

square-foot minimum parcel size) Zone District to the R-P(c) (Residential and Professional Office, Conditional) Zone District limited to existing residential buildings; one-family, two-family or multiple-family dwellings; ground floor only medical, dental, or professional office; and signs. The project site is located on the south side of Shaw Avenue on the southeast corner of its intersection with Third Street, in the unincorporated community of Biola (SUP. DIST. 1) (APN 016-480-30). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7402, and take action on Amendment Application No. 3827 with Findings and Conditions.

-Contact person, Danielle Crider (559) 600-9669, email: dacrider@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

4. **GENERAL PLAN CONFORMITY APPLICATION (GPC)** filed by **CLOVIS UNIFIED SCHOOL DISTRICT**, proposing to acquire approximately 22.7 acres of property for a new elementary school site (with related facilities) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed site is located at the southeast corner of North Minnewawa Avenue and East International Avenue, approximately 1.25 miles north of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APN 580-080-16S).

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

5. **GENERAL PLAN CONFORMITY APPLICATION (GPC)** filed by **FOWLER UNIFIED SCHOOL DISTRICT**, proposing to acquire approximately 3 acres of property to expand the District's Marshall Elementary School campus (with related facilities) in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The proposed site is located on the west side of South Armstrong Avenue, 770 feet north of East Adams Avenue, adjacent to the city limits of the City of Fowler at the southern property line (SUP. DIST. 4) (APN 340-130-09).

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

6. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

Requests for disability-related modification or accommodation reasonably necessary in order to participate in the meeting must be made to Suzie Novak, Planning Commission Clerk, by calling (559) 600-4497 or email knovak@fresnocountyca.gov, no later than the Monday preceding the meeting by 9:00 a.m.

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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.

EA:ksn
G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3835\SR\IAA 3835 SR Rev.docx

**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.

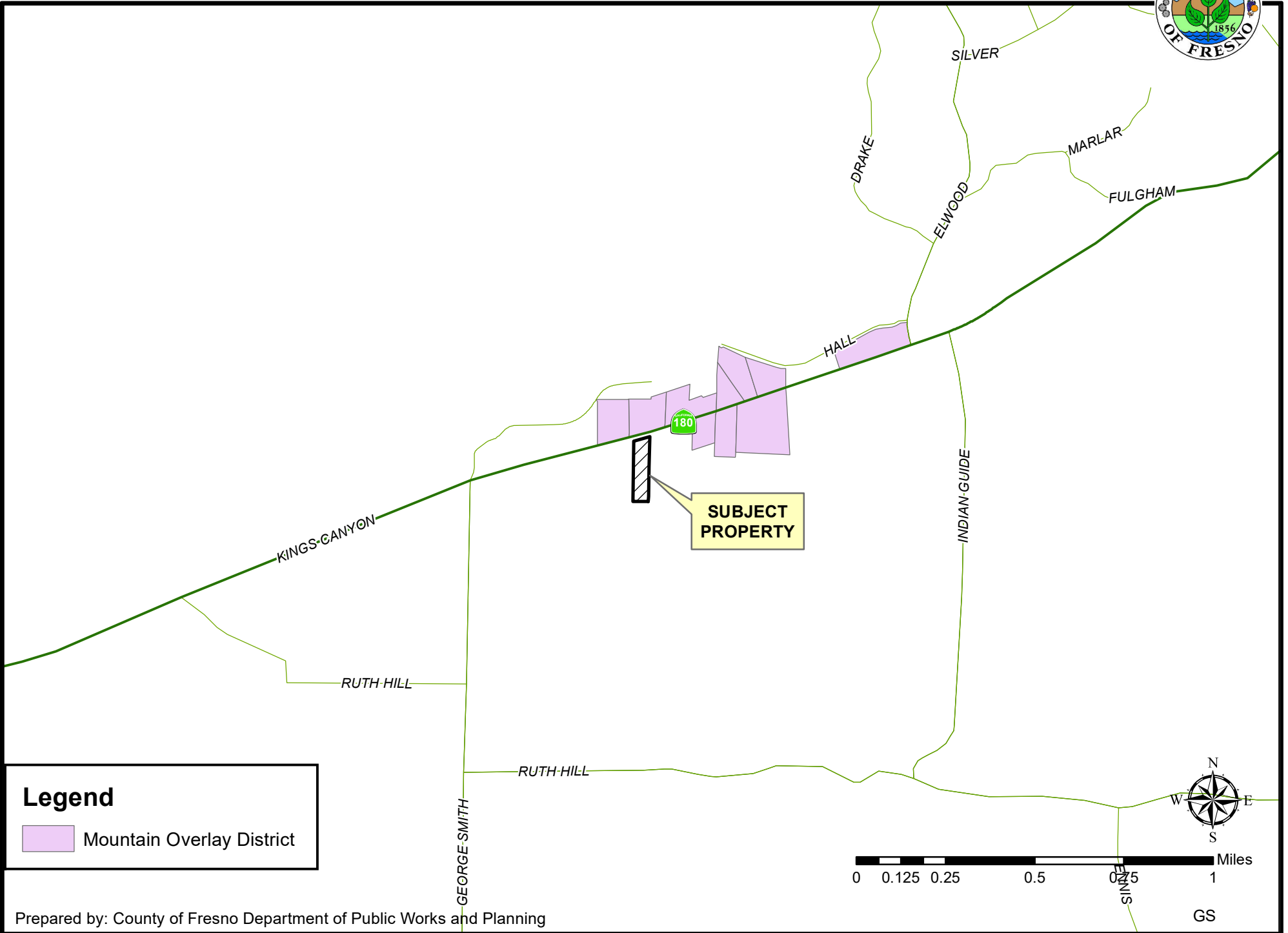
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.
Conditions of Approval reference recommended Conditions for the project.

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>

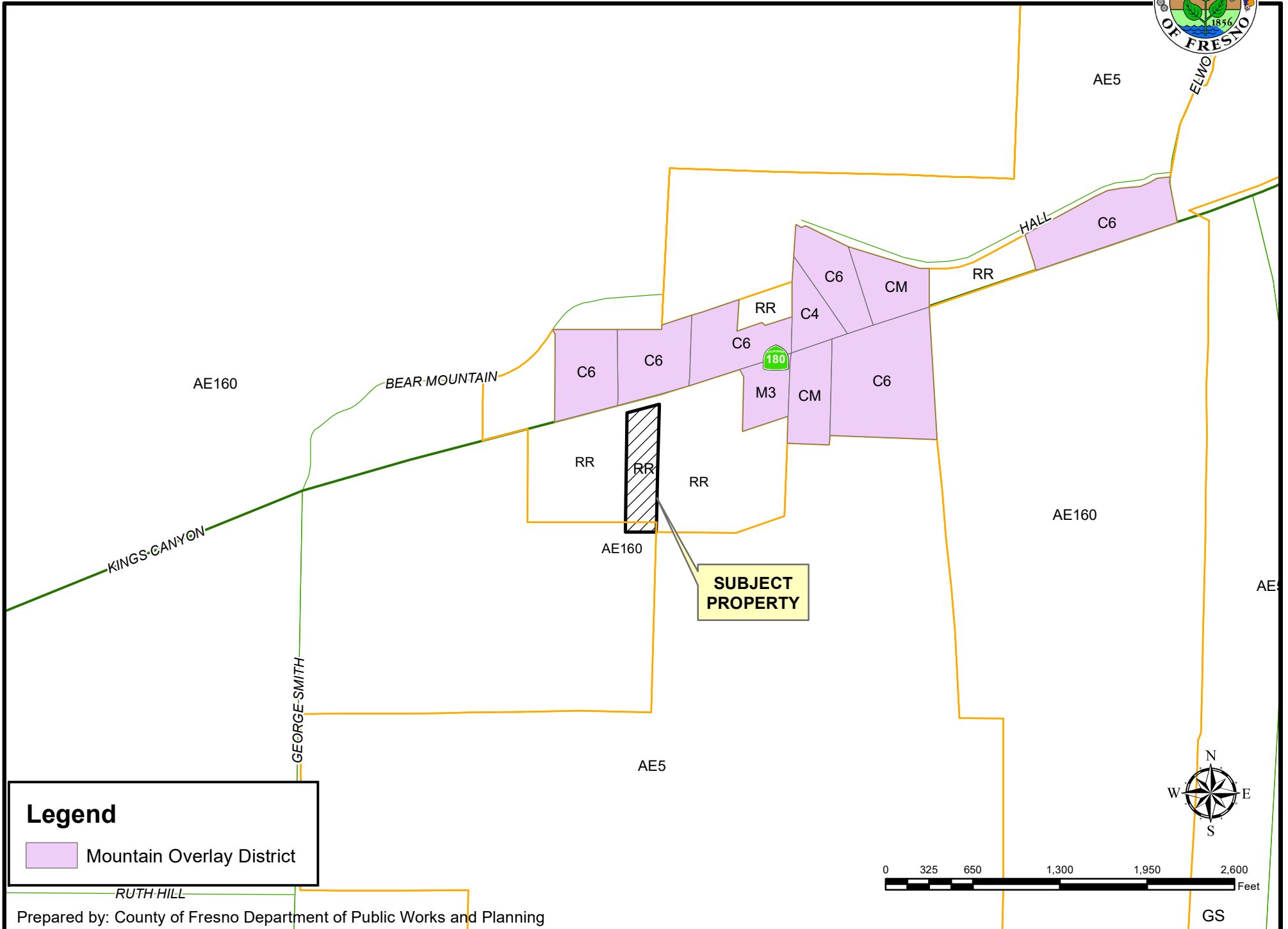
Project Notes

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

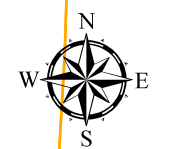
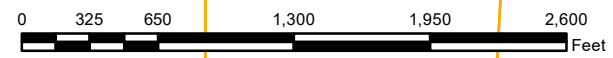


EXISTING ZONING MAP

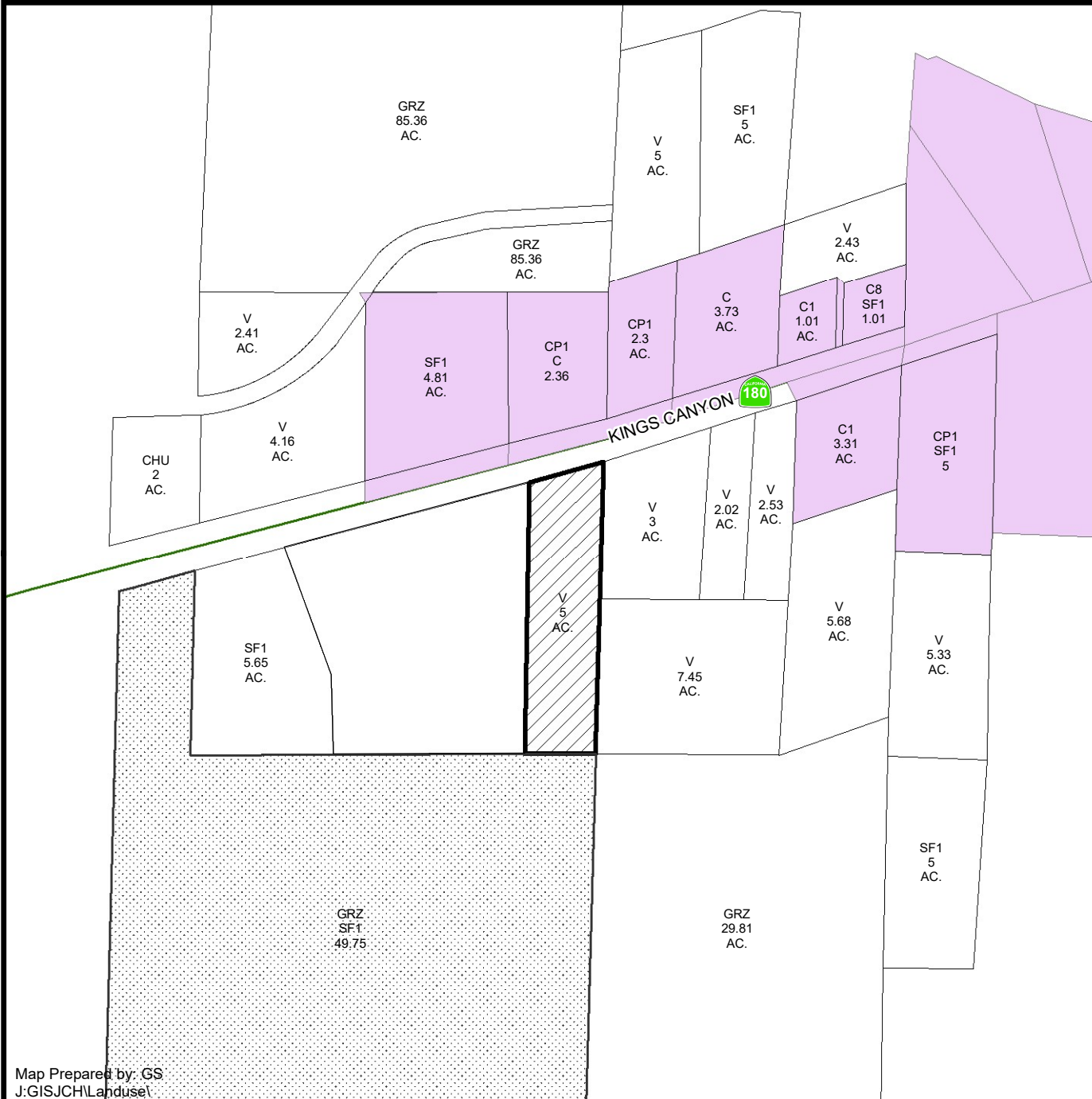


Legend

 Mountain Overlay District






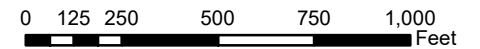
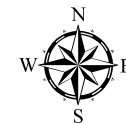
EXISTING LAND USE MAP



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



County of Fresno

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

REVISED

Planning Commission Staff Report Agenda Item No. 3 March 7, 2019

SUBJECT: Initial Study Application No. 7402 and Amendment Application No. 3827

Rezone a 1.00-acre parcel from the R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Zone District to an R-P(c) (Residential and Professional Office, Conditional) Zone District limited to existing residential buildings; one-family, two-family or multiple-family dwellings; ground floor only medical, dental, or professional office; and signs.

LOCATION: The project site is located on the south side of Shaw Avenue on the southeast corner of its intersection with Third Street, in the unincorporated community of Biola (SUP. DIST. 1) (APN 016-480-30).

