



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
2281 Tulare Street
Northwest Corner of Tulare & M
Fresno, CA 93721-2198

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PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

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AGENDA December 12, 2019

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

There are no consent agenda items for this hearing.

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to

address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)

2. **INITIAL STUDY APPLICATION NO. 7449** and **AMENDMENT APPLICATION NO. 3829** filed by **JOHN B. BRELSFORD** on behalf of **WE BE JAMMIN, LP, A CALIFORNIA LIMITED PARTNERSHIP**, proposing to rezone a 42.6-acre parcel of land with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District limited to a parking lot] to the M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by the Applicant. The project site is located on the southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of the nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (Sup. Dist. 4) (APN 331-090-96). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7449 and take action on Amendment Application No. 3829 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

3. **VARIANCE APPLICATION NO. 4043** filed by **ROOKSPIRE INC.**, proposing to allow the creation of two five-acre parcels (20-acre minimum required) from an existing ten-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located approximately 675 feet west of South Grantland Avenue, between West Manning Avenue and West Springfield Avenue, approximately three quarter-miles west of the unincorporated community of Raisin City (9237 and 9241 South Grantland Avenue) (SUP. DIST. 1) (APN 035-360-40S).

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

4. **Staff Update on the Status of the General Plan Review and Zoning Ordinance Update.**

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov
or Chris Motta (559) 600-4227, email: cmotta@fresnocountyca.gov

5. **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



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 December 12, 2019

SUBJECT: Initial Study Application No. 7449 and Amendment Application No. 3829

Allow the rezone of a 42.6-acre parcel of land with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District limited to a parking lot] to the M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by the Applicant.

LOCATION: The project site is located on the southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of the nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (Sup. Dist. 4) (APN 331-090-96).

OWNER: We Be Jammin, LP
APPLICANT: John B. Brelsford

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. 7449; and
- Recommend that the Board of Supervisors determine that the proposed rezone is consistent with the General Plan and County-adopted Roosevelt Community Plan, and approve Amendment Application No. 3829 with the recommended Mitigation Measures, Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3829 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 AL-20 (Limited Agricultural) and M-3 (Heavy Industrial) Zoning
6. Uses Proposed to be Allowed Under the Proposed M-3(c) (Heavy Industrial, Conditional) Zone District with the Approval of Amendment Application No. 3829
7. Summary of Initial Study Application No. 7449
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan	No change
Zoning	<ul style="list-style-type: none"> • AL-20 (Limited Agricultural, 20-acre minimum parcel size) • M-3(c) (Heavy Industrial, Conditional) limited to a parking lot 	M-3(c) (Heavy Industrial, Conditional) limited to heavy industrial, general industrial, and light manufacturing uses as noted in Exhibit 6.
Parcel Size	42.6 acres	No change
Project Site	<ul style="list-style-type: none"> • 40.1 acres (fallow) • 2.5 acres (automobile wrecking yard) 	Rezone a 42.6-acre parcel of land with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District limited to a parking lot] to the M-3(c) Zone District to allow limited industrial uses as listed in Zoning Ordinance Section 845.1, 844.1, 843.1 and Exhibit 6.

Criteria	Existing	Proposed
Structural Improvements	None	None. Future site development will be limited to the uses listed in Exhibit 6.
Nearest Residence	32 feet west of the west property line of the project site	No change
Surrounding Development	Warehousing/offices, storage buildings, machinery and equipment manufacturing facilities, automobile wrecking yard, single-family residences	No change
Operational Features	See "Project Site" above	See "Project Site" above
Employees	N/A	Determined at the time uses are established on the property
Customers/Supplier	N/A	N/A
Traffic Trips	N/A	Per the Traffic Impact Study (TIS) prepared for the project by Peters Engineering dated September 3, 2019, construction of an approximately 70,000 square-foot industrial space on the property will generate 318 truck trips on weekdays, including 17 AM peak-hours trips and 17 PM peak-hour trips.
Lighting	None	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	AL-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet M-3 Zone District: Front: None	M-3(c) Zone District: None required for this application	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	Sides: None Rear: None Note: 15 feet required if the property abuts a residential district		
Parking	AL-20 Zone District: <ul style="list-style-type: none"> Two square feet of off-street parking area for each one square foot of retail floor space; or Section 855-I requirements shall apply M-3 Zone District: <ul style="list-style-type: none"> One parking space for each two permanent employees, and one for each company-owned truck 	None required for this application	Determined at the time uses are established on the property
Lot Coverage	No requirement (AL-20 or M-3 Zone District)	No requirement	N/A
Separation Between Buildings	No requirement (AL Zone District or M-3 Zone District)	No requirement	N/A
Wall Requirements	AL-20 Zone District: The provisions of Section 855-H.2 shall apply M-3 Zone District: Six-foot-high wall between industrial and residential zone properties	N/A N/A. The project site does not abut residentially-zoned parcels	N/A
Septic Replacement Area	100 percent for the existing system	None required for this application	N/A. The proposed uses will connect to Malaga County Water

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
			District community sewer system
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 connect to Malaga County Water District community water system

Circulation and Traffic

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	<ul style="list-style-type: none"> Central Avenue; Good Condition Willow Avenue; Good Condition 	<p>No change</p> <p>No change</p>
Direct Access to Public Road	Yes	Both Central and Willow Avenues	No change
Road ADT		<ul style="list-style-type: none"> 4100 (Central Avenue) 500 (Willow Avenue) 	Per the Traffic Impact Study, by the year 2040, the intersection of Chestnut and Willow Avenue will not significantly change from the existing Levels of Service (LOS).
Road Classification		<ul style="list-style-type: none"> Arterial Road (Central Avenue) Local Road (Willow Avenue) 	<p>No change</p> <p>No change</p>
Road Width		<ul style="list-style-type: none"> 30-foot and 53-foot right-of-way south of the section line for Central Avenue 30-foot right-of-way east of the section line for Willow Avenue 	<p>Requires dedication of an additional 23-foot right-of-way south of the section line for Central Avenue (total 53 feet required)</p> <p>Requires dedication of an additional two-foot right-of-way east of the section line for Willow Avenue (total 32 feet required)</p>
Road Surface		Asphalt concrete paved (Central and Willow Avenues)	Requires a hot-mix asphalt overlay on Willow Avenue extending across the property frontage along Willow Avenue with a thickness based on achieving an overall structural

		Existing Conditions	Proposed Operation
			section to satisfy a Traffic Index (TI) of 8.5.
Traffic Trips		N/A	Per the Traffic Impact Study prepared for the project by Peters Engineering and dated September 3, 2019, construction of an approximately 70,000 square-foot industrial space on the property will generate 318 truck trips on weekdays including 17 AM peak-hour trips and 17 PM peak-hour trips.
Traffic Impact Study (TIS) Prepared	Yes	N/A	A Traffic Impact Study (TIS) was prepared for the project by Peters Engineering, dated September 3, 2019. Mitigation Measures from the TIS have been included in Exhibit 1 of this Report.
Road Improvements Required		Good	Yes. See "Road Surface" above

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	7.79 acres 2.11 acres 3.09 acres	Warehouse/office; single-family residence	AL-20 & M-3(c)	130 feet
South	21.77 acres	Single-family residence; automobile wrecking yard	AL-20	None
East	21.17 acres	Fallow land; single-family residence	AL-20	200 feet
West	14.94 acres 18,800 square feet 2.07 acres 14.5 acres	Fallow land; Warehouse/office; single-family residences	AL-20 & M-3	32 feet and 80 feet

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

ENVIRONMENTAL ANALYSIS:

Initial Study No. 7449 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: November 8, 2019.

PUBLIC NOTICE:

Notices were sent to 30 property owners within 1,320 square 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 42.6-acre property and other properties in the vicinity were zoned R-A (Single-Family Residential Agricultural District) on June 8, 1960. On April 29, 1980, Amendment Application No. 3148 was approved, which rezoned the subject property from the R-A Zone District to the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. On July 1, 2004, Amendment Application No. 3736 was approved which rezoned a 2.5-acre portion of the property from AL-20 to M-3(c) (Heavy Industrial, Conditional) limited to a parking lot. The property is currently zoned AL-20 and M-3(c).

Under the current application, the Applicant is proposing to rezone the subject property with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District limited to a parking lot] to the M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as listed in Zoning Ordinance Section 845.1, 844.1, 843.1 and Exhibit 6.

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-F.29, criteria a. b. c. d.: County may approve rezoning requests and discretionary permits for new industrial developments subject to the following criteria: a) operational measures or specialized equipment to protect public health and safety	This proposed rezone would allow limited by-right industrial uses as listed in Exhibit 6 of this report. The proposed uses will adhere to the M-3 Zone District property development standards and will be analyzed against these standards during mandatory Site Plan

Relevant Policies:	Consistency/Considerations:
and to reduce adverse impact of noise, odor, vibration, smoke, smoke, heat and glare, and other pollutants on abutting properties; b) provisions of adequate off-street parking; c) maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from the abutting properties; and d) limitations on the use size, time of operation or length of permits.	Review prior to the issuance of building permits. With these considerations, the proposal is consistent with this policy.
General Plan Policy LU-F. 30: County shall generally require community sewer and water services for industrial development in accordance with the provisions of the Fresno County Ordinance.	The subject property will require annexation to the Malaga County Water District (MCWD) in order to be provided with community sewer and water services; or, as required by the Department of Public Health, Environmental Health Division, the property can be allowed with only low-water uses that generate small amounts of liquid waste until such time it is served by community water and sewer services. The proposal is consistent with this policy.
General Plan Policy LU-F.31: To the extent feasible, County shall require that all industrial uses located adjacent to planned non-industrial areas or on roads carrying significant non-industrial traffic shall be designed with landscaping and setbacks comparable to the non-industrial area.	Central Avenue carries non-industrial traffic through the area serving farming operations located on the east and west sides of the project site. The project will require landscaping to be provided along the Central Avenue frontage of the property. The proposal is consistent with this policy.

Reviewing Agency/Department Comments Regarding Site Adequacy:

California Department of Transportation (Caltrans): The project shall pay its fair share cost of \$11,690.00 toward the construction of an additional turn lane for the State Route (SR) 99 northbound off-ramp to Chestnut Avenue. This requirement has been included as a Mitigation Measure (Exhibit 1).

Road Maintenance and Operations and Design Divisions of the Fresno County Department of Public Works and Planning: The project will cause a significant pavement impact by increasing the TI (Traffic Index) on Willow Avenue and shall require overlay of Willow Avenue along the frontage of the project site to mitigate the impact. This requirement has been included as a Mitigation Measure (Exhibit 1).

Central Avenue is classified as an Arterial road with an existing 30-foot and 53-foot right-of-way south of the section line. The minimum width for an Arterial road right-of-way south of the section line is 53 feet. An additional 23 feet of right-of-way south of the section line for Central Avenue shall be provided. Willow Avenue is classified as a Local road with an existing 30-foot right-of-way east of the section line for Willow Avenue. The minimum width for a Local industrial road right-of-way east of the section line is 32 feet. An additional two (2) feet of right-of-way

east of the section line for Willow Avenue shall be provided. Pavement widening and curb and gutter improvements shall be installed on Central and Willow Avenue frontages in accordance with County development standards and considering right-of-way requirements. This shall include the undergrounding of any overhead facilities along Central and Willow Avenue frontages and the relocation of the existing pedestrian flashing beacon with the road improvements construction along Central Avenue.

Malaga County Water District (MCWD): The District has enough sewer and water capacity to serve future industrial uses on the property. The property shall annex to the District in order to receive the District's water and sanitary sewer services. The conditions of service include specific will-serve letters prepared for each specific phase of development and improvement plans identifying all sewer improvements for review and approval by the District. In addition, the developer shall pay for the District's engineering and legal review of the water and sewer improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD. These requirements have been included as Conditions of Approval (Exhibit 1).

The above-noted requirements have been included as Conditions of Approval (Exhibit 1).

Fresno County Department of Public Health, Environmental Health Division (Health Department): To protect groundwater resources, community sewer and water should serve the property. However, if on-site water wells and/or sewage disposal systems are permitted, only low-water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community water and sewer facilities. Alternatively, adequate information shall be submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes.

To protect groundwater, all on-site, abandoned water wells shall be properly destroyed by an appropriately-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 development proposals shall comply with the County Noise Ordinance regulations.

State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW): If the project is not served by a water district, a preliminary technical report in compliance with Senate Bill 1263 that looks at consolidating with nearby existing water systems shall be prepared and submitted to SWRCB-DDW a minimum of six months prior to any water-related construction.

Fresno Irrigation District (FID): Washington Colony No. 15 runs southerly along the west side of Peach Avenue and crosses Central Avenue approximately 500 feet east of the subject property. FID shall review and approve all plans for future site development, which include any street and/or utility improvements along Peach Avenue, Central Avenue, or near the canal. A privately-owned pipeline, La Rue No. 238, which currently is in use by many entities, runs westerly and traverses the southwest section of the subject property. This is an active pipeline and shall be treated as such.

Fresno Metropolitan Flood Control District (FMFCD): The District's Master Plan can accommodate storm water generated by the future use of the property. The project shall pay drainage fees at the time of development based on the fee rates in effect at that time. Storm

drainage patterns shall conform to the District Master Plan and Master Plan facilities and be constructed if County requires street improvements on Willow and Central Avenues. All improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed for conformance to the District Master Plan within the project area.

Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area shall require a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit shall be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board prior to the onset of construction.

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 shall be required for site grading. If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the exiting driveways onto Central Avenue and a 30-foot by 30-foot corner cutoff shall be provided at the intersection of Willow and Central Avenues for sight distance purposes.

Fresno County Fire Protection District: The project shall comply with the California Code of Regulations Title 24 – Fire Code, California Code of Regulations Title 14 - Natural Resources 1272.00 Maintenance of Defensible Space Measures, provide plans for review and approval by the Fire district, and annex the property to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.

The above-noted requirements have been included as Project Notes (Exhibit 1).

Fresno Local Agency Formation Commission: The County of Fresno and the Malaga County Water District should be providing municipal services (sewer and water) to the property.

Regional Water Quality Control Board; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service; San Joaquin Valley Air Pollution Control District; Fresno County Fire Protection District; City of Fresno; Fresno County Department of Agriculture; Native American Heritage Commission; Water and Natural Resources Division, and Building and Safety, Zoning and Site Plan Review Sections of the Fresno County Department of Public Works and Planning: No concerns with the project.

