



County of Fresno

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

REVISED

Planning Commission Staff Report Agenda Item No. 2 March 7, 2019

SUBJECT: Initial Study Application No. 7543 and Amendment Application No. 3835

Rezone a five-acre parcel from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial, Conditional) Zone District limited to variety stores, automobile parts sales (new) and hardware stores.

LOCATION: The project site is located on the south side of State Route (SR) 180 approximately 2,540 feet east of its intersection with George Smith Road within the unincorporated community of Squaw Valley (Sup. Dist. 5) (APN 185-450-14).

OWNER: Arlan J. & Eileen Haroldsen
APPLICANT: John J. Shields

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

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. 7543; and
- Recommend that the Board of Supervisors find that the proposed rezone of five acres from RR (Rural Residential) Zone District to C-6(c) (General Commercial, Conditional) Zone District is consistent with the General Plan, including the Housing Element, and the Sierra-South Regional Plan. Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for above moderate income population by five units, the proposal meets findings A and B of Government Code Sections 65863(b)(1). Note that these findings are made based on the quantitative analysis discussed on pages 11 and 12 of the staff report. The remaining unmet need for Fresno County's share of its Regional Housing Needs Allocation (RHNA) for the above moderate income population can be accommodated in the remaining capacity of inventory identified in

the Housing Element; and

- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3835 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 RR (Rural Residential) Zoning
6. Uses Proposed to be Allowed 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. 7543
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Mountain Urban in the County-adopted Sierra-South Regional Plan	N/A
Zoning	RR (Rural Residential; two-acre minimum parcel size)	C-6(c) (General Commercial, Conditional)
Parcel Size	Five acres	No change
Project Site	Undeveloped	Rezone a five-acre parcel from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial, Conditional) Zone District limited to variety stores, automobile parts sales (new) and hardware stores.
Structural Improvements	None	Future development includes variety stores, automobile parts sales (new) and hardware stores in the C-6(c) Zone District.

Criteria	Existing	Proposed
Nearest Residence	1,435 feet to the east	No change
Surrounding Development	Offices, hardware store, lumberyard, public library, County sheriff's office, single-family residences	No change
Operational Features	N/A	See "Project Site" above
Employees	N/A	Determined at the time uses are established on the property
Customers/Supplier	N/A	See "Employees" above
Traffic Trips	N/A	The Traffic Impact Analysis (TIA), dated January 10, 2019, prepared by K. D. Anderson & Associates, Inc., determined that the proposed limited by-right uses would not result in significant impact on the traffic. The project, however, will pay its fair share to the cost of regional circulation improvements by paying adopted Regional Transportation Mitigation fees.
Lighting	N/A	Determined at the time uses are established on the property
Hours of Operation	N/A	Determined at the time uses are established on the property

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	RR Zone District: Front: 25 feet Side: 20 feet Rear: 20 feet	C-6(c) Zone District: None required for this application	Determined at the time uses are established on the property
Parking	Two square feet for each one square foot of gross floor space	None required for this application	Determined at the time uses are established on the property
Lot Coverage	No requirement	No requirement	Determined at the time uses are established on the

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
			property
Separation Between Buildings	Minimum 6 feet	N/A	Determined at the time uses are established on the property
Wall Requirements	Three feet in height in any required front yard; up to 6 feet in height on all rear and side property lines	None required for this application	Determined at the time uses are established on the property
Septic Replacement Area	100 percent for the existing system	None required for this application	N/A. The proposed uses will utilize individual sewage disposal systems.
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	None required for this application	N/A. The proposed uses will use an on-site well or connect to a community water system per the State Water Resources Control Board, Division of Drinking Water approval.

Circulation and Traffic

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	State Route 180; Good condition	No change
Direct Access to Public Road	Yes	State Route 180; Good condition	Access to the site off State Route 180 will be designed and constructed to meet Caltrans encroachment permit requirements.
Road ADT		N/A	Per the Traffic Impact Analysis, the proposed uses will not cause changes to the existing Levels of Service (LOS).
Road Classification		State Route 180	No change
Road Width		60-foot right-of-way south of the centerline of State Route 180	No additional right-of-way required by the California Department of Transportation

		Existing Conditions	Proposed Operation
Road Surface		Asphalt concrete paved	No change
Traffic Trips		Unknown	The Traffic Impact Analysis (TIA), dated January 10, 2019, prepared by K. D. Anderson & Associates, Inc., determined that the proposed rezone with limited by-right uses would result in no significant traffic impact. The project will pay its fair share to the cost of regional circulation improvements by paying adopted Regional Transportation Mitigation fees.
Traffic Impact Study (TIS) Prepared	Yes	N/A	A Traffic Impact Analysis was reviewed and approved by the California Department of Transportation and the Fresno County Design and Road Maintenance & Operations Divisions.
Road Improvements Required		Good	No change

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	2.36 acres	Offices	C-6(c)	None
South	49.7 acres	Undeveloped land	AE-160	None
East	3.0 acres 7.45 acres	Undeveloped land	RR	None
West	11.1 acres	Public library	RR	None

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7543 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 4, 2019.

PUBLIC NOTICE:

Notices were sent to 27 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 close to the Commission’s action as practical to make the final decision on the Amendment Application. Information for that hearing will be provided under separate notice.

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 request 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, however, is final unless appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

According to County records, the subject five-acre property and other properties located within the unincorporated community of Squaw Valley were zoned A-1 (Agricultural District) on June 8, 1960. On June 25, 1985 Amendment Application No. 3388 (Ord. No. R-3388) was approved, which rezoned the subject property from the A-1 Zone District to an RR (Rural Residential, two-acre minimum parcel size) Zone District. The current zoning on the property is RR.

Under the current application, the Applicant is proposing to rezone the subject property from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial, Conditional) Zone District limited to variety stores, automobile parts sales (new) and hardware stores.

Relevant Policies:	Consistency/Considerations:
Sierra-South Regional Plan Policy 406-01:11.03. a. Zoning to a commercial district may be appropriate subject to the following criteria: 1) Parcels shall be located on and have access to a major road and access to the development should be by way of a driveway approach approved by the County or by the California Department of Transportation; 2) Commercial uses are encouraged to cluster rather than strip along roadways; and 3) Developers are encouraged to combine small lots to make more efficient use of the available land, reduce the number of access points, provide for adequate parking, and allow sufficient area for water and sewage facilities.	The subject parcel is located along State Route 180, which is a major thoroughfare. The California Department of Transportation will review and approve the design of the access to the site for the proposed uses [variety stores, automobile parts sales (new) and hardware stores] and the uses will be confined to a single structure and provided with adequate parking with sufficient area to accommodate on-site water and sewage facilities.

Relevant Policies:	Consistency/Considerations:
<p>Sierra-South Regional Plan Policy 406-01:11.03.b. requires that Commercial development shall be served by community water and sewer systems or be provided with suitable alternatives.</p>	<p>There is no community sewer or water services available in the Squaw Valley area. The proposed uses will utilize an individual sewage disposal system. The uses either will connect to a community water system as determined by the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) via the Applicant's compliance with Senate Bill 1263, or be served by an existing SWRCB-DDW-approved well on the property. The project is consistent with this policy.</p>
<p>Sierra-South Regional Plan Policy 406-01:11.03.d. requires the following: 1) Off-street parking shall be sufficient for the proposed use; 2) A 50-foot minimum setback from the edge of the road right-of-way for buildings and parking to be retained in open space or landscaped; 3) Provision for future frontage roads or other provisions made to eliminate the proliferation of drive accesses to State Highway 180; 4) For development adjacent to a Scenic Highway, the provisions of Section 304 (Section OS-L Scenic Roadways) of the General Plan shall apply; and 5) Off-premises outdoor advertising within Mountain Urban areas shall be limited to a sign depicting services available within the community. Outside urban areas, only directional signs shall be allowed.</p>	<p>All uses in the C-6 Zone District require mandatory Site Plan Review (SPR). The proposed uses will require Site Plan Review to ensure they are provided with adequate on-site parking. A 180-foot front-yard setback discussed in Policy OS-L.3.d below will remain open space and be provided with landscaping. The California Department of Transportation requires no frontage road, but access to the site will meet the Agency's design standards and encroachment permit. This proposal is recommended to adhere to Mountain Overlay District standards for outdoor signage requirements. The project is consistent with this policy.</p>
<p>General Plan Policy OS-L.3.d. (Open Space and Conservation) requires maintenance of a natural open space area 200 feet in depth parallel to the right-of-way unless property dimensions, topography or vegetation of a parcel preclude such a setback.</p>	<p>As discussed in the Initial Study (No. 7543) prepared for the project, the proposed 180-foot scenic highway setback of natural open space along State Route 180 versus the required 200-foot setback is consistent with the setbacks maintained by other developments in the vicinity. The project is consistent with this policy.</p>
<p>General Plan Policy LU-F.23 requires that the County shall require community sewer and water services for commercial development in accordance with the provisions of the Fresno County Ordinance Code, or as determined by the State Water Quality Control Board.</p>	<p>See discussion above in Sierra-South Regional Plan Policy 406-01:11.03.b.</p>
<p>General Plan Policy LU-F.24 requires that the County shall require new commercial development to be designed to minimize the</p>	<p>A Condition of Approval will require landscaping within the required 180-foot open space to minimize the visual impact of</p>

