



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 January 9, 2020

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

Rezone an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District to a C-6(c) (General Commercial, Conditional) Zone District.

LOCATION: 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).

OWNER: Elaine C. Page, Trustee
APPLICANT: Dan Page

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7185; and
- Recommend that the Board of Supervisors determine that the proposed rezone is consistent with the General Plan, including the Housing Element and County-Adopted Sierra North Regional Plan [Note: Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for the Above-Moderate Income population by eight (8) units, the proposal meets findings A and B of Government Code Section 65863(b)(1), and the remaining surplus of identified units can accommodate the County's fair share of its Fifth-Cycle Regional Housing Needs Allocation in the Above-Moderate Income category.], and approve Amendment Application No. 3821 with recommended Mitigation Measures, Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3821 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses allowed under the current Rural Residential zoning
6. Allowed uses proposed under the proposed C-6(c) (General Commercial, Conditional) Zone District, with the approval of Amendment Application No. 3835
7. Summary of Initial Study Application No. 7185
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Mountain Urban in the County-Adopted Sierra North Regional Plan	N/A
Zoning	R-R (Rural Residential, two-acre minimum parcel size) Zone District	C-6(c) (General Commercial, Conditional)
Parcel Size	8.46 acres	No change
Project Site	8.46 acres/Undeveloped	Future development of the site will be limited to the proposed uses listed in Exhibit 6, allowed uses in the C-6(c) (General Commercial, Conditional) Zone District
Structural Improvements	None	Future development of the site will be limited to the proposed uses listed in Exhibit 6, allowed uses in the C-6(c) (General Commercial, Conditional) Zone District
Nearest Residence		No change
Surrounding Development	Commercial development easterly and westerly adjacent along	No change

Criteria	Existing	Proposed
	Auberry Road and residential development to the north, northeast, northwest and south	
Operational Features	See Project Site above	Dependent on future use
Employees	N/A	Determined at the time that development occurs, and use(s) established on the property
Customers	N/A	Dependent on future use
Traffic Trips	N/A	1,646 maximum estimated weekday traffic trips, per the Traffic Impact Study prepared for this proposal by Peters Engineering
Lighting	N/A	Determined at the time use(s) established on the property
Hours of Operation	N/A	Determined at the time use(s) established on the property

Setbacks, Separation and Parking Standards

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	R-R Zone District: Front: 25 feet Side: 20 feet Rear: 20 feet	C-6(c) Zone District. No requirements for this Zone District	N/A
Parking	For residential uses: one (1) parking space for every dwelling unit For non-residential uses the provision of Section 855-I shall apply; based on specific use	For commercial uses: Two square feet for each one square foot of gross floor space; or if use falls into special use category of General Conditions, Section 855-I, such conditions shall apply. Parking shall be provided as in the C-4 District, Section 836.5-I.1c.	Determined at the time uses are established on the property

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		For residential uses: there shall be at least one (1) parking space for each dwelling unit; the provision of the General Conditions, Section 855-1 shall apply.	
Lot Coverage	No requirement	No requirement	N/A
Space Between Buildings	Minimum of six feet	No requirement	N/A
Wall Requirements	Maximum of three feet tall in any required front yard; up to six feet in height on all rear and side property lines	The provision of the C-4 Zone District, Section 836.5-H.1, 2, 3 and 4, shall apply. 1. None required	Determined at the time uses are established on the property
Septic Replacement Area	100 Percent	Any proposed development will be required to connect to a community sewer system	Determined at the time uses are established on the property
Water Well Separation	Building sewer/septic tank: 50 feet Disposal field: 100 feet; seepage pit/cesspool: 150 feet	Any proposed development will be required to connect to the existing community water system and community sewer facility	Determined at the time uses are established on the property

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change
Public Road Frontage	Yes	Auberry Road/State Route 168	No change
Direct Access to Public Road	Yes	Auberry Road/State Route 168; Good condition	No change
Road ADT		N/A	N/A

		Existing Conditions	Proposed Operation
Road Classification		State Highway 168	No change
Road Width		Unknown	N/A
Road Surface		Asphalt Concrete	No change
Traffic Trips		N/A	The Traffic Impact Study prepared for this application indicates that the proposed rezone and subsequent development, based on assumptions and models derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual 10 th edition, would not result in significant traffic impacts. The project will pay its fair share of road improvements and enter into a traffic mitigation agreement with Caltrans prior to the issuance of a certificate of occupancy for any proposed development
Traffic Impact Study (TIS) Prepared	Yes	N/A	The Traffic Impact Study prepared by Peters Engineering Group dated August 10, 2018 was reviewed and approved by the California Department of Transportation and the Fresno County Design and Road Maintenance and Operations Divisions, which recommended the provision of a minimum 75-foot left-turn lane along eastbound State Route 168 in concurrence with the recommendations of the TIS.
Road Improvements Required		N/A	Proposed channelized left-turn lane on eastbound SR 168 at the subject parcel driveway will be subject to further review prior to issuance of an encroachment permit by Caltrans, and at such time as uses are established for the property. The Site Plan Review required for this project shall be provided to Caltrans for review. Caltrans determined that based on the Traffic Impact Analysis, the Applicant will be required to pay a fair share of the cost of future improvements (see Conditions of Approval).

Surrounding Property

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	5.20 acres	Single-Family Residential	AE-40	Approximately 20 feet
South	4.45 acres 4.67 acres	Vacant Vacant	C-4(c)/C-6(c)	None
East	8.72 acres 2.53 acres	Church/Commercial	R-R/C-6(c)	None
West	3.73 acres 2.25 acres	Commercial Commercial	C-6(c) C-6(c)	None

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7185 was prepared for this project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Base on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of Initial Study No. 7185 is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration November 29, 2019.

PUBLIC NOTICE:

Notices were sent to 40 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as soon after the Commission’s action as practical, to make the final decision on this Amendment Application. A separate public notice will be provided for the Board of Supervisors hearing.

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a rezoning is final unless appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

According to available County records, the subject property in its current configuration was created as Parcel 3 of Parcel Map No. 2338, recorded on January 15, 1975. The subject parcel

was previously zoned A-1 (General Agricultural) and was rezoned to its present R-R (Rural Residential) designation as part of County initiated Amendment Application No. 3284, adopted on November 30, 1982, which sought to bring designated areas into conformance with the Sierra North Regional Plan, which was previously adopted by the Board of Supervisors on May 4, 1982.

