J.3: The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.</p>	<p>Site surveys did not identify sites containing evidence of Native American activities and/or cultural importance.</p>
<p>OS-J.5: The County shall support the registration by property owners and others of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historic Landmarks, Points of Historical Interest, or Local Landmark).</p>	<p>See OS-J.1 and OS-J.3 above.</p>
GEOLOGY AND SOILS	
<p>HS-D.3: The County shall require that a soils engineering and geologic-seismic analysis be prepared by a California-registered engineer or engineering geologist prior to permitting development in areas prone to geologic or seismic hazards.</p>	<p>The Project site is not located in an area of the County prone to geologic or seismic hazards. A geotechnical analysis of proposed cut and reclaimed slopes was prepared by a California-registered engineer.</p>
<p>HS-D.4: The County shall require all proposed structures, additions to structures, or public facilities situated within areas subject to geologic-seismic hazards as identified in the soils engineering and geologic-seismic analysis to be sited, designed, and constructed in accordance with the applicable provision of the Uniform Building Code (Title 24 of the California Code of Regulations) and other relevant professional standards to minimize or prevent damage or loss and to minimize the risk to public safety.</p>	<p>The Project is not proposing structures.</p>
<p>HS-D.8: The County shall require a soils report by a California-registered engineer or engineering geologist for any proposed development that requires a County permit and is located in an area containing soils with high “expansive” or “shrink-swell” properties.</p>	<p>The Project site is not located in an area containing soils with high expansive or shrink-swell properties.</p>

Policy	Consistency Analysis
HAZARDS AND HAZARDOUS MATERIALS	
<p>HS-F.1: The County Shall require that facilities that handle hazardous materials or hazardous waste be designed, constructed, and operated in accordance with applicable hazardous materials and waste management laws and regulations.</p>	<p>The Project will store and use fuels and other potentially hazardous materials, therefore, the Project will be required to submit the appropriate documentation and plans as to how the Project will manage these materials (e.g. storage and use of gasoline, diesel fuel, oil) as part of mitigation.</p>
<p>HS-F.2: The County shall require that applications for discretionary development projects that will use hazardous materials or generate hazardous waste in large quantities include detailed information concerning hazardous waste, reduction, recycling, and storage.</p>	<p>The Hazards and Hazardous Materials Environmental Assessment outlines the types of hazardous materials that the Project would use, and identifies the regulations requirements for the Project Applicant. Prior to the receipt of subsequent permits, the Applicant will need to provide to the County a hazardous materials safety and management plan. The plan will identify the type and amount of materials that would be present and show how they are to be stored, used, and disposed.</p>
<p>HS-F.7: The County shall ensure that the mining and processing of minerals in the County is conducted in compliance with applicable environmental protection policies.</p>	<p>The Hazards and Hazardous Materials Environmental Assessment has identified the potential environmental impacts of the mining and processing of minerals and provides a discussion for the applicable environmental protection polices of the Project.</p>
<p>HS-B.1: The County shall review project proposals to identify potential fire hazards and to evaluate the effectiveness of preventive measures to reduce the risk of life and property.</p>	<p>The Hazards and Hazardous Materials Environmental Assessment outlines potential fire hazards for the Project. The Environmental Assessment determined that the potential impacts would be less than significant and would not require any specific mitigation measures beyond regulatory compliance.</p>
<p>HS-B.6: The County shall work with local fire protection agencies, the California Department of Forestry and Fire Protection, and the U.S. Forest Service to promote the maintenance of existing fuel breaks and emergency assess routes for effective fire suppression and in managing wildland fire hazards.</p>	<p>Beyond compliance with local fire control regulations, the Project is not subject to this County policy.</p>
<p>HS-B.8: The County shall refer development proposals in the unincorporated county to the appropriate local fire agencies for review of compliance with fire safety policies. If dual responsibility exists, both agencies shall review and comment relative to their area of responsibility. If policies are different or conflicting, the more stringent policies shall apply.</p>	<p>The Applicant will coordinate with County and the local fire agencies.</p>

