Appendix A:

EIR Noticing and Public Involvement

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City of Clovis
Notice of Preparation and Notice of Public Scoping Meeting
Vista Ranch Project (State Clearinghouse No. 2023100508)

Date: March 3, 2025

To: State Clearinghouse and Interested Public Agencies, Parties, and Organizations

From: McKencie Perez, MPA, Deputy City Planner, City of Clovis Planning Division

Subject: Notice of Preparation of a Revised Environmental Impact Report for the Vista Ranch Project and Notice of Public Scoping Meeting

NOTICE IS HEREBY GIVEN THAT the City of Clovis (Lead Agency and [City]) will prepare a Revised Draft Environmental Impact Report (Revised Draft EIR) for the proposed Vista Ranch Project (proposed project) (State Clearinghouse [SCH] No. 2023100508). The Revised Draft EIR will address the potential physical and environmental effects of the proposed project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA) Appendix G thresholds. The City will use the Revised Draft EIR when considering approval of the proposed project. Pursuant to CEQA Guidelines Section 15082, the project description, location, and potential environmental effects of the proposed project are described in the attached materials and available on the project website at https://cityofclovis.com/planning-and-development/planning/planning-projects/vista-ranch-soi/.

30-DAY NOTICE OF PREPARATION COMMENT PERIOD: The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Revised Draft EIR, and the environmental issues and alternatives to be addressed in the Revised Draft EIR. In accordance with the time limits established by CEQA, the Notice of Preparation (NOP) public review period will begin on **March 3, 2025**, and will end on **April 2, 2025**. Please provide your written/typed comments (including name, affiliation, telephone number, and contact information) to McKencie Perez via email at mckenciep@clovisca.gov or mail to the address shown below by **5:00 p.m.,** on **Wednesday, April 2, 2025**. If you wish to be placed on the notification list for this proposed project or need additional information, please contact:

McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street
Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

The City intends for the Revised Draft EIR to entirely replace the prior Draft EIR published July 19, 2024. The City will incorporate NOP comments received during the above-noticed public review period but will not respond to comments on the prior Draft EIR it replaces.

PUBLIC SCOPING MEETING: The City will hold a Public Scoping Meeting to: (1) inform the public and interested agencies about the proposed project; and (2) solicit public comment on the scope of the environmental issues to be addressed in the Revised Draft EIR as well as the range of alternatives to be evaluated. The meeting will be held on Tuesday, March 18, 2025, from 5:30 to 6:30 p.m. The Public Scoping Meeting will be held at the following location:

City of Clovis Council Chambers
1033 Fifth Street
Clovis, CA 93612

VISTA RANCH PROJECT

Project Location

The project site is located directly north of the City of Clovis (City) limit line, in unincorporated Fresno County (County) (Exhibit 1). The project site consists of approximately 952 acres located within the City's Planning Area and is bounded on the north by East Behymer Avenue, on the east by the Big Dry Creek Reservoir, on the south by East Shepherd and East Perrin Avenues, and on the west by North Fowler and North Sunnyside Avenues (Exhibit 2). The project site is located within portions of Sections 21, 22, and 23 of Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM).

The project site is approximately 952 acres and includes 139 Assessor Parcels. Exhibit 3 depicts the parcels within the project site and the proposed new Sphere of Influence (SOI) boundary, with specific Assessor Parcel Numbers (APNs) identified for the Master Plan Area. In addition, APNs 557-031-30, -32S, -34, -36, -38, -40, -43S, and -45 are located along the north side of Shepherd Avenue and are owned by the City for future roadway rights-of-way.

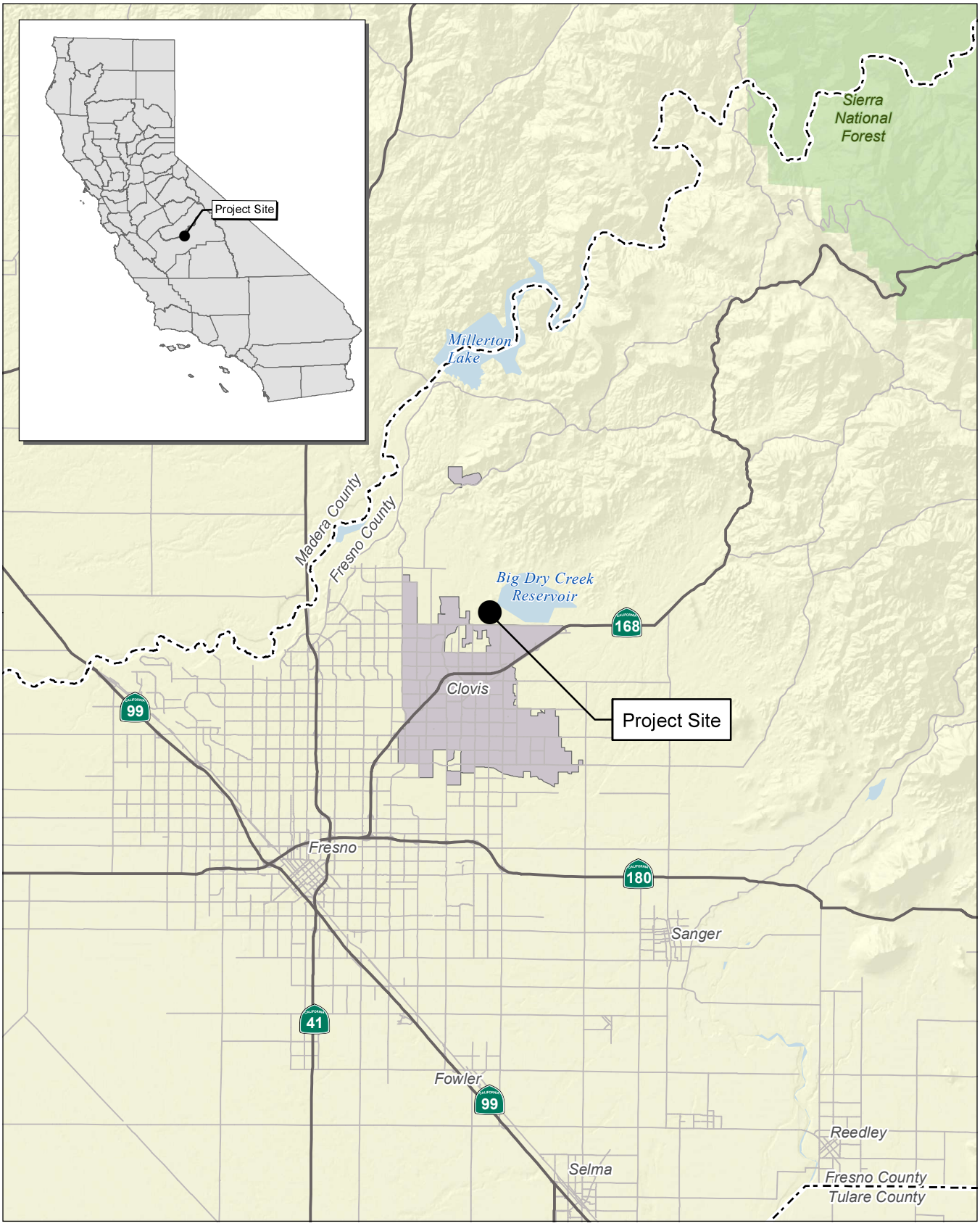
Major roadway networks, including State Route (SR) 168, SR 41, and SR 180, provide regional access to the project site. SR 168 is an east-west highway that consists of two distinct segments. SR 41 is a north-south highway that connects the central coast with the San Joaquin Valley and the Sierra Nevada. SR 180 is an east-west highway that travels through the San Joaquin Valley through Fresno and east towards the Sierra Nevada to Kings Canyon National Park.

The project site is not located on a list compiled pursuant to Section 65962.5 of the Government Code (Cortese List). The project site consists of a combination of fallow and grazing land, several rural residences, offices and Contractor's Corp Yard, and a small tree nursery. The proposed Master Plan Area is bisected by the Big Dry Creek Reservoir Outlet Works Channel. The Non-Development Area (discussed below) contains existing rural residential uses and agricultural fields.

Existing Land Use Designations and Zoning

Exhibit 4 and Exhibit 5 show current County General Plan land use designations and zoning for the project site and surrounding vicinity. The SOI project site is currently designated for low-density and rural residential uses but continues to be zoned for agricultural use. Within the AL-20 Zone District in the southeast portion of the Master Plan Area, the County has also recently approved a mini-storage facility under Conditional Use Permit (CUP) No. 3526; this facility is currently under construction.[1]

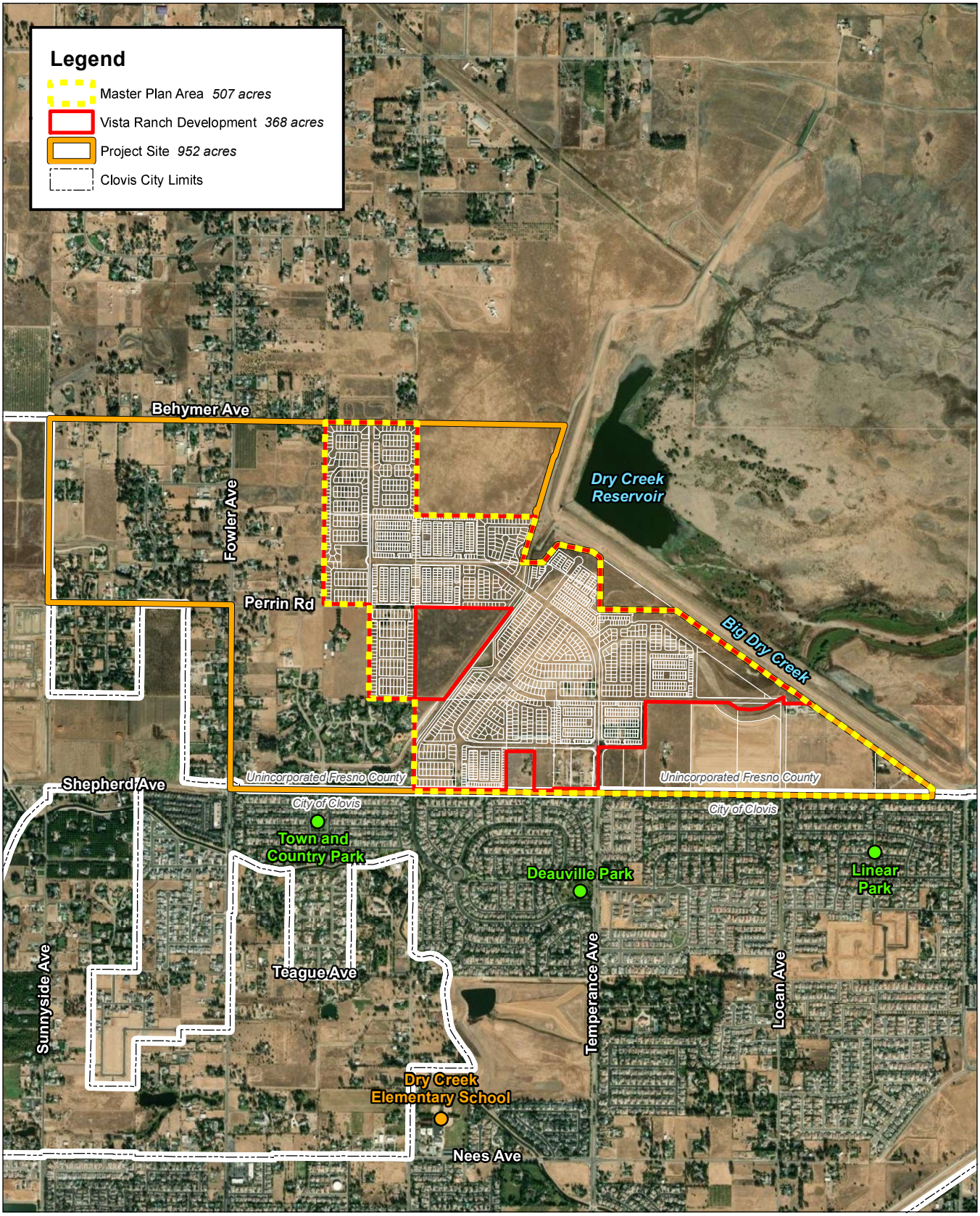
[1] County of Fresno. 2021. Inter Office Memo: Resolution No. 12914–Initial Study No. 7085 and Classified Conditional Use Permit Application No. 3526. November 18. Website: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/66945-reso-12914-cup-3526.pdf. Accessed February 25, 2025.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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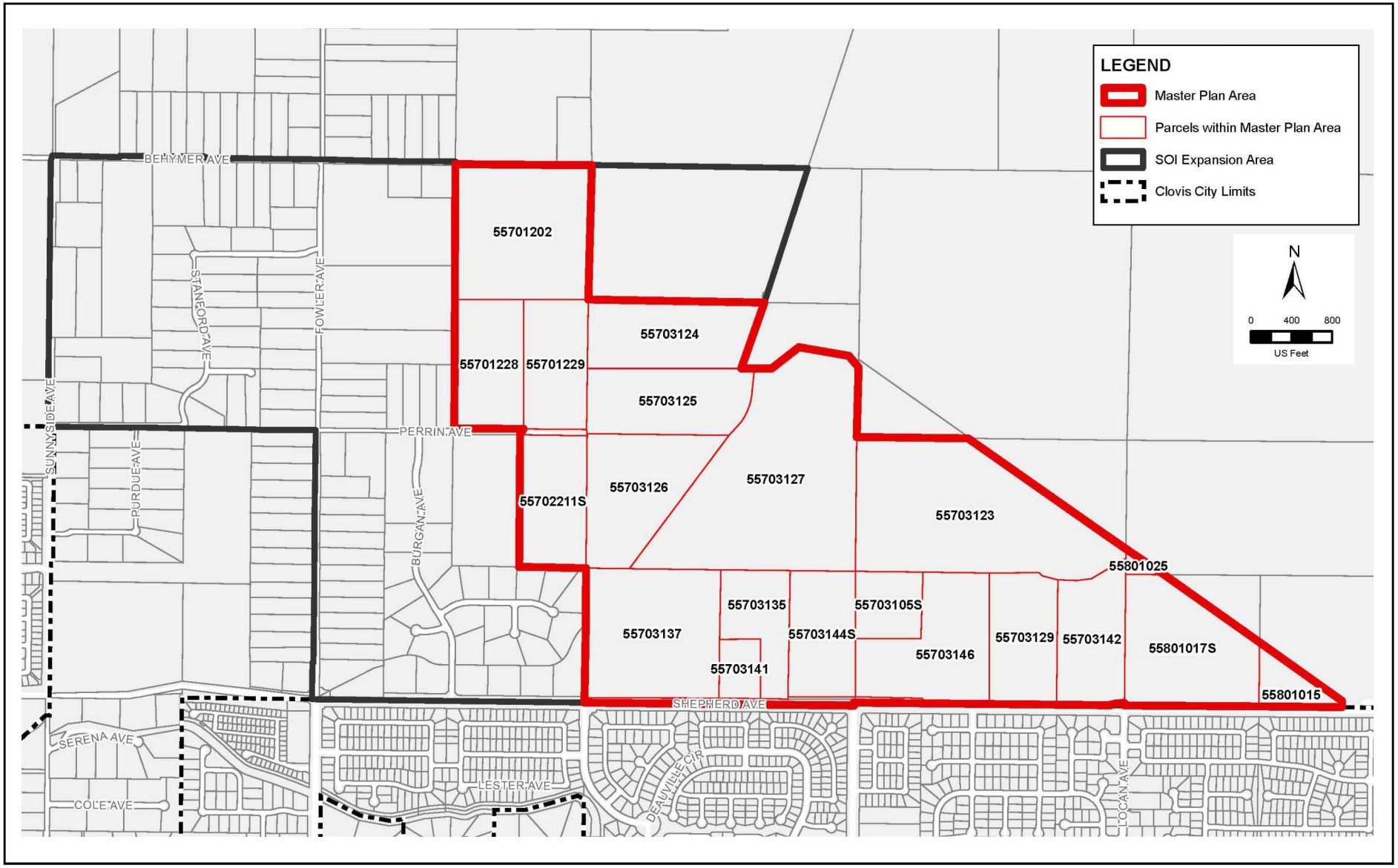
Exhibit 1
Regional Location Map



Source: ESRI Aerial Imagery. City of Clovis. Harbour & Associates Civil Engineers, 02/07/25.

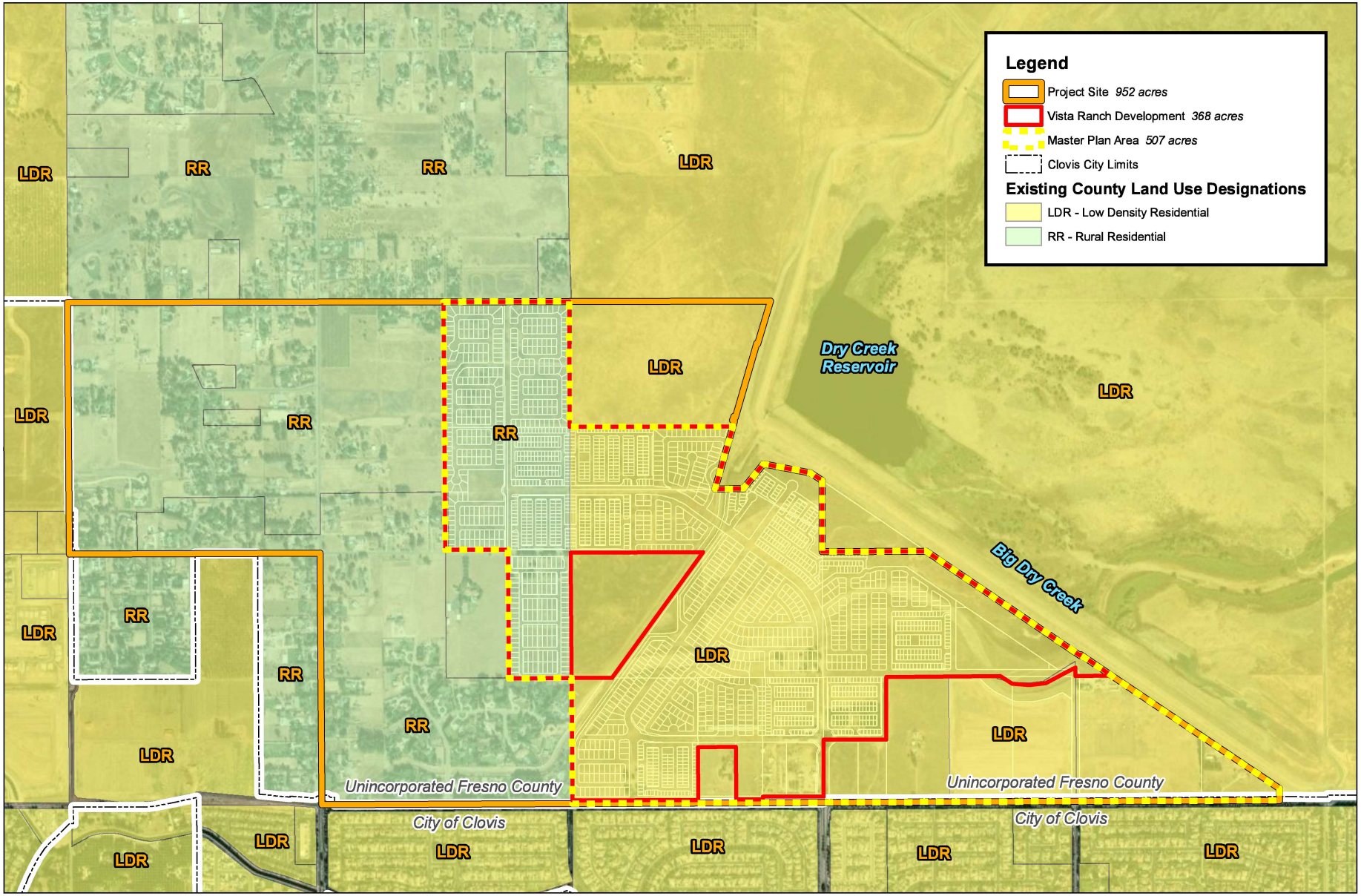
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Exhibit 2
Local Vicinity Map



Source: De Novo Planning Group, January 26, 2024. Fresno County GIS.

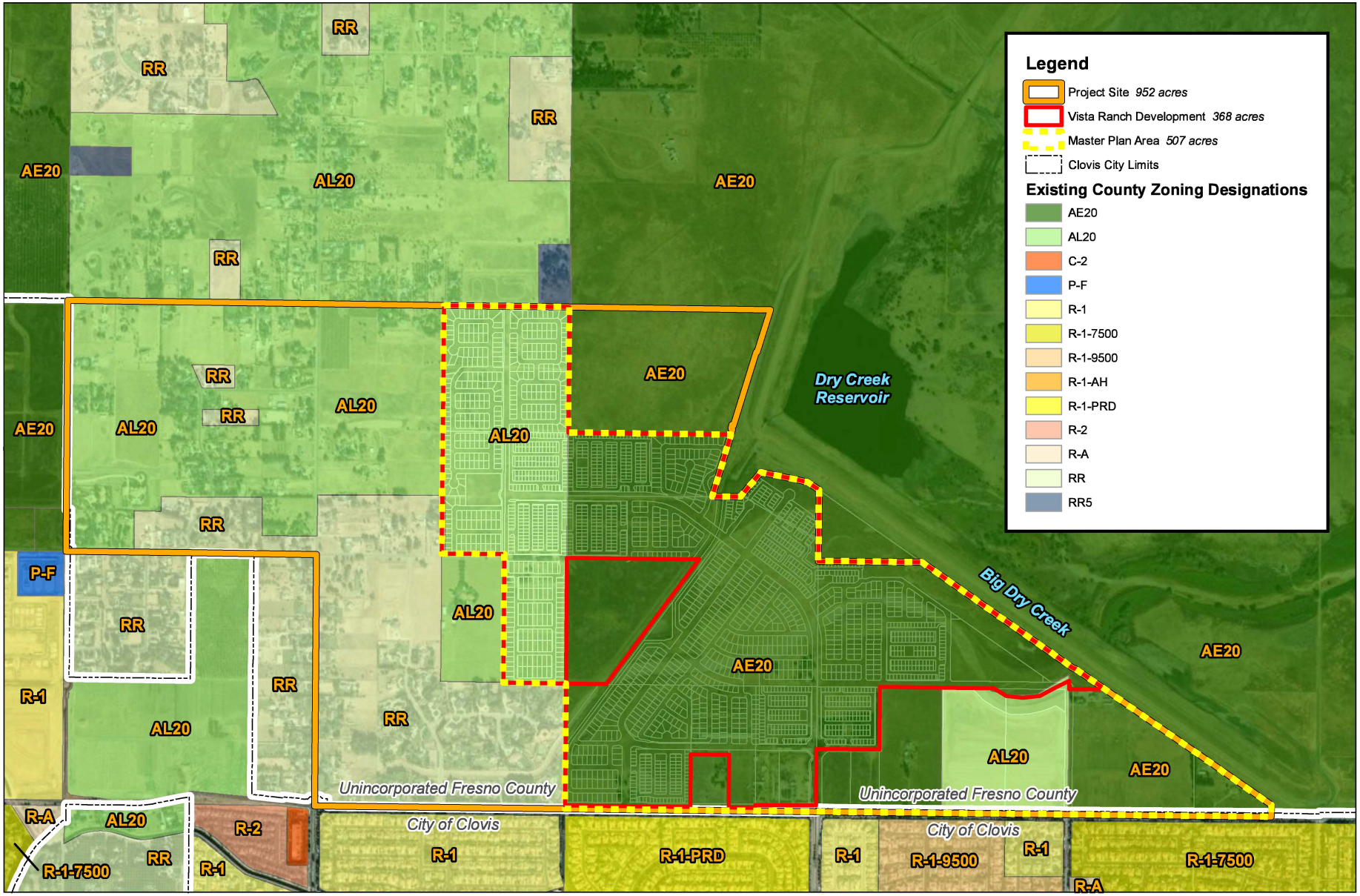
Exhibit 3
Assessor's Parcel Map



Source: ESRI Aerial Imagery. County of Fresno. Harbour & Associates Civil Engineers, 02/07/25.

1,500 750 0 1,500 Feet

Exhibit 4
Existing County Land Use Designations



Source: ESRI Aerial Imagery. County of Fresno. Harbour & Associates Civil Engineers, 02/07/25.

1,500 750 0 1,500 Feet

Exhibit 5
Existing County Zoning Designations

The majority of the project site is within the City's Northeast Urban Center, an area that has been designated as a focus of planned growth since the early 1990s. As a result, the current City of Clovis General Plan (General Plan) also provides land use designations for the project site and vicinity. As shown in Exhibit 6, these comprise a variety of uses, including residential development at a range of densities, parks/open space, schools, and mixed-use village center.

Project Description

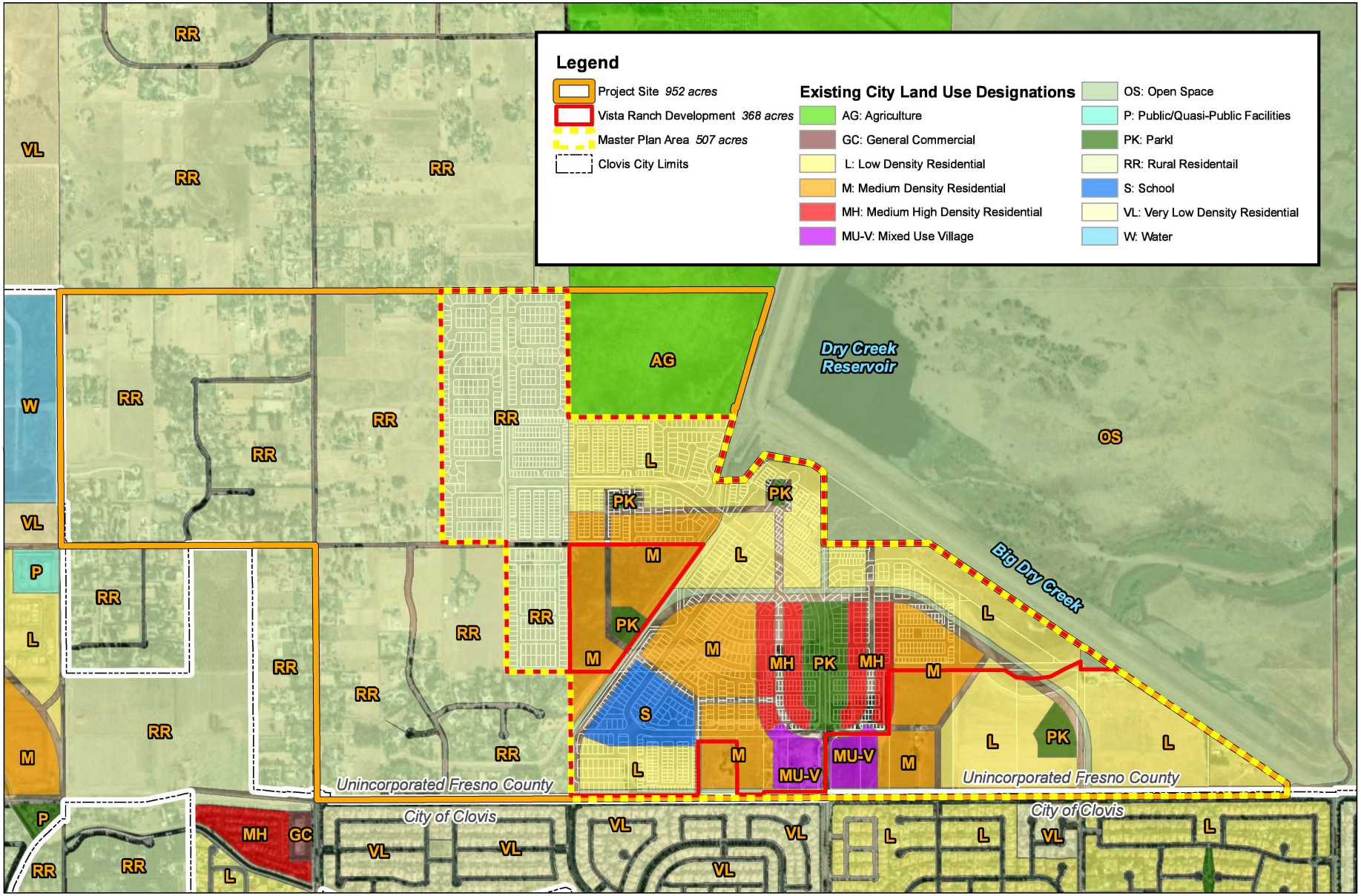
The proposed project would expand the City's SOI to include the approximately 952-acre project site, which is currently outside of the SOI boundary (SOI Expansion). The proposed project would also adopt a comprehensive Vista Ranch Master Plan (Master Plan) to guide development within approximately 507 acres of the project site, and the proposed project would implement the Vista Ranch Development, which would develop approximately 368 acres of the Master Plan Area with mixed uses over a build-out period of approximately 10 years.

Project Elements

The following sections describe the various elements of the proposed project—the SOI Expansion, Master Plan, and Development—in more detail. These land use changes are fundamentally administrative; in and of themselves, they would not directly result in changes to the physical environment, but because the proposed project elements could not be implemented without them, they are considered indirect causes of the individual and collective impacts of the proposed project elements and thus are discussed as components of each project element. Table 1 summarizes the land use changes associated with each project element.

Table 1: Proposed Project Elements

Project Element	Land Use Changes Required
SOI Expansion	• Modification of City's SOI boundary to encompass the approximately 952-acre project site
Master Plan	• Modification of General Plan Focus Area 13 to bring entirety of Master Plan Area within Focus Area 13 • Designation of Master Plan Area as new Focus Area 13a • Amendment to the General Plan Land Use Element to reflect land use modifications • Amendments to the General Plan Circulation Element to reflect major street routes within Focus Area 13a, multipurpose trails and bike lanes proposed under the Master Plan, and placement of a Shepherd Avenue access point on the north side of Shepherd Avenue • Amendments to the General Plan Open Space and Conservation Element to show Class I multi-use trail routes, open space, and parks proposed under the Master Plan • Adoption of Master Plan Community Overlay District and pre-zoning to establish zoning districts consistent with the Master Plan land use concept • Annexation of Master Plan Area, bringing it within City limits
Vista Ranch Development	• Approval of new Vesting Tentative Tract Map for the Vista Ranch Development site • Development Agreement with the applicant may be included



Source: ESRI Aerial Imagery. City of Clovis. Harbour & Associates Civil Engineers, 02/07/25.

1,500 750 0 1,500 Feet

Exhibit 6
Existing City Land Use Designations

SOI Expansion (Program-Level Analysis)

The proposed expansion of the City's SOI is strictly a land use change. It would modify the current SOI boundary to encompass the project site shown on Exhibit 2, bringing these parcels within the region where the City is responsible for providing services, and ultimately enabling annexation of the Master Plan Area and construction of the proposed Vista Ranch Development, discussed further below.

As Exhibit 2 shows, the 952-acre area includes:

- the 507-acre Master Plan Area, further subdivided into the 368-acre site planned for the proposed Vista Ranch Development and an additional 139 acres that are expected to be developed under separate future projects; and
- an additional approximately 445 acres for which no entitlements other than inclusion in the SOI are currently proposed (Non-Development Area).

Vista Ranch Master Plan (Program-Level Analysis)

The Master Plan Area occupies approximately 507 acres of the project site. The Master Plan is intended to guide long-term development of an urban village that contributes to the Northeast Urban Center's (NEUC) common public identity. As such, it envisions the following:

- up to 3,286 residential units;
- approximately 16 acres of commercial and mixed uses;
- a new elementary school occupying an approximately 19-acre site;
- approximately 59 acres of parks, trails, and open space; and
- utilities service, including water, wastewater, storm drainage, and regulated public utilities (electricity, natural gas, telephone, cable, and internet).

The Master Plan also provides for an approximately 32-acre mini-storage facility at the intersection of East Shepherd Avenue and Locan Avenue, on the south edge of the Master Plan Area. As noted above, this project was proposed separately and underwent separate CEQA review in 2021. It has been authorized by the County of Fresno under a CUP and is under construction as of 2024. As such, although it is acknowledged and planned for in the Master Plan, it should not be considered a new use proposed by the Master Plan. Rather, as noted above, it is part of the baseline conditions for purposes of analysis in the Revised Draft EIR and is not analyzed further in the Revised Draft EIR.

A substantial proportion of the uses contemplated in the Master Plan would be provided over about the next 10 years by development of the 368-acre Vista Ranch Development, described in more detail in the next section. The remaining 139 acres of the Master Plan Area (exclusive of the mini-storage facility already analyzed under CEQA, authorized, and under construction) are expected to be developed under separate projects over the longer-term future and would be subject to future project-level CEQA analysis tiered from the Revised Draft EIR.

Circulation

The Master Plan proposes a hierarchy of roadways to accommodate the capacity needs of the existing street network, as well as providing additional vehicular access to the Master Plan. Shepherd Avenue and Temperance Avenue are the main expressway/arterial/collector roadways providing access to the project site. In addition, Foothill Boulevard, Cypress Avenue, Perrin Road, and Behymer Avenue would provide additional circulation for the proposed Vista Ranch Development. The neighborhoods within the Master Plan would include a network of public and private residential streets to provide an efficient flow of traffic and pedestrian mobility through the project site. Additionally, sidewalks would be included per the City's standards.

General Plan Amendment to Circulation Element

Amendments to the General Plan Circulation Element would also be necessary. The General Plan Circulation Element is proposed for the following amendments:

- addition of major street route designations within the Master Plan to better accommodate the traffic (trip generation) expected as a result of development under the Master Plan, which would be shown on an updated General Plan Circulation Diagram (General Plan Figure C-1);
- changes to General Plan Figure C-2 (Bicycle and Trails System) to show the multipurpose trails and bike lanes proposed under the Master Plan and their integration with the City's existing trail and bicycle infrastructure system; and
- allow placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between North Armstrong and North Temperance Avenue.

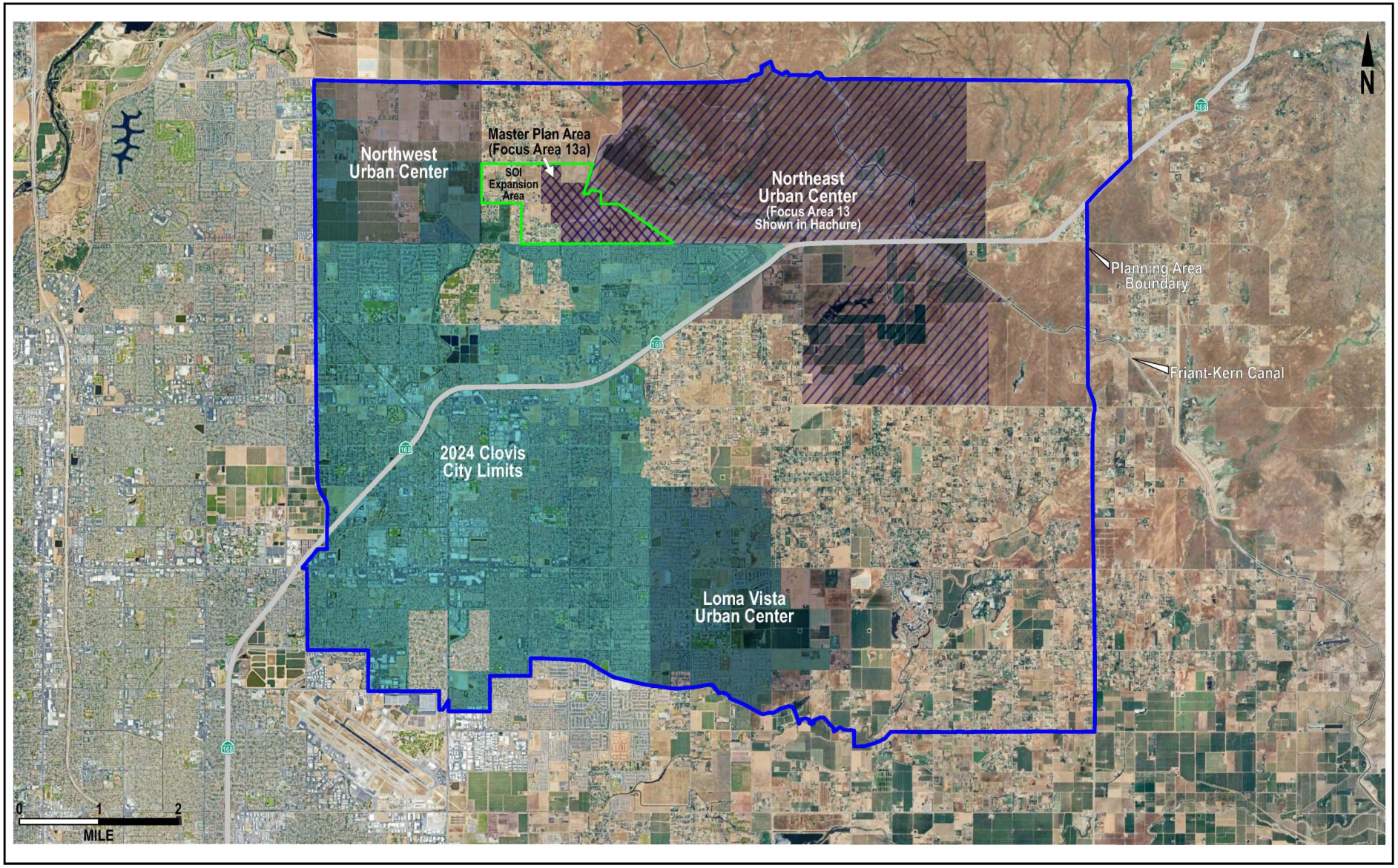
Land Use Modification

The City plans to annex the entirety of the Master Plan Area, bringing it within incorporated City limits.[2] This would entail land use planning modifications at several levels.

General Plan Amendment to Land Use Element

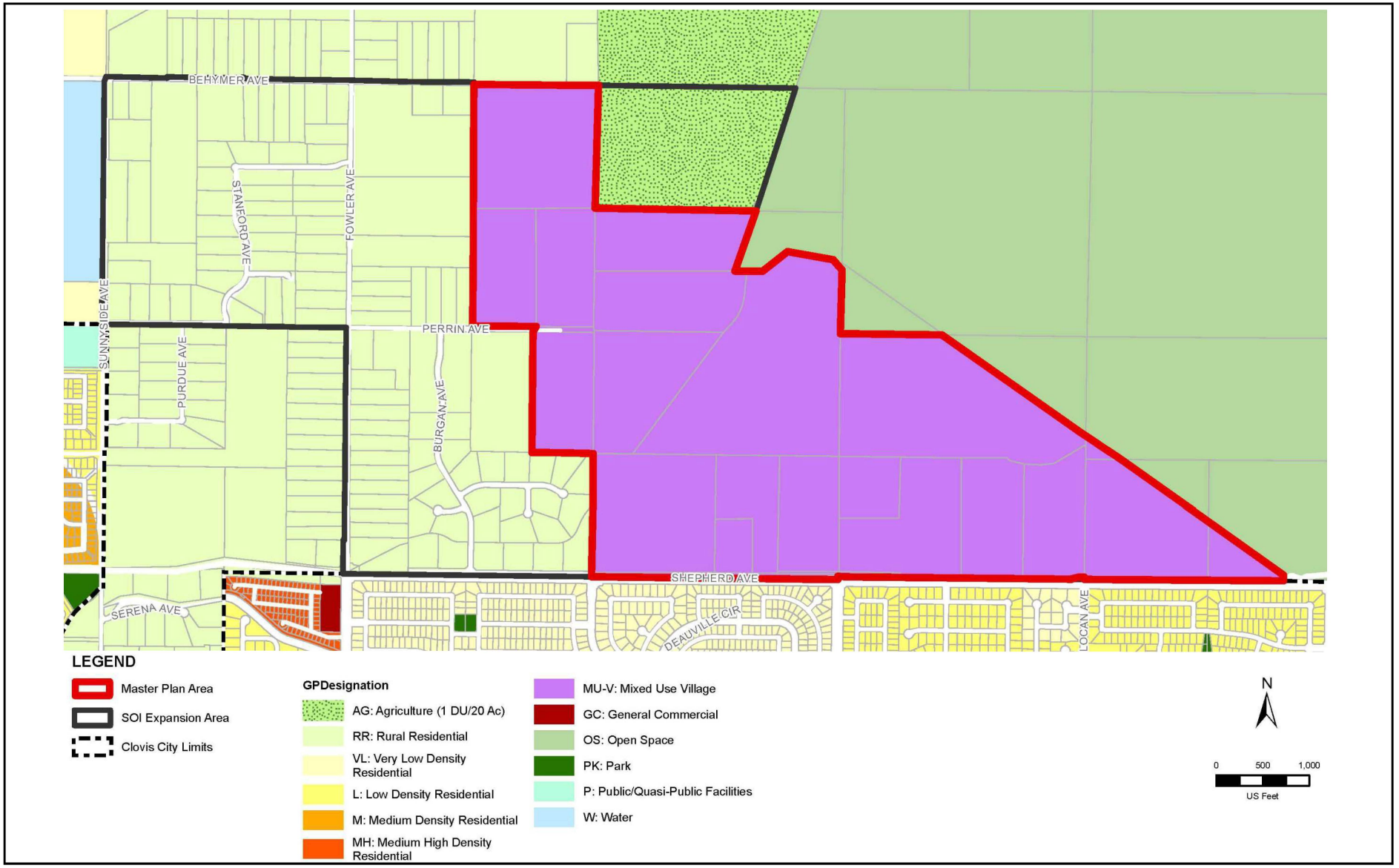
The majority of the NEUC and the eastern portion of the project site are within General Plan Focus Area 13. Adoption of the Master Plan would require modifying the boundary of Focus Area 13 to bring the entirety of the Master Plan Area within the Focus Area, as shown in Exhibit 7. The Master Plan Area would then be designated Focus Area 13a, a new sub-area of Focus Area 13. This would not eliminate the larger Focus Area 13; rather, it would allow the establishment and refinement of development goals and policies specific to the Master Plan Area, under the Master Plan. The General Plan land use designation for the entire new Focus Area 13a would be changed to Mixed Use Village, superseding the mosaic of multiple land use designations identified in the current General Plan (Exhibit 8).

[2] Currently, only the Master Plan Area is proposed for annexation. However, the final annexation boundary may be refined as part of the study process, which will include a public hearing before the Fresno County Local Agency Formation Commission (LAFCo), which has the final statutory authority to set annexation boundaries.



Source: modified from City of Clovis 2014: aerial photograph base from Google Earth (imagery date:11/10/2023, downloaded: 05/18/2024.

Exhibit 7
Adjusted Focus Area Boundary



Source: De Novo Planning Group, January 26, 2024. Fresno County GIS.

Exhibit 8
Proposed General Plan Land Use Designations

Open Space Modification

The General Plan Open Space and Conservation Element is proposed for the following amendments:

- modification of the General Plans Parks and Open Space Diagram (General Plan Figure OS-1) to show the Master Plan's Class I multi-use trail routes, open space, and parks and their integration with the City's existing parks, trails, and open spaces; and
- redistribution of neighborhood park areas assigned under the current General Plan to reflect the Master Plan development concept.

Zoning Modification

Master Plan Community Overlay District and Pre-Zoning

The Master Plan Area would be placed under a Master Plan Community (MPC) Overlay District and would be subject to "pre-zoning" to establish zoning districts consistent with the Master Plan land use concept. The pre-zoning would transition to adopted City zoning when the City annexes the Master Plan Area, and the Master Plan itself would serve to implement the requirements of the MPC Overlay District.

The following zone districts are proposed within the Master Plan Area, as shown in Exhibit 9. Because all of these zone districts would be within an MPC Overlay District, they would include the MPC suffix and would be subject to development standards as modified and adopted in the Master Plan.

- **Low-Density Residential (R-1/MPC):** Areas of conventional single-family uses on comparatively large parcels; allowable density range under the Master Plan is 2.1–5.0 dwelling units per acre (du/acre).
- **Medium Density Residential (R-1-MD/MPC):** Areas of single-family uses, including attached and detached single-family structures, with an allowable density range under the Master Plan of 4.1–12.0 du/acre. This area includes the development of a school serving residential communities.
- **Medium High Density Residential (R-2/MPC):** Areas of moderately dense residential uses, including multi-family apartments, duplexes, townhouses, and small-parcel attached and detached single-family uses; allowable density range is 7.1–20.0 du/acre.
- **Very High Density Residential (R-4/MPC):** Areas of high- and very high-density residential uses, potentially in association with mixed-use development; allowable density range is 25.1–43.0 du/acre.
- **Gateway Neighborhood Commercial (C-1/MPC):** Areas of local-serving commercial development compatible with and supportive of adjacent residential neighborhoods.
- **Community Recreation (C-R/MPC):** Areas reserved for recreational uses.
- **Light Industrial (M-1/MPC):** This designation identifies areas appropriate for business parks and industrial uses, including mini-storage.

- **Open Space (O/MPC):** Areas of parklands, open space, trails, and similar uses, as shown on Exhibit 9.

Vista Ranch Development (Project-Level Analysis)

Development Features

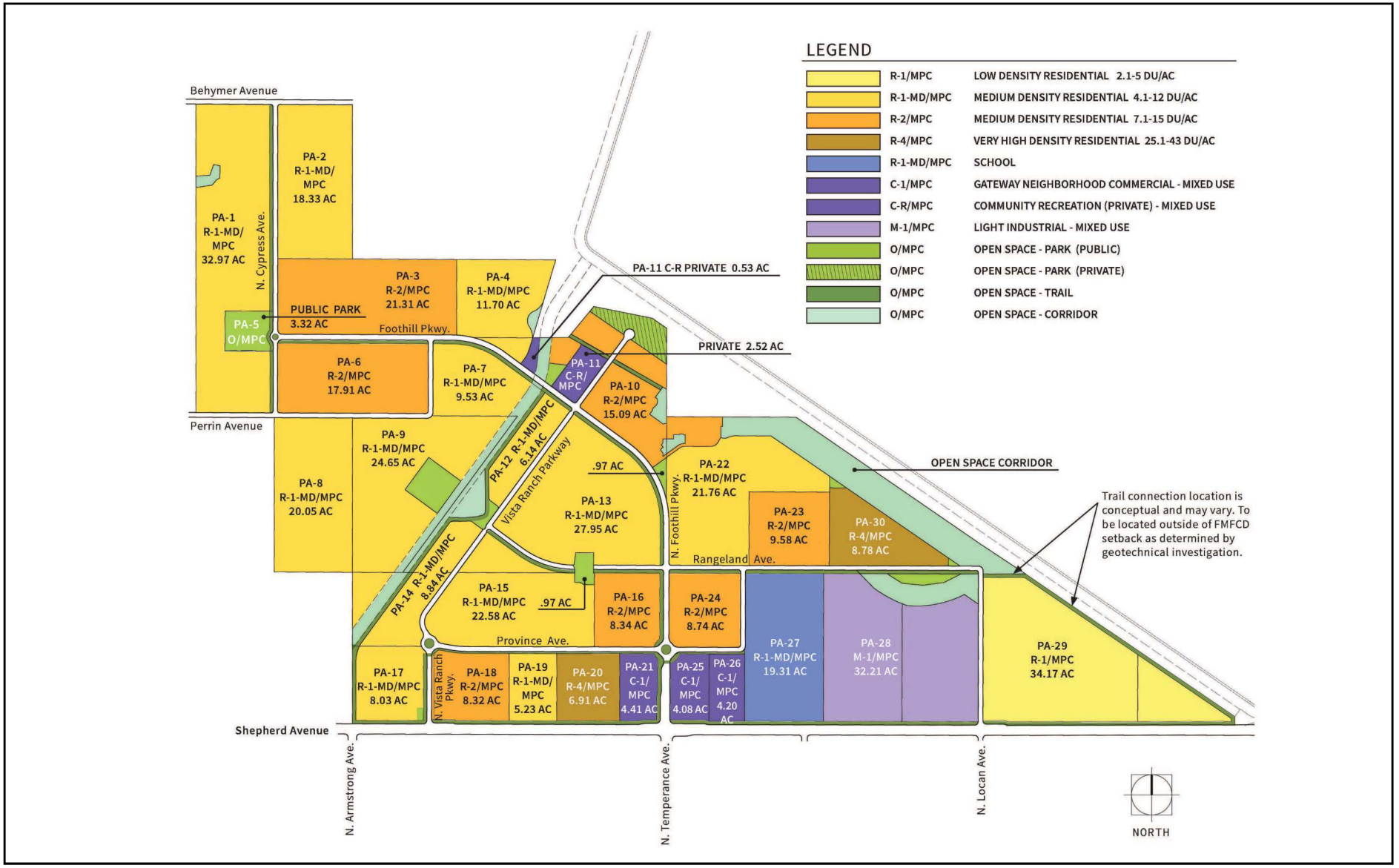
The Vista Ranch Development would construct a mixed-use development anticipated to provide up to 2,718 residential units, including single- and multi-family units at varying densities (Exhibit 10).

Vista Ranch is planned to center on a mixed-use village core area surrounded by higher-density residential development, with lower residential densities toward the edges of the development, transitioning to surrounding rural/agricultural uses (Exhibit 10). Higher housing densities would also cluster along major circulation corridors and local amenities. Residential areas would offer a variety of housing types and lot sizes to accommodate a range of housing objectives and buyer needs, with a goal to ensure housing for a range of families and lifestyles. The village core would provide a Gateway neighborhood commercial center designed to offer local-serving retail and service uses as well as employment opportunities. A private community recreation center and park would also be provided.

Within the Vista Ranch Development, new public and private roadways would enable access and circulation (Exhibit 10). Public roadways would include sidewalks per City standards, with bike lanes along the major roadways. The proposed Vista Ranch Development is also expected to provide for off-site roadway and/or utilities improvements along principal access corridors, potentially including East Behymer Avenue, Fowler Avenue, Perrin Avenue, Locan Avenue, Armstrong Avenue, East Shepherd Avenue, and Temperance Avenue.

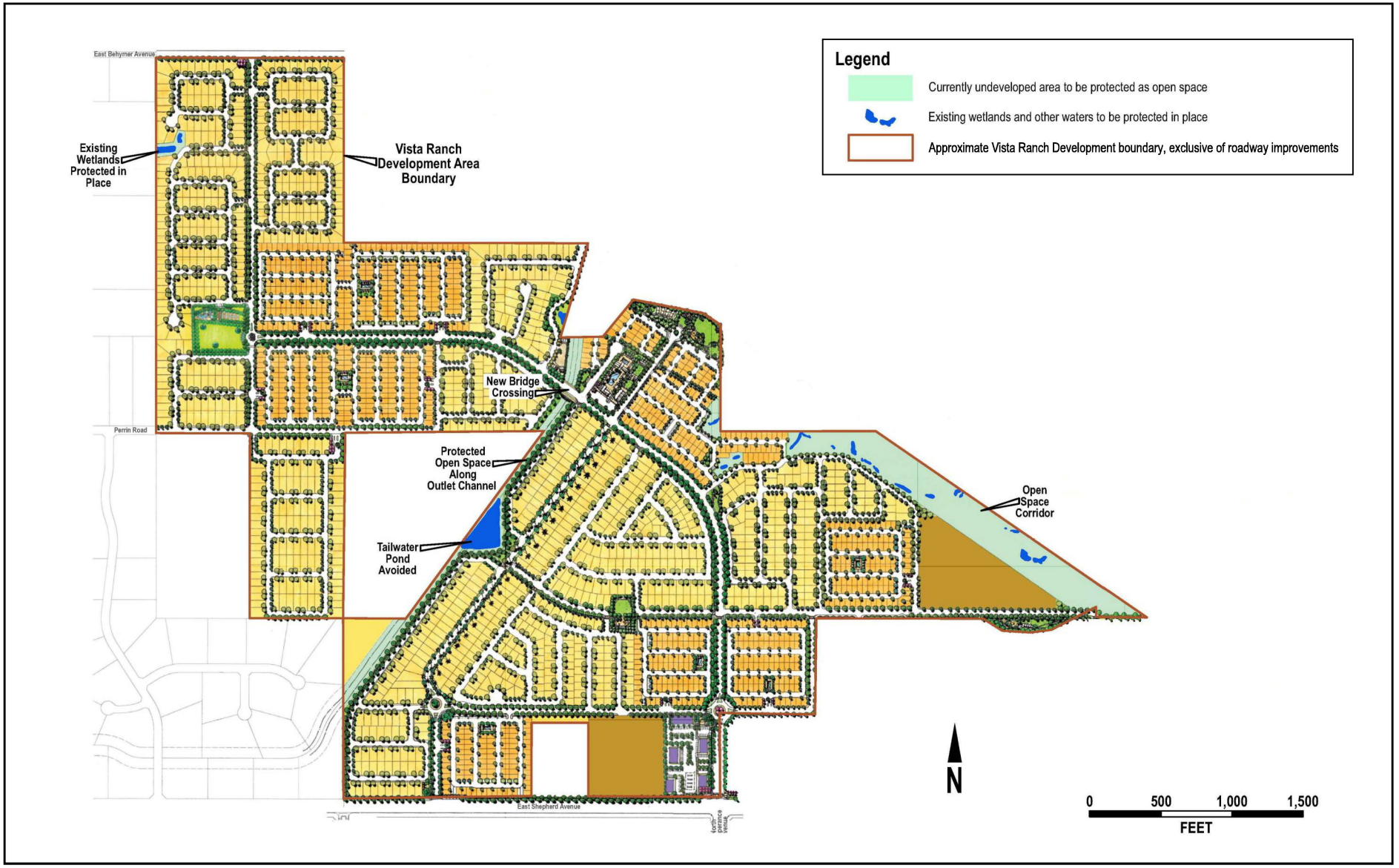
Over the longer term, as an amenity to provide an internal connection between the east and west portions of the new development, the applicant intends to construct a new bridge across the Big Dry Creek Reservoir Outlet Works Channel downstream of the Reservoir spillway (Exhibit 10). The bridge design is being coordinated with the Fresno Metropolitan Flood Control District (FMFCD) as the Outlet Channel owner/operator, and the bridge would conform to FMFCD's operational needs and applicable Federal Emergency Management Agency (FEMA) and City requirements for flood protection.

The proposed Vista Ranch Development would also include an extensive trail system to provide neighborhood connectivity, as well as safe and convenient access from residential areas to community amenities and commercial uses. Multiple public parks and trails totaling approximately 20 acres would be dispersed throughout the development (Exhibit 10). Private parks would also be provided, including mini-parks and/or community pools in medium high- and very high-density gated neighborhoods. In addition, the applicant is exploring the possibility of enhancing the reach of the remnant Dry Creek channel on the adjacent parcel to the south (where the mini-storage facility is under construction) as a parkland amenity, potentially including native species plantings and a walking trail; this would need to be coordinated with the owner of the mini-storage facility.



Source: Kroll & Associates. Map date: November 26, 2024.

Exhibit 9
Proposed Master Plan Zoning



Source: modified from Wilson Premier Homes 2024a.

Exhibit 10
Vista Ranch Development Plan

Infrastructure Improvements

Domestic Water

The Master Plan would be served by new connections to the City's potable and non-potable water distribution system. The proposed water system would be located within proposed public utilities easements and connected to existing City main lines. All water system infrastructure would comply with City Master Plans and standards.

The City of Clovis provides utility services to the City, including water. The City has three main water supply sources: groundwater, surface water, and recycled water. The City extracts groundwater from the Kings Subbasin. Surface water is delivered to the City by the Fresno Irrigation District (FID). The various current and planned for surface water supplies are from the Kings River and Central Valley Project. The City's Water Reuse Facility produces tertiary-treated effluent that can be used for agriculture or landscape irrigation.

The Master Plan would be served by a new potable water distribution system. Future phases of the proposed project would require new water supply infrastructure that would extend beyond the proposed project boundaries. The precise nature and size of these improvements have not yet been determined; however, it is anticipated that these extended water infrastructure improvements would be within existing rights-of-way or public utility easements along adjacent roadways and connected to existing City main lines. These future improvements would likely extend from the northern project boundary to the west along Behymer Avenue until approximately 770 feet west of Sunnyside Avenue, as well as along Perrin Road, extending west until approximately Burgan Avenue.

Stormwater Drainage

The Master Plan would include construction of a new storm drainage system, which would conform to applicable regulations, standards, and specifications of the State Water Resources Control Board requirements (SWRCB), FMFCD, and the City. This includes, but is not limited to, the municipal National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit, as well as Best Management Practices (BMPs) to control the volume, rate, and potential pollutant load of storm water runoff. Stormwater throughout the City is collected in FMFCD's basins.

Sanitary Sewer

The Master Plan would be served by new connections to the City's wastewater collection system installed within proposed public utilities easements. The proposed wastewater conveyance facilities would connect to the existing sewer main lines. Wastewater treatment would be provided at the existing Fresno-Clovis Regional Wastewater Treatment Plant (RWTP) in the City of Fresno and by the City's Water Reuse Facility. By agreement with the City of Fresno, the City of Clovis owns a maximum capacity of 9.3 million gallons per day (mgd). The RWTP is operated by the City of Fresno, while subject to the equitable ownership interests of the City of Clovis, and has a maximum capacity of 80 mgd. If required, the City has the capability to acquire additional capacity at the RWTP. Wastewater treatment may also be provided by the City of Clovis Water Reuse Facility. The Clovis Sewer Treatment–Water Reuse Facility (ST-WRF) serves the new growth areas of the City in the southeast, northwest, and the northeast urban centers.

The ST-WRF is designed to accommodate future expansion and would ultimately treat 8.4 mgd. The City would manage service to the project site to optimize the use of available capacity at each of the plants to facilitate service to the proposed project.

Solid Waste and Recycling Collection

The proposed project would be served by Republic Services, which would provide both solid waste and recycling services. Garbage and recycling services would be provided on a weekly basis.

Power and Telecommunications

Electrical service is provided by the Pacific Gas and Electric Company (PG&E). Natural gas is not anticipated for the Vista Ranch Development, although it may be included in the Master Plan Area pending a proposal by the property owners. Phone service would be provided by AT&T. Cable service would be provided by Comcast, and related internet services would be extended to all portions of the Master Plan Area from existing facilities located along East Shepherd Avenue and from existing residential development surrounding the Master Plan Area. Proposed utilities would be located within public utility easements to be dedicated along street frontages. Utility improvements would be installed in conjunction with planned street improvements, and all proposed utilities would be underground.

Phasing and Construction

Phasing

Construction of the proposed Vista Ranch Development is expected to be phased over about 10 years (Exhibit 11). The south-central portion of the project (Phases 1–3, adjacent to East Shepherd Avenue and North Temperance Avenue) would be constructed first due to proximity to existing development, roadways, and utilities within the City; these phases would be completed in the first five years. Construction of Phase 4 is expected to begin in Year 5, and the remainder of the western phases and the eastern portion of Phase 6 would be built out in Years 5–10. The bridge connecting the eastern and western portions of the proposed Vista Ranch Development is conceptualized as a separate Phase 4a, to be constructed along with Phase 4, since bridge construction would not begin until (1) the east-west connection becomes necessary, and (2) all necessary permit approvals have been issued.

Construction

Construction Means and Methods

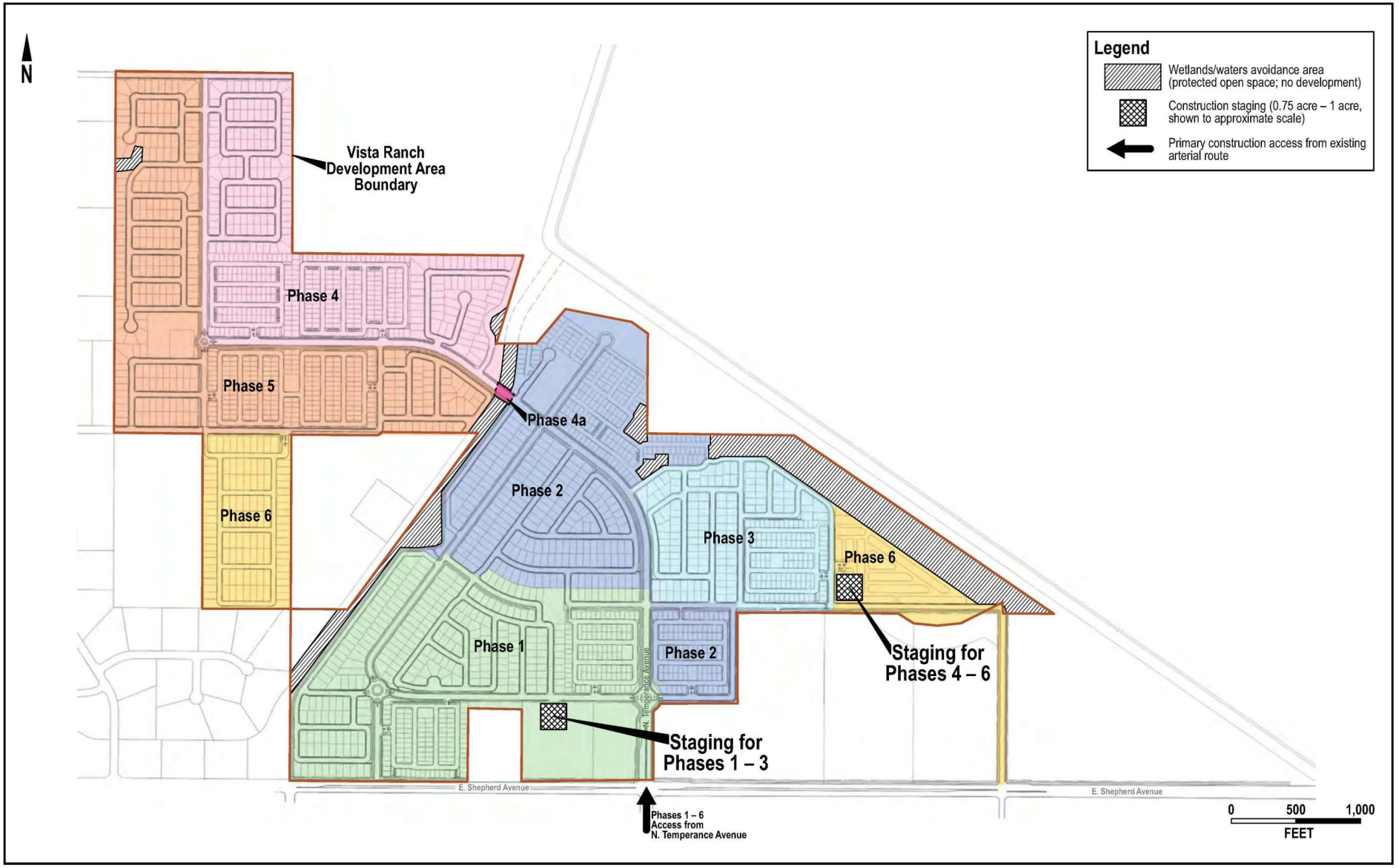
Construction of the proposed project would rely on standard land development and construction techniques as practiced in the San Joaquin Valley/Fresno County region. Initial ground disturbance would require equipment such as survey gear, mowers, discers, bulldozers, self-loading scrapers, excavators, loaders, skidsteers, tractors, backhoes, trenchers, dump trucks, water trucks, semi-trucks, pickup trucks, and other heavy equipment. Site development may also include the use of equipment such as motor graders, rollers, compactors, road paving machines, and similar equipment. Construction within developed lots would also be conducted with standard equipment and techniques such as trucks, cranes, forklifts, concrete pumps, and other standard means and methods as determined by the builders.

Construction Access and Staging

Exhibit 11 shows planned construction access and staging. Construction traffic to the project site would follow existing roadways, and construction entry to the project site would be via North Temperance Avenue as the principal arterial accessing the project site.

All staging for development construction would be restricted to the project site, although additional minor staging for roadway improvements outside the project site shown on Exhibit 11 may be located within existing City roadway rights-of-way. Onsite staging areas would be 0.75 acre–1 acre in extent, sufficient to accommodate all needed construction vehicles, equipment, materials laydown/storage, and job office trailers.