With the current application, the Applicant is proposing to rezone the subject parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District, to a C-6(c) (General Commercial, Conditional) Zone District. The subject parcel is designated as Mountain Urban in the County-Adopted Sierra North Regional Plan, where Mountain Urban shall mean areas considered appropriate for concentrations of residential development, various intensities of commercial development, industrial uses where appropriate, and continued foothill rural residential uses.

Relevant Policies:	Consistency/Considerations:
<p>Sierra North Regional Plan Policy 12.03.a – Commercial Policies (Mountain Urban): Zoning to a commercial district may be appropriate, subject to the following locational criteria:</p> <ul style="list-style-type: none"> I. Parcels shall be located on and have access to a major road. Access to the development should be by way of an approved driveway approach as defined by the County or by the California Department of Transportation (Caltrans). II. Commercial Uses are encouraged to cluster rather than strip along roadways. Areas devoted to commercial use in the Mountain Urban Areas shall be as follows: <ul style="list-style-type: none"> o In Prather, commercial uses should be located along Auberry Road within one quarter-mile of the Morgan Canyon Road intersection. III. Developers are encouraged to assemble small, shallow lots and narrow, deep lots to provide as large a development site as possible. <ul style="list-style-type: none"> b. Commercial development shall be served by community water and sewer system or provide suitable alternatives. c. The impacts that service and heavy commercial uses have on residential areas should be mitigated by on-site buffering measures. d. Legally-existing commercial uses at the time of Plan adoption shall be allowed to 	<p>The subject parcel is located along State Route 168/Auberry Road. The California Department of Transportation will review and approve the design of the site access turn lane from State Route 168.</p> <p>The subject parcel is located adjacent to existing commercial development along State Route 168/Auberry Road and its intersection with Morgan Canyon Road. Proposed commercial uses for the site would be consistent with these policies of the Sierra North Regional Plan.</p> <p>Any proposed uses will be required to connect to the existing community water system, regulated by the State Water Resources Control Board, Division of Drinking Water.</p> <p>County parking standards of the C-6(c) (General Commercial, Conditional) Zone District shall apply.</p> <p>Any development of the site will be required to include a minimum 50-foot landscaped buffer from the adjacent highway.</p>

Relevant Policies:	Consistency/Considerations:
<p>continue and should be zoned appropriate to the existing use.</p> <p>e. The development of new commercial uses shall be guided by the following criteria:</p> <ol style="list-style-type: none"> 1. Off-street parking shall be sufficient for the proposed use. 2. A minimum setback of 50 feet shall be provided from the roadway, where possible. 	
<p>Sierra North Regional Plan Section 402-3: 2.00 (Water Resources):</p> <p>Management Policy 2.02:</p> <ol style="list-style-type: none"> a. Drainage improvements shall be designed to prevent degradation of water resources and facilities. b. Rivers, lakes and other water bodies should be protected from runoff contamination caused by development and underground seepage of waste water by using appropriately-designed wastewater systems and by adequately separating development from water bodies. c. If slope, soil type, or erosion hazards exist, special protection measures may be required. <p>Section 402-3:3.00 (Soil and Geology):</p> <p>Sections 306-03 (Geologic Resources), 308-04 (Geologic Hazards), and 308-06 (Seismic Safety) of the Fresno County General Plan are applicable to all geologic formations within the Region, as are specific geologic policies contained in the Land Use Element of this Plan.</p> <p>Section 402-3:4.00 (Mineral Resources):</p> <p>Section 306-06 (Mineral Resources) of the Fresno County General Plan is applicable to the development of the mineral resources within the Region.</p> <p>Section 402-3:5.00 (Natural Vegetation and Wildlife Resources):</p>	<p>A tributary of Big Sandy Creek runs through a portion of the subject property approximately from northeast to southwest.</p> <p>Any additional runoff generated by development of the site, will be required to be stored on site per County standards, and shall not be allowed to drain across property boundaries.</p> <p>Any development near a stream will require clearance from the California Department of Fish and Wildlife.</p> <p>Any development will require a grading permit or grading voucher and may require an engineered grading and drainage plan to demonstrate how additional storm runoff generated by development will be managed without adversely impacting adjacent property.</p> <p>Any future development will be subject to applicable building code requirements, which include seismic design standards.</p> <p>No known mineral resources were identified on the subject property, and the property is not located within an identified</p>

Relevant Policies:	Consistency/Considerations:
<p>Section 306-02 (Natural Vegetation/ Wildlife) of the Fresno County General Plan is applicable to all vegetation and wildlife habitats within the Region.</p> <p>Section 402-3:6.00 (Scenic Resources):</p> <p>6.02 Management Policies:</p> <ul style="list-style-type: none"> a. The policies of Section 306-04, Appendix B; Section OS-K (Scenic Resources) of the General Plan shall apply. b. Open space areas should be used to protect and enhance local community character and to guide growth to preserve the rural character. c. Open space areas should be used as buffers between incompatible uses. <p>Section 402-03:7.00 (Scenic Highways):</p> <p>Section 304 (Scenic Highways) of the Fresno County General Plan shall apply to designated scenic roadways within the Plan area.</p> <p>Although not having the scenic drive or scenic highway designation, Lodge Road between Tollhouse Road and Morgan Canyon Road, Millerton Road, Auberry Road, and Watts Valley Road (south of Pittman Hill Road) also have scenic value. Consideration should be given to protection of these scenic areas when nearby development occurs.</p> <p>General Plan Policy OS-L.3: The County shall manage the use of land adjacent to scenic drives and scenic highways based on the following principals:</p> <ul style="list-style-type: none"> a. Timber harvesting within or adjacent to the right-of-way shall be limited to that which is necessary to maintain and enhance the quality of the forest; b. Proposed high-voltage overhead transmission lines, transmission line towers, and cell towers shall be routed and placed to minimize detrimental effects on scenic amenities visible from the right-of-way; 	<p>mineral resource zone as identified in the Fresno County General Plan Background Report.</p> <p>Mitigation Measures have been included requiring that site surveys for specified wildlife species be conducted prior to ground disturbance; additional Mitigation has been included requiring that any existing oak trees meeting specified size criteria that are removed during development be replaced with new trees, and that replacement trees be maintained until established. A cultural resource inventory was required based upon the potential archaeological sensitivity of the area, and General Plan Policy. The cultural resource inventory was completed for the subject property and dated November 2018. The inventory, conducted on October 25, 2018 included a search of the California Historic Resources Inventory System, correspondence with the Native American Heritage Commission (NAHC) and representatives of affected tribes, and a pedestrian field survey of the subject property. The result of the records search found that nine prior cultural resources studies had been conducted near the subject property. The results of the pedestrian survey yielded a mid-century dump site, which was attributed to a former resident of the site. No other historical or cultural materials were located.</p> <p>If during the removal of any refuse, or if during</p>

