



# County of Fresno

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

DATE: December 4, 2019

TO: Development Services and Capital Projects, Attn: William M. Kettler, Division Manager  
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner  
Development Services and Capital Projects, Current Planning, Attn: Marianne Mollring, Senior Planner  
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner  
Development Services and Capital Projects, Zoning & Permit Review, Attn: Daniel Gutierrez  
Development Services and Capital Projects, Building & Safety/Plan Check, CASp, Attn: Dan Mather  
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping  
Road Maintenance and Operations Division, Attn: John Thompson/Wendy Nakagawa/Nadia Lopez  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst  
Department of Public Health, Environmental Health Division, Steven Rhodes/Deep Sidhu  
Development Services, Water and Natural Resources Division, Attn: Glenn Allen/Roy Jimenez  
Resources Division, Special Districts, Attn: Amina Flores-Becker/Christopher Bump  
Sheriff's Office, Attn: Captain John Zaroni, Lt. John Reynolds, Lt. Louie Hernandez, Lt. Kathy Curtice, Lt. Ryan Hushaw  
Agricultural Commissioner, Attn: Melissa Cregan  
U.S. Department of Interior, Fish & Wildlife Service, Attn: Matthew Nelson, Biologist  
CA Regional Water Quality Control Board, Attn: Dale Harvey  
California Department of Transportation, District 6, Attn: David Padilla  
CA Department of Fish and Wildlife, Attn: r4ceqa@wildlife.ca.gov  
State Water Resources Control Board, Division of Drinking Water, Fresno District, Attn: Jose Robledo/Caitlin Juarez  
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairperson  
Picayune Rancheria of the Chukchansi Indians, Attn: Heather Airey, Cultural Resources Director  
Santa Rosa Rancheria Tachi-Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman/  
Hector Franco, Director/ Shana Powers, Cultural Specialist II  
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn: PIC Supervisor  
Sierra Resource Conservation District, Attn: Steve Haze  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Jeremy Shaw, Planner *JS*  
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 7185, Amendment Application No. 3821

APPLICANT: Dan Page

DUE DATE: December 18, 2019

The Department of Public Works and Planning, Development Services and Capital Projects Division has prepared an Initial Study for the subject applications proposing to re-zone an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District to the C-6 (General Commercial) Zone District. The subject parcel is located on the north side of Auberry Road, approximately 350 feet northeast of its intersection with Morgan Canyon Road (State Route 168) within the unincorporated community of Prather (APN 118-422-50) (SUP. DIST. 5).  
(29645 Auberry Road)

If you have any comments regarding the adequacy and/or accuracy of the Initial Study, please provide comments to my attention prior to the deadline. We must have your comments by **December 18, 2019, 2019**. Any comments received after this date may not be used.

**NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions to me, Jeremy Shaw, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4207, or email [jshaw@fresnocountyca.gov](mailto:jshaw@fresnocountyca.gov).

JS:  
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*Activity Code (Internal Review): 2369*

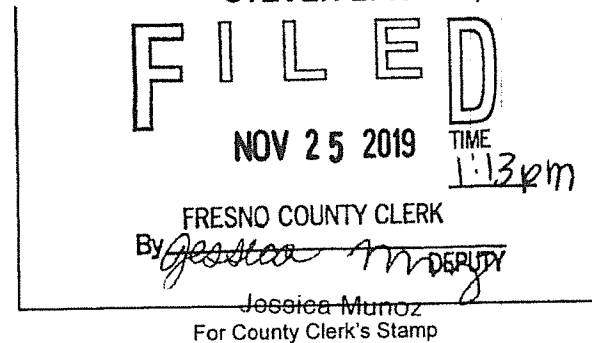
Enclosures



E201910000408  
**County of Fresno**

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

**NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION**



Notice is hereby given that the County of Fresno has prepared Initial Study Application (IS) No. 7185 pursuant to the requirements of the California Environmental Quality Act for the following proposed project:

**INITIAL STUDY APPLICATION NO. 7185 and AMENDMENT APPLICATION NO. 3821** filed by **DAN PAGE**, proposing to re-zone an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District, to the C-6 (General Commercial) Zone District. The project site is located on the north side of Auberry Road approximately 350 feet northeast of its intersection with Morgan Canyon Road, within the unincorporated community of Prather (SUP. DIST. 5) (APN 118-422-50). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7185 and take action on Amendment Application No. 3821 with Findings and Conditions.

(hereafter, the "Proposed Project")

The County of Fresno has determined that it is appropriate to adopt a Mitigated Negative Declaration for the Proposed Project. The purpose of this Notice is to (1) provide notice of the availability of IS Application No. 7185 and the draft Mitigated Negative Declaration and request written comments thereon; and (2) provide notice of the public hearing regarding the Proposed Project.

**Public Comment Period**

The County of Fresno will receive written comments on the Proposed Project and Mitigated Negative Declaration from November 29, 2019 through December 30, 2019.

Email written comments to [jshaw@fresnocountyca.gov](mailto:jshaw@fresnocountyca.gov), or mail comments to:

Fresno County Department of Public Works and Planning  
Development Services and Capital Projects Division  
Attn: Jeremy Shaw  
2220 Tulare Street, Suite A  
Fresno, CA 93721

IS Application No. 7185 and the draft Mitigated Negative Declaration may be viewed at the above address Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. (except holidays), or at [www.co.fresno.ca.us/initialstudies](http://www.co.fresno.ca.us/initialstudies). An electronic copy of the

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draft Mitigated Negative Declaration for the Proposed Project may be obtained from Jeremy Shaw at the addresses above.

**Public Hearing**

The Planning Commission will hold a public hearing to consider approving the Proposed Project and the Mitigated Negative Declaration on January 9, 2020, at 8:45 a.m., or as soon thereafter as possible, in Room 301, Hall of Records, 2281 Tulare Street, Fresno, California 93721. Interested persons are invited to appear at the hearing and comment on the Proposed Project and draft Mitigated Negative Declaration.

The item is anticipated to be heard by the **Board of Supervisors** at a later date should the Commission recommend approval or if the Commission's action is appealed. A separate notice will be sent confirming the Board of Supervisors' hearing date.

For questions please call Jeremy Shaw (559) 600-4207.

Published: November 29, 2019



Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Amendment Application No. 3821

Lead Agency: Fresno County Department of Public Works and Planning Contact Person: Jeremy Shaw
Mailing Address: 2220 Tulare Street, 6th Floor Phone: 559-600-4207
City: Fresno, CA Zip: 93721 County: Fresno

Project Location: County: Fresno City/Nearest Community: Prather
Cross Streets: Morgan Canyon Rd (SR 168) and Auberry Road (29645 Auberry Road) Zip Code: 93651
Longitude/Latitude (degrees, minutes and seconds): ... N / ... W Total Acres: 8.46
Assessor's Parcel No.: 118-422-50 Section: 25 Twp.: 10 S Range: 22 E Base: MDBM
Within 2 Miles: State Hwy #: 168 Waterways: Big Sandy Creek
Airports: N/A Railways: N/A Schools: Foothill Elementary

Document Type:

CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[X] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other:
[ ] Mit Neg Dec Other:

Local Action Type:

[ ] General Plan Update [ ] Specific Plan [X] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:

[X] Residential: Units Acres
[X] Office: Sq.ft. Acres Employees Transportation: Type
[X] Commercial: Sq.ft. Acres Employees Mining: Mineral
[ ] Industrial: Sq.ft. Acres Employees Power: Type MW
[ ] Educational: Waste Treatment: Type MGD
[ ] Recreational: Hazardous Waste: Type
[ ] Water Facilities: Type MGD Other:

Project Issues Discussed in Document:

[X] Aesthetic/Visual [ ] Fiscal [X] Recreation/Parks [X] Vegetation
[ ] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [X] Forest Land/Fire Hazard [X] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[ ] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[X] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[ ] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Vacant/ R-R (Rural Residential)/Mountain Urban

Project Description: (please use a separate page if necessary)

Allow the rezone of an 8.46-acre parcel from the R-R(Rural Residential, two-acre minimum parcel size) Zone District, to the C-6 (General Commercial) Zone District.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #6	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Native American Heritage Commission	

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### Local Public Review Period (to be filled in by lead agency)

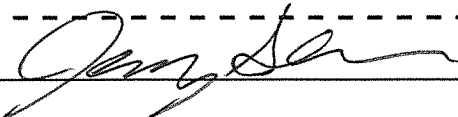
Starting Date November 29, 2019 Ending Date December 30, 2019

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### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Dan Page</u>
Address: _____	Address: <u>8497 North Millbrook Ave</u>
City/State/Zip: _____	City/State/Zip: <u>Fresno, CA 93720</u>
Contact: _____	Phone: <u>(559) 351-8318</u>
Phone: _____	

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Signature of Lead Agency Representative:  Date: 11-25-19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



# County of Fresno

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

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

- 1. Project title:**  
Initial Study Application No. 7185, Amendment Application No. 3821
- 2. Lead agency name and address:**  
The County of Fresno Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street 6<sup>th</sup> Floor  
Fresno, CA 93721
- 3. Contact person and phone number:**  
Jeremy Shaw, (559)-600-4207
- 4. Project location:**  
The subject parcel is located on the north side of Auberry Road, approximately 350 feet northeast of its intersection with Morgan Canyon Road within the unincorporated community of Prather (29645 Auberry Road) (APN 118-422-50).
- 5. Project Applicant's name and address:**  
Dan Page  
8497 North Millbrook Avenue  
Fresno, CA 93720
- 6. Project sponsor's name and address:**  
Same as above
- 7. General Plan designation:**  
Mountain Urban in the County-adopted Sierra North Regional Plan
- 8. Zoning:**  
R-R (Rural Residential, two-acre minimum parcel size) Zone District.
- 9. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**  
Allow the rezone of an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District to the C-6(c) (General Commercial, Conditional) Zone District.
- 10. Surrounding land uses and setting: Briefly describe the project's surroundings:**  
The subject property is currently vacant and northeasterly adjacent to a shopping center, with additional commercial development to the west and southwest, and sparse residential development to the north, east, and west.
- 11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**  
The project proponent will be required to enter into a Traffic Mitigation Agreement for road improvements and obtain an encroachment permit from the California Department of Transportation.