The staging area for construction of Phases 1–3 would be located in an area planned for R-4, Very High Density Residential (apartment) development; this maximizes efficiency because construction of the apartments would be the last step in the buildout of Phases 1–3. Once the apartments are constructed—anticipated in late Phase 3 or early Phase 4—staging would be relocated to the Phase 4–6 staging area, which is also planned for R-4 development and thus would be the last portion of the Phase 6 area to be developed.



Source: Wilson Premier Homes. 2023. Vista Ranch Master Development Plan, Clovis, CA (Draft Submittal). (September.) Prepared for Wilson Premier Homes, Fresno, CA by Broussard & Associates, Clovis, CA and Harbour & Associates, Clovis, CA

Exhibit 11
Phasing Plan

Project Objectives

The underlying purpose of the proposed project is to expand the City's SOI to include the project site, annexation, Master Planning, and subsequent development of land to accommodate growth, and the project objectives include:

- Expand the City's SOI in an area contemplated by the City General Plan to establish a logical and orderly boundary that promotes the efficient extension of municipal services to areas planned for growth.
- Undertake Master Planning as a long-range planning tool to guide development within areas designated for growth under the City of Clovis General Plan.
- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis.
- Refine the mixture of housing types, sizes and densities that collectively provide for local and regional housing demand.
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Develop a strong pedestrian network that links activities, recreational amenities, local commercial uses and neighborhoods together.
- Establish neighborhood designs that consider safety and security of citizens.
- Consider affordability and housing diversity by developing residential uses that are proximate to urban services and roadways and varied in size and density.
- Embrace the natural resources and views of the Sierra Nevada Mountain range.

Required Discretionary and Ministerial Approvals

Discretionary approvals and permits are required by the City for implementation of the proposed project. The proposed project would require the following discretionary approvals and actions, including:

- Certification of the EIR;
- Adoption of the Mitigation Monitoring and Reporting Program;
- Approval of City of Clovis General Plan Amendments (Land Use Element, Circulation Element and Open Space and Conservation Element);
- Approval of City of Clovis Pre-zoning;
- Approval of Master Plan Community Overlay District and Master Development Plan;

- Approval of Vesting Tentative Maps;
- Possible approval of Development Agreement;
- Approval of SOI Expansion;
- Authorization to submit SOI Amendment request to Fresno LAFCo;
- Approval of Annexation of the Master Plan, including Inhabited Areas;
- Authorization to submit Annexation request for the Master Plan to Fresno LAFCo;
- Approval of future Final Maps;
- Approval of future Grading Plans;
- City review, approval, of construction and utility plans;
- Approval of future Building Permits; and
- Allocation and provision of City of Clovis Sewer and Water service.

Subsequent ministerial actions would be required for the implementation of the proposed project including, but not limited to, issuance of grading and building permits.

A number of other agencies in addition to the City of Clovis will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Revised Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- Fresno Local Agency Formation Commission (LAFCo)–SOI Amendment, Annexation, and Detachment from the Fresno County Fire Protection District and the County Service Area No. 51 (Dry Creek);
- Central Valley Regional Water Quality Control Board (CVRWQCB)–Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities pursuant to the Clean Water Act;
- San Joaquin Valley Air Pollution Control District (SJVAPCD)–Approval of construction-related air quality permits; and
- Fresno Metropolitan Flood Control District (FMFCD)–review of stormwater facilities, grading, and street improvements.
- Fresno County Department of Public Health–Permits for abandonment of wells and septic systems, underground storage tanks.
- California Department of Fish and Wildlife (CDFW)–Incidental Take Permit

Environmental Review

Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Revised Draft EIR, including results of public scoping and technical studies. Subsequently, the Revised Draft EIR will be circulated for public review and comment for a 45-day public review period.

The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

A copy of the NOP (in full color) can be found on the City's website: https://cityofclovis.com/planning-and-development/planning/planning-projects/vista-ranch-soi/

If you wish to be placed on the mailing list or need additional information, please contact McKencie Perez, MPA, Deputy City Planner at 559.324.2310 or mckenciep@clovisca.gov.

Potential Environmental Effects

The Revised Draft EIR will evaluate if there are potentially significant environmental impacts associated with approval and implementation of the proposed project. Consistent with the CEQA Guidelines (Appendix G), the Revised Draft EIR will analyze the reasonably foreseeable direct, indirect, and cumulative effects of the proposed project on focused resources, including but not limited to:

- Aesthetics, Light, and Glare
- Agriculture Resources and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Effects Found not to be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the proposed project to result in a significant impact, the following issues will be addressed in the Effects Found not to be Significant section of the Revised Draft EIR.

- **Mineral Resources**–The project site is designated MRZ-3, which is a classification for areas are those containing aggregate deposits, the significance of which cannot be evaluated from available data. There are no active or inactive mines located within the project site. Additionally, the City's General Plan EIR concluded that adoption of the General Plan, which contemplated urbanization of the agricultural lands within the General Plan study area, would have no impact on any known mineral resources, active or inactive mines, nor any mineral resource sectors.[3] Therefore, the proposed project would have no impact on mineral resources or mineral resource recovery sites.

[3] City of Clovis. 2014. General Plan and Development Code Update Draft EIR. Website: https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-11-Mineral-Resources.pdf. Accessed February 13, 2025.

McKencie Perez

From: Glenn Eastes
Sent: Thursday, March 6, 2025 10:08 AM
To: McKencie Perez
Cc: Nicholas Torstensen
Subject: FW: Notice of Preparation of a Revised Draft Environmental Impact Report for the Vista Ranch Project
Attachments: Vista Ranch Revised EIR Notice of Preparation.pdf

Good morning McKencie,

Page 20 on the item "Solid Waste and Recycling Collection" the language is incorrect.
It should read.

"The proposed project area would be serviced by the City of Clovis Public Utilities, Community Sanitation division. The services for Solid Waste, Recycling and Organic collection as well as Community Clean-up and Street Sweeping will be provided in accordance with Title 6.3 of the Clovis Municipal Code."

Call if you have any questions
Thanks

Glenn

From: McKencie Perez <mckenciep@clovisca.gov>
Sent: Monday, March 3, 2025 10:24 AM
Subject: Notice of Preparation of a Revised Draft Environmental Impact Report for the Vista Ranch Project

Good morning,

The City of Clovis is the lead agency for the preparation of a Revised Draft Environmental Impact Report (Revised Draft EIR) for the proposed Vista Ranch Project (proposed project), in accordance with the California Environmental Quality Act (CEQA). The Revised Draft EIR will address the potential physical and environmental effects of the proposed project for each of the environmental topics outlined in the CEQA Appendix G thresholds. The City will use the Revised Draft EIR when considering approval of the proposed project. The Revised Draft EIR will consider those environmental issues which are raised by responsible agencies, trustee agencies, and members of the public or related agencies during the Notice of Preparation (NOP) process.

The proposed project is located directly northeast of the City of Clovis limit line. The proposed project site is bounded on the north by East Behymer Avenue, on the east by the Big Dry Creek Reservoir, on the south by East Shepherd and East Perrin Avenues, and on the west by North Fowler and North Sunnyside Avenues. The proposed project would expand the City of Clovis Sphere of Influence (SOI) to include the approximately 952-acre project site, which is currently outside of the SOI boundary. The proposed project would also adopt a comprehensive Vista Ranch Master Plan (Master Plan) to guide development within approximately 507 acres of the project site, and the proposed project would implement the Vista Ranch Development, which would develop approximately 368 acres of the Master Plan Area with mixed uses over a build-out period of approximately 10 years. The SOI Expansion and Master Plan would be analyzed at a program-level; however, the Vista Ranch Development would be analyzed at the project-level. The Vista Ranch Development would construct a mixed-use development anticipated to provide up to 2,718 residential units, including single- and multi-family units at varying densities. The Vista Ranch Development is planned to center on a mixed-use village core area surrounded by higher-density residential

development, with lower residential densities toward the edges of the development, transitioning to surrounding rural/agricultural use. Within the Vista Ranch Development, new public and private roadways would enable access and circulation. The Vista Ranch Development would also include an extensive trail system to provide neighborhood connectivity, as well as safe and convenient access from residential areas to community amenities and commercial uses. Please see that attached detailed project description.

30-DAY NOP COMMENT PERIOD: The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Revised Draft EIR, and the environmental issues and alternatives to be addressed in the Revised Draft EIR. In accordance with the time limits established by CEQA, the NOP public review period will **begin on March 3, 2025**, and will **end on April 2, 2025**. Please provide your written/typed comments (including name, affiliation, telephone number, and contact information) to me, via email at: mckenciep@clovisca.gov, or via mail at the City of Clovis Planning Division, 1033 Fifth Street, Clovis, CA 93612 by **5:00 p.m. on Wednesday, April 2, 2025**.

PUBLIC SCOPING MEETING: A public scoping meeting has been scheduled to inform interested parties about the proposed project and provide the opportunity for comments on the scope and content of the Revised Draft EIR. The City intends for the Revised Draft EIR to entirely replace the prior Draft EIR published July 19, 2024. The City will incorporate NOP comments received during this public review period but will not respond to comments on the prior Draft EIR it replaces. The meeting time and location is as follows:

City of Clovis Council Chambers
1033 Fifth Street
Clovis, CA 93612
Date: Tuesday, March 18, 2025
Time: 5:30 p.m. to 6:30 p.m.

Should you have any questions or require additional information, please contact me directly at (559) 324-2310 or mckenciep@clovisca.gov.

Thank you,

McKencie Perez, MPA | Deputy City Planner
City of Clovis | Planning Division
1033 Fifth Street, Clovis, CA 93612
p. 559.324.2310
mckenciep@clovisca.gov

STATE OF CALIFORNIA Gavin Newsom, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION

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VICE-CHAIRPERSON
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Kumeyaay

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Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of Luiseño Indians

COMMISSIONER
Vacant

ACTING EXECUTIVE SECRETARY
Steven Quinn

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

February 27, 2025

McKencie Perez
City of Clovis
1033 Fifth Street
Clovis CA 93612

Re: 2023100508 Vista Ranch Project, Fresno County

Dear Ms. Perez:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Melina.Carlos@NAHC.ca.gov.

Sincerely,

Melina Carlos

Melina Carlos
Cultural Resources Analyst

cc: State Clearinghouse

2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 20, 2025

McKencie Perez
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

RE: Notice of Preparation of a Revised Draft Environmental Impact Report for the Vista Ranch Project, Clovis, CA
N/E Shepherd and Sunnyside avenues

Dear Ms. Perez:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Revised Draft EIR for the proposed Vista Ranch Project led by the City of Clovis, APNs: 557-012-02, 28 and 29, 557-022-11S, 557-031-05S, 23, 24, 25, 27, 35, 37, 44S and 558-010-25. The project site is approximately 507 acres to be annexed into the City of Clovis and includes 368 acres proposed for full entitlements to develop immediately and 139 acres that does not include full entitlements and requires further review for future development. There are an additional 445 acres outside of the Vista Ranch Master Plan that involves a City of Clovis Sphere of Influence (SOI) expansion area of 952 acres in total. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 2,718 residential units, parkland, and private infrastructure. If the 139 acres is granted future development, it would increase the development area to 3,286 residential units and include community recreation centers and an elementary school site. FID has the following comments:

FID previously reviewed and commented on the subject area most recently on August 8, 2024 as Notice of Availability of a Draft EIR for the Vista Ranch Project, Clovis, CA, and on November 7, 2023, as Notice of Preparation of a Draft EIR for the Vista Ranch Project, Clovis, CA. Those comments still apply and a copy of FID's comments dated August 8, 2024, are attached hereto for your reference. FID has additional comments pertaining to the subject project are as follows:

1. Any additional stormwater discharges into FID facilities shall be determined and agreed upon prior to FID approval of the project per the "Agreement for the use of Fresno Irrigation District's Canals for the disposal of Storm Waters" recorded August 31, 1972, as Document No. 78752, in the Official Records of Fresno County.

BOARD OF DIRECTORS President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

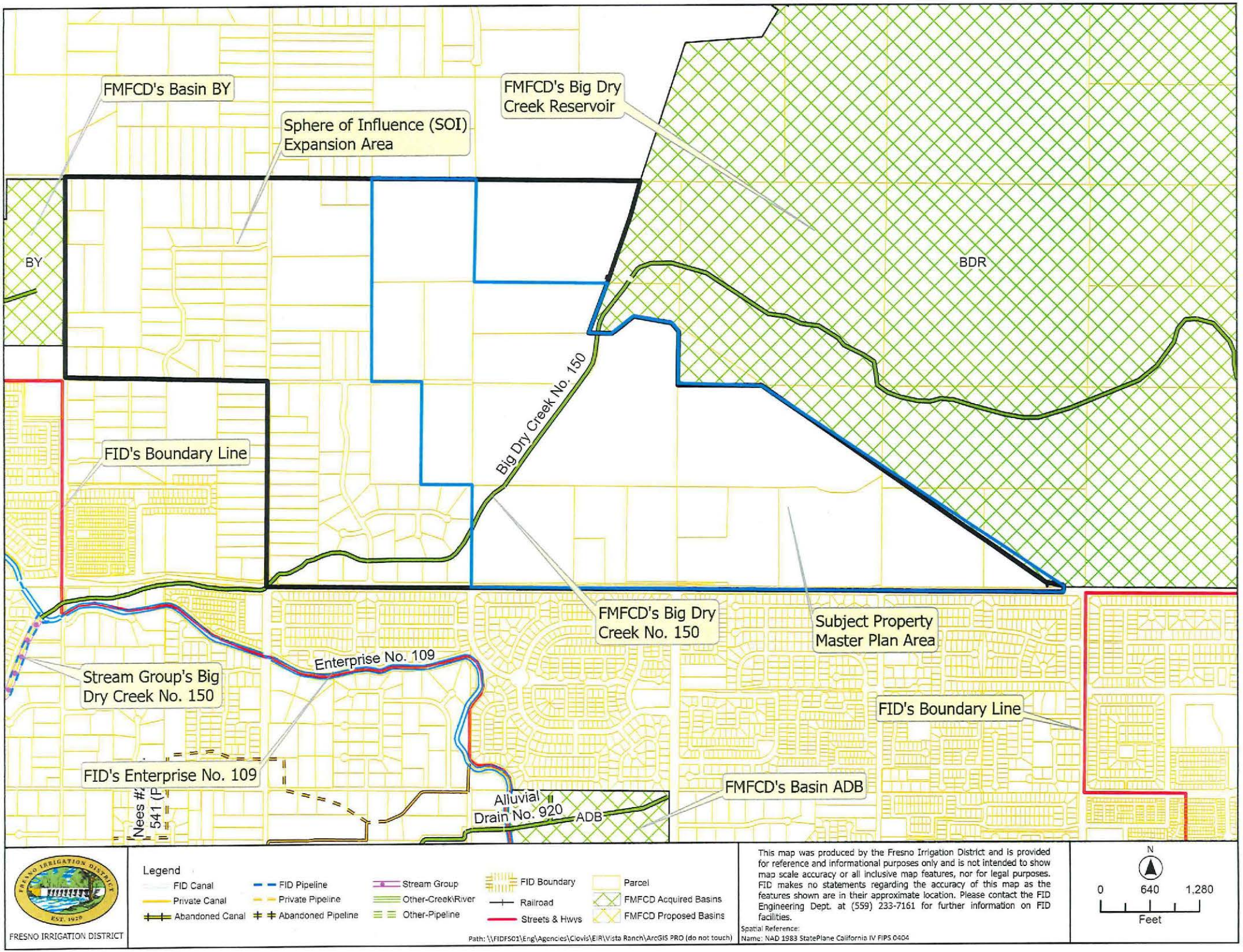
2. FMFCD's Big Dry Creek No. 150 shall be given an ample-sized "open-space corridor" with proper channel geometry with 1.5 feet minimum of freeboard to maintain a flow capacity of up to 150 cubic-feet per second (cfs) with a minimum offset from hinge line of the channel as required by FMFCD and FID.

Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions, please feel free to contact Ben Negley at (559) 233-7161 extension 7413 or bnegley@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment


FMFCD's Basin BY
Sphere of Influence (SOI) Expansion Area
FMFCD's Big Dry Creek Reservoir
BY
BDR
Big Dry Creek No. 150
FID's Boundary Line
FMFCD's Big Dry Creek No. 150
Subject Property Master Plan Area
Enterprise No. 109
Stream Group's Big Dry Creek No. 150
FID's Boundary Line
FID's Enterprise No. 109
FMFCD's Basin ADB
Alluvial Drain No. 920
ADB
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Stream Group
Other-Creek\River
Other-Pipeline
FID Boundary
Railroad
Streets & Hwys
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
FRESNO IRRIGATION DISTRICT
Path: \\FIDFS01\Eng\Agencies\Clovis\EIR\Vista Ranch\ArcGIS PRO (do not touch)
This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.
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FCS
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City of Clovis
Notice of Preparation and Notice of Public Scoping Meeting
Vista Ranch Project (State Clearinghouse No. 2023100508)

Date: March 3, 2025

To: State Clearinghouse and Interested Public Agencies, Parties, and Organizations

From: McKencie Perez, MPA, Deputy City Planner, City of Clovis Planning Division

Subject: Notice of Preparation of a Revised Environmental Impact Report for the Vista Ranch Project and Notice of Public Scoping Meeting

NOTICE IS HEREBY GIVEN THAT the City of Clovis (Lead Agency and [City]) will prepare a Revised Draft Environmental Impact Report (Revised Draft EIR) for the proposed Vista Ranch Project (proposed project) (State Clearinghouse [SCH] No. 2023100508). The Revised Draft EIR will address the potential physical and environmental effects of the proposed project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA) Appendix G thresholds. The City will use the Revised Draft EIR when considering approval of the proposed project. Pursuant to CEQA Guidelines Section 15082, the project description, location, and potential environmental effects of the proposed project are described in the attached materials and available on the project website at https://cityofclovis.com/planning-and-development/planning/planning-projects/vista-ranch-soi/.

30-DAY NOTICE OF PREPARATION COMMENT PERIOD: The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Revised Draft EIR, and the environmental issues and alternatives to be addressed in the Revised Draft EIR. In accordance with the time limits established by CEQA, the Notice of Preparation (NOP) public review period will begin on **March 3, 2025**, and will end on **April 2, 2025**. Please provide your written/typed comments (including name, affiliation, telephone number, and contact information) to McKencie Perez via email at mckenciep@clovisca.gov or mail to the address shown below by **5:00 p.m.**, on **Wednesday, April 2, 2025**. If you wish to be placed on the notification list for this proposed project or need additional information, please contact:

McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street
Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

The City intends for the Revised Draft EIR to entirely replace the prior Draft EIR published July 19, 2024. The City will incorporate NOP comments received during the above-noticed public review period but will not respond to comments on the prior Draft EIR it replaces.

PUBLIC SCOPING MEETING: The City will hold a Public Scoping Meeting to: (1) inform the public and interested agencies about the proposed project; and (2) solicit public comment on the scope of the environmental issues to be addressed in the Revised Draft EIR as well as the range of alternatives to be evaluated. The meeting will be held on Tuesday, March 18, 2025, from 5:30 to 6:30 p.m. The Public Scoping Meeting will be held at the following location:

City of Clovis Council Chambers
1033 Fifth Street
Clovis, CA 93612

VISTA RANCH PROJECT

Project Location

The project site is located directly north of the City of Clovis (City) limit line, in unincorporated Fresno County (County) (Exhibit 1). The project site consists of approximately 952 acres located within the City's Planning Area and is bounded on the north by East Behymer Avenue, on the east by the Big Dry Creek Reservoir, on the south by East Shepherd and East Perrin Avenues, and on the west by North Fowler and North Sunnyside Avenues (Exhibit 2). The project site is located within portions of Sections 21, 22, and 23 of Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM).

The project site is approximately 952 acres and includes 139 Assessor Parcels. Exhibit 3 depicts the parcels within the project site and the proposed new Sphere of Influence (SOI) boundary, with specific Assessor Parcel Numbers (APNs) identified for the Master Plan Area. In addition, APNs 557-031-30, -32S, -34, -36, -38, -40, -43S, and -45 are located along the north side of Shepherd Avenue and are owned by the City for future roadway rights-of-way.

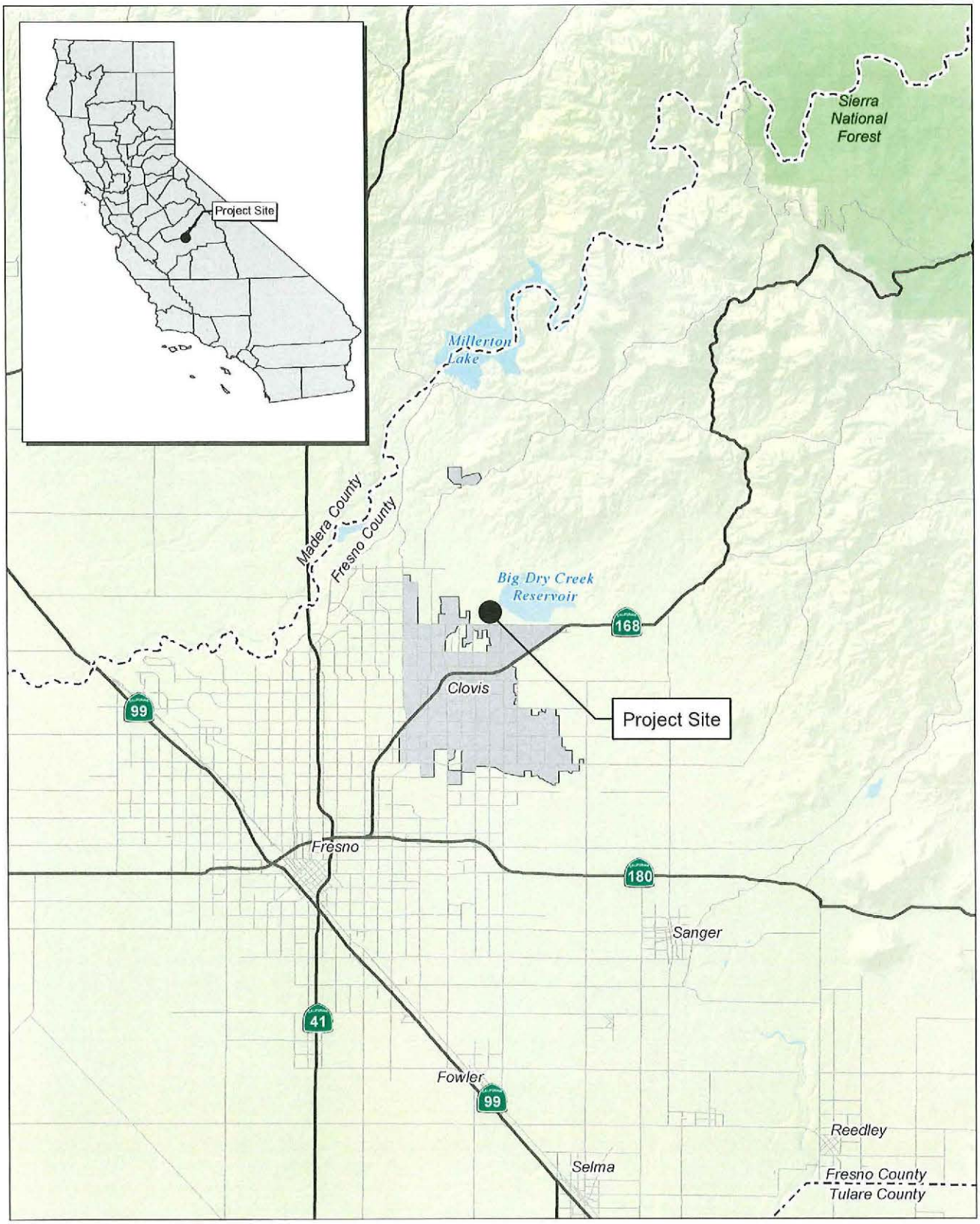
Major roadway networks, including State Route (SR) 168, SR 41, and SR 180, provide regional access to the project site. SR 168 is an east-west highway that consists of two distinct segments. SR 41 is a north-south highway that connects the central coast with the San Joaquin Valley and the Sierra Nevada. SR 180 is an east-west highway that travels through the San Joaquin Valley through Fresno and east towards the Sierra Nevada to Kings Canyon National Park.

The project site is not located on a list compiled pursuant to Section 65962.5 of the Government Code (Cortese List). The project site consists of a combination of fallow and grazing land, several rural residences, offices and Contractor's Corp Yard, and a small tree nursery. The proposed Master Plan Area is bisected by the Big Dry Creek Reservoir Outlet Works Channel. The Non-Development Area (discussed below) contains existing rural residential uses and agricultural fields.

Existing Land Use Designations and Zoning

Exhibit 4 and Exhibit 5 show current County General Plan land use designations and zoning for the project site and surrounding vicinity. The SOI project site is currently designated for low-density and rural residential uses but continues to be zoned for agricultural use. Within the AL-20 Zone District in the southeast portion of the Master Plan Area, the County has also recently approved a mini-storage facility under Conditional Use Permit (CUP) No. 3526; this facility is currently under construction.[1]

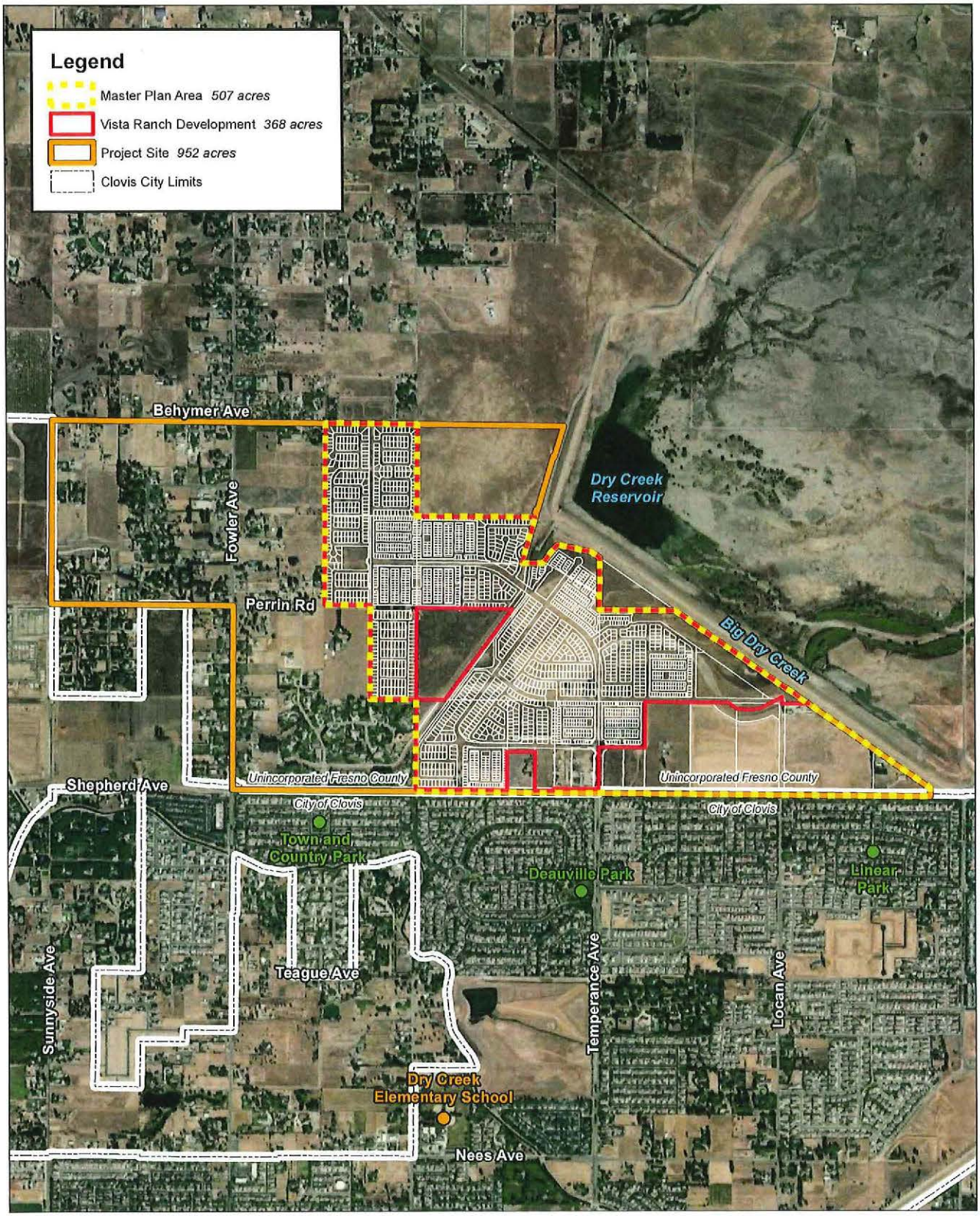
[1] County of Fresno. 2021. Inter Office Memo: Resolution No. 12914–Initial Study No. 7085 and Classified Conditional Use Permit Application No. 3526. November 18. Website: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/66945-reso-12914-cup-3526.pdf. Accessed February 25, 2025.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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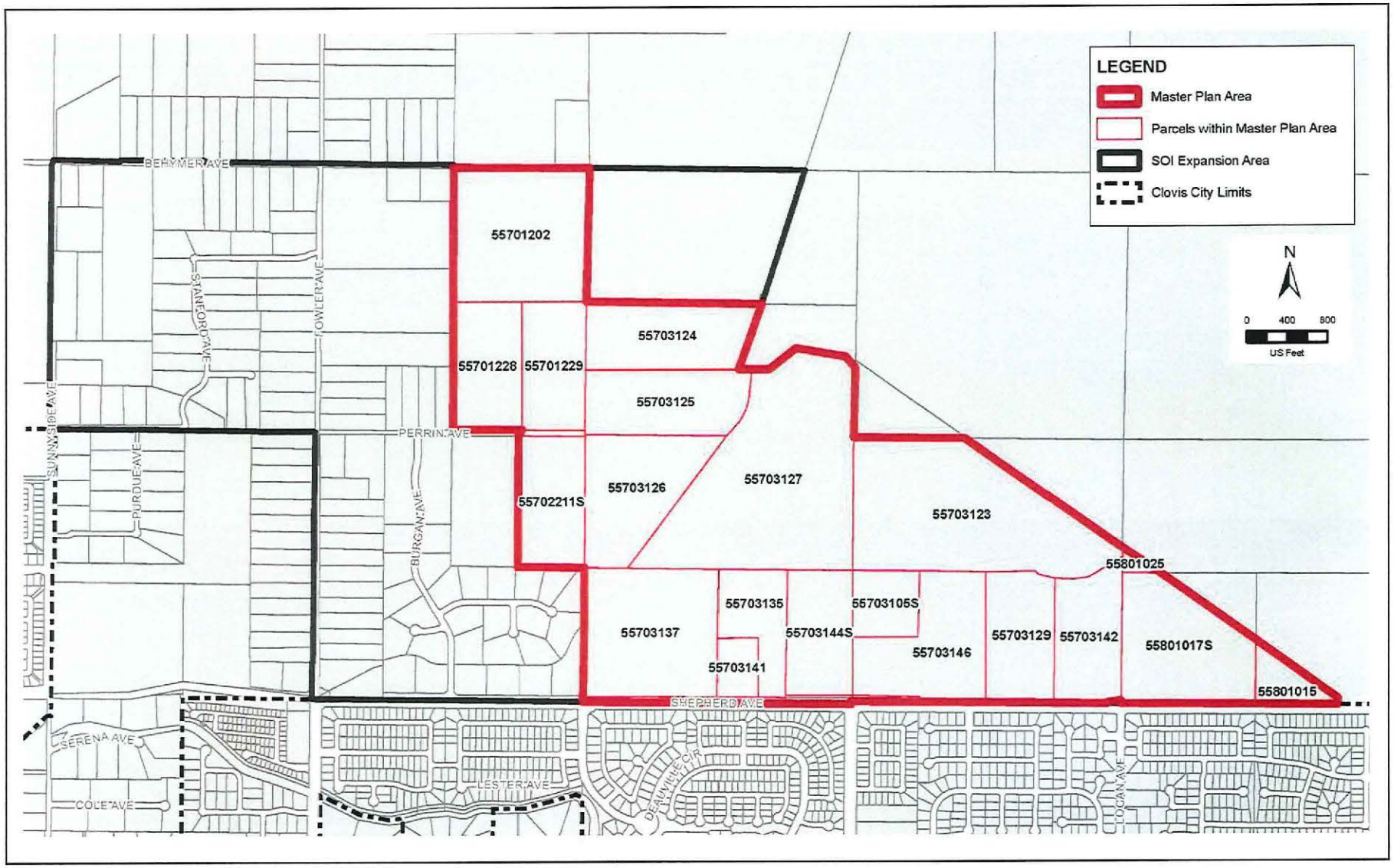
Exhibit 1
Regional Location Map



Source: ESRI Aerial Imagery. City of Clovis. Harbour & Associates Civil Engineers, 02/07/25.

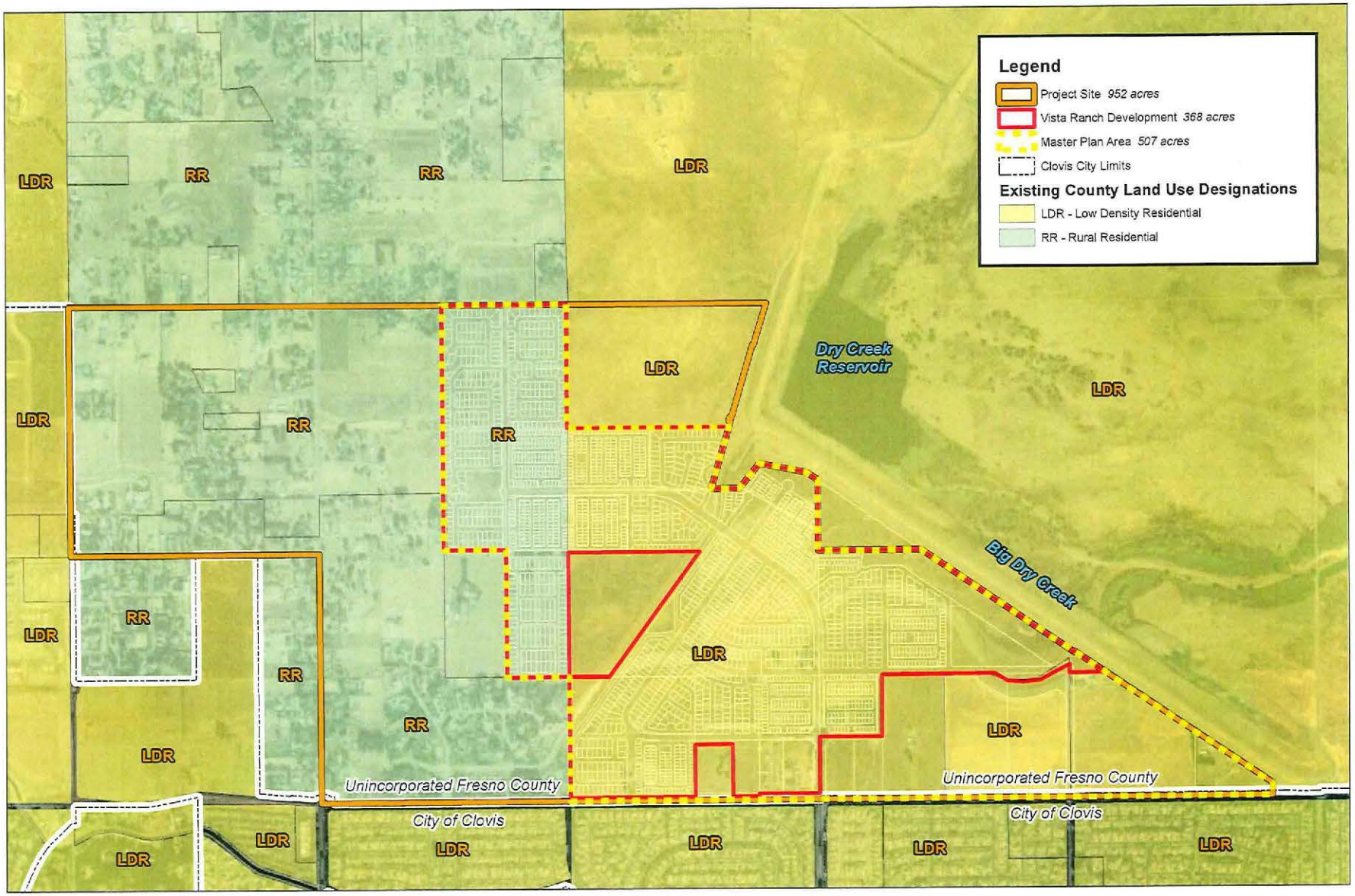
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Exhibit 2
Local Vicinity Map



Source: De Novo Planning Group, January 26, 2024. Fresno County GIS.

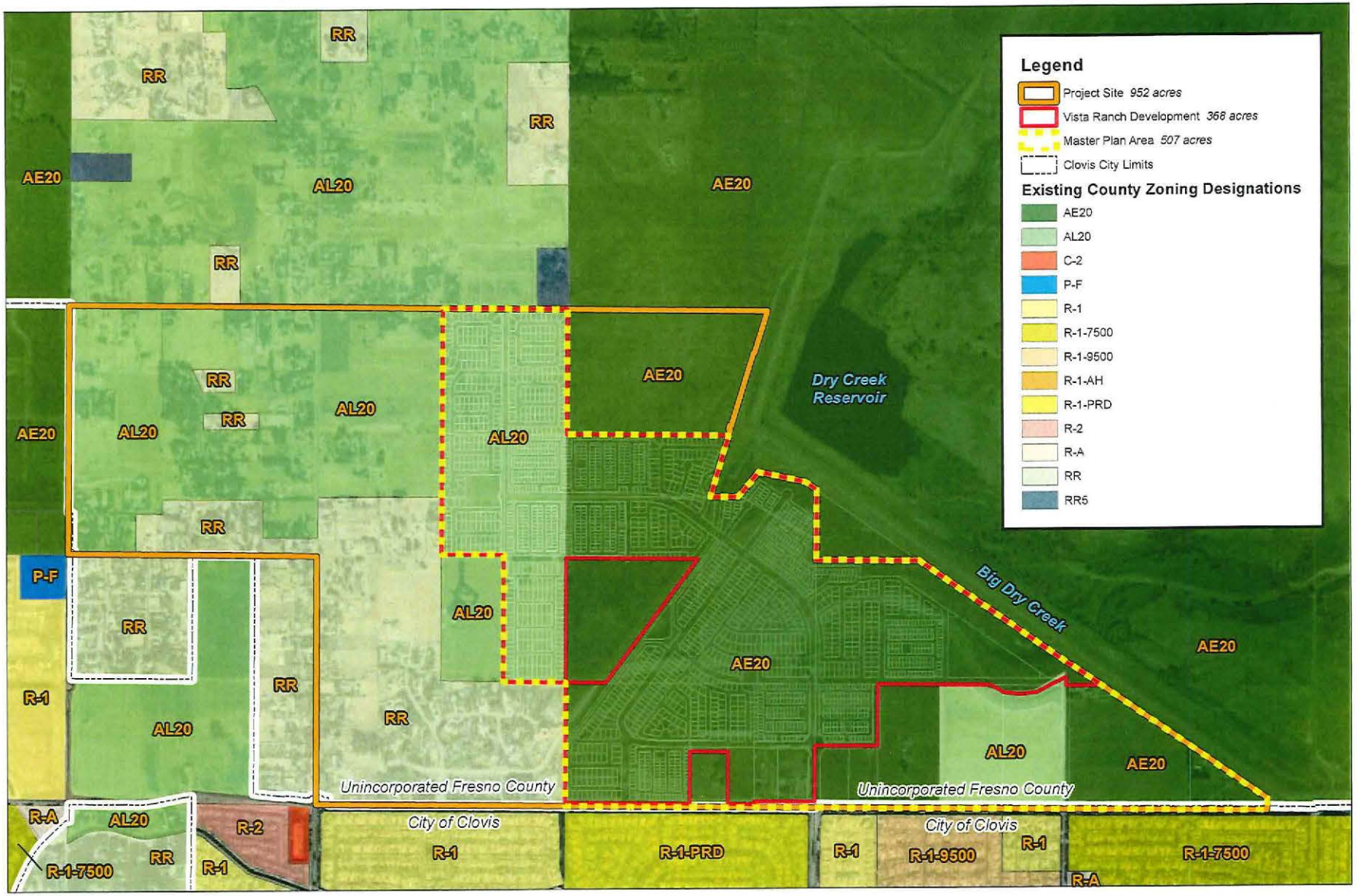
Exhibit 3
Assessor's Parcel Map



Source: ESRI Aerial Imagery. County of Fresno. Harbour & Associates Civil Engineers, 02/07/25.

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Exhibit 4
Existing County Land Use Designations



Source: ESRI Aerial Imagery, County of Fresno, Harbour & Associates Civil Engineers, 02/07/25.

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Exhibit 5
Existing County Zoning Designations

The majority of the project site is within the City's Northeast Urban Center, an area that has been designated as a focus of planned growth since the early 1990s. As a result, the current City of Clovis General Plan (General Plan) also provides land use designations for the project site and vicinity. As shown in Exhibit 6, these comprise a variety of uses, including residential development at a range of densities, parks/open space, schools, and mixed-use village center.

Project Description

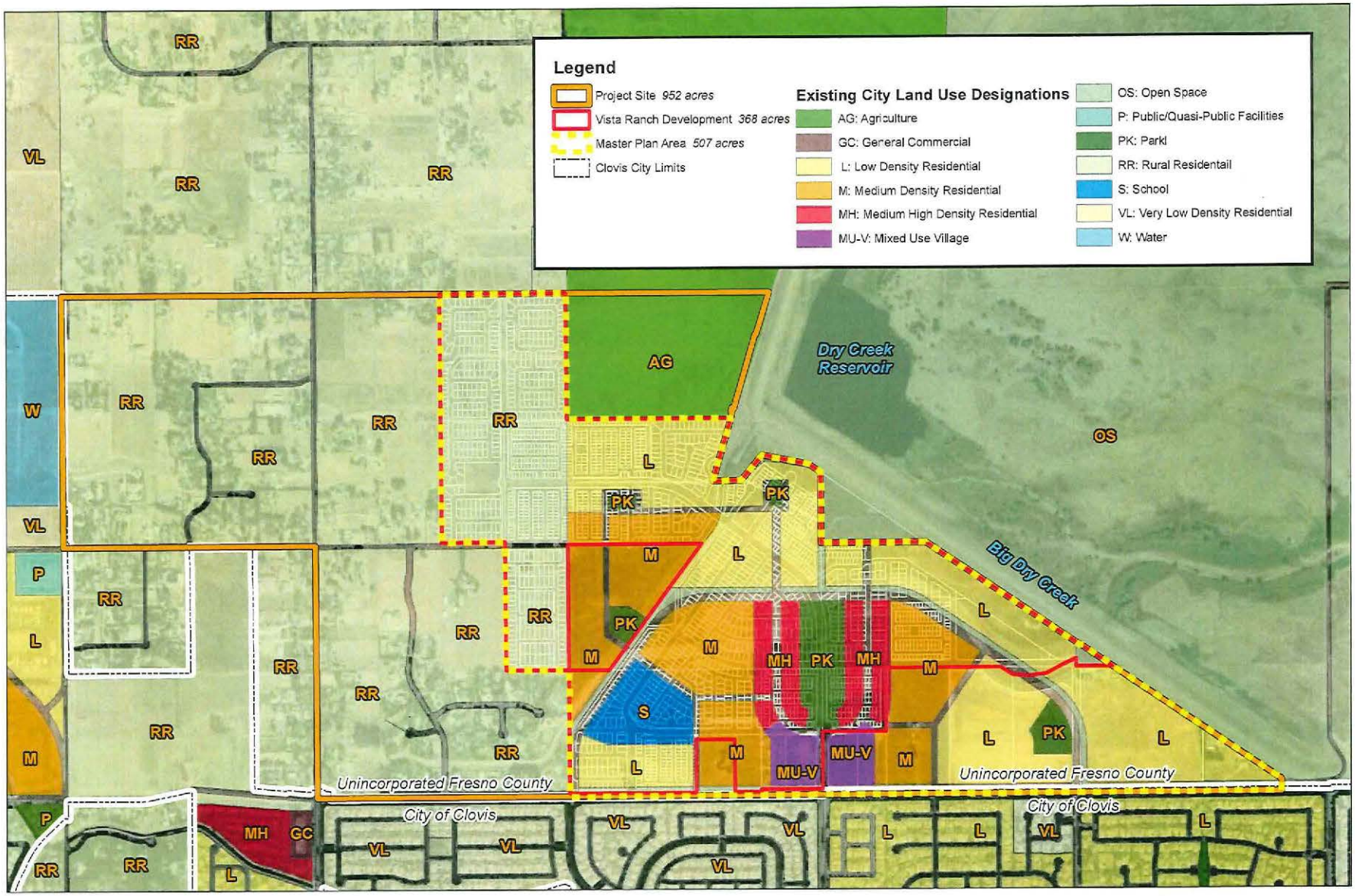
The proposed project would expand the City's SOI to include the approximately 952-acre project site, which is currently outside of the SOI boundary (SOI Expansion). The proposed project would also adopt a comprehensive Vista Ranch Master Plan (Master Plan) to guide development within approximately 507 acres of the project site, and the proposed project would implement the Vista Ranch Development, which would develop approximately 368 acres of the Master Plan Area with mixed uses over a build-out period of approximately 10 years.

Project Elements

The following sections describe the various elements of the proposed project—the SOI Expansion, Master Plan, and Development—in more detail. These land use changes are fundamentally administrative; in and of themselves, they would not directly result in changes to the physical environment, but because the proposed project elements could not be implemented without them, they are considered indirect causes of the individual and collective impacts of the proposed project elements and thus are discussed as components of each project element. Table 1 summarizes the land use changes associated with each project element.

Table 1: Proposed Project Elements

Project Element	Land Use Changes Required
SOI Expansion	• Modification of City's SOI boundary to encompass the approximately 952-acre project site
Master Plan	• Modification of General Plan Focus Area 13 to bring entirety of Master Plan Area within Focus Area 13 • Designation of Master Plan Area as new Focus Area 13a • Amendment to the General Plan Land Use Element to reflect land use modifications • Amendments to the General Plan Circulation Element to reflect major street routes within Focus Area 13a, multipurpose trails and bike lanes proposed under the Master Plan, and placement of a Shepherd Avenue access point on the north side of Shepherd Avenue • Amendments to the General Plan Open Space and Conservation Element to show Class I multi-use trail routes, open space, and parks proposed under the Master Plan • Adoption of Master Plan Community Overlay District and pre-zoning to establish zoning districts consistent with the Master Plan land use concept • Annexation of Master Plan Area, bringing it within City limits
Vista Ranch Development	• Approval of new Vesting Tentative Tract Map for the Vista Ranch Development site • Development Agreement with the applicant may be included



Source: ESRI Aerial Imagery. City of Clovis. Harbour & Associates Civil Engineers, 02/07/25.

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Exhibit 6
Existing City Land Use Designations

SOI Expansion (Program-Level Analysis)

The proposed expansion of the City's SOI is strictly a land use change. It would modify the current SOI boundary to encompass the project site shown on Exhibit 2, bringing these parcels within the region where the City is responsible for providing services, and ultimately enabling annexation of the Master Plan Area and construction of the proposed Vista Ranch Development, discussed further below.

As Exhibit 2 shows, the 952-acre area includes:

- the 507-acre Master Plan Area, further subdivided into the 368-acre site planned for the proposed Vista Ranch Development and an additional 139 acres that are expected to be developed under separate future projects; and
- an additional approximately 445 acres for which no entitlements other than inclusion in the SOI are currently proposed (Non-Development Area).

Vista Ranch Master Plan (Program-Level Analysis)

The Master Plan Area occupies approximately 507 acres of the project site. The Master Plan is intended to guide long-term development of an urban village that contributes to the Northeast Urban Center's (NEUC) common public identity. As such, it envisions the following:

- up to 3,286 residential units;
- approximately 16 acres of commercial and mixed uses;
- a new elementary school occupying an approximately 19-acre site;
- approximately 59 acres of parks, trails, and open space; and
- utilities service, including water, wastewater, storm drainage, and regulated public utilities (electricity, natural gas, telephone, cable, and internet).

The Master Plan also provides for an approximately 32-acre mini-storage facility at the intersection of East Shepherd Avenue and Locan Avenue, on the south edge of the Master Plan Area. As noted above, this project was proposed separately and underwent separate CEQA review in 2021. It has been authorized by the County of Fresno under a CUP and is under construction as of 2024. As such, although it is acknowledged and planned for in the Master Plan, it should not be considered a new use proposed by the Master Plan. Rather, as noted above, it is part of the baseline conditions for purposes of analysis in the Revised Draft EIR and is not analyzed further in the Revised Draft EIR.

A substantial proportion of the uses contemplated in the Master Plan would be provided over about the next 10 years by development of the 368-acre Vista Ranch Development, described in more detail in the next section. The remaining 139 acres of the Master Plan Area (exclusive of the mini-storage facility already analyzed under CEQA, authorized, and under construction) are expected to be developed under separate projects over the longer-term future and would be subject to future project-level CEQA analysis tiered from the Revised Draft EIR.

Circulation

The Master Plan proposes a hierarchy of roadways to accommodate the capacity needs of the existing street network, as well as providing additional vehicular access to the Master Plan. Shepherd Avenue and Temperance Avenue are the main expressway/arterial/collector roadways providing access to the project site. In addition, Foothill Boulevard, Cypress Avenue, Perrin Road, and Behymer Avenue would provide additional circulation for the proposed Vista Ranch Development. The neighborhoods within the Master Plan would include a network of public and private residential streets to provide an efficient flow of traffic and pedestrian mobility through the project site. Additionally, sidewalks would be included per the City's standards.

General Plan Amendment to Circulation Element

Amendments to the General Plan Circulation Element would also be necessary. The General Plan Circulation Element is proposed for the following amendments:

- addition of major street route designations within the Master Plan to better accommodate the traffic (trip generation) expected as a result of development under the Master Plan, which would be shown on an updated General Plan Circulation Diagram (General Plan Figure C-1);
- changes to General Plan Figure C-2 (Bicycle and Trails System) to show the multipurpose trails and bike lanes proposed under the Master Plan and their integration with the City's existing trail and bicycle infrastructure system; and
- allow placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between North Armstrong and North Temperance Avenue.

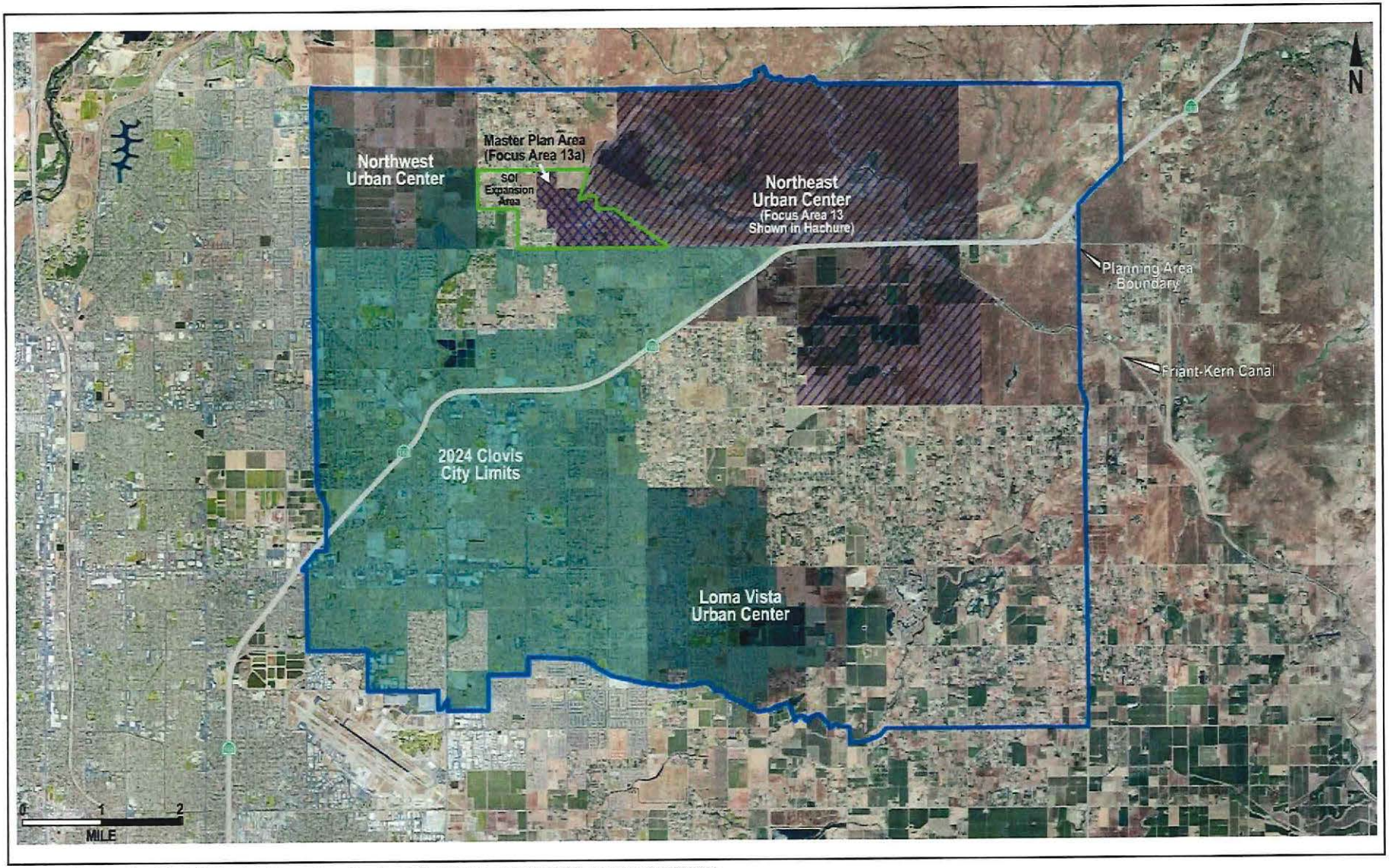
Land Use Modification

The City plans to annex the entirety of the Master Plan Area, bringing it within incorporated City limits.[2] This would entail land use planning modifications at several levels.

General Plan Amendment to Land Use Element

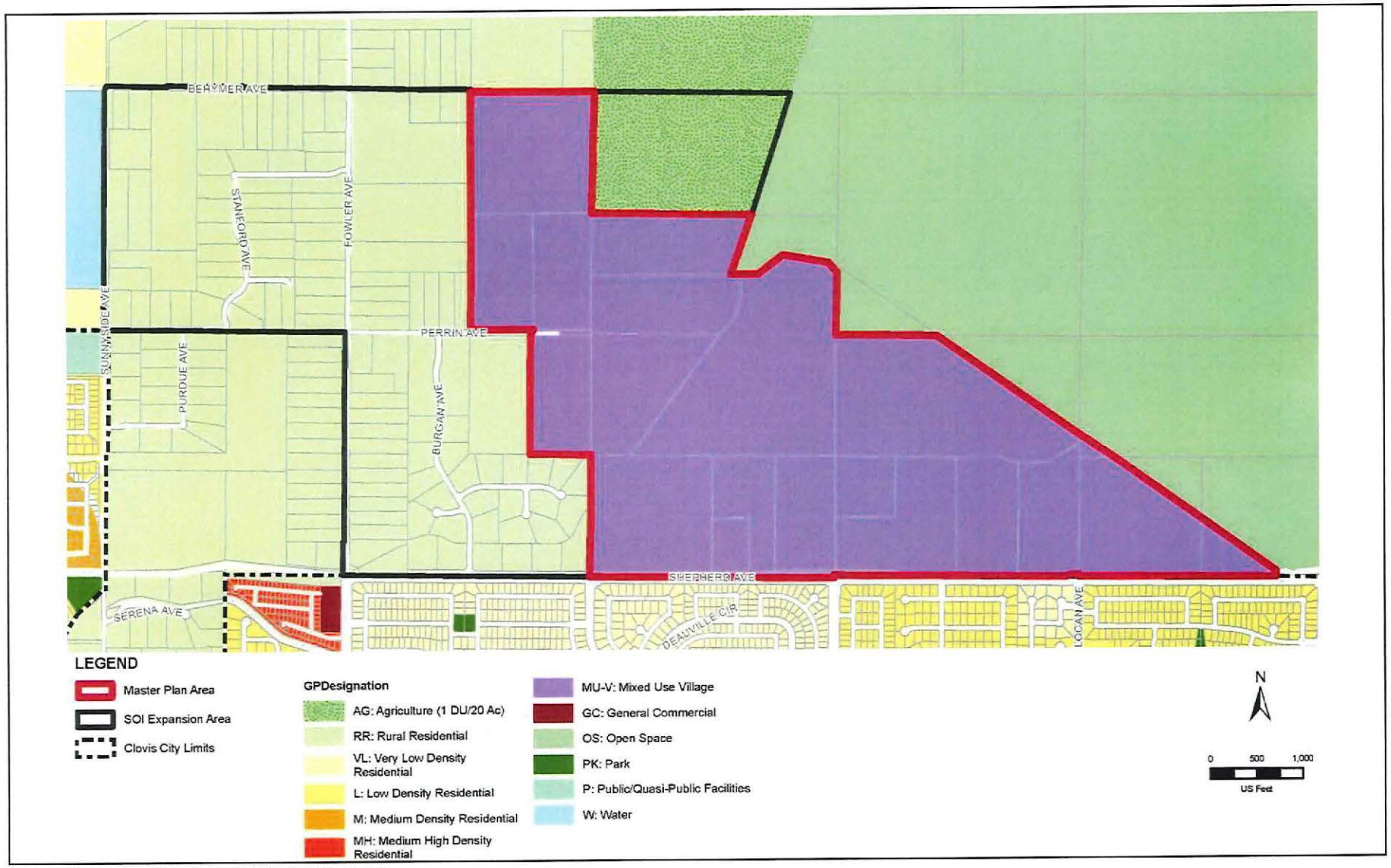
The majority of the NEUC and the eastern portion of the project site are within General Plan Focus Area 13. Adoption of the Master Plan would require modifying the boundary of Focus Area 13 to bring the entirety of the Master Plan Area within the Focus Area, as shown in Exhibit 7. The Master Plan Area would then be designated Focus Area 13a, a new sub-area of Focus Area 13. This would not eliminate the larger Focus Area 13; rather, it would allow the establishment and refinement of development goals and policies specific to the Master Plan Area, under the Master Plan. The General Plan land use designation for the entire new Focus Area 13a would be changed to Mixed Use Village, superseding the mosaic of multiple land use designations identified in the current General Plan (Exhibit 8).

[2] Currently, only the Master Plan Area is proposed for annexation. However, the final annexation boundary may be refined as part of the study process, which will include a public hearing before the Fresno County Local Agency Formation Commission (LAFCo), which has the final statutory authority to set annexation boundaries.



Source: modified from City of Clovis 2014; aerial photograph base from Google Earth (imagery date:11/10/2023, downloaded: 05/18/2024.

Exhibit 7
Adjusted Focus Area Boundary



Source: De Novo Planning Group, January 26, 2024. Fresno County GIS.

Exhibit 8
Proposed General Plan Land Use Designations

Open Space Modification

The General Plan Open Space and Conservation Element is proposed for the following amendments:

- modification of the General Plans Parks and Open Space Diagram (General Plan Figure OS-1) to show the Master Plan's Class I multi-use trail routes, open space, and parks and their integration with the City's existing parks, trails, and open spaces; and
- redistribution of neighborhood park areas assigned under the current General Plan to reflect the Master Plan development concept.

Zoning Modification

Master Plan Community Overlay District and Pre-Zoning

The Master Plan Area would be placed under a Master Plan Community (MPC) Overlay District and would be subject to "pre-zoning" to establish zoning districts consistent with the Master Plan land use concept. The pre-zoning would transition to adopted City zoning when the City annexes the Master Plan Area, and the Master Plan itself would serve to implement the requirements of the MPC Overlay District.

The following zone districts are proposed within the Master Plan Area, as shown in Exhibit 9. Because all of these zone districts would be within an MPC Overlay District, they would include the MPC suffix and would be subject to development standards as modified and adopted in the Master Plan.

- **Low-Density Residential (R-1/MPC):** Areas of conventional single-family uses on comparatively large parcels; allowable density range under the Master Plan is 2.1–5.0 dwelling units per acre (du/acre).
- **Medium Density Residential (R-1-MD/MPC):** Areas of single-family uses, including attached and detached single-family structures, with an allowable density range under the Master Plan of 4.1–12.0 du/acre. This area includes the development of a school serving residential communities.
- **Medium High Density Residential (R-2/MPC):** Areas of moderately dense residential uses, including multi-family apartments, duplexes, townhouses, and small-parcel attached and detached single-family uses; allowable density range is 7.1–20.0 du/acre.
- **Very High Density Residential (R-4/MPC):** Areas of high- and very high-density residential uses, potentially in association with mixed-use development; allowable density range is 25.1–43.0 du/acre.
- **Gateway Neighborhood Commercial (C-1/MPC):** Areas of local-serving commercial development compatible with and supportive of adjacent residential neighborhoods.
- **Community Recreation (C-R/MPC):** Areas reserved for recreational uses.
- **Light Industrial (M-1/MPC):** This designation identifies areas appropriate for business parks and industrial uses, including mini-storage.

- **Open Space (O/MPC):** Areas of parklands, open space, trails, and similar uses, as shown on Exhibit 9.

Vista Ranch Development (Project-Level Analysis)

Development Features

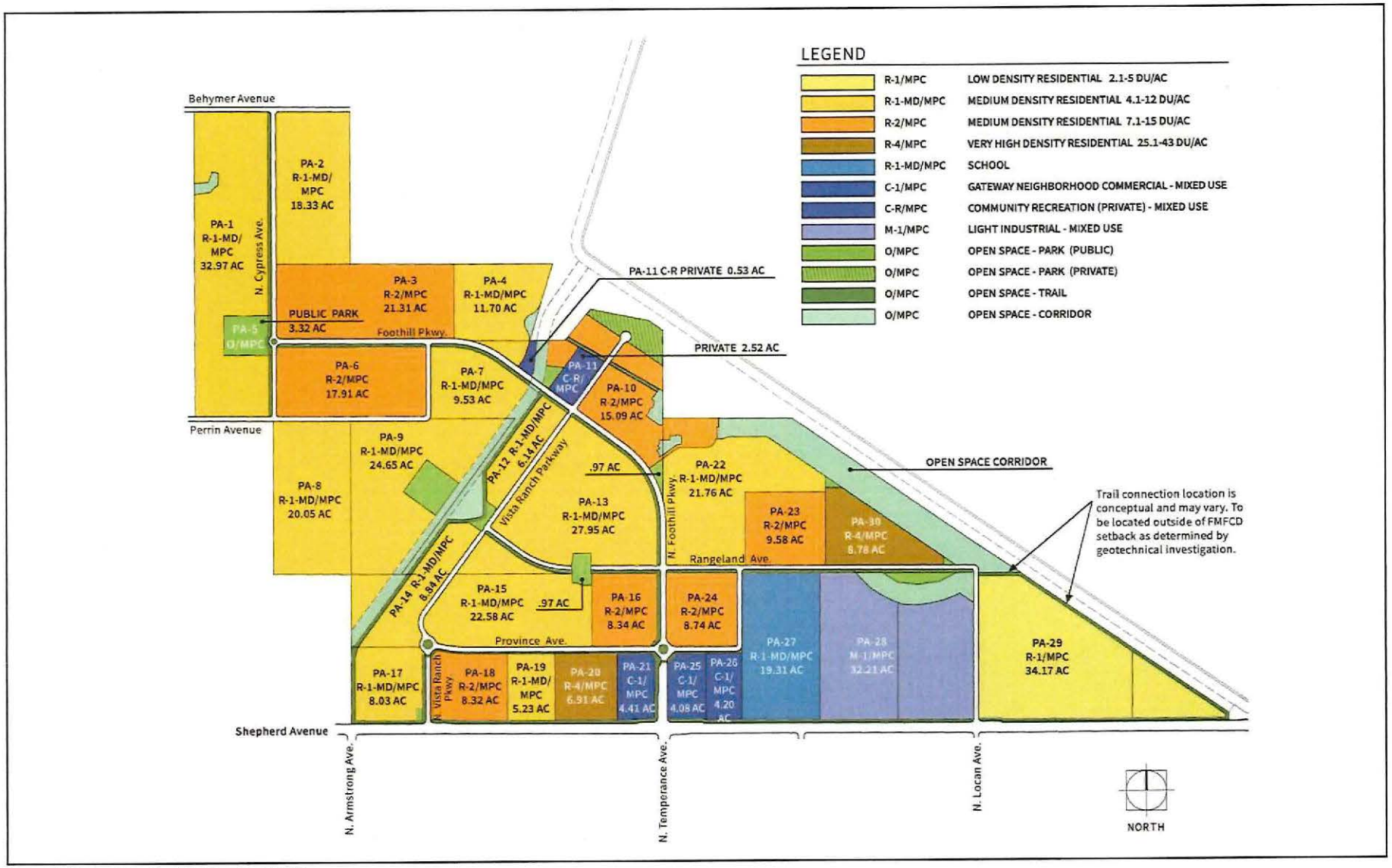
The Vista Ranch Development would construct a mixed-use development anticipated to provide up to 2,718 residential units, including single- and multi-family units at varying densities (Exhibit 10).