Relevant Policies:	Consistency/Considerations:
<p>c. Installation of signs visible from the right-of-way shall be limited to business identification signs, on-site real estate signs, and traffic control signs necessary to maintain safe traffic conditions. All billboards and other advertising structures shall be prohibited from location within view of the right-of-way;</p> <p>d. Intensive land development proposals, including, but not limited to, subdivisions of more than four lots, commercial developments, and mobile home parks shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space area two hundred (200) feet in depth parallel to the right-of-way. Modification of the setback requirement may be appropriate when any one of the following conditions exist:</p> <ol style="list-style-type: none"> 1. Topographic or vegetative characteristics preclude such a setback; 2. Topographic or vegetative characteristics provide screening of buildings and parking areas from the right-of-way; 3. Property dimensions preclude such a setback; or 4. Development proposal involves expansion of an existing facility or an existing concentration of uses. <p>e. Subdivision proposals shall be designed to minimize the number of right-of-way access drives;</p> <p>f. Developments involving concentration of commercial uses shall be designed to function as an integral unit with common parking areas and right-of-way access drives; and</p>	<p>construction, buried cultural materials are encountered, work in the area shall be stopped until a qualified archaeologist can evaluate the nature and significance of the find.</p> <p>The subject parcel is located along State Route 168 (Auberry Road) between its intersection with Morgan Canyon Road and Lodge Road. SR 168 is designated as a Scenic Highway in the County General Plan, shown in Figure 2 of the Open Space and Conservation Element.</p> <p>Proposed development will be required to provide a 50-foot-wide landscaped buffer between development and the adjacent highway.</p> <p>The topography of the site is such that a 200-foot-wide open space buffer would further limit the already limited developable area of the parcel.</p> <p>The parcel contains stands of mature oak trees which, if removed through development, will be required to be replaced if they meet minimum size criteria.</p> <p>The preservation and or replacement of oak trees will provide some visual screening of the site from the adjacent roadway.</p> <p>A cultural resources inventory was required of this project in accordance with General Plan Policy and the high sensitivity of the property to the potential for the occurrence of archaeological resources.</p>

Relevant Policies:	Consistency/Considerations:
<p data-bbox="370 233 977 428">g. Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscape plantings or artificial screens which harmonize with the natural landscape.</p> <p data-bbox="220 464 873 527">Section 402-03:8.00 (Archaeological and Historical Resources)</p> <p data-bbox="321 562 959 663">The policies of Section 306-05 (Appendix B), and Policy OS-J.1 of the County's Open Space/ Conservation Element shall apply.</p> <p data-bbox="220 699 935 730">Section 402-03:9.00 (Energy Resources Management):</p> <p data-bbox="220 766 570 798">9.02 Management Policies:</p> <p data-bbox="269 833 959 961">a. Development within Mountain Urban areas should be encouraged such that travel is minimized and support is provided for alternate transportation modes.</p> <p data-bbox="269 997 959 1098">b. New development should be encouraged to utilize standards that minimize energy consumption such as:</p> <ol data-bbox="318 1134 977 1499" style="list-style-type: none"> 1. Structures oriented with their major axis within 22.5 degrees of due south to take advantage of active and passive solar heating and cooling opportunities. 2. An analysis of solar access potential to each proposed residential unit. 3. Consideration of other group-related factors such as tree shading, slope exposure to winter storms, and the nature of the snow pack. 	<p data-bbox="1013 262 1414 390">No Tribal Cultural or Historical Resources were identified as a result of the cultural resources inventory.</p>

Reviewing Agency/Department Comments Regarding Site Adequacy:

California Department of Transportation (Caltrans): The subject parcel is located adjacent to an existing commercial area along State Route 168 (Auberry Road). The proposed zone change would be consistent with the adjacent development and accompanying land use designation. As the site is currently undeveloped, a site plan showing proposed driveway access shall be submitted at the time that development is proposed. Caltrans recommends a shared driveway with the adjacent property.

This segment of State Route (SR) 168 is part of the regional bikeway corridor route; the subject parcel has frontage along SR 168 and development shall conform to Caltrans standards with regard to right-of-way-of-way and access.

Caltrans concurs with the conclusions and recommendations as presented in the traffic impact study (TIS) prepared for this project by Peters Engineering Group, dated August 10, 2018. The proposed channelized left-turn lane on eastbound SR 168 at the subject property driveway shall be subject to additional review prior to issuance of an encroachment permit by Caltrans.

Based on the traffic trip estimates contained in the TIS, Caltrans calculates the project's fair share of road improvements to be \$14,500 based on 15 peak-hour trips x \$950 per trip (the greater of the two AM and PM peak traffic trip estimates).

Based upon the payment of the project's fair share of future road improvements being made a Condition of Approval, the Applicant will be required to enter into a Traffic Mitigation Agreement with Caltrans, and such agreement should be executed, and the equitable fair share amount paid, prior to the issuance of an occupancy certificate.

The design of the required 75-foot left-turn lane along the eastbound lane of State Route 168 will be contingent upon the proposed placement of the access driveway for the site.

An encroachment permit must be obtained for all proposed work within the right-of-way of State Route 168 (Auberry Road). Activity and work planned within the State right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports shall be stamped and signed by a licensed engineer or architect.

The Streets and Highways Code, Section 670 provides Caltrans with discretionary approval authority for projects that encroach into the State Highway System. Encroachment permits will be issued in accordance with Streets and Highways Code, Section 671.5 Time Limitations.

State Water Resources Control Board, Division of Drinking Water: The Division does not oppose the rezoning of the subject 8.46-acre parcel from Rural Residential to General Commercial; however, Prather Water District, which supplies the subject parcel, is currently out of compliance for Uranium. Prather Water District was issued a compliance order in May 2016 directing the District to address the issue. Prather Water District has submitted a correction action plan stating that it (Prather Water District) will implement Water Remediation Technology (WRT) to treat the water. District Records show that Well No. 02 has an estimated yield of 30 gallons per minute (GPM) based on a 34-day pump test. The average daily water usage in gallons per minute for 2016 was approximately 10.7 GPM total for the system. The necessary capacity will depend upon the type of development.