Relevant Policies:	Consistency/Considerations:
visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses.	proposed uses on the property from State Route 180. The project is consist with this policy.

Reviewing Agency/Department Comments Regarding Site Adequacy:

California Department of Transportation (Caltrans): The project shall pay into the Fresno County Regional Transportation Mitigation Fee (RTMF) through the Fresno County Council of Government. Access to the site off State Route 180 shall be designed and constructed to meet Caltrans encroachment permits requirements. These requirements have been included as Conditions of Approval.

State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW): The Applicant shall submit a preliminary technical report to SWRCB-DDW six months prior to any water-related construction for the future development on the property. This has been included as a Condition of Approval. Permits shall be required from SWRCB-DDW to operate the existing on-site well as a public water system. This has been included as a Project Note.

Fresno County Department of Public Health, Environmental Health Division (Health Department): A test hole and inspection shall be required prior to the issuance of construction permits. Prior to the issuance of building permits, the Applicant shall submit complete food facility plans and specifications, and prior to operation, shall obtain a permit to operate food facilities from the Health Department. The Applicant shall submit an application for a permit to operate a Public Water System, and supporting information in the form of a technical report, to the California Department of Health Services, Drinking Water Field Operations Branch for review.

In an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by a licensed contractor. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the “oily water” removed from the well must be handled in accordance with federal, state and local government requirements.

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. If any underground storage tank(s) are found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall submit an Air Impact Assessment (AIA) Application with the Air District prior to applying for the final discretionary approval and shall pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit. The proposed uses may be subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance and Operations), and

District Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed.

Site Plan Review (SPR) Unit of the Fresno County Department of Public Works and Planning: Proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) Unit for review and approval prior to the issuance of Building Permits. All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Future development proposals shall require an Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties; a Grading Permit or Voucher for site grading; a plan to handle storm water runoff from the property per County Standards; and be in accordance with the applicable SRA (State Responsibility Area) Fire Safe Regulations as they apply to driveway construction and access.

Fresno County Fire Protection District: The proposed uses on the property shall comply with the California Code of Regulations Title 24 – Fire Code and require approval of County-approved site plans by the Fire District prior to issuance of building permits by the County. The property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District and comply with the California Code of Regulations Title 14 - Natural Resources 1272.00 Maintenance of Defensible Space Measures.

Zoning and Site Plan Review Sections of the Fresno County Department of Public Works and Planning: A Site Plan Review shall be required for the proposed uses in the C-6(c) Zone District.

The aforementioned requirements have been included as Project Notes.

Southern San Joaquin Valley Information Center: The project area was last surveyed in 1991. A professional archeologist should do a new archeological survey prior to the approval of the project. Note: A survey has been conducted by an archeologist, and Mitigation Measures have been included in Exhibit 1.

Native American Heritage Commission; Fresno County Public Library; Regional Water Quality Control Board; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; and Road Maintenance and Operations Division, Water and Natural Resources Division, and Building and Safety Sections of the Fresno County Department of Public Works and Planning: No concerns with the project.

ANALYSIS/GENERAL PLAN CONSISTENCY:

The subject property is located along State Route (SR) 180 within the unincorporated community of Squaw Valley in the eastern part of Fresno County. Parcels to the north and east of the subject property contain offices, a hardware store and lumberyard, and single-family residences, while parcels to the west contain a public library, County Sheriff's office, and single-family residences. Parcels to the south are undeveloped. The developed parcels are zoned C-

6(mc) (General Commercial, Mountain Overlay, Conditional), M-3(mc) (Heavy Industrial, Mountain Overlay, Conditional), and C-M (Commercial and Light Manufacturing). The subject property and adjacent parcels on both sides of State Highway 180 at the project location are designated Mountain Urban in the County-adopted Sierra-South Regional Plan. Areas designated Mountain Urban are considered appropriate locations for future urban-type development including residential and various intensities of commercial and industrial uses, where appropriate. Mountain Urban areas also reflect recognized commercial centers and intend to provide most goods and services to the surrounding rural residential, rangeland, and public lands and open space areas. Developments in this area are also subject to the Mountain Overlay District standards.

Per the County Zoning Ordinance, the C-6 zoning is 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. By-right uses allowed in the C-6 Zone District (Section 838.1 of the Ordinance) include retail shops, automobile service stations, storage yards, restaurants, banks, offices, driving schools, laboratories and variety stores. The rezoning of the subject property will be limited to three by-right uses, namely variety stores, automobile parts sales (new) and hardware stores. These uses are similar in nature to the uses currently established on adjacent commercially-zoned properties along State Route 180.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject property is currently zoned RR (Rural Residential, two-acre minimum parcel size) in the County Zoning Ordinance and is designated Mountain Urban in the County-adopted Sierra-South Regional Plan. Mountain Urban is conditionally compatible with the C-6(c) Zone District meaning that certain types of C-6 development may be compatible with the policies of the General Plan depending upon certain circumstances which may apply. The subject proposal is a conditional rezoning, which limits the use of the property to variety stores, automobile parts sales (new) and hardware stores, and does not allow all by-right uses in the C-6 Zone District. The proposed uses are comparable to other commercial uses within the Mountain Urban area and compatible with the policies of the Sierra-South Regional Plan and General Plan as discussed above in General Plan Consistency/Consideration.

Concerning consistency with Policy 406-01:11.03.a., the subject property is located along State Route 180, the site access design will require Caltrans' review and approval, and the proposed uses will be confined to a single structure provided with adequate parking with sufficient area to accommodate on-site water and sewage facilities. Concerning consistency with Sierra-South Regional Plan Policy 406-01:11.03.b and General Plan Policy LU-F.23, the proposed uses either will utilize an individual sewage disposal system and well, or connect to a community water system. Concerning consistency with Sierra-South Regional Plan Policy 406-01:11.03.d., the property development requirements for the proposed uses related to the provision of adequate on-site parking, building and parking setbacks, site access meeting off State Route 180 standards, and outdoor signage meeting Mountain Urban areas standards will be addressed through mandatory Site Plan Review. Concerning consistency with General Plan Policy OS-L.3.d. and Policy LU-F.23, the proposed 180-foot setback for all structures and parking from State Route 180 is consistent with setbacks maintained by other developments in the area and will be provided with landscaping to minimize visual impact of developments from the highway.

The Initial Study (IS) prepared for the project has identified a potential impact to cultural resources. A Cultural Resource Assessment (CRA) dated January 24, 2019 and prepared by Rincon Consultants, Inc. did not identify any cultural resources on the property. However, given

the archeological sensitivity of the area, the CRA required that a qualified archaeologist conduct a Worker's Environmental Awareness Program training in archaeological sensitivity for all construction personnel prior to any ground-disturbing activities, and if any cultural resources or human remains are discovered during ground-disturbance activities, all work shall be stopped and findings evaluated by an archeologist. Included as Mitigation Measures in Exhibit 1 of this report, these requirements will mitigate any impact to cultural resources.