Vista Ranch is planned to center on a mixed-use village core area surrounded by higher-density residential development, with lower residential densities toward the edges of the development, transitioning to surrounding rural/agricultural uses (Exhibit 10). Higher housing densities would also cluster along major circulation corridors and local amenities. Residential areas would offer a variety of housing types and lot sizes to accommodate a range of housing objectives and buyer needs, with a goal to ensure housing for a range of families and lifestyles. The village core would provide a Gateway neighborhood commercial center designed to offer local-serving retail and service uses as well as employment opportunities. A private community recreation center and park would also be provided.

Within the Vista Ranch Development, new public and private roadways would enable access and circulation (Exhibit 10). Public roadways would include sidewalks per City standards, with bike lanes along the major roadways. The proposed Vista Ranch Development is also expected to provide for off-site roadway and/or utilities improvements along principal access corridors, potentially including East Behymer Avenue, Fowler Avenue, Perrin Avenue, Locan Avenue, Armstrong Avenue, East Shepherd Avenue, and Temperance Avenue.

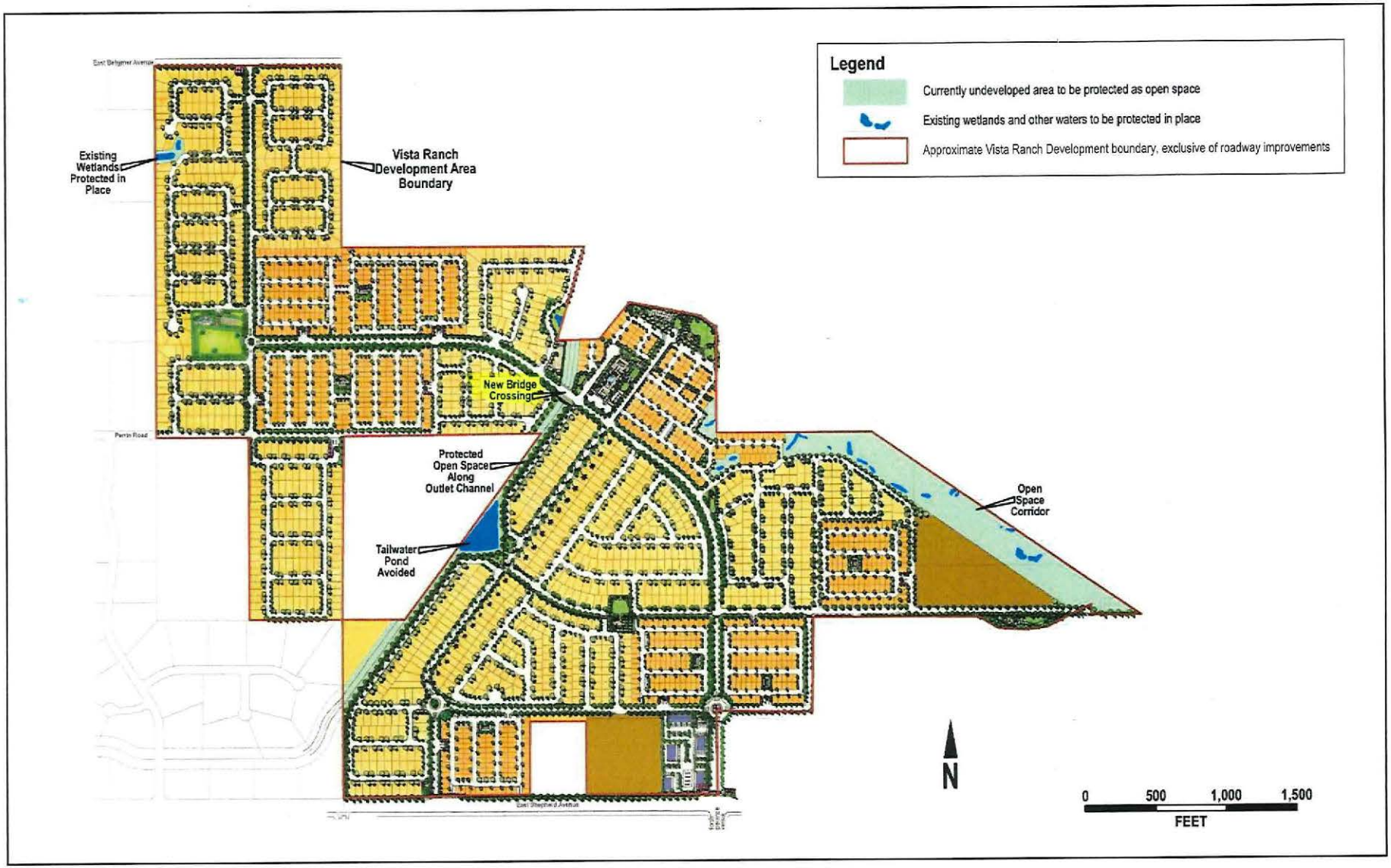
Over the longer term, as an amenity to provide an internal connection between the east and west portions of the new development, the applicant intends to construct a new bridge across the Big Dry Creek Reservoir Outlet Works Channel downstream of the Reservoir spillway (Exhibit 10). The bridge design is being coordinated with the Fresno Metropolitan Flood Control District (FMFCD) as the Outlet Channel owner/operator, and the bridge would conform to FMFCD's operational needs and applicable Federal Emergency Management Agency (FEMA) and City requirements for flood protection.

The proposed Vista Ranch Development would also include an extensive trail system to provide neighborhood connectivity, as well as safe and convenient access from residential areas to community amenities and commercial uses. Multiple public parks and trails totaling approximately 20 acres would be dispersed throughout the development (Exhibit 10). Private parks would also be provided, including mini-parks and/or community pools in medium high- and very high-density gated neighborhoods. In addition, the applicant is exploring the possibility of enhancing the reach of the remnant Dry Creek channel on the adjacent parcel to the south (where the mini-storage facility is under construction) as a parkland amenity, potentially including native species plantings and a walking trail; this would need to be coordinated with the owner of the mini-storage facility.



Source: Kroll & Associates. Map date: November 26, 2024.

Exhibit 9
Proposed Master Plan Zoning



Source: modified from Wilson Premier Homes 2024a.

Exhibit 10
Vista Ranch Development Plan

Infrastructure Improvements

Domestic Water

The Master Plan would be served by new connections to the City's potable and non-potable water distribution system. The proposed water system would be located within proposed public utilities easements and connected to existing City main lines. All water system infrastructure would comply with City Master Plans and standards.

The City of Clovis provides utility services to the City, including water. The City has three main water supply sources: groundwater, surface water, and recycled water. The City extracts groundwater from the Kings Subbasin. Surface water is delivered to the City by the Fresno Irrigation District (FID). The various current and planned for surface water supplies are from the Kings River and Central Valley Project. The City's Water Reuse Facility produces tertiary-treated effluent that can be used for agriculture or landscape irrigation.

The Master Plan would be served by a new potable water distribution system. Future phases of the proposed project would require new water supply infrastructure that would extend beyond the proposed project boundaries. The precise nature and size of these improvements have not yet been determined; however, it is anticipated that these extended water infrastructure improvements would be within existing rights-of-way or public utility easements along adjacent roadways and connected to existing City main lines. These future improvements would likely extend from the northern project boundary to the west along Behymer Avenue until approximately 770 feet west of Sunnyside Avenue, as well as along Perrin Road, extending west until approximately Burgan Avenue.

Stormwater Drainage

The Master Plan would include construction of a new storm drainage system, which would conform to applicable regulations, standards, and specifications of the State Water Resources Control Board requirements (SWRCB), FMFCD, and the City. This includes, but is not limited to, the municipal National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit, as well as Best Management Practices (BMPs) to control the volume, rate, and potential pollutant load of storm water runoff. Stormwater throughout the City is collected in FMFCD's basins.

Sanitary Sewer

The Master Plan would be served by new connections to the City's wastewater collection system installed within proposed public utilities easements. The proposed wastewater conveyance facilities would connect to the existing sewer main lines. Wastewater treatment would be provided at the existing Fresno-Clovis Regional Wastewater Treatment Plant (RWTP) in the City of Fresno and by the City's Water Reuse Facility. By agreement with the City of Fresno, the City of Clovis owns a maximum capacity of 9.3 million gallons per day (mgd). The RWTP is operated by the City of Fresno, while subject to the equitable ownership interests of the City of Clovis, and has a maximum capacity of 80 mgd. If required, the City has the capability to acquire additional capacity at the RWTP. Wastewater treatment may also be provided by the City of Clovis Water Reuse Facility. The Clovis Sewer Treatment–Water Reuse Facility (ST-WRF) serves the new growth areas of the City in the southeast, northwest, and the northeast urban centers.

The ST-WRF is designed to accommodate future expansion and would ultimately treat 8.4 mgd. The City would manage service to the project site to optimize the use of available capacity at each of the plants to facilitate service to the proposed project.

Solid Waste and Recycling Collection

The proposed project would be served by Republic Services, which would provide both solid waste and recycling services. Garbage and recycling services would be provided on a weekly basis.

Power and Telecommunications

Electrical service is provided by the Pacific Gas and Electric Company (PG&E). Natural gas is not anticipated for the Vista Ranch Development, although it may be included in the Master Plan Area pending a proposal by the property owners. Phone service would be provided by AT&T. Cable service would be provided by Comcast, and related internet services would be extended to all portions of the Master Plan Area from existing facilities located along East Shepherd Avenue and from existing residential development surrounding the Master Plan Area. Proposed utilities would be located within public utility easements to be dedicated along street frontages. Utility improvements would be installed in conjunction with planned street improvements, and all proposed utilities would be underground.

Phasing and Construction

Phasing

Construction of the proposed Vista Ranch Development is expected to be phased over about 10 years (Exhibit 11). The south-central portion of the project (Phases 1–3, adjacent to East Shepherd Avenue and North Temperance Avenue) would be constructed first due to proximity to existing development, roadways, and utilities within the City; these phases would be completed in the first five years. Construction of Phase 4 is expected to begin in Year 5, and the remainder of the western phases and the eastern portion of Phase 6 would be built out in Years 5–10. The bridge connecting the eastern and western portions of the proposed Vista Ranch Development is conceptualized as a separate Phase 4a, to be constructed along with Phase 4, since bridge construction would not begin until (1) the east-west connection becomes necessary, and (2) all necessary permit approvals have been issued.

Construction

Construction Means and Methods

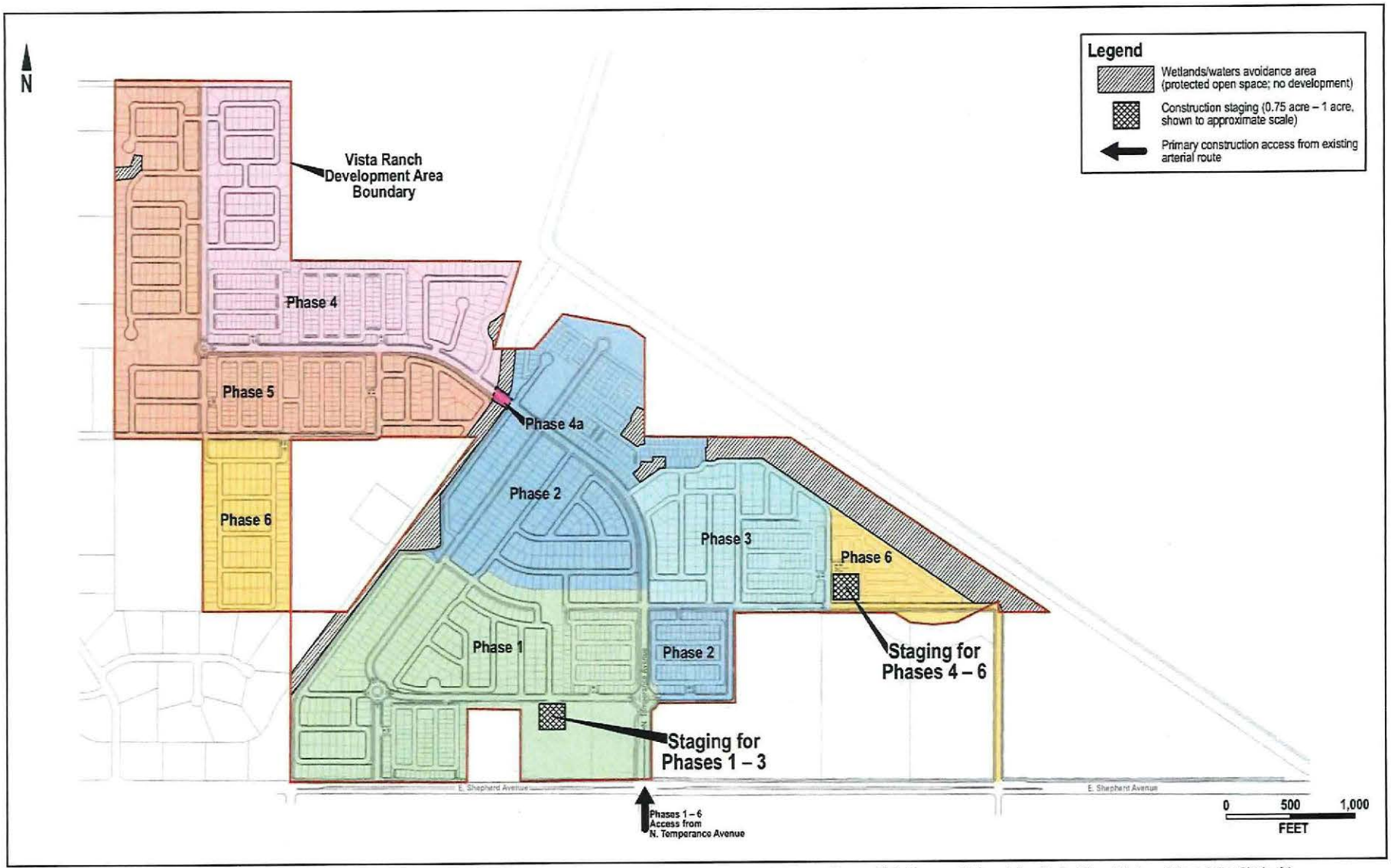
Construction of the proposed project would rely on standard land development and construction techniques as practiced in the San Joaquin Valley/Fresno County region. Initial ground disturbance would require equipment such as survey gear, mowers, discers, bulldozers, self-loading scrapers, excavators, loaders, skidsteers, tractors, backhoes, trenchers, dump trucks, water trucks, semi-trucks, pickup trucks, and other heavy equipment. Site development may also include the use of equipment such as motor graders, rollers, compactors, road paving machines, and similar equipment. Construction within developed lots would also be conducted with standard equipment and techniques such as trucks, cranes, forklifts, concrete pumps, and other standard means and methods as determined by the builders.

Construction Access and Staging

Exhibit 11 shows planned construction access and staging. Construction traffic to the project site would follow existing roadways, and construction entry to the project site would be via North Temperance Avenue as the principal arterial accessing the project site.

All staging for development construction would be restricted to the project site, although additional minor staging for roadway improvements outside the project site shown on Exhibit 11 may be located within existing City roadway rights-of-way. Onsite staging areas would be 0.75 acre–1 acre in extent, sufficient to accommodate all needed construction vehicles, equipment, materials laydown/storage, and job office trailers.

The staging area for construction of Phases 1–3 would be located in an area planned for R-4, Very High Density Residential (apartment) development; this maximizes efficiency because construction of the apartments would be the last step in the buildout of Phases 1–3. Once the apartments are constructed—anticipated in late Phase 3 or early Phase 4—staging would be relocated to the Phase 4–6 staging area, which is also planned for R-4 development and thus would be the last portion of the Phase 6 area to be developed.



Source: Wilson Premier Homes. 2023. Vista Ranch Master Development Plan, Clovis, CA (Draft Submittal). (September.) Prepared for Wilson Premier Homes, Fresno, CA by Broussard & Associates, Clovis, CA and Harbour & Associates, Clovis, CA

Exhibit 11
Phasing Plan

Project Objectives

The underlying purpose of the proposed project is to expand the City's SOI to include the project site, annexation, Master Planning, and subsequent development of land to accommodate growth, and the project objectives include:

- Expand the City's SOI in an area contemplated by the City General Plan to establish a logical and orderly boundary that promotes the efficient extension of municipal services to areas planned for growth.
- Undertake Master Planning as a long-range planning tool to guide development within areas designated for growth under the City of Clovis General Plan.
- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis.
- Refine the mixture of housing types, sizes and densities that collectively provide for local and regional housing demand.
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Develop a strong pedestrian network that links activities, recreational amenities, local commercial uses and neighborhoods together.
- Establish neighborhood designs that consider safety and security of citizens.
- Consider affordability and housing diversity by developing residential uses that are proximate to urban services and roadways and varied in size and density.
- Embrace the natural resources and views of the Sierra Nevada Mountain range.

Required Discretionary and Ministerial Approvals

Discretionary approvals and permits are required by the City for implementation of the proposed project. The proposed project would require the following discretionary approvals and actions, including:

- Certification of the EIR;
- Adoption of the Mitigation Monitoring and Reporting Program;
- Approval of City of Clovis General Plan Amendments (Land Use Element, Circulation Element and Open Space and Conservation Element);
- Approval of City of Clovis Pre-zoning;
- Approval of Master Plan Community Overlay District and Master Development Plan;

- Approval of Vesting Tentative Maps;
- Possible approval of Development Agreement;
- Approval of SOI Expansion;
- Authorization to submit SOI Amendment request to Fresno LAFCo;
- Approval of Annexation of the Master Plan, including Inhabited Areas;
- Authorization to submit Annexation request for the Master Plan to Fresno LAFCo;
- Approval of future Final Maps;
- Approval of future Grading Plans;
- City review, approval, of construction and utility plans;
- Approval of future Building Permits; and
- Allocation and provision of City of Clovis Sewer and Water service.

Subsequent ministerial actions would be required for the implementation of the proposed project including, but not limited to, issuance of grading and building permits.

A number of other agencies in addition to the City of Clovis will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Revised Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- Fresno Local Agency Formation Commission (LAFCo)–SOI Amendment, Annexation, and Detachment from the Fresno County Fire Protection District and the County Service Area No. 51 (Dry Creek);
- Central Valley Regional Water Quality Control Board (CVRWQCB)–Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities pursuant to the Clean Water Act;
- San Joaquin Valley Air Pollution Control District (SJVAPCD)–Approval of construction-related air quality permits; and
- Fresno Metropolitan Flood Control District (FMFCD)–review of stormwater facilities, grading, and street improvements.
- Fresno County Department of Public Health–Permits for abandonment of wells and septic systems, underground storage tanks.
- California Department of Fish and Wildlife (CDFW)–Incidental Take Permit

Environmental Review

Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Revised Draft EIR, including results of public scoping and technical studies. Subsequently, the Revised Draft EIR will be circulated for public review and comment for a 45-day public review period.

The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

A copy of the NOP (in full color) can be found on the City's website: https://cityofclovis.com/planning-and-development/planning/planning-projects/vista-ranch-soi/

If you wish to be placed on the mailing list or need additional information, please contact McKencie Perez, MPA, Deputy City Planner at 559.324.2310 or mckenciep@clovisca.gov.

Potential Environmental Effects

The Revised Draft EIR will evaluate if there are potentially significant environmental impacts associated with approval and implementation of the proposed project. Consistent with the CEQA Guidelines (Appendix G), the Revised Draft EIR will analyze the reasonably foreseeable direct, indirect, and cumulative effects of the proposed project on focused resources, including but not limited to:

- Aesthetics, Light, and Glare
- Agriculture Resources and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Effects Found not to be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the proposed project to result in a significant impact, the following issues will be addressed in the Effects Found not to be Significant section of the Revised Draft EIR.

- **Mineral Resources**–The project site is designated MRZ-3, which is a classification for areas are those containing aggregate deposits, the significance of which cannot be evaluated from available data. There are no active or inactive mines located within the project site. Additionally, the City's General Plan EIR concluded that adoption of the General Plan, which contemplated urbanization of the agricultural lands within the General Plan study area, would have no impact on any known mineral resources, active or inactive mines, nor any mineral resource sectors.[3] Therefore, the proposed project would have no impact on mineral resources or mineral resource recovery sites.

[3] City of Clovis. 2014. General Plan and Development Code Update Draft EIR. Website: https://cityofclovis.com/wp-content/uploads/2018/10/Chapter-05-11-Mineral-Resources.pdf. Accessed February 13, 2025.

2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

August 8, 2024

McKencie Perez
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

RE: Notice of Availability of a Draft Environmental Impact Report for the Vista Ranch Project, Clovis, CA
N/E Shepherd and Sunnyside avenues

Dear Ms. Perez:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Draft EIR for the proposed Vista Ranch Project led by the City of Clovis, APNs: 557-012-02, 28 and 29, 557-022-11S, 557-031-05S, 23, 24, 25, 27, 35, 37, 44S and 558-010-25. The project site is approximately 507 acres to be annexed into the City of Clovis and includes 368 acres proposed for full entitlements to develop immediately and 139 acres that does not include full entitlements and requires further review for future development. There are an additional 445 acres outside of the Vista Ranch Master Plan that involves a City of Clovis Sphere of Influence (SOI) expansion area of 952 acres in total. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 2,718 residential units, parkland, and private infrastructure. If the 139 acres is granted future development, it would increase the development area to 3,286 residential units and include community recreation centers and an elementary school site. FID has the following comments:

FID previously reviewed and commented on the subject area on November 7, 2023, as Notice of Preparation of a Draft EIR for the Vista Ranch Project, Clovis, CA. Those comments still apply and a copy of FID's comments dated November 7, 2023, are attached hereto for your reference. FID has additional comments pertaining to the subject project are as follows:

1. The proposed project is outside of FID's boundary line and is not entitled to water from the Kings River. Therefore, the proposed project will be required to find alternative sources of water.

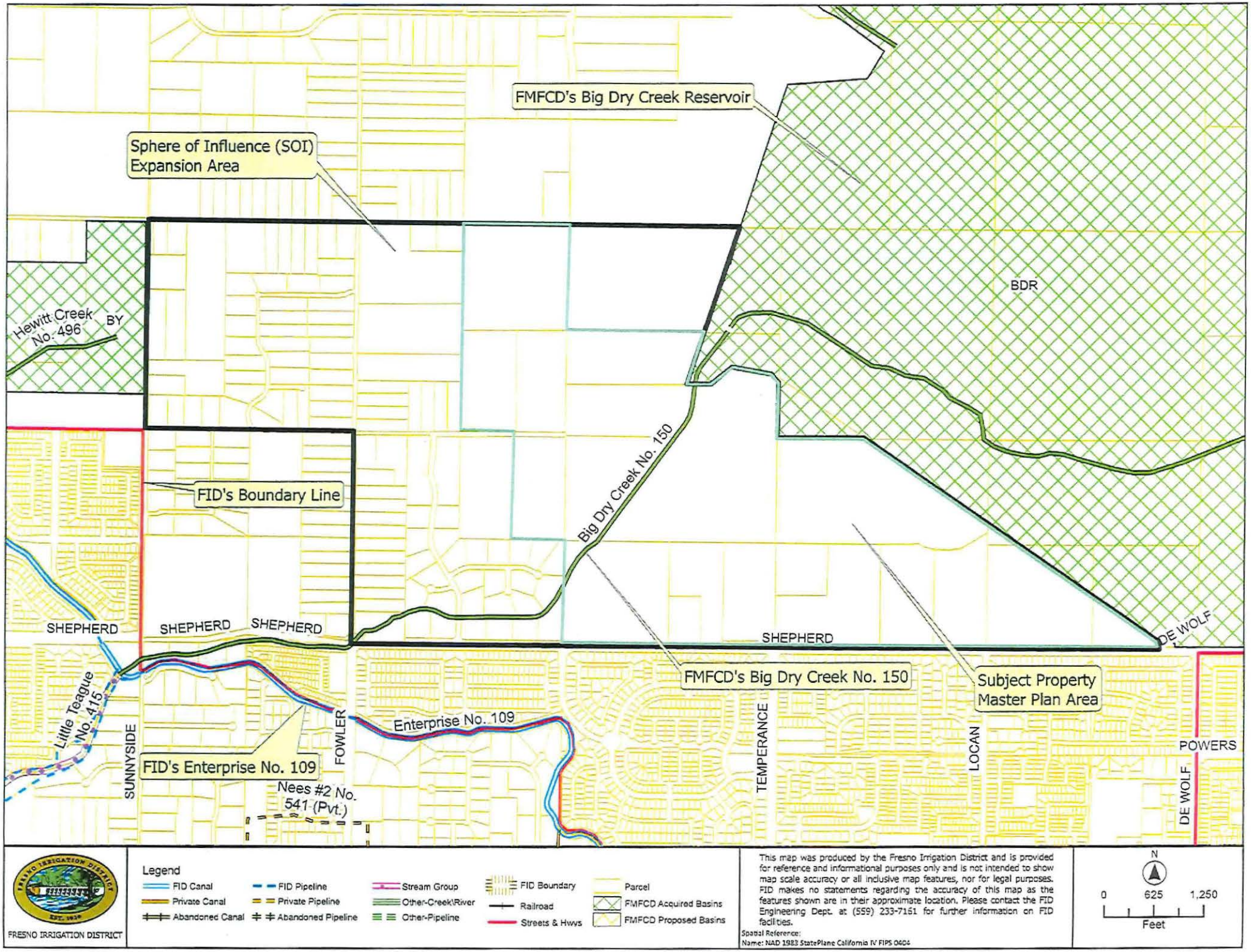
BOARD OF DIRECTORS President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions, please feel free to contact Ben Negley at (559) 233-7161 extension 7413 or bnegley@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment


FMFCD's Big Dry Creek Reservoir
Sphere of Influence (SOI) Expansion Area
BDR
Hewitt Creek No. 496
BY
FID's Boundary Line
Big Dry Creek No. 150
SHEPHERD
SHEPHERD
SHEPHERD
SHEPHERD
DE WOLF
FMFCD's Big Dry Creek No. 150
Subject Property Master Plan Area
Little Teague No. 415
SUNNYSIDE
FOWLER
Enterprise No. 109
FID's Enterprise No. 109
Nees #2 No. 541 (Pvt.)
TEMPERANCE
LOCAN
POWERS
DE WOLF
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Stream Group
Other-Creek\River
Other-Pipeline
FID Boundary
Railroad
Streets & Hwys
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.
Spatial Reference:
Name: NAD 1983 StatePlane California IV FIPS 0404
N
0
625
1,250
Feet

2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

November 7, 2023

McKencie Perez
City of Clovis
Department of Planning and Development Services
1033 Fifth Street
Clovis, CA 93612

RE: Notice of Preparation of a Draft EIR for the Vista Ranch Project, Clovis, CA
N/E Shepherd and Sunnyside avenues

Dear Ms. Perez:

The Fresno Irrigation District (FID) has reviewed the Notice of Preparation of a Draft EIR for the proposed Vista Ranch Project led by the City of Clovis, APNs: 557-012-02, 28 and 29, 557-022-11S, 557-031-05S, 23, 24, 25, 27, 35, 37, 44S and 558-010-25. The project site is approximately 507 acres to be annexed into the City of Clovis and includes 368 acres proposed for full entitlements to develop immediately and 139 acres that does not include full entitlements and requires further review for future development. There are an additional 445 acres outside of the Vista Ranch Master Plan that involves a City of Clovis Sphere of Influence (SOI) expansion area of 952 acres in total. The development area includes parcels that will be annexed and will be entitled for subdivision and development of up to 2,718 residential units, parkland, and private infrastructure. If the 139 acres is granted future development, it would increase the development area to 3,286 residential units and include community recreation centers and an elementary school site. FID has the following comments:

1. FID does not own, operate, or maintain any facilities located on the subject properties, as shown on the attached FID exhibit map.

2. The proposed development is to be annexed into the City of Clovis but lies outside FID's boundary line. The parcels are not entitled to water from the Kings River.

3. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area has historically been fallowed with some rural residential and has historically had little to no water usage. Under current circumstances the project area is experiencing a modest but continuing groundwater

BOARD OF DIRECTORS President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Clovis require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem. The EIR must fully analyze the potential water demands of the development, the available water supplies, and the potential adverse impact of the increased water demands.

4. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Clovis are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Clovis must consider the potential impacts of the development on the City's ability to comply with requirements of SGMA as well as impacts to the neighboring areas.

5. It is unclear if the source of water for this development is solely groundwater or a mixture of treated surface water. If treated surface water will be used, the City must acquire surface water from a water purveyor, such as FID for that purpose, so as to not adversely impact the groundwater levels in the area. Additionally, the City must not reduce water supplies available to or create water supply deficits in and around other areas of the City. The water supply proposed to be used by the development must be clearly identified and all potential issues must be fully evaluated and addressed as part of the environmental impact analyses before any further "hardening" of the water supply demand is allowed to take place.

6. The City of Clovis and FID have been working to address water supplies issues for development outside of the FID service area. We encourage the City to continue towards finding solutions to minimize the impacts of land use changes and to mitigate any existing and anticipated adverse water supply impacts within the development areas.

7. For informational purpose, FID's Enterprise No. 109 runs northwesterly and crosses Fowler Avenue approximately 900 feet south of the subject property, Sunnyside Avenue approximately 2700 feet southwest of the subject property, and Shepherd Avenue approximately 3,200 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Fowler Avenue, Sunnyside Avenue, Shepherd Avenue, or in the vicinity of this facility, FID requires it review and approve all plans.

8. For informational purposes, Fresno Metropolitan Flood Control District's Big Dry Creek No. 150 runs southwesterly and traverses through the proposed development. FID recommends the City contact FMFCD for further comments. Additionally, water

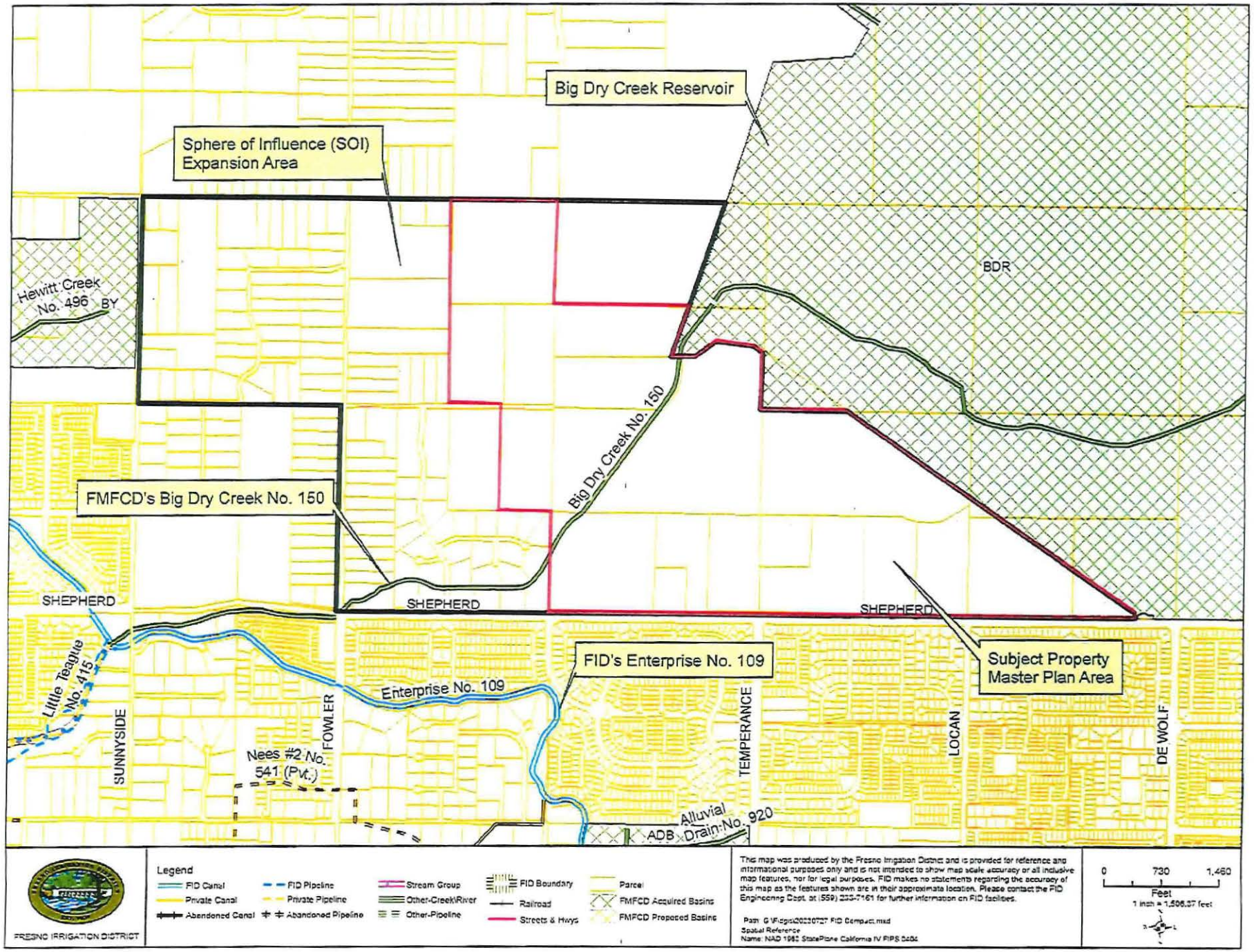
from Big Dry Creek is currently used within the City of Clovis and FID to help balance the groundwater deficit. Any potential adverse impacts of the Project to FID being able to utilize water from Big Dry Creek must be fully identified and analyzed as part of the proposed evaluation.

Thank you for submitting the proposed project for our review. We appreciate the opportunity to review and comment on the subject documents for this project. If you have any questions, please feel free to contact Ben Negley at (559) 233-7161 extension 7413 or bnegley@fresnoirrigation.com.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment


Big Dry Creek Reservoir
Sphere of Influence (SOI) Expansion Area
Hewitt Creek No. 496 BY
BDR
Big Dry Creek No. 150
FMFCD's Big Dry Creek No. 150
SHEPHERD
SHEPHERD
SHEPHERD
Little Teague No. 415
SUNNYSIDE
FOWLER
Enterprise No. 109
FID's Enterprise No. 109
Subject Property Master Plan Area
Nees #2 No. 541 (Pvt.)
TEMPERANCE
LOCAN
DE WOLF
ADB
Alluvial Drain No. 920
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Stream Group
Other-Creek\River
Other-Pipeline
FID Boundary
Railroad
Streets & Hwys
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.
Path: G:\Projects\20230727 FID Compact.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 0404
0
730
1,460
Feet
1 inch = 1,506.37 feet

From: Schreihans, Kaylie@DOT <Kaylie.Schreihans@dot.ca.gov>
Sent: Wednesday, March 26, 2025 11:47 AM
To: McKencie Perez
Cc: Padilla, Dave@DOT
Subject: [External] Comments NOP of a Revised Draft EIR for the Vista Ranch Project
Attachments: Fresno-168-10_11_Clovis_Vista_Ranch_Transportation_Impact_Analysis_.pdf

Good afternoon McKencie,

Thank you for the opportunity to review the revised EIR Notice of Preparation. Attached is our letter from October 4, 2024, regarding comments to address when preparing the Draft Environmental Impact Report. Please include Caltrans in the Scope of Work for Transportation Section for the DEIR.

Thank you,

Kaylie Schreihans
Transportation Planner
California Department of Transportation
Office of Regional and Community Planning,
Local Development Review
Caltrans District 6
Phone: (559) 383-5944
1352 W. Olive Avenue
Fresno, CA 93778-2616

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE |P.O. BOX 12616 |FRESNO, CA 93778-2616
(559) 840-6066 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov

October 4, 2024

Fresno-168-10.11
Transportation Impact Analysis
Clovis Vista Ranch
GTS: 31200#

SENT VIA EMAIL

Mr. Sean K. Smith, Supervising Civil Engineer
City of Clovis – Engineering Division
1033 Fifth Street,
Clovis, CA 93612

Dear Mr. Smith:

Thank you for the opportunity to review the Transportation Impact Analysis (TIA) for the Vista Ranch Master Plan Project which proposes to develop 952 acres of land with a mix of urban uses such as approximately 3,200 residential units, commercial development, and community recreational facilities.

The Master Plan area is approximately 1.3 miles west of the State Route (SR) 168 and Shepherd Avenue intersection, 1 mile northwest of the SR 168 and Owens Mountain Parkway intersection, and 1.8 miles north of the SR 168 interchanges at Fowler Avenue and Temperance Avenue.

More specifically the Project is located north of Shepherd Avenue, south of Behymer Avenue, west of Carson Avenue, directly northeast of the city limits, and generally located on the northwest quadrant of Shepherd Avenue and De Wolf Avenue.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. The TIA indicates the project contains both a Master Plan (MP) area and a non-development sphere of influence expansion. The Master Plan includes two areas: MP Area 1 is approximately 368 acres proposed for immediate development. MP Area 2 is approximately 139 acres that is anticipated for future development. The master plan area also includes approximately 59 acres of parks, trails, and open space. The non-development area is approximately 445 acres and will not receive any entitlements other than to be included in the sphere of influence expansion.

2. The following Master Plan land uses were evaluated in the TIA: MP Area 1 with 2,807 housing units and 85,000 square feet of commercial and MP Area 2 with 361 housing units, 115,000 square feet of commercial uses, 421,356 square feet of self-storage and a 750-student elementary school.

3. The TIA estimates that MP Area 1 will generate approximately 31,000 daily vehicle trips (1,980 AM peak hour, 2,890 PM peak hour) and that MP Area 2 will generate approximately 14,400 daily vehicle trips (1,110 AM peak hour, 1,210 PM peak hour).

4. The TIA identifies improvements for the two Master Plan Areas which includes revising the eastbound (EB) ramps at Temperance Avenue and SR 168 and implementing a planned interchange at Owens Mountain Pkwy. and SR 168. The City is highly encouraged to incorporate these recommended improvements into the City's transportation impact fee program.

5. It is noted with the proposed mitigations measures, the project would have significant and unavoidable vehicle miles traveled (VMT) impacts.

6. As noted in previous comment letters, the City is highly encouraged to apply alternative transportation strategies to this Project to reduce VMT impacts. The proposed mitigations noted includes a number of these strategies such as incorporating a well-connected non-motorized street network and implementing a commute trip reduction program for future employers within the Project area. As future parcel-level development/construction begins, the City should continue to promote as well as implement these identified mitigation strategies and explore ways to reduce VMT that are catered to each proposed future project within the Vista Ranch Project area.

7. With the significant and unavoidable VMT impact finding, Caltrans recommends that the City consider creating a VMT Mitigation Impact Fee to help reduce potential impacts on local roads and the State Highway System.

8. As projects are proposed within the Vista Ranch Project area, it is recommended that future projects contribute to all applicable Impact Fee programs, such as the City's Development Fee and the Regional Transportation Mitigation Fee (RTMF) program to ensure that the developments contribute its fair share toward future improvement needs.

9. Please provide a revised Table 15 for the intersections ID 41 and 42 for "Cumulative without Project" and "Cumulative with MP Area 1+2" to Caltrans for review along with any recommended improvements.

10. Please clarify in Tables 24 and 26, the conflicting information on Intersection ID 35 for Temperance Avenue and SR 168 EB Ramps. The analysis mentions that the recommended improvements would improve the PM peak hour LOS from F to E, which would still be deficient. But the tables show it to be from LOS "E or F" to D.

11. The cumulative conditions mention "reduce delay due to changes in traffic patterns" for the intersection of Fowler Avenue and SR 168 ramps. Caltrans requests the consultant to indicate and show why the Fowler Avenue and SR 168 ramps LOS improves due to the changes in traffic patterns. Caltrans anticipates that there will be an increase in traffic volumes to Fowler Avenue and SR 168 Ramps from the project.

12. Please provide a Synchro analysis on all signalized intersections.

13. Please provided clarification on the following:

    a. Where does the "planned grade-separated interchange" improvement for the two intersections (ID 41: 4101, 4102; and 42: 4201, 4202) come from?

    b. Does the TIS anticipate the "planned grade-separated interchange" to be constructed since it is indicated in the Tables as "planned." If to be constructed, what is the anticipated timeframe? Before or after the Project? At a certain Project phase? What is anticipated Year of construction?

If you have any other questions, please call Kaylie Schreihans, Transportation Planner at (559) 383-5944 or kaylie.schreihans@dot.ca.gov.

Sincerely,

David Deel FOR

Mr. Dave Padilla, Branch Chief,
Transportation Planning

Docusign Envelope ID: 652EEF95-9F8A-4528-B25F-39A6BAA332ED

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 28, 2025

McKencie Perez, Deputy City Planner
City of Clovis, Department of Planning and Development Services
1033 Fifth Street
Clovis, California 93612
(559) 324-2310
McKencieP@cityofclovis.com

Subject: Vista Ranch Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No. 2023100508

Dear McKencie Perez:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Clovis to prepare a revised Draft Environmental Impact Report (DEIR) for the Project listed above pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW previously submitted comments to the City of Clovis on December 4, 2023, in response to the Project's original NOP (Attachment 1), and on September 3, 2024, in response to the Project's original DEIR (Attachment 2). Based on the information provided in the revised NOP, CDFW recommends referring to these comment letters and incorporating CDFW's comments and recommendations, as well as the biological resource information and mitigation measures from the original DEIR, to adequately identify and/or mitigate the Project's potential impacts on biological resources. Additionally, CDFW offers the following editorial comments and suggestions in order to improve the document:

Western burrowing owl: CDFW notes that the California Fish and Game Commission (FGC) approved western burrowing owl (BUOW) as a candidate for potential listing as a

Docusign Envelope ID: 652EEF95-9F8A-4528-B25F-39A6BAA332ED

protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). The revised DEIR should reflect the change of State status of BUOW and incorporate appropriate mitigation measures to reduce the potential for significant impacts and prevent unauthorized take. CDFW is available to provide guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation. If take of BUOW cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. €). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to assist the City of Clovis in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Docusign Envelope ID: 652EEF95-9F8A-4528-B25F-39A6BAA332ED

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENTS

Docusign Envelope ID: 652EEF95-9F8A-4528-B25F-39A6BAA332ED

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 4, 2023

McKencie Perez, MPA, Senior Planner
City of Clovis, Planning Division
1033 Fifth Street
Clovis, California 93612
(559) 324-2310
mckenciep@cityofclovis.com

Subject: **Vista Ranch Project (Project)**
Notice or Preparation (NOP)
State Clearinghouse No. 2023100508

Dear McKencie Perez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) from the City of Clovis (City) Planning Division for the Vista Ranch Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW respectfully requests that the City still consider our comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Clovis

Objective: The Vista Ranch Project site is approximately 952 acres, includes 139 Assessor parcels, and a City Sphere of Influence (SOI) expansion for the entire 952-acre area. Within the Project site there is the Vista Ranch Master Plan area that is approximately 507 acres that would be annexed into the City of Clovis. The Master Plan contemplates the construction of up to 3,286 residential units, approximately 48 acres of commercial/mixed uses, and approximately 57 acres of parks, trails and open space.

The Vista Ranch Master Plan is divided into two areas (MPArea 1 and MPArea 2) based on entitlement requests and the level of design available. MPArea 1 is 368 acres proposed for full entitlements to develop immediately. Entitlements within MPArea 1

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include an annexation, general plan amendments, pre-zoning, master plan community overlay district and vesting tentative map. The remaining 139 acres in the Vista Ranch Master Plan (MPArea 2) does not include full entitlements and would require further environmental review to enable future development once more detailed design work is performed. This area has been planned for a mix of urban uses. Future development of this area is at the discretion of the property owners and subject to project level analysis.

There are also 445 acres of land outside of the Vista Ranch Master Plan, but within the Project site. This area is referred to as a Non-Development Area and is part of the SOI expansion but does not propose any other entitlements that would enable development.

Location: The Project site is located directly northeast of the City limit line. The Project site is bounded on the north by East Behymer Avenue, on the east by Big Dry Creek Reservoir, on the south by East Shepherd and East Perrin Avenues, and on the west by North Fowler and North Sunnyside Avenues. The Project site is located within portions of Sections 21, 22, and 23 of Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM). In addition, APNs 557-031-30, 32S, 34, 36, 38, 40, 43S, & 45 are located along the north side of Shepherd Avenue and are owned by the City of Clovis for future roadway rights-of-way.

Timeframe: Undetermined.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions have also been included to improve the Draft EIR.

Aerial imagery of the Project boundary and its surroundings shows that the area contains annual grassland, and Dry Creek, which runs east-west and is an ephemeral waterway per Google aerial imagery, with additional smaller ephemeral channels in the area. Project limits also contain fallow fields, single-family residences, rural residences, and agricultural land. There are orchards to the west of Project limits as well (CDFW 2023). The Project location and surrounding areas appear to have a high likelihood for suitable habitat for several special status species. Based on a review of the Project description, a review of California Natural Diversity Database (CNDDB) records, and the surrounding habitat, several special status species could potentially be impacted by Project activities.

The Project site is within the geographic range of several special status animal species including but not limited to the federally threatened (FT) and State threatened (ST)

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California tiger salamander (*Ambystoma californiense* pop. 1), the ST Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State candidate for listing as endangered (SCE) Crotch's bumble bee (*Bombus crotchii*); the State species of special concern (SSC) and federally proposed threatened (FPT) western pond turtle (*Actinemys marmorata*); and the SSC American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), and western spadefoot (*Spea hammondii*).

To evaluate Project-related impacts to listed species, SSC species, and unlisted biological species, CDFW recommends that a general habitat assessment be conducted as part of the biological technical studies conducted in support of the Draft EIR. CDFW recommends that this general habitat assessment be followed with specific protocol surveys for listed species including California tiger salamander and Swainson's hawk.

California Tiger Salamander

There was no mention of the California tiger salamander (CTS) in the NOP document. This species is protected under the California Endangered Species Act (CESA) and has been observed within the Project site, and in the adjacent area as recent as 2023 (CDFW 2023). CDFW has jurisdiction over this species under CESA. CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011). Aerial photographs show that suitable upland refugia and potential aquatic habitat exists within the Project area and in the Project vicinity. There is a strong likelihood that CTS would be impacted by the proposed Project given documented presence as recently as 2023, and because a large amount of ground disturbance is anticipated from activities such as discing, ripping, and/or grading. As such, CDFW recommends the following:

CDFW recommends an Incidental Take Permit (ITP) be obtained for CTS by each project proponent engaging in project development since the species has been observed on-site, and that the Project proponents engage in early consultation with CDFW regarding acquiring adequate mitigation for this species. Take authorization would occur through the issuance of an ITP, pursuant to Fish and Game Code section 2081(b). In the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and immediately focus on obtaining an ITP. For information regarding ITPs, please see the following link: https://www.wildlife.ca.gov/Conservation/CESA. Included in the ITP would be measures required to avoid and/or minimize direct take of CTS in the Project area, as well as measures to fully mitigate the impact of the take.

Swainson's Hawk

There was no mention of Swainson's hawk (SWHA) in the NOP document information. The Project is within the known geographic range of Swainson's hawk, (CDFW 2023).

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SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Additionally, SWHA exhibit high nest-site fidelity year after year in the San Joaquin Valley (CDFW 2016). Based on aerial imagery and the information provided in the NOP, the Project location and adjacent areas contain suitable habitat for SWHA foraging. In addition, there are trees and structures located within the vicinity of the Project site that may provide suitable nesting habitat.

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological technical studies conducted in support of the Draft EIR.

In addition to conducting SWHA surveys, CDFW recommends the Project mitigate for loss of SWHA foraging habitat as described in Recommended Mitigation Measure 7 below. CDFW also recommends the Draft EIR include the following measures:

Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the Draft EIR and project construction, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000), be repeated the survey season immediately prior to construction. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

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Recommended Mitigation Measure 3: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation

CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (California Department of Fish and Game 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Tricolored Blackbird

No Project information for tricolored blackbirds (TRBL) was included in the NOP. The Project site is within the known geographic range of tricolored blackbird and a historical occurrence has been recorded approximately 2.8 miles southwest of the Project site (CDFW 2023). Based on aerial imagery and the information provided in the NOP, the grassland habitats within the Project site could provide potential foraging habitat.

CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the Draft EIR. If potentially suitable habitat is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such avoidance, take authorization, and mitigation.

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Recommended Mitigation Measure 5: TRBL Surveys

CDFW recommends that Project activities be timed to avoid the normal bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of construction to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 6: TRBL Avoidance

If an active TRBL nesting colony is found during preconstruction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agriculture Fields in 2015" (CDFW 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason, the colony should be reassessed to determine the extent of the breeding colony within 10 days for Project initiation.

Recommended Mitigation Measure 7: TRBL Take Authorization

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code § 2081(b), prior to any ground-disturbing activities.

Crotch's Bumble Bee

The Crotch's bumble bee (CBB) was not discussed in the NOP document. CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years. As noted in the NOP, the Project site contains a mix of native and non-native grasses. As such, CBB could potentially use the habitats within the Project site for foraging or nesting.

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to

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support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023a).

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

In addition to conducting protocol surveys for CBB, CDFW recommends the Draft EIR include the following measures:

Recommended Mitigation Measure 8: CBB Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the Draft EIR and project construction, CDFW recommends that additional surveys, following the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023a), be repeated the blooming period immediately prior to construction.

Recommended Mitigation Measure 9: CBB Take Authorization

If CBB is identified during surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).

American Badger

There was no information included in the NOP regarding the American badger (AMBA). The Project site is within the known geographic range of the AMBA (CDFW 2023). AMBA occupy sparsely vegetated land cover with dry, friable soils to excavate dens,

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which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et. al 1990). Based on aerial imagery and the information provided in the NOP, the Project site contains suitable habitat for AMBA denning and foraging.

As AMBA have the potential to den and/or forage within the Project site, CDFW recommends that a qualified biologist assess the presence/absence of AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the Draft EIR. If surveys indicate the presence or potential presence of AMBA, consultation with the CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

Recommended Mitigation Measure 10: AMBA Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for American badger and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.

Recommended Mitigation Measure 11: AMBA Avoidance
Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

Burrowing Owl

The NOP did not contain information pertaining to burrowing owl (BUOW). The Project site is within the known geographic range of BUOW and there was a sighting approximately 3-miles northwest of the Project site (CNDDB 2023). The Friant-Kern Canal, which is approximately 1.85-miles northeast of Project limits, may also provide potential habitat for this species. BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Based on aerial imagery, much of the Project site contains suitable habitat for BUOW nesting and foraging.

As BUOW have the potential to nest and/or forage within the Project site, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (California Burrowing Owl Consortium 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (California Department of Fish and Wildlife 2012) as part of the biological studies conducted in support of the Draft EIR.

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In addition to conducting BUOW surveys, CDFW recommends the Draft EIR include the following measures:

Recommended Mitigation Measure 12: BUOW Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the Draft EIR and project construction, CDFW recommends that additional surveys, following the "Burrowing Owl Survey Protocol and Mitigation Guidelines" (California Burrowing Owl Consortium 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFW 2012) be repeated the survey season immediately prior to construction.

Recommended Mitigation Measure 13: BUOW Avoidance Buffer

Should a BUOW be detected, CDFW recommends that no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

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

* meters (m)

Recommended Mitigation Measure 14: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), excluding birds from burrows is not a take avoidance, minimization, or mitigation method and is instead considered a potentially significant impact under CEQA. However, if it is necessary for Project implementation, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, by a qualified biologist, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial

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burrows at a ratio of one (1) burrow collapsed to one (1) artificial burrow constructed (1:1) to mitigate for evicting BUOW and the loss of burrows. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance at a rate that is sufficient to detect BUOW if they return.

Western Pond Turtle

The western pond turtle (WPT) was not included in the information within the NOP document. A WPT was previously observed approximately 0.65-mile south of the Project site (CDFW 2023). Per aerial photography, there are additional ponds in the vicinity of the proposed Project site including a feature named Gates Lake which is approximately 0.81-mile northwest. WPT are known to nest in the spring or early summer within 100 meters (approximately 0.06-mile) of a water body, although nest sites as far away as 500 meter (approximately 0.31-mile) have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, and ground disturbance as a result of Project activities have the potential to significantly impact WPT populations. Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

As WPT have the potential to be present within the Project site, CDFW recommends that a qualified biologist conduct focused surveys for WPT as part of the biological technical studies conducted in support of the CEQA document, perform an analysis of the Project's direct, indirect, and cumulative impacts to WPT in this area, and that the DEIR include the following avoidance and minimization measures for this species: CDFW recommends that a qualified biologist conduct focused surveys for nests during the egg-laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched.

In addition to the focused WPT surveys, CDFW recommends the Draft EIR include the following measures:

Recommended Mitigation Measure 15: Pre-construction WPT Surveys

CDFW recommends that a qualified biologist conduct focused surveys for WPT 10 days prior to Project implementation. In addition, CDFW recommends that focused surveys for nests occur during the egg-laying season (March through August) and that any nests discovered remain undisturbed until the eggs have hatched.

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Recommended Mitigation Measure 16: WPT Relocation

CDFW recommends that if any WPT are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area on their own.

Western Spadefoot

There was no mention of the western spadefoot (WESP) in the NOP information. WESP inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season. Review of aerial imagery indicates that the Project contains these requisite habitat elements. Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to WESP (Thomson et al. 2016). The Project area is within the range of WESP, contains suitable upland habitat (i.e., grasslands interspersed with burrows) and breeding habitat (i.e., vernal pools and swales). As a result, ground disturbing activities associated with development of the Project site have the potential to significantly impact local populations of this species.

Without appropriate avoidance and minimization measures for WESP, potentially significant impacts associated with ground disturbance from construction activities have a high likelihood of the collapse of small mammal burrows, inadvertent entrapment, loss of upland refugia, water quality impacts to breeding sites, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to WESP (Thomson et al., 2016). The Project site and greater Project area is within the range of WESP, contains suitable upland habitat (i.e., grasslands interspersed with burrows) and adjacent breeding habitat (i.e., vernal pools/ponds). As a result, ground- disturbing activities associated with the proposed Project have the potential to significantly impact local populations of this species.

CDFW recommends that a qualified biologist conduct focused surveys for WESP as part of the biological technical studies conducted in support of the CEQA document. In addition, CDFW recommends the following measures be included in the DEIR for the Project:

Recommended Mitigation Measure 17: Pre-construction WESP Surveys

CDFW recommends that a qualified biologist conduct focused surveys for WESP and their requisite habitat features to evaluate potential impacts resulting from ground- and vegetation-disturbance and that compensatory mitigation for WESP be included as part

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of the larger compensatory mitigation that will likely be required for biological resources impacted by the proposed Project.

Recommended Mitigation Measure 18: WESP Avoidance

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around burrows. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord. Alternatively, a qualified biologist with appropriate take authorization can move them out of harm's way and to a suitable location.

Special Status Plant Species

The Project site is within the known geographic range of several special status plant species including the California Rare Plant Rank (CRPR) 1B.1 San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), 1B.1 Greene's tuctoria (*Tuctoria greenei*), 1B.1 San Joaquin adobe sunburst (*Pseudobahia perisonii*), 1B.2 succulent owl's clover (*Castilleja campestris* var. *succulenta*), and 2B.2 dwarf downingia (*Downingia pusilla*). These species have been historically documented within the Project vicinity (CDFW 2023).

CDFW recommends that the Project site(s) be surveyed for special status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018) as part of the biological technical studies conducted in support of the Draft EIR. This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. CDFW recommends that floristic plant surveys be conducted across two seasons in order to maximize detectability and to offset climatic variations from year to year that could influence results. If surveys indicate the presence or potential presence of special status plants, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

Nesting Birds

The Project site may contain suitable habitat for an abundance of nesting migratory and non-migratory bird species and likely provides suitable foraging habitat. To evaluate Project-related impacts on nesting birds and foraging special status bird species, CDFW recommends that a general habitat assessment for nesting and foraging birds be conducted as part of the biological technical studies conducted in support of the Draft EIR.

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Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species including but not limited to the FT vernal pool fairy shrimp (*Branchinecta lynchi*). This species has been observed approximately 2-miles northeast at the Friant-Kern Canal in addition to the WPT, currently a federal proposed threatened (FPT) species.

Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any Project activities.

Lake and Streambed Alteration: Based on aerial imagery, the Project site contains Dry Creek, which runs east to west through the Project site. Dry Creek Reservoir is to the north/northeast of the proposed Project site and functions as a flood control facility. There are additional ponded areas within the Project site as well. Since features including multiple streams and drainages appear to be present onsite and within the adjacent areas, Project activities will be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral, intermittent, or episodic, as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement; therefore, if the Draft EIR approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593 or R4LSA@wildlife.ca.gov.

Artificial Lighting: This Project will cover a large area once completed. Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich

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2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

CDFW recommends that the Draft EIR for the Project include an analysis of the impacts of artificial lighting on biological resources and incorporate enforceable mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting is not installed in ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

Wildlife Movement and Connectivity: The Project site and greater Project area appears to support significant biological resources and contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. CDFW recommends that on-site features that contribute to habitat connectivity should be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified, and addressed in the Draft EIR.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's Draft EIR be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW recommends closely evaluating the need for a cumulative impacts analysis for the following species as part of the Draft EIR: CTS, SWHA, TRBL, CBB, AMBA, BUOW, WPT, WESP, San Joaquin Valley Orcutt grass,

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Greene's tuctoria, San Joaquin adobe sunburst, succulent owl's clover, and dwarf downingia.

CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

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CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Clovis in identifying and mitigating Project impacts on biological resources.

If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3194 or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Office of Planning and Research
State.clearinghouse@opr.ca.gov

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Vista Ranch Project

SCH No.: 2023100508

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
SWHA	
Recommended Mitigation Measure 1: SWHA surveys prior to construction	
Recommended Mitigation Measure 3: SWHA take authorization	
Recommended Mitigation Measure 4: SWHA foraging habitat mitigation	
TRBL	
Recommended Mitigation Measure 5: TRBL surveys	
CBB	
Recommended Mitigation Measure 8: CBB surveys prior to construction	
Recommended Mitigation Measure 9: CBB take authorization	
AMBA	
Recommended Mitigation Measure 10: AMBA surveys	
BUOW	
Recommended Mitigation Measure 12: BUOW surveys prior to construction	
Recommended Mitigation Measure 14: BUOW passive relocation and mitigation	
WPT	
Recommended Mitigation Measure 15: WPT surveys	
WESP	
Recommended Mitigation Measure 17: Pre-construction WESP surveys	
During Construction	
SWHA	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
TRBL	
Recommended Mitigation Measure 6: TRBL avoidance	
Recommended Mitigation Measure 7: TRBL take authorization	

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AMBA	
Recommended Mitigation Measure 11: AMBA avoidance	
BUOW	
Recommended Mitigation Measure 13: BUOW avoidance buffer	
WPT	
Recommended Mitigation Measure 16: WPT relocation	
WESP	
Recommended Mitigation Measure 18: WESP avoidance	

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 3, 2024

McKencie Perez, MPA, Senior Planner
City of Clovis, Department of Planning and Development Services
1033 Fifth Street
Clovis, California 93612
(559) 324-2310
McKencieP@cityofclovis.com

Subject: Vista Ranch Project (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2023100508

Dear McKencie Perez:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Clovis for the Project listed above pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, projects tiered from the Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of a project tiered from the Plan may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Clovis

Objective: The proposed Project, a Master Development Plan, is a mixed-use development anticipated to provide up to 3,286 residential units, including single- and multi-family units. In addition, the Project includes a mixed-use commercial center designed to provide localized retail and service uses, employment to the Project vicinity, a mini storage site, an elementary school, and community recreation centers. The proposed Project would also include modifications to land use, focus area, Shepherd Ave access, circulation elements, and parks and open space to accommodate the proposed Project. Additional Project elements include new public roadways with pedestrian/bicycle and vehicular access, landscaping and lighting, water, storm drainage, wastewater facilities and other infrastructure. Finally, the Project includes a City of Clovis Sphere of Influence (SOI) expansion for the entire 952-acre Project site.

The Project site contains the Vista Ranch Master Plan (MP) area that is approximately 507 acres that would be annexed into the City of Clovis. The Vista Ranch MP is divided into two areas (MPArea 1 and MPArea 2) based on entitlement requests and the level of design available. MPArea 1 is 368 acres proposed for full entitlements to develop by Wilson Premier Homes. Entitlements within MPArea 1 include an annexation, general plan amendments, pre-zoning, master plan community overlay district and vesting tentative map. The remaining 139 acres in the MPArea 2 is controlled by several property owners within the MP, does not include full entitlements and would require further environmental review to enable future development once more detailed design work is performed. There are two parcels within the MPArea 2 with active Williamson Act contracts. There is also 445 acres of land outside of the Vista Ranch MP, but within

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the Project site. This area is referred to as a Non-Development Area and is part of the SOI expansion but does not propose any other entitlements that would enable development.

Location: The Project is located directly north of the City of Clovis (City) limit line, in unincorporated Fresno County. The Project site consists of approximately 952 acres located within the City's Planning Area and is bounded on the north by East Behymer Avenue, on the east by the Big Dry Creek Reservoir, on the south by East Shepherd and East Perrin Avenues, and on the west by North Fowler and North Sunnyside Avenues. The Project site is located within portions of Sections 21, 22, and 23 of Township 12 South, Range 21 East, Mount Diablo Base and Meridian (MDBM).

Offsite infrastructure may include connections and improvements to existing infrastructure in adjacent roadways.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document for this Project.

Detailed information is lacking in the DEIR regarding the occurrence of biological resources in MPArea 2 (139-ac) or the Non-Development Area (445-ac). For MPArea 2 and the Non-Development Area, detailed information on biological conditions in MPArea 1 was augmented by aerial photography and field reconnaissance. The DEIR notes that no detailed biological studies have been conducted in these areas. The DEIR also notes that MPArea 2 development is at the discretion of the property owners and subject to project-level analyses while the Non-Development Area is anticipated to have a programmatic-level analysis within the document. While CDFW understands that projects tiered from this DEIR within MPArea 2 and the Non-Development Area would have subsequent CEQA analyses, CDFW recommends that Projects within MPArea 2 and the Non-Development Area incorporate the measures identified for MPArea1 in the DEIR with CDFW's recommendations incorporated from this comment letter. In addition to this more general recommendation, CDFW provides the following species-specific recommendations below.

The DEIR acknowledges that the Project area is within the geographic range of numerous special-status animal and plant species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including the State threatened Swainson's hawk (*Buteo swainsoni*), the State and

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federally threatened California tiger salamander (*Ambystoma californiense*), the State candidate endangered Crotch's bumble bee (*Bombus crotchii*), the State species of special concern American badger (*Taxidea taxus)* and burrowing owl (*Athene cunicularia*), and the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*), and western spadefoot (*Spea hammondii*).