**12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

On September 7, 2017, County staff received a request for consultation on this project from the Dumna Wo Wah Tribal Government. On September 19, 2017 County staff provided a written response to the request and subsequently, however, no further correspondence relating to this project was received by County staff. On November 29, 2018, an email was sent to Dumna Wo Wah Tribal representatives requesting that the Tribe provide evidence establishing the existence of Tribal Cultural Resources on the project site which satisfy the criteria of Public Resources Code Section 21074(a)(2). The requested due date for Tribal representatives to provide such evidence was December 13, 2018; no response was received by the requested due date. On February 28, 2019 a letter was sent to Tribal representatives concluding consultation on this project. To date no response has been received by County staff.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.


- |   |   |
|---|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Biological Resources               |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Greenhouse Gas Emissions           |
| <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                 |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Wildfire                           |
| <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:**


On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

**PERFORMED BY:**

  
\_\_\_\_\_  
Jeremy Shaw, Planner  
Date: 11-25-19

**REVIEWED BY:**

  
\_\_\_\_\_  
Marianne Mollring, Senior Planner  
Date: 11-25-19

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST FORM  
(Initial Study Application No. 7185 and  
Amendment Application No. 3821)**

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact

2 = Less Than Significant Impact

3 = Less Than Significant Impact with Mitigation Incorporated

4 = Potentially Significant Impact

**I. AESTHETICS**

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

- 3 a) Have a substantial adverse effect on a scenic vista?
- 3 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 3 c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

**II. AGRICULTURAL AND FORESTRY RESOURCES**

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

- 1 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

**III. AIR QUALITY**

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

- 3 a) Conflict with or obstruct implementation of the applicable Air Quality Plan?
- 3 b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- 3 c) Expose sensitive receptors to substantial pollutant concentrations?
- 2 d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

**IV. BIOLOGICAL RESOURCES**

Would the project:

- 3 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 2 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 2 c) Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 3 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 3 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

**V. CULTURAL RESOURCES**

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- 3 c) Disturb any human remains, including those interred outside of formal cemeteries?

**VI. ENERGY**

Would the project:

- 2 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 2 b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

## VII. GEOLOGY AND SOILS

Would the project:

- 1 a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
  - 1 ii) Strong seismic ground shaking?
  - 1 iii) Seismic-related ground failure, including liquefaction?
  - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- 2 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 2 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

## X. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
  - 2 i) Result in substantial erosion or siltation on- or off-site;
  - 2 ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
  - 2 iii) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
  - 2 iv) Impede or redirect flood flows?
- 1 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

## XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 3 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

## XII. MINERAL RESOURCES

Would the project:

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

## XIII. NOISE

Would the project result in:

- 2 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Generation of excessive ground-borne vibration or ground-borne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

## XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and

businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

#### XV. PUBLIC SERVICES

Would the project:

- 1 a) Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - 1 i) Fire protection?
  - 1 ii) Police protection?
  - 1 iii) Schools?
  - 1 iv) Parks?
  - 1 v) Other public facilities?

#### XVI. RECREATION

Would the project:

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

#### XVII. TRANSPORTATION

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 3 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 3 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 2 d) Result in inadequate emergency access?

#### XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 3 a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - 3 i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - 3 ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set

forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

#### XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2 b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- 2 c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 2 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 2 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

#### XX. WILDFIRE

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

- 2 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 2 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 2 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

#### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 3 a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2 b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)
- 2 c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?



**Documents Referenced:**

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

- Fresno County General Plan, Policy Document and Final EIR
- Fresno County General Plan Background Report
- Fresno County Zoning Ordinance
- Fresno County 2014 Important Farmlands Map
- Traffic Impact Study; Proposed Rezone/Northeast of the Intersection of Auberry Road and Morgan Canyon Road, by Peters Engineering Group, Dated August 10, 2018
- Air Quality and Greenhouse Gas Technical Memorandum, Auberry Road and Morgan Canyon Road Proposed Rezone Project: by Elena Nuño, Stantec Consulting Services, Inc. dated September 11, 2019
- Page Prather Habitat Assessment, by Soar Environmental Consulting, dated December 18, 2018
- Cultural Resource Inventory, Prather, Fresno County California, by Culturescape, dated November 2018

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# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Dan Page

APPLICATION NOS.: Initial Study Application No. 7185 and Amendment Application No. 3821

DESCRIPTION: Allow the rezone of an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District, to the C-6(c) (General Commercial, Conditional) Zone District.

LOCATION: The subject parcel is located on the north side of Auberry Road, approximately 350 feet northeast of its intersection with Morgan Canyon Road (State Route 168) within the unincorporated community of Prather (APN 118-422-50) (29645 Auberry Road) (SUP. DIST. 5).

### I. AESTHETICS

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

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This application is proposing to rezone an 8.46-acre parcel from the RR (Rural Residential) to a C-6(c) General Commercial (Conditional) Zone District. If this application is approved, future use of the site would be limited to the uses listed by the applicant as desired by-right uses and those other uses subject to discretionary approval. The applicant has indicated that future development of site will likely consist of office space or a retail shopping center. Auberry Road is designated as a scenic drive and State Route 168 is designated as a scenic highway per Figure OS-2 of the Fresno County General Plan.

The subject parcel is currently vacant of any structures and consists of rolling foothill terrain with grassland as the predominate ground cover, interspersed with stands of oak woodlands, other tree varieties, rock out cropping's, and an unnamed tributary of Big Sandy Creek which runs through a portion the subject parcel.

Existing land uses westerly adjacent to the subject parcel consist of various types of commercial development including a gas station, a retail shopping center and restaurants, mixed with scattered residential development, north and west.

Policies in the County-Adopted Sierra North Regional Plan, specific to the Prather area, require that commercial uses be concentrated along Auberry Road within one quarter-mile of its intersection with Morgan Canyon Road, and that a setback of 50 feet from the road right-of-way be provided where possible. Accordingly, a condition of approval will be included requiring that any future development of the site include a 50-foot setback of all buildings and structures from the right-of-way of State Route 168.

The following Mitigation Measure shall be included to address the aesthetic impacts of additional commercial development along Auberry Road. Additionally, to address potential impacts from new sources of lighting and/or glare, a Mitigation Measure will be included requiring that any lighting proposed with future development of the property be hooded and directed so as not to shine on neighboring property or the abutting roadway.

\* **Mitigation Measure**

1. *Prior to the issuance of permits for any development of the subject property, a landscaping plan shall be submitted as part of the Site Plan Review Process (SPR). Landscaping shall be provided along the parcel frontage to provide a visual buffer between commercial development and Auberry Road. Installation of landscaping shall be completed prior to final occupancy.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

There is no specific development associated with the approval of this application to rezone the subject parcel. However, to address potential impacts from new sources of lighting and/or glare associated with future development of the property, the following Mitigation Measure requires that any lighting proposed, be hooded and directed so as not to shine on neighboring property or the adjacent roadway.

\* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward adjacent properties and public streets.*

## II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The subject parcel is not designated as Prime, Unique or Farmland of Statewide Importance; it is designated Nonagricultural or Natural Vegetation (NV) on the 2014 Fresno County Important Farmland Map. According to the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP), Rural Land Mapping Project, the NV category is described as heavily wooded, rocky or barren areas, riparian and wetland areas, and grassland areas that do not qualify as Grazing Land due to their size or land management restrictions. The subject parcel is not restricted under Williamson Act Contract.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forestland or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

This proposal entails the rezoning of an 8.46-acre parcel from Rural Residential to General Commercial. No specific type of development has been proposed; however, future development of the site could include any uses allowed by right within the new designated zone district, and those allowed with discretionary approval.

In this case, the subject parcel is not designated as forest land or timberland, and is not zoned for timberland production; therefore, the proposal will not result in the loss of forest land or conversion of forest land to non-forest uses. However, the subject parcel does contain stands of Oak Woodlands, which are subject to the County General Plan Oak Woodland Management Guidelines, which promotes and encourages the preservation of

Oak Woodlands; and General Plan Policy OS-F.10, which requires preservation of natural woodlands (see discussion and mitigation under Section IV.E (Biological Resources)).

- E. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The proposed rezone will not result in the conversion of Farmland to non-agricultural uses; however, future use of the site could potentially involve the development of a portion of the currently-vacant property to commercial uses, which would entail the conversion (removal) of existing oak woodland (see discussion and mitigation under Section IV.E (Biological Resources)).

### III. AIR QUALITY

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

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The San Joaquin Valley Air Basin, which includes Fresno County, is designated as being in non-attainment status for Ozone (one hour and eight hour) and Particulate Matter (PM10) and (PM2.5). The San Joaquin Valley Air Pollution Control District (Air District) reviewed this proposal and determined that development of the site would contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emissions; and also may specifically exceed the thresholds of significance for emissions of carbon monoxide, oxides of nitrogen, reactive organic gases, oxides of sulfur, and particulate matter (PM10 and PM2.5). Accordingly, any proposed development should be evaluated to determine if it could possibly result in a cumulatively considerable net increase of one or more criteria pollutants for which the San Joaquin Valley Air Basin is in non-attainment.

The Air District has established the following significance thresholds for criteria pollutants: 10 tons per year of Oxides of Nitrogen (NOx), 10 tons per year of Reactive Organic Gases (ROG), 15 tons per year of Particulate Matter (PM) 10 and PM 2.5, 27 tons per year of Oxides of Sulfur (SOx), and 100 tons per year of Carbon Monoxide (CO).

Based on the Air District's recommendations that project emissions be identified and quantified to determine if development of the site may exceed significance thresholds for

criteria pollutants, the applicant was required by the County to provide an air quality and greenhouse gas analysis for the project. A copy of SJVAPCD comments was provided to the applicant in order to provide the content of the analysis.

An air quality and greenhouse gas technical memorandum was provided by the applicant's consultant, Stantec Consulting Services, Inc., dated September 11, 2019, the purpose of which was to evaluate potential air quality impacts from the emission of criteria pollutants, toxic air contaminants, and greenhouse gases resulting from future development of the subject property, based on Air District recommendations. Projected emissions were categorized as either construction related or operational. Projected operational emissions were based on certain land use assumptions derived from the Institute of Transportation Engineers (ITE) Handbook which were also utilized in the Traffic Impact Study prepared for this proposal (see discussion under Section XVII Transportation) below. The analysis utilized the California Emissions Estimator Model (CalEEMod) Version 2016.3.0 for quantifying air quality impacts.