San Joaquin Valley Air Pollution Control District: The District's initial review of the project proposal concluded that emissions resulting from construction and/or operation of the Project may exceed the thresholds of significance for certain criteria pollutants. The project is also subject to District Rule 9510 (Indirect Source Review). As such, the Applicant is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval. The District also recommends that project emissions be identified and quantified, considering both construction and operational emissions, utilizing the CalEEMod (California Emission Estimator Model); that potential nuisance odors be evaluated; that a health risk screening/assessment be conducted to identify potential Toxic Air Contaminant (TAC) impacts to surrounding sensitive receptors; and that an Ambient Air Quality Analysis be conducted if project emissions exceed 100 pounds per day of any pollutant.

Fresno County Department of Public Health, Environmental Health Division: All future development of the property shall require connection to the community water system.

Building permit records indicate there was a septic system installed in 1972. If the septic system is not proposed for future use, it shall be properly destroyed under permit and inspection by the Department of Public Works & Planning, Building and Safety Division. Future use of the existing septic system will require an evaluation of the system for adequacy to serve the proposed uses.

If the septic system is in use, it is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. Such inspection may indicate possible repairs, additions, or require the proper destruction of the system.

Any development of the subject property shall require connection to a community water system. Only low-water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community sewer facilities or adequate information is submitted to the Fresno County Department of Public Works and Planning to demonstrate that the subject property can accommodate higher volumes of liquid waste.

Any development of the site or division of the parcel will require a sewage feasibility study and engineered sewage disposal system design. The feasibility report shall consider the location of existing water wells and the potential for contamination to the water wells; and the location of existing and proposed septic systems.

In an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

Future tenants proposing to operate food facilities will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval prior to the issuance of building permits; prior to operation, tenants will be required to apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. Permits, once issued, are nontransferable.

Future tenants proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>).

Future tenants should be advised of the State of California Public Resources Code, Division 30, Waste Management; Chapter 16, Waste Tire Facilities; and Chapter 19, Waste Tire Haulers,

which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (Cal Recycle).

Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 0675H, the parcel is not subject to flooding from the one-percent-chance storm event.

According to U.S.G.S. Quad Maps, there are existing natural drainage channels traversing the subject property. Any development within or near a stream will require clearance from the California Department of Fish and Wildlife.

The subject parcel is located within a State Responsibility Area (SRA); accordingly, any development shall be required to comply with applicable SRA Fire Safe Regulations.

An engineered grading and drainage plan may be required to demonstrate how additional storm water runoff generated by development will be managed without adversely impacting adjacent properties. A grading permit or voucher will be required for any grading.

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: The proposed rezone to the C-6(c) (General Commercial, Conditional) Zone District shall be consistent and compatible with adjacent development and zoning.

Fresno County Fire Protection District/CalFire: The project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. Project development, including: Single-Family Residential (SFR), property of three or more lots, multi-family residential (MFR), commercial property, industrial property, or office property shall annex into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis/General Plan Consistency:

The subject parcel and adjacent parcels to the west, south and east are designated as Mountain Urban in the County-Adopted Sierra North Regional Plan. Areas designated Mountain Urban are considered appropriate locations for future urban-type development and commercial activities, as well as continued rural residential uses. The Mountain Urban areas within the Sierra North Regional Plan recognized commercial centers like Prather. The Mountain Urban areas are intended to provide most of the goods and services to the surrounding Foothill Rural Residential, Eastside Rangeland, and Public Lands and Open Space Areas. Development should be at relatively high densities, preferably provided with 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.

The subject parcel is currently zoned R-R (Rural Residential, two-acre minimum parcel size) with a land use designation of Mountain Urban as stated above. The Mountain Urban designation is considered to be conditionally compatible with the C-6 General Commercial Zone

District, which indicates that this Zone District may be compatible with the policies of the General Plan depending on certain circumstances. The proposed conditional rezoning would limit the allowed uses to those designated by the Applicant and approved by the Board with this application. As such, the proposed conditional rezoning would be consistent with the policies of the County-Adopted Sierra North Regional Plan and the Fresno County General Plan.

Adjacent parcels to the west are zoned C-6(c) and C-6 and developed with a variety of commercial uses; adjacent parcels to the south and southeast are also commercially zoned but are currently undeveloped. Adjacent parcels to the east and north are zoned AE-40 and Rural Residential, respectively, and contain some sparse residential development or other allowed uses.

C-6 (General Commercial) Zone Districts are intended to serve as sites for the many uses in the commercial classifications which do not belong in either the Neighborhood, Community or Central Trading District.

Consistency with the Housing Element

The subject parcel is identified in the County’s Fifth-Cycle Housing Element Inventory as land available to accommodate development of housing for Above-Moderate Income households, to meet Fresno County’s share of the Regional Housing Needs Allocation (RHNA) in said income category. The subject parcel has the development potential for up to eight (8) residential units. If approved, the current application to rezone the subject parcel from R-R (Rural Residential) to C-6(c)(General Commercial) will result in the loss of eight (8) residential units, identified in the Housing Element inventory.

Per Government Code Section 65863 (b)(1), if a city or county allows development of a parcel with fewer residential units by income category than identified in the jurisdiction’s housing element for said parcel, the jurisdiction shall make the following written findings supported by evidence:

- I. The reduction is consistent with the adopted General Plan, including the Housing Element; and
- II. The remaining site identified in the Housing Element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction’s share of the RHNA pursuant to Government Code Section 65584. This finding shall include a quantification of the remaining unmet need for the jurisdiction’s share of the RHNA at each income level and the remaining capacity of inventory identified in the Housing Element to accommodate that need by income level.

	Units by Income Level				Total Units
	Very Low Income	Low Income	Moderate Income	Above Moderate Income	
County’s Fifth-Cycle RHNA allocations	460	527	589	1,146	2,722
Units reported built or under construction during the Fifth-Cycle RHNA (as of the end of December 2018)	14	52	346	689	1,101

Remaining RHNA allocations	921	243	457	1,621
Capacity on vacant sites identified for the Fifth-Cycle period	2,110	3,373	7,955	13,438
Current surplus capacity on vacant sites	1,189	3,130	7,498	11,817

As previously stated, the proposed rezone will 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 Population. However, as shown in the above table, the County’s RHNA Allocation for the Above-Moderate Income category was 1,146 units; after accounting for the number of units that have been permitted in this category, the County of Fresno has a remaining allocation of 457 units in the Above-Moderate Income category. The preceding table shows that the Fifth-Cycle Housing Element inventory identified the County’s capacity for the Above-Moderate Income category as 7,955 units; after deducting the remaining 457 RHNA allocation from the Fifth-Cycle capacity, the County has 7,498 units of surplus capacity in Above-Moderate Income category. The approval of this proposed rezone application would result in a reduction of eight (8) residential units; however, a surplus of 7,490 units would remain to accommodate the County’s fair share of the Fifth-Cycle Regional Housing Needs Allocation in the Above-Moderate Income category.