Additionally, the Project area is within the geographic range of several special-status plant species including, but not limited to, the California Rare Plant Rank (CRPR) 4.2 Ewan's larkspur (*Delphinium hansenii ssp. ewanianum*), the CRPR 1B.1 forked hare-leaf (*Lagophylla dichotoma*), and the CRPR 1B.2 spiny-sepaled button-celery (*Eryngium spinosepalum*).

Swainson's Hawk (SWHA)

Mitigation Measure 3.4-9 states that prior to construction of each of the MPArea 1 phases, a qualified biologist/ecologist with experience in Fresno County will conduct comprehensive preconstruction surveys for special-status wildlife, including SWHA. The surveys will follow the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SWHA Technical Advisory Committee (TAC) 2000). Mitigation Measure 3.4-10 further mitigates for impacts to SWHA by requiring that a ½-mile no-disturbance buffer be implemented around active SWHA nests. CDFW concurs with Mitigation Measures 3.4-9 and 3.4-10 and recommends that, in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

California Tiger Salamander (CTS)

The DEIR notes that the Project site contains suitable habitat for CTS and the species has been documented as breeding on the site and is expected to use upland habitats for dispersal and aestivation. Mitigation Measure 3.4-3 is provided to mitigate for potential impacts to the species. CDFW concurs with Mitigation Measure 3.4-3, in particular the portion of the measure that states that a State ITP will be obtained. CDFW recommends the measures for CTS be included within the Final Environmental Impact Report (FEIR) for this Project.

Crotch's Bumble Bee (CBB)

The DEIR notes that the Project site contains suitable habitat for CBB and the species has been documented foraging on the Project site and has the potential to nest within the Project vicinity. Mitigation Measure 3.4-5 is provided to mitigate for potential impacts

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to the species. CDFW concurs with Mitigation Measure 3.4-5, in particular the portion of the measure that states that a State ITP will be obtained. CDFW recommends the measures for CBB be included within the Final EIR for this Project.

American Badger (AMBA)

The DEIR notes that there is the potential for AMBA to occur within the Project site, but no mitigation measures are provided to mitigate for potential impacts to the species. As such, CDFW recommends the following:

> **Recommended Mitigation Measure 1: American Badger Surveys**
> If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for AMBA and their requisite habitat features (dens) to evaluate potential impacts resulting from ground- and vegetation-disturbance.
>
> **Recommended Mitigation Measure 2: American Badger Avoidance**
> Avoidance whenever possible is encouraged via delineation and observation of a 50-foot no-disturbance buffer around dens until it is determined through non-invasive means that individuals occupying the den have dispersed.

Burrowing Owl (BUOW)

The DEIR notes that Project site contains suitable foraging habitat and nest burrows for BUOW per Project information and Mitigation Measure 3.4-9 is provided to mitigate for potential impacts to the species. CDFW concurs within Mitigation Measure 3.4-9 and recommends that if a BUOW is detected, no-disturbance buffers be implemented, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012). If BUOW are found within these recommended buffers and avoidance is not possible, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation.

Northwestern Pond Turtle (NWPT)

The DEIR notes that the Project site contains suitable habitat for NWPT and Mitigation Measure 3.4-8 is provided to mitigate for potential impacts to the species. CDFW concurs with Mitigation Measure 3.4-8 and recommends in the event NWPT does not become federally listed and a Federal Endangered Species Act (FESA) permit is not obtained, that any NWPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project areas. If NWPT individuals are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

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Western Spadefoot (WESP)

The DEIR notes that the Project site contains suitable habitat for WESP and Mitigation Measure 3.4-7 is provided to mitigate for potential impacts to the species. CDFW concurs with Mitigation Measure 3.4-7 and recommends in the event WESP does not become federally listed and a FESA permit is not obtained, WESP individuals be avoided via delineation and observance of a 50-foot no-disturbance buffer around burrows. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease and individuals be allowed to leave the Project site on their own accord.

Special-Status Plants

The DEIR notes that the Project site contains suitable habitat for special-status plants and Mitigation Measure 3.4-1 is provided to mitigate for potential impacts to special-status plants species. CDFW concurs with Mitigation Measure 3.4-1 and recommends that if special-status plants are found during surveys, that they be avoided whenever possible by delineation and observation of a 50-foot no-disturbance buffer, delineated from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted during preparation of the Plant Salvage and Mitigation Plan to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Editorial Comments and/or Suggestions

Wildlife Movement and Connectivity: The Project site and greater Project vicinity appears to support significant biological resources and contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. Based on the information provided in the DEIR, it does not appear that a robust analysis on the potential Project-related impacts to wildlife connectivity were analyzed and addressed. As such, CDFW recommends that on-site features that contribute to habitat connectivity be evaluated with a robust analysis and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should also be identified, and addressed in this DEIR.

California Natural Diversity Database: Please note that the California Natural Diversity Database (CNDDB) is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. In order to adequately assess any potential Plan-

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related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

Lake and Streambed Alteration: The DEIR notes that streams subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. are present within the Project site and Mitigation Measure 3.4-16 is provided which requires the Project proponent to notify pursuant to Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Nesting birds: CDFW encourages that ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), a project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

To evaluate project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around a project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor

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nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the project site would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, Section 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during surveys to CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Plan approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Kelley Nelson, Environmental Scientist, at (559) 580-3194 or Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

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REFERENCES

Swainson's hawk technical advisory committee (SWHA TAC). 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in the central valley of California. Swainson's Hawk Technical Advisory Committee.

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Vista Ranch Project

SCH No.: 2023100508

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
AMBA	
Recommended Mitigation Measure 1: American badgers surveys	
During Construction	
AMBA	
Recommended Mitigation Measure 2: American badgers surveys	

From: Andrew Nabors <AndrewNabors@clovisusd.k12.ca.us>
Sent: Thursday, April 3, 2025 7:50 AM
To: McKencie Perez
Cc: Denver Stairs
Subject: [External] Vista Ranch NOP Response from Clovis Unified
Attachments: Clovis USD - Vista Ranch NOP Letter.pdf

Hi McKencie,

Please see the attached letter from Clovis Unified in response to the NOP for the Vista Ranch Project.

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Coordinator, Administrative Services
Facility Services, Clovis Unified School District
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Our Vision: We are One Team, Committed to Quality Facilities and Student Success

Developer Fee Website

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April 2, 2025

McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street
Clovis, CA 93612

Subject: Response to Notice of Preparation for the Vista Ranch Project (State Clearinghouse No. 2023100508)

Sent via email: mckenciep@clovisca.gov

Dear Ms. Perez:

Thank you for the opportunity to provide comments on the scope for the upcoming Vista Ranch Project EIR (State Clearinghouse No. 2023100508). The District welcomes the opportunity to review the Draft EIR for potential environmental impacts on its schools and to work collaboratively with the City to maintain the District's high quality educational system that provides resources for all students to reach their potential.

PROJECT DESCRIPTION

The project site includes approximately 952 acres (139 assessor parcels) within unincorporated Fresno County in the City of Clovis' Planning Area, but outside of the City's sphere of influence (SOI). The project site is not on a list compiled pursuant to Government Code Section 65962.5 (Cortese List). The project site consists of a combination of fallow and grazing land, several rural residences, offices and Contractor's Corp Yard, a small tree nursery, and a mini-storage facility (currently under construction).

The proposed project would expand the City's SOI to include the project site within the boundaries of the City of Clovis; adopt a comprehensive Vista Ranch Master Plan to guide development within 507 acres of the project site which would include the Vista Ranch Development (368 acres) and provide 139 acres that would be developed under separate future projects. The additional 445 acres outside of the Master Plan area includes no entitlements other than inclusion in the SOI.

The Vista Ranch Master Plan area includes up to 3,286 residential units; 16 acres of commercial and mixed use; a new elementary school, 59 acres of parks, trails, and open space; utilities; and a mini-storage facility. The majority of the Vista Ranch Master Plan would be built out over 10 years with the implementation of the Vista Ranch Development. The Vista Ranch Development would include up to 2,718 residential units with varying densities and would center around a village core area.

The proposed project would amend the General Plan Land Use designations to include rural residential on the west side of the project site; mixed-use village in the Vista Ranch Master Plan area; and agriculture on the northwest side of the project site. The proposed project would implement the following zoning districts within the Master Plan area: low-density residential; medium-density residential; medium high density residential; very high density residential; gateway neighborhood commercial; community recreation; light industrial; and open space.

The City's current Land Use Element designates an area on the southwest corner of the project site as "School", and the proposed project would move the school site to a 19.31-acre parcel ("PA-27") on the northside of Shephard Avenue within the Vista Ranch Master Plan area, but outside of the Vista Ranch Development. The proposed school site, PA-27, would have a master plan zoning of Medium Density Residential (R-1-MD/MPC), which would allow for "a school serving residential communities." The school site would be surrounded by residential uses to the north; light industrial uses to the east; existing residential uses to the south; and residential and gateway neighborhood commercial uses to the west. The gateway neighborhood commercial uses would allow for "local-serving commercial development compatible with and supportive of adjacent residential neighborhoods", and the light industrial uses would allow for "business parks and industrial uses, including mini-storage." The mini-storage facility that is currently under construction is at the northwest intersection of Locan Avenue and Shepard Avenue, within the adjacent PA (PA-28), adjacent to the school site.

COMMENTS ON NOTICE OF PREPARATION

As further discussed below, a new elementary school, at a minimum, would be needed to serve students of the proposed project. The construction and operation of a new elementary school would be a direct result of the proposed project. All technical studies prepared for the proposed project should evaluate the Master Plan area. Development within the Master Plan area, including the school site, are reasonably foreseeable physical changes to the environment as a result of the proposed project.

California School Site Selection Criteria

The State of California outlines rigorous requirements for school sites and approvals. Table 1 below provides an overview of California requirements for school site selection pursuant to California Code of Regulations (Title 5), California Education Code Section 17212.5 and 17213, and other applicable code sections. The future school site selection and design would need to be approved by the California Department of Education, California Department of Toxic Substance Controls, and Division of State Architects.

The District requests that the proposed project Draft EIR analysis includes the preparation of a Phase I Environmental Site Assessment for the Master Plan area. Further, the California Dam Breach Inundation Map published by the California Department of Water Resources, Division of Safety of Dams, shows extensive flooding throughout the project site, including the school site. The District requests that the Draft EIR Project Description thoroughly discusses the infrastructure improvements to manage potential flooding and that the Draft EIR provides a thorough analysis of potential flooding due to dam breach and mitigation measures to reduce impacts. The Draft EIR should include a dam inundation study.

Table 1: State Standards for State-Funded School Facilities – School Site Approval

Topic	Code References
Air Quality	
Is the boundary of the proposed school site within 500 feet of the edge of the closest traffic lane of a freeway or busy traffic corridor? If yes, would the project create an air quality health risk due to the placement of the school?	Ed. Code § 17213(c)(2)(C); CCR Title 5 § 14010(q)
Would the project create an air quality hazard due to the placement of a school within one-quarter mile of: (a) permitted and non-permitted facilities identified by the jurisdictional air quality control board or air pollution control district; (b) freeways and other busy traffic corridors; (c) large agricultural operations; and/or (d) a rail yard, which might reasonably be anticipated to emit hazardous air emissions, or handle hazardous or acutely hazardous material, substances, or waste?	Ed. Code § 17213(b); CCR Title 5 § 14010(q)
Geology and Soils	
Does the site contain an active earthquake fault or fault trace, or is the site located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan?	Ed. Code, §§ 17212 and 17212.5; CCR Title 5 § 14010 (f)
Would the project involve the construction, reconstruction, or relocation of any school building on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building?	Ed. Code § 17212.5
Would the project involve the construction, reconstruction, or relocation of any school building on a site subject to moderate-to-high liquefaction, landslides, or expansive soils?	CCR, Title 5 § 14010(i) School Site Selection and Approval Guide, Appendix H
Are naturally occurring asbestos minerals located at the site?	School Site Selection and Approval Guide, Appendix H
Hazards and Hazardous Materials	
Does the proposed school site contain one or more pipelines, situated underground or aboveground, which carry hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood?	Ed. Code § 17213(a)(3)
Is the proposed school site located near an aboveground water or fuel storage tank or within 1,500 feet of an easement of an aboveground or underground pipeline that can pose a safety hazard to the site?	CCR, Title 5 § 14010 (h)
Is the school site in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, and if so, do neighboring agricultural uses have the potential to result in any public health and safety issues that may affect the pupils and employees at the school site? *(Does not apply to school sites approved by CDE prior to January 1, 1997.)*	Ed. Code § 17215.5
Is the property line of the proposed school site less than the following distances from the edge of respective power line easements: (1) 100 feet of a 50–133 kV line; (2) 150 feet of a 220–230 kV line; or (3) 350 feet of a 500–550 kV line?	CCR, Title 5 § 14010 (c)
Does the project site contain a current or former hazardous waste disposal site or solid waste disposal site and, if so, have the wastes been removed?	Ed. Code § 17213(a)(1)
Is the project site a hazardous substance release site identified by the state Department of Health Services in a current list adopted pursuant to § 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code?	PRC § 21151.8 (a)(1)(B); Ed. Code § 17213(a)(2)
If prepared, has the risk assessment been performed with a focus on children's health posed by a hazardous materials release or threatened release, or the presence of naturally occurring hazardous materials on the school site?	Ed. Code § 17210.1(a)(3)
If a response action is necessary and proposed as part of this project, has it been developed to be protective of children's health, with an ample margin of safety?	Ed. Code § 17210.1(a)(4)
Is the proposed school site situated within 2,000 feet of a significant disposal of hazardous waste?	CCR, Title 5 § 14010 (t)
Is the site within 300 feet of an active oil or natural gas well?	Fire Code § 3406.3.1
Hydrology and Flooding	

Table 1: State Standards for State-Funded School Facilities – School Site Approval

Topic	Code References
Is the project site subject to flooding or dam/tank inundation or street flooding?	Ed. Code §§ 17212 and 17212.5 CCR, Title 5 § 14010 (g) School Site Selection and Approval Guide, Appendix H
Land Use and Planning	
Would the proposed school conflict with any existing or proposed zoning/land uses, such that a potential health or safety risk to students would be created?	Ed. Code § 17213 Gov't. Code § 65402 CCR, Title 5 § 14010 (m)
Are there easements on or adjacent to the site that would restrict access or building placement?	CCR, Title 5 § 14010(r)
Is the school site proportionate in its length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district?	CCR, Title 5 § 14010(j)
Is the site located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing for ethnic diversity?	CCR, Title 5 § 14010(n)
Has the district considered environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process?	CCR, Title 5 § 14010(q)
Is the site within a designated Farmland Security Zone?	Government Code § 51296.5
Noise	
Is the proposed school site located adjacent to or near a major arterial roadway or freeway whose noise generation may adversely affect the educational program?	CCR, Title 5 § 14010 (e)
Public Services	
Does the site promote joint use of parks, libraries, museums, and other public services?	CCR, Title 5, § 14010 (o)
Is the site conveniently located for public services, including but not limited to fire protection, police protection, public transit and trash disposal wherever feasible?	CCR, Title 5, § 14010 (p)
Transportation/Traffic	
The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto. Are traffic and pedestrian hazards mitigated per Caltrans' School Area Pedestrian Safety manual?	CCR, Title 5 § 14010 (l)
Is the site easily accessible from arterials and is the minimum peripheral visibility maintained for driveways per Caltrans' Highway Design Manual?	CCR, Title 5 § 14010 (k)
Is the proposed school site within 1,500 feet of a railroad track easement?	CCR, Title 5 § 14010 (d)
Is the proposed school site within two nautical miles, measured by air line, of that point on an airport runway or potential runway included in an airport master plan that is nearest to the site? *(Does not apply to school sites acquired prior to January 1, 1966.)*	Ed. Code §§ 17215 (a)&(b)
Cost and Complications	
The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards: 1. Distance of utilities to the site, availability and affordability of bringing utilities to the site. 2. Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights. 3. Eminent domain, relocation costs, severance damage, title clearance and legal fees. 4. Long-term high landscaping or maintenance costs.	CCR, Title 5 § 14010 (s)

Table 1: State Standards for State-Funded School Facilities – School Site Approval

Topic	Code References
5. Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation. Does the project site avoid undue delays or unreasonable costs consistent with State Allocation Board standards?	

Student Generation Rates

The District's student generation rates for grades transitional kindergarten (TK)-6, 7-8, and 9-12 are provided in Table 2 below. The NOP states that the proposed project would allow a mix of low density, medium density, medium high density, and very high density residential units. The District requests that the City identify the maximum number of each residential unit type and apply these generation rates to determine the maximum number of students generated by the proposed project. Note that TK and K classes have special room requirements to accommodate young students.

Table 2. Student Generation Rates

Product Type	TK-6	7-8	9-12	Total
Single-Family Residential	0.3404	0.0788	0.1378	0.5570
Multi-Family Residential	0.1213	0.0250	0.0462	0.1925

Project Impacts to Schools and District Operations

Existing schools are unable to accommodate the anticipated students generated by the proposed project. The proposed project would require the construction of a new elementary school at a minimum and would require that the District hire approximately 75 new teachers and staff. The current projected schools that would service the proposed project are detailed in Table 3 below.

The analysis of school impacts should identify the schools that will reach capacity because of the proposed project. Each school's impact should be addressed, and the District's overall ability to fund all necessary improvements to accommodate the proposed project's students should be considered. A lack of sufficient funding may impact various other environmental issues, such as increases in the home-to-school travel distances (i.e. vehicle miles traveled) and greenhouse gas emissions due to students from the proposed project needing to attend further schools and the need for new employees who would generate new trips. The transportation and greenhouse gas emission sections of the Draft EIR should address these topics. The transportation section of the Draft EIR also needs to address physical changes in the environment that may cause potential circulation and pedestrian safety impacts at the school site and any alternate site, especially since Shepard Avenue is identified as an "expressway" in the City's General Plan Circulation Element. Further, the District requests that the Draft EIR account for the new teachers and staff generated by the new elementary school in its population and housing analysis.

Table 3. Impacted Schools

School	Grade	Existing Enrollment (# of Students)	Campus Capacity (# of Students)
Riverview Elementary School (2491 East Behymer, Fresno, CA 93730)	K-6	700	725
Granite Ridge Intermediate (2770 East International Avenue, Fresno, CA 93730)	7-8	1,167	1,467
Clovis North High School (2770 East International Avenue, Fresno, CA 93730)	9-12	2,360	2,580

Hazards and Hazardous Materials

The February 2023 Phase I ESA prepared for the "Triangle Property," which encompasses a large portion of the current project site, indicates that there is the potential for a number of hazardous materials throughout the project site, including underground storage tanks; asbestos and lead-based paints in structure throughout the project site; water wells, septic and leech field systems, fuel tanks, and irrigation wells and pumps; trash/debris piles; pools of liquid, containers, and drums of potentially hazardous substances and petroleum products; PCB-containing equipment; stained soil and pavement; and stressed vegetation.

While the NOP states that the project site is not currently listed on the Cortese List (Government Code Section 65962.5), the presence of underground storage tanks and fuels tanks could meet the conditions of Government Code Section 65962.5(c)(1), which states "all underground storage tanks for which an unauthorized release report is filed." Further, the presence of these potentially hazards materials, stained soil and pavement and stressed vegetation could indicate potentially hazardous materials in the soil. The District requests that a Phase I ESA, and if needed a Phase II ESA, be prepared for the entire Master Plan area.

Further, the District wants to highlight that certain industrial uses may not be compatible with a school site next door. The District requests that the Master Plan limits the types of industrial uses allowed in this area to be conducive to adjacent school and residential uses (i.e. sensitive receptors), and the Draft EIR evaluates the most intensive use allowed in the light industrial land use designation to determine environmental impacts.

Project Phasing

School uses are sensitive receptors for air quality and noise. Figure 11, Phasing Plan, shows a construction staging area and Phase 6 development to be near the proposed school site. If the school site is developed and operational before the completion of the Vista Ranch Development and Master Plan area buildout, the District requests that the staging area be located as far away as possible from the school site to minimize safety hazards to students, teachers and staff and minimize noise and air pollution to maintain a healthy learning environment. Further, the District also requests that, to the extent feasible, construction equipment and operations are located away from the school site and implement the best available technology to minimize air and noise pollution during construction (such as, but not limited to, Tier 4 construction equipment [or better] and mufflers), avoid vehicle idling, and adhere to local noise ordinances. To the

extent feasible, construction vehicle trips should avoid passing the school site. Further, the District requests that a construction health risk assessment be prepared for all construction activities within 1,000 feet of an active school site.

The District requests that the proposed project provides, and that the Draft EIR for the proposed project analyzes, mass grading and utility extensions and connects to all "PAs" within the Master Plan area.

Developer Fees

In 1986, the California Legislature authorized school districts to levy school impact or developer fees on residential and commercial/industrial development for the purpose of funding the construction or reconstruction of school facilities. The basis of the school facilities legislation is the relationship between new development, and the impact on school districts to provide adequate school facilities for the student population new development generates. The authority for the District's assessment of developer fees is set forth in Education Code Section 17620, pursuant to Government Code Section 65995. Developer fee information is available at cusd.com/developer-fees. Payments must be made in the form of a check or cashier's check, payable to the "Clovis Unified School District." Payments may also be made online with an added service fee. Please be sure to include the address of the property in the notes section when submitting online payments.

We look forward to the opportunity to work closely with the City throughout the Master Plan and CEQA process and would welcome the opportunity to discuss these issues further.

Sincerely,

Denver Stairs
Assistant Superintendent, Facility Services
Clovis Unified School District

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

April 2, 2025

McKencie Perez
City of Clovis
Planning Division
1033 Fifth Street
Clovis, CA 93612

Project: Notice of Preparation for a Revised Draft Environmental Impact Report for the Vista Ranch Project

District CEQA Reference No: 20250254

Dear Ms. Perez:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation for a Revised Draft Environmental Impact Report (RDEIR) from the City of Clovis (City) for the Vista Ranch project. Per the NOP, the project is the expansion of the City's sphere of influence to include the approximately 952 acre project site with specific development which consists of a 507 acre Master Plan area and a 445 acre non-development area. The Master Plan area is expected to include up to 3,286 residential dwelling units, approximately 16 acres of commercial and mixed uses, a new elementary school, approximately 59 acres of parks, trails, and open space, as well as associated utilities and public infrastructure (Project). The Project is bounded to north by East Behymer Avenue, to the east by the Big Dry Creek Reservoir, to the south by East Shepherd and East Perrin Avenues, and to the west by North Fowler and North Sunnyside Avenues in Clovis, CA.

The District offers the following comments at this time regarding the Project:

1) Land Use Planning

Nearly all development projects within the San Joaquin Valley Air Basin, from the Vista Ranch Project to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban

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sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. The District recommends that the RDEIR incorporate strategies that reduce VMTs and require the cleanest available heavy duty trucks, vehicles, and off-road equipment, including zero and near-zero technologies. VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at:
https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf

In addition, the District recommends that the RDEIR incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper, to the extent feasible. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at:
https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf

2) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project are expected to exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:
https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

2a) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

2b) Operational Emissions

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf

2c) Project Trip Length for HHD Truck Travel

Since the Project includes commercial and mixed-use development, it is expected to generate HHD truck trips in the area. The City's environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the Project site. Based on the following factors: 1) the Project includes commercial developmentthat is expected to generate a HHD truck trips, and 2) HHD trucks generally travel further distances for delivery. The District recommends the environmental review include a discussion characterizing an appropriate trip length distance for HHD truck travel, and reflect such appropriate distance supported by project-specific factors.

2d) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

3) Health Risk Screening/Assessment

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):
A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:
Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here: https://ww2.valleyair.org/permitting/ceqa/.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources.

4) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambien Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: https://ww2.valleyair.org/permitting/ceqa/.

5) Voluntary Emission Reduction Agreement

Criteria pollutant emissions are expected to result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality.

When a project is expected to have a significant impact, the District recommends the RDEIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

6) Allowed Uses Not Requiring Project-Specific Discretionary Approval

In the event that the City determines that a project be approved as an allowed use not requiring a project-specific discretionary approval, the District recommends the RDEIR include language requiring such projects to prepare a technical assessment, in consultation with the District, to determine if additional analysis and/or mitigation is required.

7) Truck Routing

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Since the Project includes commercial and mixed-use development, it is expected to generate HHD truck trips in the area.

The District recommends the City evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

8) Cleanest Available Heavy-Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

Since the Project includes commercial and mixed-use development, it is expected to generate HHD truck trips in the area. Since the Project are expected the District significance thresholds, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions:

- *Recommended Measure*: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.

- *Recommended Measure*: All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

9) Reduce Idling of Heavy-Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project includes commercial and mixed-use development, there is potential for an increase in HHD truck trips in the area, the District recommends the RDEIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

10) Under-fired Charbroilers

The Project may have restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the RDEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: https://ww2.valleyair.org/grants/restaurant-charbroiler-technology-partnership/

11) Vegetative Barriers and Urban Greening

There are residential units located south and west of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

12) Clean Lawn and Garden Equipment in the Community

Since the Project consists of residential and commercial development, gas-powered lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/
and https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/.

13) On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

14) Electric Infrastructure

The District recommends that the City require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as Medium-Heavy Duty trucks and HHD trucks associated with a commercial project.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit https://ww2.valleyair.org/grants/charge-up for more information.

15) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

15a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

15b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile

and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application is to be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview

The AIA application form can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

15c) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at: https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

15d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: https://ww2.valleyair.org/compliance/demolition-renovation/

15e) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf

15f) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx

Information about District Regulation VIII can be found online at: https://ww2.valleyair.org/dustcontrol

15g) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at: https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/

15h) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

16) Future Projects / Land Use Agency Referral Documents

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf

17)District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Matt Crow by e-mail at Matt.Crow@valleyair.org or by phone at (559) 230-5931.

Sincerely,



For Mark Montelongo
Director of Policy and Government Affairs

Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 170.141
310. "BX", "BY_1"
550.30 "BX", "BY_1"

April 2, 2025

Ms. McKencie Perez, MPA, Senior Planner
City of Clovis, Planning Division
1033 Fifth Street
Clovis, CA 93612

Dear Ms. Perez,

Fresno Metropolitan Flood Control District Comments for Notice of Preparation of a Revised Environmental Impact Report for the Vista Ranch Project and Notice of Public Scoping Meeting Drainage Areas "BX" and "BY_1"

General Comments

This letter is in response to the City's request for comments regarding the Notice of Preparation of a Revised Environmental Impact Report for the Vista Ranch Project "Project Site". The Fresno Metropolitan Flood Control District (District) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area of the "Project Site". Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of the drainage system that will mitigate the impact of development.

The subject "Project Site" shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval. Instances when the proposed density is reduced and the Master Plan facilities have been constructed, the proposed development will be subject to the rate anticipated to be collected commensurate to the higher density. Should land use densities of existing areas be increased, the property would be subject to a reassessment of drainage fees based on the proposed increased land uses and may include the requirement of additional drainage fees to be paid to offset the increased land use. Each proposed development will be reviewed and assessed upon submittal to the District. Please contact the District for a final fee obligation prior to issuance of any construction permits. Any drainage fees previously paid on a property would be given a credit against any new fee responsibility.

5469 E. Olive Avenue • Fresno, CA 93727 • (559) 456-3292 • FAX (559) 456-3194
www.fresnofloodcontrol.org

Mitigation may be required should density be higher than what is Master Planned. In addition, downstream non-Master Plan facilities designed to serve the Project Site may be installed within the next twelve (12) months and changes to the design proposed to serve the Project Site may also require the need for mitigation. It is anticipated that a surcharge fee will be required to be paid to fund the non-Master Plan facilities.

The grading of any proposed development within the "Project Site", including public street areas, shall be consistent with the District Master Plan. Additionally, grading shall not have an adverse impact to major storm conveyance, and to the passage of storm water to the adjacent roadways and existing storm drainage pipelines and inlets. The "Project Site" shall provide the appropriate surface flowage easements or covenants for any portion of the development area that cannot convey storm water to the public right-of-way without crossing private property.

If there are to be storm water discharges from private facilities to the District's storm drainage system, they shall consist only of storm water runoff and shall be free of solids and debris. Landscape and/or area drains are not allowed to connect directly to the District's facilities.

The District will need to review and approve the final improvement plans for all development (i.e. grading, street improvement and storm drain facilities) within the boundaries of the "Project Site" to insure consistency with the approved Storm Drainage Master Plan.

The Storm Drainage Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The District may require the developer to construct certain storm drain facilities as described in the Storm Drain Master Plan. The cost of construction of the Storm Drainage Master Plan facilities excluding dedication of storm drainage easements is eligible for credit against the drainage fee of the drainage area served by the facilities. A development agreement shall be executed with the District to affect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Storm Drainage Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or the District.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are available. Contract the District's Environmental Department for further information regarding these policies related to industrial site requirements.

Specific Comments to the Vista Ranch Project

The "Master Plan Area" is currently located within the District's adopted Rural Drainage Area "BY_1" and Urban Drainage Area "BX", as shown on Exhibit No. 1.

The adopted "BY_1" Rural drainage system is designed to serve the existing land uses of open space, range/pasture and rural residential housing densities ranging from 0 to 0.7 dwelling unit/acre (du/ac). The existing rural planned drainage facilities do not have capacity to serve the proposed higher Mixed Use Village (MU-V) land use. All impacts to storm water runoff created by increasing densities within Drainage Area "BY_1" that effect the capacity of the existing Rural drainage system must be fully mitigated. Either revisions to the storm drainage pipeline facilities will be needed to provide sufficient conveyance to the District's basin or construction of some type of on-site permanent peak reducing facility matching the adopted Rural flow rates in order to eliminate any adverse impacts on the downstream drainage system. It is the District's intention to work with the developer to provide an acceptable drainage system to serve the proposed increased density. It is the intention of the developer to install a non-Master Planned storm drainage pipeline system to serve the majority of the Project Site extending from the Development Area to Basin "BY". Implementation of the mitigation measures may be deferred until the time of development.

The District has reviewed the land use changes proposed and located within the adopted "BX" Urban drainage system with regards to possible impacts on the planned and/or existing public drainage system. It has been determined that the proposed land use is slightly increasing from what was originally planned. Drainage Area "BX" has existing drainage facilities located downstream and some type of mitigation to accommodate the increased flow such as parallel pipes and/or on-site retention may be required.

The District requests that the grading Engineer contact the District as early as possible to review the proposed site grading for verification and acceptance of a mitigation design prior to preparing a grading plan within the "Master Plan Area".

The "Master Plan Area" within the "Project Site" shall not block the historical drainage patterns of existing properties located north, west, and east of the "Master Plan Area". More specifically, the District's drive entrance to the Big Dry Creek Reservoir located at the southeast corner of the "Project Site" along Shepherd Avenue must remain in place and shall not be relocated by the project without District's approval. The "Master Plan Area" shall verify to the satisfaction of the District that runoff from these areas has the ability to surface drain to adjacent streets.

The "Master Plan Area" must identify what streets will pass the major storm and provide calculations that show structures will have adequate flood protection. Based on historical drainage patterns some of the streets located within the "Master Plan Area" may need to be resized or reconfigured (including but not limited to streets that include traffic calming curbs) to pass larger event storms. District approval is not extended to street configuration. A drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors will be necessary.

Big Dry Reservoir and Dam are located northeast of the proposed development. The function of the earthen dam includes a seepage component at the downstream face and it may be unsuitable to designate development in this area. Several years ago, the District constructed a deeper toe drain to reduce downstream seepage from the dam. However, due to the extended drought and subsequent lack of impoundment of flood waters behind the dam, the District has not recorded sufficient data to analyze the effectiveness of the deeper toe drain. Therefore, the District recommends that the area adjacent to the dam face be kept clear of development and designated as open space. For Vista Ranch Development, the District recommends an Open Space-Corridor or park use within 250-feet from the toe of the Big Dry Creek Reservoir along the "Project Site". Wilson Homes provided a Geotechnical Engineering Report prepared by Krazan and Associates, Inc., dated August 2, 2024, to show that construction is feasible at 250-feet downstream of the toe. The District takes no exception to the recommendation of Krazan and Associates, Inc. The District recommends an Open Space-Corridor 500-feet from the toe of the Big Dry Creek Reservoir along the "Project Site" to Shepherd Avenue, unless the developer provides a Geotechnical Report that recommends that development closer than 500-feet is feasible. If development occurs within the

above mentioned buffer zones before the impact of the deeper toe drain is known, then said development shall be at the risk of the Developer. The buffer between the dam and the "Master Plan Area" is shown on Exhibit No. 1.

Big Dry Creek and Behymer Tributaries MID-1 and MID-4 are natural stream courses traversing the "Master Plan Area". Behymer Tributaries MID-2 and MID-3 are natural stream courses outside of the "Master Plan Area", but within the "Project Site". These stream courses are shown on the Storm Drainage and Flood Control Master Plan (see Exhibit No. 1). Should a developer choose to modify or relocate these channels, the developer must contact all agencies having an interest in these channels and comply with their regulations. These agencies may include State of California Fish and Wildlife, State of California Regional Water Quality Control Board (Section 401 of the Clean Water Act), and the U.S. Army Corps of Engineers (USACE) (Section 404 of the Clean Water Act). Furthermore, if a USACE Clean Water Act Section 404 permit application package is prepared, the District requests an opportunity to review the application prior to submittal.

These channels must be protected and preserved in their current location or an accepted relocation plan must be provided. The protection and preservation of these channels is necessary to convey upland surface runoff through the proposed "Master Plan Area" without adversely affecting other property owners and also to provide safe conveyance through the "Master Plan Area". The plans to retain or relocate a channel must be addressed in a drainage report prepared by the developer's engineer and submitted to the District for the project and include a study of any affect to the hydraulic performance of the channel.

If a developer proposes to relocate channels within the "Project Site", the developer must identify a plan that is acceptable to the District and perhaps state and federal agencies identified above. Wherever the developer proposes these channels, adequate easement width shall be dedicated to the District prior to approval of the Final Map. The easement shall be of sufficient width to accommodate the Master Plan flow rates and also provide adequate maintenance access. Development within easements is prohibited. Fences will not be permitted across the channel, unless approved by the District.

While the District accepts the channel easements for Behymer Tributaries MID-1, MID-3, and MID-4 to assure their protection, the maintenance of the channels will remain with the property owner. The easement dedication document will require reimbursement of costs should the District need to intervene in order to perform maintenance and/or otherwise preserve the channel. The District would prefer that the "Master Plan Area" establish a homeowner's association to maintain the channels, but if that is not feasible, each parcel owner along the channels will be burdened with the maintenance of the channel within their property and fences will not be permitted across the channel.

Some thought needs to be put into both private and public channel crossings. Preferably, channel crossings will be kept to a minimum and each crossing will require an encroachment agreement identifying the applicant as responsible for the long-term maintenance and potential removal of the encroachment.

As channel designs and construction will affect lot patterns and configurations, the District will review the work of the developer's engineer to determine easement limits at the time of dedication. The channel designs must be completed prior to tentative map approval to ensure the easement areas are known and adequate space is allotted for the channels. It is in the developer's interest to identify the channel designs as early as possible so that appropriate lot configurations are selected. The hydraulic study must reflect culverts where roads and driveways cross the channels. Easement areas must be adequate to convey the design flows.

Should the developer choose to improve the channels, the developer shall comply with the following requirements. The standard geometry for Big Dry Creek is a minimum 20-foot wide bottom and maximum 4:1 side slopes. Big Dry Creek must be designed and constructed to accommodate the flow rate of 150 cfs as identified in the Master Plan. The standard geometry for all Behymer Tributaries is a 6-foot wide bottom and 4:1 side slopes. These channels must be designed and constructed to accommodate the flow rate of 9 cfs for MID-1 prior to the confluence with MID-4, 16 cfs for MID-1 after the confluence with MID-4, 31 cfs for MID-1 downstream of Fowler Ave., 40 cfs for MID-1 downstream of Stanford Ave., and 1 cfs for MID-3. The channel design must include hydraulic modeling using the HEC-RAS computer program. Channel design and hydraulic study must also consider the attenuation currently provided by the developer's property and not reduce the attenuation or otherwise increase conveyance to downstream properties.

The District will accept the easement dedications for the channels following completion of construction, including any mitigation obligations, and acceptance under required permits. Any proposed landscaping within the channel easements shall require (i) review and approval by the District, and (ii) maintenance by the property owner.

Big Dry Creek is a natural stream with a man-made component known as the Big Dry Creek Reservoir Outlet Works Channel ("BDR Outlet Channel"). The BDR Outlet Channel is within the "Project Site" and shown on Exhibit No. 1. This man-made channel conveys controlled stormwater releases from Big Dry Creek Reservoir until it converges with the native stream course of Big Dry Creek near the southwest corner of the proposed development. The BDR Outlet Channel must be protected in its current location and alteration and/or relocation is prohibited. Maintenance of this channel is reserved for the District and the developer must provide adequate access for maintenance vehicles.

A portion of the proposed development is in a Federal Emergency Management Agency (FEMA) Zone "A" and "AH" flood zone areas requiring additional processing and consideration. The developer shall contact FEMA to obtain their requirements.

The City of Fresno, the District, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. The previous Storm Water Permit adopted on May 31, 2013 required the adoption of Stormwater Quality Management Program (SWQMP) that describes the Storm Water Permit implementation actions and Co-Permittee responsibilities. That SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next two years.

It is the District's understanding that the City will adopt a Program EIR for the proposed Vista Ranch Project and that the Program EIR may be used when considering approval of future discretionary actions. The Storm Water Permit requires that Co-Permittees update their CEQA process to incorporate procedures for considering potential stormwater quality impacts when preparing and reviewing CEQA documents. This requirement is found on Provision D.14 of the 2013 Storm Water Permit and in Section 7: Planning and Land Development Program – PLD 3 – Update CEQA Process. The District has created a guidance document that will meet this Storm Water Permit requirement entitled *Guidance for Addressing Stormwater Quality for CEQA Review*, which has been attached. In an effort to streamline future CEQA processing and maintain compliance with the Storm Water Permit, the District recommends that all future CEQA review within the City of Clovis utilize the attached guidance document Exhibit "A".

The District offers the following comments specific to the review of the Notice of Preparation of a Revised EIR Vista Ranch Project (the individual pages are included, and the section or sentence has been highlighted for your reference):

1. Page 23, Project Objectives: Add "and FMFCD" to fifth bullet point.

2. Page 24, Required Discretionary and Ministerial Approvals: Add bullet point for "FMFCD review, approval, of construction of storm drainage facilities and provision for FMFCD drainage service."

Thank you for the opportunity to comment. Please keep our office informed on the development of these plans. If you should have any questions or comments, please contact the District at (559) 456-3292.

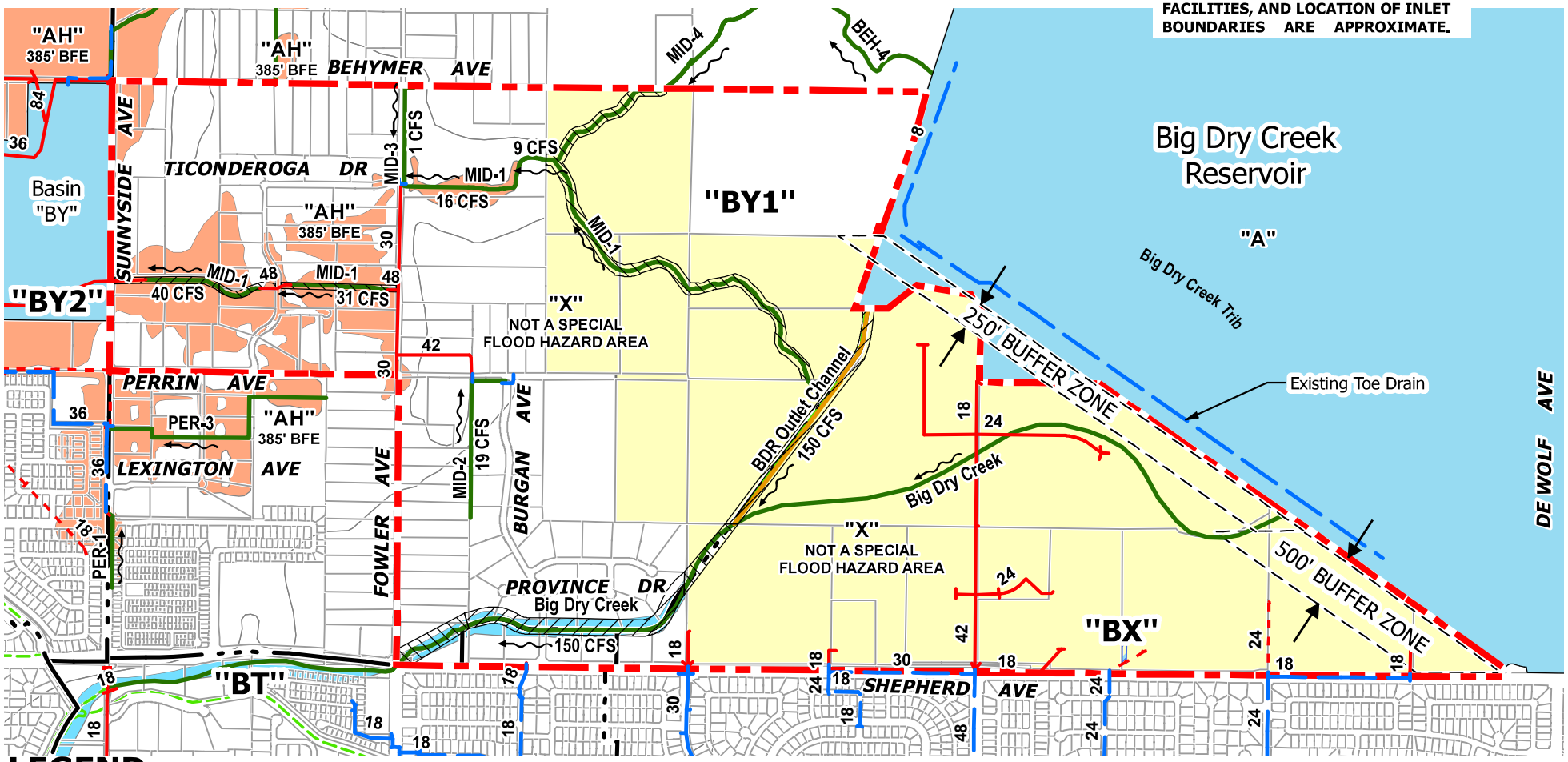
Sincerely,

Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachments

NOTE: THIS MAP IS SCHEMATIC. DISTANCES, AMOUNT OF CREDITABLE FACILITIES, AND LOCATION OF INLET BOUNDARIES ARE APPROXIMATE.



LEGEND

- Existing FMFCD Master Plan Facilities
- Future FMFCD Master Plan Facilities
- Drainage Area Boundary
- Existing Major Stream Course (FMFCD Master Plan Channel)
- Existing Major Stream Course (FMFCD Master Plan Channel)
- Existing FID Facilities
- FEMA Flood Zone "A"
- FEMA Flood Zone "AH"
- Project Site, 952 Acres
- Existing Rural Stream Easement
- Proposed Rural Stream Easement
- Master Plan Area, 507 Acres

1 " = 1400 '

VISTA RANCH PROJECT

DRAINAGE AREAS "BX" & "BY1"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: alexm
Date: 4/1/2025
Path: K:\Autocad\DWGS\0EXHIBIT\MISC\Vista Ranch Project_2.mxd

Fresno Metropolitan Flood Control District

Guidance for Addressing Stormwater Quality for CEQA Review

Stormwater Checklist for CEQA Review

a. Potential impact of project construction on stormwater runoff.

Stormwater runoff from construction activities can have a significant impact on water quality. To build on sites with over one acre of disturbed land, property owners must obtain coverage under the California Construction General Permit for Discharges of Stormwater (CGP). The CGP is issued by the State Water Resources Control Board (SWRCB). The CGP requires sites that do not qualify for an erosivity waiver to create a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is a site-specific plan that is designed to control the discharge of pollutants from the construction site to local storm drains and waterways.

b. Potential impact of project post-construction activity on stormwater runoff.

FMFCD operates the Regional Stormwater Mitigation System, which consists of facilities to handle stormwater runoff and non-stormwater discharges in the FMFCD service area. However, river discharging drainage areas and drainage areas without basin service are subject to FMFCD Policy: Providing for Compliance with Post-Development and Industrial Storm Water Pollution Control Requirements (Policy).

Development and redevelopment projects can result in discharge of pollutants to receiving waters. Pollutants of concern for a project site depend on the following factors:

- Project location;
- Land use and activities that have occurred on the project site in the past;
- Land use and activities that are likely to occur in the future; and
- Receiving water impairments.

As land use activities and site design practices evolve, particularly with increased incorporation of stormwater quality BMPs, characteristic stormwater runoff concentrations and pollutants of concern from various land use types are also likely to change.

Typical Pollutants of Concern and Sources for Post-Development Areas

Pollutant	Potential Sources
Sediment (total suspended solids and turbidity), trash and debris (gross solids and floatables)	Streets, landscaped areas, driveways, roads, construction activities, atmospheric deposition, soil erosion (channels and slopes)

Pesticides and herbicides	Residential lawns and gardens, roadsides, utility right-of-ways, commercial and industrial landscaped areas, soil wash-off
Organic materials/oxygen demanding substances	Residential laws and gardens, commercial landscaping, animal waste
Metals	Automobiles, bridges, atmospheric deposition, industrial areas, soil erosion, metal surfaces, combustion processes
Oil and grease, organics associated with petroleum	Roads, driveways, parking lots, vehicle maintenance areas, gas stations, illicit dumping to storm drains, automobile emissions, and fats, oils, and grease from restaurants
Bacteria and viruses	Lawns, roads, leaking sanitary sewer lines, sanitary sewer cross-connections, animal waste (domestic and wild), septic systems, homeless encampments, sediments/biofilms in storm drain system
Nutrients	Landscape fertilizers, atmospheric deposition, automobile exhaust, soil erosion, animal waste, detergents

Source: Adapted from USEPA, 1999 (Preliminary Data Summary of Urban Storm Water BMPs)

FMFCD's Post-Development Standards Technical Manual provides guidance for implementing stormwater quality Best Management Practices (BMPs) for drainage areas subject to the Policy, with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges. The Post-Development Standards Technical Manual addresses the following objectives and goals:

- Minimize impervious surfaces and directly connect impervious surfaces in areas of new development and redevelopment, and where feasible, to maximize on-site infiltration of stormwater runoff;
- Implement pollution prevention methods supplemented by pollutant source controls and treatment, and where practical, use strategies that control the sources of pollutants or constituents (i.e., where water initially meets the ground) to minimize the transport of runoff and pollutants offsite and into MS4s;
- Preserve, and where possible create or restore, areas that provide important water quality benefits, such as riparian corridors, wetlands, or buffer zones
- Limit disturbances of natural water bodies and natural drainage systems by development, including roads, highways, and bridges;
- Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss or establish guidance that protects areas from erosion and sediment loss;
- Implement source and structural controls as necessary and appropriate to protect downstream receiving water quality from increased pollutant loadings and flows (hydromodification concepts) from new development and significant redevelopment;

- Control the post-development peak stormwater runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion and to protect downstream habitat; and
- Consider integration of Low Impact Development (LID) principles into project design.

The Post-Development Standards Technical Manual describes the stormwater management requirements for Priority Projects, which are identified as meeting one or more of the following and discharge to the San Joaquin River or do not have basin service:

- Home subdivisions of 10 housing units or more;
- Commercial developments greater than 100,000 square feet;
- Automotive repair shops;
- Restaurants;
- Parking lots 5,000 square feet or greater with 25 or more parking spaces and potentially exposed to urban runoff;
- Streets and roads;
- Retail gasoline outlets (RGOs); and
- Significant redevelopment projects, which are developments that result in creation or addition of at least 5,000 square feet of impervious surface on an already developed site. Significant redevelopment includes, but is not limited to, expansion of a building footprint or addition or replacement of a structure, structural developing including an increase in gross floor area and/or exterior construction or remodeling, replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities related with structural or impervious surfaces. Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development and the existing development was not subject to Post-Construction Standards, only the proposed alteration must meet the requirements of the Post-Development Standards Technical Manual.

All Priority Projects must mitigate the Stormwater Quality Design Volume (SWQDV) or Stormwater Quality Design Flow (SWQDF) through LID- or treatment-based stormwater quality BMPs or a combination thereof.

For new development or significant redevelopment projects for restaurants with less than 5,000 square feet, the project applicant must meet all the requirements of the Post-Development Standards Technical Manual except for mitigating the SWQDV or SWQDF and implementing stormwater quality BMPs.

The Post-Development Standards Technical Manual can be found on FMFCD's website here:

http://www.fresnofloodcontrol.org/wp-content/uploads/2014/11/Post-Development-Standards-Technical-Manual.pdf

c. Potential for discharge of stormwater from areas from material storage, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.

Development projects may create potential impacts to stormwater from non-stormwater discharge from areas with material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work area.

Some materials, such as those containing heavy metals or toxic compounds, are of more concern than other materials. Toxic and hazardous materials must be prevented from coming in contact with stormwater runoff. Non-toxic or non-hazardous materials, such as debris and sediment, can also have significant impacts on receiving waters. Contact between non-toxic or non-hazardous materials and stormwater runoff should be limited, and such materials prevented from being discharged with stormwater runoff. To help mitigate these potential impacts, BMPs should be included to prevent discharges from leaving the property.

Refer to FMFCD Post-Development Standards Technical Manual for more information or go to http://water.epa.gov/polwaste/nps/urban.cfm.

d. Potential for discharge of stormwater to impact the beneficial uses of the receiving waters or areas that provide water quality benefits.

Identify receiving waters and describe activities that may impact the beneficial uses of the receiving waters or that project water quality benefits. Project that can impact beneficial uses or receiving waters may be mitigated by implementation of the FMFCD Post-Development Standards Technical Manual.

e. Potential for the discharge of stormwater to cause significant harm on the biological integrity of the water ways and water bodies.

Conservation of natural areas, soils, and vegetation helps to retain numerous functions of pre-development hydrology, including rainfall interception, infiltration, and evapotranspiration. Each project site possesses unique topographic, hydrologic, and vegetative features, some of which are more suitable for development than others. Sensitive areas, such as streams and their buffers, floodplains, wetlands, steep slopes, and highly-permeable soils, should be protected and/or restored. Slopes can be a major source of sediment and should be properly protected and stabilized. Locating development in less sensitive areas of a project site and conserving naturally vegetated areas can minimize environmental impacts from stormwater runoff.

The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Consider "aquatic and wetland habitat" as examples of sensitive habitat.

f. Potential for significant changes in the flow velocity or volume of stormwater runoff that can cause environmental harm.

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

g. Potential for significant increases in erosion of the project site or surrounding areas.

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

Project Objectives

The underlying purpose of the proposed project is to expand the City's SOI to include the project site, annexation, Master Planning, and subsequent development of land to accommodate growth, and the project objectives include:

- Expand the City's SOI in an area contemplated by the City General Plan to establish a logical and orderly boundary that promotes the efficient extension of municipal services to areas planned for growth.
- Undertake Master Planning as a long-range planning tool to guide development within areas designated for growth under the City of Clovis General Plan.
- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Clovis.
- Refine the mixture of housing types, sizes and densities that collectively provide for local and regional housing demand.
- Provide infrastructure that meets City standards and is integrated with existing and planned facilities and connections.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Develop a strong pedestrian network that links activities, recreational amenities, local commercial uses and neighborhoods together.
- Establish neighborhood designs that consider safety and security of citizens.
- Consider affordability and housing diversity by developing residential uses that are proximate to urban services and roadways and varied in size and density.
- Embrace the natural resources and views of the Sierra Nevada Mountain range.

Required Discretionary and Ministerial Approvals

Discretionary approvals and permits are required by the City for implementation of the proposed project. The proposed project would require the following discretionary approvals and actions, including:

- Certification of the EIR;
- Adoption of the Mitigation Monitoring and Reporting Program;
- Approval of City of Clovis General Plan Amendments (Land Use Element, Circulation Element and Open Space and Conservation Element);
- Approval of City of Clovis Pre-zoning;
- Approval of Master Plan Community Overlay District and Master Development Plan;

- Approval of Vesting Tentative Maps;
- Possible approval of Development Agreement;
- Approval of SOI Expansion;
- Authorization to submit SOI Amendment request to Fresno LAFCo;
- Approval of Annexation of the Master Plan, including Inhabited Areas;
- Authorization to submit Annexation request for the Master Plan to Fresno LAFCo;
- Approval of future Final Maps;
- Approval of future Grading Plans;
- City review, approval, of construction and utility plans;
- Approval of future Building Permits; and
- Allocation and provision of City of Clovis Sewer and Water service.

Subsequent ministerial actions would be required for the implementation of the proposed project including, but not limit FMFCD review, approval, of construction of storm drainage facilities and provision for FMFCD drainage service.

A number of other agencies in addition to the City of Clovis will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Revised Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- Fresno Local Agency Formation Commission (LAFCo)–SOI Amendment, Annexation, and Detachment from the Fresno County Fire Protection District and the County Service Area No. 51 (Dry Creek);
- Central Valley Regional Water Quality Control Board (CVRWQCB)–Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities pursuant to the Clean Water Act;
- San Joaquin Valley Air Pollution Control District (SJVAPCD)–Approval of construction-related air quality permits; and
- Fresno Metropolitan Flood Control District (FMFCD)–review of stormwater facilities, grading, and street improvements.
- Fresno County Department of Public Health–Permits for abandonment of wells and septic systems, underground storage tanks.
- California Department of Fish and Wildlife (CDFW)–Incidental Take Permit

City of FRESNO

Planning & Development Department

2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721-3604
(559) 621-8003

Jennifer K. Clark, AICP
Director

April 2, 2025

McKencie Perez, Deputy City Planner
City of Clovis – Planning Division
1033 Fifth Street
Clovis, CA 93612
mckenciep@clovisca.gov

Re: Notice of Preparation dated March 3, 2025 for the Revised Environmental Impact Report (EIR) for the proposed Vista Ranch Project

Dear Ms. Perez:

The City of Fresno appreciates the opportunity to review and comment on the Vista Ranch Project proposed by the City of Clovis.

The City of Fresno requests sufficient analysis in the EIR to determine if any project impacts will affect the City of Fresno. Resources analyzed under CEQA that are shared/or and regional and have the potential to affect adjacent jurisdictions include, Air Quality, Energy, Greenhouse Gas Emissions, Hydrology, Utilities, Transportation and Safety, Population and Housing and Traffic concerns.

Air Quality/Greenhouse Gas Emissions

It is requested that the City of Clovis include air quality and greenhouse gas emissions analysis that consider impacts to the City of Fresno.

Energy

Please provide analysis to show that the region has sufficient electrical energy generation capacity to serve the proposed project without reducing capacity for planned projects in the City of Fresno.

Hydrology

It is requested that the EIR provide sufficient analysis to show that water needed to support the project will not negatively impact water supply in the City of Fresno.

Utilities – Wastewater Treatment

Please provide sufficient analysis to show how the project affects capacity of the Fresno-Clovis Wastewater Treatment Plant, and any other wastewater-related impacts to the City of Fresno.

Transportation and Safety

The City of Clovis should provide sufficient analysis to show transportation impacts to the City of Fresno, including queuing impacts on State Routes 41 and 168, and evacuation plans.

Population and Housing

It is requested that the City of Clovis provide an analysis to show how the substantial population growth may affect the City of Fresno, including existing business and dwellings in Fresno (including unincorporated areas), as well as future businesses and dwellings.

Traffic Concerns

The City of Fresno experiences a high number of pedestrian and bicycle fatalities and serious injuries each year. This Project has the potential to increase traffic along already busy corridors in Fresno, impacting the operations and safety of pedestrian and bicycle travel.

Please include an analysis of how the project will potentially impact traffic operations and the safety of pedestrian and bicycle travel in addition to an analysis of the questions posed below:

- What is the projected increase in vehicular traffic on City of Fresno roadways attributed to this Project?
- What operational & safety impacts, such as queuing, would the Project create in the City of Fresno?
- What impact would the projected Project have on pedestrian and bicycle operations in the City of Fresno?

Attached, please find the City of Fresno, Department of Public Utilities, comments and recommendations regarding the above-referenced proposed project.

Please feel free to contact us if you wish to discuss this matter.

Sincerely,

Jennifer K. Clark, Director
Planning and Development
Jennifer.Clark@fresno.gov

Enclosure: Response from City of Fresno Department of Public Utilities dated 4/2/2025

City of FRESNO

Department of Public Utilities

Administration
1626 E Street
Fresno, California 93706
559-621-8600
www.fresno.gov

April 2, 2025

Sent Via Email Only

McKencie Perez, MPA
Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street
Clovis, CA 93612

SUBJECT: RESPONSE TO NOTICE OF PREPARATION OF A REVISED ENVIRONMENTAL IMPACT REPORT FOR THE VISTA RANCH PROJECT AND NOTICE OF PUBLIC SCOPING MEETING

Dear Mrs. Perez:

The City of Fresno, Department of Public Utilities, (DPU) is in receipt of the Notice of Preparation, dated March 3, 2025, for the Revised Environmental Impact Report (EIR) for the Vista Ranch Project (Project). The purpose of this response letter is to convey DPU's concerns that should be addressed by the EIR, particularly as they relate to water supply and sewer flow impacts on the City of Fresno.

Understanding of Project Basis

The Project is located directly north of the City of Clovis limit line, in unincorporated Fresno County (County). The Project site consists of approximately 952 acres bounded on the north by East Behymer Avenue, on the east by the Big Dry Creek Reservoir, on the south by East Shepherd and East Perrin Avenues, and on the west by North Fowler and North Sunnyside Avenues. The Project is outside the current Clovis Sphere of Influence (SOI) and proposes to expand the Clovis SOI to include the entirety of the Project site. The Project would then adopt a comprehensive Vista Ranch Master Plan to guide development within approximately 507 acres of the Project site, and then would implement the Vista Ranch Development, which would develop approximately 368 acres of the Master Plan Area with mixed uses over a build-out period of approximately 10 years.

As is pertains to public utilities, per the Notice of Preparation:

Infrastructure Improvements

Domestic Water

The Master Plan would be served by new connections to the [City of Clovis'] potable and non-potable water distribution system. The proposed water system would be located within proposed public utilities easements and connected to existing City main lines. All water system infrastructure would comply with [City of Clovis] Master Plans and standards.

The City of Clovis provides utility services to the City, including water. The City has three main water supply sources: groundwater, surface water, and recycled water. The City extracts groundwater from the Kings Subbasin. Surface water is delivered to the City by the Fresno Irrigation District (FID). The various current and planned for surface water supplies are from the Kings River and Central Valley Project. The City's Water Reuse Facility produces tertiary-treated effluent that can be used for agriculture or landscape irrigation.

The Master Plan would be served by a new potable water distribution system. Future phases of the proposed project would require new water supply infrastructure that would extend beyond the proposed project boundaries. The precise nature and size of these improvements have not yet been determined; however, it is anticipated that these extended water infrastructure improvements would be within existing rights-of-way or public utility easements along adjacent roadways and connected to existing City main lines. These future improvements would likely extend from the northern project boundary to the west along Behymer Avenue until approximately 770 feet west of Sunnyside Avenue, as well as along Perrin Road, extending west until approximately Burgan Avenue.

Sanitary Sewer

The Master Plan would be served by new connections to the City wastewater collection system installed within proposed public utilities easements. The proposed wastewater conveyance facilities would connect to the existing sewer main lines. Wastewater treatment would be provided at the existing Fresno-Clovis Regional Wastewater Treatment Plant (RWTP) in the City of Fresno and by the City Water Reuse Facility. By agreement with the City of Fresno, the City of Clovis owns a maximum capacity of 9.3 million gallons per day (mgd). The RWTP is operated by the City of Fresno, while subject to the equitable ownership interests of the City of Clovis, and has a maximum capacity of 80 mgd. If required, the City has the capability to acquire additional capacity at the RWTP. Wastewater treatment may also be provided by the City of Clovis Water Reuse Facility. The

Clovis Sewer Treatment–Water Reuse Facility (ST-WRF) serves the new growth areas of the Cityin the southeast, northwest, and the northeast urban centers.

The ST-WRF is designed to accommodate future expansion and would ultimately treat 8.4 mgd. The City would manage service to the project site to optimize the use of available capacity at each of the plants to facilitate service to the proposed project.

Recommendations for EIR

The City of Fresno strongly recommends that the EIR address the potential water and sewer related impacts to neighboring agencies, particularly with respect to the City of Fresno and other North Kings Groundwater Sustainability Agency (NKGSA) members.

The City of Fresno regularly reviews the Urban Water Management Plans and Annual Water Supply and Demand Assessments of neighboring agencies. The City of Fresno would like to highlight that City of Clovis water resource planning documents are limited to the current Clovis SOI. The "Adjusted Focus Area Boundary" shown in Exhibit 7 of the EIR extends far beyond the current SOI. As such, the EIR needs to address the following pertaining to water supplies:

- Spelling correction - the correct name for the treatment facility is the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF), not Plant. This should be updated in all references throughout the document.
- Misleading Statement about capacity acquisition; "If required, the City has the capability to acquire additional capacity at the RWTP" is misleading should be revised to reflect more accurate language, such as: "If required, the City of Clovis may have the capability to acquire additional capacity at the RWRF, although there have not been discussions to date with the City of Fresno regarding this option."
- The section describing the Clovis Sewer Treatment–Water Reuse Facility (ST-WRF) needs to include details about the current treatment capacity. This will allow for better understanding of whether the ST-WRF can handle the new proposed growth. A potential revision could be: "The Clovis Sewer Treatment–Water Reuse Facility (ST-WRF) serves new growth areas in the southeast, northwest, and northeast urban centers of the City of Clovis. Currently, the facility has a capacity to treat up to X MGD per day"
- What are the groundwater and surface water supplies identified to specifically serve the Project and not other parts of the City of Clovis or the Adjusted Focus Area?

- Has the City of Clovis acquired additional water supplies for the Project in perpetuity? If not, how does the City of Clovis intend to acquire future water supplies?
- What plans are in place for groundwater recharge or downstream replenishment to mitigate potential increased withdrawals as a result of the Project?
- How does the Project align with the objectives of SGMA and the North Kings Groundwater Sustainability Plan, and has the Project coordinated with the NKGSA regarding long-term groundwater pumping impacts?
- What contingency plans exist for maintaining water supply for the Project area during extreme drought conditions or climate change-induced water shortages?

Section 6.2.9.1.2 of the City of Clovis Urban Water Management Plan 2020 Update states:

> *The expansion at the existing SWTP [Surface Water Treatment Plant] and the construction of a second SWTP in the northeast portion of the [City of Clovis] will support the anticipated growth of the community and associated water demands.*

The current City of Clovis Surface Water Treatment Plant is located on Bullard and Leonard, approximately 4.5 miles southeast of the Project area. Considering current infrastructure and the plans stated in the Urban Water Management Plan:

- How will the City of Clovis manage the reliance on groundwater for the Project area until a new surface water treatment plant is built? What specific measures will be implemented to prevent over-extraction or depletion of groundwater resources during this period?
- Additionally, does the Project incorporate any recycled water systems to reduce the reliance of the potable water system? If so, how will the recycled water be used to maximize benefits to the groundwater aquifer and mitigate any possible negative water supply impacts?

Given the interconnected nature of regional groundwater basins and water systems, it is crucial to assess how any changes in water use, supply, or quality within the North Kings Subbasin could affect surrounding areas, including the City of Fresno, which relies on shared water resources. This assessment should include potential impacts on groundwater levels, water quality, and the availability of water for neighboring jurisdictions. A thorough analysis of potential impacts will ensure that the Project does not inadvertently undermine water security or environmental health in neighboring jurisdictions. Additionally, the Project should include an adaptative management plan/contingency plan that accounts for future uncertainties, such as climate change and shifting water demands, to maintain long-term resilience of the regional water systems.