OWNER: Central Valley Medical Services, LLC
APPLICANT: Xin Ling Lao

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

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. 7402; and
- Recommend that the Board of Supervisors find that the proposed rezone is consistent with the County General Plan, including the Housing Element, and the Biola Community Plan. Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for very low and low income population by one acre,

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 six and seven of the staff report. The remaining unmet need for Fresno County’s share of its Regional Housing Needs Allocation (RHNA) for the very low and low 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 (AA) No. 3827 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Condition of Approval 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 Proposed R-P(c) Zoning
6. Uses Allowed in the R-2 Zone District
7. Summary of Initial Study Application No. 7402
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT, OPERATIONAL INFORMATION AND STANDARDS:

Site Development and Operational Information:

Criteria	Existing	Proposed
General Plan Designation	Medium-Density Residential in the County-adopted Biola Community Plan	No change
Zoning	R-2 (Low-Density Multi-Family Residential, 6,600 square-foot minimum parcel size)	R-P(c) (Residential and Professional Office, Conditional) Zone District limited to the uses listed in Exhibit 5
Parcel Size	1.00-acre parcel	No change
Structural Improvements	None	No change
Nearest Residence	Approximately 8 feet south and east of the subject parcel	No change

Criteria	Existing	Proposed
Surrounding Development	Multi-family residential, single-family residential, agricultural	No change
Operational Features	None	Dependent on future use
Employees	None	Dependent on future use
Customers	None	Dependent on future use
Traffic Trips	None	Dependent on future use
Lighting	None	Dependent on future use
Hours of Operation	None	Dependent on future use

Setback, Separation and Parking:

	Current Standard: R-2	Proposed Standard: R-P(c)	Is Standard Met (y/n)
Setbacks	Front: 15 feet Side: 5 feet Street side: 20 feet Rear: 20 feet	Front: 15 feet Side: 10 feet Street side: 20 feet Rear: 10 feet	Applied at the time of development
Parking	<u>Residential:</u> One covered parking space per dwelling unit	<u>Residential:</u> One covered parking space per dwelling unit <u>Non-Residential:</u> One parking space per 225 square feet of gross floor area, unless otherwise specified in Section 855-l of the Zoning Ordinance (determined through Site Plan Review)	Applied at the time of development
Lot Coverage	50% maximum coverage	50% maximum coverage	Applied at the time of development
Separation between Buildings	10 feet or greater (depending on specific development)	<u>Residential:</u> Standards are the same for R-P and R-2 <u>Non-Residential:</u> No requirement for non-	Applied at the time of development

	Current Standard: R-2	Proposed Standard: R-P(c)	Is Standard Met (y/n)
		residential development	
Wall Requirements	No requirements	If developed with a non-residential use, a solid masonry wall of 5-6 feet must be built along the property lines that abut residential zone districts.	A 7-foot-tall masonry wall was built along the eastern edge of the parcel, and this was allowed by Variance (VA) No. 3810. The 6-foot-tall wooden fence along the southern edge of the parcel must be replaced with a 5-6-foot-tall masonry wall at the time of development.
Septic Replacement Area/Water Well Separation	This parcel will receive water and sewer services from the Biola Community Service District.		

Circulation and Traffic:

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	W. Shaw Avenue N. Third Street	No change
Direct Access to Public Road	Yes	W. Shaw Avenue N. Third Street	No change
Road Average Daily Traffic (ADT)		W. Shaw Avenue: 3,400 ADT N. Third Street: 400 ADT	Dependent on future use
Road Classification		W. Shaw Avenue: Arterial N. Third Street: Local	No change
Road Width		W. Shaw Avenue: 32.6 feet N. Third Street: 22.3 feet	No change
Road Surface		W. Shaw Avenue: Paved N. Third Street: Paved	No change
Traffic Trips		None	Dependent on future use

		Existing Conditions	Proposed Operation
Traffic Impact Study (TIS) Prepared	No	N/A	Staff determined that a TIS was not warranted based on the limited new uses proposed.
Road Improvements Required		N/A	None

Surrounding Properties:

	Size:	Use:	Zoning:	Nearest* Residence:
North	38.2 acres	Vineyard/Single-Family Residence	AE-20	860 feet
South/East	4.83 acres	Multi-Family Residential	R-2	8 feet
West	34 acres	Field Crop/Single-Family Residence	AL-20	95 feet

*As measured from the nearest property line

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for this proposal by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. The IS was updated to clarify staff's analysis and incorporate information provided by interested agencies.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: January 18, 2019.

PUBLIC NOTICE:

Notices were sent to 153 property owners within a quarter mile of the subject parcel, exceeding the minimum notification requirement prescribed by the California Government Code and County Zoning Ordinance.

Note that the Board of Supervisors' hearing for this item will be scheduled and noticed following the Planning Commission's recommendation.

PROCEDURAL CONSIDERATIONS:

A rezoning (Amendment Application) is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezone request is an advisory action and requires 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 1.00-acre subject parcel was the northwest corner of a 17.15-acre parcel zoned AL-20 (Limited Agricultural) on October 18, 1977 by AA No. 2971, which adjusted zone districts throughout the community of Biola to match the County-adopted Biola Community Plan (1976). On March 15, 2005, this 17.15-acre parcel was divided into a 1.00-acre parcel (the subject parcel), a 4.84-acre parcel, and 63 residential lots with a minimum parcel size of 5,000 square-feet. At that time, the subject parcel was also rezoned to the R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Zone District. The 4.84-acre parcel has been developed with multi-family housing since then, and the remaining land has been developed with single-family residences.

If the subject application is approved, the following by-right uses would be allowed on the property: dental, medical, or professional office; and a sign. Additionally, multi-family or single-family residential development, which are already allowed on site, would continue to be allowed.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Consistency with the Housing Element

The 1.00-acre subject parcel is zoned R-2 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 low and very low income households. Development of the subject one-acre lot, according to the R-2 Zone development standards, can accommodate approximately 14 residential units for low and very low income households. As a result of the proposed rezone, the number of units identified in the housing element vacant land inventory for very low and low income households will be reduced by 14 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 1.00-acre parcel from the R-2 Zone District to an R-P(c) (Residential and Professional Office, Conditional) Zone District, does allow the parcel to be developed into a non-residential use. However, the proposed rezone project is consistent with the Fresno County General Plan because the remaining units included in the Housing Element’s vacant land inventory for very low and low income households can accommodate the County’s remaining fifth-cycle RHNA obligation for very low and low 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 1,161 units surplus capacity in very low and low income categories. With the approval of the proposed rezone, this surplus will be reduce by 14 units to 1,147 surplus units. This analysis shows that the remaining unmet share of Fresno County’s RHNA obligation for very low and low 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

Consistency with the General Plan Designation

The subject parcel is located within the unincorporated community of Biola. The County-adopted Biola Community Plan indicates that the subject parcel is designated for Medium-Density Residential Reserve. Medium-Density Residential is conditionally compatible with the R-P Zone District, meaning that certain types of R-P development may not fit within the intended development of the Medium-Density Residential designation. The R-2 Zone District has a maximum density of one dwelling unit per 2,400 square feet of lot area, and the R-P Zone District allows the same residential density.

The Reserve designation on the subject parcel indicates that it is intended for future urban use, but that this urban development should not occur until the land is annexed into the Biola Community Services District (Biola Community Plan). The subject parcel will be served by the Biola Community Services District, so this standard will be met.

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Shaw Avenue is classified as an Arterial road with an existing right-of-way width of 30 feet south of the section line, per Plat Book. The minimum width for an Arterial road right-of-way south of the section line is 53 feet. *Note: The remaining 13 feet was irrevocably offered as a*

Condition of Approval for Tentative Tract (TT) No. 5322, and all setbacks are based off of the ultimate right-of-way.

Shaw Avenue is a County-maintained road. Records indicate this section of Shaw Avenue, from Biola (South) Avenue to Third Street, has an ADT of 3,400, pavement width of 32.6 feet, structural section of 0.3 feet AC, 0.35 feet AB, and is in excellent condition.

Third Street is classified as a Local road with an existing 30-foot right-of-way east of the centerline along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way east of the centerline is 30 feet.

Third Street is a County-maintained road. Records indicate this section of Third Street, from D Street to Shaw Avenue, has an ADT of 400, pavement width of 22.3 feet, structural section of 0.15 feet AC, and is in very good condition.

Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. Direct access to an Arterial road is typically limited to one common point. On-site turnarounds shall be required, and any access driveway should be set back a minimum of 10 feet from the property line. **This comment shall be included as a Project Note.**

If not already present, 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at any exiting driveways onto Shaw Avenue or Third Street. A 30-foot by 30-foot corner cutoff shall also be improved at the intersection of Shaw Avenue and Third Street. **This comment shall be included as a Project Note.**

According to FEMA FIRM Panel 1525H, the subject property is not subject to flooding from the 100-year storm.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or running through the parcel.

Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County standards. An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. **This shall be included as a Project Note, and will be determined through Site Plan Review when specific development is proposed.**

A grading permit or voucher is required for any grading that has been done without a permit or is proposed as a part of future development. **This comment shall be included as a Project Note.**

Site Plan Review Section of the Fresno County Department of Public Works and Planning: **The following shall be included as Project Notes:** Parking spaces shall be constructed in compliance with County and state standards.

Per Fresno County Zoning Ordinance Section 832.5 L 1, one off-street loading space shall be provided.

A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards.

Proposed landscape improvements of 500 square feet or more shall 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.

Per Fresno County Zoning Ordinance Section 831.5 H, where an "R-P" lot sides or rears on another residential district, a solid masonry wall, not less than five feet nor more than six feet in height, shall be erected along said property line, if the R-P(c) parcel is developed with non-residential uses.

Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width, as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt.

Internal access roads shall comply with required widths by the Fire District for emergency apparatus. Specific development plans must be submitted for review by the Fire District prior to permitting.

No structure shall exceed twenty (20) feet in height; per Section 831.5 D of the Fresno County Zoning Ordinance.

A dust palliative shall be required on all parking and circulation areas.

Outdoor lighting shall be hooded and directed away from adjoining streets and properties. *This has been required as a Mitigation Measure.*

All proposed signs must be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.

Prior to permitting, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.

This comment shall be included as a Condition of Approval.

Resources Division of the Fresno County Department of Public Works and Planning: **The following regulations may apply, and shall be included as Project Notes:**

AB 939 – Residential Recycling Services: All jurisdictions are required to provide accessible recycling programs to their residents, which includes consideration of the spacing necessary for placement of individual or community containers.

AB 341 – Mandatory Commercial Recycling Program (MCR): All businesses that generate four cubic yards or more of commercial solid waste per week, or multi-family residential dwellings of five units or more, shall make arrangements to establish a recycling program for the business.

AB 1826 – Mandatory Commercial Organics Recycling (MORe): Businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

SB 1374 – Construction and Demolition Diversion Requirements, including Title 15 Building Standards code related to diversion requirements.

Historic Council: No impact. If upon construction and digging there are any archaeological findings, they should not be disturbed. *Note: this has been required as a Mitigation Measure.*

Design Division of the Fresno County Department of Public Works and Planning: The new proposed uses are limited traffic generators and a Traffic Impact Study is not required.

Caltrans: Considering that the intersection of SR 145/Shaw Avenue is approximately 2 miles from the project site and that the proposed use is a low-trip generator, we have no concerns with the proposed rezone.

Fresno Irrigation District (FID): FID does not own, operate, or maintain any facility located on the subject property.

Central Unified: Development fees will be collected at the time of development. **This comment shall be included as a Project Note.**

Building and Safety Unit of the Fresno County Department of Public Works and Planning: All new construction must meet current ADA Code requirements.

If approved, plans, permits, and inspections will be required.

Analysis:

As discussed above, this project is consistent with the General Plan and County-adopted Biola Community Plan. Additionally, impacts to surrounding properties, such as noise or air pollution, were considered during the preparation of Initial Study No. 7402 (Exhibit 7). A Traffic Impact Study was not prepared for this project due to the fact that the proposed new uses are low-traffic generators, and because of the project's location on appropriately-sized and maintained roads.

In 2005, Amendment Application (AA) No. 3738, Conditional Use Permit (CUP) No. 3104, Variance (VA) No. 3810, and Tentative Tract (TT) No. 5322 were approved, authorizing rezoning, parcelization, a waiver of property development standards, and a wall that exceeds maximum allowable wall height. The Conditions of Approval for the tentative tract were fulfilled prior to final mapping approval, and the CUP and VA are no longer applicable to the undeveloped 1.00-acre parcel due to their time limitations.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval and Project Notes, staff believes that the proposed rezone will not have an adverse impact on surrounding properties, and that it is consistent with the General Plan and the County-adopted Biola Community Plan.

Recommended Conditions of Approval:

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

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes that the proposed rezone from the R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Zone District to an R-P(c) (Residential and Professional Office, Conditional) Zone District is consistent with the Fresno County General Plan, including the Housing Element, and County-adopted Biola Community Plan, and recommends approval of Amendment Application No. 3827, subject to the Mitigation Measures, Conditions of Approval and Project Notes identified in the Staff Report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7402; and
- Recommend that the Board of Supervisors find that the proposed rezone is consistent with the County General Plan, including the Housing Element, and the Biola Community Plan. Although the proposed rezone will reduce the inventory of land identified in the Housing Element for development of housing for very low and low income population by one acre, 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 six and seven of the staff report. The remaining unmet need for Fresno County's share of its Regional Housing Needs Allocation (RHNA) for the very low and low income population can be accommodated in the remaining capacity of inventory identified in the Housing Element.
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3827 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the proposed rezoning of the one-acre parcel from the R-2 (Low-Density Multi-Family Residential, 6,600 square-foot minimum parcel size) Zone District to an R-P(c) (Residential and Professional Office, Conditional) Zone District is not consistent with the General Plan and County-adopted Biola Community Plan (state reasons); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7402/Amendment Application No. 3827
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded, directed, and permanently maintained as to not shine toward adjacent properties and public roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During construction and operation
2.	Cultural Resources/ Geology and Soils/Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities related to this project, 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	During ground-disturbing activities
Conditions of Approval					
1.	Prior to permitting, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.				

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. Direct access to an Arterial road is typically limited to one common point. On-site turnarounds shall be required, and any access driveway should be set back a minimum of 10 feet from the property line.

