



# Board Agenda Item 11

DATE: May 7, 2019

TO: Board of Supervisors

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

SUBJECT: Initial Study Application No. 7543 and Amendment Application No. 3835 (Applicant: John J. Shields)

RECOMMENDED ACTION(S):

1. **Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7543, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3835; and**
2. **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 acres, the proposal meets Findings A and B of Government Code, Sections 65863(b)(1).**
3. **Approve Ordinance pertaining to Amendment Application No. 3835 thereby rezoning the subject five-acre site from R-R (Rural Residential) to C-6(c) (General Commercial, Conditional) Zone District limited to Variety Stores, Automobile Parts Sales (new), and Hardware Stores) as requested by the Applicant; and**
4. **Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance, and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

**The subject property is located on the south side of State Route 180 approximately 2,540 feet east of its intersection with George Smith Road within the unincorporated community of Squaw Valley (APN 185-450-14).**

This item comes before your Board with a unanimous recommendation for approval from the Planning Commission (9 to 0) and requires final action from the Board of Supervisors as required by the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's Action is included in Attachment A. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed Amendment Application No. 3835 to re-designate one parcel totaling five acres from RR (Rural Residential) to C-6 (General Commercial, Conditional) Zone District is not

consistent with the County-adopted Sierra South Regional Plan or the County's General Plan Vision Statement, Goals, and Policies, a motion to deny the Amendment Application would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Applicant has paid land use processing fees in the amount of \$10,836.

DISCUSSION:

A rezoning (Amendment Application) is a legislative action requiring final approval and final action by your Board for the adoption of the Mitigated Negative Declaration (MND) prepared for Initial Study Application No. 7543 filed concurrently with the rezoning, Amendment Application No. 3835. If approved, the rezoning would become effective 30 days after adoption.

On March 7, 2019, the Planning Commission considered the rezoning. After receiving the Department of Public Works and Planning staff presentation and considering public testimony from the Applicant's representative and members of the community both in support and opposition, the Commission voted unanimously in favor of forwarding to your Board of Supervisors a recommendation to adopt the MND prepared for the request and recommending approval of the proposed rezoning subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listed in the Staff Report (Attachment B).

At the Planning Commission Hearing, the Applicant's representative spoke in favor of the rezoning, and two individuals spoke in opposition to the rezoning. Speakers in opposition had concerns about the economic viability of the business during winter, aesthetics, speed limits, and traffic safety. Two individuals sent letters of support citing the need for local commercial businesses to serve the rural mountain community and two individuals sent letters of opposition (Attachment C). The letters of opposition expressed concerns similar to the speakers in opposition to the rezoning.

If your Board determines that the proposed rezoning is consistent with the County's General Plan, including the Housing Element and the Sierra-South Regional Plan, an approval motion would be appropriate. Your Board would state in its motion that your Board is:

- adopting the MND prepared for Initial Study No. 7543, finding that 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 acres, and that the proposal meets Findings A and B of Government Code Sections 65863(b)(1), which read as follows:
  - A. The reduction is consistent with the adopted general plan, including the housing element.
  - B. The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.
- approving the Ordinance pertaining to Amendment Application No. 3835, rezoning the subject five-acre site from the R-R to the C-6(c) Zone District, limited to Variety Stores, Automobile Parts Sales (new) and Hardware Stores.

The proposed MND prepared for Initial Study No. 7543 is included as Attachment D.

In addition, Department staff recommends inclusion of an additional Condition of Approval requiring the following:

- The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of Initial Study No. 7543 and Amendment Application No. 3835 and provide a bond in the amount of \$150,000 as security for any such legal costs incurred by the County.

If your Board determines that the proposed rezoning is not consistent with the County's General Plan, denial of the rezoning would then be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D  
Ordinance  
On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa