



## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: August 26, 2021

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12901 - INITIAL STUDY NO. 7071 and AMENDMENT APPLICATION NO. 3815

OWNER/  
APPLICANT: Lakhvir Singh Sidhu

REQUEST: Rezone two contiguous parcels totaling 8.38 acres (10.44 acres including canal) from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to animal hospitals/ shelters; automobile repair & service stations; caretaker's residence; commercial uses incidental to permitted industrial uses; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops, lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundries; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings.

LOCATION: The subject parcels are located on the east side of S Peach Avenue, approximately 360 feet north of its intersection with E North Avenue and 4,038 feet south of the City of Fresno (2929 S Peach Avenue) (APNs 316-180-13 and 316-180-20) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of August 26, 2021, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Chatha and seconded by Commissioner Hill to recommend adoption of the Mitigated Negative Declaration prepared for the project; find that the proposed rezone is consistent with the County General Plan and Roosevelt Community Plan; and recommend approval of Amendment Application No. 3815, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Chatha, Hill, Abrahamian, Carver, and Ewell
	No:	None
	Absent:	Commissioners Ede, Eubanks, Woolf
	Abstain:	None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
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William M. Kettler, Manager  
Development Services and Capital Projects Division

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Attachments

EXHIBIT A

Initial Study Application No. 7071  
Amendment Application No. 3815

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 26, 2021 and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- We believe there is a potential to develop a truck parking and storage facility at the site.
  - We did not select Truck Terminal as an allowed use, as they tend to involve more intense trip generation and employees for transfers of goods between trucks and increases the potential for air quality impacts.
  - After the demand for truck parking is diminished, more intensive use such as storage facility may be developed on the property.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7071; Amendment Application No. 3815**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting associated with the development of industrial uses on the property shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning	At time of Installation
2.	Biological Resources	If construction activities, including tree removal, start during the breeding or nesting season for Migratory Bird Treaty Act (MBTA) protected breeds, a preconstruction survey for nesting birds shall be implemented. Surveys shall be conducted in accordance with U.S. Fish and Wildlife, guidance for minimizing impacts to migratory birds (breeding season is generally defined as between February 1 and mid-September and nesting season between March 1 and mid-September)..	Applicant	Applicant/ U.S. Fish and Wildlife (USFW)	As noted
3.	Biological Resources	Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the San Joaquin kit fox and the Fresno kangaroo rat. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.	Applicant	Applicant/USFWL/CA Dept. of Fish & Wildlife (CDFW)	As noted
4.	Biological Resources	In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the applicant shall implement the following measures:  a. Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following US Fish and Wildlife Service’s (USFWS) “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (2011).	Applicant	Applicant/ USFWL/ CDFW	During construction

EXHIBIT B

		b. If SJKF is determined to be present at the site, the applicant shall consult with California Department of Fish and Wildlife (CDFW) to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.			
5.	Biological Resources	In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the applicant shall implement the following measures:  a. Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS's "Survey Protocol for Determining Presence of Fresno Kangaroo Rats" (2013). b. If FKR is detected, the developer shall consult with CDFW and implement recommended avoidance and minimization measures prior to the start of ground disturbance.	Applicant	Applicant/ USFWS/ CDFW	During construction
6.	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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ Fresno County Sheriff-Coroner	During construction
7.	Transportation	Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c & d below. The traffic improvements and the project's maximum pro-rata share based on 8.38 acres of the associated costs are as follows:	Applicant	Applicant/PWP	As noted

		<p>a. North Avenue and Willow Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.57 % construction cost or \$ 38,913.00, 15% preliminary engineering or \$ 5,837, 15% construction engineering or \$5,837, totaling \$50,587.00.</p> <p>b. The project's percent fair share for right -of-way acquisition at North Avenue and Willow Avenue intersection is 3.57 % or \$ 5,248.00.</p> <p>c. North Avenue and Peach Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.91 % construction cost or \$ 51,439.00, 15% preliminary engineering or \$7,716, 15% construction engineering or \$7,716, totaling \$66,871.00.</p> <p>d. The project's percent fair share for right -of-way acquisition at North Avenue and Chestnut Avenue intersection is 3.91 % or \$5,748.00.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p>			
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\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference required Conditions for the project.

Conditions of Approval

1.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Section 843.1 (M-1 Zone District):</p> <ul style="list-style-type: none"> <li>• Animal Hospitals and Shelters</li> <li>• Automobile Repairs</li> <li>• Automobile Service Stations</li> <li>• Caretaker's Residence</li> <li>• Commercial Uses Incidental to Permitted Industrial Uses</li> <li>• Equipment Rental or Sale</li> <li>• Farm Equipment Sales and Service</li> <li>• Ice and Cold Storage Plants</li> <li>• Mechanical Car, Truck, Motor and Equipment Wash</li> <li>• Offices (Administrative, Business, General, Medical, Professional)</li> <li>• New and Used Recreational Vehicle Sales and Service</li> <li>• Signs</li> <li>• Cabinet or Carpenter Shop</li> <li>• Fruit and Vegetable Packing</li> <li>• Honey Extraction Plant</li> <li>• Printing Shops, Lithographing, Publishing</li> <li>• Stone Monument Works</li> <li>• Contractors Storage Yard</li> <li>• Machinery Rental</li> <li>• Motion Picture Studio Storage Yard</li> <li>• Transit Storage</li> <li>• Blueprinting and Photocopying</li> <li>• Laundries</li> <li>• Assembly of Small Electric and Electronic Equipment</li> <li>• Assembly of Plastic Items Made from Finished Plastic</li> <li>• Communication Equipment Buildings</li> <li>• Public Utility Service Yards with Incidental Buildings</li> </ul>
2.	<p>At the time of development, the applicant shall consult with the City of Fresno and Malaga County Water District (MCWD) for the site to connect and utilize water service from the Malaga County Water District, if the service is available adjacent to the parcel at the time of development.</p>
3.	<p>The property shall connect to the City of Fresno sanitary sewer facilities. Development of the property shall include installation of a service lateral to connect and utilize the City sewer service via the existing sewer line in Peach Avenue and pay all City connection fees.</p>
4.	<p>If onsite 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 a community water and sewer facilities or adequate information is</p>

	submitted to the Fresno County Department of Public Health and Department of Public Works & Planning to demonstrate that the property can accommodate higher volumes of liquid wastes. Leach fields shall not be paved over nor parking of vehicles to allow for treatment of effluent and protection of piping.
5.	Prior to the storage/parking of any refrigerated trailers or vehicles on-site and off the subject property, an on-site and off-site parking acoustical analysis shall be prepared by a qualified acoustical consultant and be submitted for approval to the Fresno County Department of Public Health, Environmental Health Division (Health Department). Any mitigation measures, as recommended by the acoustical consultant and accepted by the Health Department shall be implemented prior to storage/parking of any refrigerated trailers on or off the subject property.
6.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.
7.	The existing single-family residence on the property must be used as a caretaker residence for permitted industrial uses (Exhibit 8), or it must be removed from the property.
<b>Project Notes</b>	
1.	Prior to the issuance of building permits and establishing uses permitted by this application in the M-1 (c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, right-of-way dedication, fire protection, noise, and control of light.
2.	The construction of any structures on the property shall meet all the Building Code requirements in effect at the time they are constructed.
3.	To address public health impact resulting from permitted uses on the property, the Fresno County Department of Public Health, Environmental Health Division requires the following: <ul style="list-style-type: none"> <li>• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.</li> <li>• Any business that handles a hazardous material or hazardous waste may require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95, Section 25507.</li> <li>• As a measure to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor.</li> <li>• Should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</li> <li>• Per the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, the owner/operator shall obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle).</li> </ul>
4.	To address impacts on the Fresno Irrigation District (FID) facilities resulting from permitted uses on the property, FID requires the following:



