

Memorandum

To: CHAIR AND COMMISSIONERS

Date: April 7-8, 2010

From: BIMLA G. RHINEHART
Executive Director

File: Book Item 2.2c (7)
Action

Ref: Final Environmental Impact Report – Harlan Ranch Project and Northeast Annexation Program (Resolution E-10-24)

ISSUE: Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the Harlan Ranch Project and Northeast Annexation Program (project) in the City of Clovis, Fresno County and approve the project for future consideration of funding?

RECOMMENDATION: Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND: The City of Clovis (City) prepared the FEIR for the approval and construction of a 410 acre mixed use development and the eventual annexation of all of the unincorporated lands within the City's sphere of influence situated northwest of State Route 168, south of Shepherd Avenue and east of Temperance Avenue within the unincorporated area of Fresno County, adjacent to the northeast City limits of Clovis.

The City found certain significant and unavoidable impacts that could not be reduced to a less than significant level with mitigation. These impacts and/or cumulated impacts related to aesthetics, noise, agricultural resources, air quality and land use. The City found that the social, legal and economic benefits of the project outweigh the unavoidable impacts.

On July 25, 2005 the City Council certified that the FEIR was adequate and was completed in compliance with CEQA and the State CEQA guidelines; approved and adopted the Findings of Fact and Statement of Overriding Considerations; and approved and adopted a Mitigation Monitoring Program for the project. On March 12, 2010 the City revalidated the FEIR finding that the original environmental document remains valid and no further documentation is necessary.

As part of the project, the City is constructing an extension of DeWolf Avenue to State Route 168. The extension will provide access from Harlan Ranch to State Route 168 at an at-grade intersection. The existing intersection is fully developed with traffic signals, and striping for through and turn lanes in all four directions, and is ultimately planned for a future interchange. Since access to State Route 168 was restricted, at the request of Caltrans and the City, the

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Commission approved a new public road connection at the May 28-29, 2008 Commission meeting. At that time, the Commission was informed that the project was fully funded by the City and no state or federal funds were to be used. However, the City now intends to seek federal stimulus II TE funds for construction of a portion of the Sierra Gateway Trail (trail) as a part of the overall project. The environmental impacts of the trail are covered by the FEIR. The trail is estimated to cost \$761,000.00 and is anticipated to be fully funded by federal TE funds. Construction is estimated to begin in 2010 if federal stimulus II TE funds are obtained.

Attachments

- Resolution E-10-24
- City of Clovis Findings of Fact and Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Consideration of Future Funding 06 – Fresno County Resolution E-10-24

- 1.1 **WHEREAS**, the City of Clovis (City) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - Harlan Ranch Project and Northeast Annexation Program
- 1.2 **WHEREAS**, the City has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project would construct a 410 acre mixed use development including a range of residential densities, mixed-use commercial areas, neighborhood parks and trail system and other development; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related aesthetics, air quality, land use, cumulative loss of agricultural land and cumulative noise impacts make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the City adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the City adopted a Mitigation Monitoring and Reporting Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

RESOLUTION NO. 05-120

RESOLUTION OF THE COUNCIL OF THE CITY OF CLOVIS REGARDING: CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE HARLAN RANCH PROJECT AND NORTHEAST ANNEXATION PROGRAM; ADOPTION OF A MITIGATION MONITORING PROGRAM; ADOPTION OF A STATEMENT OF FINDINGS REGARDING SIGNIFICANT EFFECTS AND ALTERNATIVES; AND ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the City of Clovis ("City") caused to be prepared a Draft Environmental Impact Report (DEIR) in May 2005 for the Harlan Ranch Project and Northeast Annexation Program (or "Project"); and

WHEREAS, the City caused to be prepared a Final Environmental Impact Report dated July 2005 (FEIR) for the Project, which contains comments upon the DEIR and responses thereto, as well as changes and additions to the DEIR text; and

WHEREAS, the DEIR and FEIR collectively make up the Environmental Impact Report ("EIR") for the Project; and

WHEREAS, the DEIR and FEIR have been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code, Sections 21000, et seq., and the Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

WHEREAS, the City Council has independently reviewed and considered the EIR; and

WHEREAS, pursuant to notice duly given, the City held a series of public hearings to consider the Project and the EIR; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed the DEIR, FEIR, or otherwise commented on the Project; and

WHEREAS, the City Council has independently reviewed and considered the Findings of Fact and Statement of Overriding Considerations (Exhibit A) and the Mitigation Monitoring Program (Exhibit B).

NOW, THEREFORE, the City Council of the City of Clovis resolves as follows:

1. Adopts the foregoing recitals as true and correct.

2. Certifies that the EIR for the Harlan Ranch Project And Northeast Annexation Program is adequate and has been completed in compliance with CEQA and the State CEQA guidelines.
3. Finds and declares that the EIR was presented to the City Council and that the City Council has independently reviewed and considered the information contained in the EIR prior to approving the Project.
4. Based upon its review of the Final EIR, finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the Project as described in the EIR, sets forth a reasonable range of alternatives to the Project, and represents the independent judgment of the City Council.
5. Finds that, after weighing the advantages and disadvantages of the Project as proposed with the Project alternatives, including the no project alternative, and after considering the feasibility of project alternatives, the Project as proposed and described in the EIR may be approved pursuant to separate action.
6. Approves and adopts the Findings of Fact and Statement of Overriding Considerations set forth in Exhibit A.
7. Approves and adopts the Mitigation Monitoring Program set forth in Exhibit B, including the mitigation measures identified therein and as described in the EIR.
8. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the Deputy City Planner or other person designated by the Planning and Development Services Director.
9. The Planning and Development Services Director, or his designee, is authorized to file a Notice of Determination for the Project in accordance with CEQA and to pay the fees required for such filing by the Department of Fish and Game and the County of Fresno.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on July 25, 2005, by the following vote, to wit:

AYES: Councilmembers Armstrong, Ashbeck, Flores, Whalen, Mayor Magsig

NOES: None

ABSENT: None

ABSTAIN: None

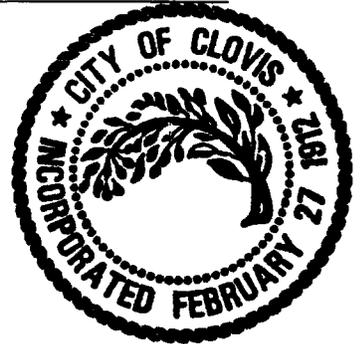
Date: July 25, 2005



Mayor



City Clerk



**Harlan Ranch Project/Northeast Annexation Program
Environmental Impact Report
July 25, 2005 City Council Hearing**

Findings Corrections/Errata

Staff recommends that the Council approve the resolution certifying the EIR with the following clarifications (additions are **underlined/bold**; deletions are ~~**strikeout/bold**~~):

Page 3, 4th bullet item from top of page:

- TM 5486 - a request to approve a tentative tract map for 1335 **single family residential** lots on the Harlan Ranch project site.

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Impact – Loss of ~~2.06~~ **0.02** Acres of Potential Vernal Pool Fairy Shrimp Habitat (BIO-3)

Page 17, last paragraph fourth sentence:

provide space as follows: "...Measure_6 ..."

Page 25, first full paragraph, third sentence:

Change 2028 to 2008

Page 27

Revise noise impacted PA's (Harlan Ranch Planning Areas) as indicated (this correction reflects latest Harlan Ranch plan:

- Lots in PA 1, PA 8, PA 9, PA 16, and PA 17 single-family dwelling residential land uses located adjacent to Shepherd Avenue.
- ~~Lots PA 21 and PA 27 single-family dwelling residential land uses located adjacent to SR 168.~~
- ~~Lots PA 20 and PA 28 apartment complex located adjacent to SR 168.~~
- **Lots in PA 22a, 22b, 22c and PA 25 single family dwelling residential land uses located adjacent to SR 168**
- **Lots in PA 19 and PA 27 high density residential dwellings residential land uses located adjacent to SR 168.**

Page 30, paragraph 2, second sentence:

Revise to read as follows:

"The power line would be relocated... south of **the proposed curb on** Shepherd Avenue or to a new location within the existing right of way north **of the curb line of** ~~located within~~ **the** Shepherd Avenue ~~roadway~~.

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Under Lower Density Alternative include the relocation of 70 KV line. Any alternative that is built within the City will require the relocation of this line.

Page 46, second paragraph, fourth sentence:

Remove the word "probably" at the end of the sentence. Any alternative built in the City will require the relocation of this facility due to the construction of Shepherd Avenue to City Standards.

Findings of Fact and Statement of Overriding Considerations

Introduction

To support a decision on a project for which an environmental impact report (EIR) is prepared, a lead or responsible agency must prepare written findings of fact (Findings) for each significant environmental impact identified in the EIR (Section 15091 of the California Environmental Quality Act [CEQA] Guidelines). The City of Clovis, as the lead agency, has prepared these Findings for the Harlan Ranch Project and Northeast Annexation Program (project). The Findings must be adopted by the Clovis City Council after certification of the final EIR and at the time of approval of the project.

Section 15091 of the CEQA Guidelines states that no public agency shall approve or carry out a project for which an EIR has been certified identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Based on the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), the possible findings are as follows:

- Changes or alternatives have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- Such changes or alternatives are within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the measures or project alternatives identified in the final EIR.

After considering the final EIR in conjunction with making the Findings, the lead agency must not approve the project for which the EIR was prepared unless the project as approved will not have a significant effect on the environment; or all avoidable significant effects on the environment have been eliminated or substantially lessened, and any remaining significant effects on the environment are determined to be unavoidable and acceptable based on the Findings described above.

Separately, CEQA requires decision-makers to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (State CEQA Guidelines 15093). In this case, the lead agency must state in writing the specific reasons to support its action. This "statement of overriding considerations" shall be supported by substantial evidence in the record, shall be included in the record of the project approval, and should be mentioned in the notice of determination. Pursuant to Section 15093 of the CEQA Guidelines, a Statement of Overriding Considerations has been prepared for the project.

Project Background and Overview

The EIR prepared for this project analyzed two separate, yet geographically related actions: the Harlan Ranch Project and the Northeast Annexation Program. Both of these actions include annexation to the City of Clovis, although they are anticipated to occur over two different periods. The Harlan Ranch Project is proposed to annex to the City in the immediate term, while the Northeast Annexation Program would occur on a project-by-project basis, over an extended period of time.

The decisions before the City Council on July 25, 2005 relate to the Harlan Ranch Project only.

Harlan Ranch Project

The Harlan Ranch Project includes the approval and construction of a 410-acre mixed-use development. The proposed development will include a range of residential densities, mixed-use commercial areas, a neighborhood parks and trail system, a site reserved for a future elementary school, a community recreational center, and several areas of open space. The proposed Project would require annexation of the Harlan Ranch Project site to the City, and establishment of the

appropriate *Clovis General Plan Program* land use and zoning designations, consistent with the policies and standards of the City, as well as authorization of development- and building-related permits.

Applications before the City Council are:

- GPA 2004-5 – a request to amend the General Plan from Very Low Residential, Low Residential and Mixed Use Area No. 31 to Low Residential Medium Residential, Medium-High Residential, High Residential, Mixed Use, School, Public Facility, and Open Space.
- R2005-10 – a request to prezone the Harlan Ranch site from County AE-20 to R-1-7500 (Low Density Single Family Residential, minimum lot size 7,500 square feet), R-1-6000 (Low Density Single Family Residential, minimum lot size 6,000 square feet), R-2 (Low Density Multiple-Family Residential), R-3 (Medium Density Multiple-Family Residential), P-C-C (Planned Commercial Center), and P-F (Public Facility).
- R2005-11 – a request to approve a Master Planned Community (MPC) Overlay zoning district (also a prezone).
- TM5486 – a request to approve a tentative tract map for 1,335 lots on the Harlan Ranch project site.

Environmental Impacts

Summary of Impacts

The final EIR indicated that potentially significant effects on the environment to the following environmental resources would occur if the project is implemented.

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services, Utilities, and Recreation
- Transportation

- Cumulative

Many of the potential environmental impacts of the project have been eliminated or reduced to less-than-significant levels through the incorporation of environmental measures into the project and requirement for mitigation measures. Environmental measures were included, as part of the originally proposed project, and mitigation measures are additional measures identified in the draft EIR. Both environmental measures and mitigation measures are methods, measures, or practices that avoid, reduce, or minimize a project's adverse effects on various environmental resources and can be applied before, during, or after construction of the project. These measures are listed under each of the impacts below and are included in a Mitigation Monitoring Program (MMP), which has been prepared separately from these Findings. For purposes of the Findings, the terms environmental measure and mitigation measure are synonymous.

Environmental Impacts that are Mitigated to Less-Than-Significant Levels

The final EIR identifies the following significant adverse impacts that are reduced to a less-than-significant level by the mitigation measures identified in the final EIR. It is hereby determined that the significant environmental impacts which these mitigation measures address will be avoided or mitigated to a less-than-significant level by incorporation of the mitigation measures into the project.

Air Quality

Impact – Temporary Increase in Construction-Related Emissions during Grading and Construction Activities (AIR-1)

The SJVAPCD considers PM10 emissions to be the greatest pollutant of concern when assessing construction-related air quality impacts. The SJVAPCD has determined that compliance with its Regulation VIII, including implementation of all feasible control measures specified in its *Guide for Assessing and Mitigating Air Quality Impacts* (SJVAPCD 2002), constitutes sufficient mitigation to reduce construction-related PM10 emissions to less-than-significant levels and minimize adverse air quality effects. These mitigation measures are listed in Table 3.3-4 of the draft EIR. All construction projects must abide by Regulation VIII. Consequently, this air quality analysis assumes that the applicant will comply with Regulation VIII and that such compliance will be sufficient to eliminate any potentially significant air quality effects generated by construction activities. These measures have been incorporated into the Harlan Ranch Project description (see "Environmental Measures" in Chapter 2 of the draft EIR). Further, these measures will be required of any excavation of Drainage Basin BX.

Mitigation

Environmental Measure 3: Dust Control Measures to Control Air Quality.

To control dust emissions generated during construction of the proposed Project, the following San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM10 are required to be implemented (SJVUAPCD Rule 8021). They include the following:

- Watering—for the purpose of dust control, carry-out, and tracking control—shall be conducted during construction in accordance with the City of Clovis's Storm Water Management Plan (SWMP) and the project Storm Water Pollution Prevention Plan (SWPPP).
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

Environmental Measure 4: Measures to Control Construction-Related

Emissions. To comply with guidance from the SJVAPCD, the City will incorporate or require the developer to incorporate, the following measures into the construction specifications and project performance specifications for the proposed Project.

- The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.

- The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Paving and Maintenance Activities) Current SJVAPCD rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.
- The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.
- The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measures 3 and 4 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level

Biological Resources

Impact – Direct Loss of 2.06 Acre of Pond and up to 0.02 Acre of Perennial and Seasonal Wetland; Indirect Impacts on Wetlands (BIO-1)

Construction on the Harlan Ranch Project site would result in the permanent loss or disturbance of up to 2.06 acres of pond, 0.001 acre of perennial wetland, and up to 0.02 acre of seasonal wetland. Direct and permanent impacts on these natural communities, with the exception of the pond, would occur due to construction of the proposed Harlan Ranch Project and the associated Nees Avenue sewer and water pipeline. The sewer and water pipeline alignment may be slightly realigned to avoid impacts on the potential seasonal wetland. The pond is a man-made structure that has operated as an irrigation return flow basin since the 1960s providing minimal functional value to wildlife. The water quality of the pond is impaired due to agricultural operations on the orchard. In addition, the pond maintenance includes periodic removal of emergent vegetation and mowing the side slopes. As a result, the overall value of the pond for wildlife is considered low because of the impaired water quality and lack of suitable cover, foraging and basking habitat. Therefore, the impact of the loss of the pond does not constitute a substantial adverse effect on wildlife and is less than significant.

The loss or degradation of the wetland habitats could result in loss of wildlife habitats or degradation of sensitive plant communities.

Mitigation

Environmental Measure 2: Erosion Control Measures to Protect Water Quality. To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP) to be included in the construction specifications and project performance specifications, based on standard City measures and standard dust-reduction measures.

- Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
- Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways.
- Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
- No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.
- Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels; sawdust; dirt; gasoline; asphalt and concrete saw slurry; heavily chlorinated water.
- Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials. Construction of the proposed Project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the Project site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.

To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and project performance specifications, based on the City's standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.

- ***Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.*** The Applicant shall demonstrate compliance with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code, Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the proper storage and handling of hazardous materials will be measured against the state and federal requirements as verified by the City of Clovis.
- ***Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.*** The City shall require the applicant and its designated contractors to develop and implement a Hazardous Materials Business Plan, if required, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.
- ***Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.*** In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.
- ***Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions during Construction Activities.*** The City shall require the applicant to develop plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the Project vicinity. These programs shall include a site-specific safety plan, and a fire prevention plan. In addition to the SWPPP required for storm water quality impacts. The programs are required by law. Required approvals are as follows: the fire safety plan shall be approved by the local fire department.

The Applicant shall demonstrate compliance with Cal-OSHA for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR.

Mitigation Measure HYD-1: Comply with NPDES General Construction Permit. To reduce or eliminate construction-related water quality effects, before onset of any construction activities, where the disturbed area is 1 acre or greater in size, the City of Clovis shall, in accordance with the City's SWMP and Order No. 5-01-048/NPDES No. CA0083500, require that the Project proponents demonstrate coverage under the State of California's General Construction Permit.

The City will verify that an NOI filed with the SWRCB, and a SWPPP have been developed before allowing construction to begin. The City or its agent, in accordance with the City's SWMP and Order No. 5-01-048/NPDES No. CA0083500 shall perform inspections of the construction area, to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.

Mitigation Measure HYD-2: Provisions for Dewatering. Before discharging any dewatered effluent to surface water, the City shall require the property owner to obtain an NPDES permit and WDRs from the RWQCB. Depending on the volume and characteristics of the discharge, coverage under the RWQCB's General Construction Permit or General Dewatering Permit is permissible. As part of the permit, the permittee will design and implement measures as necessary so that the discharge limits identified in the relevant permit are met. As a performance standard, these measures will be selected to achieve compliance with the specific permit conditions stipulated. The City will verify that coverage under the appropriate NPDES permit has been obtained before allowing dewatering activities to begin. The City or its agent, in accordance with the City's SWMP and Order No. 5-01-048/NPDES No. CA0083500, shall perform inspections of the construction area to verify that the water quality control measures are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.

Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review.

Either or both of the following options may be employed, pursuant to the direction of the FMFCD and U.S. Corps of Engineers.

Option 1: Deepen Basin BX by 3 feet

If this option is selected and approved by the FMFCD, the developer shall increase the depth of Basin BX by an additional 3 feet (or greater if determined by the FMFCD and/or U.S. Corps of Engineers). The design of this construction

and any related features shall be subject to the *review and* approval of the FMFCD and U.S. Corps of Engineers prior to any construction. Construction of the basin to FMFCD's and U.S. Corps of Engineers' satisfaction shall be completed prior to issuance of final occupancy permits for Harlan Ranch.

Option 2: Install a maintenance relief pump with the capacity to handle the additional flows from the site

If this option is selected and approved by the FMFCD, the developer shall install a relief maintenance pump at Basin BX at a future date. The District shall determine that the installation of a maintenance relief pump with an increased pumping capacity would be adequate to accommodate the additional flows from the site without the requirement to construct a new basin or deepen the existing basin. Installation to FMFCD's and U.S. Corps of Engineers' satisfaction shall be completed prior to issuance of final occupancy permits for Harlan Ranch.

Mitigation Measure BIO-1: Compensate for the Loss of Wetland Habitats.

It is assumed that the perennial wetland and/or seasonal wetlands cannot be preserved as part of the proposed Project, and a formal wetland delineation will be conducted to determine the exact extent of potential jurisdictional wetlands. A detailed wetland delineation report will be submitted to the Corps for verification and to support acquisition of a Section 404 permit.

If required to compensate for permanent impacts to ensure no net loss of habitat functions and values, the developer may employ a combination of onsite restoration/creation, offsite restoration, or mitigation credits. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies, as part of the permitting process for the Project, if any of the features is considered a water of the United States. Compensation options are presented below.