ANALYSIS/GENERAL PLAN CONSISTENCY:

The subject 42.6-acre property is designated General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan. A 40.1-acre portion of the property (currently fallow) is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and the remaining 2.5 acres (an automobile wrecking yard) is zoned M-3(c) (Heavy Industrial, Conditional). The immediate surrounding area is designated Limited Industrial and General Industrial in the Roosevelt Community, zoned M-3(c), M-2, and M-1, and is developed with heavy, general and light industrial uses which include automobile wrecking yard, warehousing/offices, storage buildings, machinery and equipment manufacturing facilities. The subject property and the properties in the vicinity are currently in a holding zone (AL-20; Limited Agriculture) and are to be developed with industrial uses compatible with General Industrial

(Reserve), General Industrial and Limited Industrial in the Roosevelt Community Plan.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The proposed M-3(c) District is a compatible zoning for lands designated General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan. Therefore, the proposed M-3 Zoning District for the subject parcel would be consistent with the General Plan.

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base. This zone district also includes the uses allowed in the M-2 and M-1 Zone Districts. The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base, and the "M-1" Light Manufacturing District is intended to provide for the development of industrial uses which are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to those residing in the area. The subject proposal would allow limited heavy industrial, general industrial and light manufacturing uses listed in the Zoning Ordinance Section 845.1, 844.1, 843.1, and Exhibit 6 of this report. The proposed uses are comparable to industrial uses currently established on the surrounding parcels zoned M-1, M-2 and M-3. The proposal is also compatible with the policies of the County General Plan as discussed above in General Plan Consistency/ Consideration.

Concerning consistency with General Plan Policy LU-F.29, the proposed rezone will allow limited by-right industrial uses as listed in the Zoning Ordinance Section 845.1, 844.1, 843.1 and Exhibit 6. Concerning consistency with General Plan Policy LU-F. 30, the subject property will annex to the Malaga County Water District (MCWD) to receive District's sewer and water services, or alternatively be allowed only low-water uses and the uses that generate small amounts of liquid waste until such time that community water and sewer systems serve the property. Concerning consistency with General Plan Policy LU-F. 31, landscaping will be provided along Central Avenue frontage of the property comparable to non-industrial uses.

The Initial Study (IS) prepared for the project has identified air quality, cultural resources and transportation as potential impacts. Regarding air quality, the project will comply with Regulation VIII to reduce short-term construction period air quality impacts. Regarding cultural resources, any artifacts unearthed during ground disturbance will require all work to be stopped and an archeologist to be called in to evaluate the findings and make necessary recommendations. Regarding transportation, Willow Avenue will require overlay of hot-mix asphalt and the project will pay its pro-rata share for the construction of an additional turn lane for the State Route (SR) 99 northbound off-ramp to Chestnut Avenue. These requirements have been included as Mitigation Measures in Exhibit 1 of this report.

Potential impacts related to aesthetics, energy, geology and soils, hydrology and water quality, and noise have been determined to be less than significant. Regarding these impacts, the future development proposals will require landscaping along the Central Avenue frontage of the property and within the southwesterly portion of the property to minimize visual/aesthetical impact on a single-family residence on an adjacent parcel; meet the California Green Building Standards Code to achieve the goals of AB (Assembly Bill) 32 for reducing greenhouse gas emission in the environment; connect with Malaga County Water District community sewer and water system, or alternatively be allowed for low-water uses that generate small amounts of liquid waste until the property connects with a community system; and compliance with the County Noise Ordinance regulations. Mandatory Site Plan Review (SPR) is included as a Project Note to address these

issues and others identified in this report, including, but not limited to, design of parking and circulation, access, grading and drainage, fire protection, and control of light.

Pursuant to AB (Assembly Bill) 52, the subject proposal was routed to the Santa Rosa Rancheria Tachi Yakut Tribe, Picayune Rancheria of the Chukchansi Indians, Dumna Wo Wah Tribal Government, and Table Mountain Rancheria, offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, Table Mountain Rancheria (TMR) noted that the Tribe should be informed in the unlikely event that cultural resources are identified on the property. The Mitigation Measures included in Exhibit 1 of this report would require that upon finding cultural resources during ground disturbance, all activities shall be ceased, and the proper agencies shall be notified.

Based on the above information, and with adherence to the Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes that the subject rezoning from the AL-20 Zone District to an M-3(c) Zone District will not have an adverse effect upon surrounding properties, and that the proposal is consistent with the Fresno County General Plan and Roosevelt Community 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 AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and the M-3(c) (Heavy Industrial, Conditional Zone District limited to a parking lot) to the proposed M-3(c) Zone District to allow limited industrial uses as listed in Zoning Ordinance Section 845.1, 844.1, 843.1 and Exhibit 6 is consistent with the Fresno County General Plan and Roosevelt Community and recommends approval of Amendment Application No. 3829, 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. 7449; and
- Recommend that the Board of Supervisors determine that the proposed rezone is consistent with the General Plan and County-adopted Roosevelt Community Plan and approve Amendment Application No. 3829 with the recommended Mitigation Measures, Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3829 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 proposed M-3(c) (Heavy Industrial, Conditional) zoning is not consistent with the General Plan and County-adopted Roosevelt Plan, and deny Amendment Application No. 3829 (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

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7449/Amendment Application (AA) No. 3829
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	<p>Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM₁₀ Prohibitions), the following measures shall be implemented for dust control during construction:</p> <ol style="list-style-type: none"> 1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using wate or chemical stabilizer/suppressant, or covered with a tarp or other suitable cover or vegetative ground cover. 2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. 3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. 4. When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. 5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) 6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said 	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)/San Joaquin Valley Air Pollution Control District	As noted

		piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.			
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
3.	Transportation	To address project-related impacts to Willow Avenue, and per the conclusions of the Traffic Impact Study (revised) prepared for the project by Peters Engineering Group, dated September 3, 2019, the Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Willow Avenue that shall extend across the entire property frontage along Willow Avenue with a thickness based on achieving an overall structural section to satisfy a Traffic Index (TI) of 8.5, and submit plans for the overlay work to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval.	Applicant	Applicant/ PW&P	As noted
4.	Transportation	<p>Prior to the issuance of building permits for the uses allowed on M-3(c)-zoned property, the Applicant shall enter into a Traffic Mitigation Agreement (TMA) with California Department of Transportation agreeing to participate in the funding of future off-site traffic improvements as defined in item 'a' below and pay for the funding deemed appropriate by Caltrans based on the following pro-rata share.</p> <p>a. To add an additional turn lane for the State Route (SR) 99 northbound off-ramp to Chestnut Avenue, the project shall pay its fair share cost of \$11,690.00 (seven a.m. peak-hour trips at \$1,670/trip).</p>	Applicant	Applicant/ PW&P/California Department of Transportation	As noted

Conditions of Approval

1.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Section 845.1 (M-3; Heavy Industrial District); Section 844.1 (M-2; General Industrial District) and Section 843.1 (M-1; Light Manufacturing District) of the Zoning Ordinance:</p> <ul style="list-style-type: none">• Organic fertilizer, bulk sale and storage• Baled cotton storage• Microwave relay structures• Advertising structures• Electrical supply• Frozen food lockers• Ice and cold storage plants• Signs subject to the provisions of Section 843.5-K• Aircraft modification, storage, repair and maintenance• Boat building and repairs• Manufacturing and maintenance of electric or neon signs• Rubber and metal stamps• Wholesaling and warehousing• Laboratories• Blueprinting and photocopying• Communication equipment buildings• Electric transmission substations• Electric distribution substations• Temporary or permanent telephone booths• Water pump stations
2.	<p>The property shall annex to the Malaga County Water District (MCWD) to receive the District's sanitary sewer service. The conditions of service include specific will-serve letters prepared for each specific phase of development and improvement plans identifying all sewer improvements for review and approval by the District. The developer shall pay for the District's engineering and legal review of the sewer improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD.</p>
3.	<p>The property shall annex to the Malaga County Water District (MCWD) to receive the District's community water service. The conditions of service include specific will-serve letters prepared for each specific phase of development and improvements plans identifying all water improvements for review and approval by the District. The developer shall pay for District's engineering and legal review of the water improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD.</p>
4.	<p>A 53-foot right-of-way south of the section line is required for Central Avenue. The owner of the subject property shall record a document irrevocably offering the northerly 23-foot undedicated portion of the subject property to the County of Fresno as future right-of-way for Central Avenue. This dedication shall also include a 30-foot by 30-foot corner cut-off at Willow Avenue.</p>

	Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.
5.	In accordance with the County's local industrial road standard, a 32-foot right-of-way east of the section line is required for Willow Avenue. The owner of the subject property shall record a document irrevocably offering the westerly two (2) feet of the subject property to the County of Fresno as future right-of-way for Willow Avenue. Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.
6.	Landscaping, consisting of evergreen trees and shrubs for a depth of 15 feet, shall be provided along south and west property lines within the southwesterly portion of the subject 42.6-acre property to minimize visual/aesthetical impacts resulting from site development to a single-family residence on an adjacent parcel. The design of the required landscaping shall be reviewed for approval prior to the issuance of building permits. The amount of landscaping will exceed 500 square feet; therefore, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo). For more information on MWELo requirements visit: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance and for Water Use Classification of Landscape Species (WUCOLS IV): https://ucanr.edu/sites/WUCOLS/Plant_Search/ . All landscaping shall be completed prior to occupancy of a use on the property.
7.	Landscaping, consisting of lawn, evergreen trees and shrubs for a depth of 35 feet shall be provided and maintained along the entire Central Avenue frontage of the subject 42.6-acre property. The design of the required landscaping shall be reviewed for approval prior to the issuance of building permits. The amount of landscaping will exceed 500 square feet; therefore, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo). For more information on MWELo requirements visit: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance and for Water Use Classification of Landscape Species (WUCOLS IV): https://ucanr.edu/sites/WUCOLS/Plant_Search/ . All landscaping shall be completed prior to occupancy of a use on the property.
8.	Pavement widening and curb and gutter improvements shall be installed on Central and Willow Avenue frontages in accordance with County development standards and taking into account right-of-way requirements in Condition No. 4 and 5. This shall include the undergrounding of any overhead facilities along Central and Willow Avenue frontages and the relocation of the existing pedestrian flashing beacon with the road improvements construction along Central Avenue.

*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 M-3(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, right-of-way dedication, design of parking and circulation, access, grading and drainage, fire protection, noise, and control of light.

Project Notes

2.	For the establishment of any of the uses proposed by this application, plans, permits and inspections shall be required from the Building and Safety Section of the Fresno County Department of Public Works and Planning.
3.	If the uses proposed by this application are not served by a water district, a preliminary technical report in compliance with Senate Bill 1263 that looks at consolidating with nearby existing water systems shall be prepared and submitted to the State Water Resources Control Board, Division of Drinking Water a minimum of six months prior to any water-related construction. Note: This requirement will be addressed through mandatory Site Plan Review.
4.	<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">• If on-site water wells and/or sewage disposal systems are permitted, only low-water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community water and sewer facilities. Alternatively, adequate information shall be submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes.• To protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-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 development proposals shall comply with the County Noise Ordinance regulations. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>
5.	Per the Fresno Irrigation District (FID), Washington Colony No. 15 runs southerly along the west side of Peach Avenue and crosses Central Avenue approximately 500 feet east of the subject property. FID shall review and approve all plans for future site development, which include any street and/or utility improvements along Peach Avenue, Central Avenue, or near the canal. Furthermore, a privately-owned pipeline, La Rue No. 238, which is currently in use by many entities, runs westerly and traverses the southwest section of the subject property. This is an active pipeline and must be treated as such.
6.	<p>To address site drainage impacts resulting from the establishment of any of the uses proposed by this application, the Fresno Metropolitan Flood Control District (FMFCD) requires the following:</p> <ul style="list-style-type: none">• The project shall pay drainage fees at the time of development based on the fee rates in effect at that time; storm drainage patterns shall conform to the District Master Plan and Master Plan facilities and be constructed if the County requires street improvements on Willow and Central Avenues; and all improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed for conformance to the District Master Plan within the project area.• Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area shall require a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit shall be secured by filing a Notice of Intent for the State General Permit for

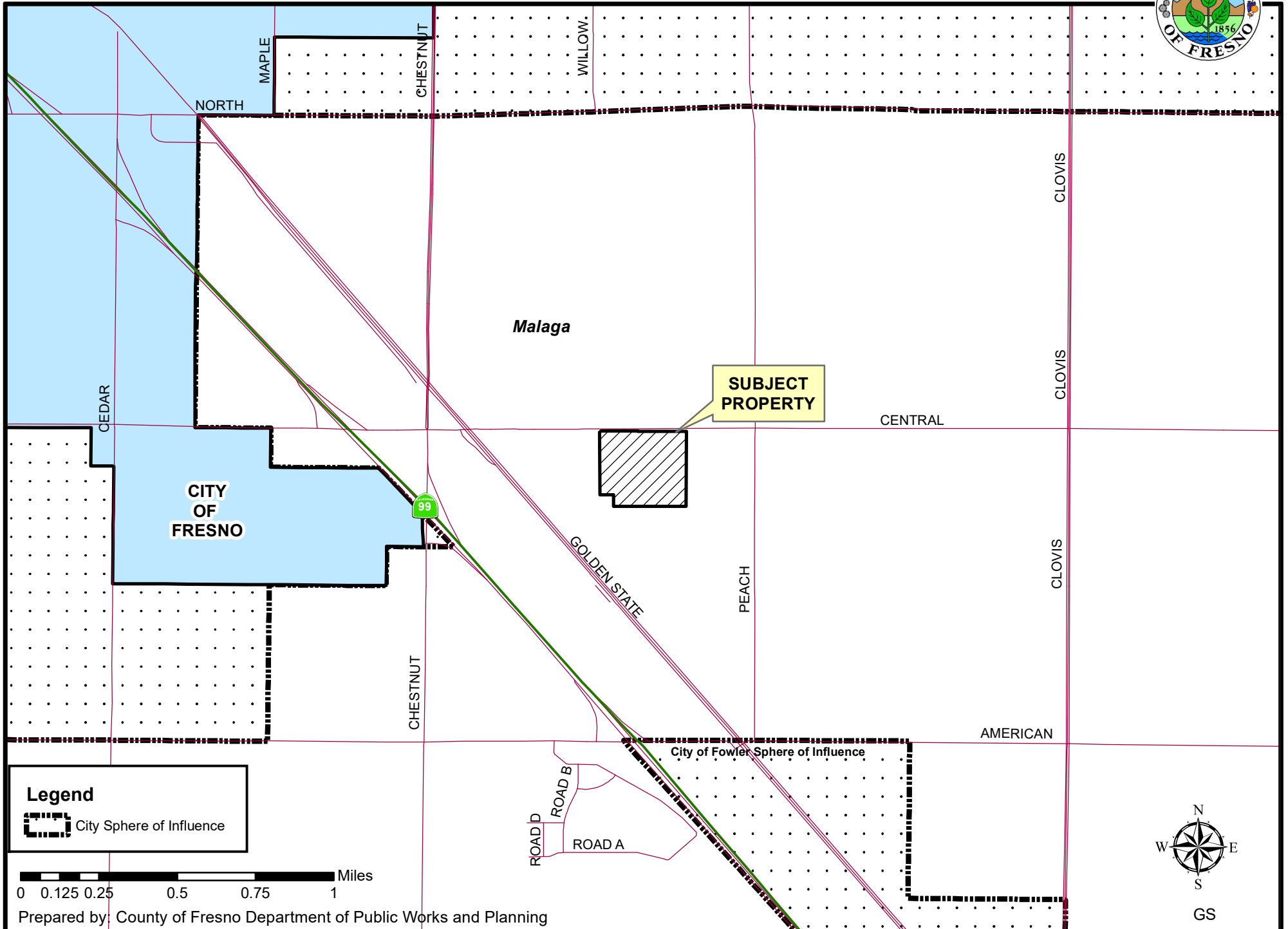
Project Notes

	Construction Activity with the State Water Resources Control Board prior to the onset of construction. These requirements has been included as Project Notes.
7.	<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.• A 10' X 10' corner cutoff to be improved for sight distance purposes at the exiting driveways onto Central Avenue.• A 30' x 30' corner cutoffs at the intersection of Willow Avenue and Central Avenue for sight distance purposes. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>
8.	The establishment of any of the uses proposed by this application shall comply with the California Code of Regulations Title 24 – Fire Code, California Code of Regulations Title 14 - Natural Resources 1272.00 Maintenance of Defensible Space Measures, provide plans for review and approval by the Fire district, and annex the property to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
9.	Prior to conducting any improvements within the County rights-of-way, an encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