Potential impacts related to aesthetics, air quality, hazards and hazardous materials, hydrology and water quality, public services, and transportation have been determined to be less than significant. All proposed uses on the property will: maintain adequate setback from State Route 180; adhere to Air District rules, including Rule 9510; comply with state laws regarding the handling of hazardous materials; adhere to Grading and Drainage Sections of the County Ordinance Code; utilize an existing on-site well or connect to a community water system; comply with the current Fire Code; and obtain California Department of Transportation's approval for site access off SR 180. The Caltrans review of the Traffic Impact Analysis (TIA) has identified no significant impact to State Route 180 resulting from the proposed uses on the property and requires payment of Fresno County Regional Transportation fees. Mandatory Site Plan Review (SPR) is included as a Project Note to address these issues and others identified in this Report.

Developments in the Mountain Urban areas are subject to Mountain Overlay District standards. Staff recommends that the Mountain Overlay District be applied to the project site as it has been applied to the many other commercial sites in the project area. The Mountain Overlay District Development Standards will modify the mandatory development standards of the C-6 Zone District by ensuring that the site will be developed in a manner appropriate for the foothill and mountain setting.

Consistency with the Housing Element

The 5.00-acre subject parcel is zoned RR and is identified in the County's General Plan Housing Element Vacant Land Inventory as vacant land, which can accommodate Fresno County's share of the Regional Housing Needs Allocation (RHNA) for above moderate income households. Development of the subject five-acre parcel, according to the RR Zone development standards, can result in approximately five residential units for above moderate income households with second dwelling units requiring appropriate land use permitting. As a result of the proposed rezone, the number of units identified in the housing element vacant land inventory for above moderate income households will be reduced by five units.

Per Government Code Section 65863(b)(1), if a city or a 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 city or county shall make the following written findings, supported by evidence:

- A) The reduction is consistent with the adopted General Plan, including the Housing Element; and
- B) The remaining sites 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.

The proposed rezone application, to change the zoning of a 5.00-acre parcel from the RR Zone District to C-6(c) (General Commercial, Conditional) Zone District, does allow the parcel to be

developed into commercial use instead of residential use. However, the proposed rezone project is consistent with the Fresno County General Plan, including the Housing Element because the remaining units included in the Housing Element’s vacant land inventory for above moderate income households can accommodate the County’s remaining fifth-cycle RHNA obligation for above moderate income population. As shown in Table A, the Fifth-Cycle RHNA for Fresno County consisted of 460 units for Very Low, 527 unit for Low, 589 units for Moderate, and 1,146 units for Above Moderate income population. After accounting for the number of units for which permits have been issued during the Fifth-Cycle RHNA (up to December 31, 2017), the County still has a surplus inventory capacity for various income categories as follows: 1,161 units in Very Low Income (VLI) and Low Income (LI) categories, 3,045 units in Moderate Income (M) category and 7,498 units in Above Moderate (AM) category.

As shown in Table A, the County has 7,498 units surplus capacity in the above moderate income category. With the approval of the proposed rezone, this surplus will be reduce by 5 units to 7,493 surplus units. This analysis shows that the remaining unmet share of Fresno County’s RHNA obligation for above moderate income households can still be accommodated.

TABLE A - ANALYSIS OF REMAINING FIFTH-CYCLE RHNA OBLIGATION

	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 2017)	12	26	261	689	988
Remaining RHNA allocations	949		328	457	1,734
Capacity on Vacant Sites identified for the fifth-cycle period	2,110		3,373	7,955	13,438
Current surplus capacity on vacant sites	1,161		3,045	7,498	11,704

Tribal Consultation

Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yokut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria, providing them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b). The Dumna Wo Wah Tribal Government responded with a request for consultation. Staff invited the tribe for consultation via emails and a 30-day response letter and provided a copy of the Cultural Resource Assessment noted above. Due to no response received, a letter sent to the tribe on January 25, 2019 concluded the consultation process.

Based on the above information, and with adherence to the aforementioned Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes that the subject rezoning from the RR District to a C-6(c) Zone District will not have an adverse effect upon surrounding properties, and that the proposal is consistent with the Fresno County General Plan.

Recommended Conditions of Approval:

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

Conclusion:

Staff believes that the proposed rezone from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial, Conditional) Zone District is consistent with the Fresno County General Plan, including the Housing Element, and the Sierra South Regional Plan and recommends approval of Amendment Application No. 3835, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7543; and
- Recommend that the Board of Supervisors find that the proposed rezone of five acres from RR (Rural Residential) Zone District to C-6(c) (General Commercial, Conditional) Zone District is consistent with the General Plan, including the Housing Element, and the Sierra-South Regional Plan. Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for above moderate income population by five units, the proposal meets findings A and B of Government Code Sections 65863(b)(1). Note that these findings are made based on the quantitative analysis discussed on pages 11 and 12 of the staff report. The remaining unmet need for Fresno County's share of its Regional Housing Needs Allocation (RHNA) for the above moderate income population can be accommodated in the remaining capacity of inventory identified in the Housing Element; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3835 to the Board of Supervisors with a recommendation for approval, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the C-6(c) (General Commercial, Conditional) zoning is not consistent with the General Plan and County-adopted Sierra-South Regional Plan, and deny Amendment Application No. 3835 (state basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Conditions of Approval and Project Notes:

See attached Exhibit 1.

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7543/Amendment Application (AA) No. 3835
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Cultural Resources	A qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program training in archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As noted
2.	Cultural Resources	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.	Applicant	Applicant/ PW&P	As noted
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"> • Variety stores • Automobile parts sales (new) • Hardware stores 				
2.	At the time of the establishment of any of the uses proposed by this application, the project shall pay into the Fresno County Regional Transportation Mitigation Fee (RTMF) through the Fresno County Council of Governments.				
3.	Access to the site off State Route 180 shall be designed and constructed per current California Department of Transportation (Caltrans) Standard Plans.				

EXHIBIT 1

4.	The Applicant shall submit a preliminary technical report to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) six months prior to any water-related construction for the future development on the property.
5.	A 180-foot setback beyond the ultimate right-of-way for State Route (SR) 180 (60 feet south of centerline) shall be provided for all structures and parking areas for the uses allowed by this application. The setback area shall be maintained as much as practical in natural condition minimizing the removal of mature trees and grading and be provided with landscaping to minimize the visual impact of the development from SR 180.

