



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: January 9, 2020
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12809 - INITIAL STUDY APPLICATION NO. 7185 and AMENDMENT APPLICATION NO. 3821

APPLICANT/
OWNER:

Dan Page

REQUEST:

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

PLANNING COMMISSION ACTION:

At its hearing of January 9, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Vice Chair Lawson to recommend adoption of the Mitigated Negative Declaration prepared for the project; find that the proposed rezone is consistent with the County General Plan and Sierra North Regional Plan; and recommend approval of Amendment Application No. 3821, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Chatha, Lawson, Abrahamian, Burgess, Carver, Ede, Hill and Woolf
	No:	None
	Absent:	Commissioner Eubanks
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: _____
William M. Kettler, Manager
Development Services and Capital Projects Division

WMK:ksn
G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2020-2029\2020\3-10-20\AA 3821\AA 3821 Reso.docx

Attachments

EXHIBIT A

Initial Study Application No. 7185

Amendment Application No. 3821

Staff: The Fresno County Planning Commission considered the Staff Report dated January 9, 2020, and heard a summary presentation by staff.

Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- Development of the property is limited due to the mountain terrain; any development is likely to be small shops, which seems to be in demand in the area.
- The site will have its own driveway off State Route 168.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

JS:mm

G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2020-2029\2020\3-10-20\AA 3821\AA 3821 Reso.docx

**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 B

		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. 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:
- | | |
|--|--|
| <ul 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 | <ul 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 |
|--|--|

- | | |
|---|---|
| <ul style="list-style-type: none"> 27. Furniture upholstery shop (retail custom work) 28. Garden supplies 29. Greenhouses 30. Groceries 31. Gymnasiums 32. Hardware stores 33. Hobby shops 34. Laboratories: <ul style="list-style-type: none"> a. Biological b. Dental c. Medical d. Optometrical e. Testing 35. Laundry and dry-cleaning pickup agencies for work to be done elsewhere 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: <ul style="list-style-type: none"> 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 49. Post offices 50. Pottery sales | <ul style="list-style-type: none"> 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. Restaurants 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. Taxidermists 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 73. Dance studios or dancing academies 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 76. Day nursery, commercial 77. Video stores 78. Automobile driver's training schools |
|---|---|

2.	On-site development shall connect to a community water system. To insure connection, a will-serve letter from a community water system serving the area shall be provided at the time of required Site Plan Review for any development proposal, and confirmation of connection shall occur prior to building occupancy. All proposed water system connections shall be provided to the State of California Water Resources Control Board Division of Drinking Water for review.
3.	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 of the County Department of Public Works and Planning to demonstrate that the property can accommodate higher volumes of liquid waste. The type and number of uses allowed shall be determined by the Environmental Health Division and the Water and Natural Resources Division.

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

Notes	
	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.
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.

JS:

G:\4360Devs&Pln\ADMIN\BOARD\Board Items\2020-2029\2020\3-10-20\AA 3821\Attachment A.docx

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7185
Amendment Application No. 3821

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 3,901.00 ¹
Amendment Application	\$ 6,214.00 ²
Public Health Department Review	<u>\$ 721.00³</u>
Total Fees Collected	<u>\$ 10,836.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.