EXHIBIT 1

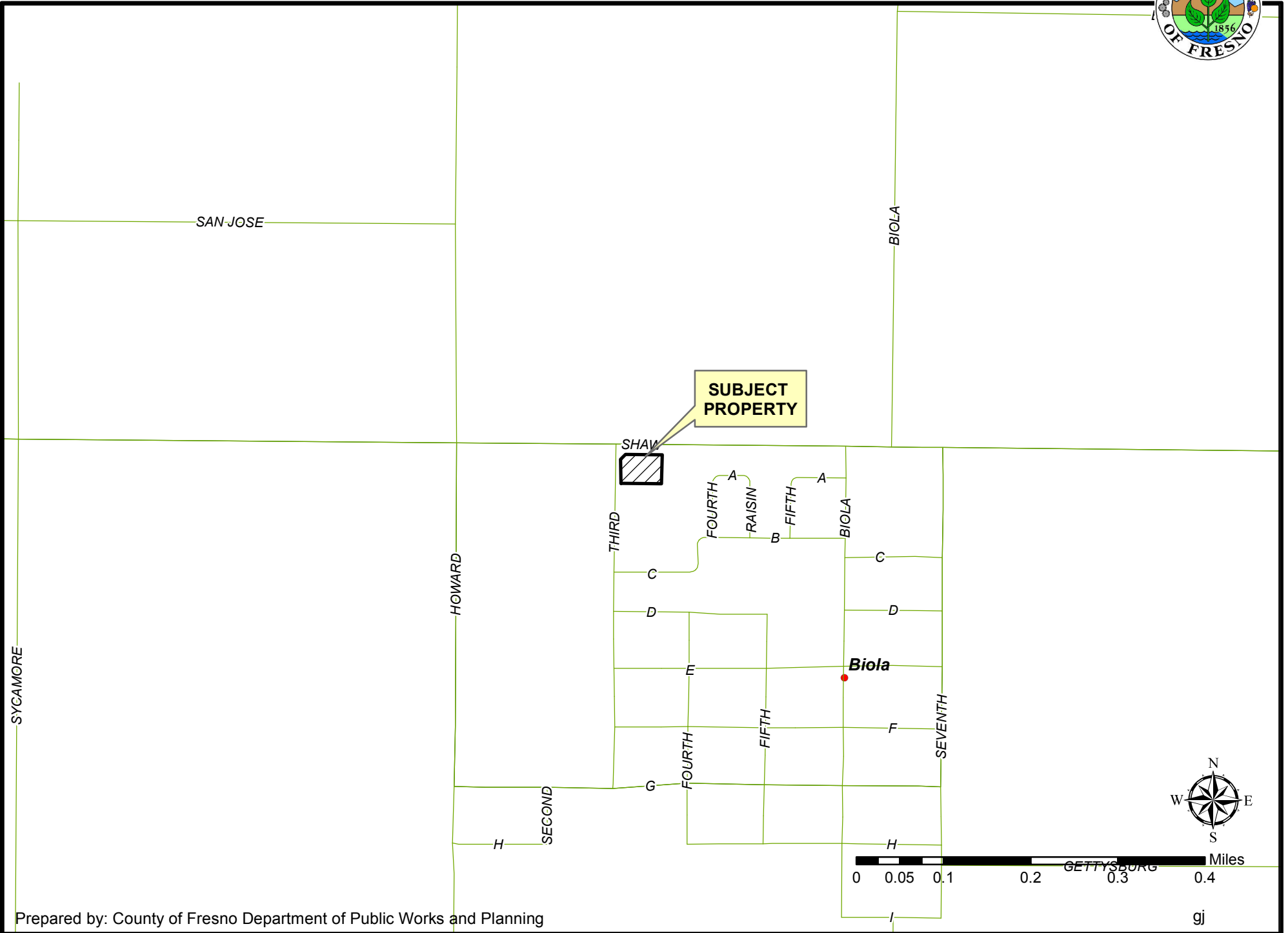
2.	If not already present, 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at any exiting driveways onto Shaw Avenue or Third Street. A 30-foot by 30-foot corner cutoff shall also be improved at the intersection of Shaw Avenue and Third Street.
3.	Typically, any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.
4.	A grading permit or voucher is required for any grading that has been done without a permit or is proposed as a part of future development.
5.	<p>The following Site Plan Review requirements shall apply:</p> <ul style="list-style-type: none"> • Parking spaces shall be constructed in compliance with the County and the State Standards. • Per Fresno County Zoning Ordinance Section 832.5 L 1, one off-street loading space shall be provided. • A four-foot path of travel for disabled persons shall be constructed and striped in accordance with state standards. • Proposed landscape improvements of 500 square feet or more shall 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. • Per Fresno County Zoning Ordinance Section 831.5 H, where an “R-P” lot sides or rears on another residential district, a solid masonry wall, not less than five feet nor more than six feet in height, shall be erected along said property line, if the R-P(c) parcel is developed with non-residential uses. • Any proposed driveway should be a minimum of 24 feet and a maximum of 35 feet in width, as approved by the Road Maintenance and Operations Division. If only the driveway is to be paved, the first 100 feet off of the edge of the ultimate right-of-way shall be concrete or asphalt. • Internal access roads shall comply with required widths by the Fire District for emergency apparatus. Specific development plans must be submitted for review by the Fire District prior to permitting. • No structure shall exceed twenty (20) feet in height, per Section 831.5 D of the Fresno County Zoning Ordinance. • A dust palliative shall be required on all parking and circulation areas. • All proposed signs must be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.
6.	Prior to permitting, a Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage and lighting.
7.	<p>The following waste-related regulations may apply:</p> <ul style="list-style-type: none"> • AB 939 – Residential Recycling Services: All jurisdictions are required to provide accessible recycling programs to their residents, which includes consideration of the spacing necessary for placement of individual or community containers. • AB 341 – Mandatory Commercial Recycling Program (MCR): All businesses that generate four cubic yards or more of commercial

	<p>solid waste per week, or multi-family residential dwellings of five units or more, shall make arrangements to establish a recycling program for the business.</p> <ul style="list-style-type: none"> • AB 1826 – Mandatory Commercial Organics Recycling (MORe): Businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. • SB 1374 – Construction and Demolition Diversion Requirements, including Title 15 Building Standards code related to diversion requirements.
8.	Central Unified School District fees shall be collected at the time of development.

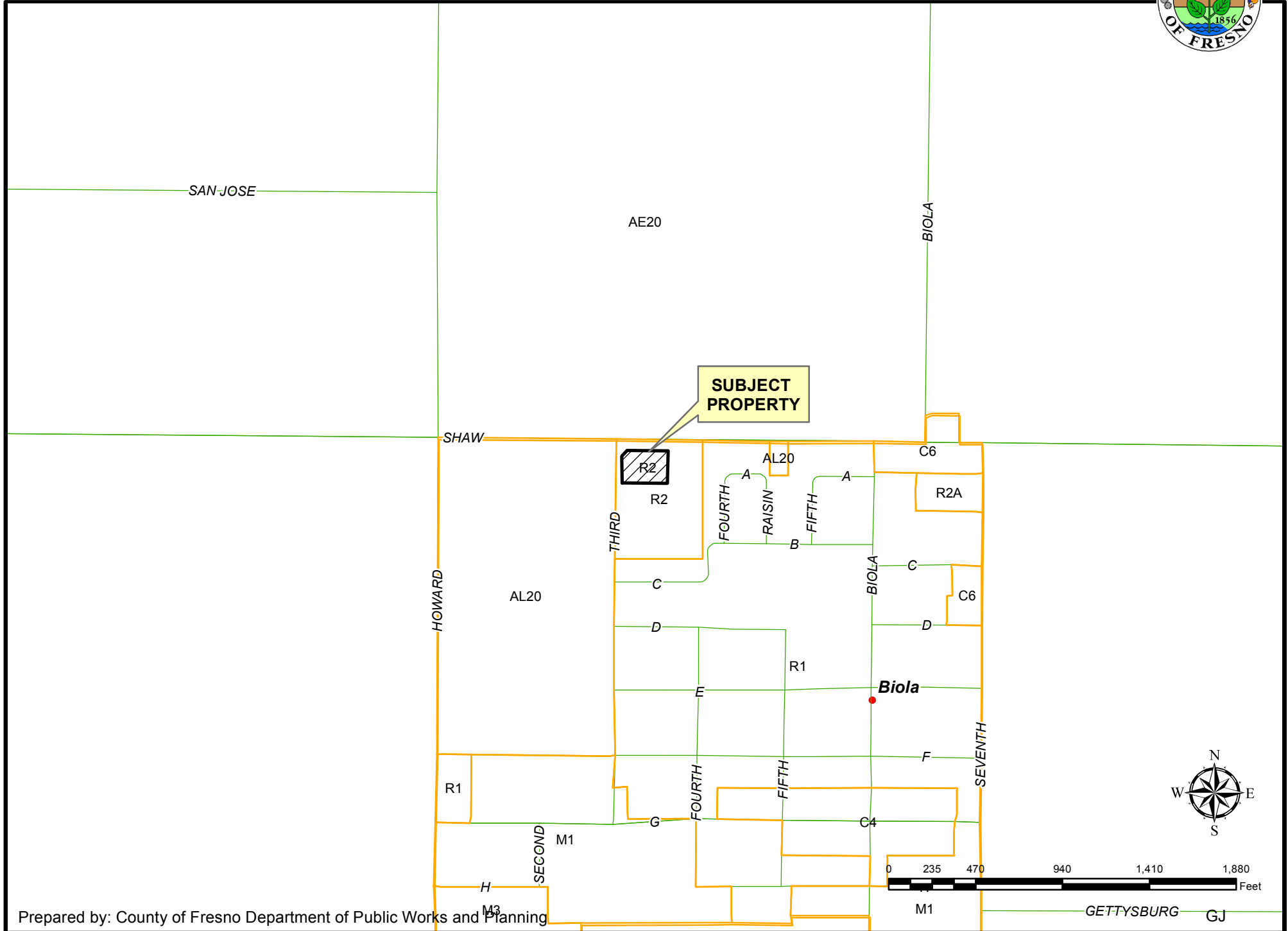
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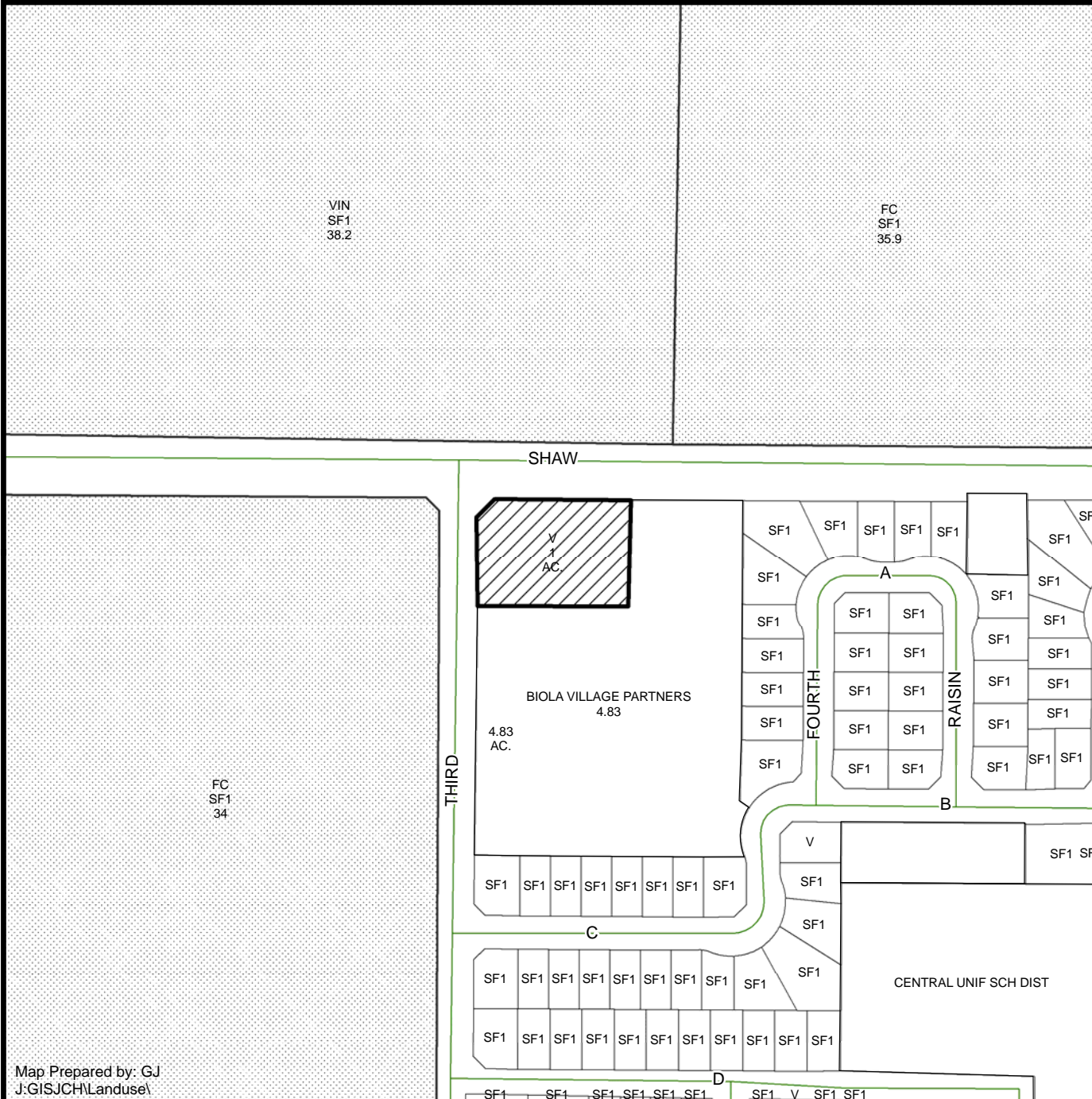
LOCATION MAP



EXISTING ZONING MAP




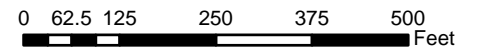
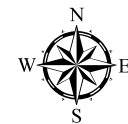
EXISTING LAND USE MAP



LEGEND
C# - COMMERCIAL
CHU - CHURCH
FC - FIELD CROP
SF#- SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

Exhibit 5

Uses Allowed Under Proposed R-P(c) Zoning

1. Existing residential buildings
2. One family, two family or multiple family dwellings. When more than one single family residence is placed on a lot, the provisions of Section 831.6 shall apply
3. Office on ground floor only. There shall be no retail sales, storage of stock in trade and storage of equipment not used exclusively in said offices:
 - a. Medical and dental
 - b. Professional, other than veterinarian
4. Signs, subject to provisions of Section 831.5-K

Exhibit 6

Uses Allowed in the R-2 Zone District

1. Those uses permitted in the R-1 District, Section 826.1 shall apply.
 - a. One family dwelling units, not more than one (1) dwelling per lot.
 - b. Accessory buildings, including garages.
 - c. Private greenhouses and horticultural collections, flower and vegetable gardens.
 - d. 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-288 adopted 2-25-86)
 - e. Signs, subject to the provisions of Section 826.5-K.
 - f. House trailer parking, subject to the provision of Section 855-I.1.f.
 - g. Temporary tract offices and model homes, in the tract being developed.
 - h. Day nursery - small
2. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of business.
3. Food, drink and cigarette vending machines, providing the machines are located within the main structures and their use is intended primarily for persons resident upon the premises.
4. One-family or multiple family dwellings. When more than one (1) single family residence is placed on a lot, the provisions of Section 827.6 shall apply.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Central Valley Medical Services, LLC/Xin Ling Lao
- APPLICATION NOS.: Initial Study Application No. 7402 and Amendment Application No. 3827
- DESCRIPTION: Rezone a 1.00-acre parcel from the R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Zone District to the R-P(c) (Residential and Professional Office, Conditional) Zone District limited to existing residential buildings, one family, two family or multiple family dwellings, ground floor only medical, dental, or professional office, and signs.
- LOCATION: The project site is located on the south side of Shaw Avenue on the southeast corner of its intersection with Third Street, in the unincorporated community of Biola (SUP. DIST. 1) (APN 016-480-30).