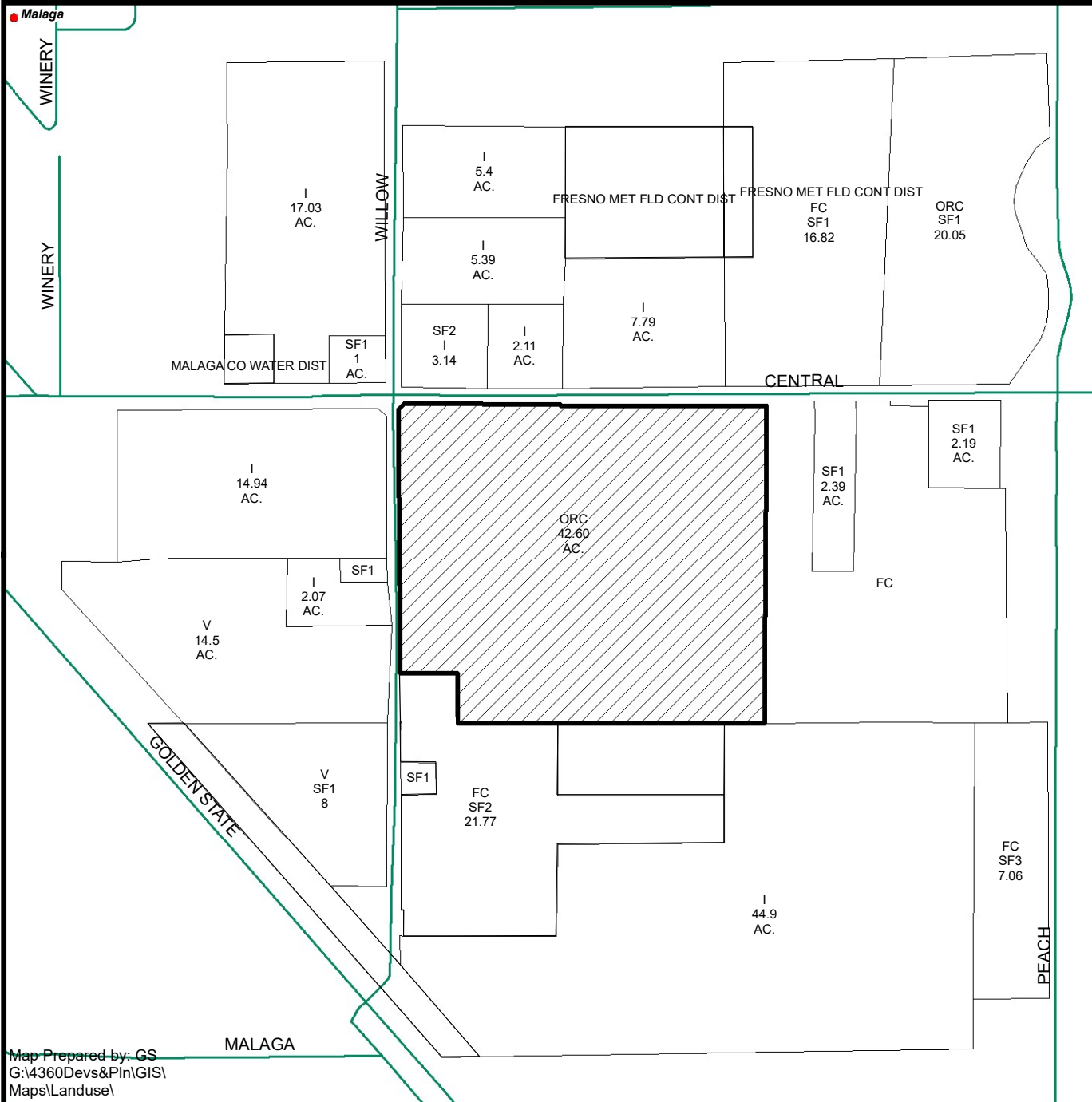
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LOCATION MAP

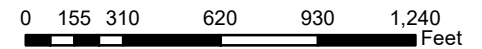
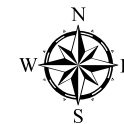


EXISTING LAND USE MAP



LEGEND	
FC	- FIELD CROP
I	- INDUSTRIAL
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:
 Subject Property



Map Prepared by: GS
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Department of Public Works and Planning
 Development Services Division

SECTION 817

"AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

The "AL" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designation of 640, 320, 160, 80, 40, and 20 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Section 817 added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.188 adopted 10-29-79)

SECTION 817.1 - USES PERMITTED

The following uses shall be permitted in the "AL" Districts. All uses shall be subject to the Property Development Standards in Section 817.5.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. 490.188 adopted 10-29-79)

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.
(Amended by Ord. 490.174 re-adopted 5-8-79)
- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.
(Amended by Ord. T-038-306 adopted 5-22-90)
- C. 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.
(Added by Ord. T-038-306 adopted 5-22-90).
- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.
(Added by Ordinance 490.174 re-adopted 5-8-79)
- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- F. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.

- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.
(Added by Ord. T-052-286 adopted 3-8-94)
- O. Agricultural tourism uses and facilities subject to the provisions of Section 855-N.
(Added by Ord. T-078-353, adopted 12-7-04)
- P. Farmworker Dwelling Units subject to the provisions of 855-O.
(Added by Ord. T-803-371 adopted 12-8-15)
- Q. Farmworker Housing Complexes subject to the provisions of 855-O.
(Added by Ord. T-803-371 adopted 12-8-15)
- R. Temporary Farmworker Housing subject to the provisions of 855-O.
(Added by Ord. T-803-371 adopted 12-8-15)
- S. Wholesale Limited Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)
- T. Micro Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)
- U. Minor Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

SECTION 845

"M-3" - HEAVY INDUSTRIAL DISTRICT

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

SECTION 845.1 - USES PERMITTED

The following uses shall be permitted in the "M-3" District. All uses shall be subject to the Property Development Standards in Section 845.5.

- A. All uses permitted in the "M-2" District, Section 844.1.
- B. Alcohol distillation, including wineries and breweries, when connected with adequate public sewers.
- C. Organic fertilizer, bulk sales and storage.
- D. Concrete and cement products.
- E. Ready-mix concrete.

SECTION 844

"M-2" - GENERAL INDUSTRIAL DISTRICT

The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

SECTION 844.1 - USES PERMITTED

The following uses shall be permitted in the "M-2" District. All uses shall be subject to the Property Development Standards in Section 844.5.

(Amended by Ord. 490.174 re-adopted 5-29-79)

- A. All uses permitted in the "M-1" District, Section 843.1.
- B. Baled cotton storage.
- C. Building materials.
- D. Cotton compress.
- E. Used materials yards.
- F. Manufacturing.
 - 1. Automotive:
 - a. Assembly.
 - b. Battery manufacture.
 - c. Body and fender works.
 - d. Rebuilding.
 - 2. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
 - a. Automatic screw machines.
 - b. Blacksmith shops.
 - 3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
 - a. Bone.
 - b. Feathers.
 - c. Hair.
 - d. Horns.
 - e. Paints, not employing a boiling process.
 - f. Rubber.
 - 4. Wholesale lumber yards.
 - 5. Meat packing & meat processing, subject to the provisions of Section 855-N.
(Added by Ord. 490.21 adopted 9-14-65)
- G. Microwave relay structures.

SECTION 843

"M-1" - LIGHT MANUFACTURING DISTRICT

The "M-1" (Light Manufacturing) District is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of material that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other district.

SECTION 843.1 – USES PERMITTED

The following uses shall be permitted in the "M-1" District. All uses shall be subject to the Property Development Standards in Section 843.5.

A. RELATED USES

1. Advertising structures.
2. Animal hospitals and shelters.
3. Automobile repairs (conducted within a completely enclosed building).
4. Automobile re-upholstery.
5. Automobile service stations.
6. Banks.
7. Caretaker's residence, which may include an office for the permitted industrial use.
(Amended by Ord. 490.152 adopted 7-10-78)
8. Commercial uses that are incidental to and directly related to and serving the permitted industrial uses.
9. Delicatessens.
10. Electrical supply.
11. Equipment rental or sale
12. Farm equipment sales and service.
13. Frozen food lockers.
14. Grocery stores.
15. Boarding and training, breeding and personal kennels.
(Amended by Ord. 490.36 adopted 7-25-67)
16. Ice and cold storage plants
17. Mechanical car, truck, motor and equipment wash, including self-service.

(Added by Ord. 490.23 adopted 12-28-65)

18. Newspaper publishing

19. Offices:

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

20. New and used recreational vehicle sales and service.
(Added by Ord. 490.129 adopted 1-11-77)

21. Restaurants.

22. Signs, subject to the provisions of Section 843.5-K.

23. Truck service stations.

24. Truck driver's training schools.
(Amended by Ord. T-070-341 adopted 4-23-02)

B. ADULT BUSINESSES that are licensed under Chapter 6.33 of Ordinance Code, including uses such as:

1. Bars.
2. Restaurants.
3. Theaters.
4. Video stores.
5. Book stores.
6. Novelty sales.
(Added by Ord. T-074-346 adopted 7-30-02)

C. MANUFACTURING

1. Aircraft, modification, storage, repair and maintenance

2. Automotive:

- a. Painting.
- b. Automotive reconditioning.
- c. Truck repairing and overhauling.
- d. Upholstering.
- e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components.

(Added by Ord. 490.33 adopted 1-17-67)

3. Boat building and repairs.

4. Book binding.

5. Bottling plants.
6. Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas.
7. Commercial grain elevators.
8. Garment manufacturing.
9. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
 - a. Blacksmith shops.
 - b. Cabinet or carpenter shops.
 - c. Electric motor rebuilding.
 - d. Machine shops.
 - e. Sheet metal shops.
 - f. Welding shops.
 - g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals.
10. Manufacturing, compounding, processing, packing or treatment of such products as:
 - a. Bakery goods.
 - b. Candy.
 - c. Cosmetics.
 - d. Dairy products.
 - e. Drugs.
 - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system.
 - g. Fruit and vegetables (packing only).
 - h. Honey extraction plant.
 - i. Perfume.
 - j. Toiletries.
11. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
 - a. Canvas.
 - b. Cellophane.
 - c. Cloth.
 - d. Cork.
 - e. Felt.
 - f. Fibre.
 - g. Fur.
 - h. Glass.
 - i. Leather.
 - j. Paper, no milling.
 - k. Precious or semi-precious stones or metals.
 - l. Plaster.
 - m. Plastic.
 - n. Shells.
 - o. Textiles.

- p. Tobacco.
- q. Wood.
- r. Yarns.

12. Manufacturing and maintenance of electric or neon signs

13. Novelties.

14. Planing mills.

15. Printing shops, lithographing, publishing.

16. Retail lumber yard.

17. Rubber and metal stamps.

18. Shoes.

19. Stone monument works.

20. Storage yards:

- a. Contractors storage yard.
- b. Draying and freight yard.
- c. Feed and fuel yard.
- d. Machinery rental.
- e. Motion picture studio storage yard.
- f. Transit storage.
- g. Trucking yard terminal, except freight classifications.

21. Textiles.

22. Wholesaling and warehousing.

23. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing.

(Added by Ord. 490.21 adopted 9-14-65)

D. PROCESSING

1. Creameries.

2. Laboratories.

3. Blueprinting and photocopying.

4. Laundries.

5. Carpet and rug cleaning plants.

6. Cleaning and dyeing plants.

7. Tire retreading, recapping, rebuilding.

8. Lumber drying kilns; gas, electric or oil fired only.
(Added by Ord. 490.77 adopted 8-17-72)
9. Feather cleaning and storage of cleaned feathers within an enclosed structure.
(Added by Ord. 490.82 adopted 11-21-72)

E. FABRICATION

1. Rubber, fabrication of products made from finished rubber.
2. Assembly of small electric and electronic equipment.
3. Assembly of plastic items made from finished plastic.

F. OTHER USES

1. Agricultural uses.
2. Communication equipment buildings.
3. Electric transmission substations.
4. Off-street parking.
5. Public utility service yards with incidental buildings.
6. Electric distribution substations.
7. Temporary or permanent telephone booths.
8. Water pump stations.

EXHIBIT 6

Uses Allowed Under the M-3 (c) (Heavy Industrial, Conditional) Zoning

Uses permitted "by right" shall be limited to:

- Organic fertilizer, bulk sale and storage
- Baled cotton storage
- Microwave relay structures
- Advertising structures
- Electrical supply
- Frozen food lockers
- Ice and cold storage plants
- Signs subject to the provisions of Section 843.5-K
- Aircraft, modification, storage, repair and maintenance
- Boat building and repairs
- Manufacturing and maintenance of electric or neon signs
- Rubber and metal stamps
- Wholesaling and warehousing
- Laboratories
- Blueprinting and photocopying
- Communication equipment buildings
- Electric transmission substations
- Electric distribution substations
- Temporary or permanent telephone booths
- Water pump stations

SECTION 845

"M-3" - HEAVY INDUSTRIAL DISTRICT

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

SECTION 845.1 - USES PERMITTED

The following uses shall be permitted in the "M-3" District. All uses shall be subject to the Property Development Standards in Section 845.5.

- ~~A. All uses permitted in the "M-2" District, Section 844.1.~~
- ~~B. Alcohol distillation, including wineries and breweries, when connected with adequate public sewers.~~
- C. Organic fertilizer, bulk sales and storage.
- ~~D. Concrete and cement products.~~
- ~~E. Ready mix concrete.~~

SECTION 844

"M-2" - GENERAL INDUSTRIAL DISTRICT

The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

SECTION 844.1 - USES PERMITTED

The following uses shall be permitted in the "M-2" District. All uses shall be subject to the Property Development Standards in Section 844.5.