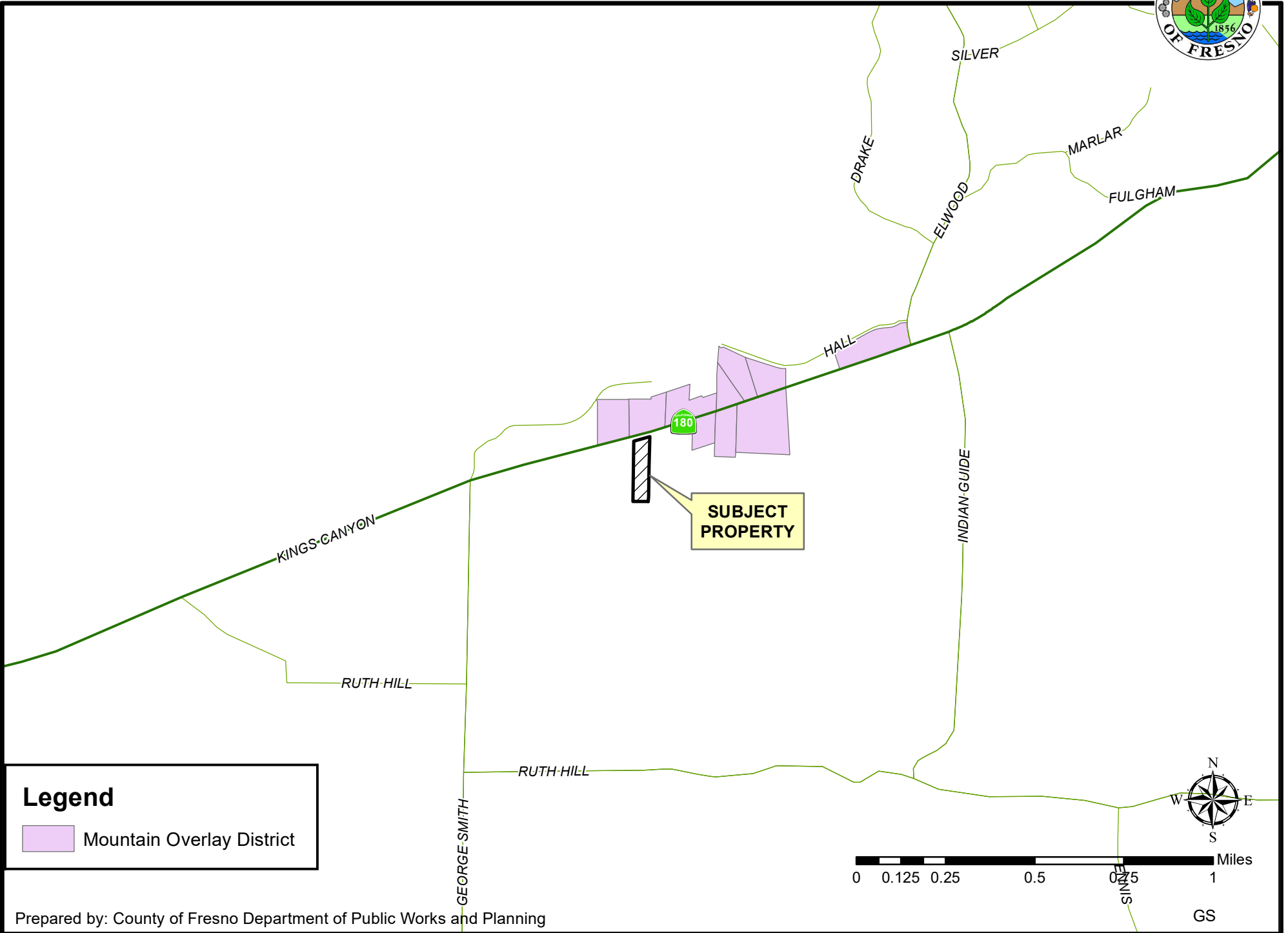
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Prior to the establishment of any of the uses proposed by this application in the C-6(c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, fire protection, noise, and control of light.
2.	Permits shall be required from the State Water Resources Control Board, Division of Drinking Water to operate the existing well on the property as a public water system. Note: These requirements will be addressed through mandatory Site Plan Review.
3.	<p>To address public health impact resulting from the establishment of any of the uses proposed by this application, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • A test hole and inspection shall be required prior to the issuance of construction permits. • Prior to the issuance of building permits, the Applicant shall submit complete food facility plans and specification to the Health Department. • Prior to operation, the Applicant shall apply for and obtain a permit to operate food facilities from the Health Department. • The Applicant shall submit an application for a permit to operate a Public Water System, and supporting information in the form of a technical report, to the California Department of Health Services, Drinking Water Field Operations Branch for review. • In an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by a licensed contractor. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the “oily water” removed from the well must be handled in accordance with federal, state and local government requirements. • 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. • If any underground storage tank(s) are found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>


Project Notes

4.	<p>To address grading and drainage impacts resulting from the establishment of any of the uses proposed by this application, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none">• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties• A Grading Permit or Voucher for site grading• Handling of storm water runoff from the property per County Standards• The development be in accordance with the applicable SRA Fire Safe Regulations as they apply to driveway construction and access. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>
5.	<p>To address air quality impacts resulting from the establishment of any of the uses proposed by this application, the Applicant shall submit an Air Impact Assessment (AIA) Application with the San Joaquin Valley Air Pollution Control District and pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit.</p> <p>The future development projects may also be subject to:</p> <ul style="list-style-type: none">• Regulation VIII (Fugitive Dust Rules)• Rule 4102 (Nuisance)• Rule 4601 (Architectural Coatings)• Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations)• Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>
6.	<p>Any of the uses proposed by this application shall comply with the California Code of Regulations Title 24 – Fire Code. The property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District, and comply with the California Code of Regulations Title 14 - Natural Resources 1272.00 Maintenance of Defensible Space Measures.</p>
7.	<p>To address air quality impacts resulting from the establishment of any of the uses proposed by this application, the Applicant will adhere to the following:</p> <ul style="list-style-type: none">• Proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor’s Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) Unit for review and approval prior to the issuance of Building Permits.• All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>