As there is no specific development associated with the approval of this application to rezone an 8.46-acre parcel from a Rural Residential zoning designation to a General Commercial zoning designation, potential impacts to air quality were evaluated based on the projected future use of the site, categorized as commercial, with the potential for future construction of up to 43,560 square feet (one acre), of mixed-use commercial buildings.

It was determined by the Air District that the project would equal or exceed 2,000 square feet of commercial space, and would therefore meet the applicability criteria defined in District Rule 9510, Indirect Source Review (ISR). According to Air District comments, District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. In this case, the applicant was required to submit an Air Impact Assessment Application (AIA) to the District for review.

The Air Impact Assessment Application was approved by the District, and included a summary of project emissions projections, a summary of applicable off-site fees, and a District-approved Monitoring and Reporting Schedule. The District also determined that short-term construction-related emissions have the potential to exceed the Air District annual criteria thresholds of significance for such emissions. Accordingly, prior to the issuance of permits, the applicant shall be required to contact the Air District's Small Business Assistance Office to determine if an Authority to Construct (ATC) permit is required.

The following District-Enforced Emission Reduction Measure was included with the approval of the AIA and shall be included as mitigation Measure for this project proposal.

To address potential environmental impacts related to short-term construction emissions, the following Mitigation Measure will be included.

\* **Mitigation Measure(s)**

1. *For each project phase, all records shall be maintained on site during construction and for a period of ten years following either the end of construction or the issuance of the first certificate of occupancy, whichever is later. For each project phase, records of the construction start and end date and the date of the issuance of the first certificate of occupancy shall be maintained.*

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The San Joaquin Valley Air Pollution Control District (Air District) recommended that the project be evaluated for the potential of future development to result in exposure of sensitive receptors to substantial pollutant concentrations, or create objectionable odors that would adversely affect a substantial number of people. Accordingly, the District recommended a Health Risk Screening Analysis to determine if a refined Health Risk Assessment (HRA) would be necessary.

The District-recommended method for determining whether an HRA is needed is to utilize a prioritization score calculator based on the California Air Pollution Control Officers Association (CAPCOA) Facility Prioritization Guidelines (August 2016). A prioritization score of 10 or greater indicates the need for a refined HRA, due to the potential for a significant health risk to sensitive receptors. Scores of less than 10 indicate the Toxic Air Contaminates do not pose a significant risk.

An Air Quality and Greenhouse Gas Technical Memorandum, prepared by Stantec Consulting Services, Inc., dated September 11, 2019, concluded that the proposed development, based on the possibility of a restaurant with an emergency generator, was not anticipated to generate stationary sources of emissions resulting in a prioritization score of 10 or greater; therefore, a refined Health Risk Assessment was not warranted at this time. The Memorandum did not provide any analysis based on other commercial use assumptions. If this application is approved, any development of the site will be subject to all applicable Air District Rules.

To address potential impacts to sensitive receptors related to short-term construction emissions and operational emissions, the following Mitigation Measure will be included.

\* **Mitigation Measure**

1. *If any development of the site proposes the use of an emergency backup generator, the generator(s) shall meet all applicable Environmental Protection Agency (EPA) finalized Tier 4 emission standards for non-road diesel engines.*

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Future development of the site may include commercial development that could contribute emissions from idling vehicles and trucks, or underfired char-broilers from a restaurant operation. However, any development would be confined to the limited practicable developable area of the parcel, which is due in part to the uneven terrain, which contains rock outcroppings, mature oak trees and a seasonally dry creek tributary. Any such commercial development would be consistent with the existing commercial development to the west of the subject property, which is clustered around the intersection of Morgan Canyon Road and Auberry Road, as prescribed by the County-Adopted Sierra North Regional Plan. Residential development in the vicinity is relatively sparse, and development of the subject property is not anticipated to result in emissions or odors which would adversely impact a substantial number of people.

IV. BIOLOGICAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

According to comments from the United States Fish and Wildlife Service (USFWS), the subject parcel is within the range of several federally-protected species of both plant and animal. USFWS recommended that a habitat assessment be conducted by a qualified biologist to evaluate the site for suitable habitat for special-status species.

Based on recommendations from USFWS, the applicant's consultant, Soar Environmental Consulting, submitted a biological assessment, dated December 18, 2018. As part of the assessment, the consultant obtained a copy of the Information for Planning and Consultation (IPaC) resource list, provided by the United States Fish and Wildlife Service, as well as the (CNDDDB), which contained ten federally-protected species and eight migratory birds of conservation concern, including Fresno Kangaroo Rat, Blunt-Nosed Leopard Lizard, California Tiger Salamander, California Red-Legged Frog, delta smelt, vernal pool fairy shrimp, vernal pool tadpole shrimp, conservancy fairy shrimp, fleshy owl's-clover, San Joaquin Orcutt Grass, Lewis's Woodpecker, Nuttall's Woodpecker, Costa's Hummingbird, Rufous Hummingbird, Oak Titmouse, Wrentit, Spotted Towhee, and Lawrence's Goldfinch.

The results of the assessment were that no special-status species or suitable habitat was observed within the subject parcel; however, the numerous existing oak trees are potential habitat for some of the migratory birds of conservation concern as well as other non-special-status nesting birds, which are protected by the Migratory Bird Treaty Act (MBTA).



To address potential impacts to birds protected under the MBTA, a Mitigation Measure has been included under Section IV.D.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to comments from the United States Fish and Wildlife Service (USFWS), the subject parcel is within the range of several federally-protected species of both plant and animal. The subject parcel is entirely comprised of the oak woodland plant community with a dry creek system which connects to Big Sandy Creek north of the subject parcel. The Service recommend that a habitat assessment be conducted by a qualified biologist to evaluate the site for suitable habitat. The applicant submitted a biological assessment performed by Soar Environmental Consulting, dated December 18, 2018. The conclusions of the assessment found that no federal or state special-status species or suitable habitat was observed within the project site; however, the presence of numerous mature oak trees on the property may provide potential habitat for Lewis's Woodpecker, Nuttall's Woodpecker, Rufous Hummingbird, Oak Titmouse, Wrentit, Spotted Towhee, and Lawrence's Goldfinch, as discussed under Section IV.D below.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No federally-protected wetlands were identified in the analysis, and review of the Wetlands Mapper confirms this finding.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The results of the biological habitat assessment were that mature oak woodlands on the subject property provided suitable habitat for several migratory birds of conservation concern according to the United States Fish and Wildlife Service, IPAC list, and the Oak Titmouse which was observed on the site. Additionally, suitable habitat for Lewis's Woodpecker, Nuttall's Woodpecker, Rufous Hummingbird, Wrentit, Spotted Towhee and Lawrence's Goldfinch was detected, although no occurrences of these species were observed at the time of the Habitat Assessment.

In order to minimize or avoid impacts from development of the site to special-status and non-special-status nesting birds protected under the Migratory Bird Treaty Act, the

following Mitigation Measures will be included, in accordance with the recommendations of the Biological Habitat Assessment.

\* **Mitigation Measure(s)**

1. *Prior to ground disturbance, a qualified biologist shall conduct site surveys, including all trees, to determine the presence of nesting birds. Any nests located in trees shall be completely avoided and a fifty-foot no-disturbance buffer shall be established. If any nests are located on the ground, a 100-foot no-disturbance buffer shall be established.*
2. *A qualified biologist shall be on site during ground-disturbing and/or construction activities. If any nesting birds exhibit signs of distress in response to ground-disturbing or construction activities, the no-disturbance buffer shall be increased by a minimum of 25 feet. The qualified biologist shall document the location and progress of each nest and determine when young fledglings are no longer dependent upon their parents or the nest. Only after the young have fledged and are no longer dependent upon their parents or the nests can ground-disturbing or construction activities proceed within the established 50-foot and/or 100-foot buffers zones.*

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Fresno County General Plan contains several policies that have the goal of protecting biological resources, including wetlands and riparian areas, fish and wildlife habitat, and vegetation. Regarding vegetation, Policy OS-F.10 requires that new development preserve natural woodlands to the maximum extent possible and Policy OS-F.11 requires that the County promote the preservation and management of oak woodlands by encouraging landowners to follow the Fresno County Oak Management Guidelines and prepare an oak management plan for their property.

According to the Habitat Assessment by Soar Environmental Consulting, dated December 18, 2018, the subject parcel does contain numerous mature oak trees; as such, the following Mitigation Measure will be included to address impacts to the existing oak woodlands from development of the site, per General Plan Policy.

\* **Mitigation Measure(s)**

1. *A qualified biologist shall prepare a pre-construction survey of disturbance areas of the subject property to determine if any existing oak trees will be impacted by the project.*
2. *Identified oak trees on the subject property, which measure a minimum of five (5) inches in diameter at breast height (dbh), defined as four and one half-feet on the uphill side of the tree, shall be protected by a no-disturbance buffer of six feet. If*

*removal of any oak trees meeting the minimum (dbh) during development of the property cannot be avoided, any oak trees that are removed shall be replaced at a ratio of one to one (one new tree for each one removed) with five-gallon oak trees of the same species. All replacement trees shall be maintained until established.*

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

No reviewing agencies expressed concern that the proposed rezoning of the site or future development would conflict with any adopted Habitat Conservation, Natural Community Conservation, or other approved local, regional or State habitat conservation plan.

## V. CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Staff requested a Sacred Lands File Search from the Native American Heritage Commission, which had negative results. Additionally, a Cultural Resources Inventory was completed on the subject property by the applicant's consultant, Culturescape, dated November 2018. The Cultural Resources Inventory did not locate any historical or tribal cultural resources.

However, the possibility exists that land disturbance could impact Cultural Resources located sub-surface. Therefore, staff has determined that impacts to Cultural Resources from future development of the site would be less than significant with adherence to the following Mitigation Measure.

\* **Mitigation Measure**

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

*determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

## VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or;
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application proposes to rezone an approximately 8.46-acre parcel from Rural Residential to General Commercial Zoning, which, if approved, would allow for a variety of specified commercial uses of the site. Any estimate of consumption of energy resources during project construction or operation would be speculative at this time. Future development of the site will be subject to current California Green Building Standards Code and applicable San Joaquin Valley Air Pollution Control District (Air District) Rules regarding emissions of Carbon Monoxide (CO), PM 2.5, PM 10, Oxides of Nitrogen (NO<sub>x</sub>), Oxides of Sulfur (SO<sub>x</sub>) and Reactive Organic Gases (ROG). See Mitigation Measures under Section III Air Quality.