I. AESTHETICS

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

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

FINDING: NO IMPACT:

The project site is located on the edge of a small community, bordering both on productive agricultural land and densely developed housing. There are no scenic vistas, scenic highways (Caltrans), historic buildings (SSJVIC), or other scenic resources that will be impacted by the proposed project. Additionally, development of the same lot

coverage and height is already allowed on the subject parcel; this project simply expands the uses allowed on site. No specific development is being authorized at this time, but this rezone application will have no impact on scenic resources at the time the parcel is developed.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The existing R-2 (Low-Density Multiple-Family Residential) Zone District of the subject parcel allows development with the potential to cause light and glare impacts, and this will not change with the proposed zone change. The maximum building height and lot coverage will remain the same. To ensure that surrounding properties are not negatively impacted by light pollution from any future development, the following Mitigation Measure shall be required.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded, directed, and permanently maintained as to not shine toward adjacent properties and public roads.*

II. AGRICULTURAL AND FORESTRY RESOURCES

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

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

FINDING: NO IMPACT:

The property is not subject to a Williamson Act Contract, and is currently zoned for a non-agricultural use: R-2 (Low-Density Multi-Family Residential, 6,600 square-foot minimum parcel size). According to the Department of Conservation's Important Farmland Map (2014) the subject parcel is designated as "Urban and Built Up Land." No farmland will be directly impacted by the proposed project.

- 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?

FINDING: NO IMPACT:

The project is not in a forested area, and will not lead to the conversion of forest land to non-forest use.

- 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: LESS THAN SIGNIFICANT IMPACT:

The proposed project is located directly across Third Street and Shaw Avenue from actively-cultivated agricultural parcels. The existing roadways will serve as a buffer between the agricultural and non-agricultural uses. Development of similar uses and with similar development restrictions is already allowed on the subject parcel. Allowing a sign and a small, ground-floor, professional or medical office in addition to multi- or single-family housing will not lead to large-scale development projects that could remove farmland in the area, nor will it create new pest management or traffic impacts.

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:

Fresno County is a non-attainment area for PM-10, PM-2.5, and ozone. Construction activities, increased traffic trips, and day-to-day energy use at a professional office or housing development in this location ~~could~~ **will** contribute to an increase in criteria pollutants. However, no new housing uses will be allowed with the rezoning of the parcel, and any potential future development is limited by the 1-acre parcel size, the 20-foot height restriction, the 50% lot coverage requirement, and restrictions on the office uses. Additionally, all future development that could occur on the subject parcel as a result of the proposed rezoning will be subject to the oversight of the San Joaquin Valley Air Pollution Control District (SJVAPCD), **according to state law. If future development meet or exceeds any of the following thresholds, District Rule 9510**

(Indirect Source Review) would apply: 50 dwelling units, 2,000 square-feet of commercial space, 25,000 square-feet of light industrial space, 100,000 square-feet of heavy industrial space, 20,000 square-feet of medical office space, 39,000 square-feet of general office space, 9,000 square-feet of educational space, 10,000 square-feet of government space, 20,000 square-feet of recreational space, or 9,000 square-feet of space not otherwise identified. If the parcel is developed into multi-family housing, it will be limited to 18 residential units in accordance with the R-P Zone District development standards. Commercial, light industrial, heavy industrial, educational, and recreational space will not be allowed as a result of the proposed project. A small medical office, for example, would only be subject to Indirect Source Review (District Rule 9510) if a future facility exceeded 20,000 square feet of medical office space. If this is the case When future development occurs, Indirect Source Review (ISR) would **an Air Impact Assessment (AIA) will be required prior to the acquisition of building permits **if these thresholds are met. This process produces project-specific measures that must be followed to ensure a less than significant impact on air quality. Additional Air District rules or oversight could also be required depending on the nature of the development.** Otherwise, it can be determined that the use will produce less than two tons of NOx per year and less than two tons of PM 10 per year, and would therefore have a less than significant effect on air quality **or long-term air quality goals.** The ISR process produces project-specific measures that must be followed to ensure a less than significant impact on air quality. Therefore, project oversight by SJVAPCD, that is dictated by California state law, will ensure that the rezoning of the subject parcel does not impact any long-term air quality goals.**

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: NO IMPACT:

There are no sensitive receptors near the project site (SJVAPCD).

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 other emissions, such as odors, that would adversely affect a substantial number of people. Only unobtrusive uses that are compatible with residential development are allowed in the R-P (Residential and Professional Office) Zone District.

IV. BIOLOGICAL RESOURCES

Would the project:

A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or

regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The California Department of Fish and Wildlife (CDFW) reviewed and commented on the proposed project and expressed no concerns regarding its potential to impact special-status species. The rezoning of the subject parcel will not allow development where development was otherwise not allowed; it will simply authorize a different type of development. Any impacts to potentially present special-status species, such as lights, ground disturbance, traffic, and other construction-related activities, are already allowed by right under the current R-2 (Low-Density Multi-Family Residential, 6,600 square-foot minimum parcel size) Zone District. Allowing the property to be developed in the future as a small professional office, or as residential development, will not put any special-status species at a greater risk of being impacted.

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

FINDING: NO IMPACT:

The nearest riparian habitat is approximately 0.5 mile north of the project site, along the banks of the San Joaquin River (Chico Research Foundation). The future development of a small office or housing on the subject one-acre parcel will not impact this riparian habitat. It also will not conflict with any local plans or policies. There are no sensitive natural communities located in the area.

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

FINDING: NO IMPACT:

The only wetland in the project vicinity is a seasonally flooded man-made canal that runs approximately 55 feet north of the project site on the north side of Shaw Avenue. This canal will not be directly impacted during any potential future development of the subject parcel because of the physical separation.

- 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 will not allow any uses which could further inhibit the movement of any fish or wildlife species. Site development is already allowed by right under the current zone

district, and the parcel is not located on or adjacent to any waterways or special wildlife corridors.

- 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 area, and the project 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 Dumna Wo Wah Tribal Government requested consultation on this project on December 17, 2017. The County made an effort to work with the Tribal Government on the matter, however, the tribe did not respond to our correspondence. The project was sent to the Southern San Joaquin Valley Information Center (SSJVIC) and it was determined that the project had been surveyed by a qualified cultural resource consultant, and that there are no known cultural resources identified on the project site. Additionally, there are no structures present on site that could have historic significance, and there are no known historic resources in the area which could be indirectly impacted. To ensure that no resources are negatively impacted during ground disturbance, adherence to the following mitigation measure will be required.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities related to this project, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All*

normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.

VI. ENERGY

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

No development is being approved at this time. The only uses that will be allowed by right, if the rezone application is approved, are single-family and multi-family housing, a sign, and a small medical, dental, or professional office. These operations will be subject to the standards set forth by the San Joaquin Air Pollution Control District, and typically these uses are not unnecessarily wasteful or inefficient. The project does not conflict with any energy-related polices.

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
 - 2. Strong seismic ground shaking; or
 - 3. Seismic-related ground failure, including liquefaction; or
 - 4. Landslides?

FINDING: NO IMPACT:

The proposed project would allow the development of a small office or low-density housing on the subject parcel. It will not change the probability of these natural disasters occurring in the vicinity or their ability to inflict adverse effects. The project is not in an area of steep slopes, and the peak horizontal ground acceleration is estimated to be 0-20% during any seismic activity (Fresno County General Plan Background Report [FCGPBR]). It is not located near a fault line. Low-density, single- and multi-family

housing is already allowed in the R-2 Zone District, therefore risk of loss, injury, or death will remain the same.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The parcel is currently zoned R-2 (Low-Density Multi-Family Residential), which allows substantial ground disturbance and development by right; this will remain the same if the project is approved. The parcel is located in a flat area, and any substantial grading activities that could increase risk of erosion or top soil loss will require grading permits.

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:

The project is not located in an area of expansive soils or steep slopes (FCGPBR).

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

FINDING: NO IMPACT:

The parcel will be served by the Biola Community Service District, which includes sewer services.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

As discussed in the Cultural Resources section, it is not anticipated that paleontological resources will be encountered or damaged during the development of this parcel. A Mitigation Measure will ensure that if resources are discovered, construction ceases and the proper entities are notified. See Mitigation Measure 1, Section V. C.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed project does not permit any specific development; it simply changes the uses allowed by right on the subject property. In addition to low-density, multi-family residential (R-2), a small office and sign would now be allowed. As discussed in the Air Quality section, an ISR (Indirect Source Review) could be required for future development at the time of permitting if the development meets certain thresholds. If these thresholds are not met, it can be assumed that the project will not have a significant impact on greenhouse gas emissions (specifically that it will produce less than two tons of NOx per year). The San Joaquin Air Pollution Control District's regulation ensures a less than significant impact for future by-right development on the project site.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

The project site is located approximately 570 feet north of Biola-Pershing Elementary School and approximately one half-mile from two toxic release sites (TRI), Actagro LLC and Sealed Air Corporation. Both facilities are currently in compliance with the relevant regulatory bodies. Rezoning the subject property does not authorize any development; it simply expands the uses allowed on the property. These new uses include a ground-floor medical, dental, or professional office, and signs. Small quantities of hazardous materials could be used on site or transported as a part of these uses. However, there is extensive regulation in place which will require the proper storage, inspection, and reporting of any hazardous materials that could be used on the project site as a part of the proposed land uses.

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

FINDING: NO IMPACT:

The nearest public airport, Sierra Sky Park, is approximately eight miles northeast of the project site, and there are no private airstrips within the project's vicinity.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 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 proposed project does not authorize any new development at this time. The North Central Fire Department will review all building plans prior to permitting to ensure that there are no fire safety concerns. This project is located in a Local Responsibility Area, hazard class Non-Wildland/Non-Urban. The Sheriff's Office reviewed the project and has no concerns with the proposal.

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; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or
- 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; or
- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Rezoning the subject parcel does not authorize any new development; it only expands the future uses allowed on site. When a specific project is proposed, the plans will be reviewed by County staff to ensure that grading activities and project design do not lead to water quality impacts or flooding. The proposed zone district (R-P) limits lot coverage by buildings and structures to 50% of the total lot area, the same limitation set forth by the current (R-2) zone district. The project is in a relatively flat area, and is not located in a FEMA flood zone. There are no seasonal streams running through the subject parcel (USFW, Wetlands Mapper), and it is not in a tsunami or seiche zone. The proposed new uses include a medical, dental, or professional office and a sign. Multi-family and single-family residential uses are already allowed, and will continue to be allowed. It is unlikely that the proposed uses would create more polluted or poorer quality runoff than the existing allowable uses on the subject parcel.

XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is located on the northwestern corner of the unincorporated community of Biola on an undeveloped parcel. The development of new housing or a small neighborhood office would not create a barrier; it would be developed at a similar density and height to the existing structures, and it would expand 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 proposed rezone would change a one-acre parcel from the R-2 (Low-Density Multiple-Family Residential) Zone District to the R-P(c) (Residential and Professional Office, Conditional) Zone District, limited to existing residential buildings, one family, two family or multiple family dwellings, ground floor only medical, dental, or professional office, and signs. Due to lack of R-3 and R-4 Zone Districts in the County, which allow for higher density multi-family housing developments, all parcels that are zoned R-2 or

that would otherwise allow development of multi-family residential units have been identified in the vacant land inventory of our Fifth-Cycle Housing Element update of the General Plan to accommodate the County's share of Regional Housing Needs Allocation (RHNA) assigned to Fresno County by the State. According to Program 4 of the Housing Element "Monitoring of Residential Capacity (No Net Loss)," ~~if~~ **when** a site is targeted for rezone and will result in ~~the~~ **the** reduction of **undeveloped land** inventory ~~in that could be developed in a manner which would increase housing in~~ the Low- and Very-Low Income categories, a site of equal acreage must be re-designated and rezoned to replace the parcel which will be removed from the inventory. In this circumstance, rezoning the one-acre subject parcel will reduce the acreage of R-2 zoned land, but the development of multi-family housing for low- and very-low income individuals would still be possible on this parcel. **Additionally, when considering the worst case scenario for housing resources in regards to the subject parcel, which would be the development of no housing onsite, the amount of undeveloped land in the County that is appropriately zoned for low- and very low-income housing is only reduced by one acre. Even in this case, the amount of land that could potentially meet the County's housing needs exceeds the minimum number of acres required to meet these needs.** Therefore, ~~the County will not request that a site of equal acreage be rezoned to R-2 and effectively replace the subject parcel~~ **no additional mitigation is required to ensure that this project is in conformance with the County's General Plan and Housing Element.**

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: LESS THAN SIGNIFICANT IMPACT:

There are known sand and gravel resources nearby, associated with the San Joaquin River (FCGPBR). However, the project site is not on the river, and the development of any of the proposed uses would not inhibit the mining of these resources.

XIII. NOISE

Would the project result in:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposed rezoning of the one-acre property does not authorize any specific development; it simply expands the existing allowed uses to include a small, ground-floor medical, dental or professional office and a sign. The construction and operation of a small office will not result in more noise or vibration than single- or multi-family housing development, which is already allowed on the site. The most likely source of noise would be from customer and employee cars. The Fresno County Noise Ordinance will still apply.

- 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 nearest public airport, Sierra Sky Park, is approximately eight miles northeast of the project site, and there are no private airstrips within the project's vicinity.

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)?

FINDING: NO IMPACT:

No new housing development or road improvements are proposed at this time. The development of single- or multi-family housing is already allowed on the site, and the project seeks to add a small medical, dental, or professional office, and a business sign to these allowed uses. The rezoning of this parcel will not change the development requirements for any housing, so the potential quantity of housing that could be developed on this site will not change.

- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The site is undeveloped, so there is no housing on site that could be displaced. There is multi-family housing adjacent to the site, but the proposed zone district is designed to be compatible with residential uses. **The current R-2 Zone District does provide opportunities for very-low income and low-income housing to be developed, which is integral to the County's fulfillment of its state-mandated housing allocation. However, the limited acreage of the proposed project (one acre) and**

the estimated 1,161-acre surplus of land that is zoned/ in a manner that would meet low-income housing needs and fulfil the County’s housing allocation, allows the County to come to the determination that this project will not contribute to cumulative housing impacts. Additionally, multi-family residential development would still be allowed on the subject parcel if the proposed project is approved.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?
 - 1. Fire protection;
 - 2. Police protection;
 - 3. Schools;
 - 4. Parks; or
 - i. Other public facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Biola Community Service District has expressed their support of the proposed project. They provide water, sewer, and trash services to the community. The project does not propose to allow a higher density of housing, so parks and schools will not become inadequate as a result of the project. Plans of all new development in the County must be reviewed by the applicable fire department prior to final permitting, and the County Sheriff’s department has conveyed that they have no concerns with the proposal. Access and response times in the area for emergency services should not be impacted due to the minor change in zoning, small size of the subject parcel, and its location on a well-maintained Arterial road.

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 proposed project will not affect demographics or population growth. Therefore, it will not require the construction or expansion of recreational facilities or the usage of existing parks. Additionally, the construction of recreational facilities would not be allowed with the approval of this project.