	<ul style="list-style-type: none"> <li>• FID Washington Colony No. 15 runs south, traverses the middle portion of the property. Any street and or utility improvements along North Avenue, or in the vicinity of the canal, shall require FID review and approval of all plans.</li> <li>• The landowner shall grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy.</li> <li>• The FID Wilder No. 289 runs westerly, crosses Peach Avenue approximately 40 feet north of the subject property. Any street and/or utility improvements along Peach Avenue, or in the vicinity of this facility shall require FID review and approval of all plans.</li> <li>• A Private pipeline known as the Washington Colony No. 15 runs westerly along the western portion of FID's Washington No. 115 and traverses the subject property. This line is active and will need to be treated as such</li> </ul>
5.	<p>To address impacts on the Fresno Metropolitan Flood Control District (FMFCD) facilities resulting from permitted uses on the property, the FMFCD requires the following:</p> <ul style="list-style-type: none"> <li>• The project shall pay drainage fees at the time of development based on the fee rates in effect at that time.</li> <li>• Storm drainage patterns for the development shall conform to the District Master Plan</li> <li>• All improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed and approved by FMFCD for conformance to the District Master Plan within the project area</li> <li>• Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property</li> <li>• Temporary storm drainage facility shall be provided on the property until permanent service becomes available.</li> <li>• Construction activity shall secure a storm water discharge permit.</li> </ul>
6.	<p>To address grading and drainage impacts resulting from the permitted uses on the property, the Development Engineering Section of the Fresno County Department of Public Works and Planning, requires the following:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.</li> <li>• A grading permit or voucher for any grading proposed with the proposed uses.</li> <li>• An encroachment permit from the Road Maintenance and Operations Division prior to any work done within the county road right-of-way.</li> <li>• On-site turnarounds for vehicles leaving the site to enter Peach Avenue in a forward motion.</li> <li>• For any unpaved or gravel surface access roads, the first 100 feet of the edge of the road right-of-way shall be graded and asphalt concrete paved or treated with dust palliative.</li> <li>• A 30-foot by 30-foot corner cutoff for sight distance purposes at the exiting driveway onto Peach Avenue.</li> </ul>
7.	<p>The permitted uses on the property shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; obtain CalFire conditions of approval; and annex the property into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
8.	<p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District Small Business Assistance Office to identify District rules or regulations that apply to the permitted uses on the property and obtain necessary information about District permit requirements. The following District rules may apply: Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 2201 (New and Modified Stationary Source Review Rule); Rule 4201 (Particulate Matter Concentration); Rule 4601(Architectural Coatings); Rule 4641(Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4002 (National Emission Standards for Hazardous Air Pollutants); Rule 4702 – Internal Combustion Engine, and Rule 2010 (Authority to Construct (ATC) and Permit to Operate (PTO) permits).</p>

9.	The applicant shall acknowledge the need to control weeds and rodents within the project area to prevent the permitted uses on the property from becoming a nuisance to neighboring properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code); and that the maintenance of such public nuisance is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.
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EXHIBIT C

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7071  
Amendment Application No. 3815

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 3,901.00 <sup>1</sup>
Amendment Application	\$ 6,214.00 <sup>2</sup>
Public Health Department Review	\$ 383.00 <sup>3</sup>

<b>Total Fees Collected</b>	<b><u>\$ 10,498.00</u></b>
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<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
<sup>2</sup> Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
<sup>3</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 August 26, 2021

**SUBJECT:** Initial Study No. 7071 and Amendment Application No. 3815

Rezone two contiguous parcels totaling 8.38 acres (10.44 acres including canal) from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to animal hospitals/ shelters; automobile repair & service stations; caretaker's residence; commercial uses incidental to permitted industrial uses; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops, lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundries; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings.

**LOCATION:** The subject parcels are located on the east side of South Peach Avenue, approximately 360 feet north of its intersection with East North Avenue and 4,038 feet south of the City of Fresno (2929 S. Peach Avenue, Fresno CA) (APNs 316-180-13 and 316-180-20 (Sup. Dist. 4).

**OWNER /  
APPLICANT:** Lakhvir Singh Sidhu

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

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) No. 7071; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3815 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Summary of Initial Study Application No. 7071
6. Proposed Mitigated Negative Declaration
7. List of Allowed Uses (By-right) in the AL-20 (Limited Agriculture) Zone District
8. List of Uses (By-right) to be Allowed in the M-1 (c) Zone District

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan	(Reserve) Limited Industrial in Roosevelt Community Plan	No change
Zoning	AL-20 (Exclusive Agricultural, 20-acre minimum parcel size)	M-1(c) (Light Manufacturing, Conditional) Zone District limited to animal hospitals/shelters; automobile repair & service stations; caretaker’s residence; commercial uses incidental to permitted industrial uses; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops,

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
		lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundry processing; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings
Parcel Size	8.38 acres	No change
Project Site	Limited farming with a single-family residence	No specific development is proposed by this application
Structural Improvements	Single-family residence	None. Future development is proposals include industrial uses as listed in Exhibit 8
Nearest Residence	205 feet to the south	No change
Surrounding Development	North: Vineyard, South: Single-family residences East: Vineyard West: Convalescent hospital, single-family residence	No change
Operational Features	Project site is developed with a single-family residence	No specific development is proposed by this application
Employees	N/A	No specific development is proposed by this application
Customers/Supplier	N/A	No specific development is proposed by this application
Traffic Trips	None	A Traffic Impact Study prepared for the project determined that the project would contribute to the cumulative significant impacts and is responsible for an equitable share of the Mitigation Measures in the area.(See MMRP; Exhibit 1)

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Lighting	None	Future lighting to be shielded to prevent glare offsite.
Hours of Operation	N/A	No specific development is proposed by this application

**Setback, Separation and Parking**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AL-20 Zone District:  Front: 35 feet Side: 20 feet Rear: 20 feet	M-1(c) Zone District:  Front: None Side: None Rear: None	N/A. No development is proposed by this application
Parking	No requirement	One parking stall per two Employees and parking stall per company-owned truck	N/A. No development is proposed by this application
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	40-foot separation between animal shelter and building for human occupancy	No requirement in the M-1(c) Zone District	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	None	N/A. No development is proposed by this application
Septic Replacement Area	100 percent for the existing system	N/A. Sewer Service is available from the City of Fresno	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A. Water service is available from the Malaga County Water District, or through an existing onsite well	N/A

**Circulation and Traffic**

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Public Road Frontage	Yes	Peach Avenue; Fair condition	No change

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Direct Access to Public Road	Yes	Peach Avenue	No change
Road ADT (Average Daily Traffic)		900	No change initially. No development is proposed by this application
Road Classification		Arterial	No change
Road Width		30 feet east of section line along parcel frontage	No additional right-of-way required
Road Surface		Asphalt concrete; pavement width: 25.7 feet	No change
Traffic Trips		None	Per the Traffic Impact Study (TIS) prepared for the project: <ul style="list-style-type: none"> <li>• 70 AM peak-hour trips</li> <li>• 73 PM peak-hour trips</li> </ul>
Traffic Impact Study (TIS) Prepared	Yes	N/A	Per the TIS, the project would contribute to the cumulative significant impacts and is responsible for an equitable share of the Mitigation Measures in the area. (See MMRP; Exhibit 1)
Road Improvements Required		Fair	No development is proposed by this application. Road improvements may be required as part of any subsequent discretionary land use applications.