The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. An Air Quality (AQ) and Greenhouse Gas Analysis (GHG) completed for this proposal analyzed construction emissions based on the following phases: Site Preparation, Site Grading, Building Construction, Paving, Architectural Coating, and a construction schedule of 300 workdays within a 12-month period for all phases. The analysis also concluded that if construction was broken into components and phased over several years, total emission would be less than significant.

Additionally, it was concluded that the proposal would not exceed District thresholds of significance on a project level, nor result in cumulative air quality impacts for regional pollutants, and that construction occurring after March 2020 would likely result in decreased emissions due to updated California Air Resources Board (CARB) regulations affecting In-Use-Off-Road Diesel-Fueled Fleets, requiring the use of cleaner construction equipment fleets.

The subject property is located within the Sierra North Regional Plan, which contains development management policies that encourage new development to utilize standards that minimize energy consumption, such as building orientation, solar access, and tree shading.

The AQ/GHG also analyzed operational emissions, including mobile sources. The Trip Generation data from the Traffic Impact Study prepared for this project was utilized for the operational emissions analysis, which concluded that long-term annual operational

emissions would not exceed Air District thresholds of significance on a project level, and thus not be cumulatively considerable. Therefore, impacts resulting from energy resource consumption would be less than significant. The project is not anticipated to result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation, nor conflict with or obstruct state or local plans for renewable energy or energy efficiency.

## VII. GEOLOGY AND SOILS

Would the project:

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

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

FINDING: NO IMPACT:

The subject parcel is not located in an area of known seismic activity, seismic-related ground failure, liquefaction or landslides, according to Figures 9-5 and 9-6 of the Fresno County General Plan Background Report (FCGPBR).

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is in an area of Erosion Hazards in Eastern Fresno County per Figure 7-3 of the FCGPBR. Future development of the site will require that a grading permit or grading voucher be obtained prior to any ground disturbance, and a grading and drainage plan may be required to demonstrate how additional storm water runoff generated by development will be managed without adversely impacting adjacent property.

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

FINDING: NO IMPACT:

The subject property is not located in an area of the County prone to landslide or subsidence as identified by Figure 9-6 of the Fresno County General Plan Background

Report (FCGPBR), nor is it in an area prone to seismic activity per figure 9-5 of the FCGPBR. According to the FCGPBR, no Countywide assessments have been performed to identify areas prone to liquefaction hazards.

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

FINDING: NO IMPACT:

The subject property is not located in an area of expansive soils as identified by Figure 7-1 and described in Chapter 7 of the Fresno County General Plan Background Report. Expansive Soils are those that exhibit a moderate to high shrink swell potential. The soil types identified on the subject parcel, Ahwahnee Very Rocky Coarse Sandy Loam and Auberry Very Rocky Coarse Sandy Loam, are not considered to have a moderate or high shrink swell potential according to Map Unit Description data from the United States Department of Agriculture Web Soil Survey mapping application.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any future development of the site will be subject to the California plumbing code and Fresno County Local Area Management Program (LAMP) requirements as they apply to Onsite Wastewater Treatment Systems. Any future use of an existing septic system will require an evaluation of the system for adequacy to serve the proposed uses.

Future development and/or division of the subject parcel will require a sewage feasibility report, and an engineered sewage disposal system designed by a licensed engineer. The feasibility report shall consider the location of existing water wells and the potential for contamination to the water wells, septic system(s) and future proposed septic systems. Policies of the Sierra North Regional Plan require that commercial development be served by a community water and sewer system or suitable alternative.

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

FINDING: NO IMPACT:

No unique paleontological resources or unique geologic features were identified by any reviewing agencies or in the analysis. Additionally, the Cultural Resources Inventory submitted by the applicant did not identify any unique paleontological resources on or near the subject property.

## VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Senate Bill (SB) 32 requires California to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030, and Executive Order B-16-12 sets a GHG reduction goal of 80 percent below 1990 emissions levels by 2050.

The San Joaquin Valley Air Pollution Control District adopted the Climate Change Action Plan (CCAP) in August 2005, which directed the District to develop guidance to assist Lead Agencies, among others, in assessing and reducing the impacts of project-specific greenhouse gas (GHG) emissions on global level climate change. The District has also established thresholds of significance to assist in determining impacts of a proposed project.

Comments from the Air District did not specifically address greenhouse gas emissions; however, the District's guidance on addressing GHG emission impacts from projects under CEQA, published December 17, 2009, was utilized in the evaluation of this proposal, and said guidance indicates project-specific GHG emissions are considered to be cumulative in terms of their contribution to global climatic change, and that the cumulative impact is best addressed by requiring that all projects subject to CEQA reduce their GHG emissions through project design elements and performance-based standards or Best Performance Standards (BPS). For development projects, BPS would focus on measures that improve energy efficiency and reduce Vehicle Miles Travelled (VMT).

This proposal entails the rezoning of an 8.46-acre parcel, located within the unincorporated community of Prather, from Rural Residential to a General Commercial (C-6) Zone District (Conditional) which would limit allowed uses to those uses previously specified and agreed upon by the applicant, and potentially any additional uses that may be allowed by discretionary approval.

The subject parcel is located directly adjacent to an existing commercial area along State Route 168 (Morgan Canyon Road). As a rezone, any potential impacts related to greenhouse gas emissions would be the result of future activities associated with said development. There are currently no plans for the development of the property associated with this application; however, to address future impacts from development, a Greenhouse Gas Analysis was required by the Fresno County Department of Public Works and Planning for this project proposal. The applicant's consultant submitted modeling data which used the California Emissions Estimator Model (CalEEMod) Version 2016.3.2, the most current version of the model approved for use by the San Joaquin Valley Air Pollution Control District. A summary of that data was provided to the County on September 11, 2019. Because there is no specific type of development designated for the site, a land use type of Retail, and subtype of Strip Mall, were used as a basis for the greenhouse gas modeling projections.

The results and conclusions of the GHG Analysis indicated that Short-Term Construction-Generated Emissions of Criteria Pollutants (Reactive Organic Gases, Nitrous Oxide, Carbon Dioxide, Particulate Matter (PM)10, PM 2.5, were not expected to exceed annual emissions threshold of 25,000 metric tons of Carbon Dioxide Equivalent (CO2e) [according to the U.S. Environmental Protection Agency (EPA) Greenhouse Gas Reporting Program], thus, impacts from the development of the subject parcel would be considered less than significant.

The proposed project will be subject to all applicable regulations under California Assembly Bill (AB) 32 as administered by the California Air Resources Board (CARB). According to the Air Quality/Greenhouse Gas Analysis, the project is not anticipated to meet or exceed the threshold for mandatory reporting under AB 32, which is annual emissions from stationary sources greater than 25,000 metric tons, thus, mitigation is not required.

#### VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This application proposes a change in the zoning of the subject parcel from a residential designation to a general commercial designation; therefore, subsequent use of the site may entail some type of commercial development, including individual projects, which propose to use and/or store hazardous materials and/or hazardous wastes as part of their normal operation. Any such proposals would be subject to the requirements of the California Health and Safety Code and California Code of Regulations, and any business proposing to do so may be required to submit a Hazardous Materials Business plan and/or a special permit from the California Department of Resources Recycling and Recovery for certain operations involving waste tire hauling. Adherence to applicable regulations would reduce impacts to a less than significant level.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The subject property is not located within one quarter-mile of an existing or proposed school. Additionally, development of this site will be subject to the provisions of the California Health and Safety Code (HSC), which requires that any business that handles a



hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan online through the Cal EPA, California Environmental Reporting System (CERS). All hazardous waste shall be handled in accordance with the California HSC, Title 22, Division 4.5. The nearest school, Foothill Middle School, is located approximately three quarter-miles northwest of the subject property.

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

FINDING: NO IMPACT:

The subject property is not located on or near a known hazardous materials site, as identified by the United States Environmental Protection Agency (EPA) NEPAssist tool, which also references the California Department of Toxic Substances Control (DTSC), Hazardous Waste and Substances Site List-Site Cleanup (Cortese list).

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

FINDING: NO IMPACT:

The subject property is not located within the boundaries of an airport land use plan or within two miles of a public airport or private airstrip.

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

FINDING: NO IMPACT:

The proposed project is not anticipated to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No emergency response or emergency evacuation plans were identified in the analysis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is located within a designated State Responsibility Area (SRA), under the jurisdiction of the California Department of Forestry and Fire Protection (CAL FIRE), and due to the mountainous character of the surrounding terrain and seasonally dry natural vegetation, it is susceptible to wildfire risk. Any development of the site will be subject to the Fresno County Ordinance Code, Title 15, Chapter 15.60 - Fire Safe Regulations, which apply to setbacks for structures, road improvements, management of flammable vegetation and fuels, water supply and emergency access standards. As such, development plans are subject to review and approval by the Fresno County Fire

Protection District/CALFIRE. Impacts would be less than significant with adherence to all applicable SRA standards.

## X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: NO IMPACT:

Development of the site is not anticipated to violate any water quality standards, waste discharge requirements, or degrade water quality. Any future development of the site will require connection to a community water system and be subject to all applicable water quality standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Policies of the Sierra North Regional Plan require that commercial development be served by a community water and sewer system or by a suitable alternative; accordingly, a condition of approval will be included requiring that all future development connect to a community water system in compliance with all applicable requirements established by the State Water Resources Control Board, Division of Drinking Water. Additionally, no permits will be issued for new water well construction on the subject property.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on or off site?

1. Result in substantial erosion or siltation on- or off-site; or
2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to United States Geological Survey (U.S.G.S) Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject parcel; however, according to a Habitat Assessment by Soar Environmental Consulting, dated December 18, 2018, intermittent streams may be present within the subject parcel. As such, any development within or near a stream bed shall require the appropriate clearance from the California Department of Fish and Wildlife (CDFW) and may require a Lake and Streambed Alteration (LSA) Agreement from CDFW.