Tribal Consultation

Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the four Tribal Governments who had previously requested to be notified of projects subject to CEQA within their respective areas of interest. Of the Tribes who were notified of this proposal, one, the Dumna Wo Wah Tribal Government, made a written request to consult on this and other project proposals. County Staff responded with an invitation to consult. No further information was received which identified any Tribal Cultural Resources, nor was any further request made by the Dumna Wo Wah Tribal Government to consult on this project. A letter concluding consultation, dated February 28, 2019, was sent to Tribal representatives. To date, no further response has been received from Dumna Wo Wah Tribal Government with regard to this project proposal.

Based on the foregoing analysis, and with adherence to the aforementioned Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes that the subject proposal to rezone an 8.46-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District to a C-6(c) (General Commercial, Conditional) Zone District will be consistent with the applicable policies of the Fresno County General Plan and the County-Adopted Sierra North Regional Plan.

Recommended Conditions of Approval:

See recommended Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

CONCLUSION:

Based on the factors cited in the analysis, staff believes that the proposed rezone is consistent with the Fresno County General Plan and recommends approval of Amendment Application No. 3821, subject to the included Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7185; and
- Recommend that the Board of Supervisors find that the proposed rezone is consistent with the General Plan, including the Housing Element and County-Adopted Sierra North Regional Plan [Note: Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for the Above-Moderate Income population by eight (8) units, the proposal meets findings A and B of Government Code Section 65863(b)(1), and the remaining surplus of identified units can accommodate the County's fair share of its Fifth-Cycle Regional Housing Needs Allocation in the Above-Moderate Income category.], and approve Amendment Application No. 3821; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3821 to the Board of Supervisors with a recommendation for approval, subject to the Mitigation Measures, Conditions of Approval, and Project Nots listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the proposed rezone is not consistent with the Fresno County General Plan and County-Adopted Sierra North Regional Plan, and deny Amendment Application No. 3821 (state the basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

JS:

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**Mitigation Monitoring and Reporting Program
Initial Study (IS) Application No. 7185/Amendment Application No. 3821
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	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 (SPR) process. 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.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Prior to issuance of permits and prior to final occupancy
2	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and roads.	Applicant	Applicant/PW&P	Ongoing
3	Air Quality	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.	Applicant	Applicant/PW&P	Ongoing
4	Air Quality	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.	Applicant	Applicant/PW&P	Ongoing
5	Biological	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	Applicant	Applicant/PW&P	Prior to ground disturbance

EXHIBIT 1

		shall be established.			
6	Biological	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 buffer zones.	Applicant	Applicant/PW&P	Prior to ground disturbance
7	Biological	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.	Applicant	Applicant/PW&P	Prior to ground disturbance
8	Biological	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.	Applicant	Applicant/PW&P	Ongoing
9	Cultural	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	Applicant	Applicant/PW&P	Ongoing

		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.			
10.	Transportation	Development of the subject property shall require that a minimum 75-foot-long channelized left-turn lane be installed along Auberry Road (State Route 168) on the eastbound lane to provide access to the site. The design of the turn lane shall be contingent on the placement of the proposed site access drive.	Applicant	Applicant/California Department of Transportation/PW&P	Prior to issuance of permits
11	Transportation	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.	Applicant	Applicant/California Department of Transportation/(PW&P)	

Conditions of Approval

1.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Section 838.1 (C-6: General Commercial District) of the Zoning Ordinance:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> 1. Advertising structures 2. Ambulances 3. Animal hospitals (no kennels except for animals under treatment) 4. Antique shops 5. Appliance sales 6. Artists studios 7. Automobile parts sales (new) 8. Automobile re-upholstery 9. Automobile service stations 10. Bakeries, retail 11. Bars and cocktail lounges 12. Barber shops 13. Beauty shops </td> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> 14. Bicycle shops 15. Body and fender shops (when located within a completely enclosed building) 16. Building and loan offices 17. Communications equipment buildings 18. Confectionaries (with incidental manufacturing) 19. Delicatessens 20. Drug stores 21. Electrical distribution substations 22. Electrical supplies 23. Equipment rental, except heavy construction equipment 24. Farm equipment dealers 25. Feed and fuel 26. Florist </td> </tr> </table>	<ol style="list-style-type: none"> 1. Advertising structures 2. Ambulances 3. Animal hospitals (no kennels except for animals under treatment) 4. Antique shops 5. Appliance sales 6. Artists studios 7. Automobile parts sales (new) 8. Automobile re-upholstery 9. Automobile service stations 10. Bakeries, retail 11. Bars and cocktail lounges 12. Barber shops 13. Beauty shops 	<ol style="list-style-type: none"> 14. Bicycle shops 15. Body and fender shops (when located within a completely enclosed building) 16. Building and loan offices 17. Communications equipment buildings 18. Confectionaries (with incidental manufacturing) 19. Delicatessens 20. Drug stores 21. Electrical distribution substations 22. Electrical supplies 23. Equipment rental, except heavy construction equipment 24. Farm equipment dealers 25. Feed and fuel 26. Florist
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|---|---|

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Operations proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.
2.	<p>Future tenants proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.</p> <p>Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan to the Fresno County Department of Public Health pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (https://www.fresnocupa.com/ or http://cers.calepa.ca.gov/). State reporting thresholds that apply are: greater than 55 gallons (liquids), greater than 500 pounds (solids), greater than 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.</p>
3.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.
4.	Future tenants should be advised of the State of California Public Resources Code: Division 30, Waste Management; Chapter 16, Waste Tire Facilities; and Chapter 19, Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (Cal Recycle).
5.	Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program.
6.	<p>Future development must comply with the California Code of Regulations Title 24 – Fire Code, and three sets of County-approved construction plans for the project must be approved by the Fresno County Fire Protection District prior to issuance of Building Permits by the County.</p> <ul style="list-style-type: none"> • Future development will require the subject property to annex into Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
7.	Future development may be subject to the following San Joaquin Valley Unified Air Pollution Control District Rules and Regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
8.	Future development shall be subject to the Seismic Design Category C Standards.

