



Board Agenda Item 13

DATE: July 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: General Plan Amendment Application No. 564; Unclassified Conditional Use Permit Application No. 3693; Initial Study No. 7980 (Applicant: Jeff Roberts)

RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study No. 7980, including the Mitigation Monitoring and Reporting Program prepared for General Plan Amendment No. 564 amending the Land Use Element of the County-adopted Millerton Specific Plan to re-designate a portion of a proposed 5.17-acre parcel from Open Space and Medium Density Residential to Public Facilities to allow a fire station on the proposed parcel in the O(c) (Open Conservation Conditional) and R-1(c) (Single-Family Residential; 6,000 square-foot minimum parcel size, Conditional) Zone Districts;**
- 2. Adopt Resolution approving General Plan Amendment Application No. 564 amending the Land Use Element of the Millerton Specific Plan of the Fresno County General Plan for 2021; and**
- 3. Approve Unclassified Conditional Use Permit No. 3693, authorizing a fire station on a proposed 5.17-acre parcel in the O(c) (Open Conservation Conditional) and R-1(c) (Single-Family Residential; 6,000 square-foot minimum parcel size, Conditional) Zone Districts.**

This item comes before your Board with a unanimous recommendation for approval from the Planning Commission and requires final action from your Board per the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's action is included in Attachment A. The May 20, 2021 Planning Commission Staff Report is included as Attachment B and the project location and site plan are shown in Attachment C. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If your Board determines, and cites the reason, the proposed General Plan Amendment is inconsistent with the Land Use Element of the County-adopted Millerton Specific Plan, a motion to deny General Plan Amendment Application No. 564 and concurrent Unclassified Conditional Use Permit (UCUP) Application No. 3693 would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the County's Master Schedule of Fees, the Applicant has paid \$20,266 in land use processing fees to the County for the processing of Initial Study No. 7980, General Plan Amendment Application No. 564, and Unclassified Conditional Use Permit Application No. 3693.

DISCUSSION:

A General Plan Amendment (GPA) is a legislative action requiring final approval by your Board. Final action by your Board is also required for the adoption of the Mitigated Negative Declaration prepared for the Initial Study and Unclassified Conditional Use Permit No. 3693 filed concurrently with the GPA to allow development of a fire station on a proposed 5.17-acre parcel. If approved, the GPA would become effective 30 days after adoption.

Background

The purpose of this proposal is to acknowledge the relocation of a fire station site to an alternative site within the Millerton Specific Plan area. Since adoption of the Specific Plan in 1984, a portion of the area at the south-westerly intersection of Marina Drive and Millerton Road has been designated for a Government Center. This area was to include a future fire station, among other potential government and commercial uses. More recently in 2004 Conditional Use Permit No. 3035 was approved to allow the inclusion of a library within this area. The new fire station site is intended to replace the previous fire station location and was selected for better accessibility and visibility from Millerton Road.

The change in the location of a fire station site requires amendment to the Land Use Element of the Millerton Specific Plan by re-designating portions of 5.17-acres of land as "Public Facilities" to allow the Fire Station. It also requires an unclassified conditional use permit. The proposed 5.17-acres is comprised of a portion of a 41.29-acre parcel (APN 300-021-27s) and a portion of a 24.06-acre parcel (APN 300-340-13s).

To allow the proposed use to be consistent with the land use designation, a portion of a 41.29-acre parcel (APN 300-021-27s) will change from "Open Space" and "Medium Density Residential" to "Public Facilities"; and the land use designation of a portion of a 24.06-acre parcel (APN 300-340-13s) will change from "Open Space" and "Medium Density Residential" to "Public Facilities".

Pursuant to Fresno County Zoning Ordinance Section 873(F), in order to approve UCUP No. 3626, the following five Findings must be made:

1. *That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.*
2. *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*
3. *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.*
4. *That the proposed development is consistent with the General Plan.*
5. *That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.*

The 5.17-acre site will be created as a separate parcel through a subsequent mapping application. A fire station is an allowable use as an unclassified conditional use permit per section 853.B.7 of the zoning ordinance. A site plan and elevations were submitted for Conditional Use Permit Application No. 3693 to allow the proposed Fire Station.