(Amended by Ord. 490.174 re-adopted 5-29-79)

- ~~A. All uses permitted in the "M-1" District, Section 843.1.~~
- B. Baled cotton storage.
- ~~C. Building materials.~~
- ~~D. Cotton compress.~~
- ~~E. Used materials yards.~~
- ~~F. Manufacturing.~~
 - ~~1. Automotive:~~
 - ~~a. Assembly.~~
 - ~~b. Battery manufacture.~~
 - ~~c. Body and fender works.~~
 - ~~d. Rebuilding.~~
 - ~~2. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):~~
 - ~~a. Automatic screw machines.~~
 - ~~b. Blacksmith shops.~~
 - ~~3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:~~
 - ~~a. Bone.~~
 - ~~b. Feathers.~~
 - ~~c. Hair.~~
 - ~~d. Horns.~~
 - ~~e. Paints, not employing a boiling process.~~
 - ~~f. Rubber.~~
 - ~~4. Wholesale lumber yards.~~
 - ~~5. Meat packing & meat processing, subject to the provisions of Section 855 N. (Added by Ord. 490.21 adopted 9-14-65)~~
- G. Microwave relay structures.

SECTION 843

"M-1" - LIGHT MANUFACTURING DISTRICT

The "M-1" (Light Manufacturing) District is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of material that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other district.

SECTION 843.1 – USES PERMITTED

The following uses shall be permitted in the "M-1" District. All uses shall be subject to the Property Development Standards in Section 843.5.

A. RELATED USES

1. Advertising structures.
- ~~2. Animal hospitals and shelters.~~
- ~~3. Automobile repairs (conducted within a completely enclosed building).~~
- ~~4. Automobile re-upholstery.~~
- ~~5. Automobile service stations.~~
- ~~6. Banks.~~
- ~~7. Caretaker's residence, which may include an office for the permitted industrial use.
(Amended by Ord. 490.152-adopted 7-10-78)~~
- ~~8. Commercial uses that are incidental to and directly related to and serving the permitted industrial uses.~~
- ~~9. Delicatessens.~~
10. Electrical supply.
- ~~11. Equipment rental or sale.~~
- ~~12. Farm equipment sales and service.~~
13. Frozen food lockers.
- ~~14. Grocery stores.~~
- ~~15. Boarding and training, breeding and personal kennels.
(Amended by Ord. 490.36-adopted 7-25-67)~~
16. Ice and cold storage plants
- ~~17. Mechanical car, truck, motor and equipment wash, including self-service.~~

~~(Added by Ord. 490.23 adopted 12-28-65)~~

~~48. Newspaper publishing~~

~~49. Offices:~~

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

~~20. New and used recreational vehicle sales and service.~~

~~(Added by Ord. 490.129 adopted 1-11-77)~~

~~21. Restaurants~~

22. Signs, subject to the provisions of Section 843.5-K.

~~23. Truck service stations~~

~~24. Truck driver's training schools~~

~~(Amended by Ord. T-070-341 adopted 4-23-02)~~

~~B. ADULT BUSINESSES that are licensed under Chapter 6.33 of Ordinance Code, including uses such as:~~

- ~~1. Bars~~
- ~~2. Restaurants~~
- ~~3. Theaters~~
- ~~4. Video stores~~
- ~~5. Book stores~~
- ~~6. Novelty sales~~

~~(Added by Ord. T-074-346 adopted 7-30-02)~~

~~C. MANUFACTURING~~

1. Aircraft, modification, storage, repair and maintenance

~~2. Automotive:~~

- ~~a. Painting~~
- ~~b. Automotive reconditioning~~
- ~~c. Truck repairing and overhauling~~
- ~~d. Upholstering~~
- ~~e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components~~

~~(Added by Ord. 490.33 adopted 1-17-67)~~

3. Boat building and repairs.

~~4. Book binding~~

- ~~5. Bottling plants.~~
- ~~6. Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas.~~
- ~~7. Commercial grain elevators.~~
- ~~8. Garment manufacturing.~~
- ~~9. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):--~~
 - ~~a. Blacksmith shops.~~
 - ~~b. Cabinet or carpenter shops.~~
 - ~~c. Electric motor rebuilding.~~
 - ~~d. Machine shops.~~
 - ~~e. Sheet metal shops.~~
 - ~~f. Welding shops.~~
 - ~~g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals.~~
- ~~10. Manufacturing, compounding, processing, packing or treatment of such products as:--~~
 - ~~a. Bakery goods.~~
 - ~~b. Candy.~~
 - ~~c. Cosmetics.~~
 - ~~d. Dairy products.~~
 - ~~e. Drugs.~~
 - ~~f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system.~~
 - ~~g. Fruit and vegetables (packing only).~~
 - ~~h. Honey extraction plant.~~
 - ~~i. Perfume.~~
 - ~~j. Toiletries.~~
- ~~11. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:--~~
 - ~~a. Canvas.~~
 - ~~b. Cellophane.~~
 - ~~c. Cloth.~~
 - ~~d. Cork.~~
 - ~~e. Felt.~~
 - ~~f. Fibre.~~
 - ~~g. Fur.~~
 - ~~h. Glass.~~
 - ~~i. Leather.~~
 - ~~j. Paper, no milling.~~
 - ~~k. Precious or semi-precious stones or metals.~~
 - ~~l. Plaster.~~
 - ~~m. Plastic.~~
 - ~~n. Shells.~~
 - ~~o. Textiles.~~

- ~~p. Tobacco.~~
- ~~q. Wood.~~
- ~~r. Yarns.~~

12. Manufacturing and maintenance of electric or neon signs

~~13. Novelties.~~

~~14. Planing mills.~~

~~15. Printing shops, lithographing, publishing.~~

~~16. Retail lumber yard.~~

17. Rubber and metal stamps.

~~18. Shoes.~~

~~19. Stone monument works.~~

~~20. Storage yards:~~

- ~~a. Contractors storage yard.~~
- ~~b. Draying and freight yard.~~
- ~~c. Feed and fuel yard.~~
- ~~d. Machinery rental.~~
- ~~e. Motion picture studio storage yard.~~
- ~~f. Transit storage.~~
- ~~g. Trucking yard terminal, except freight classifications.~~

~~21. Textiles.~~

22. Wholesaling and warehousing.

~~23. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing.~~
~~(Added by Ord. 490.21 adopted 9-14-65)~~

~~D. PROCESSING~~

~~1. Creameries.~~

2. Laboratories.

3. Blueprinting and photocopying.

~~4. Laundries.~~

~~5. Carpet and rug cleaning plants.~~

~~6. Cleaning and dyeing plants.~~

~~7. Tire retreading, recapping, rebuilding.~~

~~8. Lumber drying kilns; gas, electric or oil fired only.
(Added by Ord. 490.77 adopted 8-17-72)~~

~~9. Feather cleaning and storage of cleaned feathers within an enclosed structure.
(Added by Ord. 490.82 adopted 11-21-72)~~

~~E. FABRICATION~~

~~1. Rubber, fabrication of products made from finished rubber.~~

~~2. Assembly of small electric and electronic equipment.~~

~~3. Assembly of plastic items made from finished plastic.~~

~~F. OTHER USES~~

~~1. Agricultural uses.~~

2. Communication equipment buildings.

3. Electric transmission substations.

~~4. Off street parking.~~

~~5. Public utility service yards with incidental buildings.~~

6. Electric distribution substations.

7. Temporary or permanent telephone booths.

8. Water pump stations.



County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: John B. Brelsford on behalf of We Be Jammin, LP, a California Limited Partnership

APPLICATION NOS.: Initial Study Application No. 7449 and Amendment Application No. 3829

DESCRIPTION: Allow the rezone of a 42.6-acre parcel of land with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District limited to a parking lot] to the M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by the Applicant.

LOCATION: The project site is located on the southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of the nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (Sup. Dist. 4) (APN 331-090-96).

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: NO IMPACT:

The project site is fallow with an automobile wrecking yard. The project area is comprised of industrial and agricultural uses with single-family homes. Willow and Central Avenues border the site and are not designated as state scenic highways in the County General Plan. There are no scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings on or near the site that will be impacted by the subject proposal. The project will have no impact on scenic resources.

- 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 entails rezoning of a 42.6-acre parcel with split zoning [40.1-acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone Districts] all to the M-3(c) (Heavy Industrial, Conditional) Zone District to allow limited by-right industrial uses. Industrial and agricultural parcels surrounding the project site range from 4.5 acres to 45 acres in size, and contain field crops and an automobile wrecking yard. Parcels immediately to the north and west are zoned M-3 and are developed with warehousing/offices, storage buildings, machinery and equipment manufacturing facilities; parcels to the east are zoned AE-20 and are in agricultural production with single-family residences; and parcels to the south are zoned AL-20 and M-3 and are developed with an automobile wrecking yard and single-family residences.

The subject parcel is designated General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan to provide for heavy, general and light industrial uses related to fabrication, manufacturing, and assembly or processing of materials. The proposed M-3 zoning would allow limited industrial uses like the uses in the vicinity of the proposal and is consistent with the surrounding M-3-zoned parcels.

Staff notes that the development of the industrial uses on the subject parcel may visually/aesthetically impact the nearest single-family residence on an adjacent 21.77-acre parcel created through Property Line Adjustment 17-29 on February 2, 2018. The residence is located approximately 238 feet south of the south property line and 32 feet west of the west property line of the subject parcel. To minimize any visual/aesthetical impact, a Condition of Approval would require that landscaping, consisting of trees and shrubs for a depth of 15 feet, be provided along the north and east property lines of the subject parcel.

Policy LU-F.31 requires that to the extent feasible, industrial uses located adjacent to planned non-industrial areas or on roads carrying significant non-industrial traffic shall be designed with landscaping and setbacks comparable to the non-industrial area. The nearest agricultural fields are located approximately one quarter-mile to the east and two miles to the west of the project site. Central Avenue runs in the east and west direction and carries significant non-industrial traffic serving these agricultural lands. To minimize visual impacts caused by site development to the non-industrial traffic passing through Central Avenue, a Condition of Approval would require that the front yard of the property along Central Avenue shall be landscaped and maintained. This requirement will be implemented through Site Plan Review prior to the establishment of a use on the site.

- 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 would result from this proposal. All uses in the M-3 Zone District require mandatory Site

Plan Review. Through that process all outdoor lighting would be analyzed at the time a 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The 42.6-acre project site currently has a split zoning. A 2.5-acre portion of the site is zoned M-3(c) and the remaining 40.1-acre is zoned AL-20 (Limited Agriculture). The Department of Conservation's Important Farmland Map (2016) classifies the 2.5 acres as Urban and Built-up Land and the 40.1 acres as Prime Farmland.

The subject property is located over one half-mile east of the City of Fresno and is part of the City of Fresno urban boundary, which the County has identified on its County-adopted Roosevelt Community Plan as existing urban. General Plan Policy LU-G.18.b. allows zone change on "holding zones" subject to the provisions of Policy LU-G.18.c. and d. which allows rezoning on planned non-industrial properties where the proposed use is consistent with the County community plan and may be provided with community sewer and water service.

The subject property is currently in a holding zone (AL-20; Limited Agriculture), and is designated as General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan to be developed with industrial uses. No loss of Prime Farmland would result from the subject rezoning request, as the property has been designated for future industrial uses in the Roosevelt Community Plan. The proposed conditional rezoning would allow a limited number of heavy industrial uses as desired by the applicant. Such uses are incidental to the area's farming operations and like the uses that exist on the surrounding land.

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject application entails rezoning of a 42.6-acre parcel from the existing split zoning [AL-20 (Limited Agricultural, 20-acre minimum parcel size) and M-3(c) (Heavy Industrial, Conditional)] to the M-3(c) Zone District only. As noted above, the limited agricultural (AL-20) Zone District is intended to reserve certain lands for future uses by allowing only limited agricultural development to ensure that the land can be ultimately developed for the use contemplated by the General Plan. The Fresno County Zoning Ordinance allows property owners to propose such amendments pursuant to Section 878 (Zoning Division Amendment) and this proposal is not in conflict with the current General Plan Designation (General Industrial and General Industrial Reserve) for the parcel. Therefore, the project does not conflict with the existing agricultural zoning on the property. Additionally, the subject parcel is not enrolled in in the Williamson Act Program.

- 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 site is not forest land, timberland or land zoned for Timberland Production. The project site is an agricultural land (currently fallow) reserved for future industrial uses in the County-adopted Roosevelt Community Plan.

- 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 forestland to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Lands in the vicinity of the subject proposal are designated as General Industrial, General Industrial (Reserve) and limited industrial in the County-adopted Roosevelt Community Plan. The proposed M-3(c) zoning is conditionally compatible with the General Industrial and General Industrial (Reserve) land use designation for the subject property in the Roosevelt Community Plan. Future industrial uses on the property will cause a less than significant impact to the area because of the current General Plan designation for the land.

The Fresno County Department of Agriculture (Ag Commissioner's Office) reviewed the proposal and expressed no concerns with the proposed rezone request.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The applicant provided an Air Quality and Greenhouse Gas Impact Analysis, completed by LSA Associates, dated October 2019. The Analysis was provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) along with the project information for review and comments. No concerns were expressed by Air District.

Per the Air Quality and Greenhouse Gas Impact Analysis, the proposed project's construction and operations would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}). Project operations would generate air pollutant emissions from mobile sources (automobile activity from employees) and area sources (incidental activities related to facility maintenance). Criteria and Greenhouse Gas (GHG) emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

Per the Air Quality and Greenhouse Gas Impact Analysis, the short-term construction emissions associated with the project would be below SJVAPCD thresholds for ROG, NO_x, CO, SO_x, PM_{2.5}, or PM₁₀ emissions. In addition to the construction period thresholds of significance, SJVAPCD has implemented Regulation VIII measures for dust control during construction. These control measures are intended to reduce the amount of PM₁₀ emissions during the construction period. Implementation of Mitigation Measures as noted below would ensure that the proposed project complies with Regulation VIII and further reduces the short-term construction period air quality impacts.

* **Mitigation Measures**

Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM₁₀ Prohibitions), the following measures shall be implemented for dust control during construction:

- 1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.*
- 2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*

3. *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
4. *When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*
5. *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)*
6. *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.*

The Long-Term Operational Emissions are associated with mobile source emissions that would result from vehicle trips associated with the proposed project. Area sources, such as landscape equipment would also result in pollutant emissions. Based on the air quality impact analysis, emission estimates for operation of the project calculated using CalEEMod shows that the total project emission resulting from the project would not exceed San Joaquin Valley Air Pollution Control District thresholds for annual ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5} emissions; therefore, the proposed project would have a less than significant effect on regional air quality, and thus, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project area is located within the San Joaquin Valley Air Basin (SJVAB), which is included among the eight counties that comprise the San Joaquin Valley Air Pollution Control District. Under the provisions of the U.S. Clean Air Act, the attainment status of the SJVAB with respect to national and state ambient air quality standards has been classified as non-attainment/extreme, non-attainment/severe, non-attainment, attainment/unclassified, or attainment for various criteria pollutants which includes O₃, PM₁₀, PM_{2.5}, CO, NO₂, SO₂, lead and others.

Per the Air Quality and Greenhouse Gas Impact Analysis by LSA Associates, the project does not pose a substantial increase to basin emissions. As the project would generate less than significant project-related operational impacts to criteria air pollutants, the project's contribution to cumulative air quality impacts would not be cumulatively considerable.

C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks. The closest sensitive receptor locations to the project site include a single-family residence located immediately south and west of the project site, along Willow Avenue and single-family residences located across Central Avenue to the north of the project site.

According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), a project would result in a significant impact if it would expose sensitive receptors to TACs (toxic air contaminants) resulting in an increased cancer risk greater than 20.0 in one million or an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute).

Per the Air Quality and Greenhouse Gas Impact Analysis, the maximum cancer risk for the residential MEI would be 3.4 in 1 million, less than the threshold of 20 in 1 million established by SJVAPCD. All health risk levels to nearby residents from project-related emissions of TACs would be well below the SJVAPCD's Health Risk Assessment (HRA) thresholds. As such, less than significant health risk would occur from project-related emissions.

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

FINDING: NO IMPACT:

Per the Air Quality and Greenhouse Gas Impact Analysis, heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after individual construction is completed. No other sources of objectionable odors have been identified for the project.

The San Joaquin Valley Air Pollution Control District has not established a rule or standard regarding odor emissions; rather, the District nuisance rule requires that any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. The uses proposed by the subject application are not anticipated to emit any objectionable odors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

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?

FINDING: NO IMPACT:

The project site is in an area of sporadic farming mixed with industrial and residential uses. The 40.1-acre portion of the site has been pre-disturbed with farming operations, and the 2.5-acre portion contains an automobile wrecking yard.

Argonaut Ecological Consulting, Inc. prepared a Biological Habitat Assessment (Report) of the site, dated August 1, 2019. According to the Report, a search of the California National Diversity database (CNDDDB) resulted in finding no special-status species and plants [Swainson's hawk, burrowing owl, San Joaquin Pocket mouse, San Joaquin kit fox, Pallid bat and Western mastiff bat, Caper-fruited tropidocarpum (plant) or California jewel flower (plant)] within or near the study area.

Furthermore, no ground squirrel burrows were observed, and no potential nest trees or shrubs were found during field review within the study area (project site). The area does not support suitable nesting habitat for the ground-nesting burrowing owl because of recurring disturbance and when fallow, and the vegetation is too tall to provide suitable habitat. The study area has been in near continuous agricultural production since the 1930s, two-thirds of which is currently fallow, and the eastern 1/3 currently in production. Therefore, site development for the proposed uses will not adversely affect nesting migratory birds nor tree-nesting raptors, and no suitable habitat for bat species were found in or the vicinity of the project site. While it is possible that San Joaquin kit fox could move through the site looking for prey, there is no suitable denning habitat. The site does support suitable habitat for any special-status species, does not provide habitat for state or federally-listed species, or 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 along with the subject Biological Habitat Assessment. Neither agency offered any comments or expressed concerns related to impact on biological resources.

- 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:

Per the Biological Habitat Assessment, there are no historic drainages within the project area other than the Washington Colony Ditch located east and south of the Study Area. A query of the National Wetlands Inventory (NWI) Map shows no waters, wetlands, ponds, or rivers within the Study Area. The field review confirmed no drainage pattern or aquatic feature, and there are no wetlands or waters of the U.S. or waters of the State present on or near the project site.

- 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 site is near urban development in the City of Fresno and does not provide for migratory wildlife corridors.

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

FINDING: NO IMPACT:

The project site contains no trees that may need to be removed as a result of future site improvements. The project is not in conflict with the County's tree preservation policies for oak trees.

- 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 future development proposal on the property 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 site is not in an area highly or moderately sensitive to archeological resources. A Cultural Resources Assessment (Study) dated July 17, 2019 was prepared for the project by Peak & Associates and a copy was provided to the Southern San Joaquin Valley Information Center (SSJVIC) of the California Historical Resources Information System (CHRIS).

According to the Cultural Resources Assessment (Study), a cultural resources records search was conducted for the project area with a 0.125-mile radius at SSJVIC-CHRIS. The search revealed that no known sites and no cultural resources or prehistoric sites were found during the field survey of the project area. However, given the slight possibility that a site may exist and be totally obscured by vegetation, fill, or other historic activities, leaving no surface evidence, the Study recommended that should artifacts or unusual amounts of stone, bone, or shell be uncovered during construction activities, an archeologist should be consulted for on-the-spot evaluation of the finding. If the bone appears to be human, state law requires that the Fresno County Sheriff-Coroner be contacted. If the Sheriff-Coroner determines that the bone is human and is most likely Native American in origin, he/she must contact the Native American Heritage Commission. Implementation of the following Mitigation Measure would reduce the potential impacts on cultural resources associated with the proposed project to less than significant levels.

* **Mitigation Measure**

1. *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.*

A cultural resources records search was also conducted at the Native American Heritage Commission, which turned out to be negative.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of industrial uses on the property resultant of this proposal would result in less than significant consumption of energy (gas, electricity, gasoline, and diesel) during construction or operation of the facility. Construction activities and corresponding fuel energy consumption would be temporary and localized. There are no unusual project characteristics that would cause the use of construction equipment to be less energy efficient compared with other similar construction sites in the County. Therefore, construction-related fuel consumption by the project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the area.

The project will also be subject to meeting California Green Building Standards Code (CCR, Title 24, Part 11-CALGreen), effective January 1, 2020 to meet the goals of AB (Assembly Bill) 32 which established a comprehensive program of cost-effective reductions of greenhouse gases to 1990 levels by 2020.

B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: NO IMPACT:

Development of industrial uses on the property would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

All construction activities would comply with the 2019 Building Energy Efficiency Standards effective January 1, 2020. Pursuant to the California Building Standards Code and the Energy Efficiency Standards, the County would review the design components of the project's energy conservation measures when the Project's building plans are submitted. These measures could include insulation; use of energy-efficient heating, ventilation and air conditioning equipment (HVAC); solar-reflective roofing materials; energy-efficient indoor and outdoor lighting systems; and other measures.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report, the project area has 10 percent probability of seismic hazard in 50 years. Future development proposals on the property would be subject to building standards at the time of

development, which include specific regulations to protect against damage caused by earthquake and/or ground acceleration.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in an area of landslide hazards. The project site is flat with no topographical variations, which precludes the possibility of landslides.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-3 of the Fresno County General Plan Background Report, the project site is not in an area of erosion hazards. Grading activities resulting from future development proposals may result in loss of some topsoil due to compaction and over covering of soil for construction of buildings and structures for the project. However, the impact would be less than significant with a Project Note requiring that Engineered Grading Plans shall be approved, and a Grading Permit shall be obtained from the Development Engineering Section of the Development Services and Capital Projects Division prior to any on-site grading activities.

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?

FINDING: NO IMPACT:

The project site is flat with no topographical variations. As a standard requirement, a soil compaction report will be required to ensure the weight-bearing capacity of the soils for a structure/building. The project site bears no potential for lateral spreading, subsidence, liquefaction, or collapse due to the site development.

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: LESS THAN SIGNIFICANT IMPACT:

Per Figure 7-1 of the 2000 Fresno County General Plan Background Report, the project site is not in an area of expansive soils. However, future development proposals on the property will implement all applicable requirements of the most recent California Building Standards Code and will consider any potential hazards associated with 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:

The project site is adjacent to the service area boundaries of the Malaga County Water District (MCWD) within the District's Sphere of Influence (SOI). MCWD reviewed the subject proposal and stated that the District has enough sewer capacity to serve future industrial uses on the property, however, the property shall require annexation to the District in order to receive the District's sanitary sewer service. The conditions of service will include specific will-serve letters prepared for each specific phase of development and improvement plans identifying all sewer improvements for review and approval by the District. In addition, the developer shall pay for the District's engineering and legal review of the water and sewer improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD. These requirements will be included as Conditions of Approval.

According to the Fresno County Department of Public Health, Environmental Health Division (Health Department), to protect groundwater resources, community sewer and water should serve the property. However, if on-site water wells and/or sewage disposal systems are permitted, only low-water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by community water and sewer facilities. Alternatively, adequate information shall be submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes. This requirement will be included as Project Notes.

According to the Local Area Formation Commission (LAFCo), and Fresno County, the Malaga County Water District (MCWD) should be providing municipal services to the project with LAFCo involvement at the time the agency receives an annexation proposal from MCWD.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is not in an area highly or moderately sensitive to archeological resources. A Cultural Resources Assessment (Study) dated July 17, 2019 identified no evidence of unique paleontological resources on the property. However, in the unlikely event of paleontological or archaeological materials being exposed during ground-disturbance activities related to development proposals on the property, implementation of the Mitigation Measure identified in the CULTURAL RESOURCES of this report would reduce impacts on paleontological resources to less than significant.

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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Human activities, including fossil fuel combustion and land-use changes, release carbon dioxide (CO₂) and other compounds cumulatively termed greenhouse gases (GHGs). GHGs are effective at trapping radiation that would otherwise escape the atmosphere. The San Joaquin Valley Air Pollution Control District (SJVAPCD), a California Environmental Quality Act (CEQA) Trustee Agency for this project, has developed thresholds to determine significance of a proposed project – either implement Best Performance Standards or achieve a 29 percent reduction from Business as Usual (BAU) (a specific numerical threshold). On December 17, 2009, SJVAPCD adopted *Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (SJVAPCD 2009), which outlined SJVAPCD’s methodology for assessing a project’s significance for GHGs under CEQA.

Construction and operational activities associated with the proposed project would generate greenhouse gas (GHG) emissions. In the Air Quality and Greenhouse Gas Impact Analysis, completed by LSA Associates and dated October 2019, GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 [California Air Pollution Control Officers Association (CAPCOA) 2017], which is the most current version of the model approved for use by SJVAPCD.

The Air Quality and Greenhouse Gas Impact Analysis indicates that the San Joaquin Valley Air Pollution Control District does not have an adopted threshold of significance for construction-related GHG emissions. Construction of the proposed project would generate approximately 2,411 metric tons of CO₂e. Implementation of the Mitigation Measures included in the AIR QUALITY section of this report would reduce GHG emissions by ensuring that the project complies with Regulation VIII to reduce the short-term construction period air quality impacts.

Regarding operation-related GHG Emissions, long-term GHG emissions are typically generated from mobile sources (vehicle trips), area sources (maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, and waste sources (land filling and waste disposal). The Air Quality and Greenhouse Gas Impact Analysis indicates that the project would generate 6,934 metric tons of CO₂e per year under 2025 opening year conditions. In comparison of 2025 project and 2005 Business-As-Usual (BAU) GHG Emissions, the project’s estimated annual GHG emissions would be approximately 9,756 metric tons of CO₂e under 2005 BAU conditions and 6,853 metric tons of CO₂e in 2025 for project operations. This represents a 29.8 percent decrease in emissions, which meets the SJVAPCD target of approximately 29 percent below 2005 baseline levels.

Additionally, the project would implement several measures required by State regulations to reduce GHG emissions. The Pavley standards (Phase II) will reduce

GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020. The California Green Building Code Standards reduce GHGs by including a variety of different measures, including reduction of construction waste, wastewater, water use, and building energy use. The 2019 Building Energy Efficiency Standards, effective January 1, 2020, will reduce energy use by 20 percent compared to the 2016 standards. The Renewable Portfolio Standard requires electricity purchased for use at the project site to be composed of at least 33 percent renewable energy by 2020. The Water Efficient Landscape Ordinance will reduce outdoor water use by 20 percent, and the CalRecycle Waste Diversion and Recycling Mandate will reduce solid waste production by 25 percent.

Implementation of these measures is expected to allow the State to achieve AB (Assembly Bill) 32 emission targets by 2020. The proposed project is not operational until 2025 and would also be subject to 2016 SB (State Bill) 32 which builds on AB 32. The SB 32 establishes a new GHG reduction goal for Statewide emissions of 40 percent below 1990 levels by 2030. Therefore, per the Business-As-Usual results, the project would achieve the reductions required by regulations to meet the AB 32 and SB 32 targets and demonstrates that the project's GHG emissions would not be significant.

- 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 project will be subject to regulations developed under AB (Assembly Bill) 32 and SB (Senate Bill) 32 as determined by CARB (California Air Resources Board). SB 32 focuses on reducing GHGs at least 40 percent below 1990 levels by 2030. Pursuant to the requirements in AB 32, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. Per the Analysis contained in the Air Quality and Greenhouse Gas Impact Report, prepared for the project by LSA Associates, dated October 2019, the project is consistent with the strategies contained in the Scoping Plan.

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: NO IMPACT:

The project involves no development. Fresno County Department of Public Health, Environmental Health Division expressed no concerns related to hazardous materials. Future development proposals on the property will be subject to Site Plan Review. It is through that process that transport, use, disposal, release, or handling of any hazardous materials will be analyzed for a use to be established on the property.

The nearest school, Fowler High School District, is approximately 3.6 miles southeast 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:

Per the U.S. EPA's NEPAassist, the project site is not listed as a hazardous materials site. Future development on the property will not create hazard to the public or the environment.

- 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: LESS THAN SIGNIFICANT IMPACT:

Per the Fresno County Airport Land Use Compatibility Plan Update adopted by the Airport Land Use Commission (ALUC) on December 3, 2018, the nearest public airport, Fresno Yosemite International Airport, is approximately 6.2 miles north of the site.

A private airstrip, Turner Field, is located on the adjacent southerly parcel. This is a small airstrip with limited, infrequent flying operations. Impact of this airstrip on people residing or working in the project area would be less than significant.

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

FINDING: NO IMPACT:

The project involves no development. The emergency response plan or evacuation plan will be analyzed during mandatory Site Plan Review prior to the issuance of building permits for the establishment of a use on the property.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

Per Figure 9-9 of the Fresno County General Plan Background Report, the project site is outside of the State Responsibility area for wildland fire. No impact from wildland fire hazards would occur.

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 regarding wastewater disposal.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and 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. These requirements, included as Project Notes, will be addressed through Site Plan Review at the time a use is established on the property.

The Regional Water Quality Control Board, Central Valley Region also reviewed the 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 adjacent to the service area boundaries of the Malaga County Water District and within the District's Sphere of Influence (SOI).

The Malaga County Water District (MCWD) reviewed the proposal and stated that MCWD has enough water capacity to serve future industrial uses on the property, however, the property will be required to annex to the District in order to receive the District's community water service. The condition of service will include specific will-serve letters prepared for each specific phase of development and improvements plans identifying all water improvements for review and approval by the District. In addition, the developer shall pay for District's engineering and legal review of the water and

sewer improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD. These requirements will be included as Conditions of Approval.

According to the Fresno Local Agency Formation Commission, State Water Resource Control Board, Division of Drinking Water, and Fresno County Department of Public Health, Environmental Health Division, the project should connect to a community water system. The project will connect to and receive water from the Malaga County Water District as noted above.

According to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) if the project is not served by a water district, a preliminary technical report in compliance of Senate Bill 1263 that looks at consolidating with nearby existing water systems shall be prepared and submitted to SWRCB-DDW a minimum of six months prior to any water-related construction. This requirement will be included as a Project Note.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning expressed no concerns regarding availability or sustainability of water for future industrial use of the property.

- 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. The Fresno Irrigation District (FID) Washington Colony No. 15 runs southerly along the west side of Peach Avenue and crosses Central Avenue approximately 500 feet east of the subject property. FID requires review and approval of all plans for future site development, which include any street and/or utility improvements along Peach Avenue, Central Avenue, or near the canal. A privately-owned pipeline, La Rue No. 238, currently in use by many entities,

also runs westerly and traverses the southwest section of the subject property. Per FID, this is an active pipeline and must be treated as such.

Future development proposals on the property will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface run-off 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 requiring Grading and Drainage Plans and/or Grading Permits or Vouchers will be addressed through mandatory Site Plan Review.

The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) boundaries in the District's Drainage Areas "CF" and "CV". Per FMFCD, the District's Master Plan can accommodate storm water generated by the future use of the property and requires the following: 1) the project shall pay drainage fees at the time of development based on the fee rates in effect at that time; 2) storm drainage patterns must conform to the District Master Plan and Master Plan facilities and be constructed if the County requires street improvements on Willow and Central Avenues; and 3) all improvement plans for any proposed construction of curb and gutter or storm drainage facilities must be reviewed for conformance to the District Master Plan within the project area.

Furthermore, construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area shall require a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit shall be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board prior to the onset of construction.

The above-mentioned requirements will be included as Project Notes to be addressed through mandatory Site Plan Review at the time a use is established on the project site.

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

FINDING: NO IMPACT:

Per Figure 9-7 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located in a 100 Year Flood Inundation Area and not subject to flooding from the 100-year storm per the Federal Emergency Management Agency (FEMA) FIRM Panel 2140 H.

- 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. Per the State Water Resources Control Board, Division of Drinking Water, there is no Water Quality Control Plan for Fresno County. According to the Water and Natural Resources Division of the Department of Public Works and Planning the project is located within the North Kings Groundwater Sustainability Area (GSA) for which a Groundwater Sustainability Plan is in process to be adopted by the GSA Board.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project site is southeast of the nearest community of Malaga. The approval of this project does not have the potential to divide an established 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 project site is designated as General Industrial (Reserve) and General Industrial in the County-adopted Roosevelt Community Plan and is located outside of the City of Fresno Sphere of Influence. The subject proposal to rezone a 42.6-acre parcel from the split zoning designation of AL-20 and M-3(c) to only M-3(c) is not in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project other than Fresno County, and complies with the following General Plan policies.

Regarding General Plan Policy LU-F.29. Criteria a, b, c & d, future development proposals on the property will comply with Fresno County Noise Ordinance and Air District rules and regulations. The proposals will also comply with the M-3 Zone District development standards and be analyzed against these standards during Site Plan Review.

Regarding General Plan Policy LU-F. 30, the subject property will annex to the Malaga County Water District (MCWD) to receive the District's sewer and water services. Alternatively, the property can be allowed with only low-water uses and the uses that generate small amounts of liquid waste until such time that community water and sewer systems serve the property.

Regarding General Plan Policy LU-F.31, landscaping will be required along the Central Avenue frontage of the property due to this roadway carrying significant non-industrial traffic through the area.

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:

Per Figure 7-8 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located within a mineral-producing area of the County.

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 project involves no development and required no noise Study by the San Joaquin Valley Air Pollution Control District or the Fresno County Department of Public Health, Environmental Health Division. A Project Note would require that future development proposals shall comply with the County Noise Ordinance regulations.

- 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:

See discussion above in Section IX. E.

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 involves no housing. As such, no increase in population would occur.

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: NO IMPACT:

Fresno County Fire Protection District reviewed the subject proposal and expressed no concerns with the project.

- 2. Police protection; or

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not affect the existing police protection, schools, parks or other public facilities in the area.

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 induce population growth to require construction of new or expanded recreational facilities in the area.

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 WITH MITIGATION
INCORPORATED:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the proposal and required a Traffic Impact Study (TIS) to determine the project's impacts to County roads and intersections.

Peters Engineering Group prepared a Traffic Impact Study (TIS), dated January 3, 2019, and later revised Traffic Impact Study, dated September 3, 2019. The TIS finds that the study intersections are currently operating at acceptable levels of service with acceptable queuing conditions and will continue to have acceptable levels of service after construction of the project. The intersections are also expected to operate at acceptable levels of service in the near-term condition. The project does not cause project-specific significant impact.

By the year 2040, however, the Chestnut and Central Avenue intersection expects to operate at a LOS (Level of Service) D during the p.m. peak hour with excessive queues in the northbound-to-westbound left-turn lane. The project will not exacerbate the LOS by a significant amount.

The project will cause a significant pavement impact by increasing the TI (Traffic Index) on Willow Avenue along the frontage of the project site. The project may be required to overlay or reconstruct Willow Avenue along the frontage of the project site to mitigate the significant impact. However, no left-turn lanes at the site access driveways are warranted.

The Design and Road Maintenance and Operations (RMO) Divisions of the Fresno County Department of Public Works and Planning reviewed the Traffic Impact Study (TIS) and concurred with the TIS finding regarding the overlay of Willow Avenue as noted above. The following Mitigation Measure identified by RMO and accepted by the Design Division has been included as a Mitigation Measure to be addressed through Site Plan Review at the time a use is established on the property.

* **Mitigation Measure:**

1. *To address project-related impacts to Willow Avenue and per the conclusions of the Traffic Impact Study (revised) prepared for the project by Peters Engineering Group, dated September 3, 2019, the Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Willow Avenue that shall extend across the entire property frontage along Willow Avenue with a thickness based on achieving an overall structural section to satisfy a Traffic Index (TI) of 8.5, and submit plans for the overlay work to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval.*

Additional comments from the Road Maintenance and Operations Division require: 1) a total 53-foot right-of-way south of Central Avenue with a 30-foot by 30-foot corner cutoff at the intersection of Central and Willow Avenues; 2) a total 32-foot right-of-way east of Willow Avenue along property frontage on Willow Avenue in accordance with the County's local industrial road standard; 3) construction of pavement widening improvements, including curb and gutter, along Central and Willow Avenue frontages in accordance with the County's Improvement Standards; 4) undergrounding of any overhead facilities along Central and Willow Avenue frontages, including the relocation of the existing pedestrian flashing beacon with the road improvements construction along Central Avenue; and 5) an encroachment permit prior to any improvements within the County rights-of-way. Included as Project Notes, these requirements will be addressed through Site Plan Review prior to establishment of a use on the property.

Per the California Department of Transportation (Caltrans) review of the Traffic Impact Study, the State Route (SR) 99 southbound off-ramp shall be signalized at a cost per trip of \$1,560, and an additional lane shall be added for the SR 99 northbound off-ramp to Chestnut Avenue at a cost per trip of \$1,670. The project traffic on State Route 99/Chestnut Avenue Interchange, seven (7) a.m. peak-hour trips and three (3) p.m. peak-hour trips, are expected to use the northbound off-ramp. Therefore, for the fair share calculation, the project shall pay for the larger number of peak-hour trips at a total cost of \$11,690 (seven a.m. peak hour trips x \$1,670 cost/trip). The following pro-rata share identified by Caltrans has been included as a Mitigation Measure:

* **Mitigation Measure:**

1. *Prior to the issuance of building permits for the uses allowed on M-3(c)-zoned property, the Applicant shall enter into a Traffic Mitigation Agreement (TMA) with California Department of Transportation agreeing to participate in the funding of future off-site traffic improvements as defined in item 'a' below and pay for the funding deemed appropriate by Caltrans based on the following pro-rata share.*
 - a. *To add an additional turn lane for the State Route (SR) northbound off-ramp to Chestnut Avenue, the project shall pay its fair share cost of \$11,690.00 (seven a.m. peak-hour trips at \$1,670/trip).*

The City of Fresno also reviewed the Traffic Impact Study and expressed no concerns related to impact on City's roadways.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning, the California Department of Transportation, and the City of Fresno reviewed the Traffic Impact Study (TIS) prepared for the project and expressed no concerns with traffic analysis relating to CEQA Guidelines Section 15064.3, subdivision (b).

The project site is located near an industrially-developed urban area in the City of Fresno. The County General Plan designates the site and the immediate surrounding area for future limited and general industrial uses. Major roadways serve the area, including State Route 99 and a railroad spur that serve businesses within the Golden State Industrial Corridor. The Industrial Corridor is located one half-mile west of the project site. The transportation impact resulting from vehicle miles travelled by workers, goods and supplies will be reduced due to the project location near an industrialized urban area provided with several modes of transportation (e.g., highway, railroad). The subject proposal is consistent with CEQA Guidelines Section 15064.3, subdivision (b).

- 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 project site borders with Central and Willow Avenues which are public roads maintained by Fresno County.

All development proposals on the property will be subject to mandatory Site Plan Review to ensure that the design of each development incorporates adequate emergency access acceptable by local fire agency.

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:

The project site is not located in an area designated as highly or moderately sensitive for archeological resources. 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 offering them an opportunity to consult under Public Resources Code (PRC) Section 21080.3(b) with a 30-day window to formally respond to the County letter. No tribe requested consultation, resulting in no further action on the part of the County. However, Table Mountain Rancheria (TMR) noted that the tribe should be informed in the unlikely event that cultural resources are identified on the property. As such, a Mitigation Measure has been included in the CULTURAL ANALYSIS section of this report which would require that if cultural resources are encountered during ground disturbance, all activities shall be ceased, and the proper entities shall 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VII. E. GEOLOGY AND SOILS above. The project will not result in the relocation or construction of new 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 above.

- 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 in Section VII. E. GEOLOGY AND SOILS above.

- 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 project involves no developments. Any impact to solid wastes resulting from the future development proposals on the property will be addressed through mandatory Site Plan Review.

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:

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

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 biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed above in Section V.A.B.C.D. CULTURAL RESOURCES.

- 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 project 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 at the time development occurs on the property. No cumulatively considerable impacts were identified in the analysis other than air quality, cultural resources and transportation. These impacts will be addressed with the Mitigation Measures discussed in Section III. A., Section V. A.B.C. and Section XVIII 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 the Initial Study prepared for Amendment Application No. 3829, 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 biological resources, mineral resources, population and housing, public services, recreation, or wildfire.

Potential impacts related to aesthetics, agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, tribal cultural resources, utilities and service systems have been determined to be less than significant.

Potential impacts to air quality, cultural resources and transportation 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: Initial Study (IS) No 7449	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 B. Brelsford	Project Title: Amendment Application (AA) No. 3829		
Project Description: Rezone a 42.6-acre parcel of land with split zoning; 40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District and 2.5 acres from the M-3 (c) (Heavy Industrial, Conditional) Zone District limited to a parking lot to the M-3(c) Zone District to allow limited heavy industrial, general industrial, and light manufacturing uses as requested by the Applicant. The project site is located on the southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of the nearest city limits of City of Fresno (4216 S. Willow Avenue, Fresno) (Sup. Dist. 4) (APN 331-090-96).			
Justification for Negative Declaration: Based upon the Initial Study (IS 7449) prepared for Amendment Application No. 3829, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, population and housing, public services, recreation, or wildfire. Potential impacts related to aesthetics, agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, tribal cultural resources, utilities and service systems have been determined to be less than significant. Potential impact related to air quality, cultural resources and transportation 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 – November 8, 2019		Review Date Deadline: Planning Commission – December 12, 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:
G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3829\IS-CEQA\AA 3829 MND (Draft)

EXHIBIT 8



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 December 12, 2019

SUBJECT: Variance Application No. 4043

Allow the creation of two five-acre parcels (20-acre minimum required) from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located approximately 675 feet west of South Grantland Avenue, between West Manning Avenue and West Springfield Avenue, approximately three quarter-miles west of the unincorporated community of Raisin City (9237 and 9241 South Grantland Avenue) (SUP. DIST. 1) (APN 035-360-40S).

OWNER(S): Jose A. and Liduvina Rivera; Pedro and Eufemia Rivera

APPLICANT: RookSpire Inc.

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4043; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variances Map (five-mile radius)
6. Site Plan
7. Applicant's Submitted Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	10.00 acres	Parcel 1: 5.0 acres Parcel 2: 5.0 acres
Project Site	10.00-acre parcel improved with two residences, two wells, and two septic systems	Each parcel will retain one residence, one well, and one septic system
Structural Improvements	An approximately 1,600 square-foot mobile home and an approximately 1,211 square-foot mobile home	Proposed Parcel 1 will contain the larger primary residence and Proposed Parcel 2 will contain the smaller secondary residence
Nearest Residence	Approximately 300 feet east of the subject parcel	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 16 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.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

The subject parcel was previously zoned A-1 (Agricultural), and was rezoned to AE-20 on August 31, 1976, as part of Board-approved Amendment Application No. 2870, which rezoned the subject parcel and portions of the surrounding area to their current AE-20 (Exclusive Agricultural) Zoning to be consistent with the General Plan.

According to available permit records, the subject parcel is improved with a 1,600 square-foot mobile home, permitted in 1987, and an approximately 1,211 square-foot mobile home permitted in 1993. The subject property does not have public road frontage and takes access from Grantland Avenue via an existing unimproved dirt road which traverses the neighboring property to the east and connects to a 30-foot-wide easement running along the northern boundary of the subject property.

This Variance request proposes to divide the existing ten-acre parcel into two five-acre parcels. If approved, each newly-created five-acre parcel will contain one of the existing mobile homes.

Records indicate that approximately eight variance requests have been processed within five miles of the subject property for the creation of substandard-size parcels. Of those, six were approved, one was denied, and one withdrawn. Those variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 2968 – Allow two five-acre parcels with reduced road frontage.in the AE-20 Zone District	Deferred to Planning Commission	PC Approved	December 5, 1985
VA No. 3103 – Allow a 3.65-acre parcel and a 44-acre parcel, by adding 3 acres from an adjacent parcel to an existing 0.65-acre parcel, to facilitate the expansion of a church and related facilities in the AE-20 Zone District	Approval	PC Approved	September 24, 1987
VA No. 3117 – Allow a 1.57-acre gift deed parcel with reduced road frontage in the AE-20 Zone District	Approval	PC Approved	October 8, 1987

VA No. 3132 – Allow a reduced side-yard setback for two separate parcels, each with an existing dwelling as a gift deed, with a future parcel division in the AE-20 Zone District	Approval	PC Approved	February 4, 1988
VA No. 3263 – Allow a 1.38-acre parcel in the AE-20 Zone District	Deferred to Planning Commission	PC Approved	June 14, 1990
VA No. 3536 – Allow the creation of four parcels ranging from two acres to 7.77 acres in the AE-20 Zone District	Denial	PC Denied BOS Denied	September 5, 1996 October 22, 1996
VA No. 3670 – Allow the creation of a 1.70-acre parcel from an 80.75-acre parcel in the AE-20 Zone District	Denial	PC Approved with conditions	July 6, 2000
VA No. 3793 – Allow the creation of a 2.23-acre parcel from an existing 60-acre parcel in the AE-20 Zone District	Denial	Withdrawn/ Refund requested	January 12, 2005

ANALYSIS/DISCUSSION:

Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n):
Setbacks	<u>AE-20 Zone District:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Proposed Parcel A (5± acres):</u> Residence Front: 221± feet Side (east): 63± feet Side (west): 200± feet Rear (south): 390± feet <u>Proposed Parcel B (5± acres):</u> Residence Front: 284± feet Side (east): 30± feet Side (west): 80± feet	<u>Parcel A:</u> Yes <u>Parcel B:</u> Yes

		Rear (south): 330± feet	
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	6 feet	No change	Yes
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

Reviewing Agencies/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears each parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance.

Building permit records indicate the existing septic systems were installed in 1987 and 2000. It is recommended that the Applicant consider having the existing septic tank pumped and have the tank and leach field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).

Zoning Section of the Fresno County Department of Public Works and Planning: Any structures built after March 1, 1958, which are over 120 square feet in area or for which no permit records are available will require permits or removal.

Building and Safety, Plan Check Section of the Fresno County Department of Public Works and Planning: Available records indicate two permitted mobile homes on site. Any structures for which no permit records are available, or additions to permitted structures, for which no permit records are available, will require plans, permits, inspections or removal prior to approval of the subsequent mapping procedure for this Variance.

Development Engineering Section of the Fresno County Department of Public Works and Planning: There are no County-maintained roads directly adjacent to the subject parcel.

According to FEMA, FIRM Panel 2600H, the subject parcel is not subject to flooding from the one-percent-chance storm event. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject parcel.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings state that there are other properties in the vicinity which have been reduced in size by some means, and which currently contain less than the minimum acreage required for the creation of parcels in the AE-20 Zone District; and that the division of the subject parcel would be consistent with this pattern of parcel division in the surrounding area.

Regarding Finding 1, staff acknowledges that other property owners in the vicinity may have been granted variances allowing the creation of parcels that were less than the minimum 20 acres required; however, that fact does not itself constitute an exceptional circumstance, and each request should be considered on its own merits.

At approximately 10 acres in size, the subject parcel is currently nonconforming with the minimum parcel size designation of the AE-20 Zone District; however, it is similar in size or larger than some other parcels in the vicinity and there are no obvious physical characteristics particular to the property other than its lack of public road frontage which create an exceptional or extraordinary circumstance.

In support of Finding 2, the Applicant's findings state that the owner's intent with this proposed parcel division is to be able to convey the property as two separate parcels to their heirs, and allow future solar improvements to one of the existing dwellings without encumbering the entire property. The subject parcel has been improved with two mobile homes. If this Variance request is approved, the resultant parcels will each contain one of the existing mobile homes, and each with its own well and septic system.

Per the provisions of the Zoning Ordinance, the minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size, unless the owner qualifies under the one or more of the conditions listed in Section 816.5, or unless the substandard-size parcel is approved through the Variance process. Neither the existing residential use of the parcel, nor the parcel size, exempts the property owner from the 20-acre minimum established to protect productive farming units.

Staff does not concur that the ability to divide the parcel constitutes the exercise of a substantial property right enjoyed by other property owners in the vicinity, under the present zoning, or that the deficit of such property right creates a hardship that would be corrected with the granting of this Variance. The inability of the property owner to create a parcel or parcels less than the minimum 20 acres required in this zone district does not itself constitute an infringement of a substantial property right. Other property owners in the vicinity are subject to the same requirements and restrictions with respect to the creation of a substandard-size lot.

Additionally, this proposal is not consistent with the agricultural zoning and the residential density limits therein. General Plan Policy LU-A.8 provides that the County maintain 20 acres as the minimum parcel size in areas designated agriculture, certain exceptions notwithstanding (see discussion of Policy LU-A.6 on page 9). Density limitations provide that one single-family residence is allowed for each 20 acres, and one additional residence for each 20 acres in excess of the minimum acreage designation, except that the County may allow a second residential dwelling by discretionary permit. If this Variance is granted, each of the resultant parcels could potentially be

allowed a maximum of two dwelling units, subject to applicable policies and development standards.

While it is acknowledged that there are other parcels in the immediate vicinity that are less than ten acres in size, how those parcels came to be in their present size and configuration may vary widely. Staff does not consider the presence of other parcels similar to or smaller in size to those proposed with this Variance to be an extraordinary circumstance, physical characteristic applicable to the subject property, or evidence of a property right realized by other owners in the vicinity under identical zoning which merits the granting of the requested Variance.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant does not have any other options for dividing the existing parcel without the approval of a Variance under the current zoning. Staff acknowledges that the proposal to create two separate and distinct parcels, each to be under separate ownership, giving each owner the right to use or dispose of the property accordingly, is a reasonable request; however, that desire itself does not create an extraordinary circumstance, nor does staff believe that the fact that the subject parcel is currently nonconforming as to minimum acreage constitutes the deficit of a substantial property right which would warrant the granting of the Variance to remedy.

Staff was unable to identify any unique or exceptional circumstances on the property and could not identify a substantial property right at issue. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	39.05 acres	Vineyard Single-Family Residence	AE-20	Approximately 1,200 feet
South	6.99 acres 1.00 acre 1.00 acre 1.21 acres	Single-Family Residence Single-Family Residence Single-Family Residence Single-Family Residence	AE-20	Approximately 500 feet Approximately 500 feet Approximately 345 feet Approximately 525 feet
East	4.76 acres 4.70 acres	Single-Family Residence Single-Family Residence	AE-20	Approximately 475 feet Approximately 300 feet
West	10.00 acres	Single-Family Residence Field Crops	AE-20	Approximately 20 feet

*Measured from the existing property lines

Reviewing Agencies/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, any additional runoff generated by future development of the site cannot be drained across property lines and must be retained on site or disposed of per County Standards.

A grading permit or voucher may be required for any grading that has been done without permits and any grading proposed with this application.

Fresno County Fire Protection District: No fire requirements at this time.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The subject property is served by a 30-foot-wide access easement along the northerly property boundary, which traverses the easterly adjacent parcel before it connects with South Grantland Avenue. The 30-foot-wide access easement also serves the adjacent parcel to the west. County Ordinance specifies that access easements be a minimum of 60 feet wide; however, the Road Maintenance and Operations Division has no concerns with the existing 30-foot wide easement and would support an exception for the normally required 60-foot easement width.

The access easement does not serve more than four parcels; accordingly, the access easement should be improved to a standard as required by the Applicant's engineer, such that it is adequate for passenger cars and emergency vehicles and equipment.

An encroachment permit is required from the Road Maintenance and Operations Division prior to any work being performed within the County right-of-way for South Grantland Avenue.

Analysis:

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity. Because the two residences and infrastructure are existing, and future development plans entail replacing the smaller secondary residence with a new, larger structure, any additional impacts to the area would be minimal.

Regarding Finding 3, staff concurs with the Applicant's assessment that the Variance would not be detrimental to surrounding properties. There is no change in land use proposed as part of this application. It is the intention of the Applicant, if this Variance is approved, to continue with the existing agricultural and residential uses. Staff concurs that there will be no additional impact to surrounding properties.

Staff believes that there will be no adverse impacts on neighboring properties. Finding 3 can be made.

Recommended Conditions of Approval:

See recommended conditions, attached as Exhibit 1

Conclusion:

Finding 3 can be made.

Finding 4: The granting of such a Variance will not be contrary to the objectives of the General Plan.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, or LU-A.11. See Analysis below.</p>
<p>General Plan Policy LU-A.7: County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The minimum parcel size for the subject parcel is 20 acres. The creation of both parcels is inconsistent with this policy. See Analysis below.</p>
<p>General Plan Policy LU-A.8: The County shall allow by right on each parcel designated Agriculture and zoned for agricultural use, one (1) single-family residential unit; one (1) additional single-family residential unit shall be allowed for each twenty (20) acres in excess of twenty (20) acres where the minimum parcel size is twenty (20) acres; one (1) additional single-family residential unit shall be allowed for each forty (40) acres in excess of forty (40) acres where the required minimum parcel size is forty (40) acres. The County may, by discretionary permit, allow a second dwelling unit on parcels otherwise limited to a single unit by this policy.</p>	<p>The existing mobile homes were permitted prior to the submission of the Variance request</p>
<p>General Plan Policy LU-A.9: The County may allow the creation of home-site parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is a least twenty (20) acres in size, subject to the following criterial:</p> <ul style="list-style-type: none"> a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre. 	<p>The subject parcel is currently 10 acres and designated as a legal nonconforming lot. The property does not meet any of the pre-conditions listed under this Policy that would allow for the creation of substandard-size parcels.</p>

Relevant Policies:	Consistency/Considerations:
<p>b. One the following conditions exist:</p> <ol style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property: or 2. The lot(s) to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or 3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her home-site and sell the remaining acreage for agriculture purposes. <p>Each home-site created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p>	
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ol style="list-style-type: none"> a. Adequacy of the water supply. b. Impacts of water usage on surrounding water users. c. Sustainability of the proposed water supply. 	<p>Review by the Water and Natural Resources Division has determined that as the subject parcel is not in an area defined as being water short, no well yield certification will be required.</p>
<p>General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>Review by the Fresno County Department of Public Health, Environmental Health Division has determined that the soils of the parcels are adequate to support individual on-site sewage disposal systems.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel

size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 provide that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed application is not located within an area defined as being water short.

Analysis:

In support of Finding 4, the Applicant asserts that the granting of this Variance is consistent with the purposes and objectives of the General Plan in that the agricultural use of the property will be maintained should the Variance be approved and the parcel be divided into two smaller lots. Regarding parcel size, review of the Fresno County 2014 Farmlands Map indicates that the subject parcel is classified as Rural Residential Land, which is consistent with the smaller parcel sizes immediately adjacent to the subject property. However, it is adjacent to larger areas of Prime, Unique, and Farmland of Statewide and Local Importance, which supports use of the land for agricultural purposes. The Applicant's findings also indicate that the proposed parcels would continue to be utilized for the cultivation of truck crops.

Staff does not concur with the Applicant's statement that the project is consistent with the purpose and objectives of the General Plan. Goal LU-A is "to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." Staff does acknowledge that there are a few smaller parcels in the general vicinity; however, the area is typified by primarily large farming parcels; the fact that the subject parcel is already smaller than the minimum acreage required for the Zone District is not sufficient basis for allowing further division, based on General Plan Policy.

The subject parcel at ten acres is designated as legal nonconforming due to it having been already substandard in size when it was rezoned from A-1 (General Agricultural) to its present zoning designation of AE-20. The parcel's present size is not the result of a variance, and was likely divided by deed, as appears to be the case with the majority of the adjacent parcels that contain 10 acres or less, including the three one-acre parcels immediately to the south. No records of any property being divided as a result of a variance were available within at least one mile of the subject property.

The current use of the subject parcel appears to be a combination of livestock raising and some limited field crops and orchards, along with single-family residential development. The Applicant's submitted findings state that the property would continue to be utilized for growing truck crops and thus be consistent with the agricultural zoning and land use designation; however, as stated in General Plan Policy LU-A.6 in the preceding table, the County maintains the minimum acreage requirements of the agriculturally-designated areas in order to ensure the viability of agricultural operations. This Policy implies that smaller parcels are less viable for commercial agricultural operations than those meeting the minimum acreage requirement.

Policy LU-A.6 also identifies the minimum parcel size for parcels which are designated as Agriculture, like the subject parcel, as well as those policies which provide for exceptions to that requirement (Policies LU-A.9 through LU-A.12).

Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, it states that evidence that the parcel is already not an economic farming unit

is not a basis for granting an exception. The Applicant's findings do not specifically state that the present parcel size creates any limitation on the existing farming operation, or that this fact should be considered as a basis for granting the Variance. However, this policy must be considered in terms of the negative incremental effect of such land divisions on the agricultural community in evaluating this Variance request. There is no requirement that the resultant parcels be utilized for agricultural purposes.

The subject parcel is not restricted under a Williamson Act Contract, and does not meet the requirements for a Williamson Act Contract due to its smaller size.

Finding 4 cannot be made.

Recommended Conditions of Approval:

See recommended conditions, attached as Exhibit 1.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff does not believe that the required Findings for granting the Variance can be made; specifically, staff was unable to make Findings 1, 2 and 4, and therefore recommends denial of Variance No. 4043.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4043; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4043, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

**Variance Application No. 4043
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	Prior to final map recordation, the Applicant shall remove or obtain permits for any structures over 120 square feet on the site which do not have permits.