A condition of approval will be included requiring that the applicant provide verification to the County of notification of such development to the California Department of Fish and Wildlife. Additionally, any grading proposed with development of the site may require a grading permit or grading voucher, and an Engineered Grading and Drainage Plan may be required to demonstrate how any additional storm water runoff, generated by development of the site, will be managed without adversely impacting adjacent properties or the roadway. No reviewing agencies or departments expressed concern that development of the site would exceed the capacity of any existing or planned storm water drainage systems or contribute substantial sources of polluted runoff.

FEMA, FIRM Panel 0675H, indicates that the subject parcel is not subject to flooding from the one-percent-chance storm event. Although there is no housing proposed with this application, future development, whether commercial or residential, will be subject to the applicable building code and grading requirements.

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

FINDING: NO IMPACT:

The subject property is not located in an area subject to dam failure flood inundation as identified by the Fresno County General Plan Background Report (FCGPBR) Figure 9-8, nor is it in an area prone to inundation from seiche, tsunami or mudflow.

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

FINDING: NO IMPACT:

Development of the site will require connection to a community water system which is regulated by the State Water Resources Control Board, Division of Drinking Water. The rezoning and future development of the site is not anticipated to obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The proposal to rezone an 8.46-acre parcel from Rural Residential to General Commercial will be consistent and compatible with adjacent development and zoning, and with the property's land use designation of Mountain Urban in the County-Adopted Sierra North Regional Plan. No existing residential development will be adversely impacted by this proposal. The project will not physically divide an established community.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

This proposal to rezone the 8.46-acre parcel will not divide an established community, nor cause a significant environmental impact due to a conflict with a land use plan, or regulation adopted for the purpose of avoiding or mitigating such impacts. Development of the site has the potential to impact the existing oak woodland habitat; however, impacts would be less than significant with the mitigation included under Section IV. E. above.

## XII. MINERAL RESOURCES

Would the project:

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

FINDING: NO IMPACT:

The subject parcel is not located in a Mineral Resource Location, Principal Mineral producing, or Generalized Mineral Resource Zone, as identified by Figures 7-7, 7-8, and 7-9 of the Fresno County General Plan Background Report (FCGPBR). A review of the California Department of Conservation, Mines Online (MOL), does not indicate the presence of any abandoned or active mines near the subject property, and no reviewing agencies or department expressed concerns regarding the loss of availability of any known mineral resources because of this proposal.

## XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No specific development is proposed with this application; however, it is anticipated that the property will be developed for commercial uses if the proposed rezone is approved. Therefore, construction would likely cause temporary increases in ambient noise levels in the vicinity of the project. Any such impacts would be short term and are not anticipated to not result in exposure of people to severe noise levels or excessive ground-borne vibration or ground-borne noise levels, nor cause a substantial permanent or periodic increase in ambient noise levels. Any construction and/or development would be subject to the Fresno County Noise Ordinance Code.

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

FINDING: NO IMPACT:

The subject property is not located within two miles of airport or private airstrip. However, any future development of the site would be required to comply with the provisions of Chapter 8.40 of the Fresno County Ordinance Code regarding Noise Control.

#### XIV. POPULATION AND HOUSING

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

This application proposes to rezone an 8.46-acre undeveloped parcel from Rural Residential to General Commercial, which, if approved, would permit certain commercial uses thereafter, and may result in job creation and demand for housing, subsequent to such development of the site. However, given the limited developable area of the parcel due to terrain features, future development of the parcel is not anticipated to induce substantial population growth. Rezoning of the parcel will not displace any existing housing nor displace any people, as there is no residential development on the site.

Rural Residential density requirements of the Mountain Urban designation would limit residential development of the site to four dwelling units, one unit per lot based on a minimum lot size of two acres, were the parcel to be subdivided. Further discretionary

approval of second residences could allow a total of eight dwelling units, two dwelling units per two-acre lot; or with rezoning to a higher density residential zone district. Although the subject parcel is residentially zoned, it is designated as Mountain Urban in the Sierra North Regional Plan; the Mountain Urban designation allows for various intensities of commercial development, industrial uses where appropriate, and foothill rural residential uses. Residential policies of the Mountain Urban designation are consistent with those of the Foothill Rural Residential Areas. Residential uses at densities higher than one dwelling unit per two acres, not to exceed ten dwelling units per acre, may be allowed subject to appropriate zoning or by Conditional Use Permit, and subject to applicable development standards, compatibility with surrounding land uses, and where lot sizes shall be a minimum of 6,000 square feet, except within Planned Developments (PD).

The subject parcel is located along State Route 168 and the recognized commercial center of Prather. Mountain Urban-designated areas are intended to provide most of the goods and services to the surrounding areas, and where such commercial development should be at higher densities and be served by community water and sewer facilities. Commercial development standards are intended to cluster commercial uses in specific sections of major roadways where the combination of uses function as a small business center.

Commercial policies of the Sierra North Regional Plan provide that in the unincorporated community of Prather, commercial uses should be located along Auberry Road within one quarter-mile of its intersection with Morgan Canyon Road. The subject parcel is within 350 feet of the intersection.

As part of the most recent (5<sup>th</sup> cycle) update of the Housing Element of the Fresno County General Plan, the County, along with a number of incorporated cities, and the Fresno Council of Governments (FCOG), has prepared a Multi-Jurisdictional Housing Element to address housing needs at a regional level, consistent with the Regional Housing Needs Assessment (RHNA) as determined by the State of California, Department of Housing and Community Development (HCD).

Analysis of this proposal for consistency with the RHNA found that the rezoning of the subject parcel would result in the loss of eight (8) residential units identified in the County's Fifth Cycle Inventory to accommodate housing for the Above Moderate Income category. The County's Fifth-Cycle housing element inventory for the Above Moderate Income category indicates that there is a surplus of capacity; therefore, approval of this proposed rezoning will have a less than significant impact on the provision of housing in the given category.

## XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental

impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection; or
2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

This proposal entails the rezoning of an 8.46-acre property from a residential zone district to general commercial zoning, which would facilitate future development of the site to certain allowed commercial uses. No impacts to the provision of public facilities or services is anticipated.

#### XVI. RECREATION

Would the project:

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

FINDING: NO IMPACT:

Future development of the site is not anticipated to increase the use of existing parks or require the construction or expansion of recreational facilities.

#### XVII. TRANSPORTATION

Would the project:

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

FINDING: NO IMPACT:

The subject property is located within the boundaries of the Sierra North Regional Plan. One of the stated goals of the Regional Plan is to "establish a circulation and transportation system which will provide for the efficient and safe movement of people

and goods, while minimizing the interference on adjacent land uses and the natural environment”.

The Transportation Element of the Sierra North Regional Plan is consistent with the policies and goals of the Fresno County General Plan, Transportation Element, which designates State Route 168 as part of a regional bikeway corridor route. Any new development will be required to adhere to General Plan Policies pertaining to the implementation of Regional Bikeway Routes, such as the provision of adequate rights-of-way, easements and/or any roadway improvements associated with development of the subject property.

The subject property is located near the intersection of Morgan Canyon Road and Auberry Road/State Route 168, which is an established commercial development, consistent with the policies of the Sierra North Regional Plan pertaining to that intersection. The subject property has frontage along State Route 168 and is subject to California Department of Transportation (Caltrans) standards regarding road right-of-way and access. This application was reviewed by Caltrans, the Fresno County Department of Public Works and Planning Road Maintenance and Operations and Design Divisions, which concurred that the project proposal would require a Traffic Impact Study to evaluate potential impacts to traffic from future development of the site.

A Traffic Impact Study (TIS) was prepared for this proposal in order to address impacts to the circulation system from increased traffic trips associated with future development of the site. The results and conclusions of the TIS and included Mitigation Measures are discussed further under Section XVI.C below; however, no conflicts with applicable plans, ordinances or policies pertaining to measures of effectiveness for the performance of the circulation system or with applicable congestion management programs were identified in the analysis.

- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The traffic study prepared for this proposal did not evaluate traffic impacts utilizing the Vehicle Miles Traveled (VMT) metric, but rather the Level of Service (LOS)

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

A Traffic Impact Study was submitted by Peters Engineering Group, dated August 10, 2018. The conclusions of the traffic study included the recommendation that a minimum 75-foot-long left-turn lane be installed along Auberry Road (State Route 168) on the eastbound lane to provide access to the site. The Design Division and Road Maintenance and Operations Division concurred with that recommendation. In addition, Caltrans is requiring that the applicant enter into a Traffic Mitigation Agreement with Caltrans and pay



their equitable fair share of \$14,500 prior to the issuance of an occupancy certificate for any proposed development of the site.

\* **Mitigation Measure(s)**

1. *Development of the subject property shall require that a minimum 75-foot-long left-turn lane be installed along Auberry Road (State Route 168) on the eastbound lane to provide access to the site.*
2. *Prior to the issuance of grading or building permits, the applicant shall enter into a Traffic Mitigation Agreement with the California Department of Transportation (Caltrans), and pay their equitable fair share of \$14,500 for future road improvements.*

D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Because the subject parcel is in a State Responsibility Area (SRA), development of the site will be subject to applicable fire safe regulations as they pertain to site access and setbacks from the adjacent roadway.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Under the provisions of Assembly Bill 52 (AB 52), notice that the application for this project was complete was forwarded to the following tribal governments who had made a request to be notified in writing: Table Mountain Rancheria, Picayune Rancheria of the Chukchansi Indians, Santa Rosa Rancheria, and Dumna Wo Wah. None of these

responded within the 30-day window and requested consultation. Staff requested a Sacred Lands File Search from the Native American Heritage Commission, which had negative results. Additionally, a Cultural Resources Inventory was completed by the applicant's consultant, Culturescape, dated November 2018, which did not locate any historical or tribal cultural resources on the subject property. A letter concluding consultation was sent to the Dumna Wo Wah Tribal Government representative on December 14, 2018.

Therefore, based on the fact that no cultural resources were identified, and that local tribes were unable to identify any known resources on the site, staff has determined that impacts to Tribal Cultural Resources from future development of the site would be less than significant with adherence to the following mitigation.