The Planning Commission considered the application and determined that all five required finding necessary to grant the Conditional Use Permit could be made and recommend the Board to approve the application. It

is noted that while the project was applied for, routed, and analyzed in the Initial Study as an Unclassified Conditional Use Permit, the Planning Commission Staff Report erroneously made a reference to a Classified Conditional Use Permit.

Planning Commission Proceedings

On May 20, 2021, the Planning Commission considered the subject applications. After receiving Department of Public Works and Planning staff's presentation and considering public testimony from the applicant, the Commission voted 7 to 0 (two Commissioners absent) in favor of forwarding to your Board a recommendation to approve the project subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Attachment A. Staff notes there was no testimony in opposition to the proposal from the public.

Specific Plan Designations/Land Use Map and Proposed Land Use

The Fresno County Zoning Ordinance, through the Unclassified Conditional Use Permit process, permits a variety of land uses with the approval of a discretionary entitlement in any zone district unless the use is expressly prohibited. Specifically, Section 853.B.7 permits governmental facilities. Further, the Specific Plan lists Public Facilities as being conditionally compatible with properties zoned O (Open Conservation), of which a portion of the subject property is zoned.

The Millerton Specific Plan lists only the AL (Limited Agriculture) and O (Open Conservation) as compatible zone districts for its Public Facilities designation, with Open Conservation listed as conditionally compatible. The R-1 District is not listed as a compatible district for the Public Facilities designation. To ensure compatibility with the existing specific plan, and recognize the location of the proposed fire station, staff is recommending the following clarifications in addition to the Commission's May 20th action:

- Redesignate those portions of the project site with an underlying Open Conservation zoning to Public Facilities.
- Define the entire 5.17-acre site as "Fire Station" on the land use map for the Millerton Specific Plan SP1-4 as depicted in attached Attachment D.
- Include additional text in the Specific Plan document to indicate the new site as designated for a fire station at the intersection of Millerton Road and Morningside Way as indicated in Attachment E.

These recommendations do not change the proposal rather, these additions will allow for clarity and flexibility in the land use document while the discretionary land use permit will allow development of the site for the fire station.

Conclusion

If your Board determines that proposed General Plan Amendment and Conditional Use Permit Application are consistent with the General Plan and the Millerton Specific Plan, a motion to approve would be appropriate stating in the motion that your Board is:

- Adopting the Mitigated Negative Declaration prepared for IS No. 7980;
- Adopting a resolution approving GPA No. 564 amending the Land Use Element of the County-adopted Millerton Specific Plan by re-designating a portion of a proposed 5.17-acre site from Open Space and Medium Density Residential to Public Facilities to allow a Fire Station on the proposed parcel in the O (Open Conservation) and R-1(c) (Single-Family Residential; 6,000

square-foot minimum parcel size, Conditional) Zone Districts as illustrated in Attachment D.

- Authorize that the 5.17-acre parcel be noted of the land use map of the Millerton Specific Plan (SP1-4) be identified as “Fire Station” and modify the text of the Specific Plan document as provided for in Attachment E.
- Approving CUP No. 3693 to authorize the development of a fire station on a 5.17-acre parcel designated as Public Facilities.

The proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (MMRP) prepared based on Initial Study No. 7980 are included as Attachment F.

If your Board determines that amending the Millerton Specific Plan and/or Conditional Use Permit for the Fire Station as recommended by the Planning Commission is not consistent with the Millerton Specific Plan and the County General Plan, denial of the applications would then be appropriate citing the reasons for denial and the proposal’s inconsistency with the General Plan and Millerton Specific Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - F
On file with Clerk - Resolution (GPA and CUP)

CAO ANALYST:

Ron Alexander