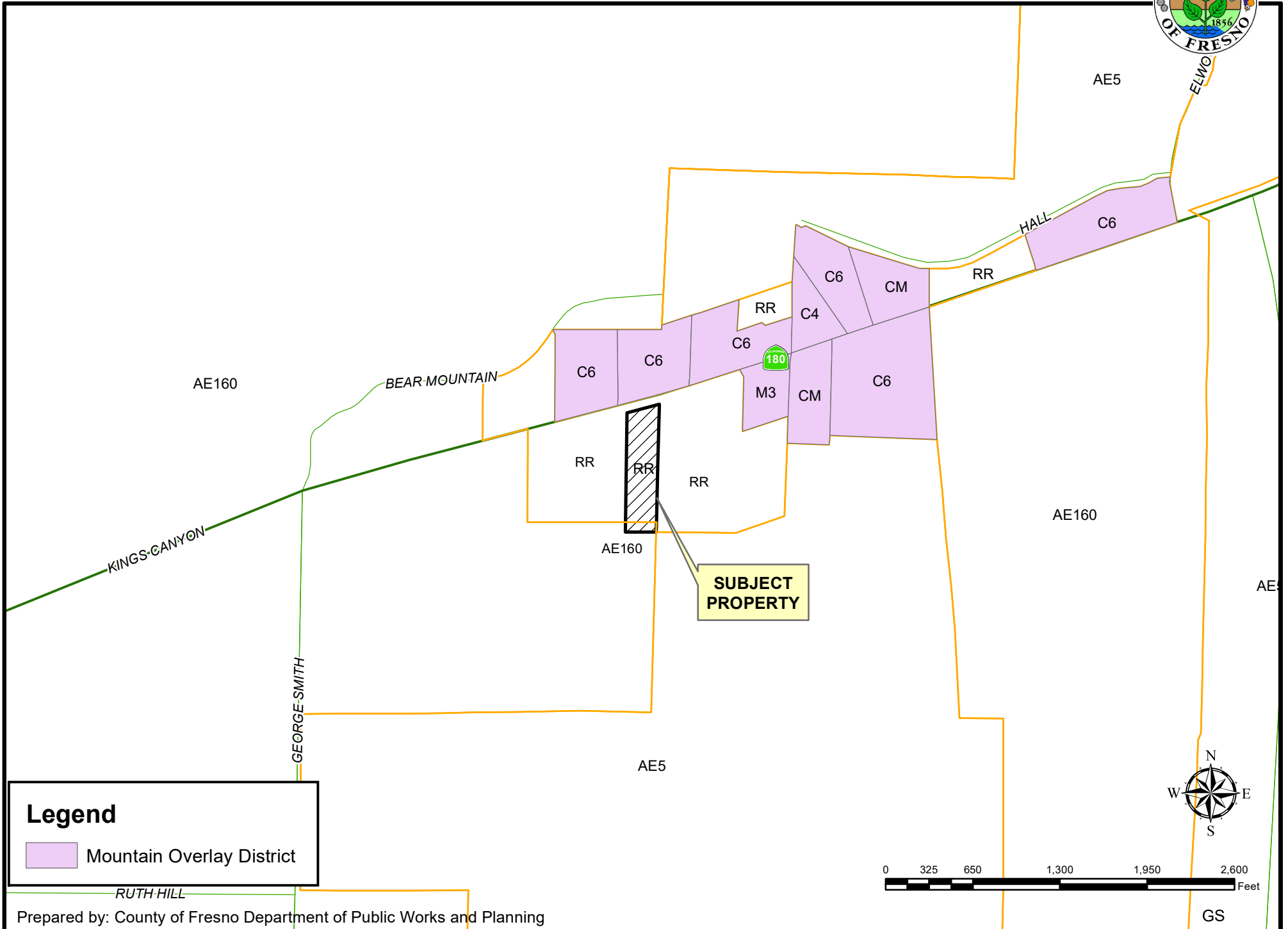
LOCATION MAP




Legend

 Mountain Overlay District

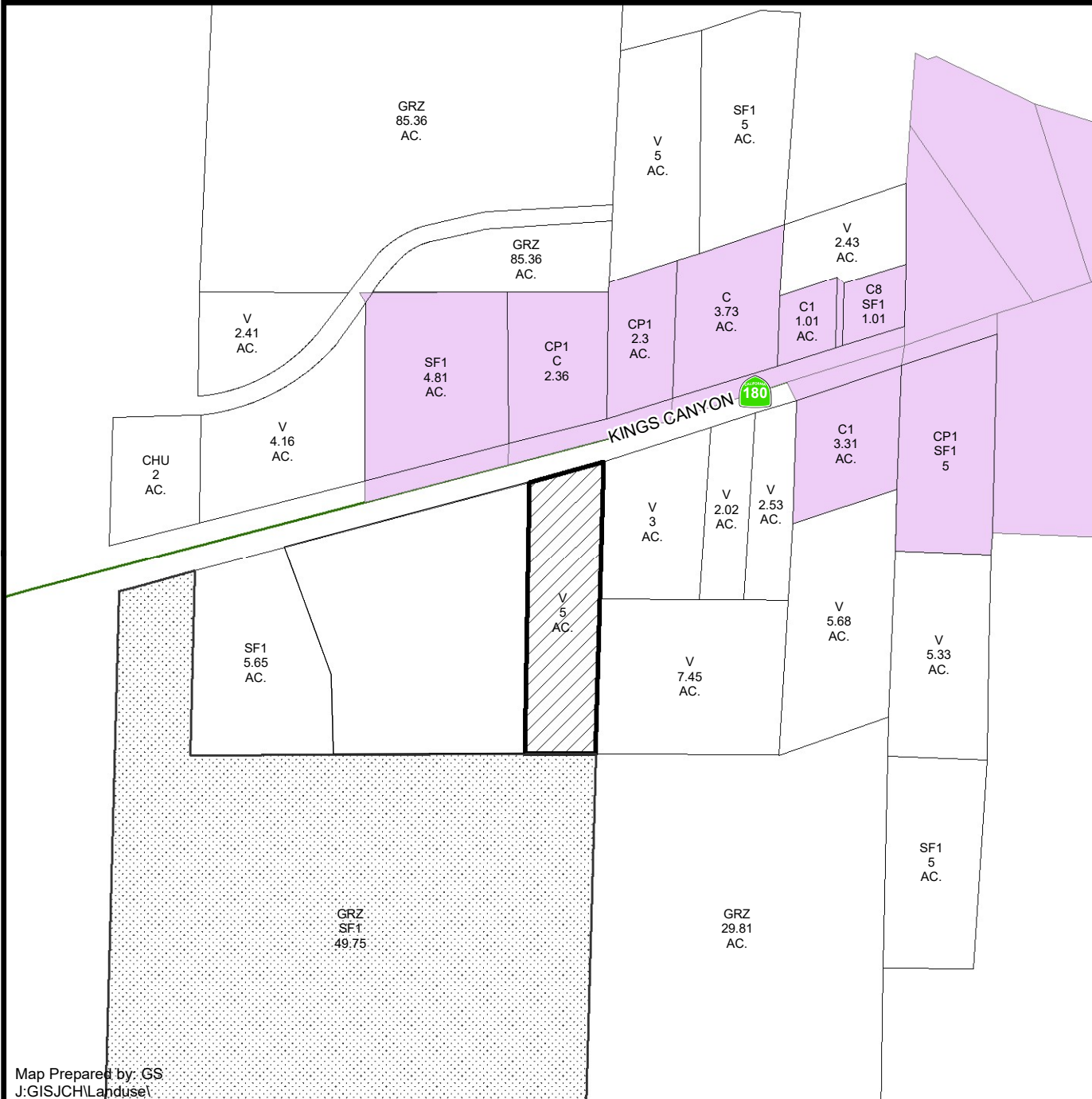
EXISTING ZONING MAP



Legend




 Mountain Overlay District

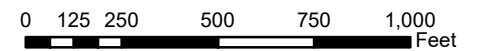
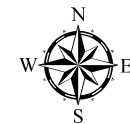
EXISTING LAND USE MAP



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

Legend

-  Ag Contract Land
-  Subject Property
-  Mountain Overlay District



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.

EXHIBIT 6

Uses Allowed Under the C-6 (c) (General Commercial, Conditional) Zoning

Uses permitted "by right" shall be limited to:

- Variety stores
- Automobile parts sales (new)
- Hardware stores

SECTION 838

"C-6" - GENERAL COMMERCIAL DISTRICT

The "C-6" District is 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.

SECTION 838.1 - USES PERMITTED

The following uses shall be permitted in the "C-6" District. All uses shall be subject to the Property Development Standards in Section 838.5.

(Amended by Ord. 490.174 adopted 4-2-79)

- ~~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 and truck sales with incidental repairs and service within a completely enclosed building.~~
- ~~10. Automobile service stations.~~
- ~~11. Bakeries, retail.~~
- ~~12. Banks.~~
- ~~13. Bars and cocktail lounges.~~
- ~~14. Barber shops.~~
- ~~15. Baths (turkish, etc.).~~
- ~~16. Beauty shops.~~
- ~~17. Bicycle shops.~~
18. Boat sales and boat liveries.
(Amended by Ord. 490.8 adopted 9-17-63)
- ~~19. Body and fender shops (when located within a completely enclosed building).~~

- ~~20. Bowling alleys.~~
- ~~21. Building and loan offices.~~
- ~~22. Business colleges.~~
- ~~23. Communications equipment buildings.~~
- ~~24. Confectionaries (with incidental manufacturing).~~
- ~~25. Delicatessens.~~
- ~~26. Diaper service.~~
- ~~27. Drug stores.~~
- ~~28. Drive-in restaurants.~~
- ~~29. Electrical distribution substations.~~
- ~~30. Electrical supplies.~~
- ~~31. Equipment rental; except heavy construction equipment.~~
- ~~32. Farm equipment dealers.~~
- ~~33. Feed and fuel.~~
- ~~34. Florist.~~
- ~~35. Frozen food lockers.~~
- ~~36. Furniture stores.~~
- ~~37. Furniture upholstery shop (retail custom work).~~
- ~~38. Garden supplies.~~
- ~~39. Greenhouses.~~
- ~~40. Groceries.~~
- ~~41. Gymnasiums.~~
42. Hardware stores.
- ~~43. Hobby shops.~~
- ~~44. Trailer house sales and rentals and the use of a trailer house as a sales office in conjunction with trailer house sales yards.~~
(Added by Ord. 490.18 adopted 12-29-64)
- ~~45. Ice storage.~~

~~46.— Laboratories:~~

- ~~a.— Biological.~~
- ~~b.— Dental.~~
- ~~c.— Medical.~~
- ~~d.— Optometrical.~~
- ~~e.— Testing.~~

~~47.— Laundry and dry cleaning pickup agencies for work to be done elsewhere.
(Added by Ord. 490.14 adopted 6-9-64)~~