- Purchase mitigation bank credits at a USFWS-approved ecosystem preservation bank.
- Contribute funds, equal to the amount needed to purchase mitigation bank credits, to restoration of wetlands and other waters in the San Joaquin River corridor, or other nearby lands that are publicly managed and will be protected in perpetuity. The City shall coordinate with appropriate individuals to determine whether there is a potential to create, restore, or enhance waters of the United States at nearby preserved lands.
- Develop a wetland restoration plan that involves creating or enhancing wetland habitat on site or next to the Project area (e.g., in the Northeast Annexation Program area) Potential creation and enhancement sites shall be evaluated by the City and any permitting agencies (e.g., Corps) to determine whether this is a feasible option. If the City determines that onsite or offsite restoration is possible, a restoration plan will be developed that describes where and when restoration will occur and who will be responsible for developing, implementing, and monitoring the restoration plan. The restoration plan shall be prepared by a qualified biologist, subject to City

approval. When this option is selected, restoration will be selected in an appropriate area in close proximity to the Project area.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measures 2 and 5, and Mitigation Measures HYD-1, HYD-2, HYD-3, and BIO-1 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Impact –Loss of 2.06 Acre of Potential Vernal Pool Fairy Shrimp Habitat (BIO-3)

Construction of the proposed Project is presumed to result in the direct loss (filling or degradation) of 0.02 acre of potential vernal pool fairy shrimp habitat consisting of one seasonal wetland (Figure 3.4-1 and Table 3.4-2 of the draft EIR). Because the fairy shrimps are known to occur within the Project vicinity (CNDDDB 2004), loss of this seasonal wetland could result in direct impacts (loss of habitat) for these species.

Direct impacts on habitat of the vernal pool fairy shrimp which is a federally-listed listed species would be considered “take” under ESA and is considered significant. Direct impacts on habitat for midvalley fairy shrimp would be considered a substantial adverse effect on state species of special-concern.

Mitigation

Mitigation Measure BIO-3: Compensate for loss of Vernal Pool Fairy Shrimp Habitat. To compensate for direct impacts on 0.02 acre of potential habitat for federally listed VPFS, the project proponent will preserve and create additional habitat for vernal pool fairy shrimp using USFWS-approved compensation ratios as described below. Any seasonal wetland acreage created for mitigation of the loss of seasonal wetland under Mitigation Measure BIO-1(c) will also count toward the required created habitat for vernal pool fairy shrimp.

- The developer will preserve suitable vernal pool fairy shrimp habitat at a ratio of 2:1 (2 acres preserved for every one acre of habitat directly or indirectly affected) for a total of up to 0.04 acres. Preservation credits must be acquired from a USFWS-approved mitigation bank or conservation area. The Project shall comply with one of the following two preservation options in order to provide suitable mitigation:

Purchase vernal pool preservation credits at a USFWS-approved Mitigation Bank or Conservation Area in Fresno County.

Establish a new vernal pool habitat preserve on suitable lands. The creation of a new preserve would require preparation of a management plan and approval by USFWS. The measure shall not be considered complied with absent such approval.

- The Harlan Ranch Project will also create new, suitable vernal pool fairy shrimp habitat at a 1:1 ratio (one acre created for every acre of habitat directly affected) for a total of 0.02 acre. Creation credits must be acquired from a USFWS-approved mitigation bank or conservation area. The Harlan Ranch Project shall comply with either of the following two creation options in order to provide suitable mitigation:
 - Purchase vernal pool creation credits from a USFWS-approved Mitigation Bank.
 - Construct at least 0.02 acre of vernal pool habitat at a newly established vernal pool preserve (as described above under preservation requirements).

Final compensation requirements and mitigation ratios for the proposed Project would be determined through coordination with the USFWS. The exact cost to purchase preservation and creation credits for project-related impacts would be determined at the time of purchase. Mitigation credits will be purchased and/or a conservation area and management plan will be established prior to any ground disturbing activities, including grading, on the Project site.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measure BIO-3 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Potential Loss of Breeding or Wintering Burrowing Owls (BIO-4)

If western burrowing owls are wintering or nesting within 250 feet from the construction right-of-way, grading and excavation activities could result in the removal of an occupied burrowing owl breeding or wintering burrow site and loss of burrowing owl adults, young, or eggs.

Mitigation

Mitigation Measure BIO-4: Conduct Pre-construction Surveys for Active Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Burrowing Owl Mitigation (if necessary). DFG (1995) recommends that preconstruction surveys be conducted to locate active burrowing owl burrows in the Project area and in a 250-foot-wide buffer zone around the Project area. The developer will retain a qualified biologist, subject to City approval, to conduct preconstruction surveys for active burrows according to DFG guidelines. Various surveys conducted on the Harlan Ranch site during the nesting season indicates that no burrowing owls were nesting on the site during 2004. The preconstruction surveys will include a survey 30 days prior to construction for active nesting burrowing owls. If no burrowing owls are detected, then no further mitigation is required. If active burrowing owls are detected in the survey area, the following measures will be implemented.

- Occupied burrows will not be disturbed during the nesting season (February 1–August 31).
- When destruction of occupied burrows is unavoidable during the non-nesting season (September 1–January 31), unsuitable burrows will be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows will follow guidelines established by DFG.
- If owls must be moved away from the Project area, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping. At least 1 week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.
- If active burrowing owl burrows are found and the owls must be relocated, the City will offset the loss of foraging and burrow habitat in the Project area by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified in the Project area. The protected lands should be located adjacent to the occupied burrowing owl habitat in the Project area or at another occupied site near the Project area. The location of the protected lands will be determined in coordination with DFG. The City will also prepare a monitoring plan, and provide long-term management and monitoring of the protected lands. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to be submitted DFG.

If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 160 feet of occupied burrows during the non-breeding season (September 1–January 31) or within 250 feet during the breeding season. Avoidance also requires that at least 6.5 acres of foraging habitat (calculated based on an approximately 300-foot foraging radius of an occupied burrow), contiguous with occupied burrow sites, be permanently preserved for each pair of breeding burrowing owls or single unpaired resident bird. The configuration of the protected site will be submitted to DFG for approval.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measure BIO-4 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact –Potential Loss or Disturbance of Tree, Shrub, and Ground Nesting White-Tailed Kite, Northern Harrier, Loggerhead Shrike, California Horned Lark, and Non-Special-Status Migratory Birds and Raptors (BIO-6)

Construction activities (e.g., tree and shrub removal, excavation, grading) within or adjacent to the abandoned orchard in the Project area, could result in the removal or disturbance (e.g., trimming) of trees and shrubs that provide potential

nesting habitat for special-status birds and raptors such as, state fully protected white-tailed kite, and state species of special concern northern harrier and loggerhead shrike. Trees and shrubs in the program area can also provide nesting habitat for a number of common migratory birds and raptors, including American goldfinch, violet-green swallow, American kestrel, red-shouldered hawk, red-tailed hawk, and great-horned owl.

In addition, nonnative annual grasslands in the Project area provide potential nesting habitat for ground nesting birds such as the northern harrier, a state species of special concern, and other common migratory birds such as red-winged blackbird and western meadowlark.

If construction occurs during the breeding season (generally between March 1 and August 15), construction activities (e.g., tree and shrub removal, excavation, grading) that occur within the Project area could disturb or remove occupied nests of white-tailed kite, northern harrier, loggerhead shrike, and other non-special-status migratory birds and raptors. This disturbance could cause nest abandonment and subsequent loss of eggs or developing young at active nests located in or near the Project area.

Mitigation

Mitigation Measure BIO-6: Avoid Disturbance of Tree, Shrub, and Ground Nesting White-Tailed Kite, Northern Harrier, Loggerhead Shrike, California Horned Lark, and Non-Special-Status Migratory Birds and Raptors. To avoid impacts on white-tailed kite, northern harrier, loggerhead shrike and non-special-status migratory birds and raptors, one or more of the following options will be implemented as part of the proposed Project.

- If construction activities are scheduled to occur during the breeding season for these species (generally between March 1 and August 15), the developer shall retain a qualified biologist, subject to approval by the City, to conduct the following focused nesting surveys within the appropriate habitat including suitable buffers: Tree and shrub nesting surveys will be conducted within the abandoned orchard or adjacent to the construction area to look for white-tailed kite, loggerhead shrike, and other non-special-status migratory birds and raptors.
- Ground-nesting surveys will be conducted in annual grasslands and agricultural lands within and adjacent to the construction area to look for northern harrier and other non-special-status migratory birds.

The surveys should be conducted within 30-days prior to construction if construction is initiated during the breeding season (March 1–August 15th). This assumes that construction will be in full force (i.e., grubbing and grading initiated). If no active nests are detected during surveys, then no additional mitigation is required. However, if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until after the breeding

season or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers will be determined by a biologist and will depend on the level of noise or construction disturbance, line of site between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed in order to make an appropriate decision on buffer distances.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measure BIO-6 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact –Potential Loss or Disturbance of Western Pond Turtles (BIO-7)

Construction on the Harlan Ranch Project site could result in the permanent loss or disturbance of up to 2.06 acre of pond and 0.001 acre of perennial wetland that provide suitable habitat for western pond turtles. In addition, pond turtles could be killed during construction in or adjacent to the pond and wetland. In accordance with the land use plan in the *Harlan Ranch Master Development Plan Handbook*, the pond will not be incorporated into the development design.

The loss of the pond and wetland habitat and potential for killing western pond turtles could result in an adverse affect on a special-status species.

Mitigation

Environmental Measure 2: Erosion Control Measures to Protect Water Quality. This measure is described in detail above.

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials. This measure is described in detail above.

Mitigation Measure HYD-1: Comply with NPDES General Construction Permit. This measure is described in detail above.

Mitigation Measure HYD-2: Provisions for Dewatering. This measure is described in detail above.

Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review. This measure is described in detail above.

Mitigation Measure BIO-1: Compensate for the Loss of Wetland Habitats. This measure is described in detail above.

Mitigation Measure BIO-7: Conduct Pre-Construction Survey for Western Pond Turtle. The developer shall retain a qualified biologist, subject to City approval, who will conduct a preconstruction survey for western pond turtles in the pond and perennial wetland on the Harlan Ranch Project site within 30 days of the initiation of any ground-disturbing activities. If turtles are found they will be trapped and relocated to a suitable location determined by coordination with DFG.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measures 2 and 5, and Mitigation Measures HYD-1, HYD-2, HYD-3, BIO-1, and BIO-7 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Cultural Resources

Impact – Potential Impacts to Cultural Resources Within the Harlan Ranch Development Site (CR-1)

Studies have been conducted within the Harlan Ranch Project area and a records search indicated that no cultural resources were located. The probability of cultural resources existing on the remaining parcel is low, but not impossible. Cultural resources may exist within this area. Disturbance to or destruction of these resources that may result from ground-disturbing activities associated with construction (trenching, grading, etc) would be considered a significant impact unless mitigated.

Mitigation

Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies.

If human remains of Native American origin are discovered during Project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- the Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and
- if the remains are of Native American origin,
- The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 6 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Potential Impacts to Buried Cultural Resources or Human Remains (CR-2)

Although no significant cultural resources were noted within the Harlan Ranch Project area, there is always the possibility that significant buried archaeological materials are present. Disturbance to or destruction of these resources that may result from ground disturbing activities associated with construction (trenching, grading, etc.) would be considered a significant impact unless mitigated. .

Mitigation

Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. This measure is described in detail above

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 6 is feasible and is hereby

adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Hazards

Impact – Create a Significant Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials (HAZ-1)

Analysis of this impact is divided into two separate discussions: 1) impacts resulting from the construction of the proposed Harlan Ranch Project, which includes grading, site preparation, and construction; and 2) impacts resulting from day-to-day operations and maintenance of the proposed Harlan Ranch Project once completed.

Construction. Construction of the proposed project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the project site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard. This impact is considered significant.

Operation. Upon build-out, the proposed project will include approximately 1,844 new residences, a park and trail system, a public/community facility, an Elementary School and Mixed-Use/Commercial land uses. The proposed mixed-use component does not include light or heavy industrial land uses. The majority of the land uses would be residential, with the mixed-use lands containing a mix of residential and commercial (limited retail and office uses). Both residential and commercial land uses have the potential to create a hazard to the environment through the routine transport, use, or disposal of hazardous materials, in the form of commercial and household hazardous wastes.

Mitigation

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials.

This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 5 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – 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 (HAZ-2)

Analysis of this impact is divided into two separate discussions: 1) impacts resulting from the construction of the proposed project, which includes grading, site preparation, and construction; and 2) impacts resulting from day-to-day operations and maintenance of the proposed project once completed.

Construction

Construction of the proposed project could expose construction workers, the public, or the environment to hazardous materials through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used and disposed of at the project site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.

Operation

Upon build-out, the proposed project will include approximately 1,844 new residences, a park and trail system, a public/community facility, an Elementary School and Mixed-Use/Commercial land uses. The proposed mixed-use designation does not include light or heavy industrial land uses. The majority of the land uses would be residential, with the mixed-use lands containing a mix of residential and commercial (limited retail and office uses). Both residential and commercial land uses have the potential to create a hazard to the environment through the routine transport, use, or disposal of hazardous materials, in the form of commercial and household hazardous wastes.

Mitigation

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials.

This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 5 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Emit Hazardous Emissions or Handle Hazardous or Acutely-Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School (HAZ-3)

Analysis of this impact is divided into two separate discussions: 1) impacts resulting from the construction of the proposed project, which includes grading,

site preparation, and construction; and 2) impacts resulting from day-to-day operations and maintenance of the proposed project once completed.

Construction

No existing schools are located within one-quarter mile of the proposed project site. However, the project includes reservation of an elementary school site within Planning Area 6 (Figure 2-2). Development of the Harlan Ranch Project does not include construction of the school. Construction of the school is expected to occur as development of the site occurs—during some future phase of the development based on anticipated resident population of school-aged children. No other sensitive receptors, such as hospitals or care facilities, are located within 0.25 mile of the proposed project area. The nearest school, Clovis Elementary School, is located approximately 1.5 miles west of DeWolf Avenue at 1100 Armstrong Avenue. The proposed project represents a potential hazard for the proposed elementary school site unless mitigated.

Operation

Upon build-out, the proposed project will include approximately 1,844 new residences, a park and trail system, a public/community facility, an elementary school and mixed-use/commercial land uses. The proposed mixed-use designation does not include light or heavy industrial land uses. The majority of the land uses would be residential, with the mixed-use lands containing a mix of residential and commercial (limited retail and office uses). Both residential and commercial land uses have the potential to create a hazard to the environment through the routine transport, use, or disposal of hazardous materials, in the form of commercial and household hazardous wastes.

Mitigation

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials.

This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 5 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Located on a Site which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 (HAZ-4)

Analysis of this impact is divided into two separate discussions: 1) on-site impacts; and 2) off-site impacts.

On Site

Construction of the proposed Harlan Ranch Project site requires excavation and movement of large quantities of soils. The project site has been analyzed and evaluated for its potential to contain recognized hazardous materials that could cause harm to future occupants or be disturbed during construction. The analysis was compiled into two Phase I Environmental Site Assessments. Through records search and site reconnaissance, the Phase I Assessments concluded that the Harlan Ranch Project site does not appear to be listed as a “contaminated” or “potentially contaminated” site on any local, state or federal databases and there are no NPL sites within the project site.

The Phase I Assessments identified two areas of environmental concern at the site; soil staining beneath the diesel fuel AST and potential contamination beneath the dirt floor of the pesticide shed. A Phase II Assessment was performed and soil samples at the AST and within the pesticide storage building were taken and analyzed. The report found that based upon the information collected, it does not appear that significant concentrations of agricultural chemicals are present in the soils beneath the dirt floor of the pesticide shed. The report recommended further investigation of the site in the area of the diesel AST and to contact the Fresno County EHS regarding further investigation and remediation. The presence of contaminated soils may result in a hazard to the public and environment unless mitigated.

Off Site

A review of the Fresno County Certified Unified Program Agency (CUPA list dated October 7, 2003 and the available Issue Alert Reports revealed that records of USTs are on file with the Fresno County EHS for one property adjoining the Harlan Ranch Project site. The property is located at 9010 and 9036 E. Tollhouse Road, adjacent to the northeast of the subject site.

According to Fresno County EHS records, one 5,000-gallon gasoline UST was removed from the above property on August 25, 1994 at a location approximately 800 feet northeast of the Harlan Ranch site. Low concentrations of petroleum hydrocarbon constituents were detected in one sample collected beneath the UST excavation site. A letter from Fresno County EHS dated September 19, 1994 indicated that no further action was required regarding the removal of the UST from the facility. A new 5,000-gallon gasoline UST was reportedly installed at the facility in 1994 and the UST is currently permitted for operation. The Phase I Assessments conclude that provided the UST is maintained in accordance with local and state guidelines; the facility is not expected to adversely impact the Harlan Ranch Project site. Therefore, this location is not considered to pose a risk to the proposed project and no significant impacts are anticipated to occur.

Mitigation

Mitigation Measure HAZ-4: Develop and Implement a Remediation Plan in Accordance with Local, State and Federal Requirements. Prior to project construction activities, the City shall require the applicant to develop and implement a remediation plan for the diesel fuel contaminated soils in the area of

the above ground diesel fuel storage tank to prevent exposure of people and the environment to hazardous conditions caused by the contaminated soils. The remediation plan shall be reviewed by the RWQCB and implemented prior to construction activities. The plan shall include, but may not be limited to, excavation, characterization, stockpile and disposal and/or treatment of the contaminated soils and as a performance standard, the plan shall conform to the requirements of the SWRCB. If excavation of the contaminated soils is required by RWQCB, the Fresno County EHS, or other regulatory agencies, the soils shall be disposed of offsite at a facility approved to accept such soils.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measure HAZ-4 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires (HAZ-6)

The Clovis Planning Area is not considered to be a high wildfire hazard area, based on the Clovis General Plan. The most significant fire hazards are field fires and fires associated with commercial and industrial uses and residential areas. The urban/rural interface is also of concern, as these areas tend to have a greater amount of vegetation. The project area is primarily agricultural land, which would be converted to non-agricultural uses. The risk of wildfire in the urban/rural interface spreading to future residents and businesses at the site and in the surrounding area, and its capacity to cause harm and loss of life, would be considered significant unless mitigated.

Mitigation

Mitigation Measure HAZ-6(a): Before Construction Begins, Clear Materials That Could Serve as Fire Fuel from Areas Slated for Construction Activities. If dry vegetation or other fire fuels exist on or near staging areas, or any other area on which equipment will be operated, contractors shall clear the immediate area of fire fuel. To maintain a firebreak and minimize the availability of fire fuels, the City shall require contractors to maintain areas subject to construction activities clear of combustible natural materials to the extent feasible.

Mitigation Measure HAZ-6(b): Require That Spark-Generating Construction Equipment Be Equipped with Manufacturers' Recommended Spark Arresters. The City shall require contractors to outfit any construction equipment that normally includes a spark arrester with an arrester in good working order. Subject equipment includes, but is not limited to, heavy equipment and chainsaws. Implementation of this measure would minimize a source of construction-related fire.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measures HAZ-6(a) and HAZ-6(b) are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Hydrology and Water Quality

Impact – Impacts to Surface Water Quality and Groundwater Quality Due to Construction Related Earth Disturbing Activities and Construction Related Hazardous Materials (HYD-1)

Construction-related earth disturbing activities will occur in the development of the Harlan Ranch Project. These activities could cause soil erosion and sedimentation to local waterways. Construction of new sewer pipelines and grading will require heavy equipment such as earth moving devices. Large trucks will be used in the transportation of construction materials to the site. Such machines have potential to leak hazardous materials that may include oil and gasoline. In addition, improper use of fuels, oils, and other construction-related hazardous materials, such as pipe sealant, may also pose a threat to surface or groundwater quality unless mitigated.

Mitigation

Environmental Measure 2: Erosion Control Measures to Protect Water Quality. This measure is described in detail above.

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials. This measure is described in detail above.

Mitigation Measure HYD-1: Comply with NPDES General Construction Permit. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measures 2 and 5, and Mitigation Measure HYD-1 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Impact – Water Quality Impacts from Construction Below the Water Table (HYD-2)

Trenching and excavation associated with the proposed Project may reach a depth that can expose the water table, in which a path to the groundwater basin

may become available for contaminants to enter the groundwater system. Primary construction-related contaminants that could reach groundwater would include oil and grease, and construction-related hazardous materials. In addition, discharge of construction-related dewatering effluent could result in the release of contaminants to surface water unless mitigated.

Mitigation

Mitigation Measure HYD-1: Comply with NPDES General Construction Permit. This measure is described in detail above.

Mitigation Measure HYD-2: Provisions for Dewatering. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measures HYD-1 and HYD-2 is feasible and they are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Impact – Increased Amount of Surface Runoff and Associated Impacts to Drainage Facilities (HYD-3)

The Harlan Ranch Project, when complete, is expected to result in new impervious surfaces, resulting in an increase in drainage flows. Buildout of the Harlan Ranch Project will result in more surface runoff during winter storms compared to existing conditions, along with general household runoff year-round. The projected increase in land use density would release a volume of stormwater runoff greater than that which was assumed in designing the Alluvial Drain Detention Basin and stormwater pipeline system. Therefore the drainage basin and the storm drains leading to it do not have sufficient reserve capacity to accommodate the level of development being proposed. The FMFCD reviewed the proposal and determined that the Project would result in an increased amount of runoff may potentially overwhelm the storm drainage system in a 200-year event. The FMFCD determined that an additional 26 acre-feet of storage volume would be necessary to accommodate the increase flows from the site. In addition, the Project area includes the Alluvial Drain Channel's upstream contributing watershed. Unless properly designed, the proposed Project could disrupt the flow of drainage waters to the Alluvial Drain Channel.