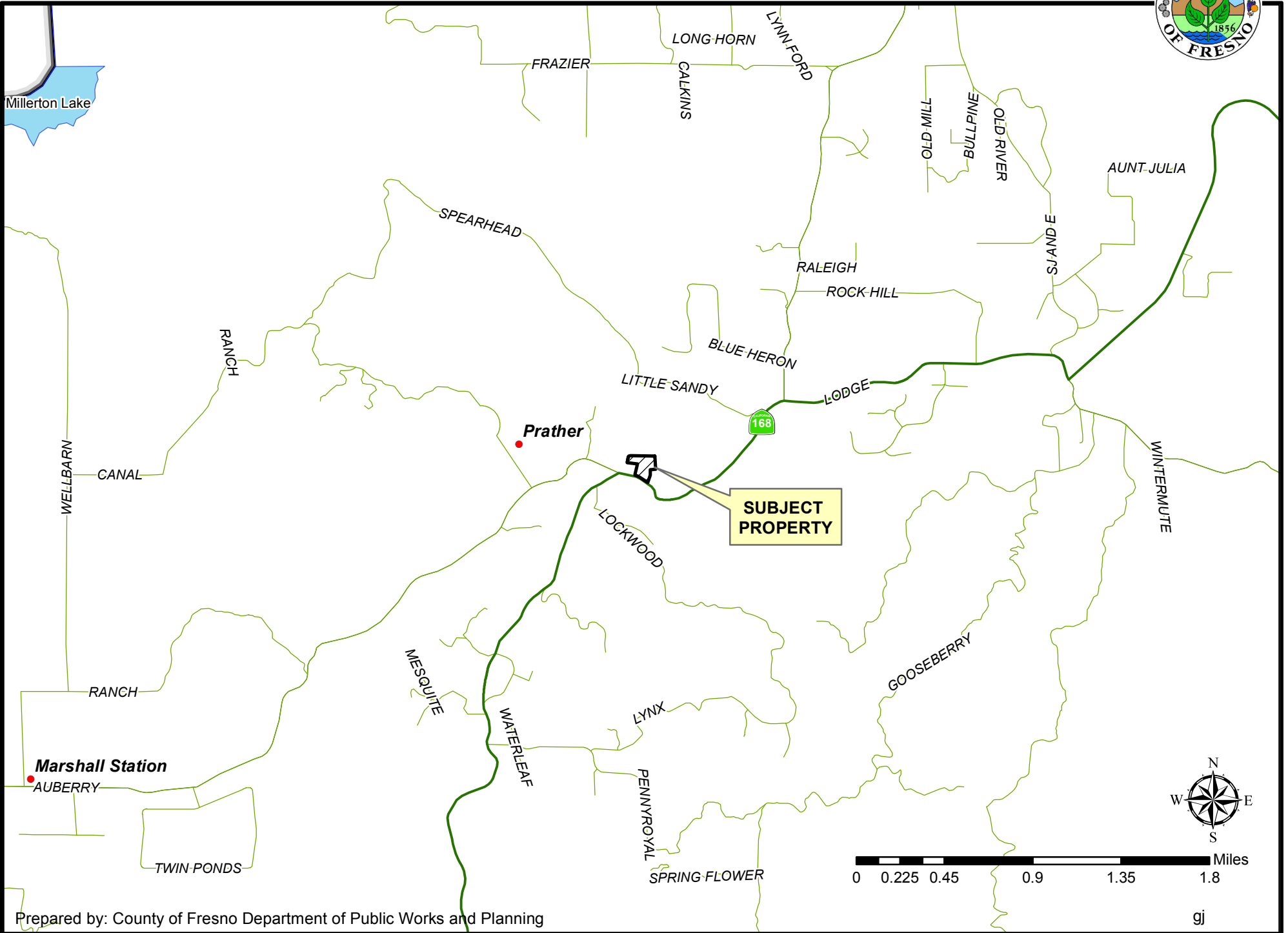
Notes

9.	Future development shall require a Grading Permit or Grading Voucher for any grading activities.
10.	Only low-water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community sewer and water facilities or adequate information is submitted to the Fresno County Department of Public Health, Environmental Health Division, and the County Water and Natural Resources Division to demonstrate that the property can accommodate higher volumes of liquid wastes. The type and number of uses allowed shall be determined by the Environmental Health Division and the County Water and Natural Resources Division.
11.	Future tenants proposing to operate food facilities will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division for review and approval prior to issuance of building permits. Prior to operations, tenants will be required to apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. Permits, once issued, are nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.