XVI. 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:

~~The proposed rezone does not conflict with any plans, ordinances, or policies relating to transportation.~~ **The 2018 Fresno County Active Transportation Plan indicates that a Class II Bike Lane may be developed along Shaw Avenue, which abuts the subject property. However, any future bike lanes will be constructed within the ultimate right-of-way of Shaw Avenue, and even though the full right-of-way has not be acquired by the County, development setbacks and improvements will be based on the full anticipated width.** Additionally, the anticipated trip generation that could result from the proposed rezoning is not expected to have a significant impact on circulation or road quality. This is a result of the small parcel size (one acre) and limited change in allowed uses. Additionally, Shaw Avenue is classified as an Arterial road, and it is in excellent condition, so it will sufficiently serve future development. At the time of development, the parcel must take access from Third Street and/or Shaw Avenue, and will cross an existing sidewalk that provides pedestrian access throughout the community of Biola. These sidewalks were built as a Condition of Approval for Tentative Tract No. 5322, and the requirement of sidewalk connectivity on this parcel will not change as a result of this project. The proposed rezone does not conflict with any plans, ordinances, or policies relating to transportation.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Residential development is already allowed on the subject parcel; the proposed uses include a small ground-floor medical, dental or professional office. These uses would serve the residents of Biola, who all live within 0.6 mile of the subject parcel. An office of this nature might also serve residents of the surrounding rural area. These individuals may drive a longer distance than the residents of Biola, but the alternative would likely be driving to Fresno for similar services. Fresno is approximately six miles east of Biola. Therefore, the proposed rezoning could facilitate future development that could decrease the total vehicle miles traveled in the area. Any future development of this

parcel would serve Biola or the surrounding rural community. It is not intended to provide a unique regional service or attraction.

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

FINDING: NO IMPACT:

The future development of housing or small offices will not create dangerous conditions on the adjacent roads, Shaw Avenue or Third Street. A sign would now be allowed, but plans for such a sign would be held to the standards of Section 831.5-K, which will ensure it does not present a traffic hazard.

- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project is adjacent to Shaw Avenue, Third Avenue, and existing multi-family housing. The adjacent housing is not accessed through the subject parcel, and no development on the parcel will be allowed to block Third Avenue in a manner that would prevent emergency access to this housing development. Shaw Avenue is an Arterial road, so any development here will have excellent emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Southern San Joaquin Valley Information Center (SSJVIC) indicated that the subject parcel has been surveyed for cultural resources and none were identified. The

County of Fresno invited all interested tribes to consult on the project, and only the Dumna Wo Wah Tribal Government responded to the request. They did not further communicate with the County when an effort was made to schedule a meeting and discuss their concerns. A good faith effort was made. Based on the record search provided by SSJVIC, it is unlikely that any future development authorized by this project would disturb cultural resources. However, the Mitigation Measure included in Cultural Resources Section V will ensure that in the case resources are encountered, construction will cease and the proper entities will be notified.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Currently, the R-2 Zone District allows for the development of single- or multi-family housing. These uses would still be allowed, but a small ground-floor medical, dental or professional office would also be allowed. These new uses would not necessarily produce a larger quantity of waste, wastewater, or storm water, or consume a larger quantity of water. The Biola Community Service District (BCSD) has agreed to serve the parcel with water, sewer, and trash services, and is supportive of the proposal.

Additionally, the County of Fresno is required by the State of California to ensure that the project adhere to the following: AB 939 – Residential Recycling Services, AB 341 – Mandatory Commercial Recycling Program (MCR), and SB 1374 – Construction and Demolition Diversion Requirements (including related Title 15 Building Standards).

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: NO IMPACT:

This project is located in a Local Responsibility Area, hazard class Non-Wildland/Non-Urban.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The proposed project will have a less than significant impact on wildlife and cultural resources with adherence to the mandatory Mitigation Measures.

- 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:

Cumulative impacts to roads, traffic, air quality, and public services were evaluated and determined to be less than significant with adherence to mandatory state and local policies.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Any impacts to humans were determined to be less than significant as a result of location, project scope, and mandatory adherence to state and local policies.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Amendment Application No. 3827, 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 Recreation and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation, and Utilities and Service Systems have been determined to be less than significant.

Potential impacts relating to Aesthetics, Cultural Resources, and Tribal and Cultural Resources have determined to be less than significant with adherence to the Mitigation Measures.

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

DTC:ksn

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7402	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): Danielle Crider, Planner	Area Code: 559	Telephone Number: 600-9669	Extension: N/A
Project Applicant/Sponsor (Name): Central Valley Medical Services, LLC (Xin Ling Lao)	Project Title: Amendment Application No. 3827		
Project Description: Rezone a 1.00-acre parcel from the R-2 (Low-Density Multiple-Family Residential, 6,600 square-foot minimum parcel size) Zone District to the R-P(c) (Residential and Professional Office, Conditional) Zone District limited to existing residential buildings, one family, two family or multiple family dwellings, ground floor only medical, dental, or professional office, and signs.			
Justification for Negative Declaration: It has been determined that there would be no impacts to Recreation and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, and Tribal and Cultural Resources have determined to be less than significant with adherence to the Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – January 18, 2019		Review Date Deadline: Planning Commission – March 7, 2019	
Date: TBD	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

Document1

EXHIBIT 8



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 March 7, 2019

SUBJECT: General Plan Conformity Application – Clovis Unified School District
Proposed Elementary School

Acquire approximately 22.7 acres of property for a new elementary school site (with related facilities) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The proposed site is located at the southeast corner of North Minnewawa Avenue and East International Avenue, approximately 1.25 miles north of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APN 580-080-16S, -02S).

OWNER: International 40, LLC
APPLICANT: Clovis Unified School District

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Determine that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Aerial Photograph of Proposed School Site

ZONING AND LAND USE DESIGNATIONS:

Criteria	Designation
Fresno County General Plan Designation	Agriculture in the adopted Fresno County General Plan
City of Clovis General Plan Designation/Heritage Grove Specific Plan	Medium-Density Residential
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)

SITE AND PROPERTY CHARACTERISTICS:

Criteria	Existing	Proposed
Parcel Size	19.68 acres (APN 580-080-16S) A portion of a 20-acre parcel (APN 580-080-16S)	An approximately 22.7-acre elementary school site
Project Site	Agricultural (vacant)	Elementary School campus
Nearest Residence	170 feet northwest of the proposed site	N/A
Surrounding Development	Orchard, vacant land, rural residential	N/A

SURROUNDING PROPERTIES:

Surrounding Parcels			
	Size:	Use:	Zoning:
North:	77.50-acre parcel	Vacant	AE-20
South:	42.66-acre parcel	Orchard	AE-20
East:	19.70-acre parcel	Vacant	AE-20
West:	24.41-acre parcel	Vacant	AE-20

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires the Planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board

of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the Commission's report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Staff notes that school sites are exempt from the County's Zoning Code per State Government Code.

On January 25, 2019, the Clovis Unified School District (District) submitted an application for determination of General Plan Conformity on an approximately 22.7-acre site for the purpose of establishing a new elementary school. The proposed site is located at the southeast corner of North Minnewawa Avenue and East International Avenue, approximately 1.25 miles north of the nearest city limits of the City of Clovis, within the City of Clovis Sphere of Influence. The proposed school site is in the City of Clovis Heritage Grove Specific Plan area and planned for future residential development. The timing for the construction of the school is estimated to be in approximately five years to coincide with planned residential development in the area and funding availability.

The District has stated that the new site is necessary to serve the planned student population growth generated by urban development. The school would be in regular session on weekdays from late August to early June with additional special events and classes during evenings, on weekends, and during the summer recess. The planned grade levels and enrollment would typically serve approximately 750 students in kindergarten through sixth grade. The school would have approximately 50 employees (including administrators, faculty, and support staff), and would have administrative offices, 28 classrooms, a multi-purpose building, and physical education facilities/outdoor play areas.

The school would be designed with vehicular, bicycle, and pedestrian access to the surrounding circulation systems. According to the City of Clovis Heritage Grove Specific Plan, Minnewawa will be developed as a thematic street (Academic Boulevard), which includes a segregated pedestrian trail and bike path, including a public transportation route that provides connectivity between educational facilities. The City of Clovis' water and sewer systems are proposed to serve the school, and the location and design of the water and sewer facilities would be subject to review and approval by the City of Clovis.

The Enterprise Canal runs westerly adjacent to the southern property line of the proposed site, and development of the site will be subject to Fresno Irrigation District (FID) requirements. FID requirements could include piping, easements, bank improvements, drive approaches, and channel stabilization.

The Fresno Metropolitan Flood Control District (FMFCD) would be the storm water drainage service provider for the project, and the location and design of storm water drainage facilities would be subject to review and approval by FMFCD. FMFCD reviewed the project, which lies within the District's Drainage Area "BY2." The District's Master Plan can accommodate the General Plan land

use. A drainage fee is due at the time of development and is estimated to be \$272,136.00.

Adopted Public Land Use Policy: The City of Clovis General Plan and Heritage Grove Specific Plan designate the proposed school site as Medium-Density Residential. Schools are a permitted use in all single-family residential areas per the Clovis General Plan. The Clovis Unified School District expects the site to be annexed by the City of Clovis at the time of development.

Access: The Clovis General Plan designates Minnewawa Avenue and International Avenue as Collectors. The Fresno County General Plan designates Minnewawa Avenue as an Arterial and International Avenue as a Local street. The school site will have street frontage on Minnewawa Avenue and International Avenue, and roads will be constructed to City of Clovis standards at the time of development.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
Policy LU-G.1: Cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence; they are responsible for urban development and the provision of urban services within those Spheres.	The proposed school site is within the City of Clovis Sphere of Influence and is designated for medium-density residential development in the City of Clovis General Plan. The project was referred to the City of Clovis, which had no comment on the project.
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Although designated agricultural by the County General Plan, the proposed site is in the City of Clovis Sphere of Influence and in an area planned for future urban development by the City as medium-density residential. It is expected that this area will develop incrementally in accordance with the City of Clovis General Plan and become urbanized, thus displacing agricultural uses. Clovis General Plan Policy 3.7 requires new development near rural residential and agricultural uses to bear the major responsibility of achieving land use compatibility and buffering.
Policy PF-I.1: County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan.	The District is attempting to accommodate growth projections and neighborhood needs with acquisition of this school site.
Policy PF-I.6: Discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices.	It is the intent of Policy PF-I.6 to discourage establishment of school facilities in agricultural areas because school facilities attract urban growth such as new residential developments, which could result in premature annexation of land as well as adversely affecting the surrounding farming operations. It is acknowledged that the proposed site is in an

Relevant Policies:	Consistency/Considerations:
	area designated for future urban development by the City of Clovis and is planned to be developed with residential uses over the next decade.
Policy PF-I.7: County shall include schools among those public facilities and services considered an essential part of development; County shall work with residential developers and school districts to ensure needed school facilities are available to serve development.	The District has submitted the General Plan Conformity Application as part of the early process of site acquisition for development of an elementary school; analysis of this request has taken into consideration not solely existing land use patterns in the site's vicinity, but anticipated land uses based on the City and County General Plan policies that address urban fringe areas.
Policy HS-E.2: The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.	The District proposes to purchase approximately 22.7 acres of land for the development of an elementary school. An elementary school is not expected to create glare, smoke, electrical interference, or have hazardous chemicals or fuel storage on site.

GENERAL PLAN POLICY CONSIDERATIONS:

The proposed school site and immediate surrounding area are within the City of Clovis Sphere of Influence and are designated for residential land use. The site is also within the City of Clovis Heritage Grove Specific Plan area. The Fresno County General Plan designates the site and surrounding area as agricultural and subject to Countywide goals, objectives, and standards.

A fundamental policy directive of the County's General Plan is to direct urban growth to the cities and unincorporated communities. County General Plan Policy LU-G.1, related to city fringe areas, states that cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence and they are responsible for urban development and the provision of urban services within those Spheres.

According to City of Clovis General Plan Policy 3.7 - Urban Village Neighborhood Concept: Residential developments in Urban Centers must contribute to and become a part of a neighborhood by incorporating a central park feature, a school complex, a hierarchy of streets, pedestrian pathways, or other neighborhood amenities. Clovis General Plan Table LU-2, regarding existing or proposed school sites, states that public and private schools are a permitted use in all single-family residential areas.

The City of Clovis has not started annexation of this site and did not comment on the proposed school site.

As previously mentioned, the subject area is zoned for exclusive agricultural land uses (AE-20). Current zoning in this area is illustrated in Exhibit 2. General Policy PF-I.6 discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with

farming practices. In this case, however, the area is within the City of Clovis Sphere of Influence and planned for medium-density single-family residential neighborhoods. The subject school is being located at this site to accommodate planned student growth in the area.

Fresno County General Plan Policy PF-I.1, related to the locating of school facilities, states that the County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan. Policy PF-I.7 states that the County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs, and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development. This proposal is consistent with this policy.

OTHER CONSIDERATIONS

The proposed school site is not subject to an Agricultural Land Conservation Contract under the provisions of the Williamson Act. Thus, the proposed site is not in conflict with related provisions and land uses.

REVIEWING AGENCY/DEPARTMENT COMMENTS:

Staff received comments from the following agencies/departments: Policy Planning Unit, Site Plan Review Unit, Building and Safety Section, and Design Division of the Fresno County Department of Public Works and Planning; County of Fresno Department of Public Health, Environmental Health Division; Fresno Metropolitan Flood Control District; Fresno Irrigation District; State Water Resources Control Board; and Fresno County Fire Protection District. The comments did not express any concerns regarding General Plan conformity.

CONCLUSION:

County staff finds the proposed elementary school site consistent with General Plan policy, based on analysis provided in this report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Finding of Consistency)

- Find that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas and siting of schools, and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Finding of Non-Consistency)

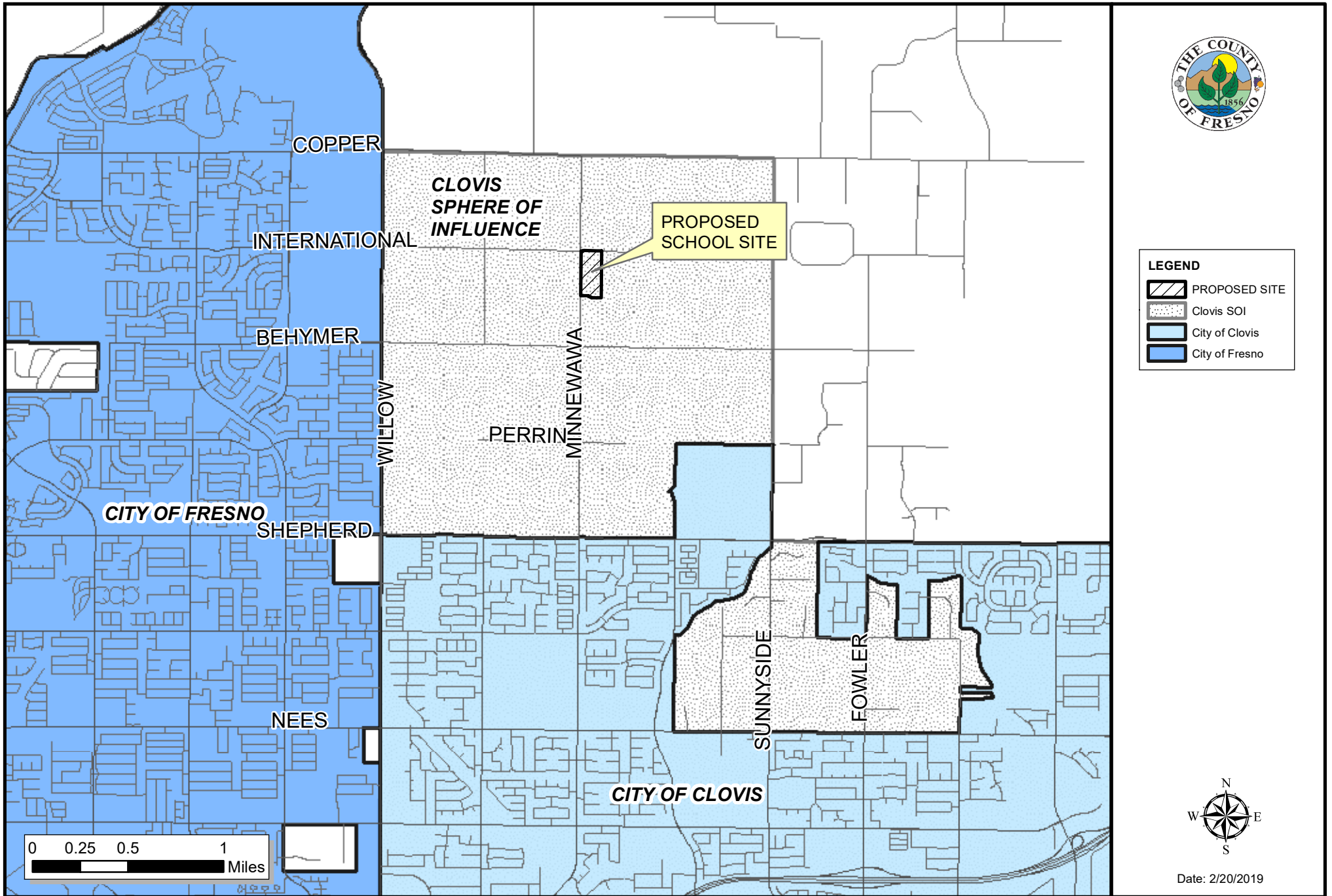
- Move to determine that the proposed site acquisition does not conform to the County General Plan (state the basis for not making the General Plan Consistency Finding); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

MM:ksn

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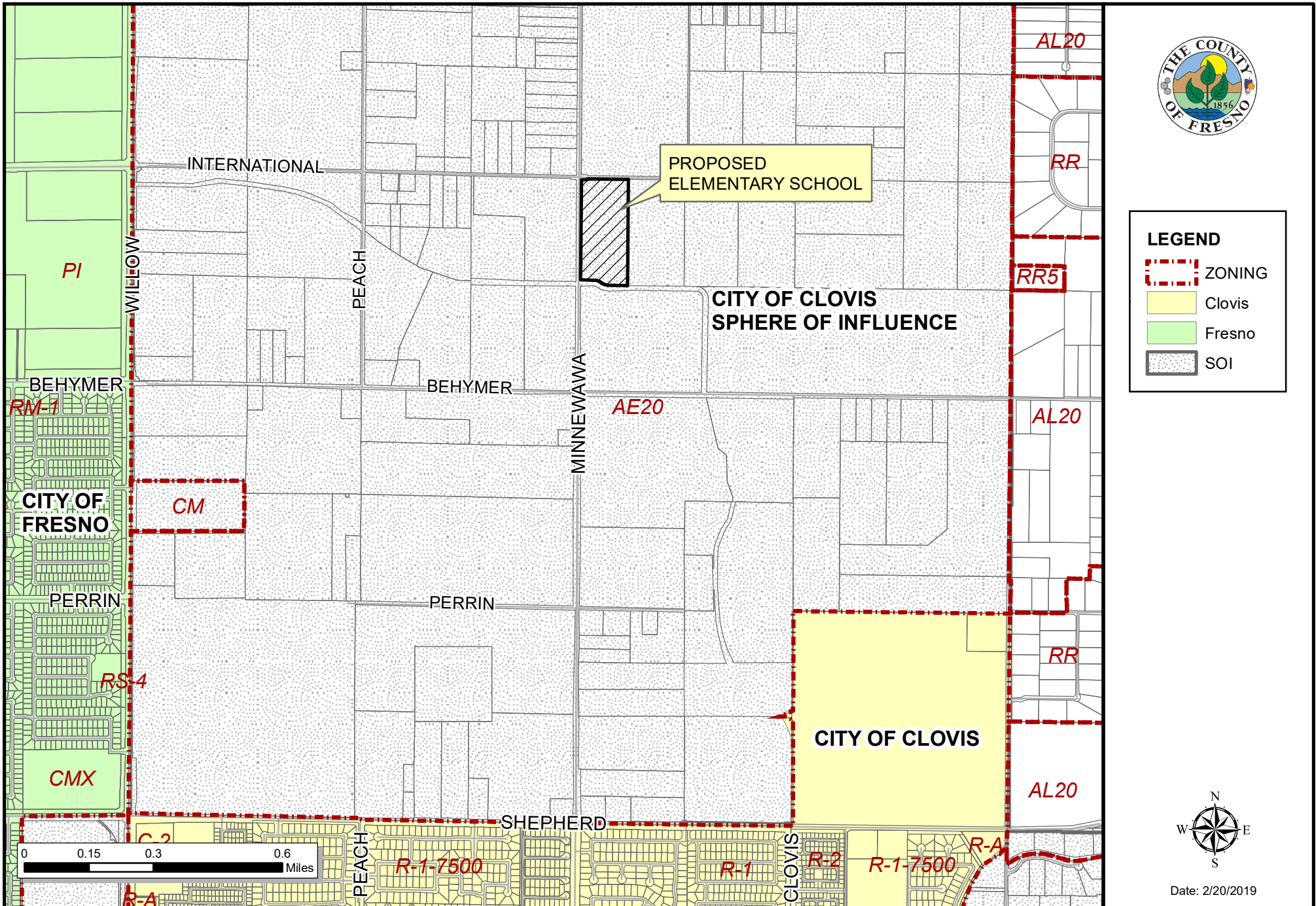
LOCATION MAP

General Plan Conformity - Clovis Unified School District



EXISTING ZONING

General Plan Conformity - Clovis Unified School District



LEGEND

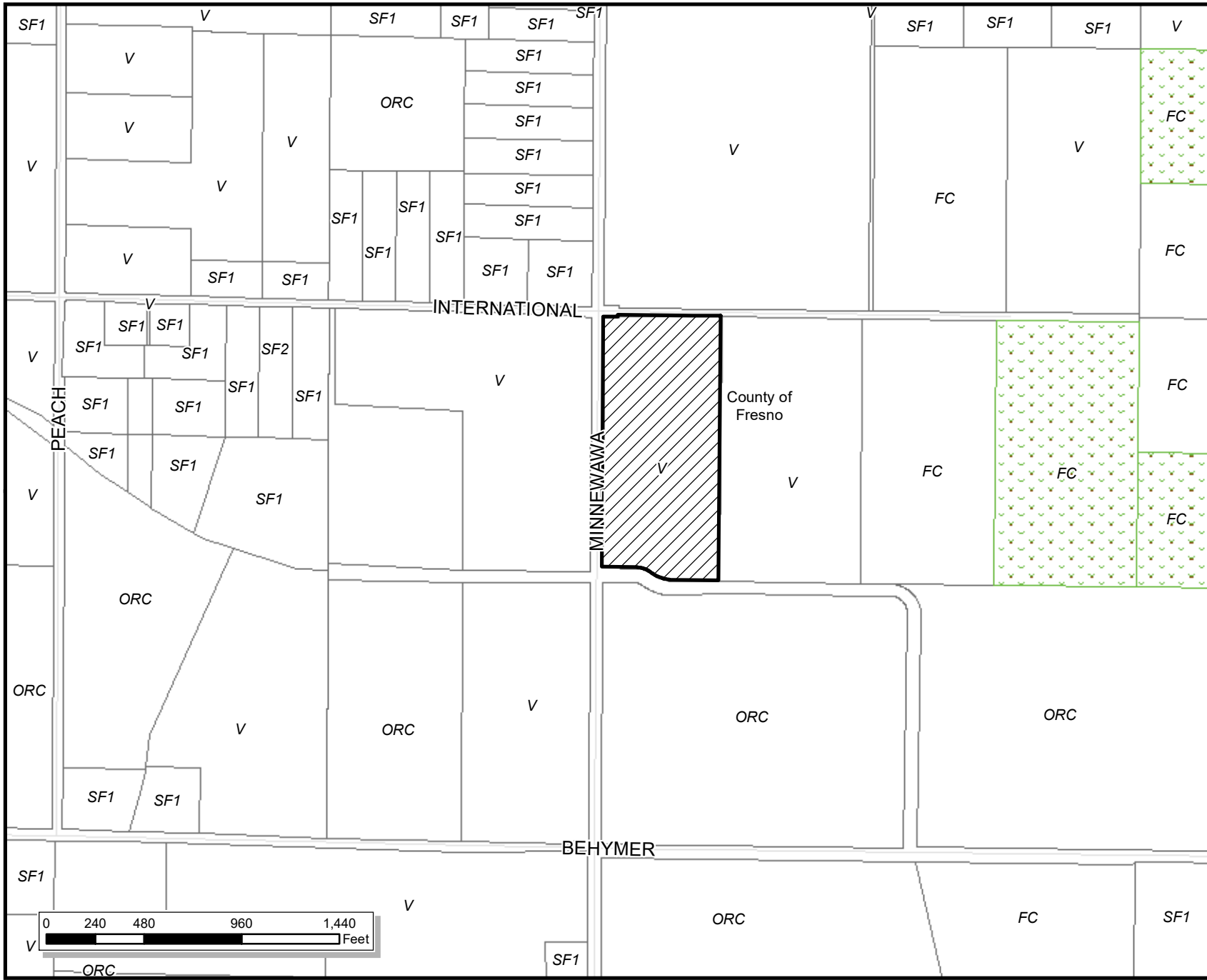
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- Clovis
- Fresno
- SOI



Date: 2/20/2019

EXISTING LAND USE MAP

General Plan Conformity - Clovis Unified School District



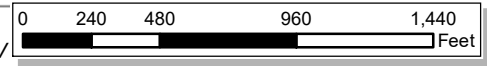
LEGEND

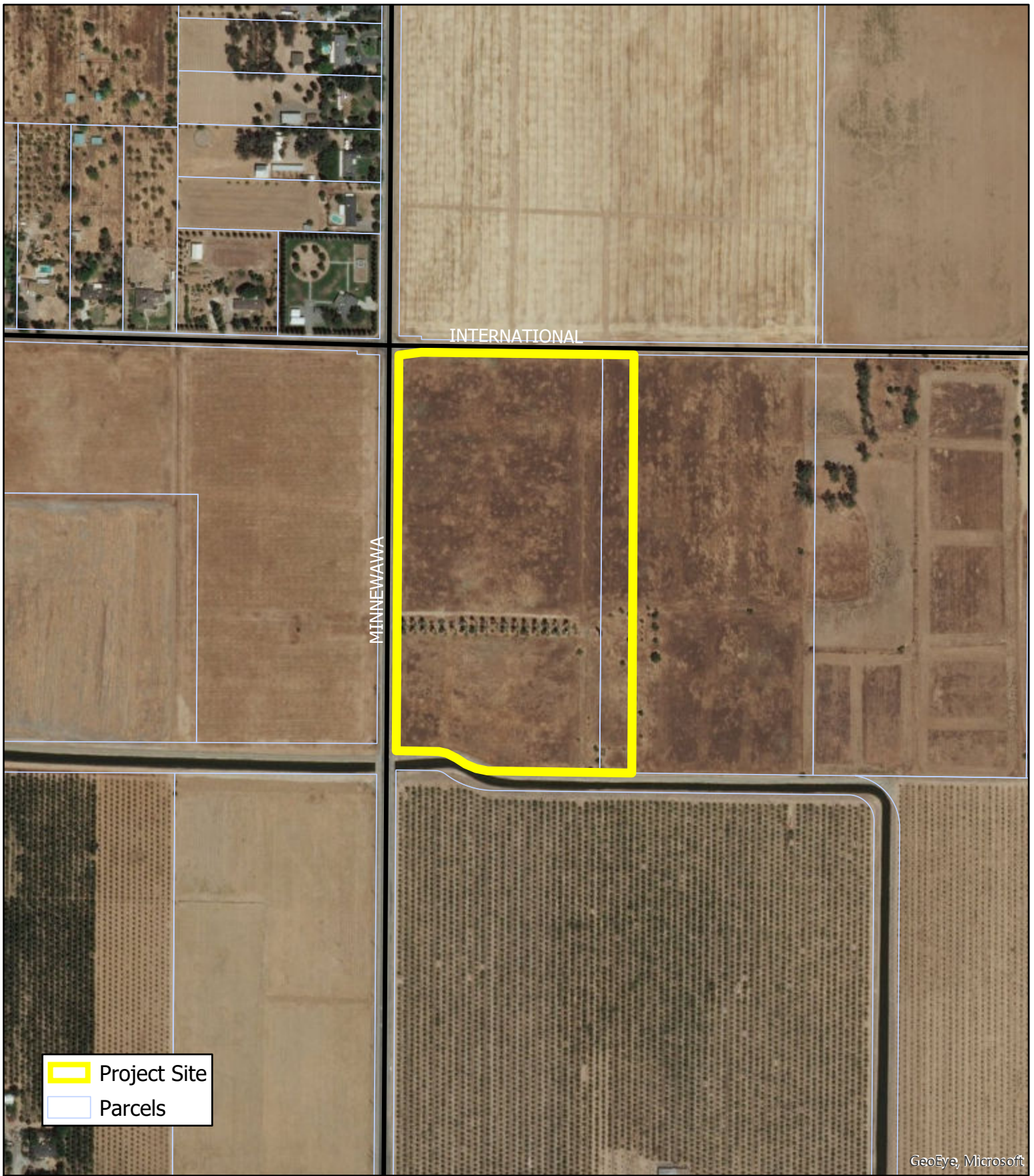
- AG CONTRACT
- SUBJECT PROPERTY

- CP# - OFFICE COMM./PROF
- FC - FIELD CROP
- GRZ - GRAZING
- I - INDUSTRIAL
- ORC - ORCHARD
- SF# - SINGLE FAMILY
- V - VACANT
- VIN - VINEYARD



Date: 1/25/2019





Project Site

Minnewawa-International Elementary School Project
 Clovis Unified School District

EXHIBIT 4





County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 March 7, 2019

SUBJECT: General Plan Conformity Application – Fowler Unified School District Proposed Elementary School

Acquire approximately 3 acres of property to expand the District's Marshall Elementary School campus (with related facilities) in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The proposed site is located on the west side of South Armstrong Avenue, 770 feet north of East Adams Avenue, adjacent to the city limits of the City of Fowler at the southern property line (SUP. DIST. 4) (APN 340-130-09).