Specific to sewer, the City of Fresno is aware of the terms of the Joint Powers Agreement between the City of Fresno and City of Clovis. However, the EIR should address the following related to sewer:

- What are the anticipated sewer flows generated by the Project, what portion of the flows are anticipated to be conveyed to the RWRF, and by which trunkline does the City of Clovis intend to convey the flows to the RWRF?
- How does the City of Clovis intend to convey flows generated by the Project and future development in the Adjusted Focus Area to ensure flows do not exceed the terms of the Joint Powers Agreement for capacity in specific trunklines or the Fresno-Clovis Regional Wastewater Treatment Facility?

Lastly, the EIR should consider the cumulative impacts of the Project on regional water resources and public utility systems. It is recommended that appropriate mitigation measures be identified and implemented to address any adverse impacts on shared water resources and public utilities.

Should you have any questions, feel free to contact Peter Maraccini by email at Peter.Maraccini@Fresno.gov or by telephone at (559) 621-1603.

Sincerely,

Brock D. Buche, PE, PLS
Director

c: Anthony White, MBA, Assistant Director
Paul Amico, PE, Assistant Director
Peter A. Maraccini, PE, PhD, PMP, Licensed Engineer Manager
Dejan Pavic, PE, Projects Administrator
Debbie Khounsavath, Planner

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

April 4, 2025

McKencie Perez, Deputy City Planner
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

SUBJECT: Notice of Preparation of Revised EIR– Vista Ranch Project

Dear Ms. Perez:

The County of Fresno appreciates the opportunity to review and comment on the subject project being reviewed by the City of Clovis. Staff's understanding is that the proposed project is proposing to expand the City of Clovis SOI to include approximately 952-acres for the adoption of the Vista Ranch Master Plan.

I am providing the following excerpts of comments provided by our County of Fresno divisions, particularly as it relates to the proposed Vista Ranch Project.

Transportation Division:

The Vista Ranch Project has the potential to impact the county's transportation network. It is essential to ensure that the project aligns with regional mobility goals, mitigates traffic congestion, and enhances connectivity between local and county roadways. Considerations should include roadway capacity, traffic flow, and multimodal transportation options to support anticipated growth. Additionally, coordination with county transportation agencies will be necessary to assess potential impacts on county-maintained infrastructure and identify opportunities for regional transportation enhancements. At this time, the Transportation Planning Unit requests to be included in the review process for any future transportation studies related to the Vista Ranch Project.

If you have any further questions regarding this matter, please contact Hector Luna at hluna@fresnocounty.gov

Road Maintenance and Operations:

Shepherd Avenue is a County maintained road, it is classified as an Arterial road with an existing prescriptive right-of-way of 110' required from Sunnyside Avenue centerline to a point a quarter mile east and 100' right-of-way required from Fowler Avenue centerline to a point a quarter mile west per the official plan line. Shepherd Avenue from Armstrong Avenue to a point 1980.44' west there is 53' right-of-way north of section line and from Fowler Avenue to a point 660.32' east there is 20' of right-of-way north of section line (south of section line from Fowler

Avenue to Temperance Avenue is annexed to the city of Clovis). Ultimate right-of-way is 106' per Fresno County General Plan.

Fowler Avenue is a County maintained road, it is classified as a Local road with an existing 50'-60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Behymer Avenue is a County maintained road classified as a Local road with an existing 60'-40' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Perrin Avenue is a County maintained road, it is classified as a Local road with an existing 60' total road right-of-way from Sunnyside Avenue to Stanford Avenue. Perrin Avenue east of Fowler Avenue has an existing right-of-way of 60'-40'. Perrin Avenue has an ultimate right-of-way of 60' per Fresno County General Plan.

Lexington Avenue is a County maintained road, it is classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Purdue Avenue is a County maintained road, it is classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Ticonderoga Avenue is a County maintained road classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Stanford Avenue is a County maintained road classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Solar Avenue is a County maintained road classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Sunnyside, Burgan, **Province**, **Cypress Avenues** are not a County maintained roads.

Road M&O Division has reviewed the subject Specific Plan and offers the following comments:

1. The County of Fresno Road Maintenance & Operation Division requests review of any transportation studies associated with future developments within the Vista Ranch Master Plan that will result in impacts to County roads.
2. As the City of Clovis annexes fragmented sections of the Vista Ranch Master Plan, the City should annex the full road right-of-way width fronting any future developments that are within or bordering the proposed Specific Plan to avoid any shared roads with the County of Fresno.
3. Traffic studies shall evaluate for consistency of right-of-way and classifications of surrounding County roads and the circulation between neighboring cities or communities.

Policy Planning:

According to the DEIR, there are three parcels within the anticipated city's SOI expansion area. A 33.06-acre parcel known as (APN 558-010-17S) is under contract number 6359 and a 7.4-acre parcel known as (APN 558-010-15) is under contract number 103, these two parcels will be included within the master plan development area and will be developed for urban uses. With respect to parcels known as APN 558-010-17S and 558-010-15, if the contracts were not protested at the time the contracts were executed, the city will assume the contracts unless LAFCo determines that the parcels can be removed from the contracts in compliance with the law. If the parcels are annexed and the city assumes the contracts, the city will be responsible for administering the contracts including removal of the subject parcels from the contract to allow the subject parcels to be developed for urban uses.

The contracted parcel known as APN 557-301-21 will be included within the city's proposed SOI area but according to the DEIR is not part of the master plan development area. If the city decides to assume the contract on this parcel, the parcel must be removed from the contract at the time the city decides to develop the subject parcel into urban uses. Alternatively, the city may collaborate with the landowners to file notices of nonrenewal on all contracted parcels earmarked for development within the approximately 952-acre area to allow the contracts to expire nine years after the filing of the notices of contract non-renewal. If the notices of nonrenewal are not filed, at the time of the development of the subject parcels, the subject parcels must be removed from the land conservation contract through the cancellation process and payment of the cancellation fees will be required before the subject parcels can be developed into urban uses.

The County of Fresno staff agrees with the list of Potential Environmental Impacts that are listed in the Notice of Preparation and will be addressed in the DEIR.

As stated in the NOP, the project site is designated as MRZ-3 which is a classification for areas containing aggregate deposits. The DIER should address the loss on the aggregate deposits due to the development of the 952 acres which will eliminate the availability of the aggregate deposits within the subject 952-acre development area.

If you have any questions, please email me at dnavarrette@fresnocountyca.gov or call me at (559) 600-9668.

Environmental Health

The DPH Environmental Health Division commented on this NOP to McKencie Perez Deputy City Planner when the project was originally routed, and our comments are still applicable.

If you have any questions regarding the information described in this letter, please contact me at arbrown@FresnoCountyCA.gov or (559) 600-4245.

Sincerely,
Arianna Brown, Planner, Development Services and Capital Projects Division
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County of Fresno
DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

April 4, 2025

McKencie Perez, Deputy City Planner
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

SUBJECT: Notice of Preparation of Revised EIR– Vista Ranch Project

Dear Ms. Perez:

The County of Fresno appreciates the opportunity to review and comment on the subject project being reviewed by the City of Clovis. Staff's understanding is that the proposed project is proposing to expand the City of Clovis SOI to include approximately 952-acres for the adoption of the Vista Ranch Master Plan.

I am providing the following excerpts of comments provided by our County of Fresno divisions, particularly as it relates to the proposed Vista Ranch Project.

Transportation Division:

The Vista Ranch Project has the potential to impact the county's transportation network. It is essential to ensure that the project aligns with regional mobility goals, mitigates traffic congestion, and enhances connectivity between local and county roadways. Considerations should include roadway capacity, traffic flow, and multimodal transportation options to support anticipated growth. Additionally, coordination with county transportation agencies will be necessary to assess potential impacts on county-maintained infrastructure and identify opportunities for regional transportation enhancements. At this time, the Transportation Planning Unit requests to be included in the review process for any future transportation studies related to the Vista Ranch Project.

If you have any further questions regarding this matter, please contact Hector Luna at hluna@fresnocounty.gov

Road Maintenance and Operations:

Shepherd Avenue is a County maintained road, it is classified as an Arterial road with an existing prescriptive right-of-way of 110' required from Sunnyside Avenue centerline to a point a quarter mile east and 100' right-of-way required from Fowler Avenue centerline to a point a quarter mile west per the official plan line. Shepherd Avenue from Armstrong Avenue to a point 1980.44' west there is 53' right-of-way north of section line and from Fowler Avenue to a point 660.32' east there is 20' of right-of-way north of section line (south of section line from Fowler

Avenue to Temperance Avenue is annexed to the city of Clovis). Ultimate right-of-way is 106' per Fresno County General Plan.

Fowler Avenue is a County maintained road, it is classified as a Local road with an existing 50'-60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Behymer Avenue is a County maintained road classified as a Local road with an existing 60'-40' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Perrin Avenue is a County maintained road, it is classified as a Local road with an existing 60' total road right-of-way from Sunnyside Avenue to Stanford Avenue. Perrin Avenue east of Fowler Avenue has an existing right-of-way of 60'-40'. Perrin Avenue has an ultimate right-of-way of 60' per Fresno County General Plan.

Lexington Avenue is a County maintained road, it is classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Purdue Avenue is a County maintained road, it is classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Ticonderoga Avenue is a County maintained road classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Stanford Avenue is a County maintained road classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Solar Avenue is a County maintained road classified as a Local road with an existing 60' total road right-of-way and an ultimate right-of-way of 60' per Fresno County General Plan.

Sunnyside, Burgan, **Province**, **Cypress Avenues** are not a County maintained roads.

Road M&O Division has reviewed the subject Specific Plan and offers the following comments:

1. The County of Fresno Road Maintenance & Operation Division requests review of any transportation studies associated with future developments within the Vista Ranch Master Plan that will result in impacts to County roads.
2. As the City of Clovis annexes fragmented sections of the Vista Ranch Master Plan, the City should annex the full road right-of-way width fronting any future developments that are within or bordering the proposed Specific Plan to avoid any shared roads with the County of Fresno.
3. Traffic studies shall evaluate for consistency of right-of-way and classifications of surrounding County roads and the circulation between neighboring cities or communities.

Policy Planning:

According to the DEIR, there are three parcels within the anticipated city's SOI expansion area. A 33.06-acre parcel known as (APN 558-010-17S) is under contract number 6359 and a 7.4-acre parcel known as (APN 558-010-15) is under contract number 103, these two parcels will be included within the master plan development area and will be developed for urban uses. With respect to parcels known as APN 558-010-17S and 558-010-15, if the contracts were not protested at the time the contracts were executed, the city will assume the contracts unless LAFCo determines that the parcels can be removed from the contracts in compliance with the law. If the parcels are annexed and the city assumes the contracts, the city will be responsible for administering the contracts including removal of the subject parcels from the contract to allow the subject parcels to be developed for urban uses.

The contracted parcel known as APN 557-301-21 will be included within the city's proposed SOI area but according to the DEIR is not part of the master plan development area. If the city decides to assume the contract on this parcel, the parcel must be removed from the contract at the time the city decides to develop the subject parcel into urban uses. Alternatively, the city may collaborate with the landowners to file notices of nonrenewal on all contracted parcels earmarked for development within the approximately 952-acre area to allow the contracts to expire nine years after the filing of the notices of contract non-renewal. If the notices of nonrenewal are not filed, at the time of the development of the subject parcels, the subject parcels must be removed from the land conservation contract through the cancellation process and payment of the cancellation fees will be required before the subject parcels can be developed into urban uses.

The County of Fresno staff agrees with the list of Potential Environmental Impacts that are listed in the Notice of Preparation and will be addressed in the DEIR.

As stated in the NOP, the project site is designated as MRZ-3 which is a classification for areas containing aggregate deposits. The DIER should address the loss on the aggregate deposits due to the development of the 952 acres which will eliminate the availability of the aggregate deposits within the subject 952-acre development area.

If you have any questions, please email me at dnavarrette@fresnocountyca.gov or call me at (559) 600-9668.

Environmental Health

The DPH Environmental Health Division commented on this NOP to McKencie Perez Deputy City Planner when the project was originally routed, and our comments are still applicable.

If you have any questions regarding the information described in this letter, please contact me at arbrown@FresnoCountyCA.gov or (559) 600-4245.

Sincerely,
Arianna Brown, Planner, Development Services and Capital Projects Division
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RMM

REMY | MOOSE | MANLEY LLP

Nathan George
ngeorge@rmmenvirolaw.com

March 13, 2025

City of Clovis
McKencie Perez, MPA
Senior Planner
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Re: Notice of Preparation of a Revised Environmental Impact Report for the Vista Ranch Project SCH # 2023100508

Dear Ms. Perez:

This letter is submitted on behalf of our clients the Shepard/Fowler Property Owners and contains comments on the Notice of Preparation (NOP) of a Revised Environmental Impact Report (EIR) for the Vista Ranch Project (Project) issued by the City of Clovis on March 3, 2025.

On behalf of the Shepard/Fowler Property Owners, we commend the City for deciding to revise and recirculate the draft EIR for the Project. As detailed more thoroughly in our comments on the previous draft EIR for the Project, submitted to the City on February 4, 2025, the previous draft EIR failed as an informational document because it did not adequately analyze and mitigate the potential significant environmental impacts of the Project. Our previous letter is attached hereto as Exhibit A.

Having reviewed the March 3, 2025, NOP, we offer the following comments on the scope of the Revised EIR. It is imperative that the Revised EIR fully analyze and, where feasible, mitigate the potential significant environmental impacts of the Project. To that end, we hereby incorporate our comments on the shortcomings of the prior draft EIR by reference (see Exhibit A) and respectfully request that the Revised EIR address the inadequate analyses and significant environmental impacts identified therein.

Please contact my office if you have any questions.

Very truly yours,

Nathan O. George

Enclosure

EXHIBIT A

RMM

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Nathan George
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February 4, 2025

City of Clovis
McKencie Perez, MPA
Senior Planner
1033 Fifth Street
Clovis, CA 93612
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Re: Vista Ranch Project
SCH # 2023100508

Dear Ms. Perez:

This letter is submitted on behalf of our clients the Shepard/Fowler Property Owners and contains comments on the draft Environmental Impact Report (EIR) for the Vista Ranch Project (Project).

The EIR fails to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) because it is fundamentally flawed and fails as an informational document in multiple aspects, including improper piecemealing and the failure to adequately analyze and mitigate the Project's impacts to transportation, aesthetics, including light and glare, air quality and associated human health effects, biological resources, greenhouse gas emissions, noise, groundwater, and cumulative impacts.

Fundamentally, the EIR fails to analyze the magnitude of the Project's alteration of the physical environment, including impacts of the massive change in the intensity of use on existing, low-density neighborhoods immediately adjacent to the Project. While the EIR acknowledges the existence of adjacent rural residential neighborhoods and open grazing lands, the impact analysis chapters largely ignore these neighborhoods in discussing the environmental setting and baseline, resulting in deficient analyses that fail to adequately consider impacts to these components of the existing environment. The EIR also fails to adopt all feasible mitigation measures available to reduce the project's impacts, particularly following assertions that impacts are significant and unavoidable.

To remedy the defects in the EIR, the City of Clovis (City) must undertake additional analyses of the Project's environmental effects including, potentially, analysis and recommendation of mitigation measures for significant impacts, which will require adding significant new information to the EIR and trigger the need to recirculate the EIR

for an additional round of public review and comments. Accordingly, City staff should revise and recirculate the EIR.

I. CEQA's General Requirements for EIRs

"The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.'" (*Laurel Heights Improvement Assn. v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 390 (*Laurel Heights I*).) "With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment. [Citations.]" (*Id.* at pp. 390-391; see Guidelines, § 15002, subd. (f).) The basic purpose of an EIR is to "provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code, § 21061; see Guidelines, § 15003, subds. (b)-(e).) "Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." (*Laurel Heights I*, at p. 392.) The EIR "protects not only the environment but also informed self-government." (*Ibid.*)

"CEQA serves 'to ensure that public agencies will consider the environmental consequences of discretionary projects they propose to carry out or approve.'" (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 689 (*WATER 2*).) "An EIR, as courts have often said, is ' "the heart of CEQA." ' [Citation.] It serves to '(1) inform the government and public about a proposed activity's potential environmental impacts; (2) identify ways to reduce, or avoid, those impacts; (3) require project changes through alternatives or mitigation measures when feasible; and (4) disclose the government's rationale for approving a project.' [Citation.] To fulfill these purposes, an 'EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (*Id.* at p. 690.)

"'Under CEQA, an agency must determine what, if any, effect on the environment a proposed project may have.' [Citation.] To that end, the EIR 'must identify and discuss 'all significant effects on the environment' of a proposed project.' [Citations.] The term '[s]ignificant effect on the environment' is defined as 'a substantial, or potentially substantial, adverse change in the environment.' [Citations.] Because a particular environmental effect can only be identified as significant after careful consideration, an EIR is required to discuss and analyze a possible impact of the project if there is a fair argument that it constitutes a significant effect on the environment." (*Yerba Buena Neighborhood Consortium, LLC v. Regents of University of California* (2023) 95 Cal.App.5th 779 [313 Cal.Rptr.3d 701, 719].) "'An agency must find a 'fair argument' if

there is any substantial evidence to support that conclusion, even if there is competing substantial evidence in the record that the project will not have a significant environmental effect.' [Citation.] And we review the agency decision 'de novo, with a preference for resolving doubts in favor of environmental review.'" (*Id.*)

II. The EIR fails to adequately analyze potentially significant impacts of the Project.

A. The EIR fails to adequately analyze and mitigate the Project's significant transportation impacts.

The EIR fails to consider how the Project's admittedly significant transportation impacts will affect public health and safety. CEQA requires EIRs to analyze any "health and safety problems caused by the physical changes" in the environment as a result of the Project. (Guidelines, section 15126.2, subd. (a); Guidelines Appendix G, section XVIII, subdivision (c) [requiring consideration of whether the Project will increase transportation hazards].) Additionally, EIRs must consider and address a project's significant impacts to driver, bicycle, and pedestrian safety. (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal. App.4th 362, 395; *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1151.) The DEIR fails to consider how the Project's significant transportation impacts may affect human health and safety, particularly pedestrian safety.

Roads and intersections in the neighborhoods surrounding the Project are already experiencing severe traffic safety hazards. In July 2024, a 25-year-old man was struck by a vehicle and killed at the intersection of Fowler Avenue and Perrin Road. (*Man hit and killed by vehicle in Fresno County* (August 9, 2024) ABC 30 Action News[1].) The following month in August 2024, a 16-year-old boy was killed after being struck by a vehicle while riding a bicycle at the same intersection. (Alavis, *Buchanan High student killed in a crash in Clovis* (August 10, 2024) Fresno Bee[2].) This stretch of Fowler Avenue is in a residential area and is a narrow road with no sidewalks or bike lanes. Recently, neighbors and families of the victims have petitioned to add a stop sign to the intersection, which, at last count, had over 2,200 signatures. (Families of crash victims call for change on Clovis roadways (December 10, 2024) ABC 30 Central Valley[3].)

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[1] <https://abc30.com/post/man-hit-killed-vehicle-fresno-county-identified/15166831/> [as of December 10, 2024]

[2] <https://www.fresnobee.com/news/local/article290936304.htmlle290936304.html> [as of December 10, 2024]

[3] <https://www.newsbreak.com/share/3709004989231-families-of-crash-victims-call-for-change-on-clovis-roadways?_f=app_share&pd=0J3yTLXU&lang=en_US&send_time=1733847799&trans_data=%7B%22platform%22%3A0%2C%22cv%22%3A%2224.49.2.1%22%2C%22lang

In addition to the significant safety hazards for pedestrians and bicyclists, current traffic conditions are dangerous for drivers. Neighbors to the Project area already experience these hazards simply attempting to pull into their own driveways. With excessive traffic on the small county roads like Fowler Avenue and Burgan Road, residents have difficulty turning into their homes safely. Residents on Shepard Avenue experience even heavier traffic driving at high speeds making it dangerous for them to slow and turn into their driveways. There are currently no solutions for these hazards, making it dangerous for current residents to enter and exit their homes on a daily basis.

Multiple community members have already raised serious concerns about the Project's increased traffic creating even more dangerous intersections and conditions for drivers and pedestrians. For example, Peter Hammar described his observations of an "ongoing traffic crisis" on Fowler and Behymer Avenues resulting in traffic jams, fatal accidents, and interference with emergency vehicle responses, that is only set to worsen with increased housing in the area. (Peter Hammar Comment Letter (Aug. 28, 2024).) Jarod Ramirez and Loretta Phemister described deteriorating traffic safety conditions and increased accidents at the Fowler Avenue and Perrin Road intersection. (Jaron Ramirez Comment Letter (Aug. 1, 2024); Loretta Phemister Comment Letter (Aug. 18, 2024).) In total, the City of Clovis has received at least twelve comment letters on the Vista Ranch Project describing concerns about traffic safety impacts from the Project. The EIR fails to address these concerns. These fact-based public comments regarding traffic conditions qualify as substantial evidence that the Project will likely have a significant impact by creating traffic hazards. (See *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1151.)

In addition to exacerbating the current traffic safety hazards by adding even more cars to narrow, rural roadways with no sidewalks or bike lanes, the Project will also destroy walking paths and trails that residents have utilized for years. Destroying the existing trials will likely result in hazards to pedestrians who may have to cross busy roads, like Shepard Avenue, to find alternative trails. This is particularly concerning because there is no crosswalk at the Burgan Avenue and Shepard Avenue intersection.

Not only must the EIR analyze the traffic safety impacts the Project will have on the nearby neighborhoods, the EIR must also analyze these traffic safety hazards' impacts on future residents of the Project. In *California Building Industry Association v. Bay Area Air Quality Management District* (*CBIA*), the court confirmed that while a project does not generally need to consider the impacts the project will have on its future residents under CEQA, the project must consider these impacts where the project risks

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exacerbating environmental hazards or conditions that already exist. (*CBIA* (2015) 62 Cal.4th 369, 392.) "When a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users." (*Id.* at p. 377.) Given the public outcry regarding the severely hazardous conditions in the area, which are amplified by recent fatal collisions in these areas surrounding the Project, an environmental hazard due to dangerous traffic conditions clearly already exists. Adding this project and 44,441 new vehicle trips per day from the Project will exacerbate the existing hazardous conditions. Since the environmental hazard would be exacerbated by the Project, the Project must analyze the Project's exacerbation of this hazard for future residents of the Project, as well as the impact on the existing environment, including surrounding neighborhoods.

As Caltrans has already requested, a safety analysis should be completed to review these potential impacts. (CDOT EIR comment letter (Aug. 30, 2024), p. 2.) Upon completion of the study, the EIR should be revised and recirculated to address the Project's potentially significant impacts to public health and safety.

The EIR should also consider mitigation measures to reduce impacts to health and safety caused by the Project's transportation impacts.[4] This should include improvements to county roads such as Fowler Avenue, Burgan Avenue, Behymer Avenue, and Perrin Avenue to include bike lanes and sidewalks to improve bicycle and pedestrian safety. This should also include traffic calming devices such as speed tables and raised crosswalks on Fowler Avenue and Burgan Avenue to reduce excessive speeds through rural neighborhoods. The EIR should also consider adding a turn lane for driveways off of Shepard Avenue as well as adding a crosswalk for pedestrian safety at Shepard Avenue and Burgan Avenue to provide existing residents access to sidewalks and walking trails. This road improvement mitigation should be implemented at the earliest possible time following project commencement as construction traffic and completion of early project stages will immediately exacerbate these traffic hazards.

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[4] The City prepared a "non-CEQA" traffic study which recommends several roadway improvements that would likely reduce the project's exacerbation of the existing traffic safety hazards. (https://www.dropbox.com/scl/fi/ciq59ssizwilv9eko0e02/TM-6438-11.0-Clovis_Vista_Ranch_TIA_20241209-with-Appendix.pdf?rlkey=ud4h0nohi0jy4nfwe0nxnqc8e&st=jcw6lc08&dl=0) The traffic study, however, does not include any mechanism to require or otherwise commit the Project to implementing these recommendations, or any enforceable schedule for doing so. (*Id.*, at pp. 103-115.) As such, the recommendations in the traffic study do not qualify as mitigation under CEQA. (See Guidelines, § 15126.4, subd. (a)(2).) The EIR must be revised to incorporate the recommendations from the traffic study as enforceable CEQA mitigation to address the Project's traffic and pedestrian safety impacts.

Additionally, as Caltrans also suggests, the EIR should consider reducing VMT and improving safety by implementing high-density affordable housing near Shepard Avenue. (CDOT DEIR comment letter (Aug. 30, 2024), p. 2; CDOT, SB 743: A Mitigation Playbook (June 2022) pp. 15-18 [establishing that increasing housing density and affordability can reduce VMT compared to market-rate housing.].) This would reduce the Project's overall VMT and divert traffic impacts towards Shepard Avenue rather than through the narrow, unimproved country roads and neighborhoods.

The EIR also states the proposed project will have significant and unavoidable transportation impacts based on the conclusion that the Project's vehicle miles traveled (VMT) will more than double the threshold of significance. (EIR, 3.13-16 through 3.13-19 [causing 188,900 vehicle miles traveled per day as a result of the proposed Project].) Despite this significant impact, the EIR only provided a limited consideration of transportation mitigation and determined the impact is significant and unavoidable. The transportation mitigation measures included in the EIR are illusory as they lack enforceable performance standards and impermissibly defer the formulation of mitigation. Additionally, the EIR fails to consider other feasible mitigation that could reduce traffic impacts.

The EIR should have provided specific details of its mitigation measures for the Project's significant VMT impacts, including the proposal for expanded transit. As discussed below in relation to the EIR's improper deferral of air quality mitigation, EIRs must provide specific details to mitigation unless the mitigation is properly deferred. (Guidelines, sec. 15126.4, subd. (a)(1)(B).) Proper deferral requires commitment to mitigation performance standards. The EIR states the Project will "[c]ontribute to implementation of expanded transit service in Clovis." (DEIR, 3.13-19.) "Contribute" is an ambiguous term and no additional details are offered to explain *how* the Project would contribute to expanding transit. (See *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1179 ["fair share" mitigation must be "based on a reasonable plan of actual mitigation that the relevant agency commits itself to implementing"].) Additionally, the DEIR states the expanded transit may "*potentially* includ[e] service to the Project area." (DEIR, 3.13-19, emphasis added.) Thus, it is possible that the unspecified "contribution" would not serve to reduce Project transportation impacts at all. The lack of specific performance standards or commitment renders Mitigation Measure 3.13-5 improper deferred mitigation.[5]

Additionally, the EIR fails to consider all feasible mitigation to reduce Project impacts. "Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement *all* mitigation measures *unless those measures are truly*

[5] This same critique applies to Mitigation Measures 3.13-1 through 3.13-4, which allude to potential VMT reductions from implementation of such measures, but do not commit to specific actions or set enforceable performance standards. Accordingly, the EIR impermissibly defers the formulation of all transportation mitigation measures.

infeasible." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524–525, emphasis added.) Thus, even if the Project does have significant and unavoidable impacts, all mitigation measures must be adopted to reduce the Project's impacts to the extent feasible. There are several additional mitigation measures that should have been considered to reduce traffic impacts. For example, the Project could have considered an electric bicycle sharing program or adoption of commuting programs. Additionally, as Caltrans recommends, the EIR could increase the Project's density and implement a VMT Mitigation impact fee. (CDOT EIR comment letter (Aug. 30, 2024), p. 2.) Increasing housing density and affordability can reduce VMT compared to market-rate housing. (CDOT, SB 743: A Mitigation Playbook (June 2022) pp. 15-18 https://www.dropbox.com/scl/fi/7g6tu5zieszagd61povjr/vmt-mitigation-playbook-07-2022.pdf?rlkey=d5kl14j46z3zzrh14dn2oedaz&st=c4an4hik&dl=0) These are mitigation measures that could reduce traffic impacts from the Project and thus should be considered by the EIR and implemented where feasible.

In sum, the EIR should accurately analyze and mitigate significant transportation impacts to reduce VMTs to the extent feasible and reduce health and safety hazards to the surrounding existing communities and future residents. The DEIR should be revised and recirculated to include this required analysis and mitigation of transportation impacts.

B. The EIR fails to adequately analyze the Project's aesthetic impacts, including impacts to light and glare.

"'Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.' [Citation.] The Guidelines state that an EIR must include a description of 'the physical environmental conditions in the vicinity of the project' which constitute the 'baseline physical conditions' for measuring environmental impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 657–658 (San Joaquin Raptor).) "If the description of the environmental setting ' "is inaccurate, incomplete or misleading, the EIR does not comply with CEQA. [Citation.] 'Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the [EIR] adequately investigated and discussed the environmental impacts of the development project.' " ' " (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 439-440.)

The EIR provides contradictory and inconsistent descriptions of the Project's baseline conditions, downplaying the proposed Project's actual light and glare impacts. The EIR acknowledges that the Project site consists of fallow and grazing land, rural residences, a small tree nursery, and offices for a business. (EIR, 3.1-7.) It also initially states the Project "is surrounded by single-family residential, rural residential, a few agricultural orchards, grazing land and open space land use," describing "minimal light

sources on and adjacent to the Project site." (EIR, 3.1-7.) Comparatively, when considering the impacts of the proposed Project, the EIR contradicts itself and describes the Project site as surrounded by "suburban community" and "developed land uses." (EIR, 3.1-17.) The EIR then concludes that the new light sources—including 500 acres of new streetlights, headlamps from 44,441 new vehicle trips per day, and new lighting from over 3000 residences, a school, and commercial facilities—would not cause a significant change in the light environment. (EIR, 3.1-19, 3.7-42.) The EIR misleads readers by describing the Project site as surrounded by suburban community, when in fact the Project area is surrounded by rural open space and rural residences in three out of four directions. The EIR must rectify these discrepancies and provide an accurate comparison of the Project light and glare impacts to the actual environmental baseline—an area with "minimal light sources."

Similarly, the EIR's conclusion that, because the Project would comply with the City's General Plan and Municipal Code, it "would not have a substantial adverse impact on scenic vistas, corridors, or resources *in the City of Clovis*" is completely unsupported. (EIR, p. 3.1-13, emphasis added.) First, the Project's destruction of the rural landscape would significantly impact visual resources, and the EIR's analysis of impacts cannot be artificially limited to the City limits, because the Project's aesthetic impacts will affect the Non-Development Area, which is not "in the City of Clovis." The EIR must be revised and recirculated after analyzing the Project's aesthetic impacts on the surrounding existing environment, including existing rural residences in the County of Fresno immediately adjacent to the Project site.

Second and more importantly, "[c]ompliance with a general plan in and of itself 'does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.' [Citation.] A project's effects can be significant even if 'they are not greater than those deemed acceptable in a general plan.'" (*Livable City*, *supra*, 5 Cal.App.5th at p. 301; *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1381 ["the fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting a threshold of significance under CEQA"].) The EIR's repeated claim that the Project's compliance with City of Clovis General Plan policies and standards (cf. EIR, pp. 3.1-13, 3.1-15) says nothing about the physical alteration of the environment that replacing 500 acres of rural landscape with over 3000 residences will cause. The EIR must be revised to analyze the Project's aesthetic impacts on the surrounding environment.

C. The EIR fails to adequately analyze and mitigate the Project's air quality impacts and associated human health effects.

1. The EIR fails to adequately consider and utilize feasible mitigation measures to reduce air quality impacts of Vista Ranch.

The EIR acknowledges that, unmitigated, the Project will have significant impacts to air quality. However, the EIR improperly determines that the Project's air quality

impacts would be significant and unavoidable. CEQA requires adoption of all feasible mitigation measures to reduce project environmental impacts. The EIR has failed to consider several feasible mitigation measures. Rather, after considering three minor mitigation measures, the EIR states, "[t]here are limited feasible ways to reduce the projects CO, NOX, or PM10 emissions, as these emissions are overwhelmingly produced by mobile vehicles, and the proposed Project has no feasible way of reducing such emissions at the project level" (EIR, 3.3-29.) This conclusion is false.

There are several additional feasible measures that could be implemented to mitigate the Project's air quality impacts. For example, the Project could commit to installing electric vehicle charging stations in every home with a garage, increasing transit accessibility, installing solar panels on all project facilities, installing all electric appliances, and planting shade trees. The EIR should also consider the feasibility of mitigation measures listed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and by the California Air Pollution Control Officers Association (CAPCOA) Handbook that would reduce air pollution from the Project. (SJVAPCD, Guide for Assessing and Mitigating Air Quality Impacts (March 19, 2015) Chapter 9, pp. 115-125; https://www.dropbox.com/scl/fi/w1n3lzr723jz7j9ggpl4w/FINAL-DRAFT-GAMAQI.pdf?rlkey=9ob4esnt5w76gtms76dj067l6&st=24s76l3i&dl=0; CAPCOA, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (August 2021) Chapter 3, pp. 27-367, https://www.dropbox.com/scl/fi/cifhshpir901uqye99cd7/Handbook-Public-Draft_2021-Aug-4888-6033-3565-v.1.pdf?rlkey=8ashljab86y0cmy26cyb9kfyz&st=5xrbqj9k&dl=0) While the EIR lists mitigation measures recommended by SJVAPCD, there is no actual commitment to implement any of these measures. Additionally, as the SJVAPCD suggested in their comment on the NOP and EIR, the Project could integrate vegetative barriers, create incentive programs for electric vehicle use, or implement a Voluntary Emission Reduction Agreement. (EIR, Appendix A, SJVAPCD NOP Comment Letter, pp. 5, 8-9; SJVAPCD, EIR Comment Letter (September 5, 2024) pp. 3-5.) Failing to consider these mitigation measures and others is contrary to the basic principles of CEQA.

Even if mitigation is ultimately insufficient to reduce the Project's impacts to less than significant, all feasible mitigation measures must be adopted. "Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible." (*Sierra Club v. County of Fresno, supra*, 6 Cal.5th at pp. 524–525.) It is an abuse of discretion for an agency to approve a project without the inclusion of a feasible mitigation measure. (*Id.* at 526.) The City must amend and recirculate the DEIR with proper consideration and adoption of all feasible mitigation measures and explanation of why any rejected mitigation measures are truly infeasible.

2. <u>The EIR improperly adopts mitigation measures that are uncertain, unenforceable and ineffective.</u>

The EIR states future development phases "shall be required to implement all relevant and feasible emission reduction measures to ensure that criteria pollutant emissions for the overall Vista Ranch Project are reduced or offset." (EIR, 3.3-35.) The EIR then lists several possible actions to select mitigation measures from. This is improper deferral of mitigation under CEQA. The Guidelines state,

> Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.

(Guidelines, sec. 15126.4, subd. (a)(1)(B).) Here, the EIR has deferred mitigation under Mitigation Measure 3.3-4, as it has not selected the specific mitigation that will be implemented to reduce air quality impacts. (EIR, 3.3-35.) But the EIR fails to state why it is infeasible or impractical for the mitigation to be selected at this time. Without this justification, deferred mitigation is not appropriate.

Even if deferred mitigation were acceptable, the deferred mitigation should comply with the Guidelines by committing to mitigation and providing performance standards. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 856.) No such commitment or performance standards are present in the Vista Ranch EIR. As the court stated in *King & Gardiner Farms, LLC v. County of Kern*, "[t]he terms 'increase' and 'reduce'—even though preceded by the mandatory term 'shall' and modified by the phrase 'to the extent feasible'—are not specific performance standards." (*Id.* at p. 858.) Similarly, the Vista Ranch DEIR stated future development stages "shall" adopt all feasible measures to "ensure" emissions are "reduced" or "offset." (EIR, 3.3-35.) The terms "reduced" and "offset" are uncertain and fail to provide a commitment or description of the actual efficacy of mitigation. The City must revise the EIR and include particular performance standards, along with means to ensure the standards will be achieved by such mitigation, even if it is infeasible at this point to select specific measures.

3. <u>The EIR fails as an informational document since it fails to adequately analyze and explain the adverse health effects of Vista Ranch's air quality impacts.</u>

The EIR fails as an informational document because it does not adequately describe how the Project's adverse impacts to air quality would affect human health.

CEQA requires the EIR to discuss the connection between the specific amount of Project pollutants and their related health effects. As the court states in *Sierra Club v. County of Fresno*, "[t]he EIR must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must adequately explain what the agency *does* know and why, given existing scientific constraints, it cannot translate potential health impacts further." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521 (*Friant Ranch*).)

Like the EIR in *Friant Ranch*, however, the Project's DEIR "generally outlines some of the unhealthy symptoms associated with exposure to various pollutants" but "does not give any sense of the nature and magnitude of the 'health and safety problems caused by the physical changes' resulting from the Project." (*Friant Ranch*, at p. 522; see EIR, pp. 3.3-30 through 3.3-35.) Instead, the EIR concludes the Project emissions will be significant and unavoidable and without explanation provides no analysis as to how the criteria pollutants that would be released from the Project would directly translate to potential adverse health impacts. As such, the EIR has failed as an informational document to inform the public of the potential health effects of the Project's air quality impacts. The EIR must be revised and recirculated with this required analysis, which must permit those who did not take part in preparation of the document to understand and meaningfully consider its conclusions. As requested by the SJVAPCD, the EIR should conduct a Prioritization and/or Health Risk Assessment to quantify and characterize the TACs associated with the Project and determine the potential impacts on surrounding receptors. (SJVAPCD, EIR Comment Letter (Sept. 5, 2024) pp. 2-4.)

D. The EIR fails to adequately analyze and mitigate Project impacts to biological resources.

The EIR's proposed mitigation for biological resources is insufficient to avoid a significant impact to special status species. The EIR acknowledges the Project will have significant impacts to existing habitat of the California Tiger Salamanders (CTS) present on the Project site. (EIR, 3.4-27.) This includes destruction of 350 acres of CTS habitat and interference with the species' migration between breeding habitat and uplands habitat. (EIR, 3.4-32 through 3.4-33.) Even with on-site mitigation measures, such as Mitigation Measure 3.4-3, there is still a likelihood of injury and mortality to CTS. (EIR, 3.4-31 through 3.4-32.)

The EIR seeks to mitigate these impacts with a conservation easement that includes existing CTS habitat. (EIR, 3.4-33 through 3.4-34.) This conservation easement would not create a new habitat for the special status species, rather it prevents the future conversion of another habitat area. As such, this would not offset the loss of habitat from the proposed Project since there is still an overall net loss of the species' habitat. The impact would still be significant despite the proposed conservation easement.

The Fifth District recently confirmed this concept in the context of agricultural conservation easements in *King & Gardiner Farms, LLC v. County of Kern* (2020) 45

Cal.App.5th 814, 875. There, the court stated, "[b]ecause the easement does not offset the loss of agricultural land (in whole or in part), the easement does not reduce a project's impact on agricultural land. The absence of any offset means a project's significant impact on agricultural land would remain significant after the implementation of the agricultural conservation easement." (*Ibid.*)

Just as there was no offset in *King & Gardiner Farms*, there is no offset to habitat loss from the Vista Ranch Project. According to the CEQA Guidelines, "[a] project has a significant effect on the environment if, among other things, it substantially reduces the habitat of a fish or wildlife species." (Guidelines, sec. 15065(a).) Here, the CTS habitat would be substantially reduced since there would be no additional CTS habitat created to offset the 350-acre loss from the Project. As such, the EIR improperly determines that the impacts to CTS habitat would be less than significant with mitigation.

Aside from the impacts to CTS, the EIR fails to provide a detailed study of the Non-Development Area and MPArea-2. (EIR, 3.4-1.) The EIR states these studies have not been completed because "less information is available for these areas and future development there has not been planned in detail." (*Ibid.*) The EIR states any development to these areas will require further environmental review at which point, a detailed study of the area will be completed. (EIR, 3.4-63.) However, as recommended by CDFW, the current EIR should include a detailed study of these other areas which are included in the Project. (CDFW EIR comment letter (Aug. 30, 2024), p. 3.) The inclusion of these areas into the Master Plan and Sphere of Influence has the effect of committing the City to future development on these sites. This is particularly true for MPArea-2 which is planned to include a school, commercial spaces, and housing. (EIR, Figure 2.0-9.)

To exclude the study of these areas denies decision makers and the public the information necessary to understand the whole Project's impacts. This defeats the basic purpose of an EIR to "provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code, § 21061; see Guidelines, § 15003, subds. (b)-(e).) Deferring environmental review of these areas would result in improper segmentation of the Project and would be in violation of CEQA. (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271, ["Environmental considerations may not be submerged by chopping a single CEQA project into smaller parts for piecemeal assessment. [Citation.] Rather, '*the whole of an action*' or the entire activity for which the approvals are being sought must be considered by the agency."] original italics.) Accordingly, the EIR must be amended with inclusion of a detailed study of the Non-Development Area and MPArea-2 to accurately report the extent of the Project's potential impact on biological resources *prior to* Project approval.

E. The EIR fails to adequately analyze Project GHG Impacts.

The EIR fails to comply with CEQA because it does not analyze or substantiate its assumption that the state's GHG emissions targets are appropriate for this specific project. The DEIR assumes that the State's Scoping Plan GHG reduction targets apply directly to this individual project to achieve consistency with applicable policy and regulation. This assumption is unsupported by the EIR and caselaw suggests new developments such as this project require greater GHG reduction targets for policy consistency. As the Supreme Court stated in *Center for Biological Diversity v. Department of Fish & Wildlife*, "[d]esigning new buildings and infrastructure for maximum energy efficiency and renewable energy use is likely to be easier, and is more likely to occur, than achieving the same savings by retrofitting of older structures and systems." (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 226.) Given that this project is a brand-new development and is more likely to feasibly integrate GHG reductions, the Project likely should have a greater GHG reduction target than the general statewide targets for reductions. Without a thorough analysis of the proper GHG reduction target for this particular project, the EIR fails as an informational document. (*Id.* at p. 227.) The EIR must be revised to include a proper analysis of the GHG reduction target and reevaluated to determine consistency with GHG policy and regulation.

Additionally, the EIR improperly assumes GHG emission reductions from compliance with future GHG regulations which is improper speculation under CEQA. (Guidelines, section 15064(d)(3) ["A change which is speculative or unlikely to occur is not reasonably foreseeable."].) Similarly, the EIR GHG analysis relies on off-site reduction credits under the SJVAPCD's rules for NOx and PM10, but fails to establish that those reductions are "real, permanent, quantifiable, verifiable, [and] enforceable," as required under *Golden Door Properties, LLC v. County of San Diego*. (*Supra* (2020) 50 Cal.App.5th 467, 506.) The EIR must be revised and recirculated to rely on adequate GHG analysis under CEQA.

F. The EIR fails as an informational document because it fails to adequately analyze the Project's impacts to groundwater recharge and water supply.

The EIR must consider the Project's impacts to wells near the Project site. "The lowering of the water level in such wells qualifies as a change in the environment for purposes of CEQA … a proper analysis of the project's environmental impacts includes the more specific impact of lower water levels in groundwater wells." (*V Lions Farming, LLC v. County of Kern* (2024) 100 Cal.App.5th 412, 437.) This includes project impacts that would reduce water levels in private wells adjacent to the Project site. (*Gray v. County of Madera*, (2008) 167 Cal.App.4th 1099, 1112.)

The EIR does not consider how private wells in the Project's vicinity would be impacted by the significant reduction in pervious surfaces for groundwater infiltration and recharge. The EIR admits that impervious surfaces reduce rainwater infiltration and groundwater recharge. (EIR 3.9-23.) While the EIR acknowledges 59 acres of the master plan area will be left as open space, (EIR, 3.9-23) there are still 448 acres that will be

subject to new impervious surfaces limiting groundwater recharge in the immediate vicinity. The EIR asserts hardpan in the vicinity reduces the likelihood of groundwater infiltration at the Project site's current state. (EIR, 3.9-23.) This conflicts with other statements in the EIR appendices that claim site soils appear to lack intact claypan or hardpan, which likely contribute to relatively rapid infiltration through most of the site. (EIR, Appendix D, PDF p. 530.) The EIR also states the groundwater level will not be significantly impacted because the water routed through the stormwater system eventually flows to the San Joaquin River which generally recharges the groundwater basin. (EIR, 3.9-23.) However, this fails to consider how the Project will impact groundwater levels in its immediate vicinity.

The EIR also failed to consider how additional groundwater pumping in the Project area would impact adjacent private wells. As the Fresno Irrigation District (FID) has raised, there "is concern[] that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area." (EIR, Appendix A, FID Comment Letter (Nov. 7, 2023), pp. 1-2.) As FID states, the EIR "must fully analyze the potential water demands of the development, the available water supplies, and the potential adverse impact of the increased water demand." (*Id.* at p. 2.) Currently, the EIR fails to do so.

The Kings Subbasin underlying the Project site is a high-priority basin that is considered critically over-drafted. (EIR, 3.9-6.) FID confirms the project area is experiencing continuing groundwater overdraft. (FID comment letter, pp. 1-2.) In 2020, Clovis pumped 12,105 acre-feet of groundwater, which accounted for nearly 50% of its water supply. (EIR, 3.14-10.) The estimated sustainable yield for groundwater pumping in the basin is 9,400 acre-feet per year. (EIR, 3.14-10.) While the city states it intends to increase reliance on surface water and recycled water, (EIR, 3.14-10) at this time, it is failing to meet the sustainable yield without adding the substantial amount of additional water users of this proposed project or other new projects in Clovis. There are also plans to bring six new wells into operation in the City of Clovis. (EIR, 3.14-10.) Increasing groundwater pumping in this area is likely to reduce groundwater levels in the project vicinity, potentially impacting private wells in the area. These impacts were not considered in the EIR.

Additionally, the EIR is not clear on how the City intends to increase its surface water supply. And although the EIR states much of the surface water increases will come from the Kings River by an agreement with Fresno Irrigation District (FID), FID's comment letter to the City regarding the Vista Ranch Project EIR asserts the "[P]roject is outside the FID boundary line and is not entitled to water from the Kings River" requiring that the Project find alternative sources of water. (FID, EIR Comment Letter, Aug. 8, 2024, at p. 1.) Given the lack of clarity in the EIR and this inconsistency with FID, there is great concern that the Project will require additional reliance on groundwater.

Given the likelihood of increased groundwater pumping in the area as well as the reduction of groundwater recharge in the Project area, the local impacts to the groundwater basin will likely be significant. As such, the EIR must consider how these impacts will affect private wells adjacent to the Project area.

G. The EIR fails to adequately analyze and mitigate the Project's noise impacts.

The regulatory setting in the EIR's noise analysis describes noise standards in the City's General Plan and ordinances. (EIR, p. 3.11-7 through 3.11-13.) The EIR, however, does not discuss the County's General Plan policies and ordinances governing noise. (*Id.* but see EIR p. 3.8-1 [analyzing hazards and hazardous materials impacts based, in part, on information from the Fresno County General Plan and Fresno County Zoning Ordinance].) Because the existing sensitive receptors surrounding the Project site are and would remain part of unincorporated Fresno County, the EIR should analyze noise impacts based on the County's noise policies and ordinances as well. (See *United Neighborhoods for Los Angeles v. City of Los Angeles* (2023) 93 Cal.App.5th 1074, 1096 (*UNLA*) ["No such deference is warranted, however, with respect to the City's determination of which policies apply to the Project. The principle that the City is uniquely positioned to weigh the priority of competing policies does not extend to the question of which policies are to be placed on the scales"].)[6]

Additionally, the EIR admits that Project construction will generate noise levels *exceeding* the standards in the City's General Plan for residential land use (see EIR, 3.11-9 [Table 3.11-6: Maximum Exterior Noise Standards, "allowable exterior noise level (15-Minute Leq)" 55 dba from 7 a.m. to 10 p.m.]), and that the existing homes in the non-development areas will be subject to construction noise levels up to 93 dBA. (EIR, 3.11-20 through 3.11-21.) While the EIR describes this as a short-term impact, construction will extend at least three years. (EIR, 3.3-27.) Rather than proposing and analyzing feasible means of reducing these significant noise impacts, the EIR points to a handful of largely meaningless "strategies" including a prohibition on equipment idling and the use of already installed vehicle mufflers, and concludes, without any analysis, that these measures will reduce noise to less than significant levels. (EIR, p. 3.11-21 [Mitigation Measure 3.11-4].) The EIR, however, contains no explanation, analysis, or substantial evidence to support this conclusion. (Cf. *id.*) The EIR must be revised to analyze whether this mitigation would actually reduce noise levels below the City's threshold or include additional feasible measures to do so. For example, temporary noise

[6] This same critique (the EIR's failure to analyze applicable Fresno County General Plan policies regarding impacts to existing homes that would remain in the unincorporated County) applies equally to other analyses in the EIR. For example, the EIR's analyses of agricultural resource impacts, transportation impacts, air quality impacts, and groundwater impacts, all fail to consider Fresno County policies and ordinances in analyzing impacts to Fresno County residents. (See *UNLA*, *supra*, 93 Cal.App.5th at p. 1096.)

barriers, combined with regular monitoring and reporting of construction noise levels are a few of the many feasible noise mitigation measures available for the City's consideration.

The EIR asserts no additional mitigation is required because construction noise is not a significant impact since daytime construction does not violate the city municipal code (EIR, 3.11-20.) This reasoning is flawed. Even if the construction noise is acceptable under the City's noise ordinances, CEQA's threshold of significance is not exclusively governed by such ordinances. A project's effects can be significant even if the impacts are in compliance with a general plan or local ordinance. (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301; *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1381.) A significant impact under CEQA may still exist "where it may be fairly argued that the project will generate significant environmental effects." (*City of Antioch v. City Council* (1986) 187 Cal. App.3d 1325, 1332.)

Here, the EIR proposes to increase daytime noise levels by more than 20 dB above the existing highest ambient noise levels. (EIR, 3.11-5, 3.11-20 [showing construction noise up to 93 dBA].) This is nearly 40 dB above the allowable exterior noise level in residential areas under the Clovis Municipal Code. (EIR, 3.11-9, see EIR, pp. 3.11-2 through 3.11-3 ["an increase of 10dB is generally perceived as a doubling in loudness. For example, a 70-dB sound is half as loud as an 80-dB sound, and twice as loud as a 60-dB sound."]; *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1381.) The EIR also indicates construction will be ongoing for over three years. (EIR, 3.3-27.) Even if this construction noise is technically in compliance with the municipal code, the impact on existing residents subjected to such extreme noise for over three years is significant. Accordingly, the EIR must consider the effects of such noise on the existing residents and adopt additional feasible mitigation measures to reduce such impacts.

H. The EIR fails to adequately analyze the Project's cumulative impacts

The cumulative impacts chapter of the EIR adopts the "projections" method for analyzing cumulative impacts, which requires the EIR to analyze the Project's individual contribution to impacts along with the development projections in local plans, including the City's General Plan. The purported analysis of cumulative impacts, however, simply repeats the previous analyses of the Project specific impacts and concludes that nothing would be different in the cumulative scenario. (See, e.g., EIR, pp. 4.0-3 through 4.0-7, 4.0-15 through 4.0-27.) This analysis is fundamentally flawed.

The purpose of a cumulative impact analysis is to require agencies to consider whether the impacts of individual projects, even if less-than-significant on their own, may nevertheless be cumulatively considerable when analyzed together with the impacts of past, present, and reasonably foreseeable future projects. "'The significance of a comprehensive cumulative impacts evaluation is stressed in CEQA.' [Citation.] Proper

cumulative impact analysis is vital 'because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.' [Citations.] '[C]onsideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment.'" (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214–1215.)

Here, the EIR does not actually consider the cumulative impacts of development projections in the General Plan together with the Project. Instead, the EIR concludes, because the induvial impacts of this Project are small (as discussed above, however, the EIR is flawed in claiming that many of the Project's impacts are less than significant) there is no need to go to the next step and measure the Project's impacts together with those of development projected in the General Plan. (See, e.g., EIR, pp. 4.0-3 through 4.0-7, 4.0-15 through 4.0-27.)

Notably, the EIR fails to adequately consider the likely cumulatively considerable impacts to groundwater recharge and water supply. The Kings Subbasin underlying the proposed Project site is currently a high-priority basin in critical overdraft. Despite the Project's impacts reducing groundwater recharge and increasing water supply demand, the EIR fails to consider how the Project in conjunction with other recent projects and new planned projects with the same and similar impacts, together will impact groundwater. The Project sits in North Clovis where several other extensive housing developments have been built or are planned for the near future. The extensive "hardening" from new impervious surfaces from each of the new projects will collectively have much greater impacts on groundwater recharge to the Kings Subbasin. The additional water supply required to support each of these new developments is also likely to result in additional groundwater pumping in the area exacerbating these impacts. The EIR does not consider any of the additional projects in the Project's surrounding area or future planned projects and how the subbasin will be affected cumulatively.

The EIR must be revised to complete all the required steps of a CEQA compliant cumulative impacts analysis and then recirculated for an additional round of public review.

III. The City has impermissibly segmented environmental analysis of a larger CEQA project.

The current Vista Ranch Project was earlier included in the original Shepard North Project proposal. (Clovis City Council Meeting, Agenda Packet (March 1, 2021) pp. 67-167.) However, the city improperly segmented the Project into two separate projects, likely to reduce the appearance of environmental impact severity. This was improper under CEQA. "CEQA forbids 'piecemeal' review of the significant environmental impacts of a project." (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1358.) "Environmental considerations may not be submerged by chopping a single CEQA project into smaller parts for piecemeal assessment. [Citation.] Rather, '*the whole of an action*' or the entire activity for which the approvals are being sought must be considered by the agency." (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 271, original italics.)

Accordingly, the EIR must be revised to analyze the whole Project or explain why the two segments may properly be analyzed separately. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1226 ["The relationship between the particular act and the remainder of the project is sufficiently close when the proposed physical act is among the 'various steps which taken together obtain an objective.'"].) Regardless, given the level of detail known by the City about the Shepard North Project, this EIR must thoroughly analyze the cumulative impacts of the two projects together. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723 ["The primary determination is whether it was reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately."])

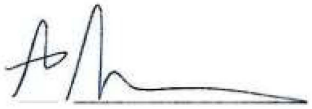
IV. Conclusion

As discussed above, the EIR is fundamentally flawed in multiple respects and fails as an informational document. In order to comply with CEQA, the EIR must be revised to include significant new information and then recirculated to ensure adequate public participation and informed government. The City must ensure that it complies with CEQA before the City certifies it as such. In its current state, certification of the EIR would be a prejudicial abuse of discretion under CEQA.

On behalf of the Fowler/Shepard Homeowners, we ask that the City consider these comments and revise and recirculate the EIR to bring it into compliance with CEQA.

Please contact my office if you have any questions.

Very truly yours,



Nathan O. George

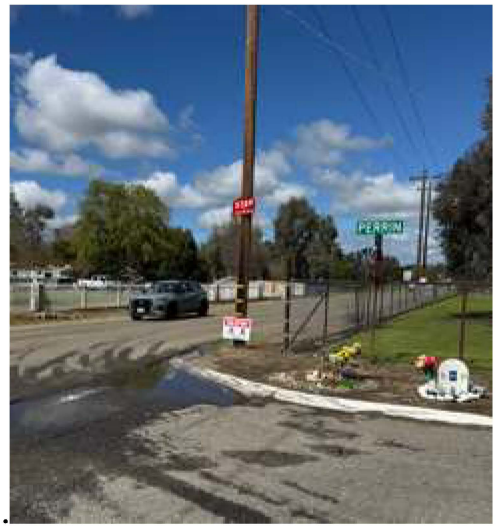
From: Kati Thomson <kati.thomson@gmail.com>
Sent: Tuesday, March 18, 2025 5:14 PM
To: McKencie Perez
Subject: [External] Vista Ranch Public comments

Dear Sirs,

I write to you today, in addition to correspondence from our attorney, Nathan George of Remy, Moose and Manley. I speak representing 25 Property Owners in and around Shenandoah Farms.

We understand that the City of Clovis is mandated to grow and provide additional housing to provide relief to the housing shortage. We also are aware of your Department's stated principles of planning orderly growth which we wholeheartedly support in theory. We to ask you to live up to those principles.

Every day a huge volume of west-going traffic backs up on the corner of Shepherd and Fowler. As a result, Clovis students and commuters stream from Harland Ranch and other developments South of Shepherd through our narrow neighborhood streets of Burgan and Perrin Avenues. Hundreds of cars fly through Shenandoah Farms at a high rate of speed that we have been unable to suppress. We have NOT RECEIVED any support or remedy from City or County enforcement agencies. We had to relinquish a school bus stop because of safety concerns for our children line up for the bus on Burgan. And to prove the point, there were two separate fatalities of young people at Perrin and Fowler last summer



The County roads and infrastructure cannot support this development as it is planned and your own Traffic Study from last September backs that up.

We respectfully request that you reconsider your stated goal to confine Ingress/Egress to the half-mile grid. While it looks lovely on paper, it will force volumes of traffic onto the Perrin/Fowler intersection which cannot be adequately improved due to existing Right of Way restrictions. **This significantly will impact our safety and quality of life as well as that of the thousands of drivers, cyclists and pedestrians you envision moving to this planned community.**

In discussions with Wilson Development, we requested re-working their traffic map to create an ingress-egress point North of Perrin (please see the provided map for reference) but we were told that the City would not support this idea because its not on the half-mile grid. This is an example of elegant theory running straight into ugly reality. If the developer is able to create a reasonable, safe, new Ingress/Egress point North of Perrin, there would be far fewer traffic and safety impacts on the Shepherd/Fowler/Burgan/Perrin Neighborhood and several of your problems would be solved.

We've seen what happened to our neighbors at Shepherd and Sunnyside when they didn't speak up ahead of the Heritage Ranch development. Inadequate consideration at this step in the planning process rendered their properties uninhabitable. They were forced to file a CEQA lawsuit to get relief. We're not willing to let you steamroll ahead without reminding you that you CAN avoid these problems by not passing the buck onto the County of Fresno. In the meantime we have retained Counsel with Remy, Moose and Manley and we will respond at every step.

Respectfully, Kati Thomson and the Shepherd/Fowler Property Owners

Sent from my iPhone

From: Daniel Bond <dan@gatewayeng.com>
Sent: Tuesday, March 18, 2025 5:24 PM
To: McKencie Perez
Subject: [External] Vista Ranch Commentary

Hi McKenzie:

The Statement below represents the sentiment of the Shenandoah Ranch residents with regards to the traffic study.

Having read the results and recommendations of the traffic study, a common theme is apparent. For example, the intersection of Fowler and Behymer, where two local youth were killed by a motor vehicle, the summary statement reads “The recommended improvements would improve the AM peak hour LOS (Level of Service)) from F to D but the PM peak hour LOS would remain at F, Which would still be deficient. “ The text continues with the common theme: “No feasible additional improvements were identified within the available street right-of-way.” Fowler Avenue is a death trap, a narrow two-lane roadway with power poles immediately adjacent to the edge of pavement. This development proposes well over 2000 new homes that will add to already overburdened infrastructure, pushing more urban traffic through substandard rural roads that the traffic study states “no feasible improvements were identified within the available right-of-way.” Well no kidding … the City of Clovis allowed Harlan Ranch to be built, served by Clovis North High School and the college, backing up traffic for miles on Shepherd Avenue, Fowler Avenue, and Behymer Avenue that are essentially two lane country roads. Now it’s being proposed to double down on bad Planning and force another 2000+ homes to traverse those same unsafe roads that have no feasible improvements identified. The City of Clovis needs to start planning with the safety of its citizens in mind and approve development in a logical path … Heritage Grove will ultimately build the improvements needed to fix the current inadequacies of your infrastructure. The City and the safety of it’s citizens are not ready for Vista Ranch. Let them build when improvements that are critical to safety can be identified and funded … no more people need to die at the hands of urban sprawl.

McKencie Perez

From: Meredith Stevenson <mstevenson@biologicaldiversity.org>
Sent: Wednesday, April 2, 2025 10:19 AM
To: McKencie Perez
Subject: [External] Comment Letter on NOP for Vista Ranch
Attachments: 2025-4-2 Vista Ranch NOP.pdf; Exhibit A 2024-9-3 Vista Ranch DEIR comments.pdf

Good morning,

Attached please find a letter from the Center for Biological Diversity regarding the NOP for the Vista Ranch Project. The references are available here. Please confirm that you received the letter and were able to download the references.

Thank you,

Meredith Stevenson
Staff Attorney
Center for Biological Diversity
574-309-5620
mstevenson@biologicaldiversity.org

CENTER for BIOLOGICAL DIVERSITY Because life is good.

April 2, 2025

Sent via email

McKencie Perez, MPA
Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street
Clovis, CA 93612
mckenciep@cityofclovis.com

Re: Comments on Notice of Preparation of an Environmental Impact Report for the Vista Ranch Project (SCH 2023100508)

Dear Ms. Perez,

These comments are submitted on behalf of the Center for Biological Diversity (Center) regarding the Notice of Preparation (NOP) of a Revised Draft Environmental Impact Report (RDEIR) for the Vista Ranch Project. The Center has reviewed the NOP and provides these comments for consideration by the City of Clovis (City) as the City prepares the RDEIR.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Fresno County.

The Center has provided extensive comments on a previous iteration of this project (Exhibit A). The NOP notes that "The City will incorporate NOP comments received during the above-noticed public review period but will not respond to comments on the prior Draft EIR it replaces." However, the Center's prior comments provide relevant information regarding the Project's potential impacts, which the City must consider in its RDEIR.

I. The RDEIR must thoroughly disclose, analyze, and mitigate the Project's anticipated greenhouse gas emissions.

The California Environmental Quality Act (CEQA) requires an EIR to provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, to list ways in which the significant effects of a project might be minimized, and to indicate alternatives to the project. (Pub. Res. Code § 21061.) In particular,

CEQA requires a lead agency to mitigate to the extent feasible significant impacts, including a significant cumulative climate change impact. (CEQA Guidelines § 15064.4.)

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and climate change threats are becoming increasingly dangerous. In a 2018 *Special Report on Global Warming of1.5°C* from the Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change describes the devastating harms that would occur at 2°C warming, highlighting the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth. The report provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoid the most devastating climate change harms (IPCC, 2018).

The impacts of climate change will be felt by humans and wildlife. In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability. In light of inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. (Health & Saf. Code § 38550; *see also* Executive Order B-30-15 (2015); Executive Order S-3-05 (2005); Executive Order B-55-18 (2018).) The Legislature has also passed S.B. 100 which requires renewables to account for 60 percent of electricity sales in 2030. Enforcement and compliance with these state-level actions are essential to help stabilize the climate and avoid catastrophic impacts to our environment. However, regional and municipal agencies also have a vital role in reducing our GHG emissions and fighting the climate crisis. Fundamental changes and hard choices in land use planning for the future by local land use agencies will be necessary to fully address and meet the state GHG emissions reduction goals.

Therefore, if the City concludes the Project will have significant GHG impacts, the Center urges the adoption of mitigation measures to reduce GHG emissions to net zero, with a priority given to direct emission reduction measures and on-site mitigation measures, including conserving carbon-storing and carbon-sequestering diverse habitats (Yap et al., 2023). Carbon calculations should include lost carbon storage and sequestering potential of diverse habitats, including grasslands, shrublands, and riparian areas, in addition to trees. If offsets are used as GHG mitigation, they should only be used when all direct emission reduction measures and on-site mitigation options are exhausted. Any offsets should be tied to local projects and allow for local direct investments that help the surrounding community through the creation of local jobs, reduction in nearby air pollution, and improve impacted infrastructure.

In a 2022 report, the California Air Resources Board concluded that California is currently not on track to meet its greenhouse gas reduction targets, primarily due to GHG emissions from the transportation sector (CARB, 2022). Projects such as the one proposed in the NOP have the potential to widen the gap between where California needs to be to tackle the climate crisis and where it is headed. Therefore, the Center urges the City to take a hard and thorough look at the Project's anticipated GHG emissions, as well as associated air quality, traffic, and transportation impacts, when preparing the RDEIR.