**Surrounding Properties**

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North	26.9 acres	Farmland	AL-20	None
South	1.45 acres	Single-family residence	AL-20	305 feet
East	18.9 acres	Vineyard	AL-20	645 feet
West	5.7 acres 34.8 acres	Convalescent hospital, single-family residence	AL-20	327 feet



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

**ENVIRONMENTAL ANALYSIS:**

Initial Study No. 7071 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 5.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: July 21, 2021.

**PUBLIC NOTICE:**

Notices were sent to 31 property owners within 1,320 feet of the subject property, 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 for final action will be scheduled as close to the Commission's action as practical with separate noticing provided for that hearing.

**PROCEDURAL CONSIDERATIONS:**

A rezoning is a legislative act requiring final 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 8.38-acre property and other properties in the area were zoned Interim R-A (Single-Family Residential Agricultural District) on June 8, 1960.

On September 29, 1980, Amendment Application No. 3148 was approved, which changed the zoning on the property from the R-A Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

On September 21, 1993, Amendment Application No. 3601 was approved, which changed the zoning on the property from the AE-20 to AL-20 (Limited Agricultural; 20-acre minimum parcels size) Zone District.

The subject Amendment Application No. 3815 proposes to change the zoning on the property from the AL-20 Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to permit only specific industrial uses as listed in Exhibit 8 of this report, all other uses normally permitted in the M-1 Zone District would not be allowed.

The subject property is located on the fringe of the City of Fresno, approximately 0.7 mile south of its current boundary and within its sphere of influence. The surrounding area consist of cultivated farmland, fallow farmland with single-family residences, and land improved with industrial uses. There are vineyards to the north and to the south, single-family residences to

the south and a convalescent hospital and a single-family residence to the west of the proposal. The closest M-3 (Heavy Industrial) zoned parcel is located at the northwest corner of North and Peach Avenues and is developed with a fertilizer manufacturing facility. Other closely located M-3 (c) (Heavy industrial, Conditional) zoned parcels, developed with industrial uses, are located less than one half-mile to the west of the proposal. Parcels located on the south side of North Avenue within an area bordered by Peach and Minnewawa Avenues are zoned M-3 (c) and AL-20, and are developed with warehouses, truck yards, single-family homes, or are planted in orchards. Parcels also located on the south side of North Avenue in an area bordered by North and Peach Avenues are zoned M-3 and mostly developed with warehouses.

As the subject property is located within the City of Fresno Sphere of Influence, the MOU between the City and County required the proposal referred to the City for consideration of annexation. The City reviewed the proposal and decided not to pursue annexation of the property at this time and released it for processing by the County. The property is designated Medium Density Residential in the City of Fresno General Plan and (Reserve) Limited Industrial in the County-adopted Roosevelt Community Plan which is consistent with the proposed rezone to an M-1(c) (Light Manufacturing, Conditional) Zone District.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p>	<p>The subject 8.38-acre property is developed with a single-family residence and only a 3.7-acre portion of it is Prime Farmland. The proposed rezone from the AL-20 to M-1 will not be characterized as an encroachment of incompatible uses and was contemplated by the Roosevelt Community Plan which designates the entire 8.38-acre site for (Reserve) Limited Industrial. The proposal is consistent with Policy LU-A.12.</p>
<p>General Plan Policy LU-A.13: The county shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The future development proposals will be separated from farmland to the north and the east of the property by existing dirt roads. Also, perimeter fencing around the property will provide additional buffering and be addressed through mandatory Site Plan Review. The proposal is consistent with Policy LU-A.13.</p>
<p>General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</p>	<p>As noted above, only a small portion of the site consist of productive farmland and majority of the site is not readily used for farming purposes. The site is reserved for light industrial uses in the County-adopted Roosevelt Community Plan. The proposed zoning is a transition from agriculture to industrial to support agricultural industry in the area and is consistent with Policy LU-A.14.</p>
<p>General Plan Policy LU-G.14: The County shall not approve any discretionary permit for</p>	<p>The subject property is within the City of Fresno Sphere of Influence. Per the</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>new urban development within a city’s sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation and provisions of any applicable city/county memorandum of understanding.</p>	<p>Memorandum of Understanding (MOU) between the County and the City of Fresno, the subject proposal was referred to the City for possible annexation and was released to the County on September 2, 2016. The City cited no intent of pursuing annexation at this time. The property is designated for medium density residential uses in the City of Fresno General Plan.</p>
<p>General Plan Policy LU-F.29: The County may approve rezoning requests and discretionary permits for new industrial development subject to conditions concerning the following criteria:</p> <ol style="list-style-type: none"> <li>a. Operational measures or specialized equipment to protect public health, safety, and welfare, and to reduce adverse impacts of noise, odor, vibration, smoke, noxious gases, heat and glare, dust and dirt, combustibles, and other pollutants on abutting properties.</li> <li>b. Provisions for adequate off-street parking to handle maximum number of company vehicles, salespersons, and customers/visitors.</li> <li>c. Mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use to isolate the use from abutting properties.</li> <li>d. Limitations on the industry’s size, time of operation, or length of permit.</li> </ol>	<p>This proposed rezone would be limited to specific industrial uses that are incidental to the farming operations and are expected to produce the least amount of noise, odor, vibration, smoke, heat, and glare to impact the nearest sensitive receptors: a single-family home, and a convalescent hospital. The permitted uses will adhere to the M-1 Zone District property development standards and will be analyzed against these standards during mandatory Site Plan Review required prior to the establishment of a use on the property. With these considerations, the proposal is consistent with Policy LU-F.29.</p>
<p>General Plan Policy LU-F.30: The County shall generally require community sewer and water services for industrial development. Such services shall be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</p>	<p>The project site is within the City of Fresno service area. Sewer service is currently available in Peach Avenue and can serve the property. Water service, is available through Malaga County Water District, City of Fresno, or the existing onsite well for those uses that will generate limited amount of liquid waste. The proposal is consistent with Policy LU-F.30.</p>
<p>General Plan Policy PF-C.17: County shall, prior to consideration of any discretionary projects related to land use, undertake a water supply evaluation. The evaluation shall include a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question and if groundwater is proposed, a hydrological investigation may be required to confirm the availability of water in amounts necessary to</p>	<p>The subject property is not in a water-short area of Fresno County and no concerns related to water were expressed by the County Water &amp; Geology Division. Future development proposals can receive community water from the Malaga County Water District, or the City of Fresno. Water can also be provided via and onsite well. The proposal is consistent with Policy PF-C.17.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
meet project demand.	
Roosevelt Community Plan, Section 6.02.g: The tier of Limited Industrial-designated properties located along the south side of Jensen Avenue is intended to provide a transition from the existing and planned residential uses along the north side of Jensen Avenue.	The subject proposal is located on the south side of Jensen Avenue and involves rezone of the property from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District. The proposal is consistent with this policy.

**Reviewing Agency/Department Comments:**

The project was routed to all relevant Agencies and County Departments for review and comments. Below is a summary of substantive responses/comments.

- The San Joaquin Valley Air Pollution Control District required project-related construction and operational emissions, Health Risk Assessment (HRA) and Ambient Air Quality Analysis. Per the Air Quality and Greenhouse Gas Impact Analysis prepared for the project by Mitchell Air Quality Consulting and provided to the District, project-related impacts were determined to be less than significant.
- The Design Division and Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning, as well as the California Department of Transportation reviewed the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group. No specific requests for conditions, or mitigation were made by these entities other than what was included as part of the TIS which makes the project responsible for their fair share of local transportation improvements.
- The Development Engineering Section of the Fresno County Department of Public Works and Planning, Fresno Irrigation District, Fresno Metropolitan Flood Control District, and Fresno County Health Department, Environmental Health Division reviewed the proposal and their comments mostly relate to the regulatory issues the applicant should be aware of and are included as Notes/Regulatory Comments in Exhibit 1.
- The City of Fresno declined to annex the property at this time and indicated that sewer service is available to site and for water service the site should utilize the existing onsite well. Similarly, the Malaga County Water District indicated that the applicant in consultation with the City of Fresno can make a request for water supply to the District and be subject to LAFCo (Local Agency Formation Commission) approval. While these issues do not pertain to the proposal at this time, as there is no construction currently proposed, they will be a factor at the time improvements are made to the property and are addressed as either Project Notes or Conditions of Approval.
- Pursuant to Assembly Bill (AB) 52, the project was routed to the Native American Tribes in the area. No tribe requested consultation, resulting in no further action on the part of the County. However, as requested by Picayune Rancheria of the Chukchansi Indians and Table Mountain Rancheria, in the unlikely event that cultural resources are identified on the property, the Tribe should be informed. The Mitigation Measure included in the Cultural Analysis section of the Initial Study (Exhibit 5) will reduce impact to tribal cultural resources to less than significant.

## **Analysis:**

The proposed M-1(c) (Light Manufacturing, Conditional) zoning is consistent with General Plan Development Policies as listed in the previous table. It is also consistent with the General Plan Designation under the County-adopted Roosevelt Community Plan which designates the site as (Reserve) Limited Industrial. The site is designated for medium density residential uses in the City of Fresno General Plan.

The subject property is in the fringe of the City of Fresno, with industry and transportation corridors on the City's urban edge and agricultural uses to the east leading into the more rural portions of the County. The proposal, limited to specific industrial uses, has the potential to serve surrounding agricultural interests while providing a buffering of uses that do not generate substantial impacts to agriculture or create sensitive receptors, such as housing, schools, etc., which could inhibit agricultural activities.

The subject proposal is a conditioned rezoning application, and it does not provide a defined project with specific improvements to be built. It limits future uses on the property to those listed in Exhibit 8 namely: animal hospitals/shelters; automobile repair & service stations; caretaker's residence; commercial uses incidental to permitted industrial uses; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops, lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundries; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings. This allows evaluation of a limited number of potential uses for appropriate Conditions of Approval to address impacts in the transition between Agricultural and Industrial uses. These uses are the only uses that will be allowed by right in the proposed conditional M-1 Zoning on this parcel. A separate Site Plan Review approval is required at the time of any specific proposal for development. Eventually, as this area will be annexed by the City and developed more fully for uses allowed under City's General Plan.

The Initial Study (IS) prepared for this proposal included a Traffic Impact Study with VMT (Vehicle Miles Travelled) evaluation, and a Greenhouse Gas Impact Analysis Report. These studies and other analysis in the IS have identified potential impacts that have been determined to be less than significant with identified Mitigation Measures in the areas of:

- Aesthetics (outdoor lighting),
- Biological Resources (pre-construction surveys for sensitive habitats)
- Cultural Resources (in unlikely event of a finding), and
- Transportation (fair share of local improvements).

These Mitigation Measures are typical for any new development. The specific mitigations are articulated in the Mitigation Monitoring Report Program (MMRP) along with project Conditions and Notes/Regulatory comments (See Exhibit 1).

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body.

**Conclusion:**

Staff has determined that the proposed rezone from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow limited industrial uses as requested by the Applicant and noted in Exhibit 8, is consistent with the Fresno County General Plan, and recommends approval of Amendment Application No. 3815, subject to the Conditions of Approval recommended in the Staff Report (Exhibit 1).

**PLANNING COMMISSION MOTIONS:****Recommended Motion** (Approval Action)

- Recommend adoption of the Mitigated Negative Declaration prepared based on Initial Study No. 7071; and
- Recommend that the Board of Supervisors determine that the proposed rezone to the M-1(c) (Light Manufacturing, Conditional) Zone District is consistent with the General Plan and the County-adopted Roosevelt Community Plan and approve Amendment Application No. 3815, subject to the recommended Mitigation Measures, and Conditions of Approval; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Determine that the M-1(c) (Light Manufacturing, Conditional) zoning is not appropriate for the property based on (state basis for denial), and deny Amendment Application No. 3815; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action

EA:jp

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EXHIBIT 1

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7071; Amendment Application No. 3815**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting associated with the development of industrial uses on the property shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning	At time of Installation
2.	Biological Resources	If construction activities, including tree removal, start during the breeding or nesting season for Migratory Bird Treaty Act (MBTA) protected breeds, a preconstruction survey for nesting birds shall be implemented. Surveys shall be conducted in accordance with U.S. Fish and Wildlife, guidance for minimizing impacts to migratory birds (breeding season is generally defined as between February 1 and mid-September and nesting season between March 1 and mid-September)..	Applicant	Applicant/ U.S. Fish and Wildlife (USFW)	As noted
3.	Biological Resources	Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the San Joaquin kit fox and the Fresno kangaroo rat. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.	Applicant	Applicant/USFWL/CA Dept. of Fish & Wildlife (CDFW)	As noted
4.	Biological Resources	In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the applicant shall implement the following measures:  a. Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following US Fish and Wildlife Service's (USFWS) "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011).	Applicant	Applicant/ USFWL/ CDFW	During construction

EXHIBIT 1

		b. If SJKF is determined to be present at the site, the applicant shall consult with California Department of Fish and Wildlife (CDFW) to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.			
5.	Biological Resources	In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the applicant shall implement the following measures:  a. Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS's "Survey Protocol for Determining Presence of Fresno Kangaroo Rats" (2013). b. If FKR is detected, the developer shall consult with CDFW and implement recommended avoidance and minimization measures prior to the start of ground disturbance.	Applicant	Applicant/ USFWS/ CDFW	During construction
6.	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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ Fresno County Sheriff-Coroner	During construction
7.	Transportation	Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c & d below. The traffic improvements and the project's maximum pro-rata share based on 8.38 acres of the associated costs are as follows:	Applicant	Applicant/PWP	As noted



		<p>a. North Avenue and Willow Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.57 % construction cost or \$ 38,913.00, 15% preliminary engineering or \$ 5,837, 15% construction engineering or \$5,837, totaling \$50,587.00.</p> <p>b. The project's percent fair share for right -of-way acquisition at North Avenue and Willow Avenue intersection is 3.57 % or \$ 5,248.00.</p> <p>c. North Avenue and Peach Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.91 % construction cost or \$ 51,439.00, 15% preliminary engineering or \$7,716, 15% construction engineering or \$7,716, totaling \$66,871.00.</p> <p>d. The project's percent fair share for right -of-way acquisition at North Avenue and Chestnut Avenue intersection is 3.91 % or \$5,748.00.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p>			
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\*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.