Policy	Consistency Analysis
HYDROLOGY	
Water Supply/Water Quality	
<p>PF-C.3: To reduce demand on the County’s groundwater resources, the County shall encourage the use of surface water to the maximum extent feasible.</p>	<p>The Project will need to use groundwater sources; however, the Project impacts to groundwater are less than significant. In addition, the Project includes plans to reuse water as well as having provision to make use of rain water. Therefore, the Project meets this County policy.</p>
<p>PF-C.11: The County shall assure an on-going water supply to help sustain agriculture and accommodate future growth by allocation of resources necessary to carry out the water resources management programs.</p>	<p>The impact of the Project is less than significant to the County water supply. The Project will recycle water to the extent feasible. Therefore, the Project is consistent with this Project.</p>
<p>PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the 	<p>An evaluation of water supply necessary for Project operations has been included and assessed consistent with PF-C.17 in the Hydrology and Water Quality Environmental Assessment.</p>

Policy	Consistency Analysis
<p>boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	
<p>PF-C.25: The County shall require that all new development within the County use water conservation technologies, methods, and practices as established by the County.</p>	<p>The Project includes plans to conserve water including use of recycling; therefore, the Project meets this County policy.</p>
<p>PF-C.26: The County shall encourage the use of reclaimed water where economically, environmentally, and technically feasible.</p>	<p>As proposed the Project will recycle water; therefore, the Project meets this County policy.</p>
<p>Stormwater Drainage</p>	
<p>PF-E.16: The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of creeks and damage to riparian habitat.</p>	<p>The mitigation measures presented in the Hydrology and Hazards and Hazardous Materials Environmental Assessment require the use of BMPs to control runoff and erosion so as to not impact the surrounding areas. The Project meets this County policy.</p>
<p>PF-E.20: The County shall require new development of facilities near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in floodwaters, flowing rivers, streams, creeks, or reservoirs waters.</p>	<p>See PF-E.16 above.</p>
<p>PF-E.21: The County shall require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities, and shall encourage the urban storm drainage systems and agricultural activities to use BMPs.</p>	<p>See PF-E.16 above.</p>

Policy	Consistency Analysis
NOISE	
<p>HS-G.1: The County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.</p>	<p>The Noise Environmental Assessment presents the analysis of the potential impacts of noise during construction and operation of the Project. The Assessment found that there were potentially significant noise impacts associated with operation of the processing plant, asphalt batch plant, and excavation operations. Mitigation measures have been recommended that reduce these impacts to a less than significant level.</p>
<p>HS-G.4: So that noise mitigation may be considered in the design of new projects, the County shall require an acoustical analysis as part of the environment review process where:</p> <ul style="list-style-type: none"> • Noise sensitive land uses are proposed in areas exposed to existing or projected noise levels that are “generally unacceptable” or higher according to the Chart HS-1: “Land Use compatibility for Community Noise Environments;” • Proposed projects are likely to produce noise levels exceeding the levels shown in the County’s Noise Control Ordinance at existing or planned noise-sensitive uses. 	<p>An acoustical analysis was prepared for use in the Noise Environmental Assessment. The Assessment identified only one potentially significant impacts caused by noise relating to increase in ambient noise levels as a result of proposed operations. Implementation of mitigation measures would reduce these impacts to a less than significant level.</p>
<p>HS-G.5: Where noise mitigation measures are required to achieve acceptable levels according to land use compatibility or the Noise Control Ordinance, the County shall place emphasis on such measures upon site planning and project design. These measures may include, but are not limited to, building orientation, setbacks, earthen berms, and building construction practices. The county shall consider the use of noise barriers, such as soundwalls, as a means of achieving the noise policies after other design-related noise mitigation measures have been evaluated or integrated into the project.</p>	<p>The mitigation measures required for the Project are related to operational changes and controls.</p>
<p>HS-G.6: The County shall regulate construction-related noise to reduce impacts on adjacent uses in accordance with the County’s Noise Control ordinance.</p>	<p>See HS-G.1 and HS-G.4 above.</p>
<p>HS-G.8: The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, “Land Use Compatibility for Community Noise Environments.”</p>	<p>The surrounding land uses of the Project consist of farm land and some rural residential development. The Noise Assessment discusses the potential noise impacts associated with the development of the Project.</p>