II. The RDEIR must disclose, analyze, and mitigate impacts to wildlife movement and habitat connectivity.

The California Department of Fish and Wildlife (CDFW) identifies the Project area as "ACE Rank 3": "Connections with implementation flexibility" (see Exhibit 1), which are defined as "areas that have been identified as having connectivity importance, but have not been identified as channelized areas, species corridors, or habitat linkages at this time. This may change with future changes in surrounding land use or regional specific information" (CDFW, 2019). Importantly, CDFW also defines the area as having the highest ecoregion biodiversity ranking (see Exhibit 1), which makes wildlife movement and habitat connectivity critical to protect the area's existing biodiversity. The RDEIR must adequately assess and mitigate the Project's impacts to local, regional, and global wildlife movement and habitat connectivity.

Roads and development like that proposed by the Project create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect animal behavior, movement patterns, reproductive success, and physiological states, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Brehme et al., 2013; Ceia-Hasse et al., 2018; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Trombulak & Frissell, 2000; van der Ree et al., 2011). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al., 2014; Riley et al., 2014; Vickers et al., 2015), increase local extinction risk in amphibians and reptiles (Brehme et al., 2018, p. 20; Cushman, 2006), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al., 2010; Kantola et al., 2019; Loss et al., 2014), and alter pollinator behavior and degrade habitats (Aguilar et al., 2008; Goverde et al., 2002). Habitat fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al., 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al., 2019). In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009; Krosby et al., 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems.

Edge effects of development in and adjacent to open space will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Crooks, 2002; Delaney et al., 2010; Lee et al., 2012; Riley et al., 2006; Smith et al., 2015, 2017; Wang et al., 2017), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Benítez-López et al., 2010; Cushman, 2006; Kociolek et al., 2011; Slabbekoorn & Ripmeester, 2008). Development that limits movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. Negative edge effects from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, have been found to be biologically significant up to 300 meters

(~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003).

It is important that the RDEIR consider corridor redundancy (*i.e.* the availability of alternative pathways for movement) because it allows for improved functional connectivity and resilience. Compared to a single pathway, multiple connections between habitat patches increase the probability of movement across landscapes by a wider variety of species, and they provide more habitat for low-mobility species while still allowing for their dispersal (McRae et al., 2012; Olson & Burnett, 2013; Pinto & Keitt, 2008). In addition, corridor redundancy provides resilience to uncertainty, impacts of climate change, and extreme events, like flooding or wildfires, by providing alternate escape routes or refugia for animals seeking safety (Cushman et al., 2013; McRae et al., 2008, 2012; Olson & Burnett, 2013; Pinto & Keitt, 2008).

Corridor redundancy is critical when considering the impacts of climate change on wildlife movement and habitat connectivity. Climate change is increasing stress on species and ecosystems, causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes, and increasing species extinction risk (Warren et al., 2011). A 2016 analysis found that climate-related local extinctions are already widespread and have occurred in hundreds of species, including almost half of the 976 species surveyed (Wiens, 2016). A separate study estimated that nearly half of terrestrial non-flying threatened mammals and nearly one-quarter of threatened birds may have already been negatively impacted by climate change in at least part of their distribution (Pacifici et al., 2017). A 2016 meta-analysis reported that climate change is already impacting 82 percent of key ecological processes that form the foundation of healthy ecosystems and on which humans depend for basic needs (Scheffers et al., 2016). Genes are changing, species' physiology and physical features such as body size are changing, species are moving to try to keep pace with suitable climate space, species are shifting their timing of breeding and migration, and entire ecosystems are under stress (Cahill et al., 2012; Chen et al., 2011; Maclean & Wilson, 2011; Parmesan, 2006; Parmesan & Yohe, 2003; Root et al., 2003; Warren et al., 2011).

When assessing impacts to wildlife movement and habitat connectivity, the City must analyze the Project's potential impacts to riparian corridors. Riparian ecosystems have long been recognized as biodiversity hotspots performing important ecological functions in a transition zone between freshwater systems and upland habitats. Many species that rely on these aquatic habitats also rely on the adjacent upland habitats (*e.g.*, riparian areas along streams, and grassland habitat adjacent to wetlands). And many species, including mountain lions and bobcats, often use riparian areas and natural ridgelines as migration corridors or foraging habitat (Dickson et al., 2005; Hilty & Merenlender, 2004; Jennings & Lewison, 2013; Jennings & Zeller, 2017). Additionally, fish rely on healthy upland areas to influence suitable spawning habitat (Lohse et al., 2008), and agricultural encroachment on these habitats and over-aggressive removal of riparian areas have been identified as a major driver of declines in freshwater and anadromous fish (Lohse et al., 2008; Moyle et al., 2011; Stillwater Sciences, 2002). Therefore, buffers that allow for connectivity between the aquatic resource and upland habitat is vital for many species to persist.

It is estimated that 90-95% of historic riparian habitat in the state has been lost (Bowler, 1989; Griggs, 2009). Using 2002 land cover data from CalFire, the Riparian Habitat Joint Venture estimated that riparian vegetation makes up less than 0.5% of California's total land area at about 360,000 acres (Riparian Habitat Joint Venture, 2004). This is alarming because riparian habitats perform a number of biological and physical functions that benefit wildlife, plants, and humans, and loss of what little is left will have severe, harmful impacts on special-status species, overall biodiversity, and ecosystem function. California cannot afford to lose more riparian corridors.

A literature review found that recommended buffers for wildlife often far exceeded 100 meters (~325 feet), well beyond the largest buffers implemented in practice (Robins, 2002). For example, Kilgo et al. (Kilgo et al., 1998) recommend more than 1,600 feet of riparian buffer to sustain bird diversity. In addition, amphibians, which are considered environmental health indicators, have been found to migrate over 1,000 feet between aquatic and terrestrial habitats through multiple life stages (Cushman, 2006; Fellers & Kleeman, 2007; Semlitsch & Bodie, 2003; Trenham & Shaffer, 2005). Accommodating the more long-range dispersers is vital for continued survival of species populations and/or recolonization following a local extinction (Cushman, 2006; Semlitsch & Bodie, 2003). In addition, more extensive buffers provide resiliency in the face of climate change-driven alterations to these habitats, which will cause shifts in species ranges and distributions (Cushman et al., 2013; Heller & Zavaleta, 2009; Warren et al., 2011). This emphasizes the need for sizeable riparian and upland buffers around streams and wetlands in and adjacent to the Project area, as well as connectivity corridors between heterogeneous habitats. To protect the Project area's highly diverse ecosystems and the services they provide, the RDEIR should require a minimum buffer of 300 feet or more (depending on the needs of the species present or potentially present) from all perennial and intermittent streams and wetlands (including vernal pools) throughout and adjacent to the Project area. Again, the RDEIR must adequately assess and mitigate impacts to local, regional, and global wildlife movement and habitat connectivity.

It is widely recognized that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. In a report for the International Union for Conservation of Nature (IUCN), world-renown scientists from around the world stated that "[s]cience overwhelmingly shows that interconnected protected areas and other areas for biological diversity conservation are much more effective than disconnected areas in human-dominated systems, especially in the face of climate change" and "[i]t is imperative that the world moves toward a coherent global approach for ecological connectivity conservation, and begins to measure and monitor the effectiveness of efforts to protect connectivity and thereby achieve functional ecological networks" (Hilty et al., 2020).

Therefore, the Center urges the adoption of effective mitigation measures that address the needs of the target species. It is important to consider that different species have different behaviors and needs that affect how they move. For example, smaller species with poor dispersal abilities, like rodents and herpetofauna, would require more frequent intervals of crossings compared to larger wide-ranging species, like mountain lions or coyotes, to increase their chances of finding a crossing. (Gunson et al. (2016) recommend that crossing structures

generally be spaced about 300m (~0.19mi) apart for small animals when transportation infrastructure bisects large expanses of continuous habitat, though they recognize that some amphibians may need more frequent crossings no more than 50m (~0.03mi) apart. And for many amphibian and reptile species, undercrossings should have grated tops so that the light and moisture inside the crossings are similar to that of the ambient environment. Therefore, multiple crossings designed for different target species may be required. In-depth analyses that include on-the-ground movement studies of which species are moving in the area and their home range area, habitat use, and patterns of movement are needed to determine how to best implement such crossings. In addition, associated crossing infrastructure (*e.g.*, exclusionary fencing appropriate for target species, berms to buffer crossings from sound and light) should be included to improve chances of wildlife using crossings, and such crossings and associated infrastructure should be designed and built in consultation with local and regional experts, including agency biologists. And to improve the effectiveness of any wildlife crossings, there should be protected habitat on both sides of the crossing; therefore, mitigation should also include acquiring unprotected lands on both sides of the roads where a wildlife crossing would be implemented, again, in consultation with local conservation organizations and stakeholders, and preserving and managing those lands in perpetuity to ensure that the wildlife crossings and associated infrastructure remain functional over time. Given that impacts of noise, light, and vibration can affect the use of wildlife crossings, even if crossings are designed with adequate parameters and fencing, the crossings should be built with wildlife responsive design; crossings should have sound and light berms to minimize light and sound at the entrance/exit as well as on/in/under the crossings structures, and they should be well-maintained on both sides of the crossing for animals to use them (Shilling, 2020; Vickers, 2020).

III. The RDEIR must disclose, analyze, and mitigate impacts to special-status species.

As mentioned previously, the Project area is located within an area that CDFW defines as having the highest ecoregion biodiversity ranking (see Exhibit 1). The RDEIR must fully disclose and analyze impacts to any listed, candidate, or sensitive species, as well as sensitive habitats, that occur, have the potential to occur, or historically occurred in and near the Project area. This includes but is not limited to Swainson's hawk, burrowing owl, western pond turtle, and vernal pool flora and fauna including tricolored blackbird, Crotch bumblebee, giant garter snake, San Joaquin kit fox, and many more. Exhibit 2 provides a list of the species recorded in the California Natural Diversity Database (CNDDB) from a 9-quad query centered around the quad "Friant." Although this is informative, it must be acknowledged that CNDDB is not a comprehensive list. Other databases, like iNaturalist and eBird as well as on-the-ground surveys following the appropriate protocols are required to adequately assess the presence or potential presence of special-status species in or near the Project area. The RDEIR must adequately disclose, assess, and mitigate the Project's impacts to special-status species.

To that end, careful documentation of the current site resources is imperative to analyze how best to site the project to avoid and minimize impacts, and to mitigate any unavoidable impacts. The RDEIR must include thorough, seasonal surveys performed for sensitive plant species, vegetation communities, and animal species under the direction and supervision of the land management and resource agencies such as the US Fish and Wildlife Service and the California Department of Fish and Wildlife with full disclosure of survey methods and results to

the public and other agencies. Adequate surveys covering all likely seasons in likely conditions must be implemented to evaluate the existing on-site conditions. A complete survey will allow the public and decision-makers to fully comprehend the scope of Project impacts.

The RDEIR must also include an analysis of the direct impacts of construction and operation of the proposed Project, including lighting, roads, pollution, noise, and other edge effects from the quarry to biological resources within, adjacent to, and in the vicinity of the project site. The RDEIR must also analyze the effects of the project on local and regional wildlife movement. In addition, the RDEIR must include a detailed analysis of the cumulative impacts of this project together with other completed, current, and reasonably foreseeable development projects in the area.

The RDEIR must also include concrete, enforceable mitigation measures to reduce direct and indirect impacts to all protected species. The preservation of regional and local scales of genetic diversity is critical to maintaining species in perpetuity especially in light of global climate change and continued urban and industrial development in the region.

IV. The RDEIR must thoroughly disclose, analyze, and mitigate the Project's impacts to public resources and existing communities.

This project is sprawl development. Rather than densifying the existing communities that have water systems, streets, schools, transit systems, powerlines and other hard infrastructure already in place, this project would require new infrastructure to be constructed. This is acknowledged in the Project Description that states "the installation of new public and private roadways … and other improvements, including water supply, storm drainage, sewer facilities" are necessary for the project (2024 DEIR at 5.0-2.) It is important that the RDEIR fully analyze, disclose, and mitigate the Project's impacts to public resources and existing communities.

Investment in exurban development creates a negative feedback loop of divestment from existing cities. Building out infrastructure ensures there is less resources to maintain and improve existing infrastructure in city centers. This reduces the quality and availability of those services creating more incentives for people to move away from the urban core (McElfish, James M, 2007). Additionally, building out infrastructure is more expensive; such costs get handed down to residents. A recent analysis indicated that sprawl development in the U.S. increases annualized infrastructure costs by 50% percent (Litman, 2015).

A. The Project Would Result in a Divestment in Infill Affordable Housing.

While this Project does provide additional housing, it does not address the root cause of the housing crisis: affordability. Affordable housing is only equitable if low-income residents are provided housing opportunities with access to public resources. Yet this project proposes building market rate housing outside the city center that does nothing to address the affordability crisis that so many Californians are struggling with.

The City should instead be working to densify and redevelop its urban areas, rather than approving sprawl development that destroys open space. Densifying the City would help reduce

rental prices and ensure residents have access to the public infrastructure already in place, such as parks, schools and public transit. If instead, the City chooses to invest in sprawl development, it could face the same challenges that residents of Los Angeles face with around 74% of the housing zoned single-family residential creating some of the highest rents in the nation (Menendian et al., 2022).

Shifting to more compact housing types not only reduces rents, but it significantly reduces residential land consumption. A mix of 80% single-family, 10% attached and 10% multi-family housing requires about twice as much land as an equal mix of housing types, and more than three times as much land as 10% single-family, 40% attached and 50% multi-family housing (Camagni et al., 2002). This leaves more open space for wildlife to flourish and for people to enjoy. Native landscapes help us regulate our climate, purify our air and water, pollinate our crops and create healthy soil. In addition to the direct benefits from access, preservation of our native habitats and the species that rely on them is critical to our long-term health and wellbeing (Sandifer et al., 2015). Therefore, the City should be doing everything to preserve the remaining open space.

B. The Project Would Result in a Divestment in Public Transit.

Sprawl development causes the deterioration of public transport, which leads to complete reliance on private vehicles (Camagni et al., 2002). High vehicle ownership rates directly limit urban population densities, eventually changing the types of residential development that are built. For example, one parcel might accommodate 50 townhouses if there are only 10 on-site parking spaces, but if each unit has two surface parking spaces, as many zoning codes require, the number of potential units declines to 30 (Camagni et al., 2002).

Reduction in public transit isn't just bad planning; it also undermines community health. In 2019, the duration of the average daily commute in the United States increased to a new high of 55.2 minutes, and a record 9.8 percent of commuters reported daily commutes of at least 2 hours (Burd et al., 2021).

These long commutes reduce time available to spend with family, friends, and community, and reduce opportunities for healthy recreation. The increase in inactivity and isolation can also lead to long-term health complications such as pre-diabetes, diabetes, obesity, asthma, isolation, stress and depression (Ewing et al., 2003; Leyden, 2003).

Another serious and more direct impact is automobile crashes, which are the leading cause of death among young people (15 to 19 years old) in the United States.[1] An estimated 42,915 people died in car crashes in 2021 alone and 3.4 million people are injured each year, which costs an estimated $473.2 billion annually as measured by wage and productivity losses, medical expenses, motor-vehicle damage, and employers' uninsured costs (Frumkin et al., 2004; U.S. Department of Transportation, 2022). [2]

[1] Center for Disease Control and Prevention. "Underlying Cause of Death, 2018-2021." https://wonder.cdc.gov
[2] NSC Injury Facts. "Costs of Motor-Vehicle Injuries." 2021. https://injuryfacts.nsc.org/all-injuries/costs/guide-to-calculating-costs/data-details/

Providing alternatives to single occupancy vehicle travel is essential to building an efficient, sustainable and equitable transportation system. Unfortunately, we have a long way to go if we are going to achieve this vision in the U.S. In 2013, it was reported that of all the U.S. daily commutes to work, 76.4% are of people driving alone (McKenzie, 2015). According to the Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2015, our collective daily transportation in the U.S. constitutes about 27% of the total greenhouse gasses released (U.S. Environmental Protection Agency, 2017).

To change these trends, government agencies, including local governments like the City of Clovis, need to invest in alternative modes of transportation to not only make them cheaper to use, but more efficient than driving. Best practices for transportation policy should include providing free public transit services for future residents and workers; implementing bus only lanes; optimizing bus routes to minimize overlap and ensure coverage across the city in line with demand; providing high-frequency, reliable services with regular bus stops for easy access.

Studies indicate that free public transit services typically result in ridership increase from 20% to 60% in a matter of just a few months.[3] Similarly, bus lanes that reduce total transit door-to-door travel times by 5%-15% will increase urban peak ridership 2%-9% (UCLA Institute of Transportation Studies, 2019).

Lastly, ensuring accessibility and convenience is essential to increasing ridership. Providing more bus stops decreases the distance residents must travel to access such services.

This Project would appear to steer the region in the opposite direction, eroding community and environmental health to build more sprawl. The RDEIR must fully analyze, disclose, and mitigate the Project's impacts to public resources and existing communities.

V. The RDEIR must thoroughly analyze and mitigate impacts to water supply and water quality.

California is facing unprecedented challenges in its effort to allocate and conserve limited water resources, especially as water supply dwindles in the face of climate change and population growth. Studies predict that in the next 35 to 60 years, if emissions of carbon dioxide and other greenhouse gases continue unchecked, the American West's snowpack will continuously shrink, disappearing for a decade or more at a time (Siirila-Woodburn et al., 2021).

As a result of dwindling supplies, users increasingly turn to groundwater. A study from Stanford University found that nearly 60 percent of the state's water needs are now met by groundwater, up from 40 percent in years when normal amounts of rain and snow fall (Choy & McGhee, 2014). In many basins, groundwater withdrawal exceeds the amount that is replenished over the long term. This is known as "overdraft," and its repercussions can include higher energy

[3] Studenmund, A. H., and David Connor. "The free-fare transit experiments." *Transportation Research Part A: General* 16.4 (1982): 261-269.

use to pump water from deeper wells, sinking lands, reduced streamflow, and reduced water quality (Chappelle et al., 2017). Californians are now drilling so deep to find water – often thousands of feet – that the water being pumped is 20,000 years old (Knudson, 2015).

In light of these, and other, underlying concerns, the RDEIR must fully analyze the Project's water demands and consider all potential significant impacts to water supply and water quality. The proposed Project would impact and potentially further exacerbate regional and statewide water supply by constructing a new housing development that would lock in new water demand indefinitely. The RDEIR must therefore provide detailed, quantitative data on groundwater and surface water supply as well as quality in its baseline analysis. Data at this level of detail is necessary in order to provide a full and accurate representation of existing conditions in order for the County and the public to assess the feasibility and reliability of providing water to the proposed project area, as required by CEQA. (*See Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430-432 (hereinafter "*Vineyard*"); Water Code § 10910.) The RDEIR's water supply analyses must also include consideration of climate change's current and future impacts on regional surface water supplies.

The RDEIR must also assess the environmental impacts associated with acquiring and providing water to the Project. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434 [hereinafter "Vineyard Area Citizens"].) CEQA requires this assessment to include both direct and indirect environmental impacts resulting from the permanent allocation of water to a proposed project. (*Vineyard Area Citizens*, *supra*, 40 Cal.4th at 434.) The RDEIR must therefore provide information on potential levels of pollutants and contaminants, levels of stormwater and urban water runoff, locations of water quality impacts, and mechanisms for measuring, monitoring, and mitigating impacts over the short and long term.

Furthermore, considering recent droughts and ongoing climate uncertainty, all new development projects should maximize water use efficiency and conservation in their plans. An ideal method for ensuring incorporation of such measures is through a life-cycle assessment of the project, accounting for not only the end product but also the whole life of all products, materials, and processes being used (Ghattas et al., 2013). Water efficiency and conservation should be central aspects of not only the final project, but also of all materials and processes used in its construction. A similar concept to this holistic style of project design is known as cradle-to-cradle design, which emphasizes the creation of systems that generate no waste throughout their life span (Tyrnauer, 2008). The RDEIR should include aggressive water efficiency measures.

VI. The RDEIR must thoroughly analyze and mitigate air quality impacts.

Air quality is a significant environmental and public health concern in California. Unhealthy, polluted air contributes to and exacerbates many diseases and increases mortality rates. The U.S. government estimates that between 10-12 percent of total health costs can be attributed to air pollution (Ventura County Air Pollution Control District, 2003). Many plants and trees, including agricultural crops, are also injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests, to direct mortality (*Id.*). Terrestrial wildlife is also affected by air pollution as the plants and trees that

constitute their habitats are weakened or killed, while aquatic species and habitats are harmed through the formation of acid rain that raises the pH level in oceans, rivers and lakes.[4] Greenhouse gases, such as the air pollutant carbon dioxide that is released by fossil fuel combustion, contribute directly to human-induced climate change (Environmental Protection Agency, 2020), and in a positive feedback loop, poor air quality that contributes to climate change will in turn worsen the impacts of climate change and attendant air pollution (Bay Area Air Quality Management District, 2016).

The Central Valley area contains some of the nation's most polluted counties with Fresno County nearly topping the list for several pollutants (American Lung Association, 2024). Air pollution often impacts the most vulnerable populations in these counties, including young children, the elderly, pregnant women, and those with heart and lung disease. People living in poverty also remain more susceptible to air pollution, as they cannot easily relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports (American Lung Association, 2024; Bay Area Air Quality Management District, 2016). Major pollution sources include transportation, manufacturing, construction, importing and transporting goods, and energy development. In urban areas, transportation presents one of the most significant sources of pollution, where large population segments are constantly exposed to traffic (Bay Area Air Quality Management District, 2016). The RDEIR must address the project's air quality impacts from increased emissions and provide adequate mitigation measures.

VIII. Conclusion

Thank you for the opportunity to submit comments on the NOP for the RDEIR for the Vista Ranch Project. Please include the Center on your notice list for all future updates to the Project using the email address below and do not hesitate to contact the Center with any questions.

Sincerely,

Meredith Stevenson, Staff Attorney
Center for Biological Diversity
mstevenson@biologicaldiversity.org

Sofia Prado-Irwin, Staff Scientist
Center for Biological Diversity
SPradoIrwin@biologicaldiversity.org

[4] https://www.epa.gov/eco-research/ecosystems-and-air-quality

References

(*Provided via OneDrive*)

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Exhibit 1

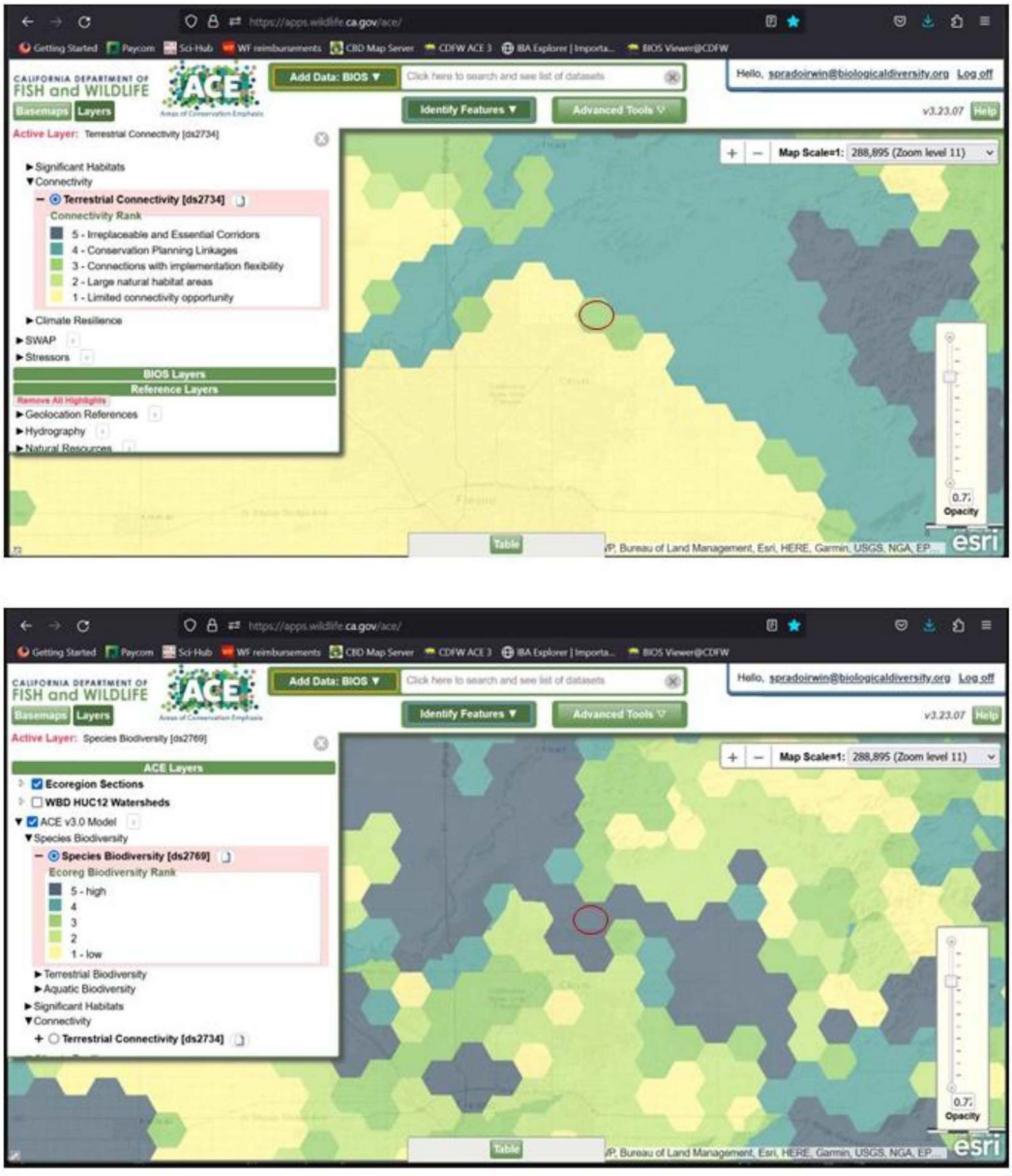


Exhibit 1. The California Department of Fish and Wildlife (CDFW) Areas of Conservation Emphasis (ACE) connectivity (top) and biodiversity (bottom) rankings. The red circle indicates the approximate Project location. Source: CDFW ACE website: https://wildlife.ca.gov/Data/Analysis/ACE (accessed December 6, 2023).

Exhibit 2

List of California Natural Diversity Database (CNDDB) records of sensitive plant and animal species in and near the Project area. This is not a comprehensive list of sensitive species that occur, potentially occur, or historically occurred in and/or near the Project area.

Type	Scientific Name	Common_Name
Animals - Amphibians	*Ambystoma californiense*	California tiger salamander - central California DPS
Animals - Amphibians	*Rana boylii*	foothill yellow-legged frog - south Sierra DPS
Animals - Amphibians	*Rana draytonii*	California red-legged frog
Animals - Amphibians	*Spea hammondii*	western spadefoot
Animals - Arachnids	*Calicina mesaensis*	Table Mountain harvestman
Animals - Birds	*Accipiter cooperii*	Coopers hawk
Animals - Birds	*Aquila chrysaetos*	golden eagle
Animals - Birds	*Buteo swainsoni*	Swainsons hawk
Animals - Birds	*Haliaeetus leucocephalus*	bald eagle
Animals - Birds	*Eremophila alpestris actia*	California horned lark
Animals - Birds	*Ardea alba*	great egret
Animals - Birds	*Ardea herodias*	great blue heron
Animals - Birds	*Egretta thula*	snowy egret
Animals - Birds	*Nycticorax nycticorax*	black-crowned night heron
Animals - Birds	*Coccyzus americanus occidentalis*	western yellow-billed cuckoo
Animals - Birds	*Falco mexicanus*	prairie falcon
Animals - Birds	*Agelaius tricolor*	tricolored blackbird
Animals - Birds	*Xanthocephalus xanthocephalus*	yellow-headed blackbird
Animals - Birds	*Lanius ludovicianus*	loggerhead shrike
Animals - Birds	*Pandion haliaetus*	osprey
Animals - Birds	*Setophaga petechia*	yellow warbler
Animals - Birds	*Nannopterum auritum*	double-crested cormorant
Animals - Birds	*Athene cunicularia*	burrowing owl
Animals - Birds	*Vireo bellii pusillus*	least Bells vireo
Animals - Crustaceans	*Branchinecta lynchi*	vernal pool fairy shrimp
Animals - Crustaceans	*Branchinecta mesovallensis*	midvalley fairy shrimp
Animals - Crustaceans	*Linderiella occidentalis*	California linderiella
Animals - Crustaceans	*Lepidurus packardi*	vernal pool tadpole shrimp
Animals - Fish	*Lavinia exilicauda exilicauda*	Sacramento hitch
Animals - Fish	*Mylopharodon conocephalus*	hardhead
Animals - Insects	*Bombus crotchii*	Crotch bumble bee

Animals - Insects	*Bombus pensylvanicus*	American bumble bee
Animals - Insects	*Efferia antiochi*	Antioch efferian robberfly
Animals - Insects	*Metapogon hurdi*	Hurds metapogon robberfly
Animals - Insects	*Desmocerus californicus dimorphus*	valley elderberry longhorn beetle
Animals - Insects	*Lytta moesta*	moestan blister beetle
Animals - Mammals	*Vulpes macrotis mutica*	San Joaquin kit fox
Animals - Mammals	*Erethizon dorsatum*	North American porcupine
Animals - Mammals	*Dipodomys nitratoides exilis*	Fresno kangaroo rat
Animals - Mammals	*Perognathus inornatus*	San Joaquin pocket mouse
Animals - Mammals	*Eumops perotis californicus*	western mastiff bat
Animals - Mammals	*Mustela frenata xanthogenys*	San Joaquin long-tailed weasel
Animals - Mammals	*Taxidea taxus*	American badger
Animals - Mammals	*Antrozous pallidus*	pallid bat
Animals - Mammals	*Corynorhinus townsendii*	Townsends big-eared bat
Animals - Mammals	*Euderma maculatum*	spotted bat
Animals - Mammals	*Lasiurus cinereus*	hoary bat
Animals - Mammals	*Lasiurus frantzii*	western red bat
Animals - Mammals	*Myotis yumanensis*	Yuma myotis
Animals - Mollusks	*Margaritifera falcata*	western pearlshell
Animals - Mollusks	*Gonidea angulata*	western ridged mussel
Animals - Reptiles	*Anniella pulchra*	Northern California legless lizard
Animals - Reptiles	*Arizona elegans occidentalis*	California glossy snake
Animals - Reptiles	*Gambelia sila*	blunt-nosed leopard lizard
Animals - Reptiles	*Emys marmorata*	western pond turtle
Animals - Reptiles	*Thamnophis gigas*	giant gartersnake
Animals - Reptiles	*Phrynosoma blainvillii*	coast horned lizard
Community - Terrestrial	*Great Valley Mixed Riparian Forest*	Great Valley Mixed Riparian Forest
Community - Terrestrial	*Northern Basalt Flow Vernal Pool*	Northern Basalt Flow Vernal Pool
Community - Terrestrial	*Northern Claypan Vernal Pool*	Northern Claypan Vernal Pool
Community - Terrestrial	*Northern Hardpan Vernal Pool*	Northern Hardpan Vernal Pool
Community - Terrestrial	*Sycamore Alluvial Woodland*	Sycamore Alluvial Woodland
Plants - Bryophytes	*Bryum chryseum*	brassy bryum
Plants - Bryophytes	*Plagiobryoides vinosula*	wine-colored tufa moss
Plants - Vascular	*Sagittaria sanfordii*	Sanfords arrowhead
Plants - Vascular	*Eryngium spinosepalum*	spiny-sepaled button-celery
Plants - Vascular	*Calycadenia hooveri*	Hoovers calycadenia
Plants - Vascular	*Lagophylla dichotoma*	forked hare-leaf
Plants - Vascular	*Pseudobahia bahiifolia*	Hartwegs golden sunburst

Plants - Vascular	*Pseudobahia peirsonii*	San Joaquin adobe sunburst
Plants - Vascular	*Wyethia elata*	Halls wyethia
Plants - Vascular	*Cryptantha hooveri*	Hoovers cryptantha
Plants - Vascular	*Caulanthus californicus*	California jewelflower
Plants - Vascular	*Downingia pusilla*	dwarf downingia
Plants - Vascular	*Lupinus citrinus var. citrinus*	orange lupine
Plants - Vascular	*Carpenteria californica*	tree-anemone
Plants - Vascular	*Pholistoma auritum var. arizonicum*	Arizona pholistoma
Plants - Vascular	*Claytonia parviflora ssp. grandiflora*	streambank spring beauty
Plants - Vascular	*Castilleja campestris var. succulenta*	succulent owls-clover
Plants - Vascular	*Erythranthe acutidens*	Kings River monkeyflower
Plants - Vascular	*Erythranthe inconspicua*	small-flowered monkeyflower
Plants - Vascular	*Erythranthe sierrae*	Sierra Nevada monkeyflower
Plants - Vascular	*Gratiola heterosepala*	Boggs Lake hedge-hyssop
Plants - Vascular	*Imperata brevifolia*	California satintail
Plants - Vascular	*Orcuttia inaequalis*	San Joaquin Valley Orcutt grass
Plants - Vascular	*Orcuttia pilosa*	hairy Orcutt grass
Plants - Vascular	*Tuctoria greenei*	Greenes tuctoria
Plants - Vascular	*Leptosiphon serrulatus*	Madera leptosiphon
Plants - Vascular	*Navarretia eriocephala*	hoary navarretia
Plants - Vascular	*Navarretia myersii ssp. myersii*	pincushion navarretia
Plants - Vascular	*Delphinium hansenii ssp. ewanianum*	Ewans larkspur

September 3, 2024

Sent via email

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Re: Comments on the Draft Environmental Impact Report for the Vista Ranch Project (State Clearinghouse No. 2023100508)

Dear Ms. Perez:

This letter is submitted on behalf of the Center for Biological Diversity ("Center") regarding the Draft Environmental Impact Report ("DEIR") for the Vista Ranch Project, State Clearinghouse No. 2023100508. The Center has reviewed the Draft Environmental Impact Report closely and has found that the DEIR's analysis of and mitigation for the Project's impacts to biological resources, water quality and water supply, greenhouse gas emissions, air quality, and public resources are inadequate. The Center urges the City, at a minimum, to correct the deficiencies identified below to ensure adequate and informed public review of the Project.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people throughout Fresno County. The Center frequently participates in environmental review for industrial development projects in Fresno County, and frequently reviews and submits comment letters on DEIRs prepared pursuant to CEQA for development projects throughout the state.

CEQA requires an EIR to provide decision-making bodies and the public with detailed information regarding a proposed project's likely effects on the environment; mitigation measures project proponents may take; and any alternatives that may reduce impacts. (Pub. Res. Code § 21002.2.) The Vista Ranch Project is a massive 952-acre development project on primarily undeveloped land (DEIR at 2.0-2), including 2,600 to 3,286 residential units in varying densities. (DEIR at 2.0-5.) Specifically, the Project includes development in two distinct areas: (1) the 368-acre

MPArea 1 with up to 1,268 medium density residential dwelling units, 1,039 medium high density residential dwelling units, 500 very high density residential dwelling units, and 85,000 square feet of gateway commercial; and (2) the 139-acre MPArea 2 with up to 137 low density residential dwelling units, 224 medium density residential dwelling units, and 115,000 square feet of gateway commercial. (DEIR at 3.13-2.) As a result, the Project raises significant concerns the final EIR must disclose, assess, and mitigate to the maximum extent feasible.

I. THE CURRENT PROJECT DESCRIPTION DOES NOT REPRESENT THE TRUE SCOPE OF THE PROJECT AND IS MISLEADING.

An accurate, stable, and finite project description remains the *sine qua non* of an informative and legally sufficient EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) But here the project description lacks clarity and falls short of accurately describing and assessing permissible uses of the proposed project area. Specifically, the DEIR lacks a firm timeframe as to when construction on the two phases will take place, stating that "the exact timing of Project construction would depend on market conditions." (DEIR at 3.3-26.) This indicates that the developer(s) and/or builders will be able to pick and choose which portions of the development are most profitable at any given time, and only develop those portions. For instance, if only residential – and not commercial development – is profitable, then the developer(s) and/or builders could avoid such commercial development.

While CEQA does not mandate that EIRs contain rigid and unchangeable project descriptions, it plainly requires EIRs to analyze all reasonably foreseeable impacts of approvals. (*Laurel Heights Improvement Association v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 395-399.) And here, changes to the Project and its impacts remain reasonably foreseeable because MPArea 2 is zoned for more commercial uses as well as low-density residential uses. Nonetheless, the DEIR fails to contain any specific triggers for CEQA review if or when development does not occur in two phases, beginning with MPArea 1, as the DEIR proposes. Instead, the DEIR states only that "[d]evelopment in MPArea 2 and Non-Development Area, would *likely* require future project-level analysis. (DEIR at 3.4-3 [emphasis added].)

This DEIR defect led to the City dismissing the Project's impacts in violation of CEQA. For example, regarding biological resources, the DEIR admits it cannot rule out impacts on wildlife or migratory corridors in MPArea 2, stating "it is possible that impacts could be significant." (DEIR at 3.4-60.) However, the DEIR repeatedly states that "[n]o detailed information is currently available regarding the occurrence of special-status plant and wildlife species in MPArea 2 or the Non-Development Area" (DEIR at 3.4-49; DEIR at 3.4-6), and no detailed information on wetlands in MPArea 2 exists. (DEIR at 3.4-58.)

Even if review of MPArea 2 is programmatic, that does not excuse the DEIR's refusal to provide *any* analysis or *any* detail on reasonably foreseeable impacts from developing MPArea 2. "While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA's demand for meaningful information 'is not satisfied by simply stating information will be provided in the future.'" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 431, 150 P.3d 709, 720, 53 Cal. Rptr. 3d 821, 834, 2007 Cal. LEXIS 748, *28, 2007 Daily

Journal DAR 1453, 37 ELR 20031. As the CEQA Guidelines explain: "Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration." (Guidelines § 15152, subd. (b).) In other words, the DEIR cannot simply state than information in MPArea 2 will be available in the future; it must provide reasonably foreseeable impacts on those biological resources now.

Further, the lack of any firm phasing plan for the Project renders the Project's various impacts and commitments regarding traffic, air pollution, biological resources, and GHGs unreliable. Even if the DEIR's VMT calculations are correct, for example, they will not be met if the developer(s) build the residential project pieces first and then either abandon or only later build the commercial portions. (DEIR at 3.10-35-36; DEIR at 3.3-36 [assuming jobs will be located near housing].) And the DEIR's reliance on an undeveloped pond in MPArea 2 in its assessment of habitat connectivity for California Tiger Salamanders skews the assessment, as it is reasonably foreseeably that MPArea2 will be developed. (DEIR at 3.4-33.) The DEIR therefore precludes informed decision-making about the Project's effects and thus consideration of mitigation measures and alternatives. (*See Cleveland National Forest Found. v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 515) ["An adequate description of adverse environmental effects is necessary to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR."].)

II. THE DEIR'S GREENHOUSE GAS ANALYSIS FAILS TO DISCLOSE, ANALYZE, OR MITIGATE SIGNIFICANT IMPACTS.

The DEIR's analysis of the proposed project's GHG emissions (DEIR Section 3.7) falls short of CEQA's requirements. The project will result in a massive increase of GHG emissions during construction and operation. (*See* DEIR at Table 3.7-3 [total construction emissions of 10,367 MT total]; *Ibid*. at Table 3.7-4 [total unmitigated operational emissions of 53,518 MT annually].) But the DEIR fails to adequately assess all emissions sources, as well as require all feasible measures to mitigate these direct and indirect impacts. (CEQA Guidelines § 15126.2; Pub. Res. Code § 21002.)

A. Climate Change Is a Catastrophic and Pressing Threat to California.

A strong, international scientific consensus leaves no doubt that human-caused climate change continues to pose an increasingly dire threat to human society and natural systems. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for climate change assessment, concluded in its 2014 Fifth Assessment Report that: "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen," and further that "[r]ecent climate changes have had widespread impacts on human and natural systems." (IPCC 2014.) The United States echoed these findings in its own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that "[m]ultiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years" and "[i]impacts related to climate change are already evident in many regions and are expected to become

increasingly disruptive across the nation throughout this century and beyond." (Melillo 2014.) The 2017 Climate Science Special Report similarly concluded:

> [B]ased on extensive evidence, it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

The U.S. National Research Council also concluded that "[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems." (NRC 2010.) And based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations. (74 Fed. Reg. 66496 (Dec. 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].)

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. As stated by the Third National Climate Assessment: "observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases." (Mellilo 2014.) The Assessment makes plain that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. (Melillo 2014 at 13, 14, & 649.)

Humans and wildlife have already begun feeling climate change impacts. Human-induced climate change has caused widespread adverse impacts and related losses and damages to nature and people. (IPCC 2022.) This rise in weather and climate extremes has led to some irreversible impacts, as natural and human systems are pushed beyond their ability to adapt. (IPCC 2022.) Climate change increasingly places stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes—in addition to increasing species extinction risk. (Warren 2008.) Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. (Wiens 2016.) Catastrophic levels of species extinctions are projected throughout this century if climate change continues unabated. (Thomas 2004; Maclean 2011; Urban 2015.) In California, climate change will transform our climate, resulting in increased temperatures and wildfires, as well as reduced snowpack, lower precipitation levels, and less water availability.

The United States has contributed more to climate change than any other country. Specifically, the U.S. is responsible for 27 percent of cumulative global CO2 emissions since 1850, and it remains the world's second highest emitter on an annual and per capita basis. (World Resources Institute 2020.) Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to avoid the worst climate impacts by holding global average temperature rise to well below 2°C above pre-industrial levels. An international team of climate policy experts and scientists have even ranked U.S. climate policy as "insufficient," concluding that "the US' climate policies and action in 2030 need substantial improvements." (Climate Action Tracker 2022.)

The IPCC's most recent report, entitled Climate Change 2022: Impacts, Adaptation and Vulnerability, found that warming is proceeding even faster than anticipated, and the best-case scenario for climate change is slipping out of reach. (IPCC 2022.) The report now estimates that, over the next 20 years, the world will cross the global warming threshold of 1.5°C. And unless immediate, rapid and large-scale reductions in greenhouse gas emissions occur, limiting warming to close to 1.5°C—or even 2°C—will be beyond reach. The United Nations Secretary General described the report's forecasts as an "atlas of human suffering." (Borenstein 2022.)

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.* (9th Cir. 2008) 538 F.3d 1172, 1217 ("[T]he impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to significantly contribute to climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis, and mitigation remains vital to California meeting its climate goals and maintaining our climate.

Given the increasingly urgent need for drastic action to reduce GHG emissions, the DEIR's failure to fully disclose, analyze, mitigate, or consider alternatives to reduce the project's significant climate change effects is all the more alarming.

B. The DEIR Fails to Provide Sufficient Information About Its Emissions and Mitigation Measures to Allow for Informed Decision-Making.

Despite this critical threat, the DEIR's assessment fails to provide readers with information essential to understanding its GHG emissions analysis. An EIR must disclose the "analytic route the . . . agency traveled from evidence to action. . . [and] contain analysis sufficient to allow informed decision making." (*Laurel Heights Improvement Ass'n v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 404 [internal quotation marks and citations omitted].) Failure to do so deprives the public of the ability to fulfill its proper role in the CEQA process. (*Id.*)

Here, the DEIR discloses that the proposed Project's operation will emit over 53,518 MT of GHGs per year without mitigation and 52,051 MT after mitigation. (DEIR at 3.7-33-34.) Yet the DEIR fails entirely to explain how it arrived at its numbers, how they were calculated, what inputs generated them, or what assumptions the modeling relied on to arrive at these numbers. Instead, the DEIR states in passing that Appendix C contains the Greenhouse Gas Analysis. (DEIR at 3.7-33.) But Appendix C is an approximately 130-page list of data tables. The document does nothing to address the questions described above, nor explain to a reader how to interpret this raw data.

Moreover, information buried in a report or appendix—such as the GHG technical appendix here—cannot substitute for a good faith, reasoned analysis in the EIR itself, which is entirely lacking here. (*See Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 [Where an agency relies on information not actually incorporated or described and referenced in the EIR, the agency has failed to proceed in the manner provided in CEQA.].)

The DEIR makes the same omission with respect to the purported effectiveness of its proposed mitigation measures. The DEIR does not explain how its mitigation measures will reduce GHG emissions by over 1,400 MT, nor does it definitively disclose to the public which measures the City will even implement, as explained *infra*. This is impermissible, as substantial evidence in the record must support mitigation measures' effectiveness. (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.) And as with its "analysis" of the project's emissions from construction and operation, the DEIR fails entirely to disclose how it arrived at its mitigation measures and their effectiveness in reducing GHG emissions.

In short, the EIR must justify how it arrived at its calculations of the Project's GHG emissions, and of the reductions in those emissions from proposed mitigation. It cannot merely point readers to an inscrutable 130 pages of raw technical data and tables and provide lists of measures the City may consider in the future. The City should revise the EIR to include this information so that the public can adequately review and comment on this crucial aspect of its GHG analysis.

C. The DEIR Fails to Adequately Assess the Proposed Project's Consistency with Climate Change Goals.

The City uses the project attributes listed in the 2022 Scoping Plan as its significance threshold but fails to support its determination with substantial evidence. This does not comply with CEQA: The discussion of an environmental impact must come to a clear conclusion about the significance of the impact, and that conclusion must be grounded in a fact-based analysis. (*Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 101.) Moreover, a determination that an environmental impact complies with a particular threshold of significance does not relieve a lead agency of its obligation to consider evidence that indicates the impact may be significant despite compliance with the threshold. (CEQA Guidelines § 15064(b)(2).) If evidence shows that an environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.)

i. The DEIR Fails to Provide Substantial Evidence Supporting Its Determination of Consistency with the 2022 Scoping Plan.

The DEIR finds that the Project will result in less than significant impacts because it includes project attributes listed in the 2022 Scoping Plan. However, the DEIR only vaguely assesses consistency with the 2022 Scoping Plan's project attributes, failing to point to specific mitigation measures for support. (*Ibid.*) First, it describes the proposed Project as consistent with transportation electrification because "the Project includes an EV parking requirement and includes EV spaces." (DEIR at 3.7-34.) However, nowhere does the DEIR require electric vehicle charging stations, let alone those that "meet[] the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval," as the 2022 Scoping Plan recommends. (CARB 2022, Appendix D at 22.) Rather, it states only that "[e]ach phase shall be *evaluated* to determine the relevance and feasibility of . . . [e]lectric vehicle (EV) charging stations" and EV parking spots. (DEIR at 3.3-35.) This is insufficient: the DEIR must back its consistency determination with concrete mitigation measures requiring EV charging stations, not only evaluating their relevance in the future. And it should incorporate these EV

requirements into its GHG impact assessment to support its determination that mitigation will reduce GHG emissions by 1,400 MT annually.

Second, the DEIR finds the Project consistent with the Scoping Plan's VMT reduction attribute because it will implement design improvements, including "pedestrian network improvements and traffic calming measures" and serve as "walkable development." (DEIR at 3.7-34.) But as with EV charging, the DEIR does not yet mandate these measures; it only requires the City to *evaluate* their relevance and feasibility. What's more, the DEIR's transportation section actually finds increased VMT a *significant and unavoidable* impact. (DEIR at 3.13-18.) The Project will increase VMT per capita by 116% and per employee by 99%, far exceeding the significance threshold based on 13 percent below the regional averages for Fresno County. (DEIR at 3.13-16-17.) Thus the DEIR's consistency determination here contradicts its assertion that the Project will *increase* VMT and lacks substantial evidence.

And third, the DEIR asserts the Project will be consistent with the recommendation of building decarbonization because buildings will adhere to Title 24 Building Envelope Energy Efficiency Standards and will utilize electricity from PG&E, which has been increasing its renewable energy supply. (DEIR at 3.7-35.) But nowhere does the DEIR specify how much renewable energy the Project will use or provide a percentage; it only assures that solar panels will be used to the extent feasible, and that at each phase solar panel relevance and feasibility should be considered. (DEIR at 3.3-35-36.) It then provides that it will use renewable energy in accordance with the California Green Buildings Code, which "promotes" the use of renewable energy. (*Id.*) It also assures that "[t]he Project is also anticipated to produce on-site solar photovoltaic (PV) for on-site use," but not how much or exactly what will be required. (DEIR at 3.7-41.) Consistency with these attributes must be further supported in the FEIR for the City to use the attributes as a threshold of significance.

The 2022 Scoping Plan also provides that the City could make a significance determination based on whether the project would result in net-zero GHG emissions. (CARB Scoping Plan, Appendix D, at 24-26.) Other projects throughout the state have recently been approved include a goal of zero net GHG emissions. Such projects intend to achieve that goal through reducing onsite GHG emissions to the greatest extent practicable, but also by offsetting any other emissions through local emissions reductions projects. Here, the DEIR fails to provide substantial evidence that such additional reductions needed to achieve zero net energy are infeasible – for instance, the DEIR could include more robust EV charging requirements, more onsite renewable energy, and a program to offset the remaining GHG emissions locally.

ii. The Project's GHG Emissions Will Undercut Fresno's Sustainable Communities Strategy's Effectiveness.

The DEIR also claims to assess the Project's significance based on its consistency with Fresno Council of Government's Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), adopted in 2014 and updated in 2018 and 2022 (DEIR at 3.7-36.) Fresno intended this RTP/SCS to "identify integrated land-use and transportation strategies that lower per capita GHG [greenhouse gas] emissions from cars and light-duty trucks, and foster communities that are more equitable, healthy, and sustainable." And as required by SB 375, the

Fresno RTP/SCS is based on assumptions about future development "that are consistent with adopted local general plans." The RTP/SCS specifically relies on the City of Fresno's 2014 General Plan as a basis for changes in land use and transportation that will help meet state-mandated GHG reduction targets:

> "The City of Fresno's updated general plan calls for 50 percent of new growth in designated infill development areas and proposes *no sphere of influence expansion through 2035, which will help rein in fringe development in a traditionally sprawling region*." (FCOG RTP/SCS, 2022 at 14.)

Construction of hundreds of acres of low- and medium-density development would vitiate these benefits for Clovis, dramatically increase vehicle miles traveled, and make it impossible to meet state-mandated GHG reduction goals as contemplated in the FCOG's RTP/SCS. Despite claiming consistency, nowhere does the DEIR provide any substantial evidence to the contrary. The City must provide far more evidence to support consistency and to support its assertion that the Project's GHG emissions will remain less than significant through consistency with this RTP/SCS.

iii. The DEIR Should Require Far More Emission Reductions to Align with the 2022 Scoping Plan and the San Joaquin Air District's Reduction Target of 29%.

The City predicts its vague, future mitigation measures will reduce GHG emissions by just under three percent. (DEIR at Table 3.7-3.) But the Project falls within the San Joaquin Valley Air Pollution Control District, which adopted "Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA" in 2009. While this document declined to mandate any numerical thresholds for greenhouse-gas emissions for land-use projects, it concluded that a project's greenhouse-gas emissions should be considered less than significant for CEQA purposes if the project's emissions were 29 percent below an established baseline. The baseline would be a business-as-usual project lacking emission-reduction features beyond those required by statutes or regulations, and here emitting 53,518 MT of GHGs per year. Under this standard, emissions reductions measures would need to reduce emissions to less than 37,998 MT annually, far more than the 3 percent annual reduction to 52,051 MT.

D. The DEIR Fails to Disclose and Analyze Significant Greenhouse Gas Emissions from Lost Carbon Storage and Sequestration.

The DEIR omits one of the key sources of the Project's GHG construction emissions: destruction of more than 500 acres of grasslands and vernal pools. (DEIR at 3.4-26.) Nowhere does the DEIR estimate anticipated loss of sequestered carbon as a result of grading the Project area. Instead regarding construction emissions, the DEIR only lists emissions from on-road and off-road vehicles (DEIR at 3.7-42-43), burying details and calculations in an appendix, as described *supra*. The DEIR fails to account for carbon emissions from intact habitats that would be dug up and paved over during construction as well as the annual loss of carbon that existing habitats would have continued to sequester for 30 years if the City did not construct the

Project.

As detailed in a 2023 Center Report, "Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks" (Yap et al., 2023), diverse native California habitats are important carbon sinks that should be included in carbon calculations. In the Project area, the landscape consists of a variety of vegetation, including oak woodlands, grasslands and chaparral. Although the carbon storage and sequestration potential of such habitats are often overlooked, carbon in these systems is stored in the form of soil organic carbon (e.g., extensive root networks, soil microbial communities, mycorrhizae), soil inorganic carbon (e.g., calcite/caliche), and above-ground vegetation (Janzen, 2004; Meyer, 2012; Mi et al., 2008; Thomey et al., 2014; Wang et al., 2010; Zamanian et al., 2016.)

i. The EIR Must Estimate the Amount of GHGs Emitted as a Result of Habitat Destruction.

The EIR must make a good faith effort to estimate these emissions and include them in the overall estimated GHG footprint. Estimating the quantity of existing carbon stock can be done using RePlan, a core component of the California Strategic Growth Council's (SGC) Integrated Regional Conservation and Development (IRCAD) initiative.[1] This sophisticated online tool provides a myriad of functionality including the ability to estimate carbon stocks throughout California. The tool takes as input a shapefile or drawn polygonal map area and outputs an estimate of the total carbon over the defined acreage. The data backing this tool comes from the California Natural and Working Lands Inventory conducted by the California Air Resource Board (CARB).[2]

Using RePlan and an estimate of the Project footprint, the Center found that there are approximately 16,000 Mega grams of carbon stored in the Master Plan area (Figure 1).[3] A Mega gram is equivalent to a metric ton (MT). Thus, using the common conversion factor of 3.67 (carbon to carbon dioxide equivalents [CO2e]), we arrive at an estimate of 58,720 MTCO2e stored in the Master Plan area. This represents the minimum amount of GHGs that would be emitted from habitat destruction under the proposed Project, yet the DEIR does not account for these emissions.

[1] https://replan-tool.org/
[2] https://ww2.arb.ca.gov/nwl-inventory
[3] Estimates were conducted in collaboration with Max Margolis, PhD.

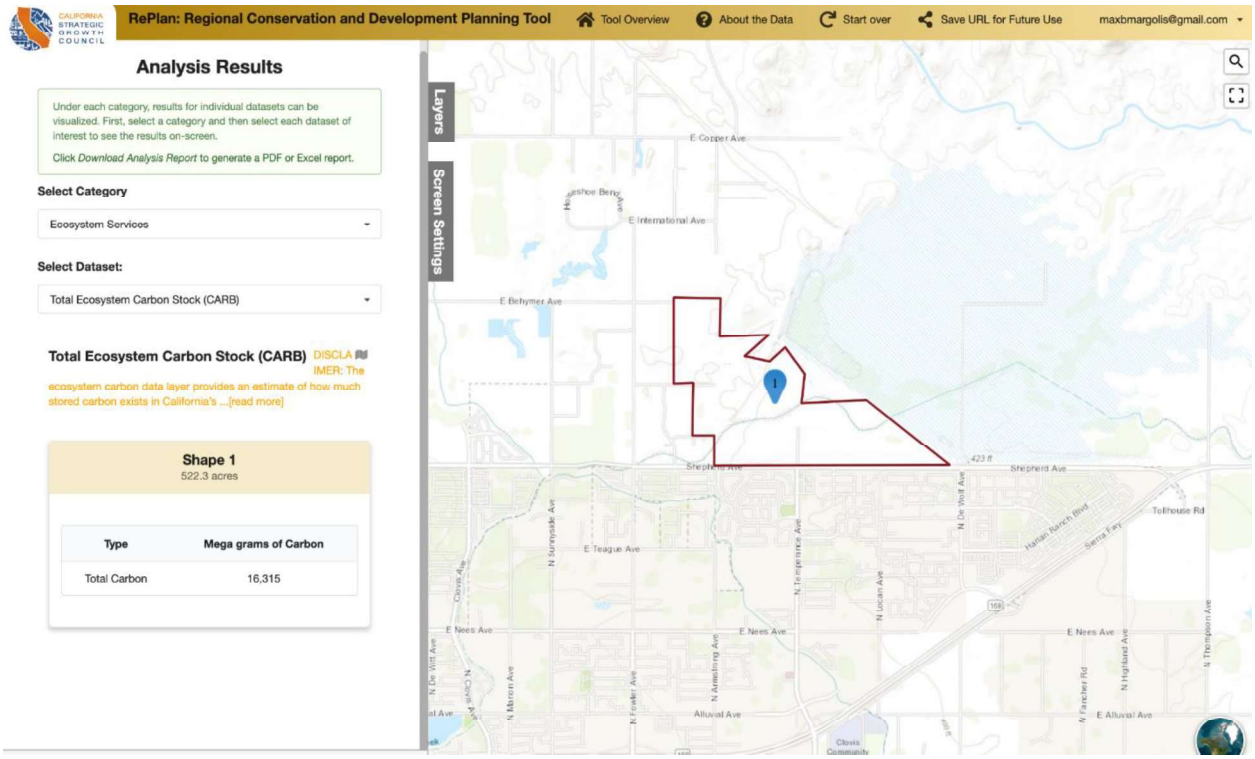


Figure 1. Screenshot of the RePlan analysis results based on the estimated Project footprint.

ii. The DEIR Fails to Consider the Loss of Grasslands.

Grasslands cover about 10% of California's land area and a large part of the Project area. (DEIR at 3.4-3.) Their aboveground biomass may not be as impressive as forests or shrublands, but there is significant potential for carbon storage in their roots and soils. Although the carbon storage and sequestration potential of grassland habitats are often overlooked, they have been found to store an estimated average of 38.4 to 60.3 metric tons of carbon per acre and accumulate 1.05-1.94 metric tons of carbon per acre per year (Koteen et al., 2011.) Although it depends on the species and ecological region, grasslands have been found to have large amounts of their biomass below ground. And grasslands with higher plant diversity have been found to facilitate greater soil carbon storage and are likely more resilient to climate change. (Yap et al., 2023.)

In a recent statewide analysis in California, researchers estimated there is 15.8 to 23 metric tons of carbon per acre in soil organic carbon stocks (40 cm deep) in grasslands and grazing lands. Researchers based the study on data collected in the San Joaquin Valley, Sacramento Valley, and Central Coast. The reasons for such high variability in carbon stocks are unclear, though some variation could be due to climate, region, and differences in historical and current land use. (Yap et al., 2023.)

Carbon storage estimates can vary depending on the species make-up and/or condition of the site. For example, in a study conducted in Northern California, native grasslands were found to store,

on average, 59.5 to 71.2 metric tons of carbon per acre in their soils (50 cm deep) with a sequestration rate of about 2.18 to 5.58 metric tons of carbon per acre, per year. This suggests that despite the relatively small amount of aboveground vegetation of native grasslands, the amount of carbon stored in their soils could be greater than the carbon storage of total tree biomass in natural forests. (Yap et al., 2023.)

Similar to California shrublands, grasslands in semi-arid regions may be resilient to climate change because they have an adaptive capacity to drought and wildfire. Multiple studies suggest that diverse grasslands can adjust to increased drought, though biodiversity declines due to drought could reduce functional stability. Researchers also found that plant biomass and soil organic carbon stocks in grasslands increased with elevated carbon dioxide levels, which highlights the potential for grassland soils to store more carbon as atmospheric carbon dioxide levels rise. This further highlights the urgency of preserving and restoring remaining intact native grasslands and their biodiversity. (Yap et al., 2023.)

E. The DEIR Fails to Adequately Mitigate the Impact of Increasing the Region's Vehicle Miles Traveled.

The DEIR further fails to mitigate the significant, unavoidable impacts of GHG emissions from Vehicle Miles Traveled (VMT). The DEIR acknowledges that increased VMT contributes to increased transportation GHG emissions (DEIR at 3.7-34-5) and that the Project's increased VMT will be significant and unavoidable. (DEIR at 3.13-18.) The Project will increase VMT per capita by 116% and per employee by 99%, far exceeding the significance threshold based on 13 percent below the regional averages for Fresno County. (DEIR at 3.13-16-17.)

CEQA requires that a lead agency adopt all concrete, specific, and enforceable actions to mitigate significant impacts, whether or not an agency deems an impact unavoidable. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173.) But here, the DEIR provides only a handful of vague future mitigation strategies it fails to detail. For example, MM 3.13-1 provides an aspirational measure, requiring future employers to implement a commute trip reduction program, including targets and elements of the employer's choosing. (DEIR at 3.13-18.) Similarly, MM 3.13-5 requires the City only to *contribute* to implementation of expanded transit service in Clovis, "including *potentially* service to the Project area." (DEIR at 3.13-19 [emphasis added].)

Beyond these aspirational measures, the DEIR contains unsubstantiated assumptions regarding the frequency of non-automobile trips by residents. For example, the DEIR states that bicycle and pedestrian paths will reduce VMT. Specifically, MM 3.13-2 provides bicycle facilities that include bike parking and bike lockers (DEIR at 3.13-18), and MM 3.13-4 seeks to increase the mileage of bicycle facilities in Clovis. (DEIR at 3.13-19.) However, the DEIR fails to provide evidence that people will in fact make such trips on a regular basis, nor does it account for the fact that the project is located in an hot and dry area, making cycling less desirable to the average resident. While the Center fully supports cycling as a form of transportation for commuting, currently only a small percent of commuters in the U.S. bike to work. The DEIR does not explain how the project will substantially change residents' amount of cycling.

Feasible mitigation measures for reducing VMT-associated GHG emissions exist that the City failed to consider in the DEIR. These include, but are not limited to:

(1) Provide free public transit services for future residents and workers

This is virtually certain to result in significant ridership increases no matter where it is implemented. The DEIR admits there are currently no public transit services in the project site (DEIR at 3.17-3), and nowhere does the FEIR commit to providing this. Evidence from previous studies indicate that ridership would increase from 20% to 60% in a matter of just a few months. (Studenmund & Connor, 1982.) One evaluation found that the net ridership increased by about 15% (about 45% during the off-peak periods) when there was no fee. This included the combined effects of an increase in trip frequency by prior users and an increase in the number of off-peak bus riders. Most new bus trips were diverted from other modes; very few were newly generated. (Ewing & Cervero, 2010.)

(2) Implement bus-only lanes

Dedicated bus lanes are relatively cheap and quick to install, dramatically reduce congestion, and increase efficiency, all of which increases ridership. Research suggests that bus lanes that reduce total transit door-to-door travel times by 5-15% will "by themselves increase urban peak ridership 2-9%." (Gahbauer & Matute, 2019.) The City of Denver found that ridership increased 2.8% in the first six months of their Tactical Transit Lanes (TTLs) operation, even though travel speed improvements were relatively modest (3-6%), likely due to the TTL being an expansion of existing lanes that had already been operational during peak hours when TTLs yield the greatest benefits. (*Id.*)

(3) Optimizing bus routes to minimize overlap and ensure coverage across the city in line with demand.

Regional planning allows resources to be used efficiently and effectively to serve the areas that need it most. For example, Houston re-specified their service after the LRT was put in place to reduce service overlap and to ensure transit coverage in other areas of the city. This resulted in a 7% increase in ridership on local bus and light-rail from 2015 to 2016. (C40, 2021.)

(4) Providing high-frequency, reliable services.

The bus network can be divided into main routes and local routes, with different frequencies. Bus routes on main city arteries and roads used for longer distance travel will require a frequent service, at least every 15 minutes. This is the minimum frequency at which the service is usually considered good enough for travelers to turn up without consulting a schedule. On local routes, a less frequent service may be sufficient, depending on demand and provided that the service operates punctually according to the timetable. For example, São Paulo has implemented this dual frequency network timetable for the night shift, increasing night-time ridership by over 70% (C40, 2021.)

(5) Building regular bus stops for easy access.

Ensuring accessibility and convenience is essential to increasing ridership. Providing more bus stops decreases the distance residents must travel to access such services. In Barcelona, the maximum

distance between transit stops in the new bus network is 350 meters. In Seattle, the bus network upgrade plan will increase the percentage of households within 800 meters of frequent transit routes from 43% in 2015, to 73% by 2040. (C40, 2021.)

(6) Limiting parking spots.

Committing to a hard limit on the total number of available parking spots on site and committing to a fixed minimum ratio (for example, at least one third) of those sites restricted to rideshare/carpool/EV vehicle use would reduce VMT. (*See* OPR Technical Advisory 2017 at 23; *see also* CAPCOA 2021.)