Mitigation

Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that

implementation of Mitigation Measure HYD-3 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Noise

Impact – Exposure of Existing Residential Uses and Future Residential Uses to Increased Noise Levels from Grading and Building Construction Activities (N-1)

Construction noise impacts could occur throughout the construction period of the Harlan Ranch Project. Construction is anticipated to start in 2005, with build-out estimated by 2028. Each phase of construction would involve the use of various types of equipment and activities. Preparation of building pads would involve grading using graders, scrapers, and other heavy equipment. Noise-generating activities associated with construction of houses would involve delivery of materials, placement of concrete foundations, assembly of framing, and exterior finish work. Grading and development of building pads with heavy, diesel-powered equipment would generally be the noisiest part of the construction process.

This would include heavy equipment used to excavate Drainage Basin BX if that option is selected in order to accommodate storm drainage flows from the Harlan Ranch Project. However, because there is no design available for the excavated Basin BX, no quantified analysis of construction noise if possible at this time. Machinery expected to be used should excavation be chosen would include bulldozers, loaders, and trucks.

To assess a typical reasonably foreseeable construction noise condition, a scenario in which a grader (85 dBA) and a scraper (89 dBA) operate concurrently and continuously in the same area has been assessed. The combined sound level of these two pieces of equipment would be approximately 90 dBA at a distance of 50 feet from the construction site.

Table 3.10-5 in the draft EIR indicates construction-period noise levels at various distances based on a source level of 90 dBA (measured at 50 feet). Distance attenuation and acoustical ground absorption are accounted for in the calculation. The closest existing residences are located approximately 100 feet from the nearest potential grading activity. The results in Table 3.10-5 indicate that noise from grading could be as high as 83 dB at the nearest existing residences.

Insufficient information is available about the duration and type of excavation activity that might be associated with the deepening of Drainage Basin BX. It may have a significant effect on nearby existing residences. Basin BX is currently not fully excavated and excavation procedures will occur with or without the proposed Project.

Noise-generating activities associated with framing and exterior finish work are often associated with saws and pneumatic tools, typically hammers and drills.

Table 3.10-4 in the draft EIR indicates that these tools produce noise up to 85 dBA at 50 feet. Table 3.10-6 in the draft EIR shows construction-period noise levels at various distances based on a source level of 85 dBA at 50 feet.

The results in Table 3.10-6 indicate that construction noise associated with framing and exterior finish work could be as high as 77 dBA at the closest existing residences (100 feet).

The results in Tables 3.10-5 and 3.10-6 indicate that grading and framing/exterior finish activities have the potential to result in high noise levels at adjacent residences. Noise-generating activity that occurs outside the weekday hours of 7:00 a.m. to 9:00 p.m. (Monday through Saturday) is considered to be significant. With the implementation of Environmental Measure 1, described in Chapter 2, "Project Description," incorporated as part of the Project, noise impacts from construction activities including optional construction within Basin BX, are considered less than significant.

Mitigation

Environmental Measure 1: Measures to Minimize Effects of Construction Related Noise. Pursuant to the Clovis Municipal Code (Clovis Municipal Code Section 9.3.228.10 et seq.), the following construction noise control measures will be required in order to reduce and control noise generated from construction-related activities.

- Noise-generating construction activities shall be restricted to the weekday hours (Monday through Saturday) of operation between 7:00 a.m. to 9:00 p.m. In addition, no construction activity is allowed any time on Sunday or holidays.
- Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 1 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Exposure of New Noise-Sensitive Land Uses to Noise (N-4)

Table 3.10-7 summarizes predicted traffic-noise levels along roadways in the development area. Traffic noise predictions for 2025 conditions are used to assess the ultimate noise exposure of proposed noise sensitive uses to traffic noise. Table 3.10-7 also shows the distances from the street centerline to the 60, 65, and 70 L_{dn} contours along each roadway segment evaluated presuming that no structures or other barriers are present to reduce noise levels. This is further illustrated in Figure 3.10-2. The results in Table 3.10-7 indicate that the

following proposed noise-sensitive land uses would be exposed to exterior noise exceeding 65 L_{dn} .

- Lots PA 1, PA 8, PA 9, PA 16, and PA 17 single-family dwelling residential land uses located adjacent to Shepherd Avenue.
- Lots PA 21 and PA 27 single-family dwelling residential land uses located adjacent to SR 168.
- Lots PA 20 and PA 28 apartment complex located adjacent to SR 168.

The Harlan Ranch Project will be developed using a Master Development Plan which prescribes street geometries, land uses and residential densities, lot patterns, building setbacks, landscape setbacks and associated standards. Pursuant to the Master Development Plan, the Harlan Ranch Project will include a 6-foot tall (minimum height) masonry wall along the community's frontage of Shepherd Avenue, DeWolf Avenue, and SR 168. These walls would extend back into the interior of the community for some distance along the community's internal streets. These factors are now considered in light of potential noise impacts.

Current standard building construction will typically provide no less than 25 dB of exterior-to-interior noise reduction with windows closed. Traffic noise levels are predicted as high as 70 dB- L_{dn} at 100 feet from the centerline of SR 168 and 66 dB- L_{dn} within 100 feet of the Shepherd Avenue centerline. While calculation of exact levels of noise attenuation provided by a solid wall is dependent on a variety of factors, the Federal Highway Administration's *Highway Noise Barrier Design Handbook* estimates that a typical 8-inch thick concrete block wall may reduce sound transmission by as much as 34 dB(A). This assumes that the block wall is at least as high as the noise source and blocks the line of sight between the source and the sensitive receptor.

Assuming a 25 dB reduction of exterior-to-interior noise, a 73-foot distance from the centerline of Shepherd Avenue to a 6- to 8-foot solid masonry wall, the noise attenuating characteristics of such a wall, and the minimum 15-foot rear yard setback of the lots adjacent to this street, exterior noise is not likely to exceed 65 L_{dn} and interior noise is not likely to exceed 45 L_{dn} . This impact is therefore considered to be less than significant and no mitigation is necessary. However, implementation of the following measures would serve to maintain this impact at a less-than-significant level.

Mitigation

Mitigation Measure N-4(a): Ensure that Outdoor and Indoor Activity Areas of Residences Do Not Exceed 65 and 45 L_{dn} , Respectively

Prior to amendment of the approved *Harlan Ranch Master Development Plan* the applicant shall retain a qualified acoustical consultant to evaluate potential noise impacts associated with such changes. The report must be reviewed and approved by the Clovis City Planner before a building permit will be issued. The

design of Project buildings, structures, and site plans will reflect the approved report.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measure-4(a) is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Public Services

Impact – Increased Need for Fire Protection (PSU-1)

Before annexation of the Project area, CFD and the Fresno County Fire Protection District will enter into a pre-annexation agreement. As a part of the pre-annexation agreement, CFD would request that it become the primary fire service provider; as such, it would become the primary responding agency and be responsible for inspection and Project conformance with all applicable guidelines and codes once the site (or portions of it) is annexed.

As discussed in the draft EIR under “Existing Conditions,” because the northeast Clovis area is in transition from rural to urban land uses, this area is not yet fully served by city services and improvements, such as a grid of improved streets, water or sewer lines, parks and fire stations. Growth of the city without a corresponding adjustment of the distribution of fire stations would decrease the percentage of calls for service with response times under five minutes. In 1999, the voters of Clovis approved Measure A, a sales tax measure designed to fund the expansion of public safety facilities in the community. The Project area lies within the Response Area of Fire Station 35, which is planned to be operational in July of 2006. This fire station will be located approximately 1.0-mile southwest of the site near the intersection of Temperance Avenue and Alluvial Avenue. The revenue generated through Measure A will provide the funding necessary to construct Fire Station 35.

Construction of the initial phases of the Harlan Ranch Project should occur at nearly the same time that Fire Station 35 would become operational, although it is likely that Fire Station 35 would be operational prior to occupancy of any buildings at the Harlan Ranch site. In the event that construction of buildings at the Harlan Ranch site proceeds in advance of an operational Fire Station 35, response times for emergency service calls to project site would significantly exceed the Standards response goal, resulting in a potentially significant impact unless mitigated.

Mitigation

Mitigation Measure PSU-1: Fire Station 35 Shall Be Operational Prior to Occupancy of Building at the Harlan Ranch Site

To ensure public safety, Fire Station 35, located near the intersection of Temperance Avenue and Alluvial Avenue, shall be operational prior to occupancy of any buildings in the Harlan Ranch Project, or other such measures as deemed appropriate by the City of Clovis Fire Department.

Adequate fire protection is dependent upon the availability of water with sufficient rates of flow from hydrants to meet Fire Department needs.

Mitigation Measure PSU-2: Provide an Adequate Water Supply Distribution System for the Harlan Ranch Project

To ensure public safety, an adequate water supply distribution system with multiple points of supply shall be provided for the Harlan Ranch Project at the time of construction of the water system. The water system shall be designed and constructed to the satisfaction of the Clovis Fire Department.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measures PSU-1 and PSU-2 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Impact – Increase in Storm Drainage (PSU-7)

The Project will increase surface runoff during winter storms and produce general household runoff year-round. Fertilizers and general household pesticides would likely be included in the runoff and could impacting local waterways. This impact is considered potentially significant.

Implementation of the Mitigation Measures discussed in section 3.8, “Hydrology and Water Quality,” require development of a drainage report. This study will specify necessary on-site facilities and activities designed to avoid exceeding the planned 200-year capacity of the storm drainage system. Implementation of BMPs identified in section 3.8 to maximize stormwater quality will ensure that impacts from the project will be reduced to levels below significance thresholds. The BMPs will include a combination of source control, structural improvements, and treatment systems. Construction of additional off-site facilities will be unnecessary, and the project will have a less-than-significant impact, with mitigation.

Mitigation

Environmental Measure 2: Erosion Control Measures to Protect Water Quality. This measure is described in detail above.

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials. This measure is described in detail above.

Mitigation Measure HYD-1: Comply with NPDES General Construction Permit. This measure is described in detail above.

Mitigation Measure HYD-2: Provisions for Dewatering. This measure is described in detail above.

Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measures 2 and 5, and Mitigation Measures HYD-1, HYD-2, and HYD-3 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Impact – Effects of Powerline Relocation (PSU-8)

The project will require the relocation of approximately 6,000 linear feet of the existing PG&E 70-kV wood poles located along the south side of Shepherd Avenue. The power line would be relocated within the existing public right-of-way and would either be repositioned within the public right of way south of Shepherd Avenue or to a new location within the existing right of way north located of the roadway. The relocation will require the approval of CPUC, which has exclusive jurisdiction over electric generation and transmission, power and distribution line facilities, and substations of publicly owned utilities. Moving this line approximately 75 feet to the north side of Shepherd Avenue or relocating it to a new location within the right of way on the southern side of Shepherd Avenue, will involve ground disturbance associated with construction activities (e.g. setting of new power poles) and for staging of construction equipment and materials. A number of steps are required: vegetation must be cleared and foundation holes bored; excavated material must be removed, poles, structure arms, and insulators must be delivered and installed; wire must be strung, and unnecessary poles must be removed.

The earthwork that would occur during the relocation of the power line would create ground disturbance that would increase the hazard of erosion and could temporarily increase erosion rates above pre-construction levels. As discussed under Hydrology and Water Quality below, the project applicant, or a contractor acting on behalf of the project applicant, will be required to prepare and implement a SWPPP to gain coverage under and comply with the requirements of the NPDES Construction Activities General Storm Water Permit administered by the California State Water Resources Control Board. The SWPPP will

specify BMPs that will be implemented to control runoff, accelerated erosion, and sedimentation during project construction. The BMPs will be maintained until all project structures and facilities have been installed and all areas disturbed during construction have been revegetated or otherwise stabilized. As a result, the potential erosion impacts would be reduced to a less-than-significant level. No additional mitigation is necessary.

The implementation of Environmental Measures 1, 2, 3, and 4 described in Chapter 2, "Project Description," coupled with the mitigation measures listed in the resource areas below would ensure that the construction-related impacts of the power line relocation activities are reduced to less-than-significant levels.

Mitigation

Environmental Measure 1: Measures to Minimize Effects of Construction Related Noise. This measure is described in detail above.

Environmental Measure 2: Erosion Control Measures to Protect Water Quality. This measure is described in detail above.

Environmental Measure 3: Dust Control Measures to Control Air Quality. This measure is described in detail above.

Environmental Measure 4: Measures to Control Construction-Related Emissions. This measure is described in detail above.

Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials. This measure is described in detail above.

Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. This measure is described in detail above.

Mitigation Measure BIO-4: Conduct Pre-construction Surveys for Active Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Burrowing Owl Mitigation (if necessary). This measure is described in detail above.

Mitigation Measure BIO-6: Avoid Disturbance of Tree, Shrub, and Ground Nesting White-Tailed Kite, Northern Harrier, Loggerhead Shrike, California Horned Lark, and Non-Special-Status Migratory Birds and Raptors. This measure is described in detail above.

Mitigation Measure HAZ-6(a): Before Construction Begins, Clear Materials That Could Serve as Fire Fuel from Areas Slated for Construction Activities. This measure is described in detail above.

Mitigation Measure HAZ-6(b): Require That Spark-Generating Construction Equipment Be Equipped with Manufacturers' Recommended Spark Arresters. This measure is described in detail above.

Mitigation Measure HYD-1: Comply with NPDES General Construction Permit. This measure is described in detail above.

Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measures 1 through 6, and Mitigation Measures BIO-4, BIO-6, HAZ-6(a), HAZ-6(b), HYD-1, and HYD-3 are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Transportation

Impact – Construction-Related Increase in Area Traffic Volumes and Degradation of LOS (TR-1)

Construction of the proposed Project will result in temporary traffic increases that could have temporary adverse effects on roadways, roadway capacity, and LOS. The construction-generated traffic would consist of daily commutes by construction workers and periodic delivery and removal of materials to and from the Project site over the course of construction. The addition of these trips would temporarily increase the traffic volumes on local roadways in the study area.

Mitigation

Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan. The construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of project design. The purpose of the plan is to insure public safety, provide noise control and dust control. The plan shall be approved by the City of Clovis City Engineer and comply with City of Clovis's local ordinances and standard policies.

The construction traffic control plan will be provided to the City of Clovis for review and approval prior to the start of construction and implemented by construction contractor during all construction phases, and monitored by the project proponents and City.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 7 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Construction-Related Increase in Area Traffic Volumes and Degradation of LOS (TR-2)

Construction of the proposed Project will result in temporary traffic increases that could have temporary adverse effects on roadways, roadway capacity, and LOS. The construction-generated traffic would consist of daily commutes by construction workers and periodic delivery and removal of materials to and from the Project site over the course of construction. The addition of these trips would temporarily increase the traffic volumes on local roadways in the study area.

Mitigation

Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 7 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Increase in Traffic Safety Hazards due to Construction-Generated Traffic (TR-3)

Construction at the Project site could affect bicycle and pedestrian access within and through the Project area. This impact is considered potentially significant but would be reduced to a less-than-significant level with implementation of Environmental Measure 7.

Mitigation

Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 7 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact – Interference with Emergency Access and Circulation due to Construction-Generated Traffic (TR-4)

Emergency access adjacent to the Project site could potentially be affected by lane closures, detours, and construction-related traffic. This impact is considered potentially significant but would be reduced to a less-than-significant level with implementation of Environmental Measure 7.

Mitigation
Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan. This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Environmental Measure 7 is feasible and is hereby adopted and incorporated into the project. Adoption of this measure will reduce the potentially significant impact to a less-than-significant level.

Impact TR-7: Long-Term (2025 With Project) Impact on Study Area Intersections

Traffic generated by the proposed Project will have no significant impacts to any of the 35 study intersections in the study area and within the Project. The additional Project trips on SR 168 turning from eastbound SR 168 to westbound Nees Avenue have the potential to result in changes of average speeds on SR 168 in the a.m. and p.m. peak hours. Reclassification of SR 168 east of Temperance Avenue to a freeway will necessitate a reclassification of the Nees and Shepherd Avenue connections from intersections to interchanges. This will create a need for the appropriate level of interchange design to ensure that these facilities operate at an acceptable level of service.

The final design for the interchanges of SR 168 with Shepherd and Nees Avenues is not complete, nor have these facilities been included in the state's construction program. Development of the Project area will result in an increase in vehicle trips on SR 168 and will eventually contribute to the need to design and construct these interchanges. Currently, there is constructive discussion between the city and Caltrans about the final design of the Nees/168 interchange. This is largely due to the fact that the Harlan Ranch Project is proceeding ahead of the state's highway program, and the interchange design analysis needed by Caltrans is therefore not complete.

Without a sufficiently-designed interchange, the modeled reduction in vehicle speeds along of SR 168 indicates a potentially significant impact. Construction of interchanges on SR 168 at Nees Avenue and at Shepherd Avenue by 2025 would result in maintaining average speeds on SR 168 above 60 mph at all times. LOS at the resulting signalized ramp intersections would be LOS B and A respectively, during both peak hours. One potential consequence of moving forward with the Harlan Ranch Project prior to interchange design may be approval of land uses and construction obstructing the land needed for yet-to-be-determined interchange rights-of-way. This may be an environmental impact as the state may eventually need to acquire rights-of-way which may impair established neighborhoods, or at the least, result in greater land acquisition and severance costs.

Mitigation

Mitigation Measure TR-7(a): SR 168 Interchange Improvements

Freeway interchanges are planned by the *Clovis General Plan Program* for the SR 168 at both Nees Avenue and at Shepherd Avenue. These interchanges could be either L-1 type interchanges (i.e., tight diamond configurations) with signalized ramps at both Nees Avenue and Shepherd Avenue, or L-9 type interchanges, as favored by Caltrans.

In order to reduce potential impacts to a less-than-significant level, the development of lands around the interchanges of SR 168 with Shepherd and Nees Avenues will be conditioned as follows:

The Harlan Ranch project proponent has recently submitted a tentative map to the City of Clovis for processing (Tentative Map 5486). In order preserve sufficient potential rights-of-way for the interchanges, the tentative map has been prepared presuming that the larger (L-9) interchange design at SR 168 and Nees and Shepherd Avenue will be needed.

Approval of Tentative Map 5486 shall include the preservation of sufficient future right-of-way to accommodate L-9 interchanges on SR 168 at Nees and Shepherd Avenues, reducing potential impacts to the SR 168 interchanges to a less-than-significant level.

Mitigation Measure TR-7(b): Intersection Signals

Traffic generated by the proposed Project will have no significant impacts to the study intersections in the study area and within the Project with the exception of the Nees/SR 168 intersection. The traffic study concluded this by assuming the signalization of identified street intersections. The City of Clovis employs a major street facility fee to fund the needed improvements to the public street system. Fees will be paid by the Harlan Ranch development to provide funding for the construction of streets and related improvements to the circulation system. The cost of signalization of intersections identified in the traffic study to maintain acceptable levels of service will be shared by all developments in the area and not solely by the Harlan Ranch, though it will also contribute its proportional share of the major street facility fees. These fees are due prior to the approval of the Harlan Ranch final subdivision maps.

Payment of the major street facility fee by development in the City of Clovis, including the Harlan Ranch development, will fund intersection construction and reduce potential impacts on these facilities to a less-than-significant level.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The City of Clovis hereby finds that implementation of Mitigation Measures 7(a) and 7(b) are feasible and are hereby adopted and incorporated into the project. Adoption of these measures will reduce the potentially significant impact to a less-than-significant level.

Significant Unavoidable Environmental Impacts

The following environmental impacts are considered significant and unavoidable. No feasible mitigation measures could reduce the impact to a less-than-significant level.

Aesthetics

Impact: Temporary Visual Changes as a Result of Construction Activities (AES-1)

Construction of the proposed Harlan Ranch Project would create temporary changes in views of and from the Harlan Ranch Project site. Construction activities associated with the Harlan Ranch Project would include the use of heavy equipment and associated vehicles (e.g. bulldozers, graders, cranes, and various trucks). Construction equipment would be visible to travelers along adjacent roadways and to people at nearby farmsteads and residences. A number of residences to the west have back- and side-yards that abut, or face the project site. These viewers would have high visual sensitivity. There are direct views of the project site from most of these residences.

Finding

Because of the high visual sensitivity of the residents who would be impacted by these changes, and because the construction would involve the removal of an existing orchard, this impact would be significant. No mitigation is available that would avoid the Project's contribution. Therefore, this impact is significant and unavoidable.