~~48.— Laundry, self service.~~

~~49.— Leather goods (including the sale of saddles) and retail custom work.~~

~~50.— Libraries.~~

~~51.— Liquor products (packaged).~~

~~52.— Machinery sales and rental, except heavy construction machinery.~~

~~53.— Mattress shops.~~

~~54.— Meeting halls.~~

~~55.— Miniature golf courses.~~

~~56.— Model home display.~~

~~57.— Monument and tombstone sales (retail only).~~

~~58.— Mortuaries.~~

~~59.— Motion picture theaters.~~

~~60.— Newspaper stands.~~

~~61.— Offices:~~

- ~~a.— Administrative.~~
- ~~b.— Business.~~
- ~~c.— General.~~
- ~~d.— Medical.~~
- ~~e.— Professional.~~

~~62.— Pet shops.~~

~~63.— Photographic studios.~~

~~64.— Photographic supplies.~~

~~65.— Plant nurseries.~~

~~66.— Plumbing supplies (when located within an enclosed building or solid masonry walls).~~

- 67. — Pool and billiards.
(Added by Ord. 490.14 adopted 6-9-64)
- 68. — Post offices.
- 69. — Pottery sales.
- 70. — Print shop, lithographing, publishing, blueprinting.
- 71. — Public parking lots.
- 72. — Radio and television broadcasting studios.
- 73. — Radio and television sales and service.
- 74. — Reading rooms.
- 75. — Reducing salons.
- 76. — Repair garages.
- 77. — Restaurants.
- 78. — Retail poultry and rabbit sales (with incidental slaughtering and dressing).
- 79. — Secondhand stores (completely enclosed building).
- 80. — Shoe repair shops.
- 81. — Sign painting.
- 82. — Signs, subject to the provisions of Section 838.5.
- 83. — Skating rinks.
- 84. — Sporting goods.
- 85. — Storage garages.
- 86. — Superdrug stores.
- 87. — Swimming pools.
- 88. — Taxidermist.
- 89. — Tinsmiths.
- 90. — Tire sales (retail only).
- 91. — Temporary or permanent telephone booths.
- 92. — Tobacco products.
- 93. — Tropical fish raising.

94. Variety stores.
- ~~95. Veterinarians.~~
- ~~96. Water pump stations.~~
- ~~97. Recreation vehicle and boat storage yards.~~
(Added by Ord. 490.70 adopted 11-16-71)
- ~~98. Dance studios or dancing academies.~~
(Added by Ord. 490.111 adopted 1-6-76)
- ~~99. 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)
- ~~100. 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)
- ~~101. Day nursery commercial.~~
(Added by Ord. 490.188 adopted 10-29-79)
- ~~102. Video stores.~~
(Added by Ord. T-046-315 adopted 1-5-93)
- ~~103. 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: John J. Shields on behalf of Arlan J. & Eileen Haroldsen
- APPLICATION NOS.: Initial Study Application No. 7543 and Amendment Application No. 3835
- DESCRIPTION: Rezone a five-acre parcel from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial, Conditional) Zone District limited to variety stores, automobile parts sales (new) and hardware stores.
- LOCATION: The project site is located on the south side of State Route (SR) 180 approximately 2,540 feet east of its intersection with George Smith Road within the unincorporated community of Squaw Valley (Sup. Dist. 5) (APN 185-450-14).

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is currently undeveloped and located within the unincorporated community of Squaw Valley. The surrounding land uses are industrial, commercial and rural residential. Although the project area contains some scenic qualities, no known designated scenic vista or scenic resources exist in the immediate vicinity of the site that will be impacted by the subject proposal.

The project site fronts State Route (SR) 180, which is identified as a scenic highway in the County General Plan. General Plan Policy OS-L.3 requires that commercial developments adjacent to scenic drives provide for maintenance of natural open space area 200 feet in depth parallel to the road right-of-way. This policy also provides for flexibility if the project dimensions preclude such setback. Although the strict application of this policy requires a 200-foot setback along SR 180, building setbacks maintained by the existing developments on the north and south sides of SR 180 range from 5 feet to 180 feet, excluding the ultimate right-of-way for SR 180 (60 feet north and 60 feet south of the centerline). The most recent development (public library) on the adjacent westerly

parcel maintains an approximately 180-foot setback from the SR 180 right-of-way, and the parcel depth matches with the depth of the subject property. Considering the prevailing setbacks in the area (maximum 180 feet), the future commercial development on the property will also maintain a minimum 180-foot setback from SR 180 right-of-way. As such, the proposed 180-foot scenic highway setback versus the 200-foot required is consistent with the flexibility identified in General Plan Policy OS-L.3.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly-accessible vantage points.) 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:

The project site is currently undeveloped. The surrounding developed parcels contain industrial, commercial and rural residential uses. Parcels to the north and east contain offices, a hardware store and lumberyard, and single-family residences, while parcels to the east contain a public library, County Sheriff's office, and single-family residences. Parcels to the south are undeveloped. The developed parcels are zoned C-6(mc) (General Commercial, Mountain Overlay, Conditional), M-3(mc) (Heavy Industrial; Mountain Overlay, Conditional), and C-M (Commercial and Light Manufacturing).

Per County Zoning Ordinance, the RR zoning is intended to create or preserve rural or very large lot residential homesites where a limited range of agricultural activities may be conducted. By-right uses allowed in the RR Zone District include single-family residences, greenhouses, bovine animals, home occupations, boat and trailer storage facilities, small-scale poultry operations, and plant nurseries. Likewise, C-6 (General Commercial) zoning is 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. By-right uses allowed in the C-6 Zone District include retail shops, automobile service stations, storage yards, restaurants, banks, offices, driving schools, laboratories and variety stores.

The subject property is designated Mountain Urban in the County-adopted Sierra-South Regional Plan to provide for concentration of residential development, and various intensities of commercial activities and industrial uses where appropriate. As such, the proposed rezone of the subject property from the RR (Rural Residential) Zone District to a C-6 (General Commercial) Zone District to allow variety stores, automobile parts sales (new) and hardware stores is consistent with other uses currently established on C-6, C-4 and C-M zoned parcels in the area and will not degrade the existing visual character or quality of public views of the site and its surroundings

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

FINDING: NO IMPACT:

The subject application involves no development and therefore no lighting impacts will result from this proposal. The proposed commercial development in the C-6(c) Zone District requires a Site Plan Review (SPR). The lighting requirements will be addressed through SPR at the time use is established on the property.

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 Department 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; or
- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not a forest land, timberland, or restricted by a Williamson Act Land Conservation Contract. The Department of Conservation's Important Farmland Map (2014) classifies the site as Grazing Land. Per the County Zoning Ordinance, the project site is currently zoned RR (Rural Residential, two-acre minimum parcel size) and designated Mountain Urban in the County-adopted Sierra-South Regional Plan. The subject rezoning from the RR Zone District to a C-6 (General Commercial) Zone District is conditionally compatible with the Mountain Urban designation in the Sierra-South Regional Plan and allows variety stores, automobile parts sales (new) and hardware stores as by-right uses in the C-6 Zone District.

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. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the San Joaquin Valley Air Pollution Control District (Air District) the subject proposal will have no impact on air quality. However, future on-site development proposals will contribute to the overall decline in air quality due to construction activities, increased traffic, and ongoing operational emission, and be subject to Air District Rule 9510 (Indirect Source Review).

This rule requires that the applicant shall submit an Air Impact Assessment (AIA) Application with the Air District prior to applying for the final discretionary approval and shall pay applicable off-site Mitigation Fees prior to issuance of the first Grading/ Building Permit. The Applicant is working on the AIA Application and will submit it to the District prior to the final decision made by the decision-making body on the subject proposal.

Other Air District rules that may apply to the proposed development are: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance and Operations), and District Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. These requirements will be included as Project Notes.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

There are no sensitive receptors near the property. The Air District expressed no concerns in that regard.

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

FINDING: NO IMPACT:

The project will not produce emissions such as those leading to odors that will adversely affect people on or around the project site.

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; or
- 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; or
- 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; or
- 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: NO IMPACT:

The project area entails commercial, industrial and rural residential uses. The site does not contain any riparian features, wetlands, or waters under the jurisdiction of the United States.

The project was routed to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for review and comments. Neither agency expressed any concerns related to impact on biological resources. As such, no impacts were identified on: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) the movement of any native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or native wildlife nursery sites.