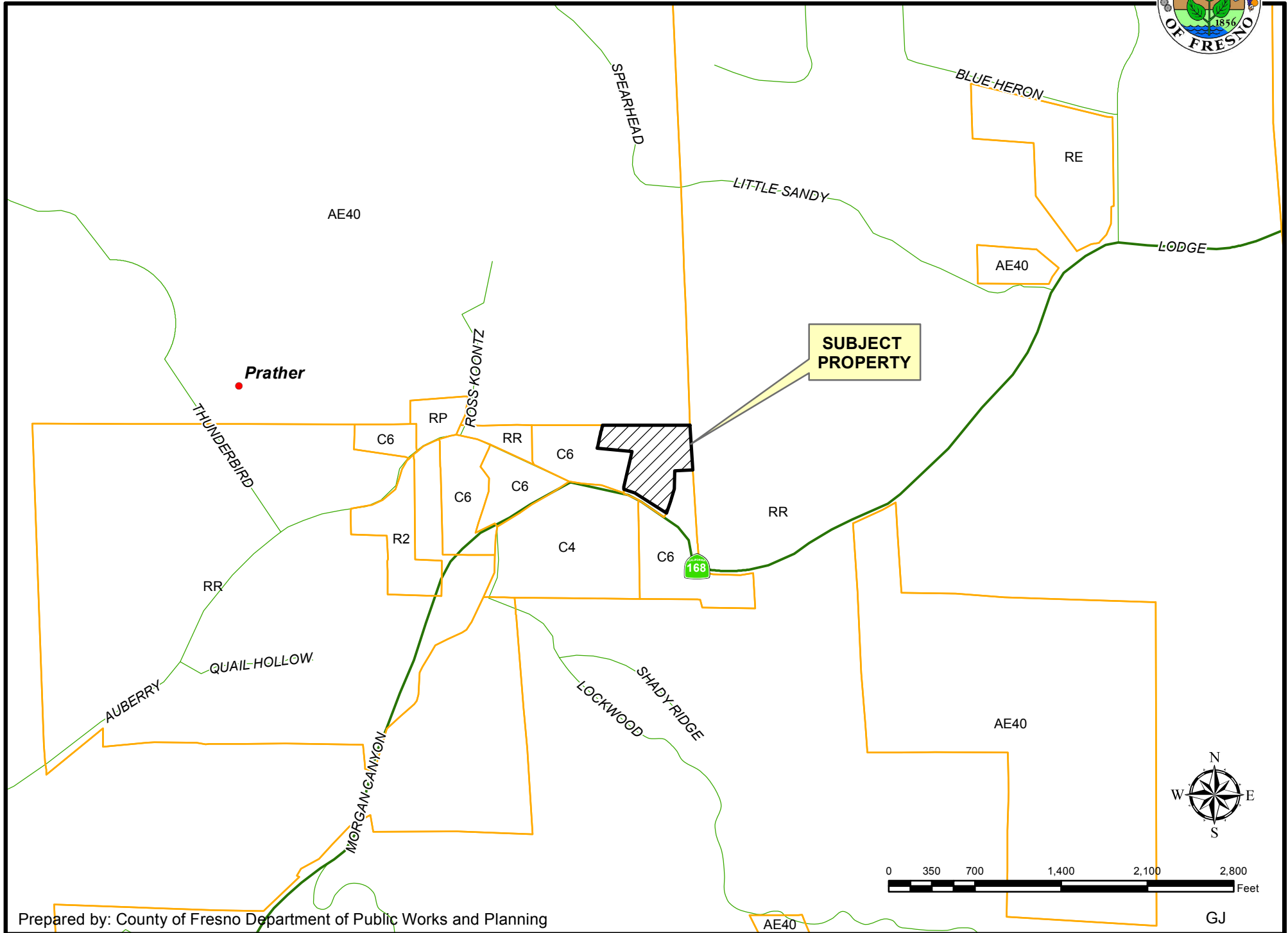
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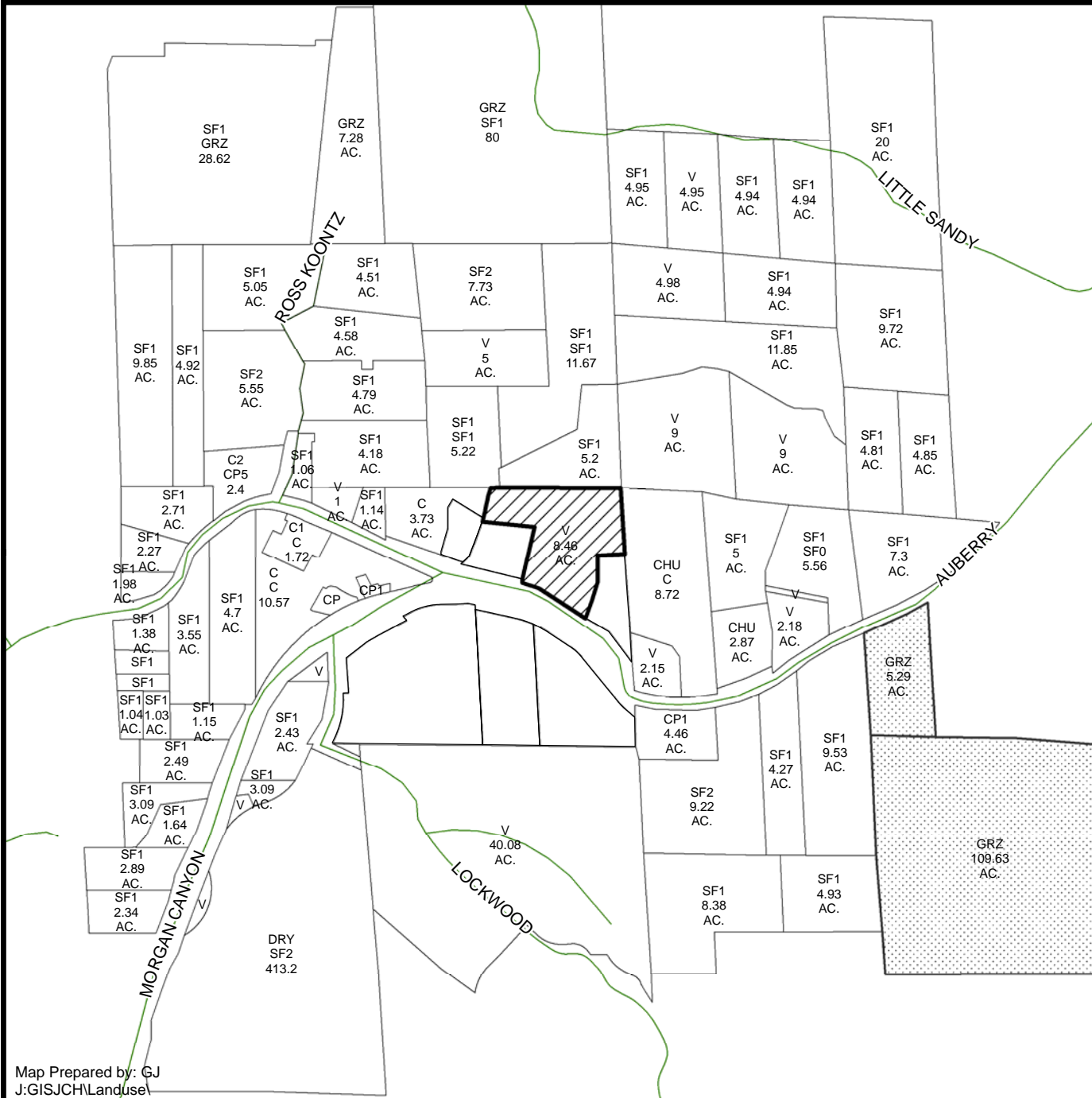
LOCATION MAP



EXISTING ZONING MAP



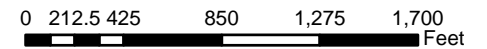
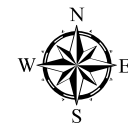
EXISTING LAND USE MAP



LEGEND	
V	- VACANT
SF#	- SINGLE FAMILY RESIDENCE
GRZ	- GRAZING
DRY	- DRY FARMING
CP#	- OFFICE COMM./PROF
CP	- OFFICE COMM./PROF.
CHU	- CHURCH
C#	- COMMERCIAL
C	- COMMERCIAL

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

SECTION 820

"R-R" - RURAL RESIDENTIAL DISTRICT

The "R-R" District is intended to create or preserve rural or very large lot residential homesites where a limited range of agricultural activities may be conducted. The "R-R" District is intended to be applied to areas designated as Rural Residential by the General Plan. The minimum lot size that may be created within the "R-R" District without a special acreage designation shall be two (2) acres. The "R-R" District accompanied by the acreage designation of five (5) establishes that the minimum lot size that may be created within the District shall be five (5) acres.