Impact: Changes in Visual Character and Quality at the Project Site (AES-3)

The proposed Harlan Ranch Project would result in the addition of a variety of permanent visual elements at the project site. The proposed Harlan Ranch Project would include a range of residential densities, mixed use commercial areas, neighborhood parks and trail system, an elementary school, a community recreational center, and a landscaped buffer to be situated between SR 168 and the proposed Harlan Ranch Project. The surrounding visual character is generally agricultural with development associated with nearby farmsteads and residences. The project site is visible from nearby farmsteads, residences, and adjacent roadways. As discussed for construction-related impacts, the number of viewers and sensitive receptors is considered low. Locating the Harlan Ranch Project at this site would change the visual character of the site from active agriculture to a residential development. In general, implementation of the project would produce a number of prominent new, suburbanized elements in an agricultural viewshed.

Mitigation

Mitigation Measure AES-3(a): Design the Project to be Compatible with Site Surroundings This measure is described in detail above.

Mitigation Measure AES-3(b): Provide Vegetative Buffers to Screen Views of the Project Site This measure is described in detail above.

Mitigation Measure AES-3(c): Provide Aesthetic Treatments to Soundwall This measure is described in detail above.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. However, no mitigation is available to reduce this impact below the level of significance. The location of the site makes it highly visible and the change in use, from orchard to residential development, cannot be mitigated. Therefore, this impact is significant and unavoidable.

Impact: Changes in Light and Glare at the Project Site (AES-5)

The proposed Harlan Ranch Project would include nighttime lighting for security purposes. This would represent a new source of light and glare for surrounding areas, and residents as well as travelers on SR 168, Tollhouse Road, Shepherd Avenue, and DeWolf Avenue could be affected by potential light and glare. Outdoor lighting associated with the Harlan Ranch Project will be focused, directed and arranged to prevent glare and spillover illumination on streets and adjoining properties. However, some spillover lighting will occur even with this design requirement.

Mitigation

Mitigation Measure AES-5: Incorporate Light and Glare-Reduction Measures into the Plan and Design of Exterior Lighting at the Harlan Ranch Project Site

The *Harlan Ranch Master Development Plan Handbook* shall provide lighting standards to minimize nuisance lighting. Harlan Ranch Project facilities shall be constructed of low-sheen and non-reflective building materials to minimize glare and obtrusiveness. Lighting plans shall be subject to City of Clovis approval. Where lighting is required or proposed, the project proponent shall incorporate light-reduction measures into the lighting design specifications to reduce light and glare to the satisfaction of the Clovis City Planner. The lighting design shall also meet minimum safety and security standards.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. However, no mitigation is available to reduce this impact below the level of significance. Even with the mitigation measure, the Project will introduce street lighting and other sources of

light and glare where none existed before. Therefore, this impact is significant and unavoidable.

Agricultural Resources

Impact – Conversion of Important Farmland to Nonagricultural Use (AGR-1)

The proposed Project would have several short- and long-term effects that would lead to conversion of agricultural lands. The Project would also have indirect effect on farmland conversion by creating pressure to develop surrounding areas that are slated for development more quickly than originally planned or by creating pressure to develop surrounding areas that are not currently planned for development.

According to the land use map of the City General Plan, the Project area is planned for eventual development as part of the City of Clovis, and would be converted entirely to non-agricultural uses. Currently, most of the 410-acre Harlan Ranch Project site supports an existing commercial orchard.

Development of the proposed Harlan Ranch Project would convert the entire 410-acre site to non-agricultural uses. The Harlan Ranch Project's design has implemented the guiding principles of the *Landscape of Choice* in that it proposes to use land proposed for urbanization as efficiently as possible by introducing higher density land uses to the area. This is in recognition of the importance of agriculture and the need to protect productive farm land by maximizing the densities within the existing sphere.

Much of the 410-acre Harlan Ranch Project portion is currently farmed and has been farmed historically. Of the overall Project area land, including the Northeast Annexation Program area, approximately 60% (at least 520 acres) is Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Unique Farmland, as noted on the FMMP map for Fresno County. In the long term, implementation of the Project will result in the permanent conversion of the farmland in the Project area from agricultural use to urban uses. Although conversion is planned by the City, as anticipated in the MOU, the act of development will convert existing agricultural land on this site to urban uses. As a result, farmland will be converted to another purpose and will no longer be available for the production of food.

There is no feasible mitigation that would avoid this impact because urbanization and agricultural production cannot co-exist on the same piece of ground. Further, no alternatives exist that would meet CEQA requirements for feasible alternatives to the Project. In order to be considered, any alternative Project sites would need to be within the City's sphere of influence because County and City policies prohibit urban development outside the spheres. No such alternative sites would meet CEQA requirements because they would have similar impacts to the proposed Harlan Ranch Project (i.e., they would not substantially reduce or avoid project impacts).

Finding

No mitigation is available to lessen this significant impact of the project. Therefore, this impact is significant and unavoidable.

Air Quality

Impact – Emissions of ROG, NOx, CO, and PM10 from Residential, Business, and Retail Buildings (Area Sources) and from Increased Vehicle Trips (AIR-2)

The estimated area source and vehicle emissions are above the SJVAPCD thresholds, resulting in a significant and unavoidable impact. Area source emissions include those from natural gas combustion for water and space heating, landscaping equipment, and personal household product use. Vehicle emissions are from an increase in project vehicle trips.

Mitigation

Mitigation Measure AIR-2: SJVAPCD Recommendations

To seek further reductions in Air Quality impacts, the Harlan Ranch proponent shall provide the following mitigation measures:

- Provide energy efficient design for homes and buildings, including automated control system for heating/air conditions and energy efficiency, lighting controls and energy-efficient lighting in buildings, insulation in accordance with Title 24 requirements;
- Trees should be carefully selected and located to protect buildings from energy consuming environmental conditions and to shade paved areas. Trees selected to shade paved areas should shade 50% of the area within 15 years;
- Until transit service is available to Harlan Ranch, reserve easements shall be provided to accommodate future improvements such as bus turnouts, loading areas, and shelters. When transit service becomes available to the Harlan Ranch Project site, make improvements which encourage residents, shoppers, employees and others to use it,
- Provide sidewalks and bike paths throughout as much of the Harlan Ranch Project as practical and connect to any nearby open space areas, parks, schools, and commercial areas; and
- Provide for efficient interior circulation and pedestrian access within the Harlan Ranch Project area and provide logical connection points for future development on the surrounding properties.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. The effectiveness of many of the above SJVAPCD measures that are intended to reduce vehicle emissions is not

quantifiable, as they depend on individual behavior. The same is true of project design features that reflect the guidance in *A Landscape of Choice*. The resulting emissions are potentially still greater than the SJVAPCD significance thresholds because the majority of operational emissions are from motor vehicle trips. Despite the anticipated benefits to air quality from implementation of the above measures, the potential reduction in air quality impacts is not readily quantifiable. No mitigation is available to reduce this impact below the level of significance. Therefore, this impact is significant and unavoidable.

Impact – Growth Associated with the Harlan Ranch Project Would not be Consistent with the Most Recent SJVAPCD Air Quality Plans (AIR-5)

The SJVAPCD Clean Air Plan includes an emissions budget based on population and traffic growth projections from each region within the air basin, usually included in the most recent City General Plan update for the region. In order for a project to be consistent with the Clean Air Plan, it must be included in the growth projections provided to the district by the Fresno County Council of Governments. The proposed Harlan Ranch Project includes an amendment to the land use pre-designations of the site identified in the City’s General Plan, due to planned changes in land uses and density of development. Therefore Harlan Ranch Project exceeds the level of development assumed in the Clean Air Plan and results in a potentially significant impact.

Mitigation

Mitigation Measure AIR-5: The Clovis General Plan Program

The *Clovis General Plan Program* Air Quality Element policies 2.1 through 2.6 are intended to reduce vehicle trips through planning that encourages walking, bicycling, and transit use. The *Harlan Ranch Master Development Plan Handbook* incorporates many of these features in its design including a Community Recreation Center centrally located within the community and accessible by pedestrian trails, a small village commercial center (13.3 acres) adjacent to a 6.9-acre live-work area, and an extensive trail/paseo network to encourage non-automotive modes of travel. These features are designed to provide localized retail and service uses to the Harlan Ranch Community and the local surrounding area and encourage pedestrian and bicycle travel as a viable alternative to automobiles.

Finding

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. Despite the anticipated benefits to air quality from implementation of principles from *A Landscape of Choice*, the potential reduction in air quality impacts is not readily quantifiable and it cannot be determined that these design principles would result in an offset equal to the increase in the number of dwelling units over that reflected in the Clean Air Plan. Further, the growth associated with the Harlan Ranch Project would not be entirely consistent with the most recent SJVAPCD Air Quality Plan because of moderately higher

densities proposed. Therefore, no mitigation is available to reduce this impact below the level of significance. Therefore, this impact is significant and unavoidable.

Land Use

Impact – Development of Land Uses Incompatible with Adjacent Land Uses (LU-3)

The proposed Harlan Ranch Project will contribute to increased traffic, noise, and general activity at higher levels than currently associated with the rural lifestyle. Potential traffic and noise impacts resulting from development of the site are addressed in sections 3.13 and 3.10 (“Transportation,” and “Noise” respectively) of the draft EIR.

Lighting associated with the residential and commercial development and the additional lighting for street and park lighting could impact present and future adjacent land uses. Impacts associated with increases in light and glare in the project area are addressed in section 3.1 *Aesthetics* of the draft EIR.

Mitigation

Mitigation Measure N-4(a): Ensure that Outdoor and Indoor Activity Areas of Residences Do Not Exceed 65 and 45 L_{dn}, Respectively This measure is described in detail above.

Environmental Measure 1: Measures to Minimize Effects of Construction Related Noise. This measure is described in detail above.

Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan. This measure is described in detail above.

Mitigation Measure TR-7(a): SR 168 Interchange Improvements This measure is described in detail above.

Mitigation Measure TR-7(b): Intersection Signals This measure is described in detail above.

Findings

Changes have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. This area has been identified for urban development since the adoption of the *Clovis General Plan Program* in 1993, has been recognized by Fresno County and the LAFCO as appropriate for urbanization since 2000, and will be developed in

accordance with the *Harlan Ranch Master Development Plan Handbook*. However, implementation of mitigation measures proposed in the draft EIR would not resolve the basic operational and aesthetic difference between urban and rural land uses to a less-than-significant level. Therefore, no mitigation is available to reduce this impact below the level of significance. Therefore, this impact is significant and unavoidable.

Cumulative

Impact – Cumulative Impact on Aesthetics and Visual Resources (CE-1)

At present, the visual character of the surrounding area at the Harlan Ranch Project site is generally agricultural with development associated with nearby farmsteads and residences. The Harlan Ranch Project site is visible from nearby farmsteads, residences, and adjacent roadways. The proposed Project would result in the addition of a variety of permanent visual elements at the Harlan Ranch Project site. The Harlan Ranch Project would include a range of residential densities, mixed-use commercial areas, neighborhood parks and a trail system, an elementary school, a community recreational center, and a landscaped buffer to be situated between SR 168 and the Harlan Ranch Project.

This development would result in visual impacts in the area, including temporary visual changes from construction activities, and permanent changes in views of the project area and in light and glare at the Harlan Ranch Project site and vicinity from new lighting sources. The change in land use at the Harlan Ranch Project site from an agricultural setting to an urban, mixed-use setting represents a significant change in the visual character of the site. Mitigation measures are identified in section 3.1 *Aesthetics* of the draft EIR to reduce individual project-related impacts to visual resources, but not to a less-than-significant level. Therefore, the individual impacts of the Project are considered significant and unavoidable.

Build-out under the *Clovis General Plan Program* has the potential to contribute similar types of effects as those identified for the proposed Project. These impacts would result from construction activities and development of roadways, parking areas, and buildings, and from the introduction of new light sources that would affect the visual resources in the area.

Finding

Implementation of project-specific mitigation measures would reduce the Project's contribution to this cumulative impact, but not to a less-than-cumulatively-considerable level because the cumulative loss of visual resources is irreversible. No mitigation is available to lessen this significant impact of the project. Therefore, this impact is significant and unavoidable.

Impact – Cumulative Impact from Conversion of Agricultural Lands (CE-2)

The proposed Project would have several short- and long-term effects that would directly and indirectly lead to the permanent conversion of agricultural lands to urban uses. The Project area includes Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland, all of which would be removed from agricultural production as a result of development of the Project area. This level of conversion is consistent with the General Plans for the City and County, and is a foundation for the MOU enacted for lands within the City's sphere of influence.

Finding

As discussed in section 3.2 of the draft EIR, no mitigation is available to reduce these impacts to a less-than-significant level; therefore, it would be significant and unavoidable.

Impact – Cumulative Effect on Air Quality (CE-3)

The proposed Project would have impacts on air quality, including temporary increases in construction- and operation-related emissions from the proposed mix of land uses and increased traffic volumes. Mitigation measures are identified in section 3.3 of the draft EIR to reduce project-related impacts. Similarly, the Harlan Ranch Project has been designed to incorporate elements of *A Landscape of Choice: Strategies for Improving Patterns of Community Growth*, including mixed uses, a range of residential densities, and interior trails for non-motorized transportation. However, the effects of these elements and other measures intended to reduce vehicle emissions are not quantifiable because they depend on individual driver behavior.

Finding

The resulting emissions are potentially still greater than the SJVAPCD significance thresholds because most of the operational emissions are from motor vehicle trips. No mitigation is available to lessen this significant impact of the project. Therefore, this impact is significant and unavoidable.

Impact – Cumulative Effect on Noise (CE-8)

The proposed Project would result in potential noise impacts from construction and increased traffic. Mitigation measures are identified in section 3.10, "Noise," to reduce individual project-related impacts on noise to less-than-significant levels. Section 3.10 indicates that traffic noise levels in 2025 are predicted to exceed 66 dB-L_{dn} along several roadways in the Project area with adjacent residential uses, which would exceed the 65 dB-L_{dn} threshold. Therefore, significant traffic noise impacts are considered to occur along these roadways. Potential project-specific mitigation measures to reduce exterior traffic noise include the construction of sound walls, use of setbacks from street centerlines and using typical construction methods and materials to reduce interior noise levels, all considered in the *Harlan Ranch Master Development Plan Handbook*.

Finding

Implementation of project-specific mitigation measures, compliance the *Harlan Ranch Master Development Plan Handbook* and with the goals, policies, and actions of the general plan would reduce this contribution, but not to a less-than-cumulatively-considerable level because it is anticipated that it may not be feasible for these measures to be implemented in all cases where significant cumulative traffic noise impacts occur. No mitigation is available to lessen this significant impact of the project. Therefore, this impact is significant and unavoidable.

Alternatives to the Proposed Project

The EIR evaluated a No-Project Alternative, as required under CEQA, and two alternative sets of land uses. The two project alternatives evaluated in the EIR would meet most of the basic project objectives, appeared feasible, and would avoid or substantially lessen at least one of the significant effects of the project.

As described in Chapter 4, *Project Alternatives*, other potential alternatives were considered but not evaluated in detail in the draft EIR because they would have environmental effects that are either similar to or greater than the proposed project or were considered infeasible due to specific economic, legal, social, technological, or other considerations.

No Project Alternative (Alternative 1)

Under the No Project Alternative, the proposed Harlan Ranch Project would not be annexed to the City and would not be developed according to the current application. Instead, the 910-acre Project area would remain under County jurisdiction and would be developed according to the existing Fresno County General Plan by 2025. Under this alternative, the 70 kV electrical line on the south side of Shepherd Avenue would probably need to be relocated. This alternative is included to allow for comparison of the impacts caused by approving the project with those that would result if it were not approved.

Finding

Specific economic, legal, social, technological, or other considerations make this alternative infeasible. The City of Clovis hereby finds that the No Project Alternative is infeasible because this alternative does not meet the following project objectives:

- promote planned, orderly, and efficient patterns of urban development within the City's sphere of influence;
- provide for the efficient delivery of public services by the City; and

- create a variety of housing opportunities available to the community consistent with the goals of the City's housing element.

Under Alternative 1, the project site would be developed at a relatively low residential density. Annexations and related site-specific development would occur on a smaller scale, without a controlling overall plan of development. This is not an efficient pattern of urban development because it does not offer the opportunity for undertaking a comprehensive plan for the development of the 410-acre site. Instead, the site would develop in smaller, independent increments.

Similarly, Alternative 1 would result in uncoordinated demands for the extension of public services. Financing of public service extensions would be inefficient if the timing of demand and supply cannot be accurately estimated. In contrast, the proposed project's master planning allows overall financing of public utilities that would not be possible if the site were developed piece by piece.

Alternative 1 would be developed at a density of from 0.9 to 2.8 dwelling units per acre under the County general plan designation. This type of large lot development does not typically provide a variety of housing types and levels of affordability.

Lower Density Alternative (Alternative 2)

This alternative would reduce the proposed densities within selected planning areas of Harlan Ranch. The Lower Density Alternative would have an overall lower residential density than proposed by the Project. The land use designations and total number of dwelling units under this alternative are summarized in Table 4-2 in Chapter 4, of the draft EIR. By reducing densities within selected planning areas, the total number of residential units would be approximately 400 fewer than under the proposed Project. All other land uses would remain the same.

Finding

Specific economic, legal, social, technological, or other considerations make this alternative infeasible. The level of amenities proposed as part of the Harlan Ranch Master Development Plan could not be provided if the density is reduced. This would reduce the amount of landscaping, limit the architectural treatment of entryways to the community, and would not provide as wide a variety of housing types as the Project. Additionally, reduced density would not be compatible with the policies of *A Landscape of Choice* which encourage higher-density development providing a range of housing types. In past action, the City has accepted *A Landscape of Choice* as a policy guide for compact development.

Development under Alternative 2 would support fewer residences than the proposed project. As described below, the City is required by state law to provide opportunities for additional residential growth under its housing element. The City adjoins agricultural land and future City growth will lead to additional

conversion of that resource to urban uses. Alternative 2 would accommodate a smaller portion of the City's overall housing need than the proposed project, thereby resulting in the need to convert a greater volume of agricultural land in order for the City to provide the number of residences being proposed by the Harlan Ranch project.

Existing City Plan Alternative (Alternative 3)

Alternative 3 assumes that the 410-acre site (as part of the larger project evaluated in the draft EIR) would be annexed to the City of Clovis and developed in accordance with current City General Plan provisions. Under this alternative, the 70 kV electrical line on the south side of Shepherd Avenue would probably be relocated. The Harlan Ranch property (approximately 410 acres) would support up to 1,192 residential units.

Finding

Specific economic, legal, social, technological, or other considerations make this alternative infeasible. State law requires the City to adopt a housing element as part of its general plan. The housing element must identify the full range of housing needs within the City and provide programs and opportunities for development that would meet those needs. The City's housing need is established by the Fresno COG's Regional Housing Needs Allocation. Fresno COG approved its RHNA plan in September 2001. The plan allocates a total of 6,410 housing units to the City of Clovis. While development under Alternative 3 would help meet this need, it would provide a limited range of housing types.

Further, Alternative 3 would not be compatible with the policies of *A Landscape of Choice* which encourage compact, higher-density development providing a range of housing types and mixed use development to reduce the need for vehicle trips. In past action, the City has accepted *A Landscape of Choice* as a policy guide for compact development.

As discussed in the EIR, the San Joaquin Air Basin is in extreme non-compliance for ozone. Vehicle exhaust produces the component emissions that form ozone. The EIR comment submitted by Wilcon LLC on July 27, 2005 describes the reduction in emissions that would result from the compact, mixed-use development being proposed by the Harlan Ranch project. This offers an important means of avoiding the level of emissions that would otherwise be produced under Alternative 3. Alternative 3, therefore, is infeasible because of it would not include design features that will reduce vehicle emissions.

Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, in determining to approve the project the City of Clovis must balance the benefits of the proposed project against its unavoidable environmental impacts. Separate from its findings

of fact, the City must adopt a “statement of overriding considerations” in accordance with Section 15093. The significant and unavoidable impacts of the project include the following.

- Aesthetic impacts of conversion of the existing citrus orchard to urban use. This includes the project’s contribution to the cumulative changes occurring with growth of the City.
- Air quality impacts of development that exceeds the impact thresholds established by the San Joaquin Valley Air Pollution Control District and that is not reflected in the current air quality plan. This includes the project’s contribution to the cumulative impacts on air quality occurring with development in the air basin.
- Issues of compatibility between the urbanization within Harlan Ranch and rural residential development on nearby lands.
- The project’s contribution to the cumulative loss of agricultural land through conversion to urban uses in the area.
- The project’s contribution to cumulative noise impacts resulting from additional development in the area.

The City of Clovis hereby finds that the following social, legal, and economic, benefits of the Harlan Ranch Project outweigh the unavoidable impacts for the following reasons.