\* **Mitigation Measure**

1. See Mitigation Measure listed in Section V.C.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or
- C. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Policies of the Sierra North Regional Plan in which the subject parcel is located require that commercial development be served by a community water and sewer system or suitable alternative. In this case, there is an existing community water system to which any proposed development will be required to connect. There is currently no existing community sewer system servicing the subject parcel. Should this application be approved, development of the site will be subject to the California plumbing code and Fresno County Local Area Management Program (LAMP) requirements. Any use of an existing septic system will require an evaluation of the system for adequacy to serve the proposed use, or a sewage feasibility report done by a licensed engineer.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or

- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With regard to solid waste generation and disposal, all future development of the site will be required to comply with federal, state and local management and reduction statutes and regulations related to solid waste, including California Assembly Bill (AB) 341- Mandatory Commercial Recycling (MCR) Program, AB 1826 - Mandatory Commercial Organics Recycling (MORE) Program, and Title 15 - Building and Construction of the Fresno County Ordinance Code (15.04.120 Public nuisance in construction and demolition). Adherence to all applicable Federal, State and Local regulations will reduce impacts of development of the subject parcel related to solid waste to a less than significant level.

## XX. WILDFIRE

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

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is in a State Responsibility Area (SRA), which is under the jurisdiction of the California Department of Forestry and Fire Protection (CALFIRE); as such, any development of the property is subject to all applicable SRA Fire Safe Regulations as included in Title 15, Chapter 15.60 of the Fresno County Ordinance Code and California Fire Code. Compliance with SRA Fire Safe Regulations will be addressed prior to issuance of building permits and prior to issuance of a certificate of occupancy for any development. See additional discussion regarding SRA requirements under Section VIII.G above.

- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

The subject parcel contains a seasonally dry creek system, which connects to Big Dry Creek approximately 375 feet north of the subject property. According to FEMA, FIRM Panel 0675H the subject parcel is in an area of minimal flood hazard (Zone X) and is not subject to flooding from the 100-year (one-percent-chance) storm event. Additionally, the topography of the parcel is such that only a portion is developable, with the balance consisting of moderate slopes, dense vegetation and rocky outcroppings. However, development of the site will require a grading permit or grading voucher from the Fresno County Department of Public Works and Planning.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See Mitigation Measures under Section IV Biological Resources and Section V Cultural Resources.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions of criteria pollutants including greenhouse gases will be consistent with implementation of statewide emissions reduction goals. The project proposal would not result in cumulatively considerable impacts to air pollution or greenhouse gases through construction or operation.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is not anticipated to cause substantial adverse effects on human beings, directly or indirectly.

## CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Amendment Application No. 3821, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, Public Services, and Recreation.

Potential impacts related to Aesthetics, Agricultural and Forestry Resources, Energy, Geology and Soils, Greenhouse Gases, Hydrology, Noise, Water Quality, Utilities and Service Systems, and Wildfire, have been determined to be less than significant.

Potential impacts relating to Air Quality, Biological Resources, Cultural Resources, Land Use and Planning, Transportation, and Tribal Cultural Resources have determined to be less than significant with compliance with the identified Mitigation Measures.

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

JS:ksn

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: <b>IS 7185</b>	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): <b>Fresno County</b>	Address (Street and P.O. Box): <b>2220 Tulare St. Sixth Floor</b>	City: <b>Fresno</b>	Zip Code: <b>93721</b>
Agency Contact Person (Name and Title): <b>Jeremy Shaw, Planner</b>	Area Code: <b>559</b>	Telephone Number: <b>600-4207</b>	Extension: <b>N/A</b>
Project Applicant/Sponsor (Name): <b>Dan Page</b>	Project Title: <b>Initial Study Application No. 7185/Amendment Application No. 3821</b>		
Project Description:  Allow the rezone of an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District, to the C-6(c) (General Commercial, Conditional) Zone District. The subject parcel is located on the north side of Auberry Road, approximately 350 feet northeast of its intersection with Morgan Canyon Road (State Route 168) within the unincorporated community of Prather (SUP. DIST. 5) (APN 118-422-50) (29645 Auberry Road).			
Justification for Negative Declaration:  Based upon the Initial Study prepared for Amendment Application No. 3821, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Mineral Resources, Population and Housing, Public Services, and Recreation.  Potential impacts related to Agricultural and Forestry Resources, Energy, Geology and Soils, Greenhouse Gases, Hydrology, Noise, Water Quality, Utilities and Service Systems, and Wildfire, have been determined to be less than significant.  Potential impacts relating to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Land Use and Planning, Transportation, and Tribal Cultural Resources have determined to be less than significant with compliance with the identified Mitigation Measures.  A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.			
FINDING:  The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: <b>Fresno Business Journal – November 29, 2019</b>		Review Date Deadline: <b>Planning Commission – January 9, 2019</b>	
Date:	Type or Print Signature: <b>Marianne Mollring Senior Planner</b>	Submitted by (Signature): <b>Jeremy Shaw, Planner</b>	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**



# County of Fresno

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

DATE: August 2, 2016

TO: Development Services, Attn: William M. Kettler, Division Manager  
Development Services, Principal Planner, Attn: Chris Motta  
Development Services, Current Planning, Attn: Chris Motta  
Development Services, Policy Planning, ALCC, Attn: Mohammad Khorsand  
Development Services, Water/Geology/Natural Resources, Attn: Augustine Ramirez  
Development Services, Zoning & Permit Review/Site Plan Review, Attn: Tom Navarro  
Development Services, Building & Safety/Plan Check, Attn: Chuck Jonas  
Resources Division, Special Districts, Attn: John R. Thompson  
Development Engineering, Attn: Augustine Ramirez, Grading/Mapping  
Road Maintenance and Operations, Attn: Randy Ishii/Frank Daniele/Nadia Lopez  
Design Division, Special Projects/Road Projects, Attn: Mohammad Alimi/Dale Siemer  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer  
Department of Public Health, Environmental Health Division, Attn: Glenn Allen/  
Janet Gardner/Kevin Tsuda  
Sheriff's Office, Attn: Captain Greg Gularte, Lt. John Reynolds, Lt. Louie Hernandez,  
Lt. Kathy Curtice, Lt. Ryan Hushaw  
U.S. Department of Interior, Fish & Wildlife Service, Endangered Species Division,  
Attn: Thomas Leeman  
U.S. Department of Interior, Fish & Wildlife Service, Endangered Species Division,  
Attn: Dana Herman  
CA Regional Water Quality Control Board, Attn: Scott Moore  
CA Regional Water Quality Control Board, Attn: Matt Scroggins  
CA Regional Water Quality Control Board, Attn: Dale Harvey  
CALTRANS, Attn: Dave Padilla  
CA Department of Fish and Wildlife, Attn: Steve Hulbert  
State Water Resources Control Board, Division of Drinking Water, Fresno District,  
Attn: Betsy Lichti, Senior Sanitary Engineer  
Southern San Joaquin Valley Information Center, Attn: Celeste Thomson  
Native American Heritage Commission (NAHC), Attn: Katy Sanchez  
Table Mountain Rancheria, Attn: Leanne Walker-Grant, Tribal Chairperson  
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),  
Attn: PIC Supervisor  
Sierra Resource Conservation District, Attn: Terry Sandridge  
Fresno County Fire Protection District, Attn: Eric Watkins, Battalion Chief

FROM: Derek Chambers, Planner   
Development Services Division

SUBJECT: Initial Study Application No. 7185, Amendment Application No. 3821

DUE DATE: August 17, 2016

The Department of Public Works and Planning, Development Services Division is reviewing the subject applications proposing to re-zone an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District to the C-6 (General Commercial) Zone District.

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Please review the proposal and respond to the questionnaire. Please answer the questions according to your specific area of expertise.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **August 17, 2016**. Any comments received after this date may not be used.

**NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Derek Chambers, Planner, Development Services Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4205, or email [dchambers@co.fresno.ca.us](mailto:dchambers@co.fresno.ca.us).

DC:  
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*Activity Code (Internal Review): 2369*

Enclosures





Fresno County Department of Public Works and Planning

Date Received: 6/27/2016

AA 3821 (Application No.)

MAILING ADDRESS: Department of Public Works and Planning Development Services Division 2220 Tulare St., 6th Floor Fresno, Ca. 93721

LOCATION: Southwest corner of Tulare & "M" Streets, Suite A Street Level Fresno Phone: (559) 600-4497 Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type)
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class )/Minor Variance
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval
for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other

DESCRIPTION OF PROPOSED USE OR REQUEST:

RE-ZONE an existing 8.46-acre parcel from R-R to C-6

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: NORTH side of AUBERRY ROAD between and

Street address: 29645 Auberry Road

APN: 118-422-50 Parcel size: 8.46 AC Section(s)-Twp/Rg: S 25 - T 10 S/R 22 E

ADDITIONAL APN(s):

I, (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

DAN PAGE 8497 N. Millbrook Suite 110 Fresno 93720 559-351-8318
Owner (Print or Type) Address City Zip Phone
Don Page 8497 N. Millbrook Fresno 93720 559-351-8318
Applicant (Print or Type) Address City Zip Phone
Don Page 8497 N. Millbrook Suite 110 Fresno 93720 559-351-8318
Representative (Print or Type) Address City Zip Phone

CONTACT EMAIL:

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: AA 3821 Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: IS 7185 Fee: \$
Ag Department Review: Fee: \$
Health Department Review: Fee: \$
Received By: D.C. Invoice No.: TOTAL: \$

UTILITIES AVAILABLE:

WATER: Yes [x] / No [ ]
Agency: Feather Water District
SEWER: Yes [ ] / No [x]
Agency: [ ]

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T S/R E

Related Application(s):

APN # - - -

Zone District:

APN # - - -

Parcel Size:

APN # - - -

APN # - - -



Development Mail to

Services 8497 N. MILBROOK #110

Division FRESNO CA 93710

# Pre-Application Review

Department of Public Works and Planning

NUMBER: 38896  
\*APPLICANT: DAN PAGE  
\*PHONE: 559-351-8318

PROPERTY LOCATION: 29645 Ashberry Rd  
APN: 118 - 422 - 50 ALCC: (No) Yes # VIOLATION NO.  
CNEL: (No) Yes (level) LOW WATER: No (Yes) WITHIN 1/2 MILE OF CITY: (No) Yes  
ZONE DISTRICT: RR; SRA: No (Yes) HOMESITE DECLARATION REQ'D. (No) Yes  
LOT STATUS:

Zoning:  Conforms; ( ) Legal Non-Conforming lot; ( ) Deed Review Req'd (see Form #236)  
Merger: May be subject to merger: (No) Yes ZM# Initiated In process  
Map Act:  Lot of Rec. Map; ( ) On '72 rolls; ( ) Other ; ( ) Deeds Req'd (see Form #236)  
SCHOOL FEES: No (Yes) DISTRICT: Sierra Unified PERMIT JACKET: No (Yes)  
FMFCD FEE AREA:  Outside ( ) District No.: FLOOD PRONE: (No) Yes

PROPOSAL pre-application for an Amendment Application to rezone an existing 8.16 acre parcel from Rural Residential to C-6 with no specified use at this time.