Conditions of Approval

1.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Section 843.1 (M-1 Zone District):</p> <ul style="list-style-type: none"> <li>• Animal Hospitals and Shelters</li> <li>• Automobile Repairs</li> <li>• Automobile Service Stations</li> <li>• Caretaker's Residence</li> <li>• Commercial Uses Incidental to Permitted Industrial Uses</li> <li>• Equipment Rental or Sale</li> <li>• Farm Equipment Sales and Service</li> <li>• Ice and Cold Storage Plants</li> <li>• Mechanical Car, Truck, Motor and Equipment Wash</li> <li>• Offices (Administrative, Business, General, Medical, Professional)</li> <li>• New and Used Recreational Vehicle Sales and Service</li> <li>• Signs</li> <li>• Cabinet or Carpenter Shop</li> <li>• Fruit and Vegetable Packing</li> <li>• Honey Extraction Plant</li> <li>• Printing Shops, Lithographing, Publishing</li> <li>• Stone Monument Works</li> <li>• Contractors Storage Yard</li> <li>• Machinery Rental</li> <li>• Motion Picture Studio Storage Yard</li> <li>• Transit Storage</li> <li>• Blueprinting and Photocopying</li> <li>• Laundries</li> <li>• Assembly of Small Electric and Electronic Equipment</li> <li>• Assembly of Plastic Items Made from Finished Plastic</li> <li>• Communication Equipment Buildings</li> <li>• Public Utility Service Yards with Incidental Buildings</li> </ul>
2.	<p>At the time of development, the applicant shall consult with the City of Fresno and Malaga County Water District (MCWD) for the site to connect and utilize water service from the Malaga County Water District, if the service is available adjacent to the parcel at the time of development.</p>
3.	<p>The property shall connect to the City of Fresno sanitary sewer facilities. Development of the property shall include installation of a service lateral to connect and utilize the City sewer service via the existing sewer line in Peach Avenue and pay all City connection fees.</p>
4.	<p>If onsite 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 a community water and sewer facilities or adequate information is</p>

	submitted to the Fresno County Department of Public Health and Department of Public Works & Planning to demonstrate that the property can accommodate higher volumes of liquid wastes. Leach fields shall not be paved over nor parking of vehicles to allow for treatment of effluent and protection of piping.
5.	Prior to the storage/parking of any refrigerated trailers or vehicles on-site and off the subject property, an on-site and off-site parking acoustical analysis shall be prepared by a qualified acoustical consultant and be submitted for approval to the Fresno County Department of Public Health, Environmental Health Division (Health Department). Any mitigation measures, as recommended by the acoustical consultant and accepted by the Health Department shall be implemented prior to storage/parking of any refrigerated trailers on or off the subject property.
6.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.
7.	The existing single-family residence on the property must be used as a caretaker residence for permitted industrial uses (Exhibit 8), or it must be removed from the property.
<b>Project Notes</b>	
1.	Prior to the issuance of building permits and establishing uses permitted by this application in the M-1 (c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, right-of-way dedication, fire protection, noise, and control of light.
2.	The construction of any structures on the property shall meet all the Building Code requirements in effect at the time they are constructed.
3.	To address public health impact resulting from permitted uses on the property, the Fresno County Department of Public Health, Environmental Health Division requires the following: <ul style="list-style-type: none"> <li>• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.</li> <li>• Any business that handles a hazardous material or hazardous waste may require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95, Section 25507.</li> <li>• As a measure to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor.</li> <li>• Should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</li> <li>• Per the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, the owner/operator shall obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle).</li> </ul>
4.	To address impacts on the Fresno Irrigation District (FID) facilities resulting from permitted uses on the property, FID requires the following:

	<ul style="list-style-type: none"> <li>• FID Washington Colony No. 15 runs south, traverses the middle portion of the property. Any street and or utility improvements along North Avenue, or in the vicinity of the canal, shall require FID review and approval of all plans.</li> <li>• The landowner shall grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy.</li> <li>• The FID Wilder No. 289 runs westerly, crosses Peach Avenue approximately 40 feet north of the subject property. Any street and/or utility improvements along Peach Avenue, or in the vicinity of this facility shall require FID review and approval of all plans.</li> <li>• A Private pipeline known as the Washington Colony No. 15 runs westerly along the western portion of FID's Washington No. 115 and traverses the subject property. This line is active and will need to be treated as such</li> </ul>
5.	<p>To address impacts on the Fresno Metropolitan Flood Control District (FMFCD) facilities resulting from permitted uses on the property, the FMFCD requires the following:</p> <ul style="list-style-type: none"> <li>• The project shall pay drainage fees at the time of development based on the fee rates in effect at that time.</li> <li>• Storm drainage patterns for the development shall conform to the District Master Plan</li> <li>• All improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed and approved by FMFCD for conformance to the District Master Plan within the project area</li> <li>• Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property</li> <li>• Temporary storm drainage facility shall be provided on the property until permanent service becomes available.</li> <li>• Construction activity shall secure a storm water discharge permit.</li> </ul>
6.	<p>To address grading and drainage impacts resulting from the permitted uses on the property, the Development Engineering Section of the Fresno County Department of Public Works and Planning, requires the following:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.</li> <li>• A grading permit or voucher for any grading proposed with the proposed uses.</li> <li>• An encroachment permit from the Road Maintenance and Operations Division prior to any work done within the county road right-of-way.</li> <li>• On-site turnarounds for vehicles leaving the site to enter Peach Avenue in a forward motion.</li> <li>• For any unpaved or gravel surface access roads, the first 100 feet of the edge of the road right-of-way shall be graded and asphalt concrete paved or treated with dust palliative.</li> <li>• A 30-foot by 30-foot corner cutoff for sight distance purposes at the exiting driveway onto Peach Avenue.</li> </ul>
7.	<p>The permitted uses on the property shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; obtain CalFire conditions of approval; and annex the property into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
8.	<p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District Small Business Assistance Office to identify District rules or regulations that apply to the permitted uses on the property and obtain necessary information about District permit requirements. The following District rules may apply: Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 2201 (New and Modified Stationary Source Review Rule); Rule 4201 (Particulate Matter Concentration); Rule 4601(Architectural Coatings); Rule 4641(Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4002 (National Emission Standards for Hazardous Air Pollutants); Rule 4702 – Internal Combustion Engine, and Rule 2010 (Authority to Construct (ATC) and Permit to Operate (PTO) permits).</p>

9.	The applicant shall acknowledge the need to control weeds and rodents within the project area to prevent the permitted uses on the property from becoming a nuisance to neighboring properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code); and that the maintenance of such public nuisance is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.
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EXHIBIT 2  
**LOCATION MAP**