Although the DEIR gives lip service to a handful of these measures, it does not actually develop them in any detail, impose performance standards, render them enforceable, or attempt to quantify or otherwise evaluate their effectiveness. The City therefore cannot and does not evaluate their feasibility. The DEIR's failure to adopt all feasible mitigation measures to reduce the Project's significant VMT-related GHG emissions violates CEQA. (See Pub. Res. Code § 21002.)

F. The DEIR Fails to Adopt All Feasible Mitigation Measures.

Even despite the emissions it ignores, the DEIR admits that the Project will result in enormous GHG impacts. It says that total mitigated emissions will be over 52,000 MT CO_2e per year. (DEIR Appendix J, 71-74.) The FEIR should take a far more aggressive approach to reducing the project's GHGs. Specific and enforceable mitigation measures to reduce vehicle miles traveled, energy use, waste, water consumption as well as use of solar power could lower the project's impact on climate change (as well as air pollution and water use). As mentioned in the DEIR, CAPCOA has identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2021.) These resources provide a rich and varied array of mitigation measures to be incorporated into the project.

Specifically, mitigation measures should include construction emissions. During construction, the DEIR anticipates burning over 160,000 gallons of diesel fuel and nearly 41,500 gallons of gasoline to power construction equipment. (DEIR at 3.7-43.) The DEIR fails to mitigate this impact, although there are available mitigation measures that are feasible, common, and widely recommended by expert agencies. For example, the City of Fontana Warehouse Ordinance requires all forklifts, hand tools, and pressure washers to be electric in 2022, and the American Canyon Industrial Sustainability Ordinance requires all construction equipment greater than 75 horsepower to be zero-emissions or equipped with CARB Tier IV-compliant engines. (City of Fontana at 9-73.1; City of American Canyon, Industrial Sustainability Ordinance.) Further, CARB provides incentive funding to purchase zero emissions equipment through the Clean Off-Road Equipment Voucher Incentive. Projects within San Bernardino and Riverside Counties often include stronger requirements than included for this Project (Speedway Commerce Center DEIR at 1-10 [requiring all construction equipment over 50 horsepower be Tier 4 final]; Antelope Valley Specific Plan Project at S-13 [requiring all construction equipment over 75 horsepower be Tier 4]). To mitigate the Project's staggering construction emissions, the City should adopt these measures.

The project should further utilize the following mitigation measures related to construction:

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

In addition, Appendix D of the California Air Resources Board's 2022 Scoping Plan Update and the CAPCOA Handbook provide a set of measures and criteria to achieve equitable reduction of GHG emissions from operation, including:

- Utilizing existing infill sites that are surrounded by urban uses, and reuse or redevelop previously developed, underutilized land presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer);
- Providing proximity to public transit (within ½ mile);
- Ensuring that development does not result in the loss or conversion of the State's natural and working lands;
- Requiring installation of all electric appliances, without any gas connections for space heating, water heating, or indoor cooking;
- Providing EV charging infrastructure at least in accordance with CalGreen Tier 2 standards
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting;
- Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees;
- Ensure that the project is fully served by full recycling and composting services;
- Ensure that the project's wastewater and solid waste will be treated in facilities where GHG emissions are minimized and captured;
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the project's hot water requirements; and
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

Additionally, the City should consider a legally adequate carbon offset program to offset the project's unmitigated GHG emissions. Although any offset scheme must be carefully tailored to comply with CEQA's requirements (*see generally Golden Door Props. v. County of San Diego* (June 12, 2020, Nos. D075328, D075478, D075504) ___Cal.App.5th___ [2020 Cal. App. LEXIS 529]),

carbon offsets should be considered as a last option for mitigation where no other options are available or feasible.

III. THE DEIR MUST ADEQUATELY ASSESS AND MITIGATE THE PROJECT'S IMPACTS TO BIOLOGICAL RESOURCES.

CEQA requires that an EIR provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment. (Pub. Res. Code § 21061.) The EIR must adequately assess and mitigate impacts to special-status species that are known to occur, have the potential to occur, or historically occurred in and near the Project area. Yet the DEIR fails to adequately describe, assess, and mitigate the Project's impacts to numerous special-status species that occur, potentially occur, or historically occurred in or near the Project area. Below are a few in-depth examples of the DEIR's deficiencies. This is not a comprehensive list and there are likely other special-status species that require additional impact analyses.

A. The DEIR Lacks Sufficient Detail Regarding Mitigation Measures for the Project's Impacts to Special-Status Vernal Pool Species.

The Project would result in significant direct and indirect impacts to numerous special-status species that rely on vernal pools and their associated upland habitat for all or part of their lives, including California tiger salamander (CTS, federally and state threatened), western spadefoot (WESP, federally proposed for listing [U.S. Fish and Wildlife Services, 2023]), vernal pool fair shrimp (VPFS, federally threatened), western pond turtle (WPT, federally proposed for listing [U.S. Fish and Wildlife Services, 2024]), and others. Although the DEIR provides some promising mitigation for the Project's impacts to these species, the information provided is insufficient to ensure that adequate mitigation is implemented. The DEIR must provide sufficient information to ensure implementation and enforcement of mitigation for the Project's impacts to vernal pools, upland habitat, and the special-status species that rely on these habitats is adequate.

i. Mitigation Lacks Sufficient Information and Is Improperly Deferred.

CEQA requires concrete, specific, and enforceable actions before the City approves the Project. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173.) But to mitigate impacts to CTS, the DEIR proposes Mitigation Measure 3.4-3, which relies on future processes, including the completion of an Incidental Take Permit (ITP) and Clean Water Act permitting processes and the future development of a CTS Relocation Plan and an Herbicide Use Plan. Similarly, Mitigation Measures 3.4-4 through 3.4-8 rely on the future completion of an ITP and/or Clean Water Act Section 404 permitting processes to mitigate impacts to San Joaquin kit fox, Crotch's bumblebee, vernal pool fairy shrimp, western spadefoot, and western pond turtle.

Longstanding case law provides that simply mentioning future permitting processes and plans as mitigation amounts to improperly deferred mitigation and does not comply with CEQA. Here, the DEIR provides insufficient detail for the public and decision makers to ascertain whether such measures would adequately mitigate the Project's impacts to special-status species and their habitat *before* the Project is approved. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated and have not been subject to

analysis and review within the EIR"].) In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) The DEIR's proposed mitigation fails to meet these criteria.

Specifically, Mitigation Measure 3.4-3 provides that "[p]urchase of mitigation Property, establishment of the necessary conservation easements, and finalization of agreements for long-term maintenance and management responsibilities will be completed prior to project ground disturbance." (DEIR at 3.4-28.) The DEIR also states the lands are "expected to create a substantial preserve offering a mosaic of high-quality vernal pool/vernal swale, stream, and annual grassland habitat that is currently documented as supporting at least 13 special-status species, including CTS (Vollmar Natural Lands Consulting 2021; Redtail Consulting 2023, 2024)." (DEIR at 3.4-34.) But the DEIR also admits that the applicant has only "initiated preliminary discussions with CDFW, USFWS, the Corps, and the RWQCB about the mitigation proposal" and the "final extent and configuration of the mitigation preserve will be developed with agency input, and will be subject to review and approval by the agencies." (DEIR at 3.4-34.) The DEIR also states without support that "[a]ll of these resources are in substantially better condition and offer greater ecological function and value than the existing wetlands within MPArea 1 (Redtail Consulting 2023, 2024)." (DEIR at 3.4-57.)

While this sounds promising, the DEIR fails to provide an amount of habitat to be conserved and the exact location of the habitat, making it impossible for the public and decisionmakers to determine if mitigation is sufficient. Not only does the DEIR lack sufficient information regarding where or how much mitigation land would be protected, but it also lacks information regarding what kinds of surveys were conducted on the potential preserve lands, which special-status species beyond CTS (DEIR at 3.4-34) and WESP (DEIR at 3.4-43) were documented in the area, and what the surrounding land use is. There is no indication that the potential mitigation lands have similar or better occupancy of CTS, WESP, VPFS, or other special-status species compared to the Project area, which is critical to consider when assessing the Project's impacts and associated mitigation. The DEIR also does not provide information regarding whether the potential mitigation lands are vulnerable to development or connected to protected occupied/suitable habitat, or if surrounding lands are already developed, are planned to be developed, or are vulnerable to development. And should the property purchase fall through, the DEIR provides no alternative or backup mitigation to ensure that the Project's impacts will be adequately mitigated.

In addition, the DEIR lacks clarity regarding mitigation ratios for the many special-status species that occur in the Project area. The DEIR states that the proposed preserve "would provide mitigation for losses of suitable western spadefoot upland habitat at a ratio of 3:1 and low-suitability upland habitat at a ratio of 2:1; these are the same ratios proposed for CTS" and it "is expected to provide compensation for losses of western spadefoot aquatic (breeding) habitat at a ratio between 2:1 and 4:1 (Smith pers. comm.[b])." (DEIR at 3.4-43.) Again, while this sounds promising, the DEIR fails to commit to any mitigation ratio. Instead, the DEIR should include a required minimum mitigation ratio of 3:1 for in-kind or better suitable breeding and upland habitat for special-status species like

CTS, WESP, and others, with similar or better occupancy. If the proposed mitigation lands do not guarantee those mitigation ratios, then additional mitigation should be required.

The proposed mitigation as currently written is unclear, insufficient and improperly deferred. There is no certainty or assurance that lands would be protected, and there is insufficient detail demonstrating that the mitigation lands would provide appropriate and adequate mitigation. This improperly deferred and overly vague mitigation violates CEQA. (*See San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR"].)

ii. The DEIR Improperly Buries Information in the Appendices.

As with GHG emissions, the DEIR also buries information regarding mitigation measures for biological resources in the appendices. This is impermissible: CEQA condemns an agency's failure to include important information on analysis and methodology by only including such information in appendices. (*San Joaquin Raptor Rescue Ctr. v. Cty. of Merced*, 57 Cal. Rptr. 3d 663, 675 (Cal. Ct. App. 2007.) As the California Supreme Court has held, information in a CEQA analysis "must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 442.) Information and analysis "buried in an appendix is not a substitute for a good faith reasoned analysis." (*Ibid.* [citations omitted].)

Here, the DEIR fails to provide sufficient information regarding Mitigation Measure 3.4-3 and buries potentially useful information in an appendix. For example, the "Mitigation Overview" report by Redtail Consulting written in December 2023 mentions that the proposed potential preserve is located in the USFWS-designated Madera Core Recovery Area for vernal pools as well as designated critical habitat for VPFS. The report mentions that the mitigation lands would be placed under a conservation easement, tentatively with the Sierra Foothill Conservancy as the easement holder (Redtail Consulting 2023 at 6.) The report also mentions a Long-term Management Plan that would include establishing an adaptive management approach, a Grazing Plan, and a funded endowment to pay for species habitat monitoring and management in perpetuity.

Though lacking sufficient detail, this information is promising. However, the DEIR's main text fails to provide or discuss this information, and it remains unclear if the proposed mitigation includes what is mentioned in the Redtail Consulting 2023 report. The DEIR therefore lacks clarity and leaves mitigation uncertain and unenforceable, in violation of CEQA. (*Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 [mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development."].) More specific details are required within the main body of the EIR to determine whether the proposed mitigation is sufficient, such as a map of where the conservation easement would be located and the regional context (i.e., what surrounding areas are protected as open space, have been approved for development, or are vulnerable to development); what habitats and which species were documented in the potential preserve and where and how they were documented; what minimum mitigation ratios the applicant will commit to

being implemented for which species; specific plans for relocation, adaptive management, herbicides, etc.; how much and when funding will be set aside for the endowment; and more. The DEIR fails to comply with CEQA.

iii. Onsite Open Space and Wetland Buffers Are Insufficient.

The DEIR also fails to adequately assess and mitigate the Project's impacts to remaining onsite wetlands and associated upland habitat, as well as the species that rely on these habitats. The DEIR concludes that "risks to the health and function of remaining wetlands are not expected to worsen substantially following development" and therefore the Project's impacts on remaining wetlands are less than significant (DEIR at 3.4-58), without providing evidence to support such claims. The DEIR goes on to erroneously state that fencing and signage around remaining wetlands "may offer some level of benefit by comparison with current conditions" because there is currently no buffer currently in place. (DEIR at 3.4-58.) This is pure conjecture and not based on the best available science. Studies have shown that urban development can impact the physical and chemical properties of wetlands, change drainage and flow patterns, decrease water quality, and cause changes in biological responses at the organism, population, community, and ecosystem levels (Freeman et al., 2019; Johnston, 1989; Novoa et al., 2020; Riley et al., 2005; Thom et al., 2001.) The Project would bring more people into the area, which would inevitably result in more impervious surfaces, traffic, trash, pollution, runoff, domestic pets, invasive species, and other edge effects that would fragment and degrade remaining wetlands. The DEIR fails to adequately assess and mitigate the Project's impacts to remaining onsite wetlands.

Although the DEIR references that remaining wetlands would be "buffered by dedicated open space and protected with fencing and signage" (DEIR at 3.4-58), and figure 2.0-9 includes a small area identified as an "open space corridor" and a few smaller open space areas, the design and amount of open space that would be protected is unclear. According to a report buried in the DEIR Appendix (Redtail Consulting 2023), the open space areas include a number of wetlands that would have a minimum 25-foot buffer from development. (Redtail Consulting 2023 at 3.) However, these buffers are not mentioned in the main text of the DEIR, and it is unclear if these buffers will be implemented. And even if they were implemented, a 25-foot buffer is insufficient to adequately mitigate the Project's impacts to the remaining wetlands and the species that rely on them. For example, WESP have been documented traveling up to 145 m (475 ft) from wetlands (Halstead et al., 2021), while CTS have been documented traveling more than 2.2 km (1.3mi) from wetlands. (Orloff, 2011.) Keeping wetlands healthy requires keeping the wildlife that rely on them healthy.

In addition, the proposed open space areas with wetlands are either surrounded or almost completely surrounded by development and/or roads, rendering these small patches of habitat severely degraded and isolated. Any local populations of special-status species, including CTS and WESP, could be driven to extinction because of the proposed Project despite these areas of designated open space. There is ample available science that demonstrates that removal and fragmentation of habitat that is occupied or potentially occupied by sensitive species can result in significant harm to the species and even the potential extirpation of a population, particularly if metapopulation dynamics are at play. (Brehme et al., 2013, 2018; Ceia-Hasse et al., 2018; Cooke et al., 2020; Dornas et al., 2019; Gray, 2017; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Shilling, 2020; Soule et al., 1992; Suraci et al., 2019; Trombulak & Frissell, 2000; van der Ree et al., 2011.)

The Project area is located in the USFWS-designated Fresno Core Recovery Area for vernal pools (USFWS, 2005); thus, any remaining onsite vernal pools and associated upland habitats should be protected. The entire Project footprint of 537 acres should be considered impacted CTS and WESP breeding and upland habitat and incorporated into any offsite mitigation plans. In addition, designated open space within the Project area should be designed so that it is connected to other suitable, heterogeneous habitats so that species have sufficient room to roam to find the resources they need to survive. Buffers around wetlands should be a minimum of 250 feet, and enhanced connectivity to other potential habitat should be implemented. For example, the proposed Project will increase traffic on new and existing roads, including on North Carson Road, which aligns the eastern border of the "open space corridor." The DEIR should include enhancing connectivity across North Carson Road and any new roads for CTS, WESP, WPT, and other critters that are likely using the vernal pools located in the Project area so they can more safely disperse from remaining wetlands. Such enhancements can include elevated road segments or regularly spaced salamander tunnels with associated directional fencing. (Brehme et al., 2023.) Crossings should include protecting suitable habitat on both sides. In addition, mitigation should include educational signage in open space areas and at wildlife crossings that highlights the importance of vernal pools, grasslands, and wildlife in the area. The open space areas and crossings should include continuous monitoring, adaptive management strategies, and well-defined and measurable success criteria, to be funded in perpetuity. As currently written, the DEIR fails to adequately assess and mitigate the Project's impacts to vernal pools and the special-status species that rely on moving across the landscape to find the resources they need to reproduce and survive.

B. The DEIR Lacks Sufficient Detail Regarding Mitigation Measures for the Project's Impacts to Special-Status Birds.

Many bird species throughout North America are experiencing declines. The widely-publicized results of a 2019 research study show that nearly three billion birds have been lost in the last half-century, with grassland birds experiencing the heaviest losses. (Rosenberg et al., 2019.) Threats to birds are numerous and complex, and include habitat loss and fragmentation, urban and agricultural development, pesticide and rodenticide use, and climate change, among others. The DEIR fails to analyze the Project's impacts to special-status birds due to habitat destruction, degradation, habitat fragmentation, and increased traffic, noise, and light pollution. The DEIR should be revised to adequately assess the Project's impacts to special-status birds.

Below are a few in-depth examples of species-specific analysis deficiencies. This is not a comprehensive list, and there are likely other special-status species that require additional impact analyses.

i. The DEIR Fails to Adequately Assess and Mitigate Impacts to the Burrowing Owl.

The DEIR fails to adequately describe, assess, and mitigate the Project's impacts to burrowing owls. Specifically, the DEIR fails to mention the current petition to list burrowing owls under California Endangered Species Act (CESA) (Miller, 2024), nor the fact that CDFW has recommended granting them candidacy status. (CDFW, 2024.) Burrowing owls in the Project area are within the Southern Central Valley subpopulation, which saw a 20% decline in breeding pairs from 1,396 breeding pairs in 1991-1993 surveys to 1,113 breeding pairs in 2006-2007 surveys. (Miller, 2024.)

Breeding pairs have likely continued to decline since the last surveys due to urban development, utility-scale renewable energy development, and agricultural conversions, resulting in CESA petitioners requesting that the Southern Central Valley owls be listed as threatened. (Miller, 2024.) The Project area has suitable burrowing owl foraging and nesting habitat (DEIR at 3.4-11), and any impacts due to the Project, including loss of current or potential habitat and further habitat fragmentation, could push this population closer to extinction.

Despite recommendations from the California Department of Fish and Wildlife (CDFW) in their December 2023 NOP comments to conduct targeted CDFW-protocol burrowing owl surveys to inform the DEIR (*see* Appendix), no such surveys were conducted. Although Mitigation Measure 3.4-9 includes preconstruction surveys for special-status wildlife, and the DEIR assures that surveys "will be timed to allow follow-up such as relocation of individuals and/or consultation with resource agency staff if warranted" (DEIR at 3.4-46), CDFW recommends including the development of a Burrowing Owl Exclusion Plan as well as securing and permanently protecting lands to mitigate loss of habitat *before* any activities that may impact burrowing owls begin. (CDFW, 2012.) Mitigation measures should also include the permanent protection of occupied nesting and foraging habitat at a minimum mitigation ratio of 3:1, with adequate resources set aside to protect, monitor, and adaptively manage these areas in perpetuity.

CDFW also recommends avoidance buffers of 50 m (164 ft) to 500 m (1640 ft) from nesting sites, depending on the time of year and level of disturbance (Table 1). Although Mitigation Measure 3.4-10 requires a 500-foot no-disturbance buffer zone for raptors other than Swainson's hawk, that is insufficient for the majority of nesting site scenarios.

Table 1. CDFW's recommended no-disturbance buffers for nesting burrowing owls, as provided in the December 2023 NOP comments (see Appendix and CDFW 2012.)

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

The DEIR fails to adhere to best practices regarding burrowing owl surveys and adopt all feasible mitigation measures, as required by CEQA.

ii. The DEIR Fails to Adequately Assess and Mitigate Impacts to Swainson's Hawk.

Swainson's hawk is a raptor species native to California, listed as threatened under the CESA. (CDFW, 2016.) Historically, Swainson's hawk was common throughout most of California. But currently, there are estimated to be under 2,000 breeding pairs anywhere in the state—an 80% decrease from historic levels. (CDFW, 2016.) The primary threat to the hawk is habitat loss, which may have been the greatest factor in reducing its range and abundance in California over the last century. (CDFW, 2016.) Swainson's hawk needs natural grasslands, pasture, or hay crops to forage, which makes them dependent on land use patterns and vulnerable to development of incompatible land uses

and habitat fragmentation. (CDFW, 2016.) Therefore, maintaining large heterogenous areas of grasslands is a priority for protecting the species.

Despite recommendations from the California Department of Fish and Wildlife (CDFW) in their December 2023 NOP comments to conduct targeted CDFW-protocol Swainson's hawk surveys to inform the DEIR (*see* Appendix), no such surveys were conducted. CDFW also recommended that the applicant acquire an ITP if take cannot be avoided and to permanently protect nesting and foraging habitat if habitat loss occurs within a minimum distance of 10 miles from known nest sites, suggesting minimum 1:1, 0.75:1, and 0.5:1 mitigation ratios for projects within 1 mile, 5 miles, and 10 miles of an active nest, respectively (*see* Appendix). Instead, Mitigation Measure 3.4-11 relies on the potential purchase of an undisclosed amount of land referenced in Mitigation Measure 3.4-3 and does not commit to minimum mitigation ratios.

As discussed above, while the potential purchase of mitigation lands sounds promising, the amount of habitat to be conserved and the exact location are not provided in the DEIR, making it impossible for the public and decisionmakers to determine if mitigation is sufficient. Not only is there insufficient information regarding where or how much mitigation land would be protected, but there is also no information regarding what kinds of surveys were conducted on the potential preserve lands, which special-status species beyond CTS (DEIR at 3.4-34) and WESP (DEIR at 3.4-43) were documented in the area, and what the surrounding land use is. There is no indication that the potential mitigation lands will have similar or better Swainson's hawk habitat or occupancy compared to the Project area, which is critical to consider when assessing the Project's impacts and associated mitigation. And should the property purchase fall through, the DEIR provides no alternative or backup mitigation to ensure that the Project's impacts will be adequately mitigated.

The DEIR lacks clarity and leaves Swainson's hawk mitigation uncertain and unenforceable. CEQA requires more specific details in the EIR's main text to determine whether the proposed mitigation is sufficient, such as a map of where the conservation easement would be located and the regional context (i.e., what surrounding areas are protected as open space, have been approved for development, or are vulnerable to development); what habitats and which species were documented in the potential preserve and where and how they were documented; what minimum mitigation ratios the applicant will commit to being implemented for which species; specific plans for relocation, adaptive management, herbicides, etc.; how much and when funding will be set aside for the endowment; and more.

The proposed mitigation as currently written is unclear, insufficient and improperly deferred. There is no certainty or assurance that lands would be protected, and there is insufficient detail that demonstrates that the lands would be appropriate and adequate mitigation. As provided *supra*, CEQA requires enforceable, legal protections to be in place prior to Project approval. (Guidelines § 15126.4, subd. (a)(2).)

C. The DEIR Fails to Adequately Assess and Mitigate the Project's Impacts to Wildlife Connectivity.

The DEIR states "No wildlife movement or migratory corridors have been identified within MPArea 1" (DEIR 3.4-59) without providing any evidence to support this claim. No movement studies

or connectivity analyses were conducted in or near the Project area. The DEIR goes on to erroneously conclude that "Development of MPArea1 is thus expected to have no impact on wildlife movement (DEIR at 3.4-59.) The DEIR fails to mention that, as stated in the Center's December 2023 NOP comments, CDFW identifies the Project area as "ACE Rank 3": "Connections with implementation flexibility" (Figure 2), which are defined as "areas that have been identified as having connectivity importance, but have not been identified as channelized areas, species corridors, or habitat linkages at this time." (CDFW, 2019.) Importantly, CDFW also defines the area as having the highest ecoregion biodiversity ranking (Figure 2), which suggests that wildlife movement and habitat connectivity in and through the Project area is important for the area's existing biodiversity.

Although the DEIR acknowledges "potential impacts on wildlife movement or migratory corridors as a result of development" within MPArea 2 and the Non-Development Area (DEIR at 3.4-60), the DEIR provides no analyses for these areas. Instead, the DEIR relies on Mitigation Measure 3.4-12, which only states that the applicant will retain a qualified biologist(s) to conduct a comprehensive biological resources evaluation of the area, implement recommended follow-up measures, obtain agency permits, and implement permit conditions requires by resource agencies. This constitutes insufficient and improperly deferred mitigation, as this evaluation should be completed *prior* to the EIR being reviewed, approved, or certified. (*See San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR"].) Simply stating that Mitigation Measure 3.4-12 will "provide an enforceable mechanism to avoid, reduce, and/or compensate for impacts on such corridors if they are present" (DEIR at 3.4-60) without providing a description, explanation, or discussion regarding what those "enforceable" mechanisms will be or how or when they will be implemented fails to comply with CEQA.

As mentioned above, the proposed open space areas with wetlands are either surrounded or almost completely surrounded by development and/or roads, which impairs local connectivity by creating small, isolated patches of severely degraded habitat. Any local populations of special-status species, including CTS and WESP, could be driven to extinction because of the proposed Project despite these areas of designated open space. Habitat destruction, degradation, and fragmentation can negatively affect local connectivity for less mobile species, like CTS, WESP. and WPT, in and adjacent to the Project area. There is ample evidence that removal and fragmentation of habitat that is occupied or potentially occupied by sensitive species can result in significant harm to the species and even the potential extirpation of a population, particularly if metapopulation dynamics are at play, which is likely the case for CTS and WESP (Brehme et al., 2013, 2018; Ceia-Hasse et al., 2018; Cooke et al., 2020; Dornas et al., 2019; Gray, 2017; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Shilling, 2020; Soule et al., 1992; Suraci et al., 2019; Trombulak & Frissell, 2000; van der Ree et al., 2011.) The DEIR completely neglects an analysis of impacts to connectivity.

The Project area is located in the USFWS-designated Fresno Core Recovery Area for vernal pools (USFWS, 2005); thus, any remaining onsite vernal pools and associated upland habitats should be protected. The entire Project footprint of 537 acres should be considered impacted CTS and WESP breeding and upland habitat and incorporated into any offsite mitigation plans. In addition, designated open space within the Project area should be designed so that it is connected to other suitable, heterogeneous habitats so that species have sufficient room to roam to find the resources they need to

survive. In addition, buffers around wetlands should be a minimum of 250 feet, and enhanced connectivity to other potential habitat should be implemented. For example, the proposed Project will increase traffic on new and existing roads, including on North Carson Road, which aligns the eastern border of the "open space corridor." The DEIR should include enhancing connectivity across North Carson Road and any new roads for CTS, WESP, WPT, and other critters that are likely using the vernal pools located in the Project area so they can more safely disperse from remaining wetlands. Such enhancements can include elevated road segments or regularly spaced salamander tunnels with associated directional fencing. (Brehme et al., 2023.) Crossings should include protecting suitable habitat on both sides. In addition, mitigation should include educational signage in open space areas and at wildlife crossings that highlights the importance of vernal pools, grasslands, and wildlife in the area. The open space areas and crossings should include continuous monitoring, adaptive management strategies, and well-defined and measurable success criteria, to be funded in perpetuity. As currently written, the DEIR fails to adequately assess and mitigate the Project's impacts to wildlife connectivity and the special-status species that rely on moving across the landscape to find the resources they need to reproduce and survive.

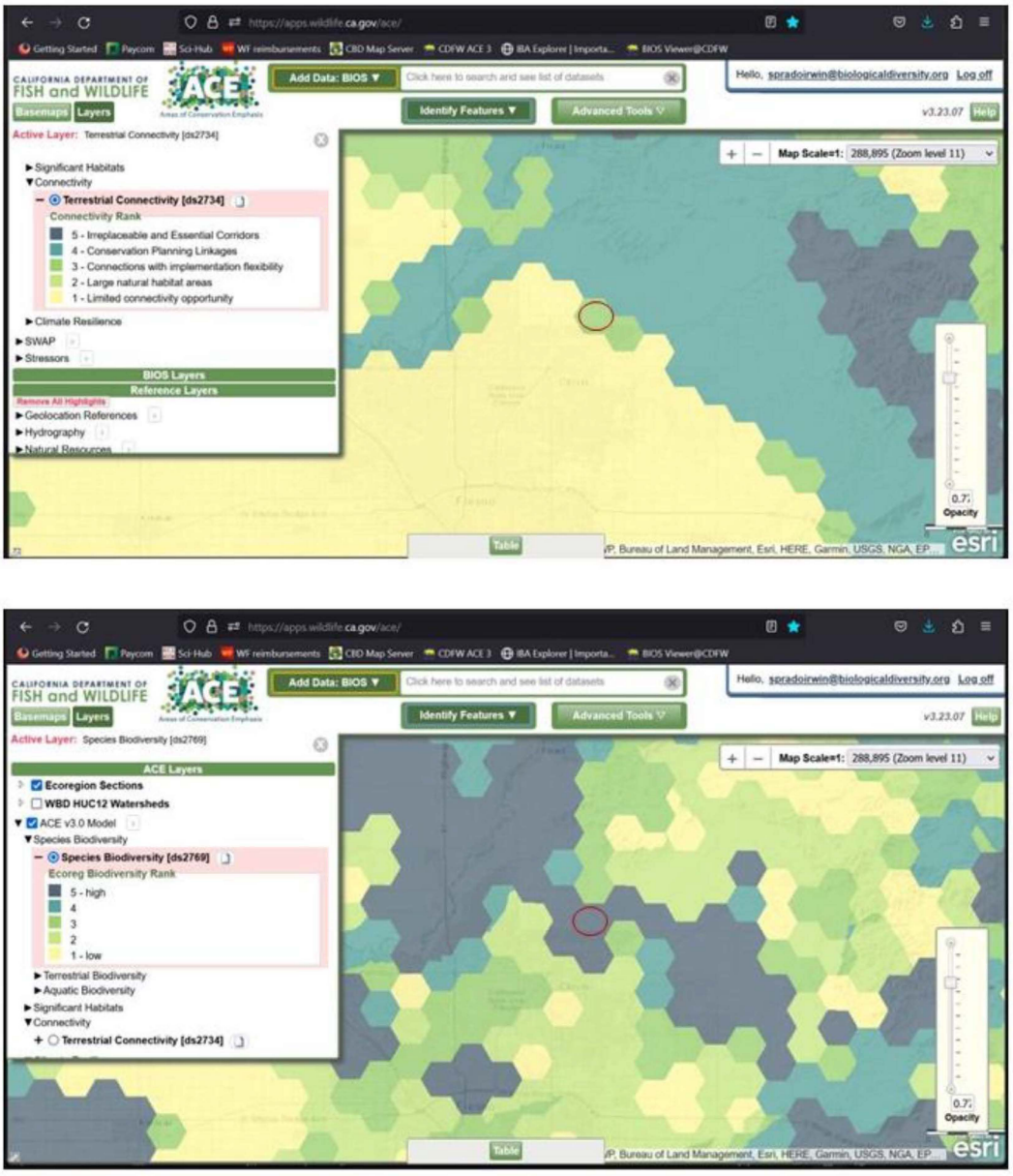


Figure 2. The California Department of Fish and Wildlife (CDFW) Areas of Conservation Emphasis (ACE) connectivity (top) and biodiversity (bottom) rankings. The red circle indicates the approximate Project location. Source: CDFW ACE website: https://wildlife.ca.gov/Data/Analysis/ACE (accessed December 6, 2023).

As detailed in a 2021 Center Report (Yap et al., 2021), roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly planned development and roads can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function. (Ceia-Hasse et al., 2018; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Trombulak & Frissell, 2000; van der Ree et al., 2011.) For example, habitat fragmentation from roads and

development has been shown to cause mortalities and harmful genetic isolation in Central Coast and Southern California mountain lions (Benson et al., 2019; Gustafson et al., 2021), increase local extinction risk in amphibians and reptiles (Brehme et al., 2018; Cushman, 2006), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al., 2010; Kantola et al., 2019; Loss et al., 2014), and alter pollinator behavior and degrade habitats (Aguilar et al., 2008; Goverde et al., 2002; Trombulak & Frissell, 2000.) Habitat fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al., 2019.) The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al., 2019.) In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009; Krosby et al., 2018.) Loss of wildlife connectivity has negative impacts on special-status species, decreases biodiversity, and degrades ecosystems. Such impacts of the proposed Project must be adequately assessed and mitigated to comply with CEQA.

Edge effects of development, like traffic, light and noise pollution, domestic pets, invasive species, and more, in and adjacent to open space will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Barrientos et al., 2023; Collins et al., 2022; Crooks, 2002; Delaney et al., 2010; Lee et al., 2012; Riley et al., 2006; Smith et al., 2015, 2017; Wang et al., 2017), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Benítez-López et al., 2010; Cushman, 2006; Delaney et al., 2021; Kociolek et al., 2011; Slabbekoorn & Ripmeester, 2008.) Development that limits movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. Negative edge effects from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, have been found to be biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003)

Connectivity is critical for resilience to climate change. Climate change is increasing stress on species and ecosystems, causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes, and increasing species extinction risk (Warren et al., 2011.) A 2016 analysis found that climate-related local extinctions are already widespread and have occurred in hundreds of species, including almost half of the 976 species surveyed (Wiens, 2016.) A separate study estimated that nearly half of terrestrial non-flying threatened mammals and nearly one-quarter of threatened birds may have already been negatively impacted by climate change in at least part of their distribution (Pacifici et al., 2017.) A 2016 meta-analysis reported that climate change is already impacting 82 percent of key ecological processes that form the foundation of healthy ecosystems and on which humans depend for basic needs (Scheffers et al., 2016.) Genes are changing, species' physiology and physical features such as body size are changing, species are moving to try to keep pace with suitable climate space, species are shifting their timing of breeding and migration, and entire ecosystems are under stress (Cahill et al., 2012; Chen et al., 2011; Maclean & Wilson, 2011; Parmesan, 2006; Parmesan & Yohe, 2003; Root et al., 2003; Warren et al., 2011.) Thus, the DEIR must use the best available science and adequately assess the baseline conditions of the Project area so impacts can be adequately assessed and mitigated. The DEIR fails to comply with CEQA.

It is widely recognized that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. In a report for the International Union for Conservation of Nature (IUCN), world-renown scientists from around the world stated that "[s]cience overwhelmingly shows that interconnected protected areas and other areas for biological diversity conservation are much more effective than disconnected areas in human-dominated systems, especially in the face of climate change" and "[i]t is imperative that the world moves toward a coherent global approach for ecological connectivity conservation, and begins to measure and monitor the effectiveness of efforts to protect connectivity and thereby achieve functional ecological networks" (Hilty et al., 2020.)

IV. THE EIR MUST THOROUGHLY DISCLOSE, ANALYZE, AND MITIGATE THE PROJECT'S IMPACTS TO PUBLIC RESOURCES AND EXISTING COMMUNITIES.

The DEIR also fails to adequately assess and mitigate impacts on the existing community and its public resources. Rather than densifying the existing communities that have water systems, streets, schools, transit systems, powerlines and other hard infrastructure already in place, this sprawl development will require new infrastructure to be constructed. Specifically, the DEIR states that the Project requires "the installation of new public and private roadways . . . and other improvements, including water supply, storm drainage, sewer facilities" are necessary for the project. (DEIR at 5.0-2.) It is thus essential that the DEIR fully analyze, disclose, and mitigate the Project's impacts to public resources and existing communities.

Investment in exurban development creates a negative feedback loop of divestment from existing cities. Building out infrastructure results in fewer resources to maintain and improve existing infrastructure in city centers. This reduces the quality and availability of those services, creating more incentives for people to move away from the urban core. (McElfish, James M, 2007.) Additionally, building out infrastructure is more expensive, and such costs are often handed down to residents. A recent analysis indicated that sprawl development in the U.S. increases annualized infrastructure costs by 50% percent. (Litman, 2015.)

A. The Project Would Result in A Divestment in Infill Affordable Housing.

While this Project does provide additional housing, it does not address the root cause of the housing crisis: affordability. The Project's proposal to build market rate housing outside the city center does nothing to address the affordability crisis, as affordable housing is only equitable if housing opportunities provide low-income residents with access to public resources. The City should instead work to densify and redevelop its urban areas, rather than approve sprawl development that destroys open space. Densifying the City would help reduce rental prices and ensure residents have access to the public infrastructure already in place, such as parks, schools, and public transit. If instead, the City chooses to invest in sprawl development, it could face the same challenges that residents of Los Angeles face with around 74% of the housing zoned single-family residential creating some of the highest rents in the nation. (Menendian et al., 2022.)

Shifting to more compact housing types not only reduces rents, but it significantly reduces residential land consumption. A mix of 80% single-family, 10% attached and 10% multi-family housing requires about twice as much land as an equal mix of housing types, and more than three times as much land as 10% single-family, 40% attached and 50% multi-family housing (Camagni et al., 2002.) This leaves more open space for wildlife to flourish and for people to enjoy. Native landscapes help us regulate our climate, purify our air and water, pollinate our crops, and create healthy soil. In addition to the direct benefits from access, preservation of our native habitats and the species that rely on them is critical to our long-term health and wellbeing (Sandifer et al., 2015.) Therefore, the City should do everything it can to preserve remaining open space.

However, upzoning alone is not enough. The City needs to increase equitable affordable housing in communities that have remained exclusionary. This could be achieved by **enacting an inclusionary housing mandate of 15% at 50% of average median income or 20% at 60% of average median income for all new development of five units or more.** Finally, in-lieu fees, or fees that a developer pays into a fund to be spent on affordable housing elsewhere, should be eliminated, ensuring that all new developments with affordable housing requirements will be built onsite. In-lieu fees allow developers to pay their way out of affordable housing requirements, leading to highly segregated neighborhoods and displacement of low-income residents to off-site affordable units. To ensure that low-income residents are provided affordable options in neighborhoods with high public investment, we need to eliminate this option for developers. Implementing these policies, along with upzoning the urban core, would address the very real need for more affordable housing options, while still prioritizing the health, safety, and wellbeing of all residents.

B. The Project Would Increase Single Occupancy Vehicle Use, Harming Community Health and Wellbeing and Divesting from Sustainable Transportation Methods.

As discussed *supra*, the Project's increase in total daily VMT not only contributes to GHG emissions, but it also undermines community health. Increased VMT increases emissions of air pollutants such as nitrogen oxides (NO_x), volatile organic compounds (VOCs), carbon monoxide, heavy metals, carbon dioxide and respirable particulate matter ($PM_{2.5}$). Increased VMT also leads to more ozone (O_3) production through the photochemical reactions of NO_x and VOCs emitted by vehicles. (Lurmann et al., 2015.) Short- and long-term exposure to several of these pollutants has been linked to premature mortality, compromised birth outcomes, heart disease, and a host of respiratory illnesses. (Mujtaba & Shahzad, 2021.)

Another serious direct impact of increasing the number of cars on roads is automobile crashes, which are the leading cause of death among young people (15 to 19 years old) in the United States.[4] An estimated 42,915 people in the U.S. died in car crashes in 2021 alone, and 3.4 million people are injured each year, which costs an estimated $473.2 billion annually including wage and productivity

[4] Center for Disease Control and Prevention. "Underlying Cause of Death, 2018-2021." https://wonder.cdc.gov

losses, medical expenses, motor-vehicle damage, and employers' uninsured costs (Frumkin et al., 2004; U.S. Department of Transportation, 2022.)[5]

Beyond the direct impacts, increased VMT has long term impacts on commuters. In 2019, the duration of the average daily commute in the United States increased to a new high of 55.2 minutes, and a record 9.8 percent of commuters reported daily commutes of at least 2 hours. (Burd et al., 2021.) These long commutes reduce time available to spend with family, friends, and community and reduce opportunities for healthy recreation. The increase in inactivity and isolation, in turn, leads to long-term health complications such as pre-diabetes, diabetes, obesity, asthma, isolation, stress, and depression. (Ewing et al., 2003; Leyden, 2003.)

Providing alternatives to single occupancy vehicle travel is essential to building an efficient, sustainable, and equitable transportation system. Unfortunately, we have a long way to go if we are going to achieve this vision in the United States. In 2013, it was reported that 76.4% of people commuting to work were driving alone. (McKenzie, 2015.) According to the Inventory of U.S. Greenhouse Gas Emissions and Sinks, from 1990-2015, our collective daily transportation in the U.S. constituted about 27% of the total GHGs emitted. (U.S. Environmental Protection Agency, 2017.) In California, the annual average emissions associated with passenger vehicles between 2000 and 2020 totaled approximately 110 million metric tons of CO2e.

To change these trends, government agencies need to invest in alternative modes of transportation to not only make them cheaper to use, but more efficient than driving. As mentioned supra, best practices for transportation options include providing free public transit services for future residents and workers; implementing bus only lanes; optimizing bus routes to minimize overlap and ensuring coverage across the city in line with demand; and providing high-frequency, reliable services with regular bus stops for easy access. It should be a priority of all governments to reduce VMT with every new project, but instead this proposed sprawl development would steer the region in the opposite direction, eroding community and environmental health to build more single-occupancy vehicle infrastructure.

V. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE THE PROJECT'S AIR QUALITY IMPACTS.

Degraded air quality from the Project also poses considerable environmental and public health concerns. The Central Valley area already contains some of the nation's most polluted counties with Fresno County nearly topping the list for several pollutants. (ALA 2022.) Air pollution often impacts the most vulnerable populations in these counties, including young children, the elderly, pregnant women, and those with heart and lung disease. People living in poverty also remain more susceptible to air pollution, as they cannot easily relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports. (BAAQMD 2016; ALA 2022.) Major pollution sources include transportation, manufacturing, construction, importing and transporting goods, and energy development. In urban areas, transportation presents one

[5] NSC Injury Facts. "Costs of Motor-Vehicle Injuries." 2021. https://injuryfacts.nsc.org/all-injuries/costs/guide-to-calculating-costs/data-details/

of the most significant sources of pollution, where large population segments are constantly exposed to traffic. (BAAQMD 2016.)

In Fresno County, Ozone, Fine Particulate Matter, and Toxic Air Contaminants pose the greatest risks. Experts have linked these three air pollutants to increased risk of cancer, birth defects, low birth weights, and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2022.) Although invisible, ozone poses considerable health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2016.) Additionally, Particulate Matter can easily escape the body's natural defenses and enter the blood stream, impacting human health.

The project would affect an area already in violation of the Clean Air Act's National Ambient Air Quality Standards (NAAQS), and impacts are significant and unavoidable. (DEIR at 3.3-28.) The San Joaquin Valley Air District is in nonattainment under state standards for PM 2.5, PM 10, and Ozone and nonattainment under federal standards for PM 2.5 and Ozone. (DEIR at 3.3-10.) State and local air agencies have determined that attainment will require massive emission reductions from all pollution sources. However, the DEIR here fails to even adequately address the project's significant increase in emissions, analyze to what extent the project will hinder ambitious reductions required under the State Implementation Plans, and provide adequate mitigation measures.

A. The DEIR Underestimates the Project's Air Quality Impacts.

The project impacts one of the most heavily polluted areas in the country. Fresno County ranks first among the nation's worst in PM daily pollution, seventh worst for PM annual pollution, and sixth worst for ozone. (ALA 2022.) A comprehensive analysis of air quality impacts is acutely important where, as here, the project is in an area already experiencing adverse air quality. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 723-724.) Successfully addressing the area's unique pollution problems is made more difficult by projected growth in population and activity levels, increasing the amount of pollution generated within the area, the geographic extent of the polluted area, and the size of the population exposed to these extraordinarily high pollution levels. However, here the FEIR should have provided additional information to the public.

First, the DEIR, fails to adequately analyze the potential health risks from the project's air pollution, as the Guidelines require. (Guidelines § 15126.2.) An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 653.) Simply providing emissions levels or general descriptions of health impacts, as the DEIR does here, provides no context to decisionmakers or the public of the project's actual public health effects on public health. (*See* DEIR at 3.3-30-35.) Because the project will be built over many years, the DEIR must analyze the potential for project construction at later phases to affect the residents of the development that will already be living and working there. A sensitive receptor baseline that does not account for the future residents of the project area overlooks the whole of the project and employs a flawed baseline to minimize impacts on public health and the affected environment.

Second, the DEIR underestimates air quality impacts from vehicle emissions because it relies on the assumption that jobs will be located near housing. (DEIR at 3.10-35-36; DEIR at 3.3-36.) However, it provides no further detail as to how many jobs the Project will create, nor what types of jobs they will be; thus it remains unclear how this will affect vehicle emissions. Moreover, as noted above, there is no guarantee nor requirement that the entire project actually be built, such that the actual traffic, air quality and GHG impacts could be greater than disclosed in the EIR. As such, the DEIR's unsupported prediction that locating jobs near housing will reduce air quality impacts results in a failure to adequately to analyze these impacts or to propose meaningful mitigation measures.

B. The DEIR's Proposed Mitigation Measures Are Inadequate.

As explained *supra*, CEQA requires mitigation measures "fully enforceable through permit conditions, agreements, or other legally-binding instruments." (CEQA Guidelines § 15126.4(a)(2).) Even if the project's impacts remain *unavoidable*, that does not absolve the City of its obligation to *mitigate* significant impacts to the extent feasible.

Here, the DEIR provide several options for future mitigation, including mitigation measures 3.3-1 to 3.3-4. For example, MM 3.3-1 provides a list of measures that must be *evaluated* in the future to determine their relevance and feasibility. (DEIR at 3.3-35-36.) Several examples include:

- EV charging stations;
- Solar panels;
- Improving the pedestrian network
- Traffic calming measures to encourage walking or biking;
- Building bicycle infrastructure; and
- Encouraging telecommuting.

The DEIR should adopt all these mitigation measures, which have proved feasible in other cities throughout California. If implementation does not prove feasible, the FEIR must provide substantial evidence of infeasibility. (Guidelines § 15091(b).)

The DEIR should also mandate numerous mitigation measures from the CEQA Air Quality Handbook, as well as the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, including the following:

- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than one hundred for particulates or ozone for the project area.

- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

The DEIR should be revised to include these and other measures to reduce, avoid, or minimize the project's admittedly significant and unavoidable impacts to air quality and recirculated for public review and comment. As a reminder, should the City decide that one of the suggested mitigation measures is not feasible, it must explain in the record why it concluded that specific mitigation measure was not feasible, supported by substantial evidence. (*Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.)

VI. THE DEIR FAILS TO ANALYZE OR MITIGATE THE PROJECT'S WATER QUALITY IMPACTS.

The DEIR fails to adequately analyze the Project's water quality impacts. Instead, the DEIR outlines general sources of potential water quality impacts, such as increased impervious area, increased runoff, and additional pollutants. (DEIR at 3.9-21-22.) However, these impacts are discussed in only the broadest terms, and the DEIR performs no actual analysis to quantify potential impacts. The DEIR therefore entirely fails to describe baseline conditions and fails to analyze Project impacts. The DEIR must provide information on potential levels of pollutants and contaminants, levels of stormwater and urban water runoff, locations of water quality impacts, and mechanisms for measuring and monitoring impacts over the short and long term.

The DEIR also fails to provide any targeted mitigation for water quality impacts. Instead, the DEIR relies on "[c]ompliance with existing standards and rules, including the implementation of BMPs," to "ensure that the proposed Project would have a less than significant impact" to mitigate all potential water quality impacts. (DEIR at 3.9-22) This is inadequate and fails to provide any concrete and enforceable measures to protect water quality in any water bodies throughout the Project area. The DEIR provides no detail on what such standards entail, whether and how such standards and rules are enforced, and how such standards and rules can guarantee less than significant impact on water quality. The DEIR must be revised to include enforceable mitigation that is targeted to water quality impacts and demonstrate that such mitigation measures are effective. Currently, the DEIR fails to achieve any of these necessary functions and is therefore deficient.

VII. THE DEIR FAILS TO FULLY ANALYZE THE PROJECT'S WATER SUPPLY IMPACTS.

The DEIR's Water Supply Assessment ("WSA") fails to clearly demonstrate to the public and decision-makers that there will be sufficient long-term supplies to service the Project, as required. (*See Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430-432 (hereinafter "*Vineyard*"); Water Code § 10910.) The Project's water supply will be provided by the City of Clovis, whose water supply portfolio includes surface water, recharged aquifer storage, groundwater, recycled water, and future transfers from the Garfield Water District ("GWD") and the International Water District ("IWD") (WSA 4-5.) The DEIR claims that "implementation of the proposed Project would result in a less than significant impact relative to water supplies." (DEIR at 3.9-11.) However, several of these appropriations are not yet established, and projections regarding future water availability are lacking. Specifically, the DEIR and WSA fail to discuss the viability of long-term appropriations in light of climate change's current and future impacts on regional surface water supplies. Further, the DEIR fails to analyze potential impacts of the Project's water use on the environment.

A. The DEIR Fails to Properly Assess the Impacts of Climate Change on the Project's Surface Water Supply.

First, the DEIR fails to adequately consider the impacts of climate change on the availability of increasingly scarce water resources in the western U.S. during the lifespan of the Project. It bases its conclusion that the Project will have less than a significant impact on water supply (DEIR at 3.9-2) on the WSA, which does not discuss how climate change and the attendant shifts in precipitation regimes will impact the amount of water *actually available* under the existing appropriative rights. Instead, the WSA relies on the City of Clovis Urban Water Management Plan ("UWMP") regarding climate impacts. However, the UWMP's consideration of climate impacts to water supplies is extremely cursory and does not include any actual analysis. Instead, the UWMP summarizes potential measures that could be implemented, but are not required (UWMP at 4-11, 4-12), and relies on the dubious claim from the North Kings Groundwater Sustainability Plan ("NKGSP") that "climate change will have no significant impact on Kings River diversions."

Undoubtedly, climate change *will* impact the Project's water supply. The Intergovernmental Panel on Climate Change ("IPCC") specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows . . . ." (IPCC, 2007.) Recently, researchers found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States. . . ." (Barnett et al., 2008.) Using several climate models and comparing the results, the researchers found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels. (Barnett et al., 2008.) These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human induced (Barnett et al., 2008.) This, the researchers stated, is "not good news for those living in the western United States." (Barnett et al., 2008.)

The California Center on Climate Change has also recognized the problem climate change presents to the state's water supply and predicts that if GHG emissions continue under the business-as-usual scenario, snowpack could decline up to 70-90 percent, affecting winter recreation, water supply, and natural ecosystems. (Luers et al., 2006.) Climate change will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels, and water resources are already under strain. (Luers et al., 2006.) The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies. (Luers et al., 2006.) It could also potentially reduce hydropower and lead to the loss of winter recreation. (Luers et al., 2006.) All of this means "major changes" in water management and allocation will have to be made. (Luers et al., 2006.) Thus, climate change may directly affect the ability to supply clean, affordable water to residents, or change how the Project will utilize water, and it may also impact other activities outside the Project area, such as agriculture or offsite residential use.

It is therefore extremely difficult to accept, without further explanation, that climate change will not impact the Kings River, one of the primary sources of the City of Clovis water supply. Other surface and groundwater supplies, including current and planned deliveries from the Central Valley Project, Garfield Water District, and International Water District, are likely to be impacted as well. Yet neither the WSA nor the UWMP provide actual data, models, or projections of the potential impacts of climate change on water supplies. This an egregious oversight. It is impossible to claim that water supplies will be available without performing a single analysis of the impacts of climate change on surface and groundwater availability, or providing details on the analyses performed by the NKGSP. Given what is included in the WSA, it is impossible to assess whether the claim that "climate change will have no impact on Kings River diversions" is based in sound science. In fact, the NKGSP notes that this claim is in fact an assumption based on significant uncertainty, and would require modifications in numerous water management practices (KNGSP at 193-194):

> "Quantifying the impacts of predicted Kings River inflows on surface water supplies would require a sophisticated, theoretical operations model that considers inflow availability, water rights and management practices by local water agencies. No such operations model is available and development of such a model was not feasible during preparation of the current GSPs. Additionally, water management on the Kings River is based on numerous other factors such as operational availability of facilities, cropping patterns, daily water supply allocations, availability of recharge facilities, management practices and other factors, which preclude the possibility of a simplified analysis… **Based on the uncertainty described above, the assumption was made that Kings River water supplies available to the Kings Subbasin will be managed in the future to maintain historical levels of water supplies**." (emphasis added)

This shortcoming undermines the accuracy of the water supply analysis, and the finding of less than significant impact based thereon. The lack of analysis is particularly concerning given the that the City's reliance on surface water will increase relative to other sources in the future, accounting for 71% of the City's total water supply (WSA at 6-2.)

The EIR must include a thorough analysis of the potential impacts of climate change on water supplies given the likely increased temperatures that California will face. Currently, neither the DEIR itself, nor the WSA (nor the UWMP upon which the WSA relies), have provided sufficient information

to support the conclusion that the Project will have a less than significant impact relative to water supplies. Further, the reader of the DEIR should not be forced to hunt through appendices and documents not included in the DEIR for analysis that is fundamental to understanding the impacts of the Project; this should be in the body of the DEIR. The EIR must include such analyses, rather than relying on out-of-context claims in documents that are not even directly referenced in the EIR.

B. The DEIR Fails to Properly Assess the Impacts Providing Water to the Project Area.

Second, beyond failing to adequately assess water supply availability, the DEIR fails to adequately assess the environmental impacts associated with acquiring and providing that water. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434 [hereinafter "Vineyard Area Citizens"].) CEQA requires this assessment to include both direct and indirect environmental impacts resulting from the permanent allocation of water to a proposed project. (*Vineyard Area Citizens*, *supra*, 40 Cal.4th at 434.)

Here, despite proposing a large residential development that will lock in water demand for decades, the DEIR fails to present the public and decisionmakers with an adequate discussion of how the Project's water use will impact the environment and existing and future water users in Fresno County. Instead, the EIR's discussion of water supply impacts focuses entirely on the assertion that the City of Clovis will have enough water to meet Project demand, as outlined in City's 2020 UWMP and the 2024 WSA. Nowhere in the EIR, the WSA or referenced UWMP, is there a clear discussion of, or appropriate reference to, an analysis of how supplying the Project will impact state and regional water resources and the ecosystems they sustain. The project will result in an additional 1,760 acre-feet per year ("AFY") of water allocated for use by the Project (WSA at 3-2), primarily from surface water supplies. (WSA at 4-5.) Similar projects within the City will require an additional 28,337 AFY, meaning current proposed development—including the Project—will increase water demands by over 30,000 AFY. The removal of this water especially from surface water sources may well impact species and ecosystems that rely on the streams, rivers, and ecosystems in and around the Kings and San Joaquin Rivers and their tributaries. The DEIR must include an analysis of potential impacts of water use on special status species and the environment, included potential impacts on surface flows. Only after such analysis is performed can a determination of significance be made.

The findings of the UWMP do not satisfy CEQA's required impact analysis, since the preparation of an UWMP is expressly exempt from CEQA review. (See *Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33, 51 [citing Cal. Water Code § 10652].) While exempting the preparation and adoption of a UWMP itself from CEQA, section 10652 of the Water Code explicitly states that "any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the [urban water management] plan" is *not* exempt from CEQA. (Water Code § 10652.) In short, the legislature was clear that while the preparation of a UWMP is exempt from CEQA, the legislation did not intend to exempt *projects* that rely on the plan from the requirements of CEQA, specifically when the project may significantly affect water supplies for fish and wildlife. (See *id.*)

The Water Supply Assessment also does not relieve the County, as lead agency, of its independent obligation to disclose and assess the environmental impacts of supplying water to the

Project. (*California Water Impact Network v. Newhall County Water Dist.* (2008) 161 Cal.App.4th 1464, 1486.) Like an UWMP, a WSA is meant to support a lead agency's consideration of water supply issues, but "the Legislature committed the final determination on water supply issues to the lead agency, not the water providers." (*Ibid.*) While the County was permitted to include previous water planning projections, such as those contained in the UWMP and the WSA, referencing those documents may not supplant CEQA impact analysis. (*Ibid.*) CEQA requires more than a water district's assurances that water is available. In a zero-sum game, the impacts to users, both environmental and human, that may go without must also be disclosed so that an informed and transparent decision can be made. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404-05.)

C. The DEIR Must Include Aggressive Water Efficiency Measures.

Third, in light of the Project's massive water demand, the EIR should include aggressive water efficiency measures. The WSA states that the City has a Water Shortage Contingency Plan that "could be partially or fully implemented if needed or mandated." However, this Plan is only implemented during water shortages, and does not mandate any water conservation measures in normal years that could help prevent shortages. The UWMP also outlines several legally-required water conservation measures, including a Water Waste Prevention Ordinance, metering requirements, and conservation pricing. However, all other water conservation measures are voluntary. As such, the DEIR and the water policies upon which it relies does very little to minimize water use and promote water conservation in normal years. Given the state of California's ongoing water supply issues and the potential impacts of climate change, such measures should be required and implemented whenever possible.

Furthermore, considering recent droughts and ongoing climate uncertainty, all new development projects should maximize water use efficiency and conservation in their plans. An ideal method for ensuring incorporation of such measures is through a life-cycle assessment of the project, accounting for not only the end product but also the whole life of all products, materials, and processes being used. (Ghattas et al., 2013.) Water efficiency and conservation should be central aspects of not only the final project, but also of all materials and processes used in its construction. A similar concept to this holistic style of project design is known as cradle-to-cradle design, which emphasizes the creation of systems that generate no waste throughout their life span. (Tyrnauer, 2008.)

Technology and legislation now enable and incentivize many forms of water conservation. (Cooley & Phurisamban, 2016; Los Angeles Department of City Planning, 2013.) For example, preventing water loss due to run-off can be accomplished by laser-leveling of land during project construction, and installing permeable surfaces in place of traditional paving where applicable allows for groundwater recharging. (Shanesy, 2016.) Landscaping choices also offer a prime opportunity for water conservation. Drought tolerant and native plants and rain gardens, which allow for groundwater recharging, are a responsible alternative to traditional lawns and plants with high water demands. Drip and micro-spray irrigation also limit water use and waste by only watering specific areas and avoiding evaporation. Graywater filtration systems can be used to reclaim waste water from sinks showers and laundry for use in irrigation. (Los Angeles Department of City Planning, 2013.) High density, attached housing designs, such as urban infill projects, maximize water use efficiency by concentrating demand and also reducing the total area of landscaping, as compared to detached, single family homes. High

density infill projects also assist with maintaining water quality, and thus reduce costs associated with treatment by preserving more open space and undeveloped land that is then able to act as a natural filtration system and recharge for groundwater. (Cosgrove & Loucks, 2015.)

Increasing urban water use efficiency also decreases demands for energy generation. Energy and water are inextricably linked, as energy generation is water-intensive, and water treatment and delivery are energy-intensive; thus, increased integration in a shared systems paradigm would result in greater efficiency for both. (Larson et al., 2007; Tarroja et al., 2014, 2016.) Part of what makes water use energy-intensive is the distance it must travel to reach users. (Fang et al., 2015.) Developments located far from existing water sources require more energy and are thus less efficient. (Cosgrove & Loucks, 2015.) Another factor is the energy demand involved in treating wastewater. Given that approximately 8% of California's electricity consumption is for treating and transmitting water, water utilities could reduce carbon emissions by investing in renewable sources of energy for treatment and transmission. (Fang et al., 2015.) On a residential scale, energy is needed for heating water for washing, and this energy demand could be reduced with more efficient appliances (Cohen et al., 2004.) Considering that many types of energy generation not only require large amounts of water, but also contribute to water pollution, water and energy production cannot be easily separated. New development projects should recognize this linkage water-energy linkage and design plans that are both water and energy efficient, as one cannot be truly effective without the other. (Larson et al., 2007.)

VIII. THE DEIR FAILS TO CONSIDER A HIGH-DENSITY ALTERNATIVE THAT REDUCES SOI.

The purpose of an EIR's discussion of alternatives is to identify ways to substantially reduce or avoid significant environmental impacts. (*Laurel Heights Improvement Association v Regents of Univ. of Cal.* (1988) 47 C3d 376, 403.) Therefore, an EIR must focus on alternatives that avoid or substantially lessen the Project's significant environmental impacts. (Pub. Res. §21002; 14 Cal Code Regs §15126.6(a)–(b).) The EIR should analyze alternatives that offer substantial environmental advantages over the proposed project. (*Citizens of Goleta Valley v Board of Supervisors* (1990) 52 C3d 553, 566. See *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 CA5th 413, 436 [an EIR that did not consider alternatives that would reduce vehicle miles travelled was inadequate].)

To meet that duty here, the City must analyze an alternative that would increase density enough to make the Project compliant with 2022 Scoping Plan and San Joaquin Valley Air District GHG reduction goals, or at least bring it substantially closer, while also reducing the SOI. Nowhere does the DEIR state that the higher density alternative would fail to achieve all the Project's goals. However, the EIR stops short of analyzing any alternative that reduce GHGs, nor an alternative that would increase in density within the urban core while reducing the sphere of influence (SOI). To support community and environmental health, the Center suggests an alternative that does not expand the SOI and focuses all development on densifying areas around existing public transportation infrastructure. This would achieve the goals of providing more housing for the community, while significantly reducing the impacts of such development on existing residents and the environment.

The City asserts in the DEIR that a higher density would mean higher VMT and higher GHG emissions overall, but does not support that statement with evidence. (DEIR at 5.0-30; DEIR at 5.0-

23.) In fact, CAPCOA estimates the opposite: that increasing residential density can reduce GHG emissions from VMT by up to 30%. (CAPCOA at 66.) For bus service to offer a reasonable alternative to private cars, the residential density must be at least 12 people per residential acre. (TCRP Report at 15.) Below that level bus service will be "poor." (*Ibid.*) An alternative that sufficiently increases density would ensure that it is feasible to serve the Project with robust public transit that would allow residents to get to downtown Clovis without relying on private vehicles. Because of the Project's high GHG emissions, the City should explain why mitigating them with a higher density alternative would not be feasible, and it has not done that here.

IX. CONCLUSION

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report for the Vista Ranch Project. We urge the City to correct these errors and recirculate an EIR that complies with CEQA.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 762.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, inter alia, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the project and do not hesitate to contact the Center with any questions at the email addresses listed below.

Sincerely,

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From: City of Clovis Website <wp-donotreply@ci.clovis.ca.us>
Sent: Tuesday, March 18, 2025 7:31 PM
To: McKencie Perez
Subject: [External] Vista Ranch SOI Message

Name: SURINDER SANDHU
Email: clovis.heart@yahoo.com
Address: 5818 East Shepherd ave
Message: Concerns about Vista Ranch project:
1 Since North side of Shepherd that is now a single lain, if it is under clovis city SOI, developer should widen it to double lane with foot path to accomodate traffic. My house entrance is off of Shepherd, speed should be reduced starting East of Armstrong so I don't face 50 mph traffic as I get out of my house to get on to Shepherd. There should be a U-turn on Bergen and Shepherd for me to go East.Now I have to go to Fowler to make a U turn. Will need foot path along Shepherd down to Fowler, with working fire hydrants.
2. Where is the ponding basin for this project, there should be atleast 3-4 big ponding basins for water table to recharge. In future if my well dries up, what will be the remedy since now my water table is at 50-60 feet. Will I be prohibited from drilling a new well, will county or city be incharge of permits ?
Also will flow in the dry creek be left as is now and no discharge allowed from housing, into the dry creek so to preserve the quality of water that the canal recharges?
3. If Shanandoah farms is under City SOI, for property tax, will we be taxed by county or City of Clovis. My other email is surindersandhu01@yahoo.com.
4. For water pumps for this project can they drill in the water basin, east of the drycreek dam.
Thanks.
Attachments (2 Max.):

Date: March 18, 2025
Time: 7:31 pm
Page URL: https://cityofclovis.com/planning-and-development/planning/planning-projects/vista-ranch-soi/
User Agent: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_15_7) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/128.0.0.0 Safari/537.36
Remote IP: 172.56.169.14
Powered by: Elementor

From: J. Ramirez <jarod_ramirez@hotmail.com>
Sent: Sunday, March 23, 2025 9:09 AM
To: McKencie Perez
Subject: [External] EIR Comments
Attachments: ^ EIR Comments 3-23-25.pdf

Hi Mckencie,

Please see the attached PDF regarding my comments for the City and the EIR. Please let me know if I need to submit the comments in a different format or at a different place.
Please respond to this email to confirm you received it.