COMMENTS:  
ORD. SECTION(S): 838 878 BY: Tawanda Munga DATE: 4/27/2016

<b>GENERAL PLAN POLICIES:</b>	<u>Mountain</u>	<b>PROCEDURES AND FEES:</b>
LAND USE DESIGNATION: <u>Urban</u>	( ) JGPA:	( ) MINOR VA:
COMMUNITY PLAN:	<input checked="" type="checkbox"/> JAA: <u>\$6,214.00</u>	<input checked="" type="checkbox"/> HD: <u>\$721.00</u>
REGIONAL PLAN: <u>Sierra-North</u>	( ) JUP:	( ) JAG COMM:
SPECIFIC PLAN:	( ) JRA:	( ) JALCC:
SPECIAL POLICIES: <u>RF-C-17</u>	( ) JVA:	<input checked="" type="checkbox"/> J/PER*: <u>\$3,901.00</u>
SPHERE OF INFLUENCE:	( ) JAT:	( ) Viol. (35%):
ANNEX REFERRAL (LU-G17/MOU):	( ) JTT:	( ) Other:

COMMENTS: Water Short Area = Hydro Testing may be required. Traffic Impact Study (TIS) may be required. Sewerage Feasibility Analysis may be required.  
Filing Fee: \$ 10,836.00  
Pre-Application Fee: - \$247.00  
Total County Filing Fee: \$ 10,589.00

- |   |   |
|---|---|
| <b>FILING REQUIREMENTS:</b>   | <b>OTHER FILING FEES:</b>   |
| <input checked="" type="checkbox"/> Land Use Applications and Fees  | <input checked="" type="checkbox"/> Archaeological Inventory Fee: <u>\$75 at time of filing</u>                         |
| <input checked="" type="checkbox"/> This Pre-Application Review form  | (Separate check to Southern San Joaquin Valley Info. Center)  |
| <input checked="" type="checkbox"/> Copy of Deed / Legal Description  | <input checked="" type="checkbox"/> CA Dept. of Fish & Wildlife (DFW): <u>(\$50) (\$50+\$2,792.25; \$50+\$2,010.25)</u> |
| <input checked="" type="checkbox"/> Photographs   | (Separate check to Fresno County Clerk for pass-thru to DFW.)   |
| ( ) Letter Verifying Deed Review  | Must be paid prior to IS closure and prior to setting hearing date.)  |
| <input checked="" type="checkbox"/> IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required. |   |
| ( ) Site Plans - 24 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction  |   |
| ( ) Floor Plan & Elevations - 8 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction  |   |
| ( ) Project Description / Operational Statement (Typed)   |   |
| ( ) Statement of Variance Findings  |   |
| ( ) Statement of Intended Use (ALCC)  |   |
| ( ) Dependency Relationship Statement   |   |
| ( ) Resolution/Letter of Release from City of <u>Referral Letter #</u>  |   |

PLU # 113 Fee: \$247.00  
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

BY: Derek Chambers DATE: 4/29/2016  
PHONE NUMBER: (559) 600-4205

- NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:
- |                     |                              |
|---------------------|------------------------------|
| ( ) COVENANT        | ( ) SITE PLAN REVIEW         |
| ( ) MAP CERTIFICATE | ( ) BUILDING PLANS           |
| ( ) PARCEL MAP      | ( ) BUILDING PERMITS         |
| ( ) FINAL MAP       | ( ) WASTE FACILITIES PERMIT  |
| ( ) FMFCD FEES      | ( ) SCHOOL FEES              |
| ( ) ALUC or ALCC    | ( ) OTHER (see reverse side) |



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
BERNARD JIMENEZ, INTERIM DIRECTOR

## INITIAL STUDY APPLICATION

### INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

#### OFFICE USE ONLY

IS No. 7185

Project No(s) AA 3821

Application Rec'd.:  
Deek Chambers

### GENERAL INFORMATION

1. Property Owner: DAN PAGE Phone/Fax: 559-351-8318

Mailing Address: 8497 N. Millbrook #110 FRESNO CA 93720  
Street City State/Zip

2. Applicant: SAME AS ABOVE Phone/Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State/Zip

3. Representative: \_\_\_\_\_ Phone/Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State/Zip

4. Proposed Project: Rezone from R-R to C-6

5. Project Location: Prather CA

6. Project Address: 29645 Auberry Road

7. Section/Township/Range: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 8. Parcel Size: 8.46 acres

9. Assessor's Parcel No. 118-422-50



10. Land Conservation Contract No. (If applicable): \_\_\_\_\_

11. What other agencies will you need to get permits or authorization from:

- |                                   |   |
|-----------------------------------|---|
| _____ LAFCo (annexation)          | _____ SJVUAPCD (Air Pollution Control District) |
| _____ CALTRANS                    | _____ Reclamation Board                         |
| _____ Division of Aeronautics     | _____ Department of Energy                      |
| _____ Water Quality Control Board | _____ Airport Land Use Commission               |
| _____ Other _____                 |   |

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? \_\_\_\_\_ Yes  No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District: RR

14. Existing General Plan Land Use Designation: Mountain Urban

**ENVIRONMENTAL INFORMATION**

15. Present land use: VACANT  
Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:  
NONE

Describe the major vegetative cover: OAK TREES, Natural grass  
Any perennial or intermittent water courses? If so, show on map: \_\_\_\_\_

Is property in a flood-prone area? Describe:  
No

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):  
North: Residential  
South: Commercial  
East: Residential/Commercial  
West: Commercial

17. What land use(s) in the area may be impacted by your Project?: N/A

18. What land use(s) in the area may impact your project?: N/A

19. **Transportation:**

**NOTE:** The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?  
 Yes  No

B. **Daily traffic generation:**

I. Residential - Number of Units \_\_\_\_\_  
Lot Size \_\_\_\_\_  
Single Family \_\_\_\_\_  
Apartments \_\_\_\_\_

II. Commercial - Number of Employees \_\_\_\_\_  
Number of Salesmen \_\_\_\_\_  
Number of Delivery Trucks \_\_\_\_\_  
Total Square Footage of Building \_\_\_\_\_

III. Describe and quantify other traffic generation activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Describe any source(s) of noise from your project that may affect the surrounding area: None

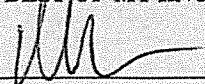
21. Describe any source(s) of noise in the area that may affect your project: None

22. Describe the probable source(s) of air pollution from your project: None

23. Proposed source of water:  
( ) private well  
() community system<sup>3</sup>—name: Plather Water district

24. Anticipated volume of water to be used (gallons per day)<sup>2</sup>: UNKNOWN
25. Proposed method of liquid waste disposal:  
 septic system/individual  
 community system<sup>3</sup>-name \_\_\_\_\_
26. Estimated volume of liquid waste (gallons per day)<sup>2</sup>: UNKNOWN
27. Anticipated type(s) of liquid waste: \_\_\_\_\_
28. Anticipated type(s) of hazardous wastes<sup>2</sup>: NONE
29. Anticipated volume of hazardous wastes<sup>2</sup>: NONE
30. Proposed method of hazardous waste disposal<sup>2</sup>: \_\_\_\_\_
31. Anticipated type(s) of solid waste: UNKNOWN
32. Anticipated amount of solid waste (tons or cubic yards per day): UNKNOWN
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): UNKNOWN
34. Proposed method of solid waste disposal: UNKNOWN
35. Fire protection district(s) serving this area: CDF / Fire hydrant
36. Has a previous application been processed on this site? If so, list title and date: NO
37. Do you have any underground storage tanks (except septic tanks)? Yes \_\_\_\_\_ No
38. If yes, are they currently in use? Yes \_\_\_\_\_ No

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

  
 \_\_\_\_\_  
 SIGNATURE

5/4/2016  
 \_\_\_\_\_  
 DATE

<sup>1</sup>Refer to Development Services Conference Checklist  
<sup>2</sup>For assistance, contact Environmental Health System, (559) 600-3357  
<sup>3</sup>For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259



## NOTICE AND ACKNOWLEDGMENT

### INDEMNIFICATION AND DEFENSE

*The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.*

### STATE FISH AND WILDLIFE FEE

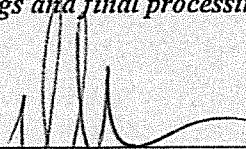
*State law requires that specified fees (effective January 1, 2016: \$3,070.00 for an EIR; \$2,210.25 for a (Mitigated) Negative Declaration ) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.*

*The following projects are exempt from the fees:*

- 1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).*
- 2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.*

*A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.*

*Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.*

  
\_\_\_\_\_  
Applicant's Signature

  
\_\_\_\_\_  
Date



# County of Fresno

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

PLANNER: Derek Chambers

## COMMENT SCOPE GUIDELINES

**NOTE: Please write legibly in ink or type. This will be included as part of the Initial Study.**

To the extent that this project involves your area of expertise, please consider the following questions.