OWNER: Bedrosian Farms, LLC
APPLICANT: Fowler Unified School District

STAFF CONTACT: Marianne Mollring, Senior Planner
(559) 600-4569

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Determine that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Site Plan

ZONING AND LAND USE DESIGNATIONS:

Criteria	Designation
Fresno County General Plan Designation	Reserve Medium-Density Residential in the Fresno County adopted Fowler Community Plan
City of Fowler General Plan Designation	Park/Open Space
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)

SITE AND PROPERTY CHARACTERISTICS:

Criteria	Existing	Proposed
Parcel Size	39.67 acres (APN 340-130-09)	An approximately 3-acre addition to the existing 9-acre elementary school site from the 39.67-acre parcel
Project Site	Agricultural (vineyard)	Elementary School campus addition consisting of a pre-school and related facilities
Nearest Residence	20 feet east of the proposed site	N/A
Surrounding Development	Vineyard, rural residential, school administrative offices, and single-family residential neighborhoods	N/A

SURROUNDING PROPERTIES:

Surrounding Parcels			
	Size:	Use:	Zoning:
North:	39.67-acre parcel 40.00- acre parcel	Vineyard Vacant	AL-20
South:	9.00-acre parcel 0.45-acre parcel 0.79-acre parcel	Elementary School School School Administrative Offices	City of Fowler RCO (Resource Conservation, Public Use, and Open Space)
East:	0.33-acre parcel 10.00-acre parcel	Rural Residential Agricultural	AL-20
West:	39.67-acre parcel	Vineyard	AL-20

PROCEDURAL CONSIDERATIONS/BACKGROUND INFORMATION:

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires the Planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the Commission's report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Staff notes that school sites are exempt from the County's Zoning Code per State Government Code.

On February 4, 2019, the Fowler Unified School District (District) submitted an application for determination of General Plan Conformity on an approximately 3-acre site for the purpose of expanding the Marshall Elementary School campus. The proposed site is located on the west side of South Armstrong Avenue, 770 feet north of East Adams Avenue, adjacent to the city limits of the City of Fowler at the southern property line, within the City of Fowler Sphere of Influence and planned for a future park by the City of Fowler. The timing for the acquisition of the property and construction of the phased improvements is estimated to begin immediately after the finding of General Plan Conformity. District representatives have been in contact with the Department of Public Works and Planning regarding a possible Property Line Adjustment (PLA) to adjust the property lines for the proposed expansion.

The District has stated that the addition of property to the existing elementary school is necessary to serve the planned student population growth generated by urban development, and will be home to the District's preschool program. The preschool is a year-round program with hours between 7:30 a.m. and 5:30 p.m., Monday through Friday, and will serve 150 students at build-out. The site will include up to 10 classrooms, administration offices, parking, and play areas.

The City of Fowler water system is proposed to serve the campus expansion, and the Selma-Kingsburg-Fowler Sanitation District is proposed to provide sewer services. The proposed delivery of these services will require annexation of the site to the City of Fowler and the Selma-Kingsburg-Fowler Sanitation District.

Adopted Public Land Use Policy: The City of Fowler General Plan designates the proposed school expansion site as Park/Open Space, while the County's Fowler Community Plan designates the site for reserve medium-density residential use. Schools are a permitted use in all single-family residential areas per the County of Fresno General Plan. The Fowler Unified School District expects the site to be annexed by the City of Fowler at the time of development.

Access: The Fowler General Plan and the County of Fresno Fowler Community Plan designate Armstrong Avenue and Adams Avenue as Collectors. The school site addition will have street frontage on Armstrong Avenue, and roads should be constructed to City of Fowler standards at the time of development.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
Policy LU-G.1: Cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence; they are responsible for urban development and the provision of urban services within those Spheres.	The proposed school site is within the City of Fowler Sphere of Influence and is designated for Park/Open Space in the City of Fowler General Plan. The project was routed to the City of Fowler for review and comment.
Policy LU-A.13: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.	Although designated Reserve Medium-Density Residential by the County's Fowler Community Plan and currently part of a vineyard, the proposed site is in the City of Fowler Sphere of Influence and in an area planned for future urban development by the City as a park. Fowler General Plan Goal 2-1 requires a recorded Right-to-Farm notice for new development.
Policy PF-I.1: County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan.	The District is attempting to accommodate growth projections and neighborhood needs with the expansion of the Marshall Elementary School campus to provide preschool education.
Policy PF-I.6: Discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices.	It is the intent of Policy PF-I.6 to discourage establishment of school facilities in agricultural areas because school facilities attract urban growth such as new residential developments, which could result in premature annexation of land as well as adversely affecting the surrounding farming operations. It is acknowledged that the proposed site is in an area designated for future urban development by the City of Fowler and is planned for urbanization.
Policy PF-I.7: County shall include schools among those public facilities and services considered an essential part of development; County shall work with residential developers and school districts to ensure needed school facilities are available to serve development.	The District has submitted the General Plan Conformity Application as part of the site acquisition and development process for the expansion of Marshall Elementary School. Analysis of this request has taken into consideration not solely existing land use patterns in the site's vicinity, but anticipated land uses based on the City and County General Plan policies that address urban fringe areas.

Relevant Policies:	Consistency/Considerations:
Policy HS-E.2: The County shall ensure that new development, including public infrastructure projects, does not create safety hazards such as glare from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards.	The proposed project is the purchase of approximately 3 acres of land for the development of a preschool, associated with an elementary school campus. A preschool is not expected to create glare, smoke, electrical interference, or have hazardous chemicals or fuel storage on site.

GENERAL PLAN POLICY CONSIDERATIONS:

The proposed school site and immediate surrounding area are within the City of Fowler Sphere of Influence and are designated for residential land use in the County’s Fowler Community Plan and subject to Countywide goals, objectives, and standards. The Fowler General Plan designates the site as Park/Open Space.

A fundamental policy directive of the County’s General Plan is to direct urban growth to the cities and unincorporated communities. County General Plan Policy LU-G.1, related to city fringe areas, states that cities have primary responsibility for planning within their LAFCo-adopted Spheres of Influence and they are responsible for urban development and the provision of urban services within those Spheres.

According to City of Fowler General Plan Policy 2-3.5, the City of Fowler will work cooperatively with the Fowler Unified School District in the location of new school facilities to ensure adequate facilities, circulation, access for students, and recreation opportunities. The City of Fowler reviewed the proposed site acquisition and did not have concerns with the proposal other than to request that the site be annexed to the City of Fowler to provide continuity of public services and utilities.

As previously mentioned, the subject area is zoned for limited agricultural land uses (AL-20). Current zoning in this area is illustrated in Exhibit 2. General Policy PF-I.6 discourages the siting of schools in agricultural areas due to the growth-inducing potential of these facilities and conflicts with farming practices. In this case, however, the area is within the City of Fowler Sphere of Influence and planned for a park. The subject school is being located at this site to accommodate planned student growth in the area.

Fresno County General Plan Policy PF-I.1, related to the locating of school facilities, states that the County shall encourage school districts to provide quality educational facilities to accommodate projected student growth in locations consistent with Land Use Policies in the General Plan. Policy PF-I.7 states that the County shall include schools among those public facilities and services that are considered an essential part of the development service facilities that should be in place as development occurs, and shall work with residential developers and school districts to ensure that needed school facilities are available to serve new residential development. This proposal is consistent with this policy.

OTHER CONSIDERATIONS

The proposed school site is not subject to an Agricultural Land Conservation Contract under the provisions of the Williamson Act. Thus, the proposed site is not in conflict with related provisions and land uses.

REVIEWING AGENCY/DEPARTMENT COMMENTS:

Staff received comments from the following agencies/departments: Zoning Section, Site Plan Review Unit, Building and Safety Section, Water and Natural Resources Division and Design Division of the Fresno County Department of Public Works and Planning; County of Fresno Department of Public Health, Environmental Health Division; and Fresno County Fire Protection District. The comments did not express any concerns regarding General Plan conformity.

CONCLUSION:

County staff finds the proposed elementary school site consistent with Fresno County General Plan policies, based on analysis provided in this report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Finding of Consistency)

- Find that the proposed site acquisition is in conformance with the County General Plan and its policies relating to city fringe areas and siting of schools, and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Finding of Non-Consistency)

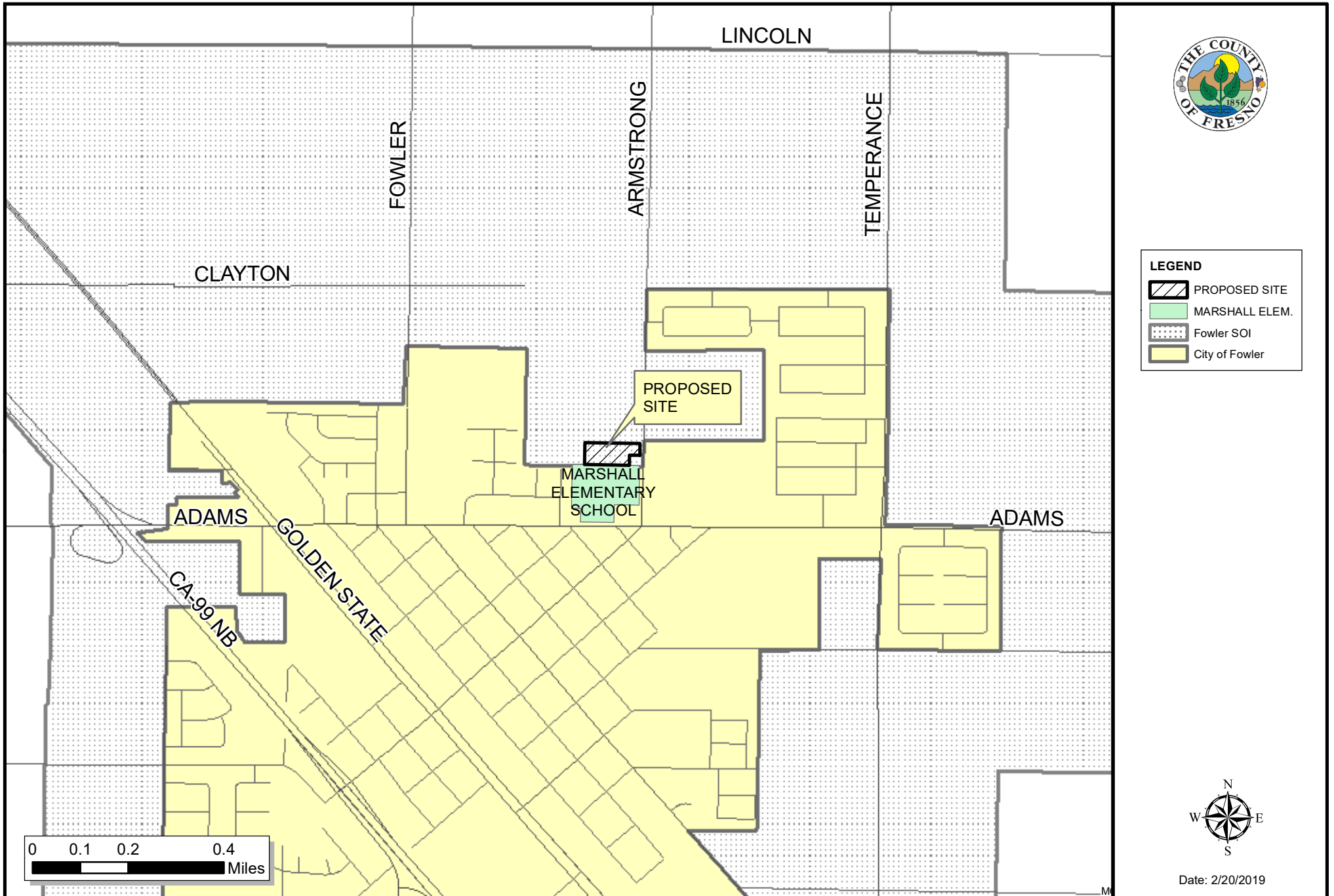
- Move to determine that the proposed site acquisition does not conform to the County General Plan (state the basis for not making the General Plan Consistency Finding); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

MM:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\GPC\Fowler Unified\Marshall Elementary Expansion\SR\GPC FUSD Marshall SR.docx

LOCATION MAP

General Plan Conformity - Fowler Unified School District



LEGEND

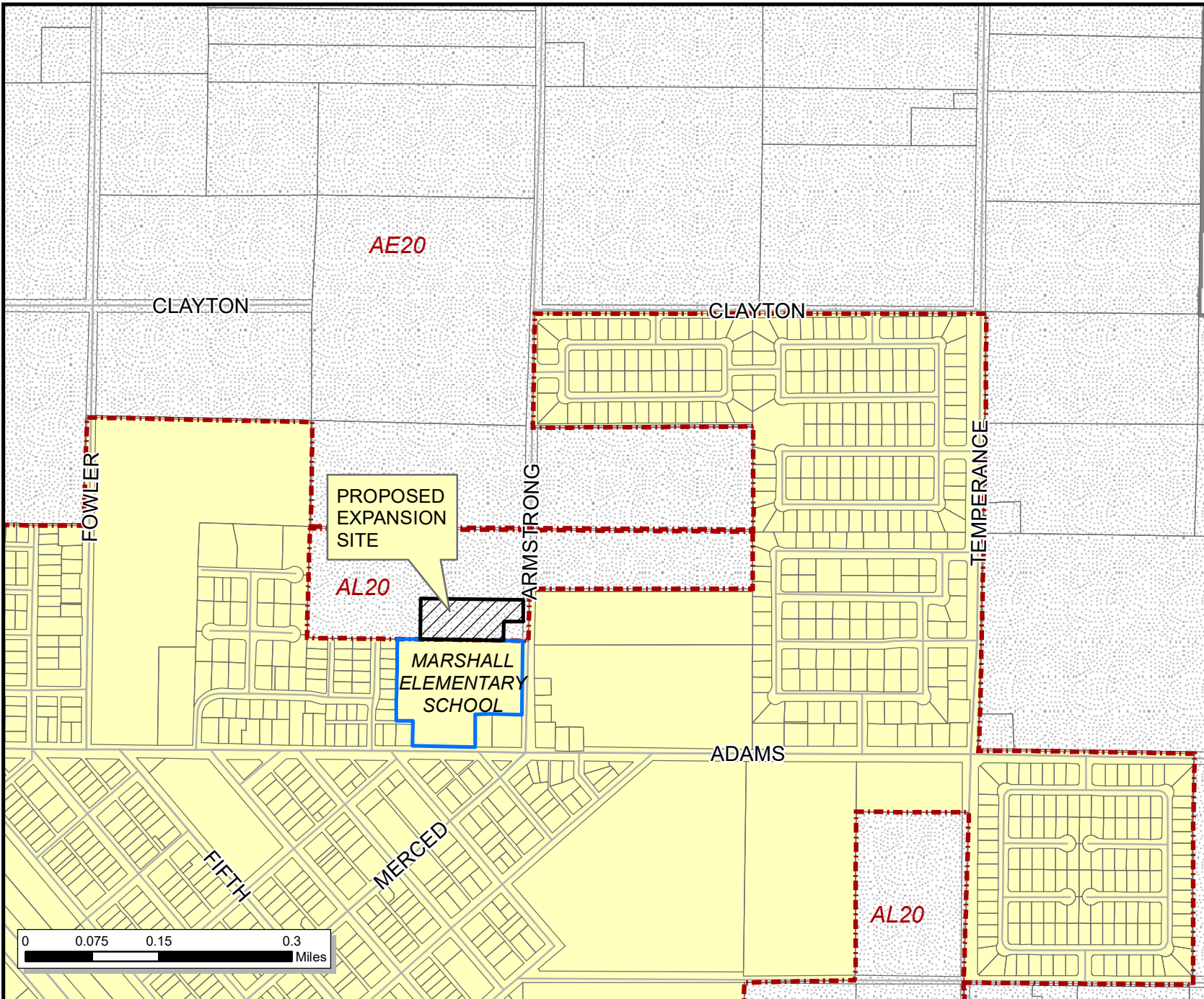
- PROPOSED SITE
- MARSHALL ELEM.
- Fowler SOI
- City of Fowler