1. The agricultural land to be converted is within the City’s sphere of influence and is planned for urban development under the Clovis General Plan, updated in 1993. The City of Clovis and County of Fresno have entered into a Memorandum of Understanding (MOU) that establishes the agencies’ preference for having the areas within the City’s sphere of influence annex to the City before development may occur.
2. The City of Clovis is expected to increase in population. As discussed in Section 3.11 of the EIR, the population of Clovis is projected to increase by approximately 41 percent between the years 2000 and 2010. Between the years 2000 and 2020, the population of Clovis is projected to increase by approximately 66,532 people. Clovis is within an agricultural area, so future residential growth will convert agricultural lands. The Harlan Ranch project would increase the density of development on this site over that previously proposed under the Clovis General Plan (Harlan Ranch proposes 1,844 residential units; approximately 1,192 residential units would be allowed under the 1993 General Plan). This greater density will allow the City to accommodate increased population growth on less agricultural land than would otherwise be needed at lower density.
3. The Harlan Ranch project will offer a variety of housing types and affordability levels to help accommodate future residents. Under

Government Code Section 65583, the City is obligated to plan for and encourage new housing to be built to meet its share of the projected 5-year regional housing need. The regional housing need is allocated to each city and the County of Fresno by the Fresno Council of Governments. The Council of Governments adopted the regional housing needs allocation in 2001 and assigned 6,410 residential units to the City of Clovis as its share. The Harlan Ranch project will assist the City in meeting this housing share by providing approximately new 1,844 residential units in a variety of price ranges. As described in Chapter 2 *Project Description* of the EIR, 452 units will be apartments, 305 will be garden court homes, and 310 will be built on 3,060 square-foot lots. These are expected to be affordable to low- to moderate-income residents. Harlan Ranch may not be fully built out before the next round of housing allocations. If that is the case, it will also contribute to meeting the City's share of the next regional housing needs allocation.

4. The Harlan Ranch project, under the approved Master Planned Community (MPC) overlay zone, will offer future homeowners and residents a number of attractive amenities including: generous landscaping along roads and common areas; bicycle and pedestrian pathways (paseos) that will enable non-vehicular movement within the development and reduce the need for automobile trips to some extent; a linear park connecting the ends of the development; a neighborhood school site, a neighborhood recreation center, and a commercial area that may serve local residents. The MPC Master Development Plan approved with this project further provides for design standards that will ensure that residential development will be attractively designed.

5. The proposal is generally consistent with *A Landscape of Choice. Strategies for Improving Patterns of Community Growth*. *A Landscape of Choice* identifies a number of "smart growth" design principles that can result in more efficient land use patterns and promote non-automotive transportation modes. Efficient land use patterns can reduce the amount of agricultural land that would have otherwise been converted to provide for future urban growth by encouraging compact growth, minimize costs of infrastructure by developing in an orderly fashion, and locate commercial and institutional uses convenient to residential development. The project increases housing density over the 1993 General Plan and proposes a variety of housing types. Its mix of land uses will provide educational, commercial, and educational land uses as well as residential. *A Landscape of Choice* encourages non-automotive transportation modes by placing commercial, institutional, and residential land uses in close proximity so that walking and bicycling can be efficient alternatives to driving. The project includes a mixed use component to establish commercial uses near the residential development. It also encourages walking and bicycling by providing paseos, landscaped walks, and Class II bike lanes on the major streets. Although the City of Clovis has not formally adopted *A Landscape of Choice*, it has gone on record as being supportive of its provisions. *A Landscape of Choice* is described in Section 3.9 of the EIR.

Incorporation by Reference

The July 2005 final EIR, which includes the May 2005 draft EIR, is hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the comparative analysis of alternatives, the basis for determining the significance of impacts, the scope and nature of mitigation measures, and the reasons for approving the project despite the potential for associated significant unavoidable adverse impacts.

Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein. Most documents related to the project are located in the offices of the City of Clovis, 1033 Fifth Street, Clovis, CA 93612.

Summary

Based on the foregoing Findings and the information contained in the record, the City Council has made one or more of the following findings with respect to each of the significant effects of the project.

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR that would otherwise avoid or substantially lessen the identified environmental effects of the project.

Based on the foregoing Findings and the information contained in the record, it is determined that

- all significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible, and
- any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the above Statement of Overriding Considerations.

Citations

Jones & Stokes. 2005. *Draft Environmental Impact Report: Harlan Ranch Project and Northeast Annexation Program* State Clearinghouse #2005091025. May. (J&S 04421.04.) Sacramento, CA. Prepared for the City of Clovis, Clovis, CA.

Growth Alternatives Alliance. 1998. *A Landscape of Choice: Strategies for Improving Patterns of Community Growth*. Fresno, CA

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Environmental Measure 1: Measures to Minimize Effects of Construction-Related Noise.</p> <p>Pursuant to the Clovis Municipal Code (Clovis Municipal Code Section 9.3.228.10 et seq.), the following construction noise control measures will be required in order to reduce and control noise generated from construction-related activities.</p> <ul style="list-style-type: none"> ■ Noise-generating construction activities shall be restricted to the weekday hours (Monday through Saturday) of operation between 7:00 a.m. to 9:00 p.m. In addition, no construction activity is allowed any time on Sunday or holidays. ■ The construction contractor shall notify residences within 500 feet of the construction areas of the construction schedule in writing before construction. The construction contractor shall designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and shall ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the noise disturbance coordinator shall be conspicuously posted on construction site fences and shall be included in the written notification of the construction schedule sent nearby residents. ■ Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director. 	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Environmental Measure 2: Erosion Control Measures to Protect Water Quality</p> <p>To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP), to be included in the construction specifications and project performance specifications, based on standard City measures and standard dust-reduction measures.</p> <ul style="list-style-type: none"> Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways. Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways. Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area. 	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water</p> <p>Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters: concrete; solvents and adhesives; thinners; paints; fuels, sawdust, dirt; gasoline, asphalt and concrete saw slurry, heavily chlorinated water</p> <p>Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures.</p>	<p>Prior to and during construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Environmental Measure 3: Dust Control Measures to Protect Air Quality</p> <p>To control dust emissions generated during construction of the proposed Project, the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM10 are required to be implemented (SJVUAPCD Rule 8021). They include, but are not limited to, the following:</p> <p>The project developer shall submit to the SJVAPCD a dust control plan for any residential project of 10 acres or more, or non-residential project of 5 acres or more. For a residential project of from 1 to 10 acres, or a non-residential project of from 1 to 5 acres, the developer shall submit written notification to the SJVAPCD at least 48 hours prior to beginning any earthmoving activities.</p> <p>The project developer shall submit to the SJVAPCD a dust control plan for any residential project of 10 acres or more, or non-residential project of 5 acres or more. For a residential project of from 1 to 10 acres, or a non-residential project of from 1 to 5 acres, the developer shall submit written notification to the SJVAPCD at least 48 hours prior to beginning any earthmoving activities.</p> <p>Water all active construction areas where soil is exposed at least twice daily, and more often if needed, to control dust generation during earthmoving activities</p> <p>All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</p> <p>All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</p> <p>With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.</p> <p>When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.</p> <p>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</p> <p>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</p> <p>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</p> <p>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</p>	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	<p>Environmental Measure 4: Measures to Control Construction-Related Emissions.</p> <p>To comply with guidance from the SJVAPCD, the City will incorporate or require the developer to incorporate, the following measures into the construction specifications and project performance specifications for the proposed Project.</p> <p>The construction contractor will ensure that onsite equipment will be equipped with Tier I or Tier II engines. Tier II engines are preferable, if available as certified by the California Air Resources Board (ARB). Engines built after 1998 are cleaner Tier II engines. Engines certified by the ARB can be found through http://www.aarb.ca.gov/msprog/offroad/cert/cert.php.</p> <p>The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling</p> <p>The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641</p>

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>(Paving and Maintenance Activities). Current SJVAPCD rules can be found at http://www.valleyair.org/rules/1ruleslist.htm</p> <p>The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.</p> <p>The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.</p>				
<p>Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials.</p> <p>Construction of the proposed Project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the Project site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.</p> <p>To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and project performance specifications, based on the City's standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.</p> <p><i>Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.</i> The City shall require the applicant to develop and implement a Spill Prevention Control and Countermeasure Plan to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the Project vicinity. This plan is required by federal law, and as a performance standard, shall conform to the federal requirements (Title 32 Code of Federal Regulations Section 650) The City shall require the applicant to comply with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code, Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the Spill Prevention Control and Countermeasure Plan and plans for the proper storage and handling of hazardous materials will be measured against the state and federal requirements as</p>	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Fire Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>verified by the City of Clovis.</p> <p><i>Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.</i> The City shall require the applicant and its designated contractors to develop and implement a Hazardous Materials Business Plan, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS</p> <p><i>Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.</i> In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils</p> <p><i>Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions during Construction Activities.</i> The City shall require the applicant to develop plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the Project vicinity. These programs shall include an operations and maintenance plan, a site-specific safety plan, and a fire prevention plan, in addition to the SWPPP required for hydrology impacts. The programs are required by law and shall require approval by several responsible agencies. Required approvals are as follows: the SWPPP shall be approved by the RWQCB; the site-specific safety plan and the operations and maintenance plan shall be approved by California Occupational Safety and Health Administration (Cal-OSHA); and the fire safety plan shall be approved by the local fire department.</p> <p>The City shall also require the applicant and its designated contractors to comply with Cal-OSHA, as well as federal standards, for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards– 29 CFR.</p>				
<p>Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources.</p>	<p>During operation</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies</p>				
<p>If human remains of Native American origin are discovered during Project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until.</p>				
<p>the Fresno County coroner has been informed and has determined that no investigation of the cause of death is required, and</p>				
<p>if the remains are of Native American origin,</p>				
<p>The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or</p>				
<p>The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.</p>				
<p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052) Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>must contact the California Native American Heritage Commission</p>				
<p>Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan</p>	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Engineering Division</p>	
<p>The construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of project design. The purpose of the plan is to:</p> <ul style="list-style-type: none"> reduce, to the extent feasible, the number of vehicles (construction and other) on the roadways adjacent to the Project; reduce, to the extent feasible, the interaction between construction equipment and other vehicles; promote public safety through actions aimed at driver and road safety, and ensure safety for bicyclists and pedestrians throughout the study area. <p>The plan will include the following measures or the equivalent, as approved by the City.</p> <ul style="list-style-type: none"> Provide through access for emergency vehicles at all times. Maintain access for driveways and private roads. During nonworking hours, no driveway, house, or parking lot will be denied access to a public roadway. Maintain pedestrian and bicycle access and circulation during construction. Identify roadway segments or intersections that are at or approaching an LOS that exceeds local standards. Provide a plan to enable construction-generated traffic to avoid these locations at peak periods to the greatest extent possible, either by traveling different routes or by traveling at non-peak times. Provide for adequate parking for construction trucks and equipment within the designated staging areas throughout the construction period. Provide adequate parking for construction workers within the designated staging areas. Restrict delivery of construction materials to the hours between 9:00 a.m. and 3:00 p.m. to avoid more congested morning and evening hours. Include flag persons wearing bright orange or red vests and using a “Slow/Stop” paddle as traffic controls on busy arterials and collectors . Coordinate with local transit providers regarding expected traffic disruptions along bus routes. Provide adequate lead time so that transit providers can develop temporary 				