AA 3815, IS 7071

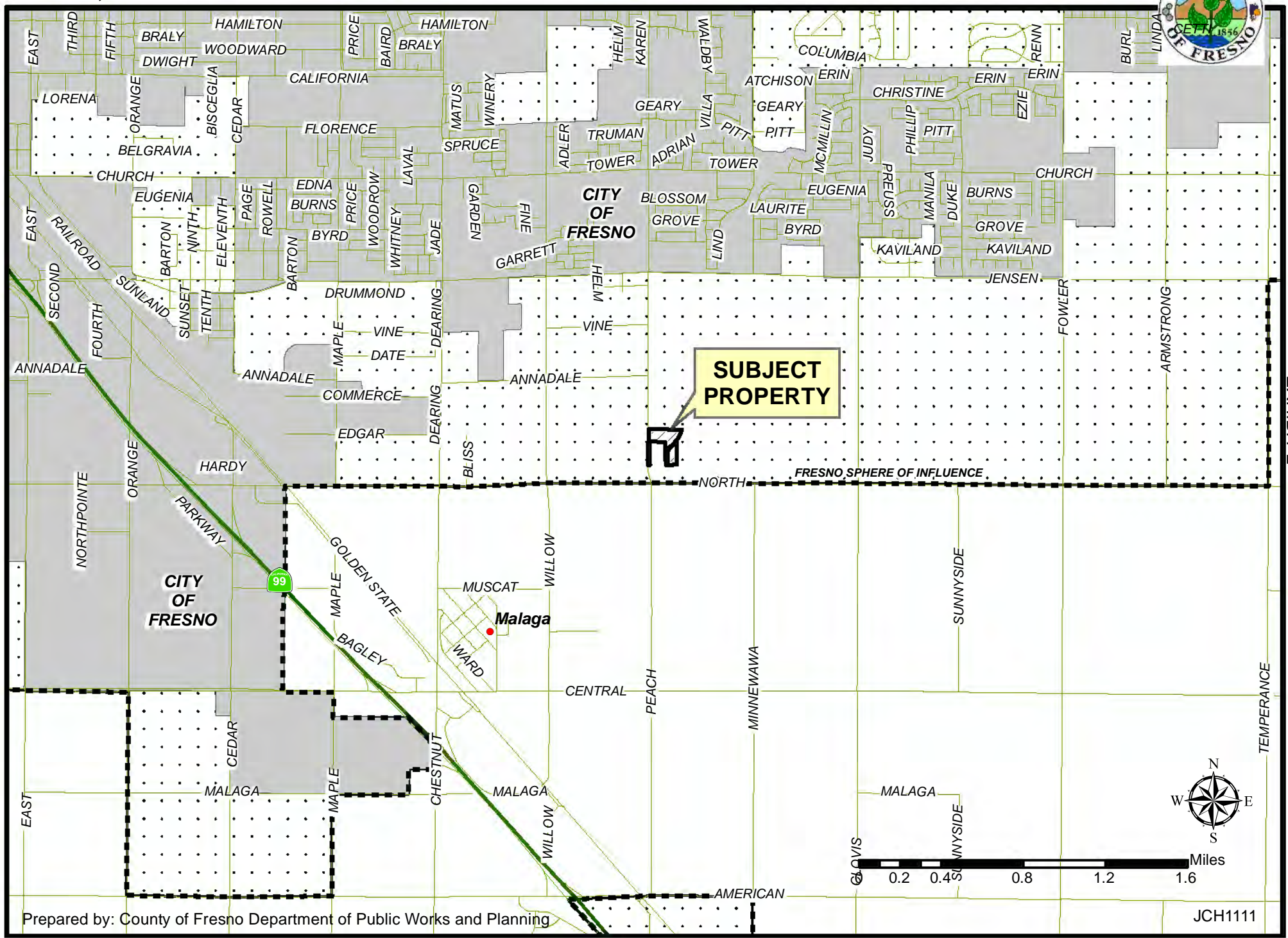


EXHIBIT 2

EXHIBIT 3  
**EXISTING ZONING MAP**

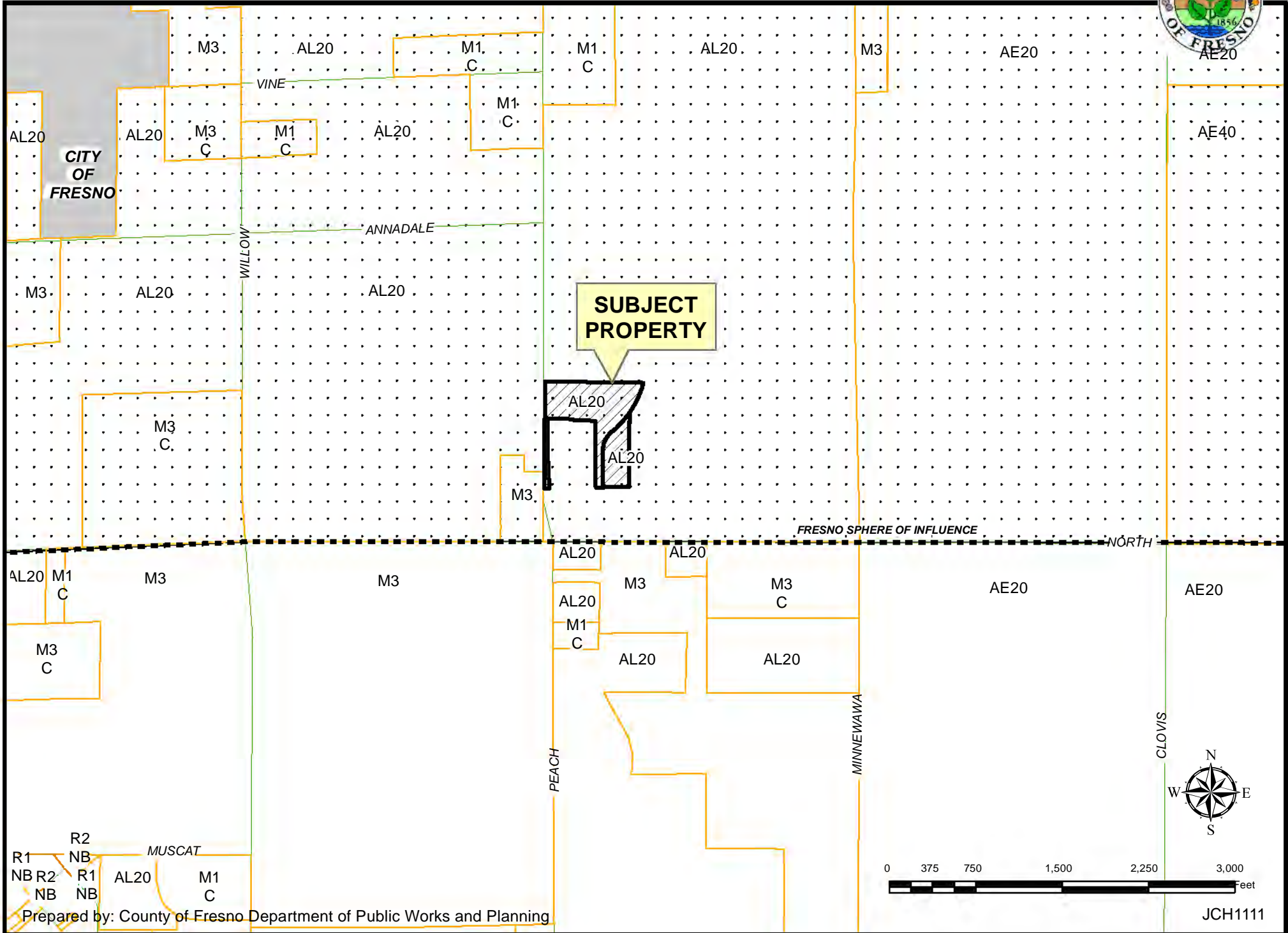


EXHIBIT 3



# EXHIBIT 4 LOCATION MAP

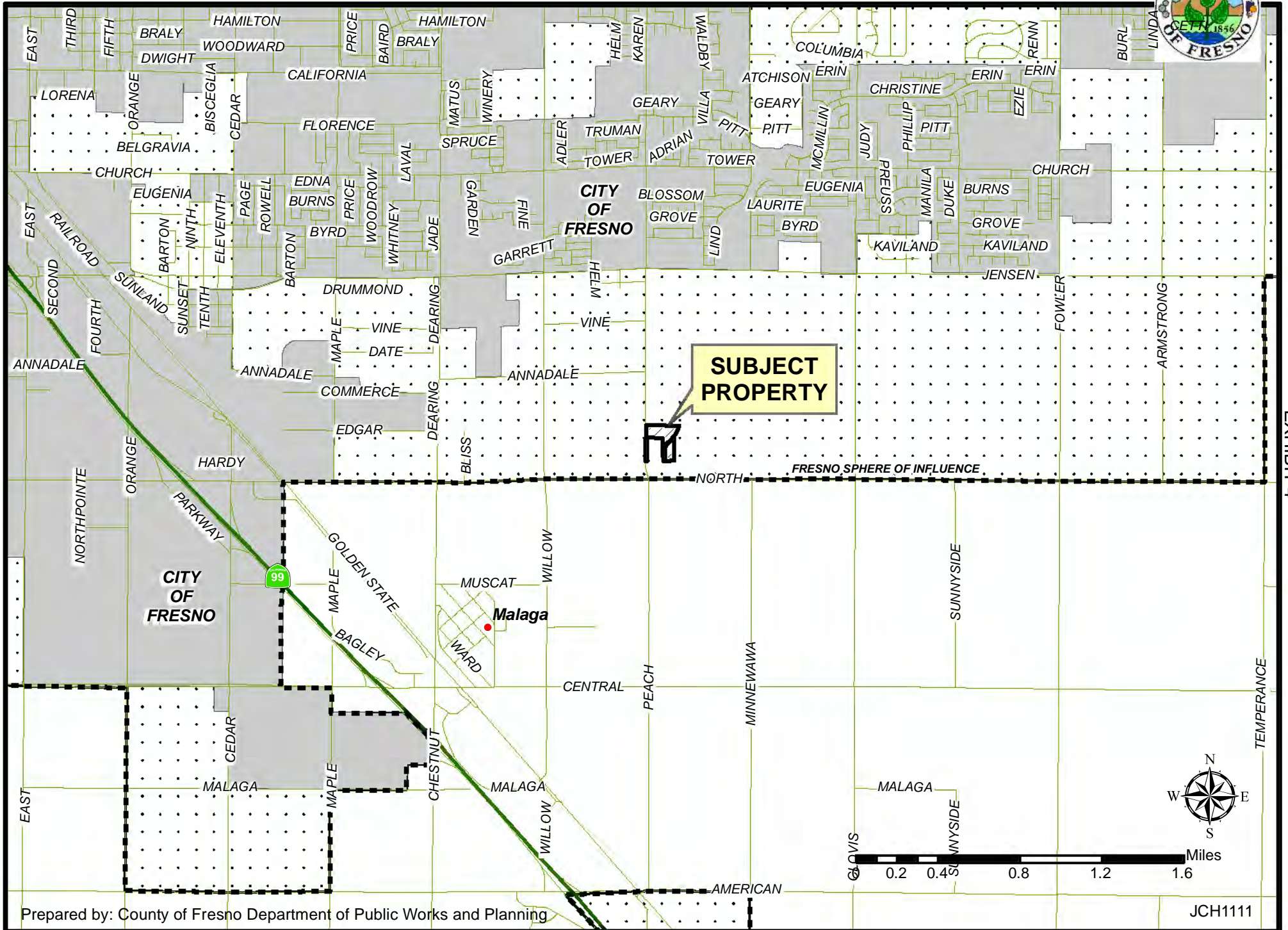


EXHIBIT 4





# County of Fresno

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

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT:** Lakhvir Singh Sidhu
- APPLICATION NOS.:** Initial Study No. 7071 and Amendment Application No. 3815
- DESCRIPTION:** Rezone two contiguous parcels totaling 8.38 acres (10.44 acres including canal) from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to animal hospitals/shelters; automobile repair & service stations; caretaker's residence; commercial uses incidental to permitted industrial uses; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops, lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundries; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings.
- LOCATION:** The subject parcels are located on the east side of South Peach Avenue, approximately 360 feet north of its intersection with East North Avenue and 4,038 feet south of the City of Fresno (2929 S. Peach Avenue, Fresno CA) (APNs: 316-180-13 and 316-180-20 (Sup. Dist. 4)).

### 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 not in an area which has been designated as a scenic vista and South Peach Avenue is not considered to be a scenic highway. Therefore, the project will have no impact on such resources. No historic buildings have been identified in the vicinity of the project. Therefore, the project will have no impact on such 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 site is located within the Sphere of Influence for the City of Fresno. Land within this sphere is designated for eventual annexation into the City, at such time as urban development requires the extension of city services to such developments and when such extension of services are authorized by the Local Agency Formation Commission. Prior to annexation, the land within the sphere provides a transition of uses from urban development within the city limits to intensive agricultural uses within the County. In the area of the project, there is one parcel on the west side of S. Peach Avenue which is developed to industrial standards and other parcels adjacent to the project site are developed with residential facilities, including a group home. Southwest of the project site is a cluster of industrial development, while the remaining parcels are developed with agricultural uses.