Policy	Consistency Analysis
AIR QUALITY	
Air Quality policies are presented as the SJVAPCD guidelines within the District’s <i>Guide for assessing and Mitigating Air Quality Impacts</i> . The Guide is incorporated by reference.	Mitigation Measures, including those recommended by SJVAPCD Guidelines, have been recommended to reduce Project related NO _x impacts that are expected to exceed air district thresholds. However, even with mitigation, impacts related to NO _x are expected remain significant and unavoidable.

As demonstrated in Table 2 above, the Project does not conflict with the County General Plan. As discussed above, the General Plan and Zoning Ordinance permit mining in agricultural areas, including related batch and rock plant facilities, as long as a Conditional Use Permit is obtained. Therefore, this impact is less than significant.

Level of Significance Before Mitigation: Less than Significant

Mitigation Measure: None Required

Impact LAND-3: Habitat Conservation Plan Conflict

The Project site is not within any applicable habitat conservation plan or natural community conservation plan and therefore, would not conflict with such plans. This impact is considered less than significant.

Level of Significance Before Mitigation: Less than Significant

Mitigation Measures: None Required

REFERENCES AND RESOURCES

Fresno County. 1984. *Sierra-South Regional Plan*.

_____. 2000a (October 3). *Fresno County General Plan Background Report*.

_____. 2000b (August). *Fresno County General Plan Update 2000, Final Environmental Impact Report*.

_____. 2004b. *The Ordinance Code of the County of Fresno Part VII Land Use Regulation and Planning Division VI Zoning Division*.

_____. 2005 (December 6). *Fresno County Ordinance Code*.

PHOTOGRAPH DATE: March, 2009



Stone fruit trees and ranch maintenance road.

PHOTOGRAPH DATE: March, 2009



Young replacement trees.

Existing Conditions Photographs

LAND USE AND PLANNING
CARMELITA PROJECT

PHOTOGRAPH DATE: March, 2009



Fink Ditch water distribution canal.

PHOTOGRAPH DATE: March, 2009



Fruit packing and shipping plant. View from Ranch Road facing South.

Existing Conditions Photographs

LAND USE AND PLANNING
CARMELITA PROJECT

PHOTOGRAPH DATE: March, 2009



Soil surface conditions.

PHOTOGRAPH DATE: March, 2009



Soil surface conditions.

Cobbly Soil Conditions Photographs

LAND USE AND PLANNING
CARMELITA PROJECT

Carmelita Project EIR Technical Report Review

SUBJECT/RESOURCE AREA: Land Use and Planning

REPORT PREPARED BY: Benchmark Resources, July 2010

REVIEWED BY: Linda Mawby, Lilburn Corporation

DATE OF REVIEW: August 2010

Technical Report Summary:

The technical report, Carmelita Project Land Use and Planning Environmental Assessment (Report), dated July 2010, was prepared by Benchmark Resources. The Report describes the Carmelita Project's land use setting, both on-site and within its vicinity, and includes limited data for the County of Fresno as a whole. It also lists pertinent policies within the County's General Plan, applicable regional plans, and its zoning ordinance as they relate to agriculture, mining, and site development. It also analyzes related aspects of the Proposed Project in light of these policies. In addition to reviewing County land use documents, aerial photographs were reviewed and site visits were conducted. The stated purpose of the Report is "to assess the Project's impact on existing and surrounding land uses, surrounding communities, and consistency with existing land use goals and policies."

Criteria used to determine the significance of impacts on land use were based on Appendix G of the CEQA Guidelines and a compilation of local guidelines. As stated in the Report, the Project would result in a significant impact if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;

- Conflict with any applicable habitat conservation plan or natural community conservation plan; or
- Be incompatible with the surrounding land use.