Table 8-1. Continued

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>service changes and provide notice of changes to the public</p> <p>Post construction warning signs in accordance with local standards or those set forth in the FHWA's <i>Manual on Uniform Traffic Control Devices</i> (2001) at entry points along the perimeter of the construction area and at any intersection that provides access to the construction area.</p> <p>If lane closures occur, provide advance notice to local emergency service providers, so that they may determine alternative evacuation and emergency routes to maintain response times during construction periods</p> <p>Provide written notification to contractors regarding appropriate routes to and from construction sites, and regarding weight and speed limits for local roads used to access construction sites</p> <p>Post a sign at the construction site that provides the name and telephone number or email address of the City staff member to contact with complaints regarding construction traffic</p>				
<p>The construction traffic control plan will be included in the construction specifications, implemented by construction contractor during all construction phases, and monitored by the project proponents and City.</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Environmental Measure 8: Dust Control Measures to Protect Air Quality (Dust Control Plan)</p> <p>The project applicant shall prepare and submit a Dust Control Plan to the District at least 48 hours prior to any earthmoving. The requirements of the Dust Control Plan are included in Appendix J.</p>	Prior to construction	Developer	SJVAPCD and City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AES-3(a): Design the Project to Be Compatible with the Site Surroundings</p> <p>The Harlan Ranch Project shall be developed in accordance with the <i>Harlan Ranch Master Development Plan Handbook</i> which shall be adopted by the City Council as the guiding development document for this area. The <i>Harlan Ranch Master Development Plan Handbook</i> will depict community design development standards, land use standards, administration and implementation of the project to the satisfaction of the Clovis City Planner.</p>	Prior to construction	Developer	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AES-3(b): Provide Vegetative Buffers to Screen Views of the Project Site</p> <p>The site design depicted in the <i>Harlan Ranch Master Development Plan Handbook</i> shall include a vegetative buffer along the SR 168 frontage to screen views of the site and blend the mass with the surroundings to the greatest extent feasible. The proposed vegetative screening shall be selected and planted in a manner acceptable to the Clovis City Planner. Vegetation shall be planted within the first year following project completion, and an irrigation and maintenance program shall be implemented during the plant establishment period.</p>	During construction	Developer	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AES-3(c): Provide Aesthetic Treatments to Soundwall</p> <p>The <i>Harlan Ranch Master Development Plan Handbook</i> shall depict designs of the soundwall with aesthetic treatments compatible with the project theme and design and as approved by the Clovis City Planner.</p>	Prior to and during construction	Project Landscape Architect	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AIR-2: SJVAPCD Recommendations</p> <p>To seek further reductions in Air Quality impacts, the Harlan Ranch proponent shall provide the following mitigation measures.</p> <p>Provide energy efficient design for homes and buildings, including automated control system for heating/air conditions and energy efficiency, lighting controls and energy-efficient lighting in buildings, insulation in accordance with Title 24 requirements;</p> <p>Trees should be carefully selected and located to protect buildings from energy</p>	During construction	Developer	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>consuming environmental conditions and to shade paved areas. Trees selected to shade paved areas should shade 50% of the area within 15 years,</p> <p>Until transit service is available to Harlan Ranch, reserve easements shall be provided to accommodate future improvements such as bus turnouts, loading areas, and shelters. When transit service becomes available to the Harlan Ranch Project site, make improvements which encourage residents, shoppers, employees and others to use it,</p> <p>Provide sidewalks and bike paths throughout as much of the Harlan Ranch Project as practical and connect to any nearby open space areas, parks, schools, and commercial areas; and</p> <p>Provide for efficient interior circulation and pedestrian access within the Harlan Ranch Project area and provide logical connection points for future development on the surrounding properties;</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure AIR-6: Application of Regulation VIII</p> <p>Mitigation measures would include application of all Regulation VIII construction emissions control measures, energy-efficient building design practices, and development planning that would reduce vehicle trips and encourage walking, bicycle, and transit use.</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Mitigation Measure BIO-1: Compensate for the Loss of Wetland Habitats</p> <p>It is assumed that the perennial wetland and/or seasonal wetlands cannot be preserved as part of the proposed Project, and a formal wetland delineation will be conducted to determine the exact extent of potential jurisdictional wetlands. A detailed wetland delineation report will be submitted to the Corps for verification and to support acquisition of a Section 404 permit.</p> <p>If required to compensate for permanent impacts to ensure no net loss of habitat functions and values, the developer may employ a combination of onsite restoration/creation, offsite restoration, or mitigation credits. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies, as part of the permitting process for the Project, if any of the features is considered a water of the United States. Compensation options are presented below.</p> <p style="padding-left: 40px;">Purchase mitigation bank credits at a USFWS-approved ecosystem preservation bank.</p> <p style="padding-left: 40px;">Contribute funds, equal to the amount needed to purchase mitigation bank credits, to restoration of wetlands and other waters in the San Joaquin River corridor, or other nearby lands that are publicly managed and will be protected in perpetuity. The City shall coordinate with appropriate individuals to determine whether there is a potential to create, restore, or enhance waters of the United States at nearby preserved lands.</p> <p style="padding-left: 40px;">Develop a wetland restoration plan that involves creating or enhancing wetland habitat on site or next to the Project area (e.g., in the Northeast Annexation Program area). Potential creation and enhancement sites shall be evaluated by the City and any permitting agencies (e.g., Corps) to determine whether this is a feasible option. If the City determines that onsite or offsite restoration is possible, a restoration plan will be developed that describes where and when restoration will occur and who will be responsible for developing, implementing, and monitoring the restoration plan. The restoration plan shall be prepared by a qualified biologist, subject to City approval. When this option is selected, restoration will be selected in an appropriate area in close proximity to the Project area.</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-3: Compensate for the Loss of Vernal Pool Fairy Shrimp Habitat</p> <p>To compensate for direct impacts on 0.02 acre of potential habitat for federally listed VPFS, the project proponent will preserve and create additional habitat for vernal pool fairy shrimp using USFWS-approved compensation ratios as described below. Any seasonal wetland acreage created for mitigation of the loss of seasonal wetland under Mitigation Measure BIO-1(c) will also count toward the required created habitat for vernal pool fairy shrimp</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>The developer will preserve suitable vernal pool fairy shrimp habitat at a ratio of 2.1 (2 acres preserved for every one acre of habitat directly or indirectly affected) for a total of up to 0.04 acres. Preservation credits must be acquired from a USFWS-approved mitigation bank or conservation area. The Project shall comply with one of the following two preservation options in order to provide suitable mitigation:</p> <p style="padding-left: 40px;">Purchase vernal pool preservation credits at a USFWS-approved Mitigation Bank or Conservation Area in Fresno County.</p> <p style="padding-left: 40px;">Establish a new vernal pool habitat preserve on suitable lands. The creation of a new preserve would require preparation of a management plan and approval by USFWS. The measure shall not be considered complied with absent such approval.</p> <p>The Harlan Ranch Project will also create new, suitable vernal pool fairy shrimp habitat at a 1.1 ratio (one acre created for every acre of habitat directly affected) for a total of 0.02 acre. Creation credits must be acquired from a USFWS-approved mitigation bank or conservation area. The Harlan Ranch Project shall comply with either of the following two creation options in order to provide suitable mitigation:</p> <p style="padding-left: 40px;">Purchase vernal pool creation credits from a USFWS-approved Mitigation Bank.</p> <p style="padding-left: 40px;">Construct at least 0.02 acre of vernal pool habitat at a newly established vernal pool preserve (as described above under preservation requirements).</p> <p>Final compensation requirements and mitigation ratios for the proposed Project would be determined through coordination with the USFWS. The exact cost to purchase preservation and creation credits for project-related impacts would be determined at the time of purchase. Mitigation credits will be purchased and/or a conservation area and management plan will be established prior to any ground disturbing activities, including grading, on the Project site.</p>				
<p>Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Burrowing Owl Mitigation (If Necessary)</p> <p>DFG (1995) recommends that preconstruction surveys be conducted to locate active burrowing owl burrows in the Project area and in a 250-foot-wide buffer zone around the Project area. The developer will retain a qualified biologist, subject to City approval, to conduct preconstruction surveys for active burrows according to DFG guidelines. Various surveys conducted on the</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Harlan Ranch site during the nesting season indicates that no burrowing owls were nesting on the site during 2004. The preconstruction surveys will include a survey 30 days prior to construction for active nesting burrowing owls. If no burrowing owls are detected, then no further mitigation is required. If active burrowing owls are detected in the survey area, the following measures will be implemented.</p> <p>Occupied burrows will not be disturbed during the nesting season (February 1–August 31).</p> <p>When destruction of occupied burrows is unavoidable during the non-nesting season (September 1–January 31), unsuitable burrows will be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows will follow guidelines established by DFG.</p> <p>If owls must be moved away from the Project area, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping. At least 1 week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.</p> <p>If active burrowing owl burrows are found and the owls must be relocated, the City will offset the loss of foraging and burrow habitat in the Project area by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified in the Project area. The protected lands should be located adjacent to the occupied burrowing owl habitat in the Project area or at another occupied site near the Project area. The location of the protected lands will be determined in coordination with DFG. The City will also prepare a monitoring plan, and provide long-term management and monitoring of the protected lands. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to be submitted DFG.</p> <p>If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 160 feet of occupied burrows during the non-breeding season (September 1–January 31) or within 250 feet during the breeding season. Avoidance also requires that at least 6.5 acres of foraging habitat (calculated based on an approximately 300-foot foraging radius of an occupied burrow), contiguous with occupied burrow sites, be permanently preserved for each pair of breeding burrowing owls or single unpaired resident bird. The configuration of the protected site will be submitted to DFG for approval.</p> <p>Mitigation Measure BIO-6: Avoid Disturbance of Tree, Shrub, and Ground Nesting</p>	<p>Prior to and</p>	<p>Developer</p>	<p>City of Clovis Planning</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>White-Tailed Kite, Northern Harrier, Loggerhead Shrike and Non-Special-Status Migratory Birds and Raptors</p> <p>To avoid impacts on white-tailed kite, northern harrier, loggerhead shrike and non-special-status migratory birds and raptors, one or more of the following options will be implemented as part of the proposed Project.</p> <p>If construction activities are scheduled to occur during the breeding season for these species (generally between March 1 and August 15), the developer shall retain a qualified biologist, subject to approval by the City, to conduct the following focused nesting surveys within the appropriate habitat including suitable buffers: Tree and shrub nesting surveys will be conducted within the abandoned orchard or adjacent to the construction area to look for white-tailed kite, loggerhead shrike, and other non-special-status migratory birds and raptors.</p> <p>Ground-nesting surveys will be conducted in annual grasslands and agricultural lands within and adjacent to the construction area to look for northern harrier and other non-special-status migratory birds</p> <p>The surveys should be conducted within 30-days prior to construction if construction is initiated during the breeding season (March 1–August 15th). This assumes that construction will be in full force (i.e., grubbing and grading initiated). If no active nests are detected during surveys, then no additional mitigation is required. However, if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers will be determined by a biologist and will depend on the level of noise or construction disturbance, line of site between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed in order to make an appropriate decision on buffer distances.</p>	<p>during construction</p>		<p>and Development Services Department</p>	
<p>Mitigation Measure BIO-7: Conduct Preconstruction Survey for Western Pond Turtle</p> <p>The developer shall retain a qualified biologist, subject to City approval, who will conduct a preconstruction survey for western pond turtles in the pond and perennial wetland on the Harlan Ranch Project site within 30 days of the initiation of any ground-disturbing activities. If turtles are found they will be trapped and relocated to a suitable location determined by coordination with DFG.</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Mitigation Measure BIO-9: Identify Non-Jurisdictional Wetland and Pond Communities and Potential Waters of the United States and Determine Type and Extent of Potential Impacts Associated with Projects in the Northeast Annexation Program Area</p> <p>As part of project-level environmental review, the developer shall retain a qualified botanist, subject to City approval, to delineate areas of wetland and pond communities, including those that could qualify as waters of the United States. Wetlands shall be delineated using the methods outlined in the U. S. Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987).</p> <p>This information shall be documented in a wetland delineation report. The information shall also be used to determine the types of impacts (direct or indirect) and extent of potential impacts (temporary, permanent) on wetland communities and potential waters of the United States that are within a future Project area. If potential waters of the United States are documents in the Northeast Annexation Program area, the City will implement one or a combination of Mitigation Measures BIO-1 described above.</p>	<p>Prior to construction</p>	<p>City of Clovis Planning Division</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-10: Document Special-Status Plant Populations That Could Occur in the Northeast Annexation Program Area</p> <p>As part of the environmental review process for any projects within the Northeast Annexation Program area, the City shall retain a qualified botanist to document the presence or absence of special-status plants before project approval. The determination of presence or absence shall be made based on plant surveys conducted.</p> <p>The botanist shall evaluate existing habitat conditions for each project and determine what level of botanical surveys may be required. The type of botanical survey shall depend on species richness, habitat type and quality, and the probability of special-status species occurring in a particular habitat type. Depending on these factors and the proposed construction activity, the evaluation may include a habitat assessment to determine whether suitable habitat is present. If no suitable habitat is present, no additional surveys shall be required. If suitable habitat is present, then species-focused surveys will be required during the appropriate period when the target species are evident and identifiable.</p> <p>Special-status plant populations identified during the field surveys shall be mapped and documented as part of the CEQA reports. The City shall implement Mitigation Measure BIO-2 described above to avoid or minimize significant impacts on special-status plants.</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-11(a): Document Special-Status Wildlife Species and Their Habitats</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>As part of project-level environmental review, the City shall require that the project proponent conduct the necessary studies to determine the presence or absence of suitable habitat for special-status wildlife in the Project area. Information obtained would be used to support the CEQA review for individual projects. The type of surveys required shall depend on species richness, habitat type and quality, and the probability of special-status species occurring in a particular habitat type. Depending on the existing conditions in the Project area and the proposed construction activity, the evaluation may include a habitat assessment to determine whether suitable habitat is present. If no suitable habitat is present, no additional surveys shall be required.</p> <p>If no suitable habitat is present, then species-focused surveys for target species will be required. All surveys shall comply with the protocols and guidelines issued by responsible agencies for certain special-status species.</p> <p>Special-status wildlife or suitable habitat identified during the field surveys shall be mapped and documented as part of CEQA reports. The project proponent shall implement a combination of the following mitigation measures to avoid and minimize significant impacts on special-status wildlife.</p>			Services Department	
<p>Mitigation Measure BIO-11(b): Avoid and Minimize Impacts on Special-Status Wildlife Species by Redesigning the Project, Protecting Special-Status Wildlife Habitat, and Developing a Mitigation Monitoring Plan (If Necessary)</p> <p>This mitigation measure focuses on avoiding and minimizing all direct and indirect effects on special-status wildlife as a result of individual developments within the Northeast Annexation Program area. The developer shall implement the following measures to avoid and minimize impacts on special-status wildlife and their habitats:</p> <p>Redesign or modify the Project to avoid direct and indirect impacts on special-status wildlife or their habitats, if feasible.</p> <p>Protect special-status wildlife and their habitat near the Project site by installing environmentally sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The environmentally sensitive area fencing or staking shall be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (USFWS and DFG). The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced</p>	Prior to construction	Developers	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>environmentally sensitive area.</p> <p>To the extent possible, restrict construction-related activities to the nonbreeding season for special-status wildlife species that could occur in the Project area. Timing restrictions may vary depending on the species and could occur during any time of the year.</p>				
<p>Mitigation Measure BIO-11(c): Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for State- and Federally-Listed Wildlife Species</p> <p>In the event that Mitigation Measure BIO-11(b) is not feasible and construction activities would result in significant impacts on state- or federally listed wildlife species, the individual project developers shall coordinate with the appropriate resource agency or obtain the necessary authorizations and/or permits to conduct work.</p>	Prior to construction	Developers	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure BIO-12: Review Local City and County Policies, Ordinances, and Plans and Comply with Requirements</p> <p>As part of project-level environmental review for the Northeast Annexation Program area, the City shall ensure that projects comply with general plans, policies, ordinances, and conservation plans (including any other local, regional, and state plans) (see the Regulatory Section above). Review of these documents and compliance with their requirements shall be demonstrated in project-level environmental documentation. The City shall ensure that projects comply with all policies, ordinances, and plans that exist at the time of project-level review, regardless of whether they existed during the program-level analysis.</p>	Prior to construction	City of Clovis Planning Division	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure CR-3(a): Inventory and Evaluate the Residence and Water Tower</p> <p>Prior to construction of the interchange, the lead agency shall hire a qualified cultural resources management specialist to conduct an inventory and evaluation of the two historic resources to determine their CRHR significance. If the resources are found to be significant (i.e., eligible for the CRHR) then the following mitigation measures apply. If the resources are found not to be significant, no further work (described below) is required..</p>	Prior to construction	Caltrans	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure CR-3(b): Document the Historic Residence</p> <p>The lead agency for the interchange improvement shall hire a qualified cultural resources management specialist to document the residence with a historical narrative and large-format photographs in a manner consistent with the Historic American Buildings Survey (HABS). Copies of the narrative and photographs would be distributed to branches of local libraries and historical societies. The preparation of the HABS-like documentation will follow standard</p>	Prior to construction	Caltrans	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>National Park Service procedures. There will be three main tasks: gather data, prepare photographic documentation, and prepare written historic and descriptive reports. The photographic documentation will consist of large-format photography conforming to HABS-like standards. Photographic documentation will include 4- by 5-inch negatives in labeled sleeves, 8- by 10-inch prints mounted on labeled photo cards, and an index to the photographs. In addition to the residence and its setting, the research will include possible photographic reproduction of any available building blueprints.</p>				
<p>Mitigation Measure CR-3(c): Relocate and Rehabilitate the Water Tower</p> <p>The water tower may be eligible for the CRHR under Criterion 3, as a unique and unusual example of a late 19th century tank house. The lead agency for the interchange improvement shall relocate the tank house to an area that is compatible with the structure’s current rural surroundings. Upon moving the structure, the lead agency shall require the developer at that time to rehabilitate the tank house according to guidelines established in the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. As part of the rehabilitation efforts, the lead agency shall take steps to retain the structure’s architectural significance (i.e. historic appearance). Physical changes to the tank house shall not result in the loss of the building’s historic character or integrity.</p> <p>Prior to the rehabilitation of any portion of the tank house, a qualified cultural resource management specialist will prepare a historic structures report documenting the construction history of the tank house, identify the character-defining features of the property (i.e. the form and detailing of exterior features), and record the existing appearance and condition of the building. In conjunction with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the city will use the report as a guide for reviewing the rehabilitation of the tank house.</p> <p>Prior to the rehabilitation of any portion of the tank house, a qualified cultural resource management specialist will also prepare a preservation and maintenance plan for the tank house that is compatible with The Secretary of the Interior’s Standards for Treatment of Historic Properties.</p>	<p>Prior to construction</p>	<p>Caltrans</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure CR-4: Conduct Pedestrian Surveys of Northeast Annexation Program Area Prior to Construction</p> <p>Prior to the approval of discretionary entitlements within the Northeast Annexation Program area (including, but not limited to zone change, tentative tract, parcel map, or use permit) the City will require archaeological and built environment inventories to be conducted. Archaeological inventories will be conducted for the purpose of locating surface manifestations of subsurface</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>archaeological materials that may extend beneath existing roads. All resources located as a result of this study will be recorded on applicable Department of Parks and Recreation 523 forms, photographed, and plotted on a topographic map using data collected with a global positioning system (GPS) receiver. Site records will be produced and forwarded to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. Impacts to resources located as a result of this inventory will be analyzed and mitigated, if they cannot be avoided. Mitigation measures may include archaeological excavation or monitoring.</p>				
<p>Mitigation Measure HAZ-4: Develop and Implement a Remediation Plan in Accordance with Local, State and Federal Requirements</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Prior to project construction activities, the City shall require the applicant to develop and implement a remediation plan for the diesel fuel contaminated soils in the area of the above ground diesel fuel storage tank to prevent exposure of people and the environment to hazardous conditions caused by the contaminated soils. The remediation plan shall be reviewed by the RWQCB and implemented prior to construction activities. The plan shall include, but may not be limited to, excavation, characterization, stockpile and disposal and/or treatment of the contaminated soils and as a performance standard, the plan shall conform to the requirements of the SWRCB. If excavation of the contaminated soils is required by RWQCB, the Fresno County EHS, or other regulatory agencies, the soils shall be disposed of offsite at a facility approved to accept such soils.</p>				
<p>Mitigation Measure HAZ-6(a): Before Construction Begins, Clear Materials That Could Serve as Fire Fuel from Areas Slated for Construction Activities</p>	<p>Prior to construction</p>	<p>Developer/Construction contractors</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>If dry vegetation or other fire fuels exist on or near staging areas, or any other area on which equipment will be operated, contractors shall clear the immediate area of fire fuel. To maintain a firebreak and minimize the availability of fire fuels, the City shall require contractors to maintain areas subject to construction activities clear of combustible natural materials to the extent feasible.</p>				
<p>Mitigation Measure HAZ-6(b): Require That Spark-Generating Construction Equipment Be Equipped with Manufacturers' Recommended Spark Arresters</p>	<p>During construction</p>	<p>Developer/Construction contractors</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>The City shall require contractors to outfit any construction equipment that normally includes a spark arrester with an arrester in good working order. Subject equipment includes, but is not limited to, heavy equipment and chainsaws. Implementation of this measure would minimize a source of construction-related fire.</p>				
<p>Mitigation Measure HYD-1: Comply with NPDES General Construction Permit</p>	<p>Prior to and</p>	<p>Developer/Constr</p>	<p>City of Clovis Planning</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>To reduce or eliminate construction-related water quality effects, before onset of any construction activities, where the disturbed area is 1 acre or greater in size, the City of Clovis shall, in accordance with the City’s SWMP and Order No. 5-01-048/NPDES No. CA0083500, require that the Project proponents demonstrate coverage under the State of California’s General Construction Permit.</p> <p>The City will verify that an NOI filed with the SWRCB, and a SWPPP have been developed before allowing construction to begin. The City or its agent, in accordance with the City’s SWMP and Order No. 5-01-048/NPDES No. CA0083500 shall perform inspections of the construction area, to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance</p>	during construction	construction contractors	and Development Services Department	
<p>Mitigation Measure HYD-2: Provisions for Dewatering</p> <p>Before discharging any dewatered effluent to surface water, the City shall require the property owner to obtain an NPDES permit and WDRs from the RWQCB. Depending on the volume and characteristics of the discharge, coverage under the RWQCB’s General Construction Permit or General Dewatering Permit is permissible. As part of the permit, the permittee will design and implement measures as necessary so that the discharge limits identified in the relevant permit are met. As a performance standard, these measures will be selected to achieve compliance with the specific permit conditions stipulated. The City will verify that coverage under the appropriate NPDES permit has been obtained before allowing dewatering activities to begin. The City or its agent, in accordance with the City’s SWMP and Order No. 5-01-048/NPDES No. CA0083500, shall perform inspections of the construction area to verify that the water quality control measures are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.</p>	During construction	Developer/Construction contractors	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review</p> <p>Either or both of the following options may be employed, pursuant to the direction of the FMFCD and U.S. Corps of Engineers</p> <p>Option 1: Deepen Basin BX by 3 feet</p> <p>If this option is selected and approved by the FMFCD, the developer shall increase the depth of Basin BX by an additional 3 feet <i>(or greater if determined by the FMFCD and/or U.S. Corps of Engineers)</i>. The design of this construction and any related features shall be subject to the review and approval of the FMFCD and U.S. Corps of Engineers prior to any</p>	Prior to development	Developer	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>construction. Construction of the basin to FMFCD's <i>and U.S. Corps of Engineers'</i> satisfaction shall be completed prior to issuance of final occupancy permits for Harlan Ranch.</p>				
<p>Option 2: Install a maintenance relief pump with the capacity to handle the additional flows from the site</p>				
<p>If this option is selected and approved by the FMFCD, the developer shall install a relief maintenance pump at Basin BX at a future date. The District shall determine that the installation of a maintenance relief pump with an increased pumping capacity would be adequate to accommodate the additional flows from the site without the requirement to construct a new basin or deepen the existing basin. Installation to FMFCD's <i>and U.S. Corps of Engineers'</i> satisfaction shall be completed prior to issuance of final occupancy permits for Harlan Ranch.</p>				
<p>Mitigation Measure N-4(a): Ensure that Outdoor and Indoor Activity Areas of Residences Do Not Exceed 65 and 45 Ldn, Respectively</p>	<p>Prior to building permits</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Prior to amendment of the approved Harlan Ranch Master Development Plan the applicant shall retain a qualified acoustical consultant to evaluate potential noise impacts associated with such changes. The report must be reviewed and approved by the Clovis City Planner before a building permit will be issued. The design of Project buildings, structures, and site plans will reflect the approved report.</p>				
<p>Mitigation Measure N-4(b): Ensure that Design of Outdoor and Indoor Activity Areas of Residences is Such That Noise from Traffic Does Not Exceed 65 and 45 L_{dn}, Respectively</p>	<p>Prior to building permits</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>At the time that project-level analysis for development in the remaining Northeast Annexation Program area occurs, the applicants for residential development projects along streets identified with potential noise impacts in Table 3.10-7 shall retain a qualified acoustical consultant to determine the exterior noise exposure at residential uses. The standards used in the <i>Harlan Ranch Master Development Plan</i> may be used to assess potential noise impacts upon residential uses emanating from the major streets identified in Table 3.10-7 if the development project is consistent with the Master Development Plan.</p>				
<p>Mitigation Measure PSU-1: Fire Station 35 Shall Be Operational Prior to Occupancy of Building at the Harlan Ranch Site</p>	<p>Prior to occupancy</p>	<p>Clovis Fire Department</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>To ensure public safety, Fire Station 35, located near the intersection of Temperance Avenue and Alluvial Avenue, shall be operational prior to occupancy of any buildings in the Harlan Ranch</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
Project, or other such measures as deemed appropriate by the City of Clovis Fire Department.				
Adequate fire protection is dependent upon the availability of water with sufficient rates of flow from hydrants to meet Fire Department needs.				
Mitigation Measure PSU-2: Provide an Adequate Water Supply Distribution System for the Harlan Ranch Project	Prior to occupancy	Developer	City of Clovis Planning and Development Services Department	
To ensure public safety, an adequate water supply distribution system with multiple points of supply shall be provided for the Harlan Ranch Project at the time of construction of the water system. The water system shall be designed and constructed to the satisfaction of the Clovis Fire Department.				
Mitigation Measure TR-5: Review Local City Policies, Ordinances, and Plans and Comply with Requirements				
As part of project-level environmental review for the Northeast Annexation Program area, the City shall ensure that projects comply with general plans, policies, ordinances, and regional transportation plans (including any other local, regional, and state plans). Review of these documents and compliance with their requirements shall be demonstrated in project-level environmental documentation. The City shall ensure that projects comply with all policies, ordinances, and plans that exist at the time of project-level review, regardless of whether they existed during the program-level analysis.				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Mitigation Measure TR-7(a): SR 168 Interchange Improvements</p> <p>Freeway interchanges are planned by the Clovis General Plan Program for the SR 168 at both Nees Avenue and at Shepherd Avenue. These interchanges could be either L-1 type interchanges (i.e., tight diamond configurations) with signalized ramps at both Nees Avenue and Shepherd Avenue, or L-9 type interchanges, as favored by Caltrans.</p> <p>In order to reduce potential impacts to a less-than-significant level, the development of lands around the interchanges of SR 168 with Shepherd and Nees Avenues will be conditioned as follows:</p> <p>The Harlan Ranch project proponent has recently submitted a tentative map to the City of Clovis for processing (Tentative Map 5486). In order preserve sufficient potential rights-of-way for the interchanges, the tentative map has been prepared presuming that the larger (I-9) interchange design at SR 168 and Nees and Shepherd Avenue will be needed.</p> <p>Approval of Tentative Map 5486 shall include the preservation of sufficient future right-of-way to accommodate L-9 interchanges on SR 168 at Nees and Shepherd Avenues, reducing potential impacts to the SR 168 interchanges to a less-than-significant level.</p>	Immediately	Developers/City of Clovis	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure TR-7(b): Intersection Signals</p> <p>Traffic generated by the proposed Project will have no significant impacts to the study intersections in the study area and within the Project with the exception of the Nees/SR 168 intersection. The traffic study concluded this by assuming the signalization of identified street intersections. The City of Clovis employs a major street facility fee to fund the needed improvements to the public street system. Fees will be paid by the Harlan Ranch development to provide funding for the construction of streets and related improvements to the circulation system. The cost of signalization of intersections identified in the traffic study to maintain acceptable levels of service will be shared by all developments in the area and not solely by the Harlan Ranch, though it will also contribute its proportional share of the major street facility fees. These fees are due prior to the approval of the Harlan Ranch final subdivision maps.</p> <p>Payment of the major street facility fee by development in the City of Clovis, including the Harlan Ranch development, will fund intersection construction and reduce potential impacts on these facilities to a less-than-significant level</p>	With tentative map or entitlement approvals	City of Clovis	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Environmental Measure 1: Measures to Minimize Effects of Construction-Related Noise.</p> <p>Pursuant to the Clovis Municipal Code (Clovis Municipal Code Section 9.3.228.10 et seq.), the following construction noise control measures will be required in order to reduce and control noise generated from construction-related activities.</p> <ul style="list-style-type: none"> ■ Noise-generating construction activities shall be restricted to the weekday hours (Monday through Saturday) of operation between 7:00 a.m. to 9:00 p.m. In addition, no construction activity is allowed any time on Sunday or holidays. ■ The construction contractor shall notify residences within 500 feet of the construction areas of the construction schedule in writing before construction. The construction contractor shall designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. The coordinator shall determine the cause of the complaint and shall ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the noise disturbance coordinator shall be conspicuously posted on construction site fences and shall be included in the written notification of the construction schedule sent nearby residents. ■ Stationary equipment (e.g., generators) will not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director. 	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Environmental Measure 2: Erosion Control Measures to Protect Water Quality</p> <p>To minimize the mobilization of sediment to adjacent water bodies, the following erosion and sediment control measures will be included in the storm water pollution prevention plan (SWPPP), to be included in the construction specifications and project performance specifications, based on standard City measures and standard dust-reduction measures</p> <ul style="list-style-type: none"> Cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways. Enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways. Contain soil and filter runoff from disturbed areas by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area 	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.</p> <p>Prohibit the following types of materials from being rinsed or washed into the streets, shoulder areas, or gutters. concrete, solvents and adhesives; thinners; paints; fuels; sawdust; dirt, gasoline, asphalt and concrete saw slurry, heavily chlorinated water.</p> <p>Dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures</p>				