Thank you,

Jarod Ramirez
5704 E. Perrin Rd.
Clovis, CA 93619
559-779-8124

Comments Regarding the Proposed Vista Ranch Development:

Submitted by Jarod Ramirez, Marissa Ramirez, Tycen Ramirez, Dominic Ramirez, Brielle Ramirez, and Halle Ramirez on July 26, 2024. We are residents and property owners of 2.5 acres on Perrin Road. Our property will directly border the proposed housing development. 12 new homes are proposed to directly border our property.

- **Traffic Congestion and Safety:** The proposed development will exacerbate existing traffic issues on Shepherd, Fowler, and Behymer roads. There is a risk of extended road closures, as seen previously with Shepherd Avenue. Perrin, Behymer and Fowler Avenue are not safe as it is, and these county roads are not equipped to handle the increased traffic. The necessary upgrades are not planned. The increased traffic will cause traffic delays, road destruction, vehicle accidents and pedestrian injuries and/or fatalities. I live on Perrin Road and my first concern when it comes to traffic is safety for my family, neighbors, future neighbors and community at large. Since this process started, two young men have died in accidents near the corner of Fowler and Perrin. There is no room for error on Fowler Avenue. 3,000+ new homes means that thousands of new vehicles and many pedestrian children will be navigating this deadly area. There are already unsuspecting children that walk or ride on Fowler, and that will certainly increase because Perrin to Fowler will be the closest path to the nearby shops. If this project is allowed to happen as proposed, I guarantee children will incur great bodily injury and/or die on Fowler because of it. The parents of those children will be further devastated when they learn that the City and developers were warned of the dangers and that they disregarded sound advice.

  Perrin is certainly not equipped to handle the amount of traffic that this project proposes to direct to this road. The road is narrow, and the intersection of Perrin and Fowler is already so dangerous that I do not allow my 17-year-old son to take that route while driving unless necessary. At minimum there will need to be a 3-way-stop, and the Perrin will need to be improved all the way to Fowler (into the County portion that will not be annexed). Additionally, my neighbors in the Shenandoah neighborhood will have a ridiculous amount of traffic that will cut through their quite little neighborhood. If they can erect a gate, that will be great for them, but then that will put more strain on Perrin. I propose not to proceed to develop with high density north of the canal. The county roads cannot handle the proposed phases 4, 5, and 6. This development will cause massive road safety and traffic issues, and the city and county will not be able to require sufficient road improvements that will be able to sufficiently mitigate the impact on our roads. At minimum I request that no traffic be allowed to be directed to Perrin Road. This area is the least equipped of all the roads to handle the increased traffic. I believe the Armstrong extension would be better suited to handle the traffic. The builders proposed not to build out Armstrong as some sort of favor to the Shenandoah neighbors, but I suspect that by not building out Armstrong, they would be saving multiple millions of dollars. They are not doing it to help the neighbors, but rather to cut down on costs. If the alternative is to improve Fowler, they might change their mind about Armstrong. I believe the Armstrong extension was originally proposed by the City of Clovis. Improving Fowler Avenue will require widening of the road, eminent domain to obtain the necessary land, and massive electrical construction to put the power lines underground. Who is going to pay for all of that? It is the responsibility of the

governing authorities to protect the citizens. I realize that the City of Clovis wants more residents and tax dollars, but at what cost to the current community?

Finally, my neighbors on Behymer East of Fowler will have their little neighborhood decimated by the widened road and increased traffic. Many of their homes sit very close to their quiet country road on Behymer. Their property value and way of life will be destroyed.

Perrin, Behymer and Burgan cannot handle what this project proposes. Please do not destroy our community.

- **Water Concerns:** in a normal year, over 100 million gallons of storm runoff will be redirected to downgradient recharge basins, reducing the water available to existing wells that residents rely on. This diversion worsens the already poor water situation for many nearby residents, even without drought conditions. If this development progresses, **there must be a plan for a upgradient water basin**. Just because this development will not drill wells in the immediate area does not mean that there will not be an impact to the ground water supply to the surrounding homes. If city water becomes available to some residents, there is no guarantee that they can afford to hookup to it (estimated $60,000+) or that that they have the funds available to drill a new well. Additionally, city water would be extremely expensive for some county residents that require significant water to maintain their landscapes. I request at minimum that a large ponding basin be required upgradient to the existent homes to help recharge the aquafer for the existing country neighbors that depend on well water. **At the very least, I propose not proceed to develop with high density north of the canal.** Our Water supply is not sufficient. There are already homes on Fowler and west of Fowler Avenue that have wells that have run dry. The financial impact to our residents by impacting the water level in our area will be too much to handle. The impact to the current residents water must be taken into account. I understand that water will be pipped in to the project from other sources, but the amount of recharge water that will be diverted south to the Temperence ponding basin will be massive. This project will be stealing our water.

- **Increased Pollution:** The project will lead to unavoidable increases in air, water, and noise pollution. Significant CO2 emissions and smog levels are expected to rise, as noted in the ecological report.

- **Loss of Natural Beauty:** The development will obstruct miles of scenic views of the Sierras and rolling hills. Many current residents will lose their views due to the construction of high-density, two-story homes throughout the area. Please try to minimize the impact to neighbors by keeping home single story, especially the new homes that would border existing Fresno County residents. The current plan proposes to place 11 homes bordering my property. Those homes could easily be shifted to the east to allow for a access road to the neighborhood. If a ponding basin was to be planned next to my property much of the view could be preserved and many other homes could have their backyard facing the basin. This basin could be bordered by wrought iron fencing and it would attract beautiful birds, such as the geese, ducks and egrets that currently live in the area. Arguably, the wide open views from my property will be impacted more than any other property because of the proximity of the development to where my home sits on my property. Most of the homes in Shenandoah are set back a considerable distance from

the proposed cinder block wall. In my case, the will sit approximately 15 feet from my home (see the pictures below).

- **Housing Density:** The density of proposed neighborhoods to be built may be considered lower density housing for new neighborhoods, but it is very high density compared to the existing homes in the area. I propose at a minimum of 1 acre estate sized lots for new construction that will border existing homes. We all have a minimum of 2 acre lots. Responsible planning and development should gradually move towards higher density.
- **Destruction of Animal Habitat:** The natural habitat for various animals, including the severely threatened Tiger Salamander, will be destroyed. Fox and coyote dens will be bulldozed, and food sources for owls and hawks will disappear, thus the beautiful birds of prey will disappear from the area as well. Mitigating by buying some property somewhere else will not change the fact that death and destruction of my neighborhood animals will be required for this housing tract to be built.
- **Decreased Property Values:** The property values and desirability for many current residents are likely to decline due to the development. My home is my biggest investment. This project will significantly impact my property value. I currently have a magnificent view of the Sierra Nevada Mountain range. It is proposed that 12 new homes will be built that directly border my property. I certainly would not have bought this property if it shared a fence with 12 neighbors. With the potential for many of those homes to be two story homes and the potential of the fencing between my property to be a cheap cedar picket fence (rather than a cinderblock wall), my property value will become less desirable.
- **Loss of Privacy and Enjoyment:** The proposed high-density residential units are not consistent with current zoning allowances, particularly near existing rural residential lots. Some homeowners will find 10 to 20 new homes bordering their property, significantly impacting their privacy and the enjoyment of their homes. The currently proposed density next to current residents is outrageous. If the project is to move forward, at a minimum, one acre lots with single level homes should border existing homes and higher density homes could phase in as the neighborhood moves east. My 2.5-acre property has an unobstructed view of the Sierras. The new development will likely obstruct my entire view. I bought this property because of the view. I, my family, friends, and neighbors enjoy the beauty out here every single day. It will be a great loss for us. I propose only developing south of the canal along Shepherd. The Property North of the Canal needs to remain low density rural.
- **CRIME:** Increased residential density will obviously lead to higher crime rates on the area. The addition of a large subdivision will put extra strain on local law enforcement resources, potentially resulting in slower response times and less effective policing.
- **Unwanted Annexation:** Some County residents could find themselves being annexed to the City of Clovis by force and will be subject to abandon their wells and forced into city utility services and rules. Residents will be forced to incur massive fees to connect to city services.



Above is a picture of my property as of July 2024.



My current view vs my potential view



This natural beauty will turn into asphalt and concrete.

From: Andy Bone <abone1966@hotmail.com>
Sent: Thursday, March 27, 2025 12:42 PM
To: McKencie Perez
Subject: [External] Wilson Deveopment

March 27, 2025

McKenzie Perez, MPA, Deputy City Planner City of Clovis Planning Division 1033 Fifth Street Clovis, CA 93612

RE: Request for Well Water Protection Evidence for Shenandoah Farms Community - Vista Ranch Project (SCH No. 2023100508)

Dear Ms. Perez:

I am writing in response to the Notice of Preparation for the Vista Ranch Project (State Clearinghouse No. 2023100508) to request specific information regarding protections for groundwater resources that our Shenandoah Farms community depends upon.

The proposed Vista Ranch development raises significant concerns about potential impacts to our community's private wells. The project site is located within the Kings Subbasin, which is already critically overdrafted according to the California Department of Water Resources. Given recent legal precedents regarding development impacts on groundwater resources (V Farms LLC v. County of Kern, Gray v. County of Madera), we request evidence that the City of Clovis has adequately analyzed potential impacts to our wells and has concrete mitigation measures in place.

Specifically, we request:

1. Analysis of how additional groundwater pumping for the proposed 3,286 residential units will affect existing private wells in our community
2. Monitoring and mitigation plans for potential well failures similar to those experienced near the Shepherd and Sunnyside development in Clovis
3. Verification that the project complies with requirements under the Sustainable Groundwater Management Act given the critically overdrafted status of the basin
4. Evidence that the city has considered cumulative impacts of all planned developments in the area on groundwater supplies

Recent well failures in neighboring communities highlight the need for comprehensive groundwater protection measures. As residents dependent on these resources, we respectfully request that these concerns be specifically addressed in the Revised Draft EIR.

For us at Shenandoah farms, the stakes couldn't be higher. We face potential well failures, decreased property value, and increased vulnerability during droughts. The city must require a proper well impact analysis, establish ground water monitoring, and implement a recharge requirements for this project to proceed

Sincerely,

Andy and Linda Bone
9228 N Burgan Ave
Clovis Ca 93619

(559)360-3301

From: Andy Bone <abone1966@hotmail.com>
Sent: Friday, March 28, 2025 10:52 AM
To: McKencie Perez
Subject: [External] Re: Wilson Deveopment, Where will the water come from?

Hello Mckencie,

I have some questions regarding where the water is coming from. It s my understanding that this proposed development will get the water from Fresno Irrigation District. But, I was told this is out of their jurisdiction. Can you confirm this?

The proposed project includes up to 3,286 residential units plus commercial development, which will require substantial water resources in an area already facing water scarcity challenges. While the NOP mentions that "The City of Clovis provides utility services to the City, including water" and notes three main water supply sources (groundwater, surface water, and recycled water), it lacks specific information about:

1. The exact quantities of water required for the full buildout of the Vista Ranch Project
2. The specific sources that will supply this water, with percentage breakdowns
3. Documentation verifying that these water sources are secured with appropriate water rights, contracts, or agreements
4. Analysis showing that these water sources are sustainable over the long term, particularly during extended drought periods
5. Potential impacts to existing water users in the region

Given California's ongoing water challenges and the requirements of SB 610 and SB 221 for water supply assessments, I request that the Revised Draft EIR include a comprehensive Water Supply Assessment that clearly demonstrates sufficient and reliable water supplies exist for this development without negatively impacting existing users or environmental resources.

Additionally, I request information on any infrastructure improvements needed to deliver water to the project site and whether these improvements are funded and accounted for in the project planning.

Thank you for your attention to this important matter. I look forward to receiving this information in the upcoming environmental documentation.

Sincerely,

Andy and Linda Bone

March 28, 2025

ATTN: McKenzie Perez
Senior Planner for Clovis City

RE: Vista Ranch

I have lived in Shenandoah Farms for over 20 years at 5902 E. Province Ave. I was unable to attend the last meeting on March 18th considering this massive land grab by developers. I am against this huge subdivision being planned around my home, and this area. It is not needed for this area taking away preserved land for wildlife, open space and the Big Dry Creek Dam which I will explain later. I see no planning in this development just thousands of lots, throw in a school, a small park (Rubber Stamp) same old type of developments no design just making money for developers.

The college and high school on Willow Ave. and other developments have created high traffic problems already in this area. We don't want the cart before the horse. Just don't say we will develop Fowler Ave. in the future after approving this map

Clovis was at one time called the way of life and had good planning. I talked to someone in planning several years back. They stated that they probably would not jump Shephard Ave on the North Side or East From Fowler Ave to the Big Dry Creek Dam with high or medium density but only low density with light traffic and population with that types of Business, storage areas, landscape contractors, possible golf course etc. and keep some open space area for parks and recreational projects not a massive, small lot and stack them up type subdivision with thousands of additional people causing air pollution, traffic, water problems. My property is right next to where the underground aquifer basin start and other homeowners in the area also goes through the San Joaquin Valley in different basins. You keep adding to the future drop in our water table in adding thousands of additional water users. Right now this is a open area, not using any water to amount to anything just natural environment.

Most developers are only interested in a big profit. They don't care about the future of a crammed-up subdivision, it will become a slum looking appearance in the future. Most of them live in gated communities, with walking and bike paths and small lakes, and nice looking developments with some acreage to each lot. For Clovis you have threw out country living for packed up housing development. You already have enough housing developments approved.

Things to consider:

First, Big Dry Creek Dam is earth filled and is assigned to the High Hazard Potential Classification and those where failure or mis operation will probably cause loss of human life. They should only be in pre-dominantly rural or agricultural areas. See attached dam report. Not in areas with population and significant infrastructure. It is important for flood control and recharge of underground water supply. I also believe it's been used for Friant Dam overflow. It is not classified as a significant hazard area which allow some infractions. This is rated HIGH, hazard potential.

Secondly, Fowler Ave needs to be developed first from Shephard North to handle any new traffic. Not in the future but before this huge project should even be addressed. The traffic backs up now on Shephard Ave for people going to work, the College and High School- large percentage go up to Fowler Ave to Behymer.

Thirdly, you should not stack up approximately (*) 3200 homes and thousands and thousands of homeowners up against the Big Day Creek Dam area. Should be left open as a buffer area in case of a disaster or other issues at the dam.

Think of the entire area of Clovis City limits its pretty large. The population as of year ending 2023 was 125,800. You want to add over 10% of Clovis entire population of approximately 13,000 in one small area behind my house and other homeowners at Shanandoah. This is unbelievable and ridiculous what they are doing and all up against the 50' high hazardous earth filled dam. That is why this area has always been left open as a buffer. Fresno County would not allow and development in front of this dam and Clovis shouldn't either.

Another example pictures the entire population of Kingsburg City (around 13,100) being placed behind my house all in one small area.

Fourth, our water table per your own records show that in our area the aquifer thins substantially, and Bedrock become shallow with resulting reduction in water production capacity creating a drop in water table and lost of wells.

Existing ground water pumping level exceeds recharging rates resulting in continued lowering of ground water level in most parts of this area per your own records.

In conclusion, if you just have to do something in the future after Fowler Ave has been widened and the Big Dry Creek Dam rebuilt and have been brought up to the better standards and safety provision and other issues which have not been resolved. Please consider a nice area with low density one acre plus size lots (something the Clovis area needs bad) with bike paths, walking paths, small lake, etc. Just some kind of true planning. Also, homeowner could have fruit trees, gardens, etc if they so desire.

I know I have only touched the surface on all the problems this project will cause, and the other issues are overwhelming, and this has to be one of the largest developments ever put forward at one time. I am not against sensible and good developments in the right area but this is not one.

Thank you for your consideration in this matter and please look at the overall picture and all the issues brought up at the March 18th meeting with all the owners of the Shenandoah Farm. Please pass my concerns to all the planning commission members. Please listen to the people in the neighborhood and not the pocketbooks of the developers.

Cordially

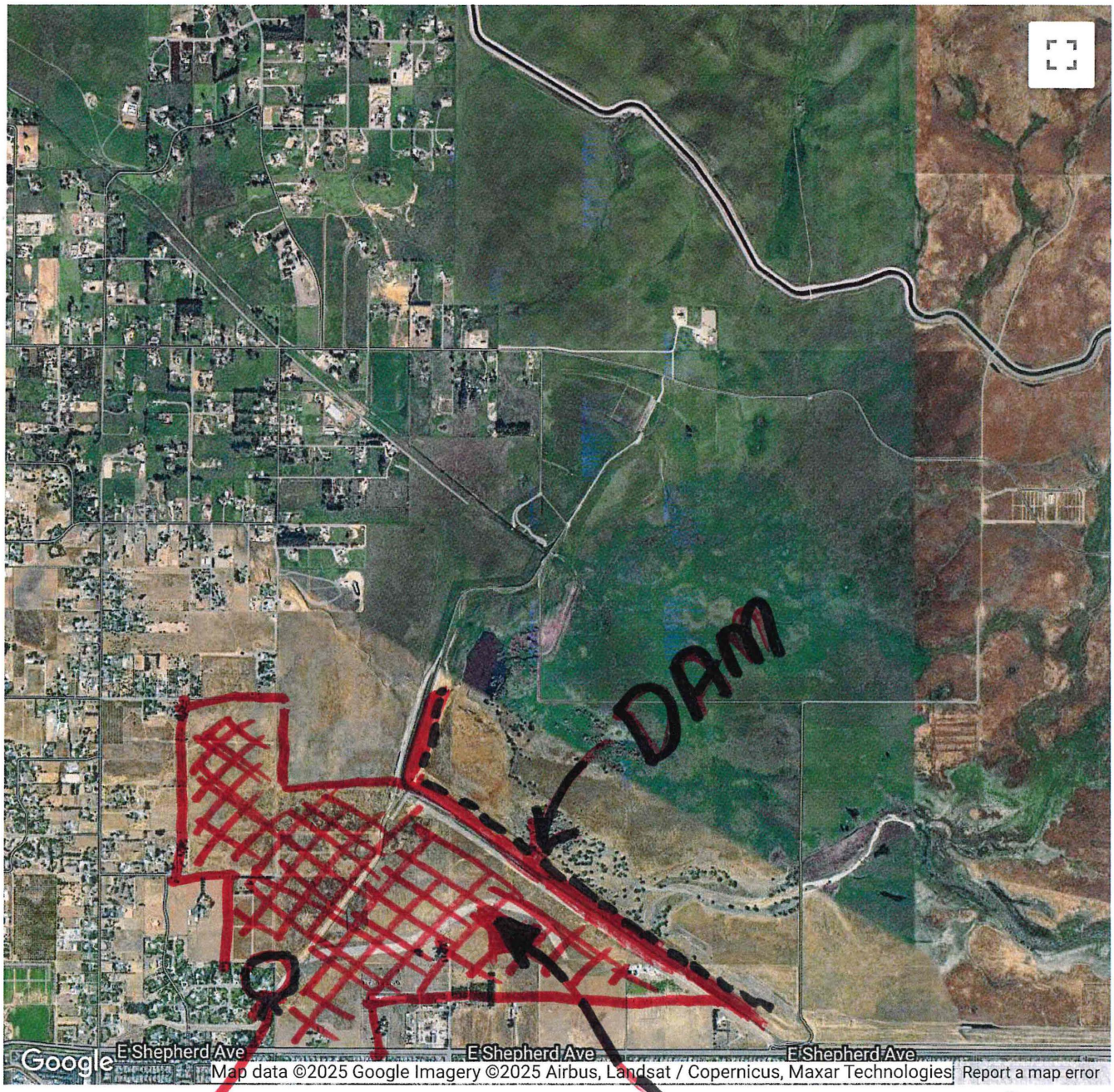
Terry & Zetta Graham
(559)906-7971

*(3,2000 lots with average family of 4 = 12,800 this doesn't even include the population increase for the apartments and other development they have planned) I am only discussing about half of this massive endeavor.

Cc: Nathan George at Remy Moore Manly Atty at Law
Homeowners of Shenandoah Farms

2- Attachments

Here is a map of Big Dry Creek Dam with satellite imagery. You can zoom in and out, toggle full screen mode and even enter street view directly from the map.



Big Dry Creek Dam Information

Big Dry Creek Dam is an earthen embankment dam located about 4 miles from Clovis, Fresno, Fresno, California.

5902 E. PROVINCE AVE

Generated by MPG

Big Dry Creek Dam, California, USA

Quick Facts About Big Dry Creek Dam

Location: Fresno, California

Coordinates: 36.8874, -119.6603

River: Big Dry Cr & Dog Cr River

Primary Purpose: Flood Risk Reduction

Type: Earth

Commissioned: 1948

Dam Height: 50 ft (15 m)

Dam Length: 25,300 ft (7,711 m)

Dam Capacity: 30,200 acre-ft (37,251 Ml)

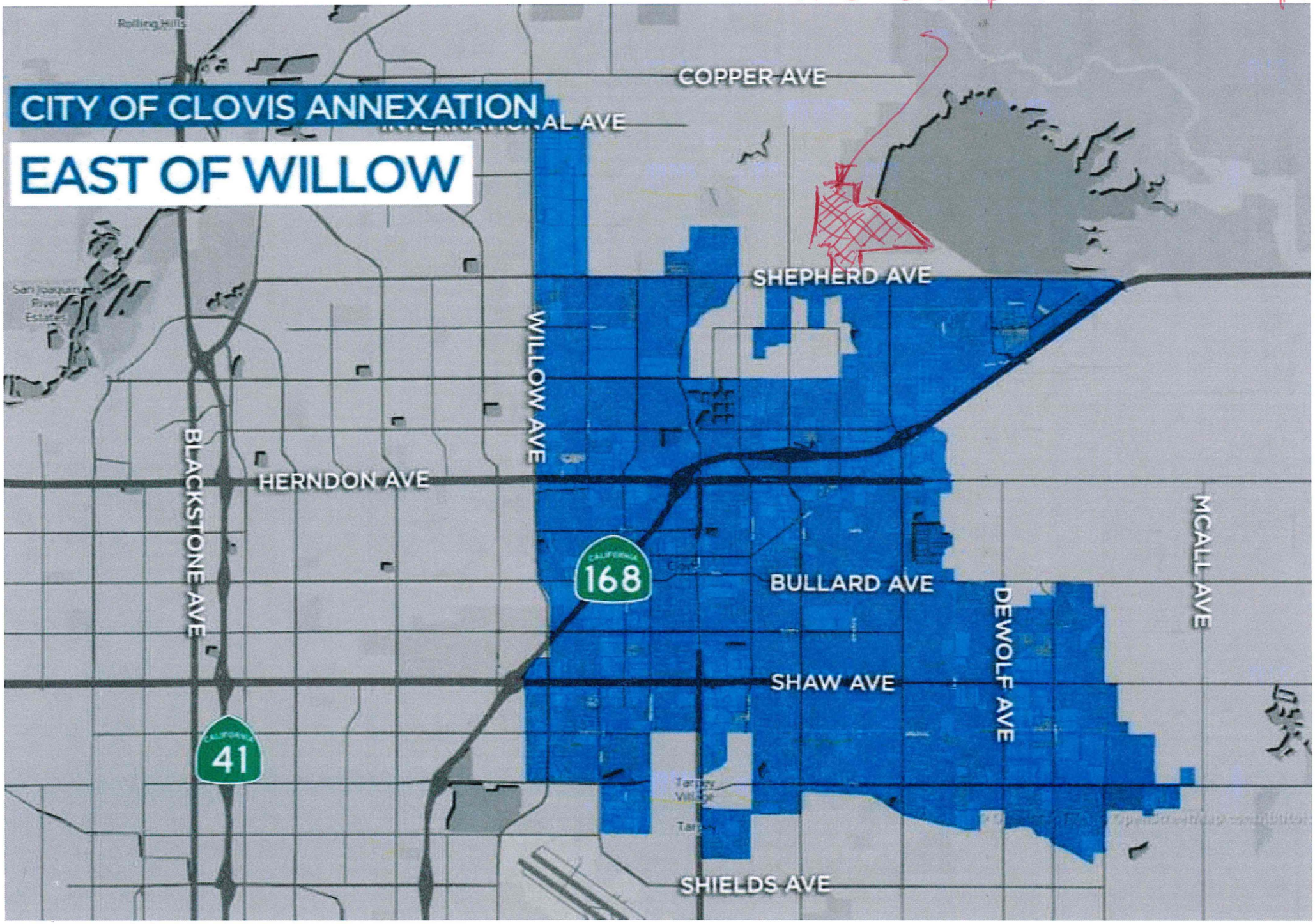
Hazard Potential: High

Condition Assessment: Satisfactory

Big Dry Creek Dam Map

CITY OF CLOVIS ANNEXATION

EAST OF WILLOW



From: Jose Rivera <joserivera200107@gmail.com>
Sent: Sunday, March 30, 2025 5:07 PM
To: McKencie Perez
Subject: [External] Stop Vista Ranch

Hello,

My name is Jose Rivera and I've been living in Clovis since 2016. I'm sure you're aware of the complaints and frustrations from the people of Clovis due to the Vista Ranch project. My family moved away from the bay area to live peacefully in Clovis, that peace is coming to an end unfortunately.

It's so disappointing that they cut down the orchards to build little cute houses with no yards. Setting this project next to Shepherd Ave is the dumbest thing I've ever seen. It's a one lane road for about 2-4 miles and the city decides to build houses there.....

Sincerely,
Jose Rivera

From: Narine Grigoryan <narine720@yahoo.com>
Sent: Wednesday, April 2, 2025 11:01 AM
To: McKencie Perez
Subject: [External] Vista Ranch project

Hello, my name is Narine Rashidian and my husband Dr Ali Rashidian. We live on Burgan Ave (main cross streets Fowler and Shepherd) and our property is on the corner of Perrin and Burgan. We would like to voice some concerns about the Vista Ranch project. We are worried about the impact of this planned development on Traffic, integrity of our wells, noise, loss of views, loss of property value, safety, loss of habitat/nature, and degradation of quality of life. I will try to make this email as short as possible.

We want to bring to your attention that the traffic in the area is already impacted with 2 deaths on Fowler and Perrin within the last year. We have cars short cutting through our residential area going 40-50 mph (I have video evidence of this on our security cameras and can provide evidence). This project will greatly increase traffic in the area and cause safety issues. The two lane streets with no side walks and electrical poles are just not appropriate for this large scale of homes this project is adding to the area.
We purchased our property for the beautiful hills and mountains and this project will impact our property views and value. This area has multimillion dollar homes and this project is simply a track home project bringing all of our property values down significantly. Not to mention there will be an increase in crime in the area, which is concerning for the safety of our family.
There is also wild life in that area that needs preservation. We are all on our own well water and this project will impact the integrity of those wells as well. We do not have city water to rely on as this is our only source of water. Please take all of those things into consideration, it is not as simple as it looks, there are lots of safety issues that need to be worked out. We strongly believe this project will not benefit the area or any of the residents with acreage in this area and cause many more deaths due to increase in traffic and poor planning. Thank you for your time

From: HEMANT dhingra <hemantdhingra@hotmail.com>
Sent: Wednesday, April 2, 2025 11:06 AM
To: McKencie Perez
Subject: [External] Vista ranch development

Hi
I am resident of 9036 n burgan ave Clovis
Recently we been attending meetings for new development in our neighborhood. I always welcome the new development provided it meets the requirement and does not impact the existing owners in a negative way

My concerns which I have outlined in previous meetings are in the following areas

Need environmental study- needs to be redone as existing one does not cover the concerns we have

Traffic impacts is huge and poses safety issues to the residents
You may be aware two fatal accidents at Perrin and Fowler intersections

Water issues need to be outlined in detail and be transparent

Impact on our views from our backyard - this was the primary reason for us but this property and do not want to lose beautiful morning and evening views

Thanks
Hemant and Meenakshi Dhingra

Sent from my iPhone

From: Craig Howard <craighoward100@gmail.com>
Sent: Wednesday, April 2, 2025 11:40 AM
To: McKencie Perez
Subject: [External] Vista Ranch NOP comment for the record

I am concerned about the impact of traffic, integrity of our 2-acre well, noise of a 10 year build out, loss of view (Vista Ranch is taking our view to sell their view), reduced property value, loss of habitat, (especially for the tiger salamander), and overall degradation of our quality of life. We built on 2 acres adjoining 20 acres which adjoins 80 acres or more parcels. Now you want to build a city in that area and within feet of the Shenandoah development.

I am also concerned about the Big Dry Creek Dam. It was built in 1948. It's one thing for a sparsely populated area to take on the risk of being a mile away. But now you want to place 10,000 residents within feet of this dam. What if it fails?

Sincerely,
Craig Howard
5772 E. Province
Clovis CA 93619

From: chase schapansky <c_schapansky@yahoo.com>
Sent: Wednesday, April 2, 2025 11:47 AM
To: McKencie Perez
Cc: McKencie Perez
Subject: [External] Vista Ranch Revised EIR Comments

Hello McKencie, I am emailing you with my questions and concerns that need to be addressed in the revised EIR for the Vista Ranch project.

1. Traffic management along Fowler Avenue, specifically at Perrin and Behymer - These are both already impacted intersection during morning and afternoon traffic that have cause multiple accidents and even deaths. These cannot handle any more traffic so traffic lights will need to be added and the road will have to widen to allow for additional lanes or turn lanes. How will the traffic patterns change in order meet these demands? And who is responsible for funding these changes (City of Clovis, Fresno County, etc)?

2. Domestic Well Supply for Shenandoah residents - All of us residents are currently on domestics wells that rely heavily on the recharge water we get from rainfall in the open land to the North and East of us. Once homes are put into place, where will the storm water runoff be directed? If is directed away from our homes and to an existing Clovis basin, will there be financial compensation if our wells run dry due to the redirection of storm water?

3. Construction traffic during all phases - The roads through Shenandoah are already deteriorating due to the lack of funding to repair them, so they cannot handle the additional traffic from construction vehicles. Where will the ingress point for construction traffic be and how will the City of Clovis ensure they do not pass through our neighborhood? Our roads are also not well marked (lane lines, speed limit signs, traffic signs) so any additional traffic through our neighborhoods has me extremely concerned for the safety of my children and my neighbors children.

4. Loss of habitat for nature - Myself along with most of the neighbors purchased out homes because they had a beautiful view of the foothills and open land. Once Vista Ranch is constructed those views will no longer exist, therefore negatively impacting the value of our homes. What is the City's response to loss of property value due to the Vista Ranch project?

Thank you,
Chase Schapansky
Resident of Shenandoah Farms

From: jennifer omeara <imersway@yahoo.com>
Sent: Wednesday, April 2, 2025 3:18 PM
To: McKencie Perez
Cc: Daniel OMeara; anna_omeara@outlook.com
Subject: [External] Re: EIR on Development N of Shephard to Fowler/Behymer area

Good afternoon,

I am emailing to express my concern about the projected development along the Shepard Ave corridor and the reservoir near Armstrong, across, basically, from Harlan Ranch.

I live north of Behymer off Fowler and am subjected every day to the incredible traffic that existing development has brought to our area which neither the city or county has bothered to address. Thousands of cars drive up and out Fowler and Behymer every day, many driven by teenagers heading out to CCC and Clovis North, who lack driving experience but are not short on vehicles that reach 60+ mph on Fowler and Behymer. I've been squeezed by semi-trucks making tight space on skinny roads. Tractor trailers have broken off the edges of the road and eroded the turns b/c they are too big to fit, their presence stopping traffic b/c they can't navigate the Behymer/Fowler turn without going into oncoming traffic lanes. The canal bridge on Behymer provides an on ongoing bet between my husband and me about when it will be next struck and render a road with an unguarded waterway. I cannot understand how any governing body would approve further development without doing something to improve the roads.

I have lived in my home since 2001. In the last 6 years, alone, four people: a motorcyclist at Behymer and Fowler, two cyclists at Perrin and Fowler and one elderly man have died on that single, mile-ish long stretch of road. I was hit head on, with my daughter in the car, on my way home (northbound Fowler) by a vehicle passing another, heading southbound on Sunday, July 28, 2019. But for the grace of God and side impact air bags as my car turned over, my car was totaled but we walked away with bruises. People drive too fast on a road not intended for that much traffic, which is degraded by the trucks, and collide with each other, with cyclists, with animals (don't even get me started on the roadkill that litters Fowler) and with the power poles that are mere inches from the edge of Fowler on the east side of the street.

This barely scratches the surface of the problems the existing traffic and unchecked growth has created for homeowners in this area. Clearly our road infrastructure cannot handle the increased traffic, as borne out by the F grade they got in the previous report. But the water infrastructure also cannot handle much more.

If y'all don't care about our wells running dry. If you don't care about noise pollution, light pollution, and the crime that all this development has brought out our direction, surely you can do something about the traffic. It is unconscionable that the City of Clovis and the County of Fresno would approve further development without substantial work put into making the roads safe not only for the people who've lived out here for years but for the newcomers as well. These improvements should happen BEFORE you invite 7000 new vehicles to traverse these roads.

Your job is to make sure that development is responsible. I can't imagine we can stop the development, but I'm hopeful that requirements for road widening, perhaps signals, medians etc

will be meted out to the developers who stand to make millions of dollars developing pristine land and then walk away from the messes they've created.

Setting new and existing homeowners up with conditions that are demonstrably unsafe is unethical. Please include me in future communications about this development because I will be protesting it every step of the way.

Thank you,
J

From: Michelle Borges <mmborges6@aol.com>
Sent: Wednesday, April 2, 2025 4:27 PM
To: McKencie Perez
Subject: [External] Vista Ranch Project

Hi McKenzie.
My name
Is Michelle Borges and I live in Shanendoah Farms.
I have real concerns regarding the new development Vista Ranch and the lack of planning ahead for the roads and safety of our families that already live in this area. As it stands when Harlan Ranch was developed, The city did not plan for the development of Shepherd Ave to expand to a two lane going West. This creates a bottleneck of traffic in the morning rush hour starting at 8am every weekday while school is in session. Many cars have discovered that our road goes through to Perrin and then onto Fowler which also is a one lane road going North and south, and our neighborhood has become Shanendoah raceway. It is dangerous for us to pull out of our driveways yet alone to try and cross Shepherd! I actually have been hit while driving my son to school from a driver (adult by the way) not paying attention and made a far too wide turn while I was approaching the stop sign to turn right onto Shepherd off of Burgan. I have taken video of the speeding traffic and the backup that occurs but my computer wont let me download it to you, but it is available. The morning traffic, most of the time is jaw dropping for the rate of speed the drivers think they have the right to go. Along with getting hit, we have had animals hit as well, which in light of the Two young men killed at the end of our neighborhood is small and I can't imagine the pain those parents are going through. Please, please consider putting the infrastructure of streets in before allowing another huge development as the only two ways out of Harlan Ranch are Highway 168 and Shepherd Ave. You can't go through on Alluvial or Nees. This Vista Ranch project should not go through as planned. It has too many flaws, and is not the Clovis way of life!
I don't believe that the studies have been done to keep our ground water flowing. This project will destroy the homes that are already here.
Thank you,
Michelle Borges

Sent from the all new AOL app for iOS

From: Joni Jones <jonijones2017@icloud.com>
Sent: Wednesday, April 2, 2025 6:21 PM
To: McKencie Perez
Subject: [External] Concerns Re Vista Ranch

Hello;
I am voicing my concerns about Vista Ranch project. The traffic is horrendous. Every morning between 7:30am and 8:30am approximately 40-50 cars cut through our neighborhood at speeds between 40-50 mph with no respect for children or neighbors. The speeding cars run over traffic cones and slow down signs.

Every morning between 7:45 and 8:30am traffic is backed up from Shepherd and Fowler all the way to Shepherd and Temperance. Adding more homes with the Vista Ranch project will only make traffic worse.

There have been 2 traffic deaths on Fowler and Perrin.

Joni Jones
Shenandoah Farms resident
Sent from my iPhone

O – Aesthetics	O – Agriculture Resources	O – Air Quality
O – Biological Resources	O –Cultural and Tribal Cultural Resources	O – Energy
O – Geology and Soils	O – Greenhouse Gas Emissions	O – Hazards and Hazardous Materials
O – Hydrology and Water Quality	O – Land Use and Planning	~~O~~ Noise
O – Population and Housing	O – Public Services	O – Recreation
~~O~~ Transportation Traffic	O – Utilities and Service Systems	O – Wildfire
O – Cumulative Impacts	O – Alternatives to the Project	

COMMENT CARD

Vista Ranch Project

Scoping Meeting

March 18, 2025, 5:30 p.m.

City of Clovis Council Chambers
1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: Rocky & Joni Jones

Address: 9286 N. Burgan Ave.

Email: Jarjesjon@sbcglobal.net Include me on future correspondence regarding this project: Y / N

Comments: "Traffic is a huge problem in that the streets (Shepherd, Fowler, Behymer) are too small and cannot handle the EXISTING traffic that travels daily through these streets - adding 2-3,000 more homes and 3-6,000 more cars/drivers can only result in more accidents, fatalities and problems for our area.

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

O – Aesthetics	O – Agriculture Resources	O – Air Quality
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X – Hydrology and Water Quality	X – Land Use and Planning	O – Noise
O – Population and Housing	O – Public Services	O – Recreation
X – Transportation	X – Utilities and Service Systems	O – Wildfire
O – Cumulative Impacts	X – Alternatives to the Project	

COMMENT CARD

Vista Ranch Project

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1033 Fifth Street
Clovis, CA 93612

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Name: SURINDER SANDHU

Address: 5818 E. SHEPHERD AVE, CLOVIS, CA 93619

Email: surindersandhu01@yahoo.com include me on future correspondence regarding this project: Y / N

Comments:

1, Doubling up of shepherd all the way to Fowler
2. Will we be restricted on drilling new wells in
3. Will flow in dry creek canal be changed future

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

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Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: Jordan Diepersloot

Address: 5687 E Province

Email: Jordan Diepersloot @ gmail.com include me on future correspondence regarding this project: Y / N

Comments:

We are requesting both a current & future traffic report from all the people going to Clovis North, down shepherd & from Harlan Ranch & the future development.

Traffic on shepherd is way backed up every day!

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

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1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: Jordan Diepersloot

Address: _____

Email: _____ include me on future correspondence regarding this project: Y / N

Comments: We are requesting a traffic impact report on Bryan ave from Shepherd. This road in needs to be blocked at the back to stop through - traffic.

Please send all comments to: McKenzie Perez, MPA, Deputy City Planner

City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenziep@clovisca.gov

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Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: Chase Schopansky

Address: 5748 E. Province Ave

Email: c-schopansky@yahoo.com include me on future correspondence regarding this project (Y) / N

Comments: EIR showed traffic at Perrin/Fowler as an "F". how can a project be approved when traffic is failing and there is no plan to improve it?

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

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1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: Craig Howard

Address: 5772 E Province

Email: Craighoward100@gmail.com Include me on future correspondence regarding this project: Y / N

Comments: ~~Do~~ Can you please look into the safety of the dam? 3000 homes is a lot to put so close.

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

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March 18, 2025, 5:30 p.m.

City of Clovis Council Chambers
1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: Elena Bowen

Address: _____

Email: elbsemail2000@gmail.com include me on future correspondence regarding this project: (Y) / N

Comments: _____

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

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1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: JOLEE FRANCIS

Address: 5874 E. SHEPHERD AVE

Email: DRJ0655 2727@YAHOO.COM Include me on future correspondence regarding this project: Y / N

Comments: HOW WILL YOU ADRESS THE TRAFFIC CONGESTION WESTBOUND ON SHEPHERD AVE FROM LOCAN TO FOWLER?

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

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1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: JIM TJERRILD

Address: 5884 E. PROVINCE AVE

Email: jimtjerrild@gmail.com include me on future correspondence regarding this project (Y) / N

Comments: LOSS OF WATER RECHARGE, HAZARDOUS RUNOFF, LIMIT WELL DRILLING IN FUTURE ARE ALL CONCERNS.

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
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1033 Fifth Street
Clovis, CA 93612

Please provide us with comments on the scope of environmental issues and alternatives to consider in the EIR. Feel free to use the back of the card as needed.

Name: PETER HAMMAR

Address: 5254 E. BEHYMER AVE

Email: PETERHAMMAR@GMAIL.COM include me on future correspondence regarding this project: (Y) / N

Comments:

Residents are concerned that the stakeholders – developers, Clovis city, Fresno County – plan on significant major improvements to key roadways, especially widening and extending N. Fowler all the way to Copper Ave. No longer should E. Behymer be used as the east/west transit route. That's what Copper Ave is for, a 5 lane MPH street already.

Please send all comments to: Mckenzie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenziep@clovisca.gov

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Clovis, CA 93612

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Name: Kati & Chris Thomson

Address: 5871 E. Province Ave

Email: Kati.thomson@gmail.com Include me on future correspondence regarding this project: Y / N

Comments: Reconsider Commitment to Ingress/Egress on ½ mile grid. Avoid Routing traffic through Perrin/Burgan.

Please send all comments to: McKencie Perez, MPA, Deputy City Planner
City of Clovis Planning Division
1033 Fifth Street Clovis, CA 93612
Phone: 559.324.2310
Email: mckenciep@clovisca.gov

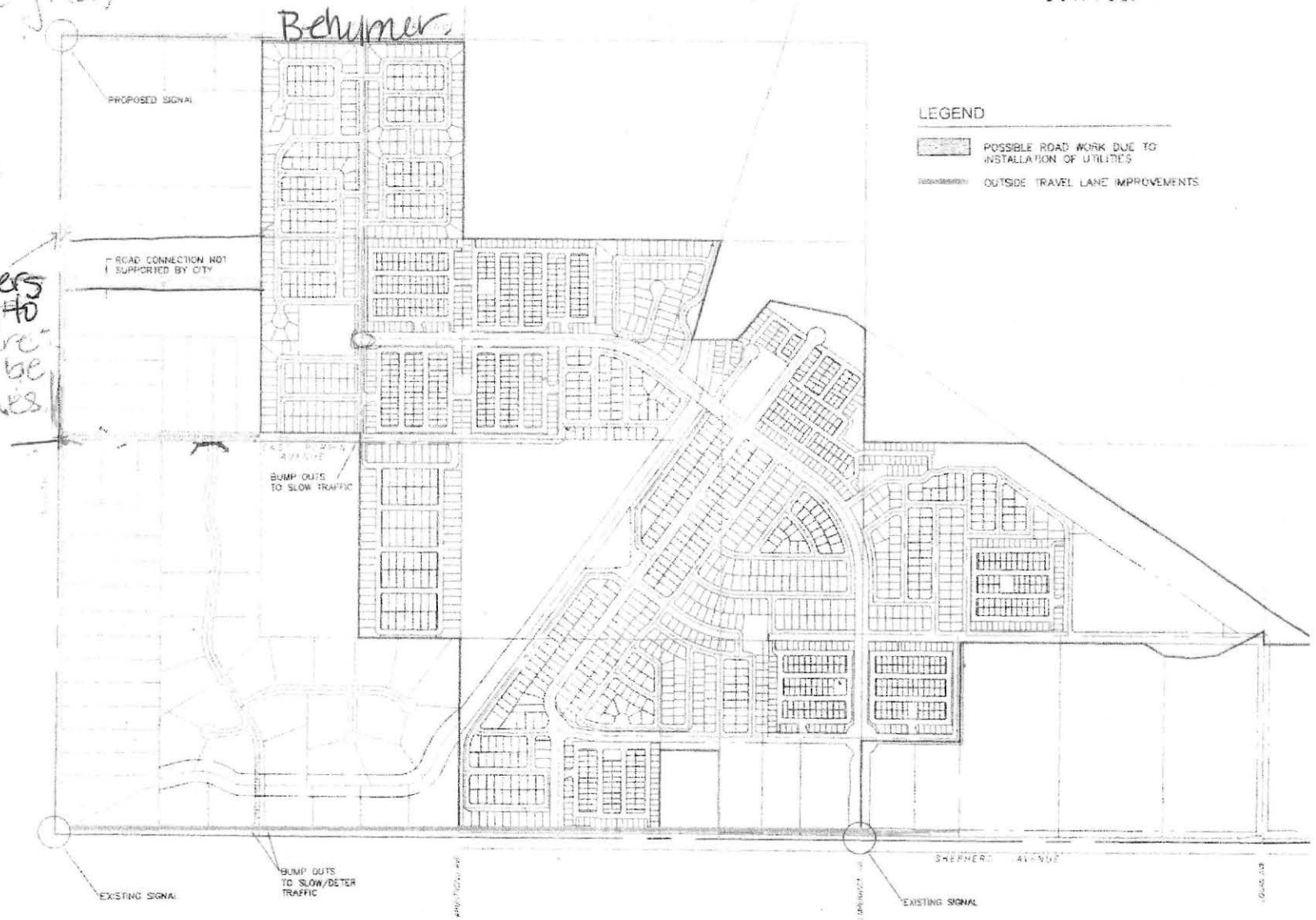
Although it isn't on 1/2 mile grid,

Please Consider outlet North of Perrin.

These owners are willing to sell. So there would not be ROW issues.

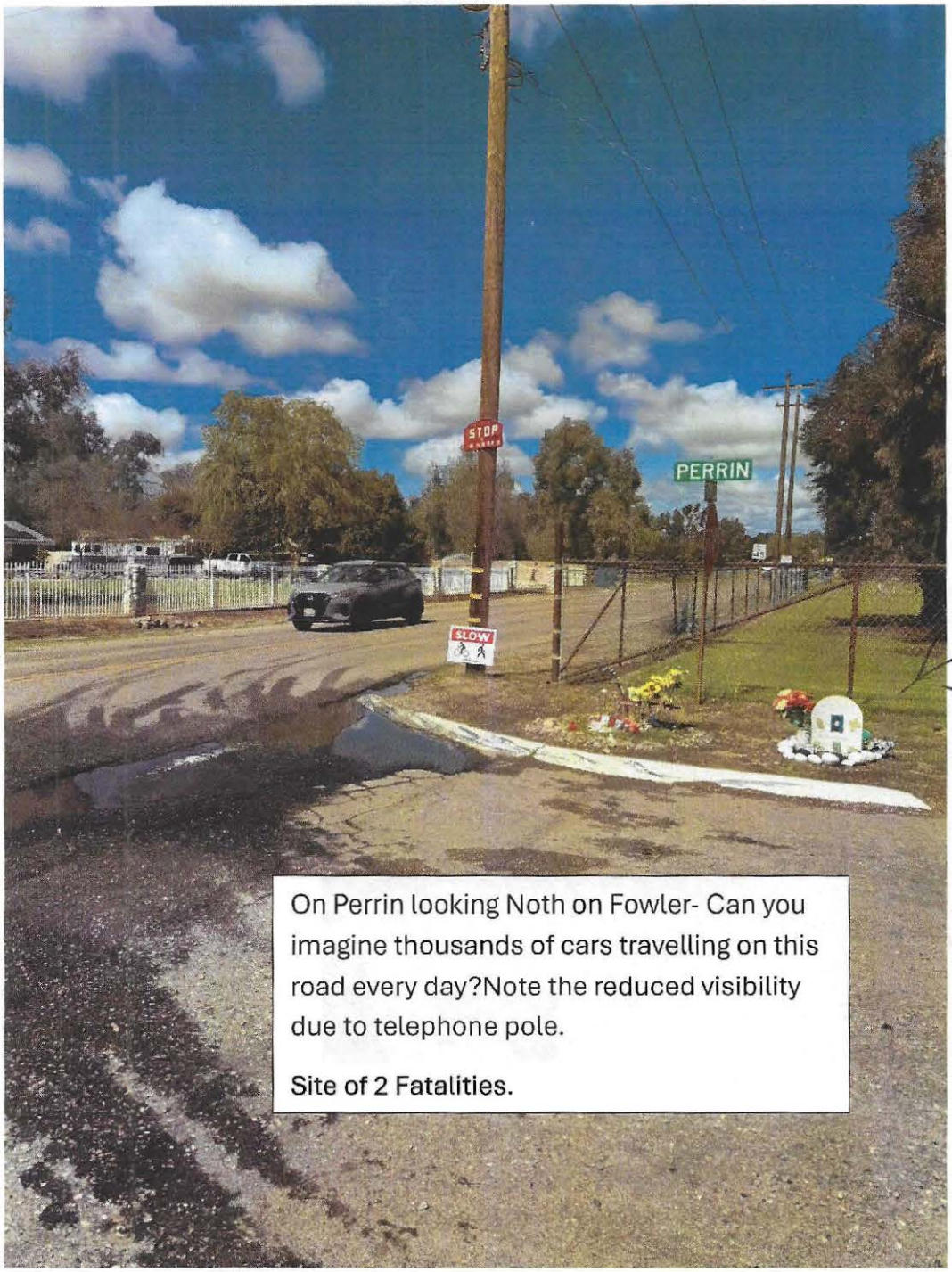
Perrin

VISTA RANCH
ROADS



Harbour & Associates
Civil Engineers
389 Clovis Avenue Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7677 • www.harbourengineering.com

10-16-25



On Perrin looking Noth on Fowler- Can you imagine thousands of cars travelling on this road every day?Note the reduced visibility due to telephone pole.

Site of 2 Fatalities.

2 fatality accidents last year

Meeting on Vista Ranch Project

We are Shanendoah Farms United

Traffic Congestion: traffic will increase significantly without a doubt.

1. We will be requesting that the western inlet to the project from Fowler ave be moved to the north of Perrin. This will close Perrin and stop the traffic flow directly thru Shanendoah Farms . there is a large open land area 1/16 of a mile to the north of Perrin to accommodate a road.
2. Or We will be petitioning to close Burgan Ave at Perrin stopping through traffic into Shanendoah. This is a must do situation. elaborate
3. We do not believe that Fowler ave can be improved to sufficiently handle the extreme traffic that will result from a project of this magnitude. 3200 homes when it is all completed. This would need a 4 lane road. Not happening.....
4. Traffic on Fowler ave will mirror the traffic on Shephard ave that comes from Harlan Ranch.

Comments??

Water issue:

1. We want a guarantee that the water flow through the drycreek canal will never be altered. This is part of our Aquifer. As well as others down stream.
2. We see the need for ponding basins to be installed to the east of Shenandoah Farms on Vista Ranch to collect runoff and feed the Aquifer.
3. We will seek a Deed restriction or covenant that will prevent any new wells installed by the City or county in the vicinity.

Comments??

Fire hydrants

We want you to entertain connecting our fire hydrants to the city water that runs down Shephard ave. With no strings attached. Without annexing us into the City.

One of our neighbors experienced a fire some years ago that the county with help from the City of Clovis could not take control of due to lack of water. Fire crews worked diligently , but By the time the they connected a 7" channel hose to the City hydrants the home was destroyed and a total loss. Within a working hydrant system the home would have been salvaged to maybe a 30% loss. We need the security of working hydrants.

Martine Borges
5660 E. Province ave
Clovis Ca. 559 9080301

Jarod Ramirez 5704 E. Perrin Rd. ---

Speaking for the Fowler and Shepherd neighbors regarding view and housing density.

1.Preserving the Scenic Views of the Sierra Mountains

- Some of the things that makes our area of Clovis special is its breathtaking views of the Sierra Mountains and the open pastures. For those of us who live in this area, these views are not just scenery—they are part of our daily lives.
- Every morning I watch the sunrise over the Sierras. My kids and I search the sky for rainbows, marvel at the cloud formations as storms pass trough. We admire the eagles, owls that soar overhead. Every day I see my neighbors enjoy walking their dogs and pushing baby strollers while enjoying the sites. Many people from the community park on our street just to stare at God's beautiful creation. It saddens me to think of the day when the new normal for me, my family and many of my neighbors will be looking out the window at thousands of feet of cinderblock wall.
- I quite literally bought my home because of the view.
- This proposed development will permanently block these views for many existing residents, impacting our quality of life and property values.

2. Overdevelopment and Housing Density Concerns

- Please consider alternatives to high density housing bordering existing homes. If development must happen, maybe existing homes could be bordered by green spaces, drainage basins or, at the very least, single-story homes on large, estate-sized lots to maintain the character of our community.

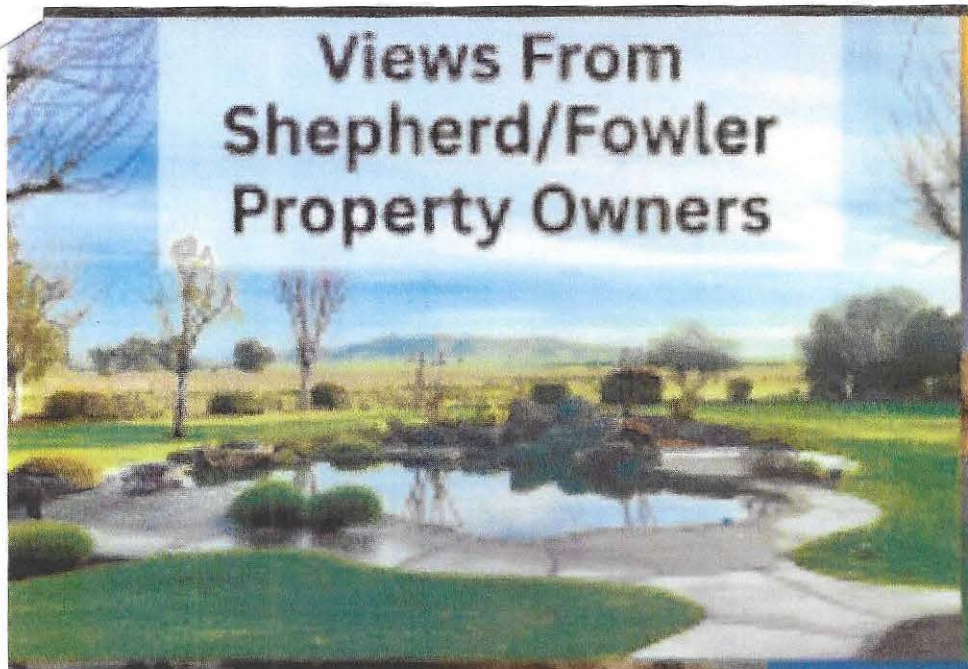
3. City Planning and Community Impact

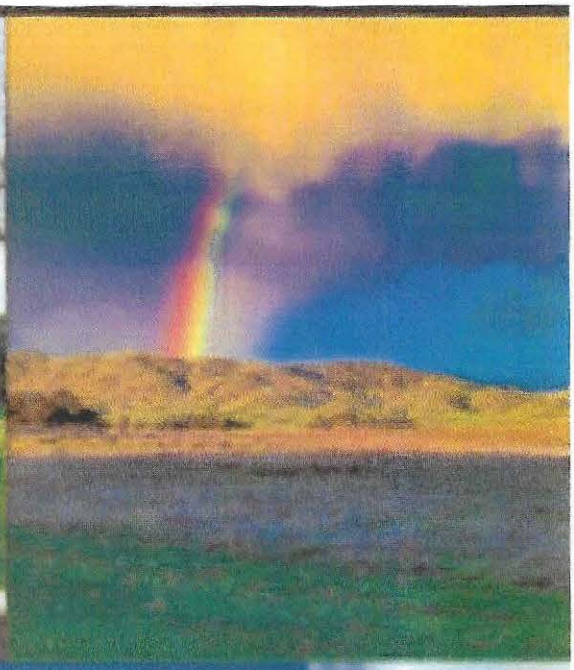
- This project is out of scale with the surrounding neighborhood."

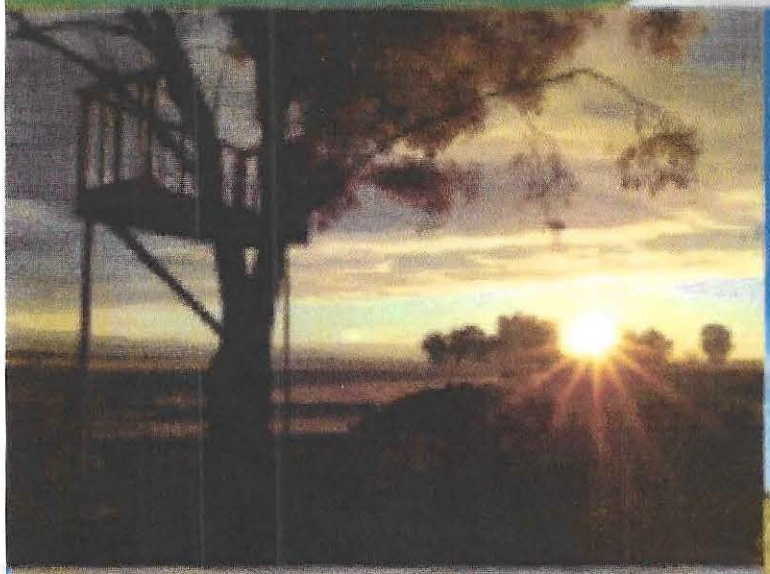
Closing Statement

- "I urge the City Council to consider the long-term impact of this development on current residents. We are asking for responsible growth that preserves the charm, beauty, and livability of our community.

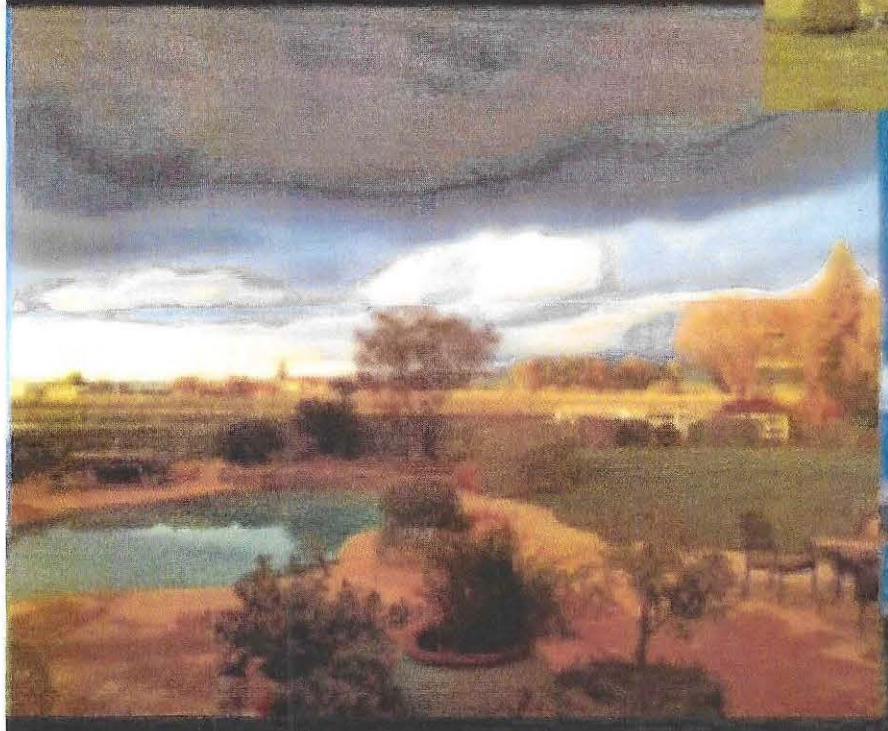
Views From Shepherd/Fowler Property Owners

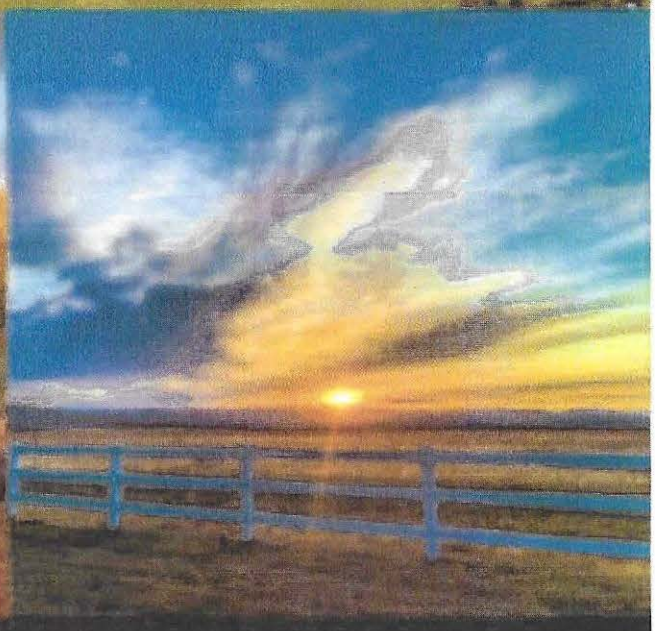


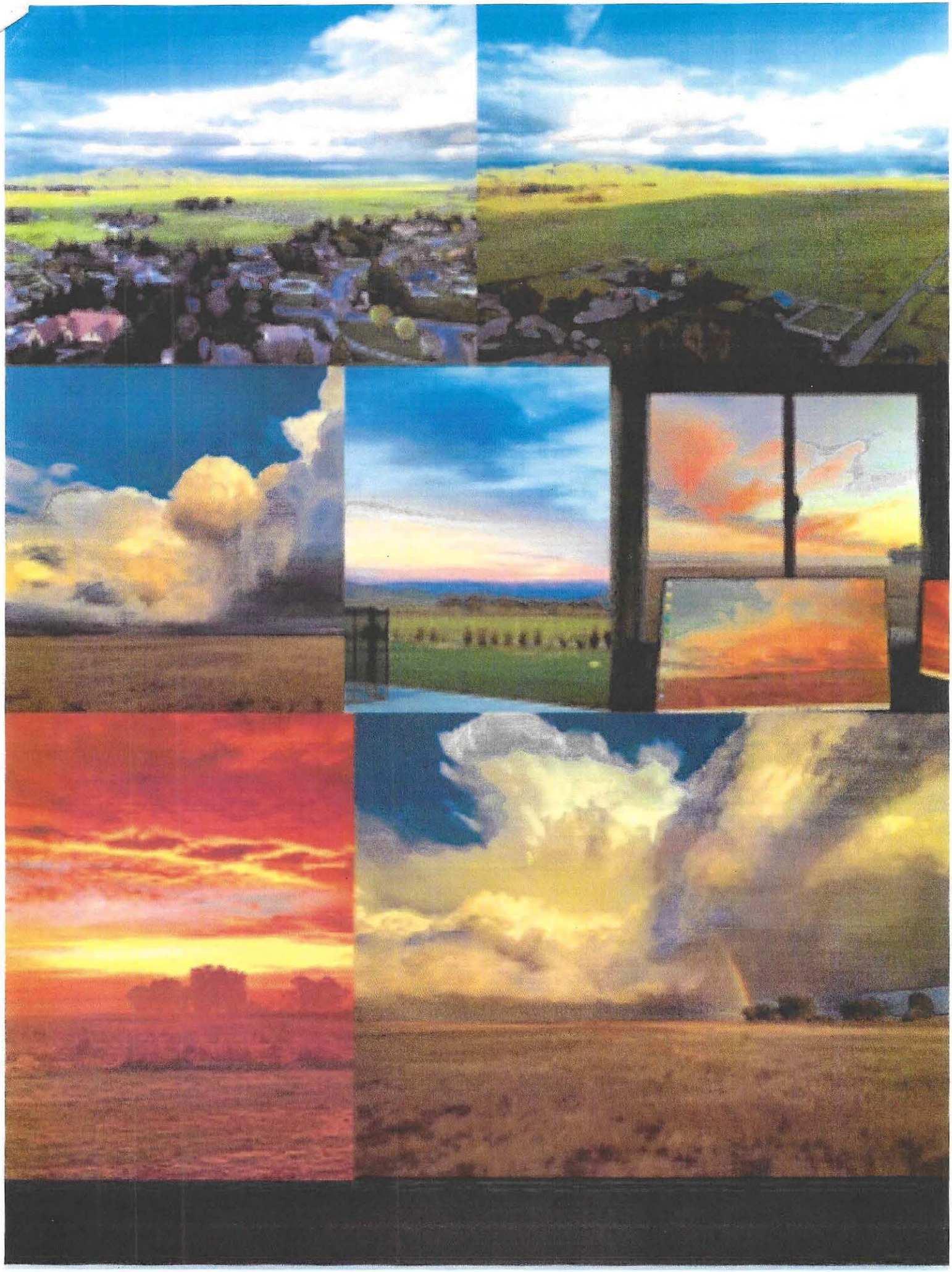












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