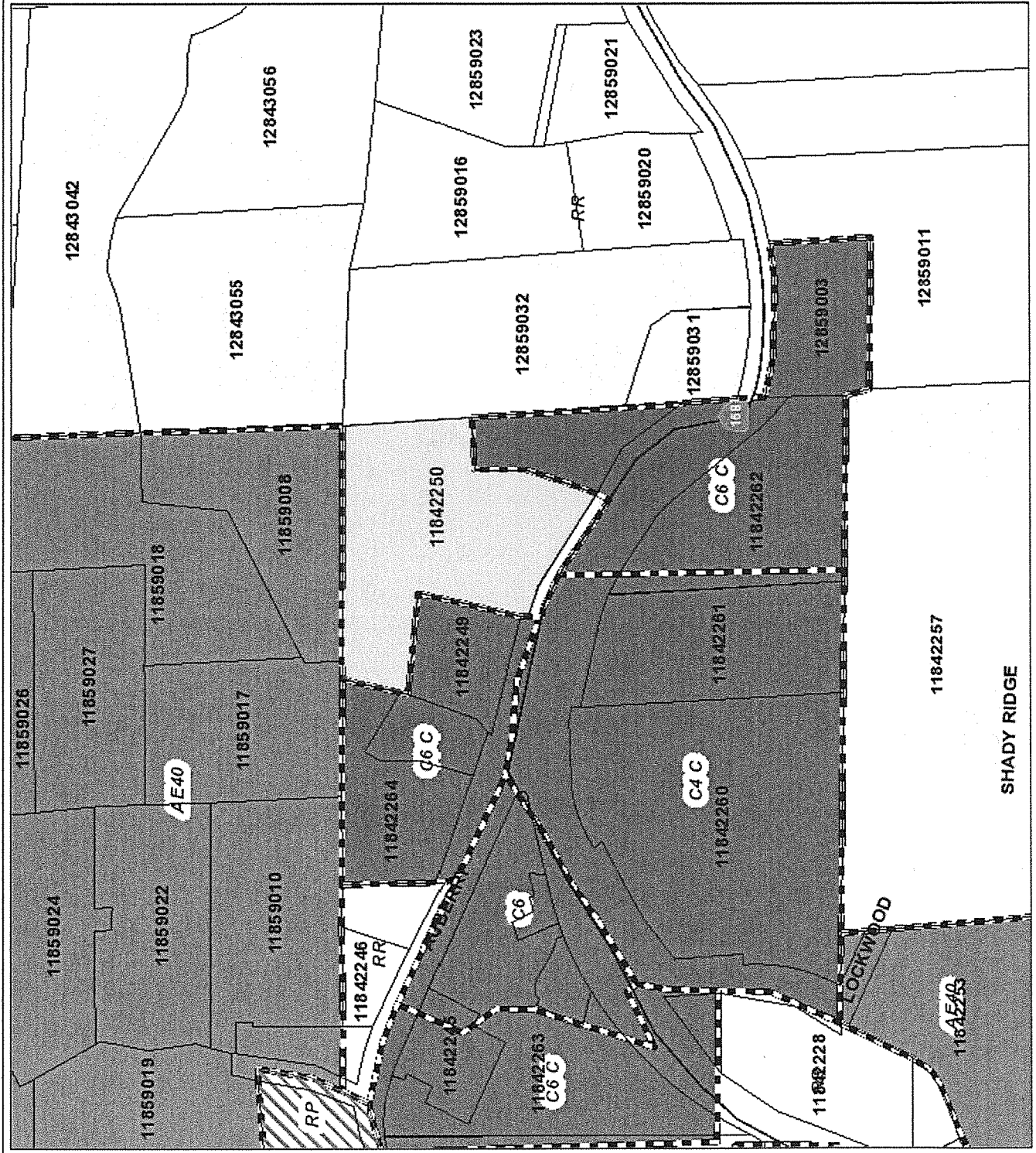
1. Is there sufficient information for you to evaluate the probable environmental impacts of this project? If not, what information is needed?
2. What potential adverse impacts will the project have on the vicinity or inhabitants of the project itself (e.g., change in traffic volumes, water quality, land use, soils, air, etc.)? Be as precise as possible and answer only for your area of expertise.
3. Are the potential impacts (identified in question 2) significant enough to warrant the preparation of an EIR?
4. If the project is approved, what conditions of approval are necessary to implement County plans and policies or to protect the public health, safety, and general welfare?
5. If applicable, please identify specific existing regulations, standards, or routine processing procedures which would mitigate the potential adverse impacts identified in Question 2, or to implement the conditions of approval identified in Question 4.

**\*If you have no comments regarding this project, please email "NO COMMENT" to [dchambers@co.fresno.ca.us](mailto:dchambers@co.fresno.ca.us)**

DC:

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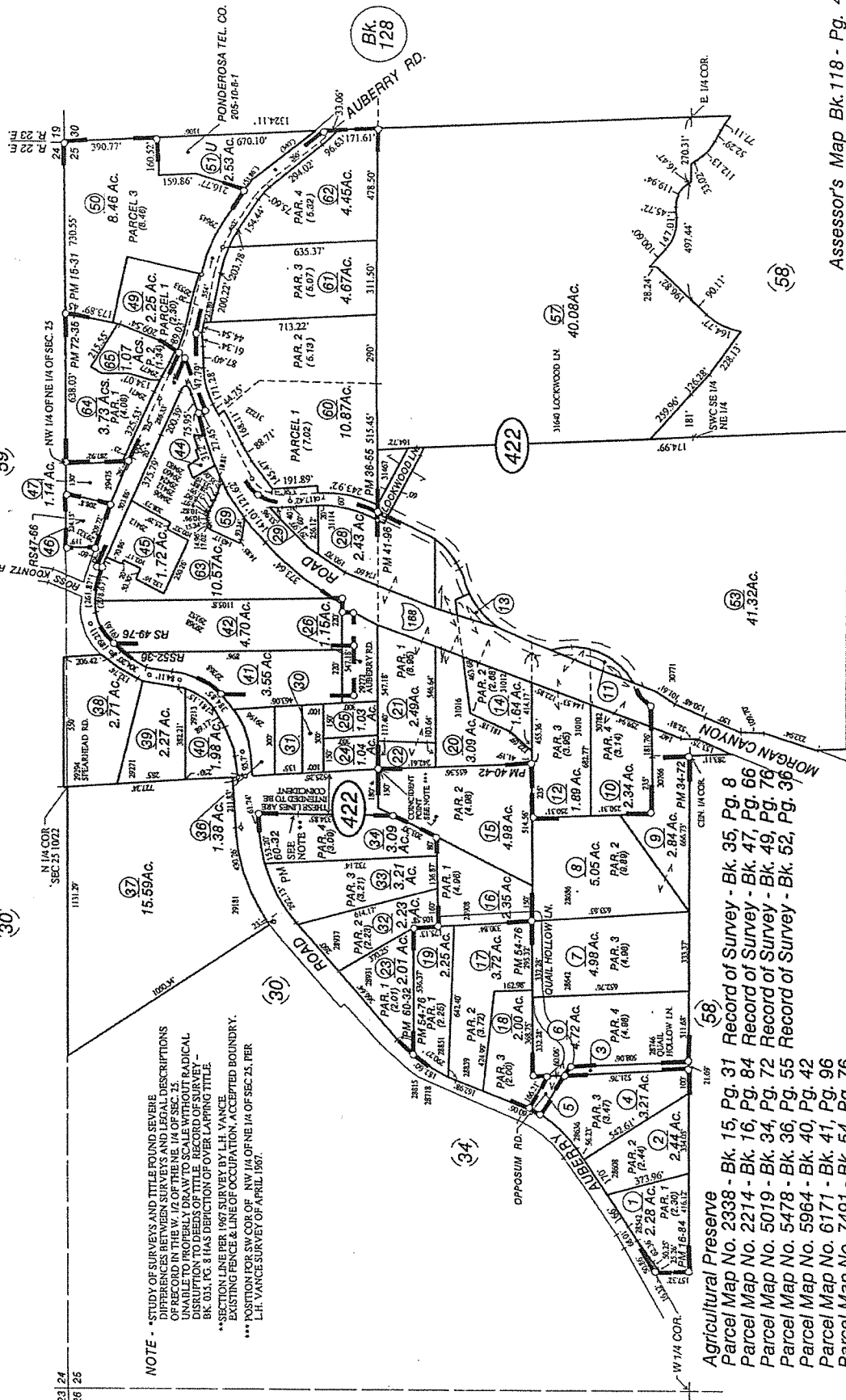
Scale 1:4,521  
 1 in = 377 ft

SUBDIVIDED LAND IN POR. SEC. 25, T.10 S., R.22 E., M.D.B.&M.

Tax Rate Area  
189-002

118-42

... NOTE ...  
This map is for Assessment purposes only.  
It is not to be construed as portraying  
legal ownership or divisions of land for  
purposes of zoning or subdivision law.



NOTE - \*STUDY OF SURVEYS AND TITLE FOUND SEVERE DIFFERENCES BETWEEN SURVEYS AND LEGAL DESCRIPTIONS OF RECORD IN THE W. 1/2 OF THE NE. 1/4 OF SEC. 25. UNABLE TO PROPERLY DRAW TO SCALE WITHOUT RADICAL DISRUPTION TO DEEDS OF TITLE. RECORD OF SURVEY - BK. 03, PG. 3 HAS DEPICTION OF OVER LAPPING TITLE. \*\*SECTION LINE PER 1967 SURVEY BY L.H. VANCE \*\*\* POSITION FOR SW COR. OF NW 1/4 OF NE 1/4 OF SEC. 25, PER L.H. VANCE SURVEY OF APRIL 1967.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.  
See above for Notes \* \*\* and \*\*\*

- Parcel No. 2338 - Bk. 15, Pg. 31
- Parcel No. 2214 - Bk. 16, Pg. 84
- Parcel No. 5019 - Bk. 34, Pg. 72
- Parcel No. 5478 - Bk. 36, Pg. 55
- Parcel No. 5964 - Bk. 40, Pg. 42
- Parcel No. 6171 - Bk. 41, Pg. 96
- Parcel No. 7491 - Bk. 54, Pg. 76
- Parcel No. 7784 - Bk. 60, Pg. 32-33
- Parcel No. 8089 - Bk. 72, Pg. 35-37
- Parcel No. 2338 - Bk. 15, Pg. 31
- Parcel No. 2214 - Bk. 16, Pg. 84
- Parcel No. 5019 - Bk. 34, Pg. 72
- Parcel No. 5478 - Bk. 36, Pg. 55
- Parcel No. 5964 - Bk. 40, Pg. 42
- Parcel No. 6171 - Bk. 41, Pg. 96
- Parcel No. 7491 - Bk. 54, Pg. 76
- Parcel No. 7784 - Bk. 60, Pg. 32-33
- Parcel No. 8089 - Bk. 72, Pg. 35-37

Assessor's Map Bk. 118 - Pg. 42  
County of Fresno, Calif.