Date: 2/20/2019

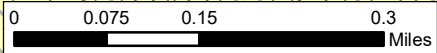
EXISTING ZONING

General Plan Conformity - Fowler Unified School District



LEGEND

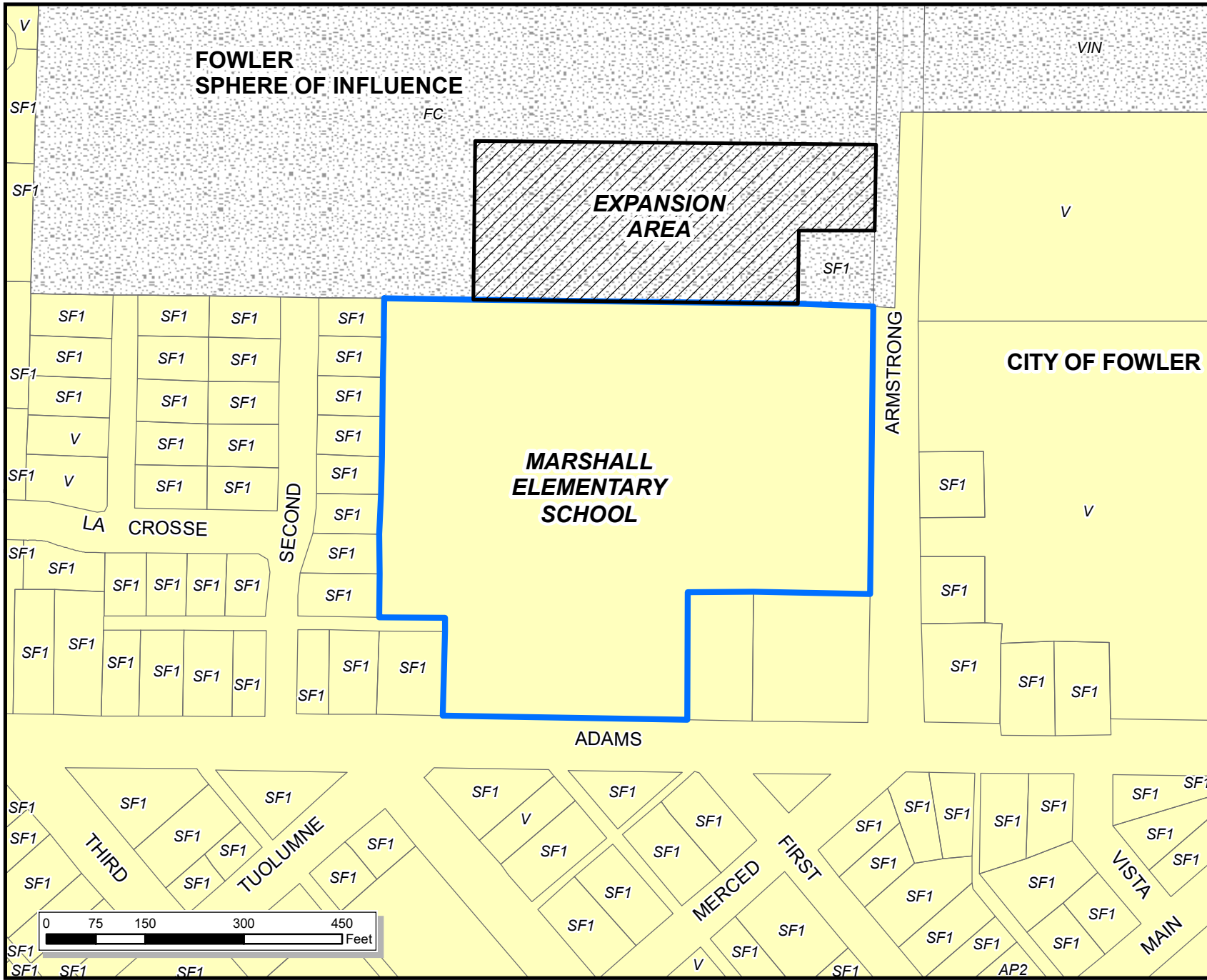
- PROPOSED SITE
- ZONING
- City of Fowler
- SOI



Date: 2/20/2019

EXISTING LAND USE MAP

General Plan Conformity - Fowler Unified School District



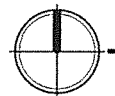
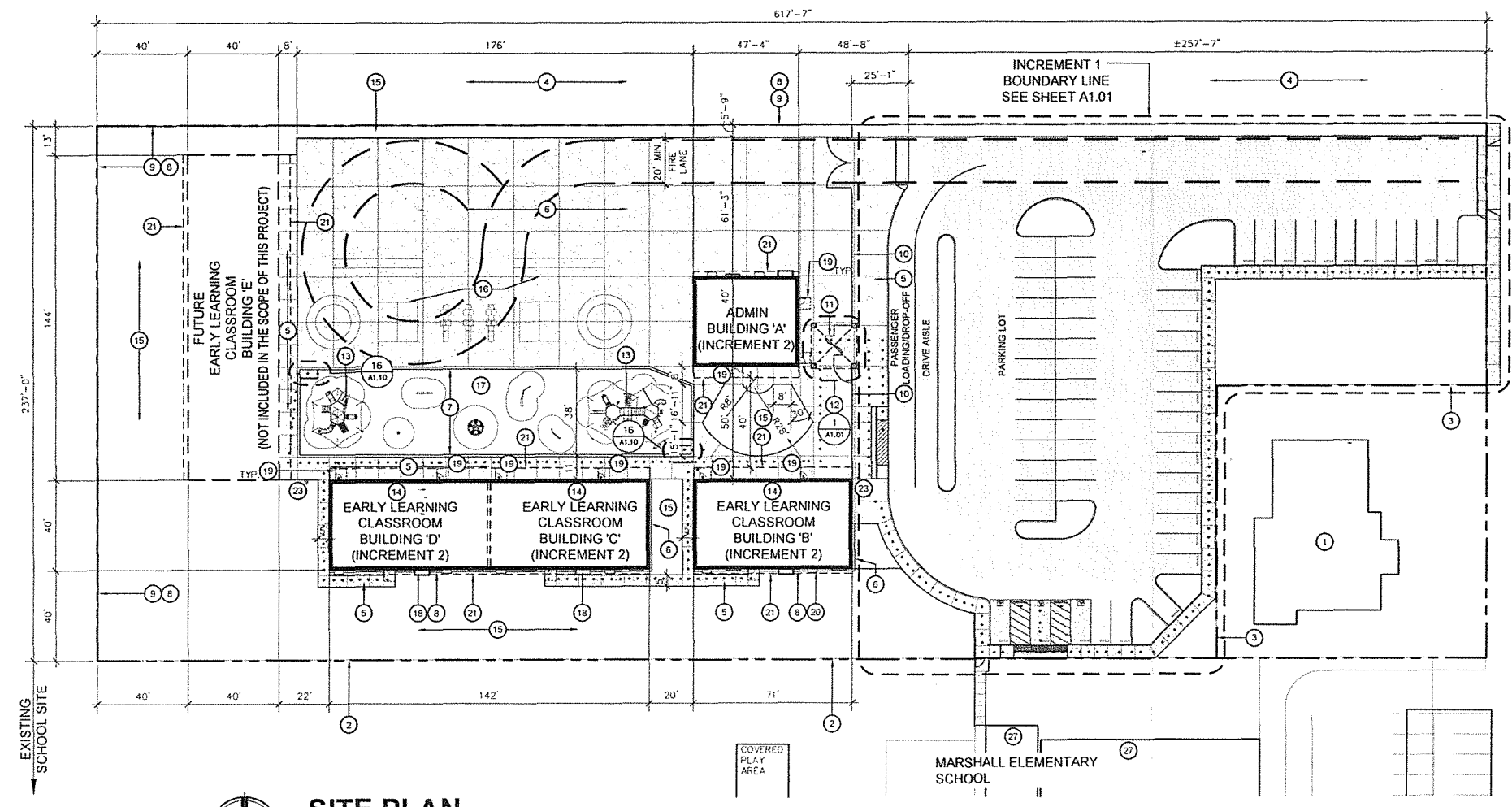
LEGEND

- AG CONTRACT
- SUBJECT PROPERTY

- CP# - OFFICE COMM./PROF
- FC - FIELD CROP
- GRZ - GRAZING
- I - INDUSTRIAL
- ORC - ORCHARD
- SF# - SINGLE FAMILY
- V - VACANT
- VIN - VINEYARD



Date: 2/4/2019



SITE PLAN

MARSHALL ELEMENTARY SCHOOL EXPANSION (INCREMENT NO. 1)

SCALE: 1" = 30'

PARKING ANALYSIS	
TOTAL STALLS	59
ACCESSIBLE STALLS REQUIRED	3
ACCESSIBLE STALLS PROVIDED	3
VAN STALLS REQUIRED	1
VAN STALLS PROVIDED	1

- | KEYNOTES | |
|----------|--|
| 1. | EXISTING RESIDENCE. |
| 2. | EXISTING 6' HIGH CHAIN-LINK FENCE TO REMAIN. |
| 3. | EXISTING WOOD FENCE TO REMAIN. |
| 4. | EXISTING VINEYARD. |
| 5. | CONCRETE WALK/SLAB. SEE DETAIL 7/A1.10. |
| 6. | 6' HIGH CONCRETE CURB. SEE DETAIL 10/A1.10. |
| 7. | 12" WIDE x 16" DEEP CONCRETE RETAINING CURB. PER DETAIL 7/A1.11. |
| 8. | CONCRETE MOW STRIP PER DETAIL 14/A1.10. |
| 9. | 6' HIGH CHAIN LINK FENCE. SEE DETAIL 13/A1.11. |
| 10. | 6' HIGH DECORATIVE STEEL FENCE. SEE DETAIL 1/A1.11. |
| 11. | 6' ACCESSIBLE DECORATIVE STEEL GATE. SEE DETAIL 2/A1.11. |
| 12. | ENTRY STRUCTURE PER DETAILS A1.12 (INCREMENT #2) |
| 13. | PLAY STRUCTURE. PLAY STRUCTURES SHALL CONFORM WITH CBC SECTION 11B-100B AND SECTION 11B-240 |
| 14. | RE-LOCATABLE BUILDING ON CONCRETE FOUNDATION. REFER TO MODULAR BUILDING MANUFACTURERS DRAWINGS FOR BUILDING PLANS, ELEVATIONS, & SECTIONS. (INCREMENT #2) |
| 15. | PLANTERTURF AREA. SEE LANDSCAPE PLANS |
| 16. | PLAYGROUND STRIPING SEE ENLARGED SITE DETAILS |
| 17. | PROVIDE ENGINEERED WOOD FIBER (EWF) TO A DEPTH OF 14" AT ALL PLAY AREAS. EWF TO CONFORM TO ASTM # F-2075 FOR MATERIAL AND ASTM #F-1292 FOR IMPACT ATTENUATION & ASTM #F-1951 FOR STABLE & FIRM SLIP RESISTANT SURFACE. |
| 18. | MODULAR BUILDING VENTILATION SHAFT. SEE BUILDING FOUNDATION PLANS. |
| 19. | 60 x 60 LEVEL LANDING. |
| 20. | MODULAR BUILDING HVAC UNIT. PROVIDE PROTECTION SHROUD AT EACH EXTERIOR UNIT PER DETAIL X/A.X.X |
| 21. | ROOF OVER HANG |
| 22. | EXISTING PORTABLE CLASSROOM |
| 23. | FIRE HYDRANT |

BUILDING DATA	
BUILDING "A" (INCREMENT 2) OCCUPANCY EB CONST. TYPE VB-NS	FLOOR AREA 1895 SF ROOF O.H. 331 SF TOTAL BLDG. AREA 2226 SF 2226 SF PROPOSED <9,500 SF ALLOWABLE = OK NON-SPRINKLED
BUILDING "B" (INCREMENT 2) OCCUPANCY E CONST. TYPE VB-NS	FLOOR AREA 2840 SF ROOF O.H. 479 SF TOTAL BLDG. AREA 3319 SF 3319 SF PROPOSED <9,500 SF ALLOWABLE = OK NON-SPRINKLED
BUILDING "C" & "D" (INCREMENT 2) OCCUPANCY E CONST. TYPE VB-NS	FLOOR AREA 5680 SF ROOF O.H. 558 SF TOTAL BLDG. AREA 6248 SF 6248 SF PROPOSED <9,500 SF ALLOWABLE = OK NON-SPRINKLED
BUILDING "E" (FUTURE) OCCUPANCY E CONST. TYPE VB-NS	FLOOR AREA 5680 SF ROOF O.H. 558 SF TOTAL BLDG. AREA 6248 SF 6248 SF PROPOSED <9,500 SF ALLOWABLE = OK NON-SPRINKLED

- | LEGEND | |
|--------|---|
| | INDICATES NEW PORTABLE BUILDING ON CONCRETE FOUNDATION (INCREMENT #2) |
| | INDICATES FUTURE PORTABLE CLASSROOM BUILDING |
| | INDICATES NEW CONCRETE SIDEWALK |
| | ASPHALT PAVEMENT |
| | INDICATES ACCESSIBLE ROUTE |
| | PROPERTY LINE |

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Project Name & Address
MARSHALL ELEMENTARY SCHOOL EXPANSION INCREMENT 1
FOWLER UNIFIED SCHOOL DISTRICT
142 N. ARMSTRONG FOWLER, CA. 93625

Issue Date: 01/31/19
Designer: [Signature]
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Sheet No.: **A1.00**

Release: -