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

There are no conservation plans that apply to the project area. The subject proposal and the resultant development will not conflict with any relevant local or regional conservation policies.

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:

The project area is designated as highly sensitive for archeological resources. The Southern San Joaquin Valley Information Center (SSJVIC) reviewed the subject proposal and recommended a new archeological survey, as the area was last surveyed over five years ago (1991) and found to have no cultural resources. The Native Americans Heritage Commission (NAHC) also conducted a Scared Lands Search for the project site and reported negative results in its search for any sacred sites.

A Cultural Resource Assessment (Study) was prepared for the project by Rincon Consultants, Inc. and dated January 24, 2019. According to the Study, a cultural resources survey of the project site was conducted by an archeologist to identify potential significant cultural resources located within the subject property boundaries, as well as document the results of a cultural resources records search conducted at SSJVIC and Native American outreach.

According to the Study, no archeological resources were found on the project site; the NAHC Scared Lands File Search (SFR) were negative; and the SSJVIC records search identified no previously-recorded cultural resources within the project site and a 0.25 mile radius surrounding it. The SSJVIC records search identified six previously-conducted cultural resources studies within a 0.25-mile radius of the project site, one of which was conducted in 1991 for a parcel adjacent to and west of the project site covering a 10-mile radius. This study recorded the presence a large burial site outside the current project site but within a 0.5-mile radius suggesting high archaeological sensitivity of the project site and vicinity. Although, the project site survey did not identify any surface indication of archaeological deposits, the record search yielded anecdotal evidence of a possible bedrock milling feature and a recorded burial site outside but near the project site. Based on the sensitivity of the project site, the Study recommended a Worker's Environmental Awareness Program training in archaeological sensitivity for all construction personnel. The Study also recommended that in the case of unanticipated discovery of archeological resources and/or human remains, all

activities should be halted and proper authorities be called in to evaluate the find and make recommendations. Adherence to these requirements, included as Mitigation Measures, will reduce impact to historical, archeological or paleontological resources to less than significant:

* **Mitigation Measures:**

1. *A qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program training in archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.*
2. *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?
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

The subject proposal involves no development and therefore will not conflict with any state or local plans for renewable energy. Should this rezone application be approved, it is reasonable to expect that electricity conservation measures and/or renewable energy measures (e.g., solar) will be incorporated in the design of the proposed commercial uses.

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?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
4. Landslides?

FINDING: NO IMPACT:

The project site is flat, and is not located near a fault line or an area of known landslides. The nearest earthquake fault is approximately 40 miles east of the project site. The project will not adversely affect any earthquake fault and will not cause seismic ground shaking, ground failure due to liquefaction, or landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves no development and will not result in substantial erosion or loss of topsoil. Any site grading and drainage associated with future commercial development will adhere to the Grading and Drainage Sections of the County Ordinance Code.

- 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; or
- 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:

See discussion above in Section VII. A. Future development on the property will implement all applicable requirements of the most recent California Building Standards Code, and will consider hazards associated with seismic design of buildings and shrinking and swelling of expansive soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Future commercial development on the property will be served by an individual sewage disposal system.

According to the Fresno County Department of Public Health, Environmental Health Division, the subject property can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), on-site wastewater treatment system (OWTS) policy and California Plumbing Code. Also, a test hole and inspection shall be required prior to the issuance of construction permits. These requirements will be included as Project Notes.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES

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: NO IMPACT:

No impacts identified in the project analysis related to greenhouse gas emission. The subject proposal involves no development on the property at this time. However, the future development proposals on the property in the C-6(c) Zone District will require a Site Plan Review and review of the project by the Air District for any issues related to greenhouse gas emission.

IX. 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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

The project does not involve transport, use, disposal, release, or handling of hazardous materials. Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and stated that 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. These requirements will be included as Project Notes.

The project is not located within one quarter-mile of a school. The nearest school, Squaw Valley Christian School, is over one half-mile southwest of the project site.

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

FINDING: NO IMPACT:

The project site is not a hazardous materials site. No impacts would occur.

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

FINDING: NO IMPACT:

The project site is not located within an airport land use plan area, within two miles of a public use airport, or near a private airstrip. The nearest, Peg Field Airport, is approximately 8.6 miles west of the site.

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

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan.

- G. 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 project site is within a wildland area and will be subject to applicable SRA (State Responsibility Area) Fire Safe Regulations. The future commercial development on the

property will be subject to the Fresno County Fire Protection District requirements as noted in Section XV. A. 1. PUBLIC SERVICES of this report.

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS concerning waste discharge requirements.

Concerning impact on groundwater quality, the Fresno County Department of Public Health, Environmental Health Division (Health Department) requires the following: 1) in an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction; and 4) the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements; and 5) if any underground storage tank(s) are found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department. These requirements will be included as Project Notes.

The Regional Water Quality Control Board, Central Valley Region also reviewed the subject proposal and expressed no concerns with the project.

- 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:

The project site is located in a water-short area. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns related to water availability or sustainability for the project.

The future commercial development either will use groundwater via an existing on-site well, or will connect to a community water system. The State Water Resources Control Board, Division of Drinking Water reviewed water quality data for the well water and determined that it meets the State-mandated drinking water standards. Permits would

be required from the State Water Resources Control Board – Division of Drinking Water (SWRCB-DDW) to operate the well as a public water system.

SWRCB-DDW also noted that per Senate Bill (SB) 1263, an applicant submitting an application for a permit for a proposed new public water system (PWS) must first submit a preliminary technical report to SWRCB-DDW at least six months prior to initiating any water related improvements to look at consolidating with nearby existing water systems in the project area. In compliance of the Bill, a Condition of Approval would require that the applicant submit a preliminary technical report to SWRCB-DDW six months prior to any water-related construction for the future development on the property. Likewise, a Project Note from Fresno County Department of Public Health, Environmental Health Division would require that the applicant shall submit an application for a permit to operate a Public Water System and supporting information, in the form of a technical report, to the California Department of Health Services, Drinking Water Field Operations Branch for review.

- 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:
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 off site; 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 the United States Geological Survey Quad Maps, no natural drainage channels run adjacent to or through the subject property. No impact on water channels would occur.

Future commercial development on the property will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface runoff with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. Site drainage requirements appropriate to the proposed uses will be addressed through mandatory Site Plan Review. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, such development shall require: 1) an Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties; 2) a Grading Permit or Voucher; and 3) disposal of storm water runoff per County Standards. These requirements will be included as Project Notes.

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

FINDING: NO IMPACT:

The project site is not located in flood hazard, tsunami, or seiche zones. According to FEMA FIRM Panel 2250H, the parcel is not subject to flooding from the 100-year storm.

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

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan. No concerns in that regard were expressed by the Water and Natural Resources Division of the Department of Public Works and Planning.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project is located within the unincorporated community of Squaw Valley and will not physically divide the 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:

The subject property is designated as Mountain Urban in the County-adopted Sierra-South Regional Plan and located within the unincorporated community of Squaw Valley. The subject proposal is limited to the rezoning of a five-acre parcel from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial; Conditional) Zone District limited to variety stores, automobile parts sales (new) and hardware stores. The proposal will not be in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project other than the County, and complies with the following General Plan policies:

Regarding Policy 406-01:11.03.a. of the Sierra-South Regional Plan, the subject parcel is located along a major thoroughfare (State Route 180). Future commercial development will require a single site access off SR 180 and be approved by the California Department of Transportation, will allow multiple retail uses under one roof, and will maintain sufficient on-site area for water and sewage facilities and parking.

Regarding Policy 406-01:11.03.b. of the Sierra-South Regional Plan, the future commercial development will either connect to a community water system or be served by an on-site well and individual sewage disposal system.

Regarding Policy 406-01:11.03.d. of the Sierra-South Regional Plan, future commercial development will subject to Site Plan Review to address the following: adequate on-site parking, a 50-foot front-yard setback (either open space or landscaped), and driveway access off SR 180, meeting California Department of Transportation permit requirements.