(Added by Ord. 490.128 adopted 1-11-77; amended by Ord. 490.133 adopted 6-7-77)

SECTION 820.1 - USES PERMITTED

The following uses shall be permitted in the "R-R" District. All uses shall be subject to the property development standards in Section 820.5.

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings including servant's quarters, accessory living quarters, garages and farm buildings.
- C. Agricultural crops, greenhouses, fruit trees, nut trees and vines.
- D. Bovine animals, horses, sheep, and goats where the lot area is thirty-six thousand (36,000) square feet or more and provided that the number thereof shall not exceed a number per each thirty-six thousand (36,000) square feet equal to four (4) adult animals in any combination of the foregoing animals and their immature offspring with not more than three (3) adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six (6) immature bovine or equine animals or combination thereof where no adult animals are kept per each thirty-six thousand (36,000) square feet. Where the lot is less than thirty-six (36,000) square feet in area, but twenty thousand (20,000) square feet or greater in area, horses may be maintained for personal use in a number not to exceed two (2) animals with their offspring less than one (1) year of age.
(Amended by Ord. 490.191 adopted 12-3-79)
- E. Dogs and cats as domestic pets only (limited to three (3) or fewer animals four (4) months of age or older).
(Amended by Ord. 490.133 adopted 6-7-77)
- F. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
(Amended by Ord. T-027-288 adopted 2-25-86)
- G. Mobilehome occupancy, not more than one (1) mobilehome per lot, subject to the provisions of Section 856.
- H. Signs subject to the provisions of Section 820.5-K.
- I. Storage of petroleum products for use by the occupants of the premises, but not for resale or distribution.
- J. Storage or parking of boats, trailers, recreational vehicles, or commercial vehicles, limited to

the private non-commercial use by the occupants of the premises.

- K. The keeping of rabbits and other similar small furbearing animals for domestic use on a lot containing not less than thirty-six thousand (36,000) square feet.
(Amended by Ord. T-038-306 adopted 5-22-90)
- L. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H and similar organizations. In no case shall the poultry facility be kept or maintained on a lot containing less than thirty-six thousand (36,000) square feet.
(Added by Ord. T-038-306 adopted 5-22-90)
- M. The sale of agricultural products produced upon the subject property.
- N. Day nursery - small.
- O. Plant nurseries limited to the sale of agricultural products produced on the property.

Uses Proposed to be Allowed Under the C-6 (c) Conditional Zone District With Approval of Amendment Application No. 3821

All uses shall be subject to the Property Development Standards in Section 838.5. (Amended by Ord. 490.174 adopted 4-2-79)

Uses permitted “by-right” shall be limited to:

1. Advertising structures.
2. Ambulances.
3. Animal hospitals (no kennels except for animals under treatment).
4. Antique shops.
5. Appliance sales.
6. Artists studios.
7. Automobile parts sales, (new).
8. Automobile re-upholstery.
9. Automobile service stations.
10. Bakeries, retail.
11. Bars and cocktail lounges.
12. Barber shops.
13. Beauty shops.
14. Bicycle shops.
15. Body and fender shops (when located within a completely enclosed building).
16. Building and loan offices.
17. Communications equipment buildings.
18. Confectionaries (with incidental manufacturing).
19. Delicatessens.
20. Drug stores.
21. Electrical distribution substations.
22. Electrical supplies.

23. Equipment rental; except heavy construction equipment.
24. Farm equipment dealers.
25. Feed and fuel.
26. Florist.
27. Furniture upholstery shop (retail custom work).
28. Garden supplies.
29. Greenhouses.
30. Groceries.
31. Gymnasiums.
32. Hardware stores.
33. Hobby shops.
34. Laboratories:
 - a. Biological.
 - b. Dental.
 - c. Medical.
 - d. Optometrical.
 - e. Testing.
35. Laundry and dry cleaning pickup agencies for work to be done elsewhere.
(Added by Ord. 490.14 adopted 6-9-64)
36. Leather goods (including the sale of saddles) and retail custom work.
37. Libraries.
38. Liquor products (packaged).
39. Meeting halls.
40. Model home display.
41. Newspaper stands.
42. Offices:
 - a. Administrative.
 - b. Business.
 - c. General.
 - d. Medical.

- e. Professional.
- 43. Pet shops.
- 44. Photographic studios.
- 45. Photographic supplies.
- 46. Plant nurseries.
- 47. Plumbing supplies (when located within an enclosed building or solid masonry walls).
- 48. Pool and billiards.
(Added by Ord. 490.14 adopted 6-9-64)
- 49. Post offices.
- 50. Pottery sales.
- 51. Print shop, lithographing, publishing, blueprinting.
- 52. Radio and television broadcasting studios.
- 53. Radio and television sales and service.
- 54. Reading rooms.
- 55. Reducing salons.
- 56. Repair garages.
- 57. Restaurant.
- 58. Secondhand stores (completely enclosed building).
- 59. Shoe repair shops.
- 60. Sign painting.
- 61. Signs, subject to the provisions of Section 838.5.
- 62. Sporting goods.
- 63. Storage garages.
- 64. Taxidermist.
- 65. Tinsmiths.
- 66. Tire sales (retail only).

67. Temporary or permanent telephone booths.
68. Tobacco products.
69. Variety stores.
70. Veterinarians.
71. Water Pump Stations
72. Recreation vehicle and boat storage yards.
(Added by Ord. 490.70 adopted 11-16-71)
73. Dance studios or dancing academies.
(Added by Ord. 490.111 adopted 1-6-76)
74. Temporary stands (not more than four hundred (400) square feet per District) for the sale of farm produce, subject to Section 855-N. (Added by Ord. 490.166 adopted 12-19-78).
75. Retail lumber sales, provided that no lumber is cut on the premises and that all storage areas be within completely enclosed buildings (Added by Ord. 490.173 re-adopted 4-24-79).
76. Day nursery-commercial (Added by Ord. 490.188 adopted 10-29-79).
77. Video stores (Added by Ord. T-046-315 adopted 1-5-93).
78. Automobile driver's training schools (Amended by Ord. T-070-341 adopted 4-23-02).



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**

2. *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_x), Oxides of Sulfur (SO_x) 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) NEPAAssist 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 (5th 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: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7185	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Jeremy Shaw, Planner	Area Code: 559	Telephone Number: 600-4207	Extension: N/A
Project Applicant/Sponsor (Name): Dan Page	Project Title: Initial Study Application No. 7185/Amendment Application No. 3821		
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: Fresno Business Journal – November 29, 2019		Review Date Deadline: Planning Commission – January 9, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Jeremy Shaw, Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**