



Board Agenda Item 63

DATE: September 22, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: American Avenue Disposal Site Deceleration Lane - Resolution Establishing Roadway and Accepting Roadway into County Road System

RECOMMENDED ACTION(S):

- 1. Accept, pursuant to Section 15162 of the California Environmental Quality Act, that there have not been any changes in circumstances or new information provided subsequent to the environmental documents previously adopted by the County of Fresno for Environmental Impact Report (SCH # 84050705), Supplemental Environmental Impact Report (SCH # 98091036), and Initial Study Nos. 3986, 4877 and 6631 as it relates to the project and project area; and**
- 2. Approve and authorize the Chairman to execute a resolution establishing a road right-of-way over eight properties owned by the County on behalf of the American Avenue Disposal Site Enterprise Fund, as necessary for public convenience, accepting said existing roadway to be part of the County's Maintained Mileage System, directing that the Department of Public Works and Planning add improvements constructed upon the roadway be established to the list of the County's maintained public roadway mileage, and directing the Fresno County Assessor-Recorder to record the resolution once executed.**

Approval of the recommended actions will facilitate the environmental approval and right-of-way acquisition necessary for a project to make improvements to the entrance of American Avenue Disposal Site (Disposal Site), which will improve safety and enable through-traffic on American Avenue to avoid delays associated with Disposal Site vehicle queuing on American Avenue. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the project may be cancelled or delayed.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. There are no funds being exchanged between Org 9026 -American Avenue Disposal Site (AADS) and Org 4510 - Roads as a result of the right-of-way transfer. The Department will return to the Board at a later date to award the construction contract. Construction costs will then be allocated between the Road fund and AADS according to the results of a traffic impact study that is currently underway.

DISCUSSION:

The Department of Public Works and Planning (Department) is planning a project to improve and expand an existing deceleration lane along American Avenue adjacent to the Disposal Site. At certain times, traffic waiting to enter the Disposal Site and utilize the scale backs up beyond the entrance gate and onto American Avenue itself. This causes delays for through-traffic and contributes to safety concerns. The expansion will provide an additional lane for westbound Disposal Site traffic, in which Disposal Site-bound traffic may slow down upon approaching the entrance, and when the Disposal Site is busy, wait in line along American Avenue without disrupting the flow of through traffic.

The property adjacent to American Avenue to be used for the construction of the deceleration lane is owned by the County on behalf of the American Avenue Disposal Site Enterprise Fund, and the project could be constructed without accepting the property into the County road system (County Maintained Mileage System). However, it is desirable to accept the property into the County Maintained Mileage System prior to the start of construction, because the project will require the relocation of utilities which are currently within the County road right of way. If the poles are relocated to an area that is outside of the road right of way, they will no longer be subject to the franchise agreement and any future relocation would be at the County's expense. If the area to which the utility poles is to be relocated is designated as County road right of way, the terms of the franchise will remain in effect after relocation. In addition, if the relocated poles were placed upon property that was not part of the road right of way, the County would no longer be entitled to a portion of the revenue earned via the utility's use of the poles. Accepting this lane into the County Maintained Mileage System and establishing road right of way for the lane to be constructed will also ensure that it continues to be eligible for Federal or state transportation funding which may become available for future maintenance or improvements to American Avenue.

Streets and Highways Code section 941 provides that a Board of Supervisors may establish roads which are necessary to public convenience, and accept those roads by resolution into the county road system.

There are existing mineral rights owned by third parties which underlie the subject property to be accepted into the County road system. Although the existence of such rights is not ideal, the Department believes it has no impact on the viability of the recommended action. Furthermore, these same rights apply to all of the properties upon which the Disposal Site has been constructed, and the Department believes that any concerns associated with the existence of the underlying mineral rights would be far more significant with regard to the overall Disposal Site operation, and of relatively little consequence with regard to the designation of a minor portion of property as road right-of-way.

The Department's engineering staff are preparing plans and specifications and construction is anticipated in Spring 2021.

California Environmental Quality Act:

Environmental Impact Report (SCH # 84050705), Supplemental Environmental Impact Report (SCH # 98091036) and Mitigated Negative Declarations (MND) prepared for Initial Study Nos. 3986, 4877, and 6631 were adopted in accordance with the California Environmental Quality Act (CEQA), with approval of Conditional Use Permit (CUP) Nos. 2146, 2623, 2804, 3055 and 3393 for the disposal site.

Per Section 15162(a) of the CEQA Guidelines, Subsequent EIR's and Negative Declarations:

(a) When an EIR or negative declaration (MND) is adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a

substantial increase in severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed on the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The current proposal was routed to those agencies that previously commented on the environmental documents prepared for the Disposal Site. No specific concerns were noted. The area and project are substantially the same, and there have not been any changes in circumstances or new information provided by the appropriate agencies contacted. Therefore, it is recommended that your Board determine that no subsequent Mitigated Negative Declaration shall be undertaken for this project, per Section 15162 of the California Environmental Quality Act.

REFERENCE MATERIAL:

BAI #14, April 23, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
On file with Clerk - Resolution
On file with Clerk - Previous Environmental Actions

CAO ANALYST:

Samantha Buck