Regarding General Plan Policy OS-L.3, the proposed 180-foot scenic highway setback of natural open space along State Route 180 versus the recommended 200-foot setback is consistent with the setbacks maintained by development on other parcels in the vicinity.

Regarding General Plan Policy LU-F.23, future commercial development will either utilize an on-site water well or consolidate with an existing community water system in the area.

Regarding General Plan Policy LU-F.24, the future commercial development will require landscaping along the property frontage to minimize the visual impact of development on the property from State Route 180.

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 project site is not located in a mineral resources area identified in Policy OS-C.2 of the General Plan. No impact would occur.

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: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise. The proposed commercial development of the property will adhere to the provisions of the Fresno County Noise Ordinance.

- 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 project site is not located within an airport land use plan area, within two miles of a public use airport, or near a private airstrip. The nearest, Peg Field Airport, is approximately 8.6 miles west of the site.

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: NO IMPACT:

The project site is currently undeveloped. The proposed rezone or the resultant commercial development will not contribute to population growth.

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 following public services:
 - 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is within a wildland area. Future site development will be subject to the California Code of Regulations Title 24 – Fire Code, approval of County-approved site plans by the Fire District prior to issuance of building permits by the County, annexation to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District, and compliance with the California Code of Regulations Title 14 – Natural Resources 1272.00 Maintenance of Defensible Space Measures. These requirements will be addressed through mandatory Site Plan Review at the time the proposed use is established on the property.

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

FINDING: NO IMPACT:

The Fresno County Sheriff expressed no concerns with the subject proposal. The project will not impact schools, parks or other public facilities.

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:

The project will not require the construction or expansion of recreational facilities, or the use of existing neighborhood parks.

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: LESS THAN SIGNIFICANT IMPACT:

As required by the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning and the California Department of Transportation, a Traffic Impact Analysis (TIA) was prepared for the project by K. D. Anderson & Associates, Inc., and dated January 10, 2019. The TIA analyzed the traffic impacts associated with developing variety stores and other less intense uses as future development proposals on the property. To assess traffic impacts, the TIA determined the characteristics of the proposed project, including estimated trip generation and the directional distribution/assignment of project-generated traffic, and quantified impacts at the Kings Canyon Road/George Smith Road and Kings Canyon Road/Elwood Road intersections.

According to the Traffic Impact Analysis (TIA), development of the project alone does not result in a significant impact to traffic based on the criteria adopted by Fresno County. Satisfactory operations are currently experienced at the study intersections and no changes to existing Levels of Service (LOS) are projected with the development of the site. Traffic signals are not warranted. The project access will be improved to Caltrans encroachment permit standards and the traffic volume associated with the project does not result in conditions that satisfy a separate left turn lane on State Route 180.

In terms of long-term Cumulative Traffic Impacts, the TIA noted the study intersections are projected to operate in the future without significant delays utilizing existing traffic controls. The average delay for all vehicles would not exceed the County's LOS (Level of Service) 'C' minimum standards with or without development of the proposed project. The proposed project would contribute its fair share to the cost of regional circulation improvements by paying adopted fees, but no additional mitigation related to roadway capacity and LOS is required.

The California Department of Transportation (Caltrans) and the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning concurred with the findings of the Traffic Impact Analysis (TIA) and expressed no concerns with the project. A Condition of Approval would require that at the time of development, the project shall pay into the Fresno County Regional Transportation Mitigation Fee (RTMF) through the Fresno County Council of Government. Additionally, another Condition of Approval would require that design of the site access off State Route 180 shall meet Caltrans encroachment permits standards.

- B. Conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b)?

FINDING: NO IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning and California Department of Transportation reviewed the subject proposal and expressed no concerns about the CEQA Guidelines Section 15064.3, subdivision (b) noted above.

The subject property is located in the unincorporated community of Squaw Valley several miles away from any major urban development. The closest city, Orange Cove, is approximately 7.6 miles southwest of the project site. Other major cities (Sanger, Parlier, Reedley) are located southwest of the site farther than the City of Orange Cove.

Should the subject rezone application be approved, the project site could be developed with a variety store, automobile parts sales store or a hardware store. With limited or no similar facilities currently available in Squaw Valley or the nearby unincorporated communities of Dunlap and Miramonte, the residents of Squaw Valley currently are, and will continue, driving out of town for such facility located within the City of Orange Cove and other cities and adding miles travelled across rural areas of the County. In contrast, it is reasonable to expect that the proposed facility will serve the local residents and help reduce total vehicle miles travelled out of town. Given this scenario, staff believes the proposed development would not conflict or be inconsistent with above-noted CEQA Guidelines.

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The subject rezone application involves no development. The California Department of Transportation will review site access for future commercial development and Fresno County Fire Protection District will analyze any emergency fire access prior to the issuance of building permits. All of these will be addressed through mandatory Site Plan Review in the C-6(c) Zone District.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

The project site is located in an area designated to be highly sensitive for archeological resources. Table Mountain Rancheria, Santa Rosa Rancheria Tachi Yokut Tribe, and Picayune Rancheria of Chukchansi Indians reviewed the proposal and expressed no concerns with the project. Dumna Wo Wah Tribal Governments, requested a consultation and was invited to meet with the staff. However, in the absence of any communication from the tribe, staff was unable to come to a consensus on the presence of Tribal Cultural Resources (TCRs) on the property and concluded consultation. A letter to the tribe concluding consultation also included a copy of the Cultural Resources Assessment prepared for the project and letters from the Native American Heritage Commission (NAHC) and Southern San Joaquin Valley Information Center (SSJVIC) documenting that no cultural resources were found on the property. The Mitigation Measures included in Section V. CULTURAL RESOURCES of this report will further safeguard Tribal Cultural Resources (TCRs) in case unexpected resources are discovered on the property.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS and Section X. B. HYDROLOGY AND WATER QUALITY. Additionally, the project would not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY.

- 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:

See discussion above in Section VII. E. GEOLOGY AND SOILS.

- 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: NO IMPACT:

The subject rezoning will result in no impact on solid waste. Impacts related to future commercial development will be addressed through mandatory Site Plan Review in the C-6(c) Zone District.

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; or
- 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: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section XV. A. 1. PUBLIC SERVICES

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:

The project will have no impact on sensitive biological resources. Impacts on cultural resources will be addressed with the Mitigation Measure discussed in Section V. A. B. C. D. of this analysis.

- 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:

The commercial development resultant of the subject proposal will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than cultural resources and transportation. These impacts will be addressed with the Mitigation Measures discussed in Section V. A. B. C. D. and Section XVII. A. of this analysis.

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

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study (IS) No. 7543 prepared for Amendment Application No. 3835, 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 agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, noise, population and housing, or recreation.

Potential impacts related to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation, tribal cultural resources, utilities and service systems and wildfire have been determined to be less than significant.

Potential impacts to cultural resources have been determined to be less than significant 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” Streets, Fresno, California.

EA:
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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 7543	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): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Project Applicant/Sponsor (Name): John J. Shields	Project Title: Amendment Application (AA) No. 3835		
Project Description: Rezone a five-acre parcel from the RR (Rural Residential) Zone District to a C-6(c) (General Commercial, Conditional) Zone District limited to variety stores, automobile parts sales (new) and hardware stores. The project site is located on the south side of State Route (SR) 180 approximately 2,540 feet east of its intersection with George Smith Road within the unincorporated community of Squaw Valley (Sup. Dist. 5) (APN 185-450-14).			
Justification for Negative Declaration: Based upon the Initial Study (IS 7543) prepared for Amendment Application No. 3835, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to agriculture and forestry resources, air quality, biological resources, energy, greenhouse gas emissions, mineral resources, noise, population and housing, or recreation.. Potential impacts related to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation, tribal cultural resources, utilities and service systems and wildfire have been determined to be less than significant. Potential impact related to cultural resources have been determined to be less than significant with the identified mitigation measure. The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast 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 – February 4, 2019		Review Date Deadline: Planning Commission – March 7, 2019	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Ejaz Ahmad	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EA:
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EXHIBIT 8