Therefore, because the project does not provide any specific scenic value (the parcel is developed only with a single-family residence and farming operations), and because there is existing industrial development clustered near the project site, the rezoning of the parcel to industrial uses will not have a significant impact on the existing visual character of the vicinity. The proposal will extend the industrial nature further north, but such uses will remain clustered.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Development at the project site has the potential to install lights which could shine on adjacent properties or the roadways. Therefore, a requirement to hood lights and point them downwards and away from the roadway or adjacent properties is necessary to ensure that light impacts are reduced to a less than significant level.

\* **Mitigation Measure**

*All outdoor lighting associated with the development of industrial uses on the property shall be hooded and directed downwards so as not to shine toward adjacent properties and public streets.*

## 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 subject parcels are designated by the 2016 Department of Conservation Important Farmlands Map as Semi-Agricultural and Rural Commercial Land (approximately 4.6 acres) and as Prime Farmland (approximately 3.7 acres). A small portion of the northwestern corner of the site is designated as Farmland of Statewide Importance (approximately 0.3 acres). The area of the canal (approximately 1.5 acres) is excluded from the size of the parcels as an easement. The canal is not considered part of the project site; however, it was shown as prime farmland.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The zoning on the subject parcel is AL-20 (Limited Agricultural, 20-acre minimum parcel size). This zone district is intended to hold certain lands in light agricultural uses until such time as urban development is proposed as part of the natural expansion of the City. Therefore, the proposal to remove the AL-20 zone district does not result in a conflict with existing zoning for agricultural use because the zone district is intended to be temporary. The parcels are not restricted by a Williamson Act Contract.