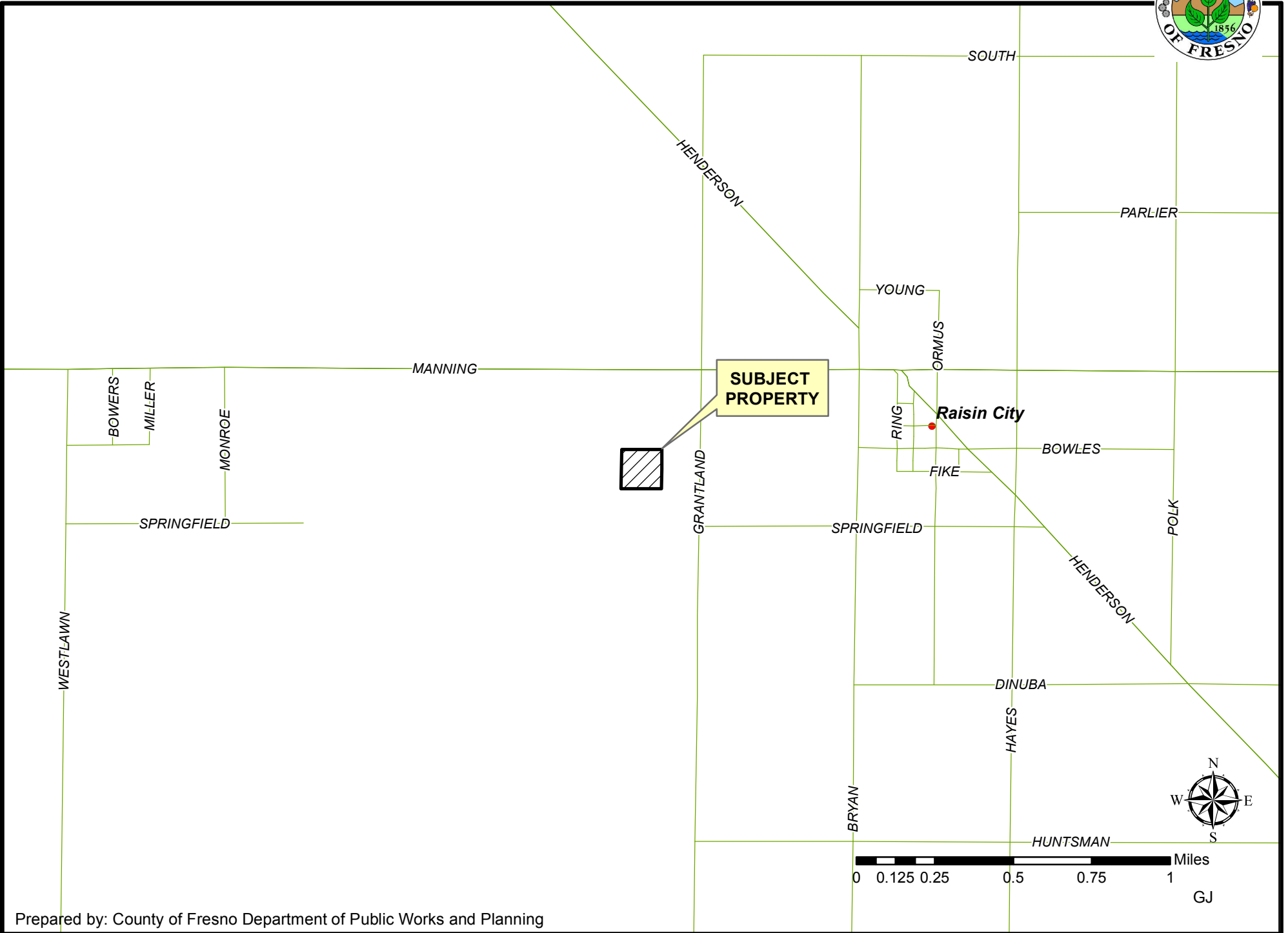
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed 5.00-acre parcels from an existing 10-acre parcel.
2.	Any work done within the County 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.
3.	Building permit records indicate the existing septic systems were installed in 1987 and 2000. It is recommended that the Applicant consider having the existing septic tanks pumped and have the tanks and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).
4.	The project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	A grading permit or voucher may be required for any grading proposed with this application.

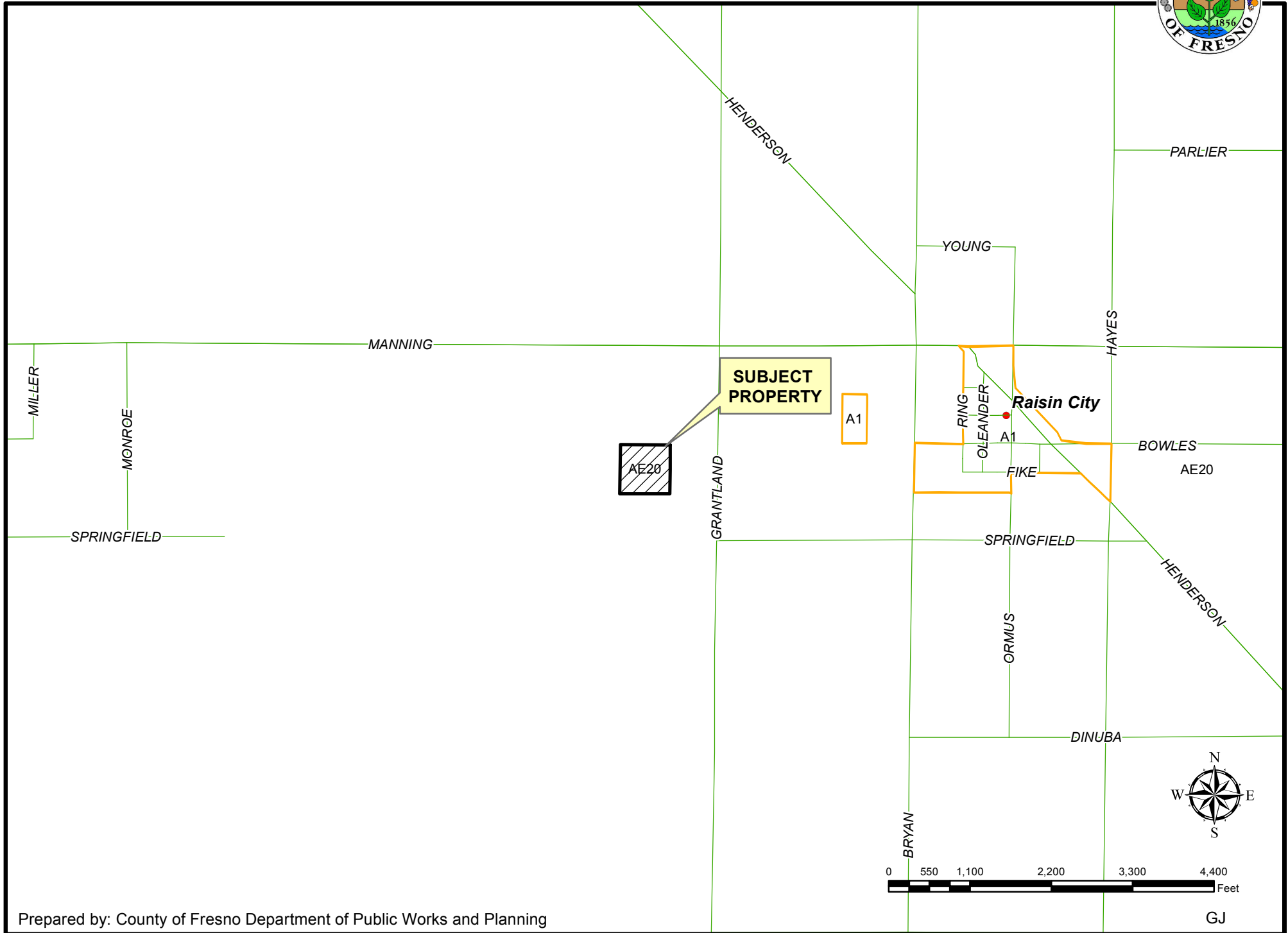
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4043\SR\VA 4043 Conditions & PN (Ex 1).docx

LOCATION MAP



EXISTING ZONING MAP



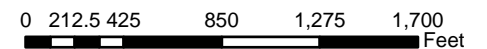
EXISTING LAND USE MAP



LEGEND	
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
TWR	CELL TOWER SITE
V	VACANT
VIN	VINEYARD

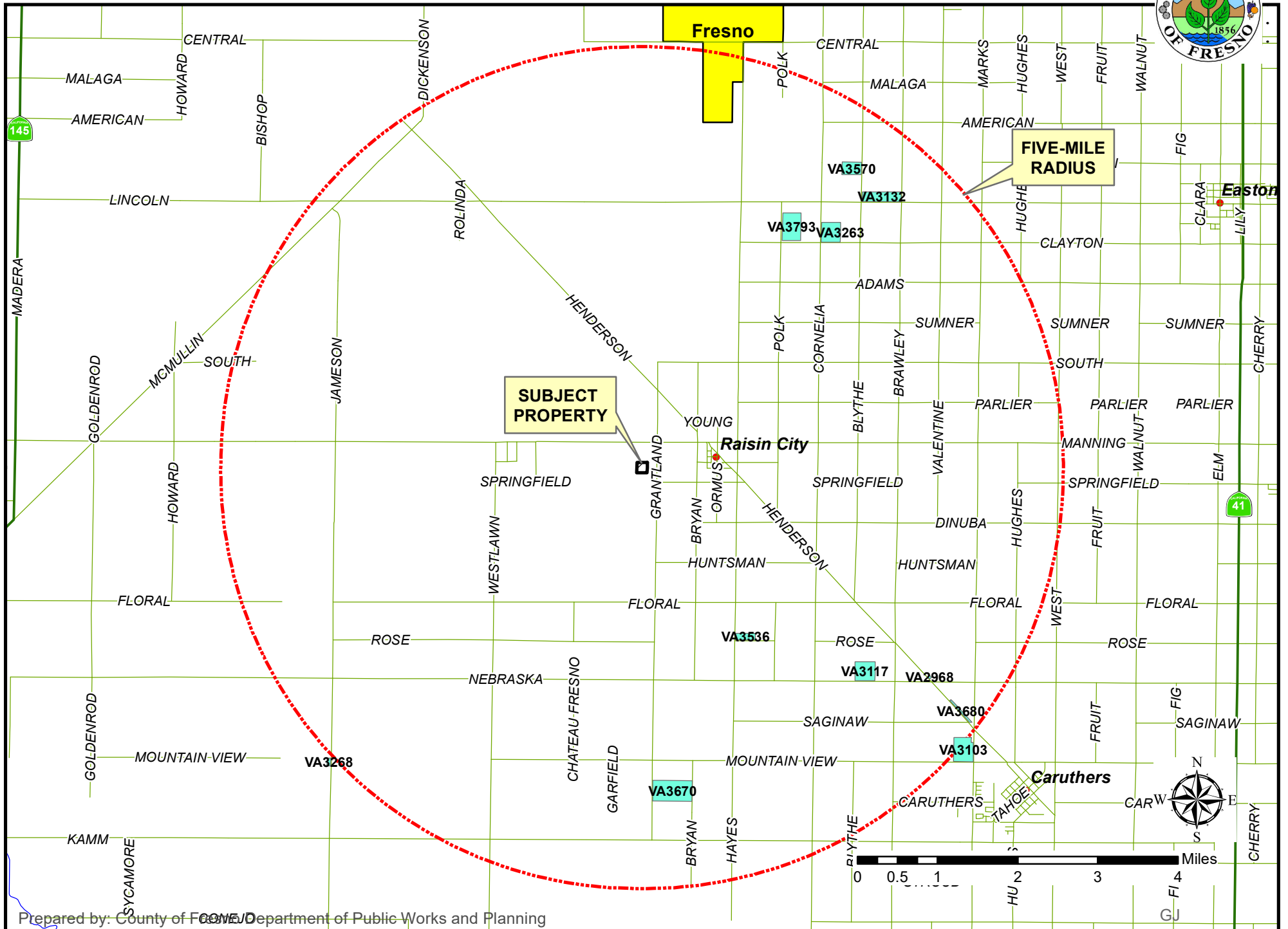
LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

APPROVED VARIANCES WITHIN A FIVE-MILE RADIUS



035-360-33S

(EXISTING) S 00°02'28" E 660.47'

035-360-6S

(EXISTING) N 89°05'25" E 664.04'

1,600± SQ.FT. LIVING SPACE

MOBILE HOME

SEPTIC/FIELD

800± SQ.FT. LIVING SPACE

MOBILE HOME

SEPTIC/FIELD

(P) PARCEL A
219208 SQ. FT.
5 ACRES

(P) PARCEL B
219196 SQ FT
5 ACRES

035-360-51S

(EXISTING) S 89°05'03" W 663.74'

035-360-46S

(EXISTING) S 00°00'52" E 660.40'

035-360-45S

FOUND 3/4" IRON PIPE NOTES NOT ACCEPTED, 2" SOUTH & 0.18 WEST

FOUND 3/4" IRON PIPE LIPS NOT ACCEPTED, 1.12' SOUTH AND 0.1 WEST

FOUND 3/4" IRON PIPE NOTES NOT ACCEPTED, 0.13' WEST AND 0.13' NORTH

FOUND 3/4" IRON PIPE RCE13352 DN3

LEGEND

These standard symbols will be found in the drawing.

- ===== TELEPHONE OVERHANG
- ===== POWER
- ===== FENCE
- ⊙ POWER POLE
- ⊥ GUY WIRE



BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 28, 16/19, M.D.B. & M., WAS TAKEN TO BE NORTH 00°04'38" WEST, AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 40, OF RECORD OF SURVEYS, AT PAGE 34, FRESNO COUNTY RECORDS.

**CURRENT SITE PLAN
STRUCTURES REMOVED**

RIVERA
PARCEL
SPLIT

PROJECT
APN: 035-360-40S
9237 S. GRANTLAND AVE.
FRESNO, CA 93706

CLIENT:
JOSE & PEDRO RIVERA
9237 S. GRANTLAND AVE.
FRESNO, CA 93706

ROOKSPIRE INC.
4644 W. JENNIFER
SUITE 104
FRESNO, CALIFORNIA
93722
559-385-7833
ROOKSPIRE1@GMAIL.COM

SCALE: 1"=80'

REVISION:

DATE: 10/16/19

SIGNATURE:

SHEET

SP
3 OF 3

COUNTY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
2600 Fresno Street-Third Floor
Fresno, California 93721-3604

Property:
Jose & Pedro Rivera
9237 S. Grantland Avenue
Fresno, California 93706
APN: 035-360-40S

Representative:
RookSpire Inc.
Art Lancaster
4644 W. Jennifer, Suite 104.
Fresno, Ca. 93722

December 20, 2017

Supplemental Variance Application Findings for variance

Proposal: Allow the creation of two five-acre parcels from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20 acre minimum parcel size) Zone District. Additionally, we would like to request a Waiver of Public Road Frontage Requirement.

The property currently has two residential units located in a manner that would allow for a symmetrical property split.

1. Exceptional or Extraordinary Circumstances;
 - a. As indicated in the attached exhibits, the surrounding properties of like or same zoning have been reduced to a lesser acreage than the current zoning adopted by Fresno County. By reducing the proposed property to (2) 5± acre parcels would not be inconsistent to the surrounding area.
2. Hardship
 - a. The property owners (Rivera Brothers) purchased the property in 1987 with the intent of someday leaving it to their children as two parcels. With the current zoning it has prevented them from dividing the property for the purpose of inheritance.
 - b. One of the property owners would also like to install solar for his residence but can't due to creating a lien right to the overall property. This causes the prevention of updating the property.
3. Detrimental or Injurious to property improvements in Vicinity
 - a. The property split will not affect or change any conditions to the surrounding properties. The current use will remain the same.
4. Granting of Variance Consistency
 - a. The granting of this variance will be consistent the general purposes and objectives of the code and General Plan. The land will still be used for small truck crops and agricultural use.

Art Lancaster
559-385-7833
rookspire1@gmail.com

Exhibit: SP1- Current Property and Surrounding parcels
SP2- Proposed Parcel Split
PHOTO MAP - Photos of surrounding parcel use