<p>Environmental Measure 3: Dust Control Measures to Protect Air Quality</p> <p>To control dust emissions generated during construction of the proposed Project, the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII Control Measures for construction emissions of PM10 are required to be implemented (SJVUAPCD Rule 8021) They include, but are not limited to, the following.</p> <p>The project developer shall submit to the SJVAPCD a dust control plan for any residential project of 10 acres or more, or non-residential project of 5 acres or more For a residential project of from 1 to 10 acres, or a non-residential project of from 1 to 5 acres, the developer shall submit written notification to the SJVAPCD at least 48 hours prior to beginning any earthmoving activities</p> <p>The project developer shall submit to the SJVAPCD a dust control plan for any residential project of 10 acres or more, or non-residential project of 5 acres or more. For a residential project of from 1 to 10 acres, or a non-residential project of from 1 to 5 acres, the developer shall submit written notification to the SJVAPCD at least 48 hours prior to beginning any earthmoving activities.</p> <p>Water all active construction areas where soil is exposed at least twice daily, and more often if needed, to control dust generation during earthmoving activities</p> <p>All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</p> <p>All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</p>	<p>Prior to and during construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</p> <p>With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.</p> <p>When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 2 feet of freeboard space from the top of the container shall be maintained.</p> <p>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</p> <p>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</p> <p>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</p> <p>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</p>	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Environmental Measure 4: Measures to Control Construction-Related Emissions.</p> <p>To comply with guidance from the SJVAPCD, the City will incorporate or require the developer to incorporate, the following measures into the construction specifications and project performance specifications for the proposed Project.</p> <p>The construction contractor will ensure that onsite equipment will be equipped with Tier I or Tier II engines. Tier II engines are preferable, if available as certified by the California Air Resources Board (ARB). Engines built after 1998 are cleaner Tier II engines. Engines certified by the ARB can be found through http://www.aarb.ca.gov/msprog/offroad/cert/cert.php.</p> <p>The construction contractor will ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.</p> <p>The construction contractor will review and comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>(Paving and Maintenance Activities). Current SJVAPCD rules can be found at http://www.valleyair.org/rules/1ruleslist.htm.</p> <p>The construction contractor will use off-road trucks that are equipped with on-road engines, when possible.</p> <p>The construction contractor will use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.</p>				
<p>Environmental Measure 5: Measures to Minimize Exposure of People and the Environment to Potentially Hazardous Materials.</p> <p>Construction of the proposed Project could create a significant hazard to workers, the public, or the environment through the transport, use or disposal of hazardous materials. Small quantities of potentially toxic substances (such as diesel fuel and hydraulic fluids) would be used and disposed of at the Project site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard.</p> <p>To minimize the exposure of people and the environment to potentially hazardous materials, the following measures will be included in the construction specifications and project performance specifications, based on the City’s standard requirements that construction specifications include descriptions of the SWPPP, dust control measures, and traffic mobilization.</p> <p><i>Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions Caused by Construction Equipment.</i> The City shall require the applicant to develop and implement a Spill Prevention Control and Countermeasure Plan to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the Project vicinity. This plan is required by federal law, and as a performance standard, shall conform to the federal requirements (Title 32 Code of Federal Regulations Section 650). The City shall require the applicant to comply with Cal OSHA as well as federal standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal OSHA requirements can be found in the California Labor Code, Division 5, and Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards—29 CFR. These standards are considered to be adequately protective such that significant impacts would not occur. Successful development and implementation of the Spill Prevention Control and Countermeasure Plan and plans for the proper storage and handling of hazardous materials will be measured against the state and federal requirements as</p>	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Fire Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>verified by the City of Clovis.</p> <p><i>Develop and Implement a Hazardous Materials Business Plan in Accordance with the Requirements of the County of Fresno Environmental Health System Hazardous Materials Business Plan Program.</i> The City shall require the applicant and its designated contractors to develop and implement a Hazardous Materials Business Plan, in accordance with the requirements of the County of Fresno Environmental Health System (EHS) Hazardous Materials Business Plan Program. The Hazardous Materials Business Plan shall be submitted to the County EHS and the City of Clovis Fire Department prior to construction activities and shall address public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures. A copy of the Hazardous Materials Business Plan shall be maintained on-site, during site construction activities and as determined by the County EHS.</p> <p><i>Immediately Contain Spills, Excavate Spill-Contaminated Soil, and Dispose at an Approved Facility.</i> In the event of a spill of hazardous materials in an amount reportable to the Clovis Fire Department (as established by fire department guidelines), the contractor shall immediately control the source of the leak, contain the spill and contact the Clovis Fire Department through the 9-1-1 emergency response number. If required by the fire department or other regulatory agencies, contaminated soils shall be excavated, treated and/or disposed of off-site at a facility approved to accept such soils.</p> <p><i>Develop and Implement Plans to Reduce Exposure of People and the Environment to Hazardous Conditions during Construction Activities.</i> The City shall require the applicant to develop plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the Project vicinity. These programs shall include an operations and maintenance plan, a site-specific safety plan, and a fire prevention plan, in addition to the SWPPP required for hydrology impacts. The programs are required by law and shall require approval by several responsible agencies. Required approvals are as follows: the SWPPP shall be approved by the RWQCB; the site-specific safety plan and the operations and maintenance plan shall be approved by California Occupational Safety and Health Administration (Cal-OSHA); and the fire safety plan shall be approved by the local fire department.</p> <p>The City shall also require the applicant and its designated contractors to comply with Cal-OSHA, as well as federal standards, for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>prevention. Cal-OSHA requirements can be found in the California Labor Code, Division 5, Chapter 2.5. Federal standards can be found in Occupational Safety and Health Administration Regulations, Standards-- 29 CFR.</p>				
<p>Environmental Measure 6: Measures to Protect Undiscovered Cultural Resources. If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the City shall require that work stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Clovis and other appropriate agencies</p>	<p>During operation</p>	<p>Construction contractor</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>If human remains of Native American origin are discovered during Project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub Res Code Sec 5097) If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> the Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin, <ul style="list-style-type: none"> The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>must contact the California Native American Heritage Commission.</p>				
<p>Environmental Measure 7: Develop and Implement a Construction Traffic Control Plan</p> <p>The construction contractor, in coordination with the City, will prepare a traffic control plan during the final stage of project design. The purpose of the plan is to:</p> <ul style="list-style-type: none"> reduce, to the extent feasible, the number of vehicles (construction and other) on the roadways adjacent to the Project; reduce, to the extent feasible, the interaction between construction equipment and other vehicles; promote public safety through actions aimed at driver and road safety; and ensure safety for bicyclists and pedestrians throughout the study area. <p>The plan will include the following measures or the equivalent, as approved by the City</p> <ul style="list-style-type: none"> Provide through access for emergency vehicles at all times. Maintain access for driveways and private roads. During nonworking hours, no driveway, house, or parking lot will be denied access to a public roadway. Maintain pedestrian and bicycle access and circulation during construction. Identify roadway segments or intersections that are at or approaching an LOS that exceeds local standards. Provide a plan to enable construction-generated traffic to avoid these locations at peak periods to the greatest extent possible, either by traveling different routes or by traveling at non-peak times. Provide for adequate parking for construction trucks and equipment within the designated staging areas throughout the construction period. Provide adequate parking for construction workers within the designated staging areas. Restrict delivery of construction materials to the hours between 9:00 a.m. and 3:00 p.m. to avoid more congested morning and evening hours. Include flag persons wearing bright orange or red vests and using a “Slow/Stop” paddle as traffic controls on busy arterials and collectors . Coordinate with local transit providers regarding expected traffic disruptions along bus routes Provide adequate lead time so that transit providers can develop temporary 	<p>During construction</p>	<p>Construction contractor</p>	<p>City of Clovis Engineering Division</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>service changes and provide notice of changes to the public.</p> <p>Post construction warning signs in accordance with local standards or those set forth in the FHWA's <i>Manual on Uniform Traffic Control Devices (2001)</i> at entry points along the perimeter of the construction area and at any intersection that provides access to the construction area.</p> <p>If lane closures occur, provide advance notice to local emergency service providers, so that they may determine alternative evacuation and emergency routes to maintain response times during construction periods.</p> <p>Provide written notification to contractors regarding appropriate routes to and from construction sites, and regarding weight and speed limits for local roads used to access construction sites.</p> <p>Post a sign at the construction site that provides the name and telephone number or email address of the City staff member to contact with complaints regarding construction traffic.</p> <p>The construction traffic control plan will be included in the construction specifications, implemented by construction contractor during all construction phases, and monitored by the project proponents and City.</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Environmental Measure 8: Dust Control Measures to Protect Air Quality (Dust Control Plan)</p> <p>The project applicant shall prepare and submit a Dust Control Plan to the District at least 48 hours prior to any earthmoving. The requirements of the Dust Control Plan are included in Appendix J.</p>	Prior to construction	Developer	SJVAPCD and City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AES-3(a): Design the Project to Be Compatible with the Site Surroundings</p> <p>The Harlan Ranch Project shall be developed in accordance with the <i>Harlan Ranch Master Development Plan Handbook</i> which shall be adopted by the City Council as the guiding development document for this area. The <i>Harlan Ranch Master Development Plan Handbook</i> will depict community design development standards, land use standards, administration and implementation of the project to the satisfaction of the Clovis City Planner</p>	Prior to construction	Developer	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AES-3(b): Provide Vegetative Buffers to Screen Views of the Project Site</p> <p>The site design depicted in the <i>Harlan Ranch Master Development Plan Handbook</i> shall include a vegetative buffer along the SR 168 frontage to screen views of the site and blend the mass with the surroundings to the greatest extent feasible. The proposed vegetative screening shall be selected and planted in a manner acceptable to the Clovis City Planner. Vegetation shall be planted within the first year following project completion, and an irrigation and maintenance program shall be implemented during the plant establishment period.</p>	During construction	Developer	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AES-3(c): Provide Aesthetic Treatments to Soundwall</p> <p>The <i>Harlan Ranch Master Development Plan Handbook</i> shall depict designs of the soundwall with aesthetic treatments compatible with the project theme and design and as approved by the Clovis City Planner.</p>	Prior to and during construction	Project Landscape Architect	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure AIR-2: SJVAPCD Recommendations</p> <p>To seek further reductions in Air Quality impacts, the Harlan Ranch proponent shall provide the following mitigation measures:</p> <ul style="list-style-type: none"> Provide energy efficient design for homes and buildings, including automated control system for heating/air conditions and energy efficiency, lighting controls and energy-efficient lighting in buildings, insulation in accordance with Title 24 requirements; Trees should be carefully selected and located to protect buildings from energy 	During construction	Developer	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>consuming environmental conditions and to shade paved areas. Trees selected to shade paved areas should shade 50% of the area within 15 years;</p> <p>Until transit service is available to Harlan Ranch, reserve easements shall be provided to accommodate future improvements such as bus turnouts, loading areas, and shelters. When transit service becomes available to the Harlan Ranch Project site, make improvements which encourage residents, shoppers, employees and others to use it,</p> <p>Provide sidewalks and bike paths throughout as much of the Harlan Ranch Project as practical and connect to any nearby open space areas, parks, schools, and commercial areas; and</p> <p>Provide for efficient interior circulation and pedestrian access within the Harlan Ranch Project area and provide logical connection points for future development on the surrounding properties;</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure AIR-6: Application of Regulation VIII</p> <p>Mitigation measures would include application of all Regulation VIII construction emissions control measures, energy-efficient building design practices, and development planning that would reduce vehicle trips and encourage walking, bicycle, and transit use.</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Mitigation Measure BIO-1: Compensate for the Loss of Wetland Habitats</p> <p>It is assumed that the perennial wetland and/or seasonal wetlands cannot be preserved as part of the proposed Project, and a formal wetland delineation will be conducted to determine the exact extent of potential jurisdictional wetlands. A detailed wetland delineation report will be submitted to the Corps for verification and to support acquisition of a Section 404 permit.</p> <p>If required to compensate for permanent impacts to ensure no net loss of habitat functions and values, the developer may employ a combination of onsite restoration/creation, offsite restoration, or mitigation credits. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies, as part of the permitting process for the Project, if any of the features is considered a water of the United States. Compensation options are presented below.</p> <p style="padding-left: 40px;">Purchase mitigation bank credits at a USFWS-approved ecosystem preservation bank.</p> <p style="padding-left: 40px;">Contribute funds, equal to the amount needed to purchase mitigation bank credits, to restoration of wetlands and other waters in the San Joaquin River corridor, or other nearby lands that are publicly managed and will be protected in perpetuity. The City shall coordinate with appropriate individuals to determine whether there is a potential to create, restore, or enhance waters of the United States at nearby preserved lands.</p> <p style="padding-left: 40px;">Develop a wetland restoration plan that involves creating or enhancing wetland habitat on site or next to the Project area (e.g., in the Northeast Annexation Program area). Potential creation and enhancement sites shall be evaluated by the City and any permitting agencies (e.g., Corps) to determine whether this is a feasible option. If the City determines that onsite or offsite restoration is possible, a restoration plan will be developed that describes where and when restoration will occur and who will be responsible for developing, implementing, and monitoring the restoration plan. The restoration plan shall be prepared by a qualified biologist, subject to City approval. When this option is selected, restoration will be selected in an appropriate area in close proximity to the Project area.</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-3: Compensate for the Loss of Vernal Pool Fairy Shrimp Habitat</p> <p>To compensate for direct impacts on 0.02 acre of potential habitat for federally listed VPFS, the project proponent will preserve and create additional habitat for vernal pool fairy shrimp using USFWS-approved compensation ratios as described below. Any seasonal wetland acreage created for mitigation of the loss of seasonal wetland under Mitigation Measure BIO-1(c) will also count toward the required created habitat for vernal pool fairy shrimp.</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>The developer will preserve suitable vernal pool fairy shrimp habitat at a ratio of 2:1 (2 acres preserved for every one acre of habitat directly or indirectly affected) for a total of up to 0.04 acres. Preservation credits must be acquired from a USFWS-approved mitigation bank or conservation area. The Project shall comply with one of the following two preservation options in order to provide suitable mitigation.</p> <p style="padding-left: 40px;">Purchase vernal pool preservation credits at a USFWS-approved Mitigation Bank or Conservation Area in Fresno County</p> <p style="padding-left: 40px;">Establish a new vernal pool habitat preserve on suitable lands. The creation of a new preserve would require preparation of a management plan and approval by USFWS. The measure shall not be considered complied with absent such approval.</p> <p>The Harlan Ranch Project will also create new, suitable vernal pool fairy shrimp habitat at a 1:1 ratio (one acre created for every acre of habitat directly affected) for a total of 0.02 acre. Creation credits must be acquired from a USFWS-approved mitigation bank or conservation area. The Harlan Ranch Project shall comply with either of the following two creation options in order to provide suitable mitigation:</p> <p style="padding-left: 40px;">Purchase vernal pool creation credits from a USFWS-approved Mitigation Bank</p> <p style="padding-left: 40px;">Construct at least 0.02 acre of vernal pool habitat at a newly established vernal pool preserve (as described above under preservation requirements).</p> <p>Final compensation requirements and mitigation ratios for the proposed Project would be determined through coordination with the USFWS. The exact cost to purchase preservation and creation credits for project-related impacts would be determined at the time of purchase. Mitigation credits will be purchased and/or a conservation area and management plan will be established prior to any ground disturbing activities, including grading, on the Project site.</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Burrowing Owl Mitigation (If Necessary)</p>				
<p>DFG (1995) recommends that preconstruction surveys be conducted to locate active burrowing owl burrows in the Project area and in a 250-foot-wide buffer zone around the Project area. The developer will retain a qualified biologist, subject to City approval, to conduct preconstruction surveys for active burrows according to DFG guidelines. Various surveys conducted on the</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Harlan Ranch site during the nesting season indicates that no burrowing owls were nesting on the site during 2004. The preconstruction surveys will include a survey 30 days prior to construction for active nesting burrowing owls. If no burrowing owls are detected, then no further mitigation is required. If active burrowing owls are detected in the survey area, the following measures will be implemented.</p> <p>Occupied burrows will not be disturbed during the nesting season (February 1–August 31).</p> <p>When destruction of occupied burrows is unavoidable during the non-nesting season (September 1–January 31), unsuitable burrows will be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows will follow guidelines established by DFG.</p> <p>If owls must be moved away from the Project area, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping. At least 1 week will be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.</p> <p>If active burrowing owl burrows are found and the owls must be relocated, the City will offset the loss of foraging and burrow habitat in the Project area by acquiring and permanently protecting a minimum of 6.5 acres of foraging habitat per occupied burrow identified in the Project area. The protected lands should be located adjacent to the occupied burrowing owl habitat in the Project area or at another occupied site near the Project area. The location of the protected lands will be determined in coordination with DFG. The City will also prepare a monitoring plan, and provide long-term management and monitoring of the protected lands. The monitoring plan will specify success criteria, identify remedial measures, and require an annual report to be submitted DFG.</p> <p>If avoidance is the preferred method of dealing with potential impacts, no disturbance should occur within 160 feet of occupied burrows during the non-breeding season (September 1–January 31) or within 250 feet during the breeding season. Avoidance also requires that at least 6.5 acres of foraging habitat (calculated based on an approximately 300-foot foraging radius of an occupied burrow), contiguous with occupied burrow sites, be permanently preserved for each pair of breeding burrowing owls or single unpaired resident bird. The configuration of the protected site will be submitted to DFG for approval.</p> <p>Mitigation Measure BIO-6: Avoid Disturbance of Tree, Shrub, and Ground Nesting</p>	<p>Prior to and</p>	<p>Developer</p>	<p>City of Clovis Planning</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>White-Tailed Kite, Northern Harrier, Loggerhead Shrike and Non-Special-Status Migratory Birds and Raptors</p> <p>To avoid impacts on white-tailed kite, northern harrier, loggerhead shrike and non-special-status migratory birds and raptors, one or more of the following options will be implemented as part of the proposed Project.</p> <p style="padding-left: 40px;">If construction activities are scheduled to occur during the breeding season for these species (generally between March 1 and August 15), the developer shall retain a qualified biologist, subject to approval by the City, to conduct the following focused nesting surveys within the appropriate habitat including suitable buffers: Tree and shrub nesting surveys will be conducted within the abandoned orchard or adjacent to the construction area to look for white-tailed kite, loggerhead shrike, and other non-special-status migratory birds and raptors</p> <p style="padding-left: 40px;">Ground-nesting surveys will be conducted in annual grasslands and agricultural lands within and adjacent to the construction area to look for northern harrier and other non-special-status migratory birds.</p> <p>The surveys should be conducted within 30-days prior to construction if construction is initiated during the breeding season (March 1–August 15th) This assumes that construction will be in full force (i.e , grubbing and grading initiated). If no active nests are detected during surveys, then no additional mitigation is required However, if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer will be established around the site to avoid disturbance or destruction of the nest site until after the breeding season or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers will be determined by a biologist and will depend on the level of noise or construction disturbance, line of site between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed in order to make an appropriate decision on buffer distances.</p>	<p>during construction</p>		<p>and Development Services Department</p>	
<p>Mitigation Measure BIO-7: Conduct Preconstruction Survey for Western Pond Turtle</p> <p>The developer shall retain a qualified biologist, subject to City approval, who will conduct a preconstruction survey for western pond turtles in the pond and perennial wetland on the Harlan Ranch Project site within 30 days of the initiation of any ground-disturbing activities. If turtles are found they will be trapped and relocated to a suitable location determined by coordination with DFG.</p>	<p>Prior to construction</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Mitigation Measure BIO-9: Identify Non-Jurisdictional Wetland and Pond Communities and Potential Waters of the United States and Determine Type and Extent of Potential Impacts Associated with Projects in the Northeast Annexation Program Area</p> <p>As part of project-level environmental review, the developer shall retain a qualified botanist, subject to City approval, to delineate areas of wetland and pond communities, including those that could qualify as waters of the United States. Wetlands shall be delineated using the methods outlined in the U. S. Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987).</p> <p>This information shall be documented in a wetland delineation report. The information shall also be used to determine the types of impacts (direct or indirect) and extent of potential impacts (temporary, permanent) on wetland communities and potential waters of the United States that are within a future Project area. If potential waters of the United States are documents in the Northeast Annexation Program area, the City will implement one or a combination of Mitigation Measures BIO-1 described above.</p>	<p>Prior to construction</p>	<p>City of Clovis Planning Division</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-10: Document Special-Status Plant Populations That Could Occur in the Northeast Annexation Program Area</p> <p>As part of the environmental review process for any projects within the Northeast Annexation Program area, the City shall retain a qualified botanist to document the presence or absence of special-status plants before project approval. The determination of presence or absence shall be made based on plant surveys conducted.</p> <p>The botanist shall evaluate existing habitat conditions for each project and determine what level of botanical surveys may be required. The type of botanical survey shall depend on species richness, habitat type and quality, and the probability of special-status species occurring in a particular habitat type. Depending on these factors and the proposed construction activity, the evaluation may include a habitat assessment to determine whether suitable habitat is present. If no suitable habitat is present, no additional surveys shall be required. If suitable habitat is present, then species-focused surveys will be required during the appropriate period when the target species are evident and identifiable.</p> <p>Special-status plant populations identified during the field surveys shall be mapped and documented as part of the CEQA reports. The City shall implement Mitigation Measure BIO-2 described above to avoid or minimize significant impacts on special-status plants.</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-11(a): Document Special-Status Wildlife Species and Their Habitats</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>As part of project-level environmental review, the City shall require that the project proponent conduct the necessary studies to determine the presence or absence of suitable habitat for special-status wildlife in the Project area. Information obtained would be used to support the CEQA review for individual projects. The type of surveys required shall depend on species richness, habitat type and quality, and the probability of special-status species occurring in a particular habitat type. Depending on the existing conditions in the Project area and the proposed construction activity, the evaluation may include a habitat assessment to determine whether suitable habitat is present. If no suitable habitat is present, no additional surveys shall be required.</p> <p>If no suitable habitat is present, then species-focused surveys for target species will be required. All surveys shall comply with the protocols and guidelines issued by responsible agencies for certain special-status species.</p> <p>Special-status wildlife or suitable habitat identified during the field surveys shall be mapped and documented as part of CEQA reports. The project proponent shall implement a combination of the following mitigation measures to avoid and minimize significant impacts on special-status wildlife.</p>			Services Department	
<p>Mitigation Measure BIO-11(b): Avoid and Minimize Impacts on Special-Status Wildlife Species by Redesigning the Project, Protecting Special-Status Wildlife Habitat, and Developing a Mitigation Monitoring Plan (If Necessary)</p> <p>This mitigation measure focuses on avoiding and minimizing all direct and indirect effects on special-status wildlife as a result of individual developments within the Northeast Annexation Program area. The developer shall implement the following measures to avoid and minimize impacts on special-status wildlife and their habitats:</p> <p>Redesign or modify the Project to avoid direct and indirect impacts on special-status wildlife or their habitats, if feasible.</p> <p>Protect special-status wildlife and their habitat near the Project site by installing environmentally sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The environmentally sensitive area fencing or staking shall be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (USFWS and DFG). The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced</p>	Prior to construction	Developers	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>environmentally sensitive area.</p> <p>To the extent possible, restrict construction-related activities to the nonbreeding season for special-status wildlife species that could occur in the Project area. Timing restrictions may vary depending on the species and could occur during any time of the year.</p>				
<p>Mitigation Measure BIO-11(c): Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for State- and Federally-Listed Wildlife Species</p> <p>In the event that Mitigation Measure BIO-11(b) is not feasible and construction activities would result in significant impacts on state- or federally listed wildlife species, the individual project developers shall coordinate with the appropriate resource agency or obtain the necessary authorizations and/or permits to conduct work.</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure BIO-12: Review Local City and County Policies, Ordinances, and Plans and Comply with Requirements</p> <p>As part of project-level environmental review for the Northeast Annexation Program area, the City shall ensure that projects comply with general plans, policies, ordinances, and conservation plans (including any other local, regional, and state plans) (see the Regulatory Section above). Review of these documents and compliance with their requirements shall be demonstrated in project-level environmental documentation. The City shall ensure that projects comply with all policies, ordinances, and plans that exist at the time of project-level review, regardless of whether they existed during the program-level analysis.</p>	<p>Prior to construction</p>	<p>City of Clovis Planning Division</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure CR-3(a): Inventory and Evaluate the Residence and Water Tower</p> <p>Prior to construction of the interchange, the lead agency shall hire a qualified cultural resources management specialist to conduct an inventory and evaluation of the two historic resources to determine their CRHR significance. If the resources are found to be significant (i.e., eligible for the CRHR) then the following mitigation measures apply. If the resources are found not to be significant, no further work (described below) is required..</p>	<p>Prior to construction</p>	<p>Caltrans</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure CR-3(b): Document the Historic Residence</p> <p>The lead agency for the interchange improvement shall hire a qualified cultural resources management specialist to document the residence with a historical narrative and large-format photographs in a manner consistent with the Historic American Buildings Survey (HABS). Copies of the narrative and photographs would be distributed to branches of local libraries and historical societies. The preparation of the HABS-like documentation will follow standard</p>	<p>Prior to construction</p>	<p>Caltrans</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>National Park Service procedures. There will be three main tasks: gather data, prepare photographic documentation, and prepare written historic and descriptive reports. The photographic documentation will consist of large-format photography conforming to HABS-like standards. Photographic documentation will include 4- by 5-inch negatives in labeled sleeves, 8- by 10-inch prints mounted on labeled photo cards, and an index to the photographs. In addition to the residence and its setting, the research will include possible photographic reproduction of any available building blueprints</p>				
<p>Mitigation Measure CR-3(c): Relocate and Rehabilitate the Water Tower</p> <p>The water tower may be eligible for the CRHR under Criterion 3, as a unique and unusual example of a late 19th century tank house. The lead agency for the interchange improvement shall relocate the tank house to an area that is compatible with the structure’s current rural surroundings. Upon moving the structure, the lead agency shall require the developer at that time to rehabilitate the tank house according to guidelines established in the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. As part of the rehabilitation efforts, the lead agency shall take steps to retain the structure’s architectural significance (i.e. historic appearance). Physical changes to the tank house shall not result in the loss of the building’s historic character or integrity.</p> <p>Prior to the rehabilitation of any portion of the tank house, a qualified cultural resource management specialist will prepare a historic structures report documenting the construction history of the tank house, identify the character-defining features of the property (i.e. the form and detailing of exterior features), and record the existing appearance and condition of the building. In conjunction with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the city will use the report as a guide for reviewing the rehabilitation of the tank house</p> <p>Prior to the rehabilitation of any portion of the tank house, a qualified cultural resource management specialist will also prepare a preservation and maintenance plan for the tank house that is compatible with The Secretary of the Interior’s Standards for Treatment of Historic Properties.</p>	<p>Prior to construction</p>	<p>Caltrans</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure CR-4: Conduct Pedestrian Surveys of Northeast Annexation Program Area Prior to Construction</p> <p>Prior to the approval of discretionary entitlements within the Northeast Annexation Program area (including, but not limited to zone change, tentative tract, parcel map, or use permit) the City will require archaeological and built environment inventories to be conducted. Archaeological inventories will be conducted for the purpose of locating surface manifestations of subsurface</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>archaeological materials that may extend beneath existing roads. All resources located as a result of this study will be recorded on applicable Department of Parks and Recreation 523 forms, photographed, and plotted on a topographic map using data collected with a global positioning system (GPS) receiver. Site records will be produced and forwarded to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. Impacts to resources located as a result of this inventory will be analyzed and mitigated, if they cannot be avoided. Mitigation measures may include archaeological excavation or monitoring.</p>				
<p>Mitigation Measure HAZ-4: Develop and Implement a Remediation Plan in Accordance with Local, State and Federal Requirements</p> <p>Prior to project construction activities, the City shall require the applicant to develop and implement a remediation plan for the diesel fuel contaminated soils in the area of the above ground diesel fuel storage tank to prevent exposure of people and the environment to hazardous conditions caused by the contaminated soils. The remediation plan shall be reviewed by the RWQCB and implemented prior to construction activities. The plan shall include, but may not be limited to, excavation, characterization, stockpile and disposal and/or treatment of the contaminated soils and as a performance standard, the plan shall conform to the requirements of the SWRCB. If excavation of the contaminated soils is required by RWQCB, the Fresno County EHIS, or other regulatory agencies, the soils shall be disposed of offsite at a facility approved to accept such soils.</p>	<p>Prior to construction</p>	<p>Developers</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure HAZ-6(a): Before Construction Begins, Clear Materials That Could Serve as Fire Fuel from Areas Slated for Construction Activities</p> <p>If dry vegetation or other fire fuels exist on or near staging areas, or any other area on which equipment will be operated, contractors shall clear the immediate area of fire fuel. To maintain a firebreak and minimize the availability of fire fuels, the City shall require contractors to maintain areas subject to construction activities clear of combustible natural materials to the extent feasible.</p>	<p>Prior to construction</p>	<p>Developer/Construction contractors</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure HAZ-6(b): Require That Spark-Generating Construction Equipment Be Equipped with Manufacturers' Recommended Spark Arresters</p> <p>The City shall require contractors to outfit any construction equipment that normally includes a spark arrester with an arrester in good working order. Subject equipment includes, but is not limited to, heavy equipment and chainsaws. Implementation of this measure would minimize a source of construction-related fire</p>	<p>During construction</p>	<p>Developer/Construction contractors</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure HYD-1: Comply with NPDES General Construction Permit</p>	<p>Prior to and</p>	<p>Developer/Constr</p>	<p>City of Clovis Planning</p>	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>To reduce or eliminate construction-related water quality effects, before onset of any construction activities, where the disturbed area is 1 acre or greater in size, the City of Clovis shall, in accordance with the City’s SWMP and Order No. 5-01-048/NPDES No. CA0083500, require that the Project proponents demonstrate coverage under the State of California’s General Construction Permit.</p> <p>The City will verify that an NOI filed with the SWRCB, and a SWPPP have been developed before allowing construction to begin. The City or its agent, in accordance with the City’s SWMP and Order No. 5-01-048/NPDES No. CA0083500 shall perform inspections of the construction area, to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance</p>	during construction	construction contractors	and Development Services Department	
<p>Mitigation Measure HYD-2: Provisions for Dewatering</p> <p>Before discharging any dewatered effluent to surface water, the City shall require the property owner to obtain an NPDES permit and WDRs from the RWQCB. Depending on the volume and characteristics of the discharge, coverage under the RWQCB’s General Construction Permit or General Dewatering Permit is permissible. As part of the permit, the permittee will design and implement measures as necessary so that the discharge limits identified in the relevant permit are met. As a performance standard, these measures will be selected to achieve compliance with the specific permit conditions stipulated. The City will verify that coverage under the appropriate NPDES permit has been obtained before allowing dewatering activities to begin. The City or its agent, in accordance with the City’s SWMP and Order No. 5-01-048/NPDES No. CA0083500, shall perform inspections of the construction area to verify that the water quality control measures are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.</p>	During construction	Developer/Construction contractors	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure HYD-3: Stormwater Runoff Containment Capacity Retrofit Review</p> <p>Either or both of the following options may be employed, pursuant to the direction of the FMFCD and U.S. Corps of Engineers.</p> <p>Option 1: Deepen Basin BX by 3 feet</p> <p>If this option is selected and approved by the FMFCD, the developer shall increase the depth of Basin BX by an additional 3 feet <i>(or greater if determined by the FMFCD and/or U.S. Corps of Engineers)</i>. The design of this construction and any related features shall be subject to the review and approval of the FMFCD and U.S. Corps of Engineers prior to any</p>	Prior to development	Developer	City of Clovis Planning and Development Services Department	

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>construction. Construction of the basin to FMFCD's and U S Corps of Engineers' satisfaction shall be completed prior to issuance of final occupancy permits for Harlan Ranch.</p>				
<p>Option 2: Install a maintenance relief pump with the capacity to handle the additional flows from the site</p>				
<p>If this option is selected and approved by the FMFCD, the developer shall install a relief maintenance pump at Basin BX at a future date. The District shall determine that the installation of a maintenance relief pump with an increased pumping capacity would be adequate to accommodate the additional flows from the site without the requirement to construct a new basin or deepen the existing basin. Installation to FMFCD's and U S Corps of Engineers' satisfaction shall be completed prior to issuance of final occupancy permits for Harlan Ranch.</p>				
<p>Mitigation Measure N-4(a): Ensure that Outdoor and Indoor Activity Areas of Residences Do Not Exceed 65 and 45 Ldn, Respectively</p>	<p>Prior to building permits</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Prior to amendment of the approved Harlan Ranch Master Development Plan the applicant shall retain a qualified acoustical consultant to evaluate potential noise impacts associated with such changes. The report must be reviewed and approved by the Clovis City Planner before a building permit will be issued. The design of Project buildings, structures, and site plans will reflect the approved report.</p>				
<p>Mitigation Measure N-4(b): Ensure that Design of Outdoor and Indoor Activity Areas of Residences is Such That Noise from Traffic Does Not Exceed 65 and 45 L_{dn}, Respectively</p>	<p>Prior to building permits</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>At the time that project-level analysis for development in the remaining Northeast Annexation Program area occurs, the applicants for residential development projects along streets identified with potential noise impacts in Table 3.10-7 shall retain a qualified acoustical consultant to determine the exterior noise exposure at residential uses. The standards used in the <i>Harlan Ranch Master Development Plan</i> may be used to assess potential noise impacts upon residential uses emanating from the major streets identified in Table 3.10-7 if the development project is consistent with the Master Development Plan.</p>				
<p>Mitigation Measure PSU-1: Fire Station 35 Shall Be Operational Prior to Occupancy of Building at the Harlan Ranch Site</p>	<p>Prior to occupancy</p>	<p>Clovis Fire Department</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>To ensure public safety, Fire Station 35, located near the intersection of Temperance Avenue and Alluvial Avenue, shall be operational prior to occupancy of any buildings in the Harlan Ranch</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Project, or other such measures as deemed appropriate by the City of Clovis Fire Department.</p> <p>Adequate fire protection is dependent upon the availability of water with sufficient rates of flow from hydrants to meet Fire Department needs</p>				
<p>Mitigation Measure PSU-2: Provide an Adequate Water Supply Distribution System for the Harlan Ranch Project</p> <p>To ensure public safety, an adequate water supply distribution system with multiple points of supply shall be provided for the Harlan Ranch Project at the time of construction of the water system. The water system shall be designed and constructed to the satisfaction of the Clovis Fire Department</p>	<p>Prior to occupancy</p>	<p>Developer</p>	<p>City of Clovis Planning and Development Services Department</p>	
<p>Mitigation Measure TR-5: Review Local City Policies, Ordinances, and Plans and Comply with Requirements</p> <p>As part of project-level environmental review for the Northeast Annexation Program area, the City shall ensure that projects comply with general plans, policies, ordinances, and regional transportation plans (including any other local, regional, and state plans). Review of these documents and compliance with their requirements shall be demonstrated in project-level environmental documentation. The City shall ensure that projects comply with all policies, ordinances, and plans that exist at the time of project-level review, regardless of whether they existed during the program-level analysis.</p>				

Measure	Timing	Implementation Responsibility	Monitoring Responsibility	Monitoring Notes
<p>Mitigation Measure TR-7(a): SR 168 Interchange Improvements</p> <p>Freeway interchanges are planned by the Clovis General Plan Program for the SR 168 at both Nees Avenue and at Shepherd Avenue. These interchanges could be either L-1 type interchanges (i.e., tight diamond configurations) with signalized ramps at both Nees Avenue and Shepherd Avenue, or L-9 type interchanges, as favored by Caltrans.</p> <p>In order to reduce potential impacts to a less-than-significant level, the development of lands around the interchanges of SR 168 with Shepherd and Nees Avenues will be conditioned as follows:</p> <p>The Harlan Ranch project proponent has recently submitted a tentative map to the City of Clovis for processing (Tentative Map 5486). In order preserve sufficient potential rights-of-way for the interchanges, the tentative map has been prepared presuming that the larger (L-9) interchange design at SR 168 and Nees and Shepherd Avenue will be needed.</p> <p>Approval of Tentative Map 5486 shall include the preservation of sufficient future right-of-way to accommodate L-9 interchanges on SR 168 at Nees and Shepherd Avenues, reducing potential impacts to the SR 168 interchanges to a less-than-significant level.</p>	Immediately	Developers/City of Clovis	City of Clovis Planning and Development Services Department	
<p>Mitigation Measure TR-7(b): Intersection Signals</p> <p>Traffic generated by the proposed Project will have no significant impacts to the study intersections in the study area and within the Project with the exception of the Nees/SR 168 intersection. The traffic study concluded this by assuming the signalization of identified street intersections. The City of Clovis employs a major street facility fee to fund the needed improvements to the public street system. Fees will be paid by the Harlan Ranch development to provide funding for the construction of streets and related improvements to the circulation system. The cost of signalization of intersections identified in the traffic study to maintain acceptable levels of service will be shared by all developments in the area and not solely by the Harlan Ranch, though it will also contribute its proportional share of the major street facility fees. These fees are due prior to the approval of the Harlan Ranch final subdivision maps.</p> <p>Payment of the major street facility fee by development in the City of Clovis, including the Harlan Ranch development, will fund intersection construction and reduce potential impacts on these facilities to a less-than-significant level</p>	With tentative map or entitlement approvals	City of Clovis	City of Clovis Planning and Development Services Department	

REGIONAL MAP

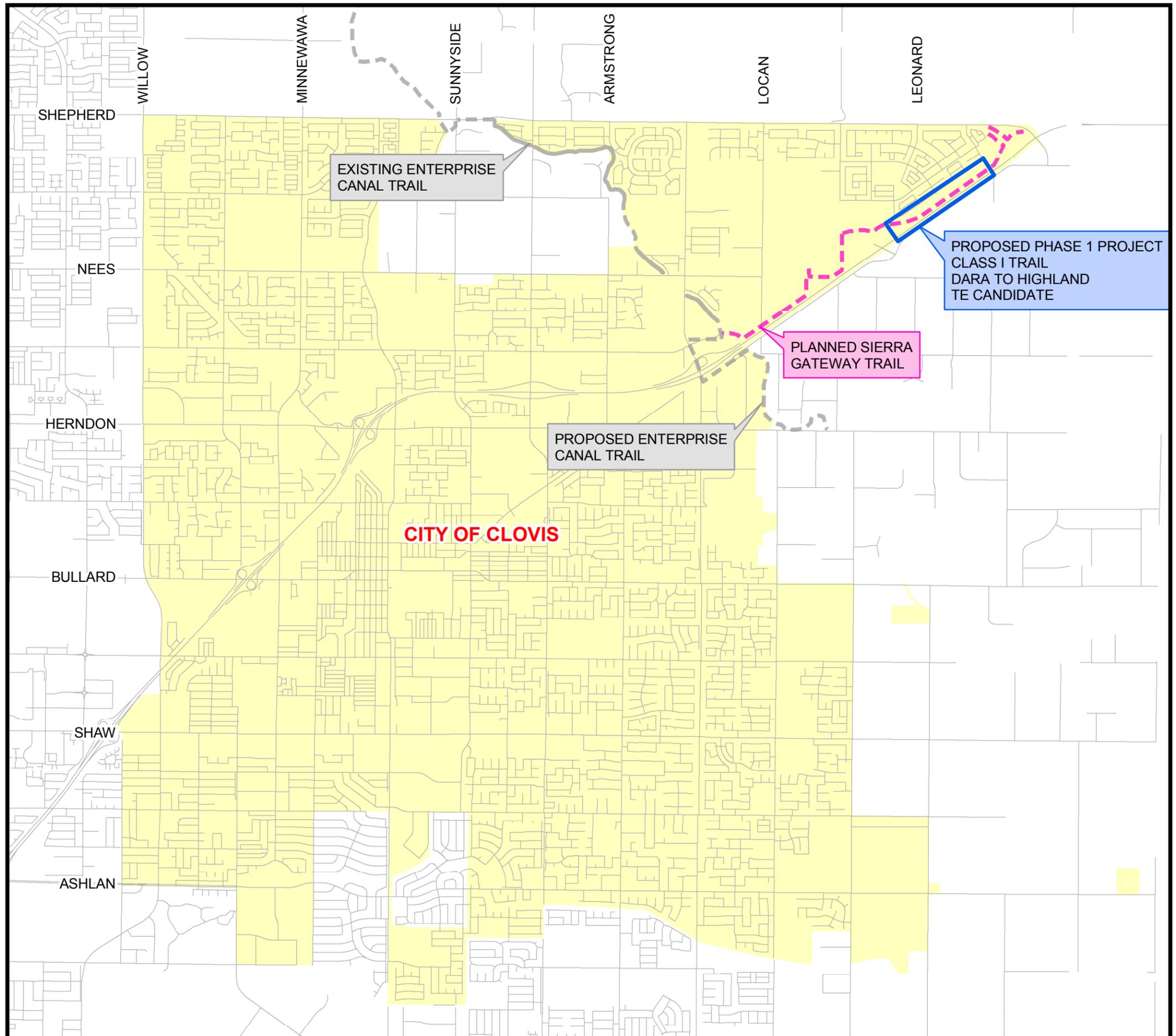
Sierra Gateway Trail
Dara to Highland

Candidate Stimulus II
TE Funding

March 4, 2010



City of Clovis



AERIAL PHOTO

Sierra Gateway Trail
Dara to Highland

Candidate Stimulus II
TE Funding

March 5, 2010



City of Clovis