The substantive land use analysis is included in Section 5.0, *Environmental Impacts, Mitigation Measures, and Significance Determinations*, wherein the above stated significance thresholds, identified as Impact LAND-1 through Impact LAND-3, are evaluated. (There is no separate impact evaluation for the fourth category, although neither is this a specific question found in CEQA Guidelines, Appendix G.) The bulk of the analysis centers on Impact LAND-2, *Land Use Plan Consistency*, where it is summarized in table format. Identified as Table 2, “Project Consistency with General Plan Goals and Policies”, the Table’s first column identifies a County development policy, and the second column provides a consistency analysis for the Proposed Project. The format is easy to follow and works well with the data to be analyzed. The list of applicable policies appears to be complete and comprehensive.

Also included in the Report are an aerial photograph of the site and its vicinity, and six site photographs showing various aspects of the property, including existing fruit trees, a water distribution canal, the fruit packing plant, and examples of the site’s rocky soils.

Conclusions/Areas of Concern:

Project Summary

If the report is to be used an independent, “stand alone” document, a summary of the project and its characteristics should be included to give the reader an understanding of the project.

Section 3.1, Fresno County General Plan

The exact name and title of each of the County’s General Plan Elements should be used to clearly identify each Element. For example, The County’s land use element is actually entitled “Agricultural and Land Use Element”, and its noise element is located within its “Health and Safety Element”. Also, by including the missing reference and summary for both the “Public Facilities and Services Element” and the “Economic Development Element”, a more complete and accurate description of the County’s General Plan would be presented. This would also help to clarify the confusion that surfaces when reviewing the Table 2 policy statements. For example, specific policies are identified as “**LU-X, xx**” for policies from the Land Use and Agriculture Element, and as “**OS- X, xx**” for the Open Space and Conservation Element. When General Plan policies further down the table are identified as “**HS-X, xx**” and “**PF-X, xx**”, there is no point of reference for their source of origination.

Table 2, “Project Consistency with General Plan Goals and Policies”

The consistency analyses for the Agricultural Resources/Land Use section of the Table (which includes policies from both the County’s Agricultural Resources and Land Use and Open Space and Conservation Elements) are, for the most part, straightforward. In many cases details of the Project’s design and its mitigation measures are stated in generalities and appropriately deferred to various other Project Assessment reports, and in analyses in later parts of the Table. However, further down the Table, stated policies cover aspects other than land use, and attempts to analyze more specific areas of study (e.g. Aesthetics, Biology, Water Supply etc.) become weak, resulting in an apparent lack of thoroughness. A more accurate and reliable consistency analysis should include a reference to the corresponding separate, formal assessment, and an inclusion of that Assessment’s specific conclusions and mitigation measures. For example, the Section on Aesthetics includes vague general analyses and statements that there would be no impacts. It would be better to instead refer to the separately evaluated comprehensive Aesthetics Assessment report and provide conclusions from this formal Report. This would substantially boost credibility for the analysis specifically, and the Assessment Report as a whole.

It is noted that in some cases the above recommendation was included in the Table, and it is understood that in many cases specific mitigation measures are not yet available. However, the overall impression, as revealed in the Table, gives the impression that the assessment is lacking in thoroughness and specificity.

In addition, to avoid confusion as to the source of the indicated policy, a reference to the General Plan Element, or other source as applicable, would be beneficial.

Recommended Revisions:

1. Accurately portray the title, and summarize the contents, of each of the Fresno County General Plan Elements.
2. For the Consistency Analysis in Table 2, “Project Consistency with General Plan Goals and Policies”, include reference to the more complete and official Carmelita Project Environmental Assessments, as applicable, or to the forthcoming Environmental Impact Report.
3. Provide a source reference for the itemized policy statements, (i.e. Land Use and Agricultural Element, Health and Safety Element, etc.)

Conclusions:

Although some areas of concern were noted in our review, no revisions to the technical report are being requested as Lilburn Corporation will not be relying solely on the technical report's contents and updated information will be incorporated into the CEQA analysis and EIR.

Certification:

No certification is needed