The Fresno County Agricultural Commissioner's Office reviewed the proposal and stated that there is active farming interest on the north and east boundaries of the project site. Therefore, a "Right-to-Farm notice shall be recorded informing the occupants of the project site to accept the inconveniences and discomfort associated with normal farm activities. This requirement will be included as a Condition of Approval.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest use?

FINDING: NO IMPACT:

The project site is not located in an area designated for timberland or zoned for Timberland production. No forests occur in the vicinity of the project site and therefore no impacts to forests, conversion of forestland, or timberland zoning will occur as a result of this application.

The project will convert a small amount of existing farmland to nonagricultural activities; however, this transition was contemplated by the Roosevelt Community Plan and therefore will not result in the pressure to convert other nearby farmland to nonagricultural uses.

### 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:

*An Air Quality and Greenhouse Gas Analysis Report*, was prepared for the project by Mitchell Air Quality Consulting, dated May 27, 2021 and provided to the San Joaquin Valley Air Pollution Control District (SJVAPCD) to address District's February 11, 2021 comments on the project.

Construction and operation of the project would contribute the following criteria pollutant emissions: reactive organic gases (ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

As discussed in III. B below, emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> associated with construction and operation of the proposed uses on the property would not exceed the District's significance thresholds. Additionally, as discussed in III. C below, the proposed uses would not result in CO hotspot that would violate CO standards. No contribution to air quality violations are expected from this proposal..

The project may be subject to the following District rules and regulations: Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 2201 (New and Modified Stationary Source Review Rule); Rule 4201 (Particulate Matter Concentration); Rule 4601(Architectural Coatings); Rule 4641(Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4002 (National Emission Standards for Hazardous Air Pollutants); Rule 4702 – Internal Combustion

Engine. The project may also be subject to District Rule 2010 which requires Authority to Construct (ATC) permit and Permit to Operate (PTO) permit.

- 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 primary pollutants of concern during project construction and operation are ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The San Joaquin Valley Air Pollution Control District (SJVAPCD) Guidance for Assessing and Monitoring Air Quality Impacts (GAMAQI) adopted in 2015 contains threshold for CO, NO<sub>x</sub>, ROG, SO<sub>x</sub> PM<sub>10</sub> and PM<sub>2.5</sub>. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions are 10 tons per year ROG, 10 tons per year NO<sub>x</sub> 100 tons per year CO, 27 tons per year SO<sub>x</sub>, 15 tons per year PM<sub>10</sub> and 15 tons per year PM<sub>2.5</sub>. The project does not contain sources that would produce substantial quantities of SO<sub>2</sub> emissions during construction and operation.

Per the *Air Quality and Greenhouse Gas Analysis Report*, the maximum 2022-23 construction emissions (ton per year) associated with the project would be 1.08 for ROG, 2.15 for NO<sub>x</sub>, 2.38 for CO, and 0.32 for PM<sub>10</sub> and 0.15 for PM<sub>2.5</sub> which are less than the threshold of significance. Likewise, the operational emission over the life of the project, primarily from mobile sources (vehicles and trucks), including area and energy, would be 0.75 for ROG, 1.60 for NO<sub>x</sub>, 1.79 for CO, 0.75 for PM<sub>10</sub> and 0.21 for PM<sub>2.5</sub> which are also less than the threshold of significance.

As discussed above, the regional analysis of the construction and operational emissions indicates that the project would not exceed the District's significance thresholds and is consistent with the applicable Air Quality Attainment Plan. Therefore, the project would not result in significant cumulative health impacts.

- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Sensitive receptors are defined as hospitals, residences, convalescent facilities, and schools. The closest sensitive receptor is a convalescent hospital located approximately 102 feet to the west of the project site. The closest residential sensitive receptor is a single-family home approximately 234 feet to the southwest of the project site. Other sensitive receptors in the area include a single-family residence approximately 683 feet to the southeast of the project site and a residential area approximately 1,480 feet to the north of the project site. The project will include a caretaker's residence that will be considered an on-site sensitive receptor. Per the *Air Quality and Greenhouse Gas Analysis Report*, an analysis of maximum daily emissions during construction and operation of the project was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern

which include NO<sub>x</sub>, CO, PM<sub>10</sub> or PM<sub>2.5</sub>. The maximum daily construction emissions (pound per day) would be 33.48 for NO<sub>x</sub>, 23 for CO, 10 for PM<sub>10</sub> and 6.02 for PM<sub>2.5</sub> and would not exceed SJVAPCD screening thresholds for any pollutant.

Operational emissions are generated on-site by area sources such as consumer products, landscape maintenance, energy use, and onsite motor vehicle operation at the project site. The maximum daily air pollutant Emissions (pound per day) during operations (2023) would be 8.27 for NO<sub>x</sub>, 4.57 for CO, 0.04 for PM<sub>10</sub> and 1.14 for PM<sub>2.5</sub> and would not exceed SJVAPCD screening thresholds for any pollutant.

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. Construction of the project would result in minor increases in traffic for the surrounding road network during the duration of construction. Motor vehicles accessing the site when it becomes operational would result in a minor increase in daily trips that would not substantially reduce the Level of Service (LOS). The project is in a rural location with very low traffic volumes. No congested conditions that would result in a CO hotspot are possible. In addition, the highest background 8-hour average of carbon monoxide during the latest year CO was monitored is 2.06 ppm, which is 78 percent lower than the state ambient air quality standard of 9.0 ppm. Therefore, the project would not significantly contribute to an exceedance of state or federal CO standards.

Toxic Air Contaminants resulting from construction of the project involve the use of diesel-fueled vehicles and equipment that emit DPM (diesel particulate matter), which is considered a Toxic Air Contaminant (TAC).

SJVAPCD's latest threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million. The SJVAPCD's 2015 GAMAQI focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years. Most of the project's construction emissions would occur during site preparation and grading phases over a 30-day period. Building construction requires limited amounts of diesel equipment.

For Toxic Air Contaminants (TAC) resulting from operation of the project, a screening analysis was prepared using SJVAPCD health risk prioritization tool to estimate the impacts of TAC emissions on sensitive receptors. The project will generate TAC emissions from truck travel and idling on the project and is estimated to generate 68 truck trips per day (34 inbound and 34 outbound). The nearest off-site sensitive receptor is a convalescent hospital located approximately 102 feet west of and a single-family home is located 234 feet southwest of the project site and one caretaker residence is located onsite. Based on the screening analysis of maximum daily emissions during construction and operation of the project, estimated localized emissions generated by the development contemplated under the proposed rezone project would not reach levels high enough to necessitate further analysis. As such, it is expected that any TAC concentrations would not reach levels that would cause an exceedance of the SJVAPCD's health risk thresholds.

The project would not exceed the cancer risk, chronic risk, and acute risk screening threshold levels. The primary source of the emissions responsible for chronic risk are from diesel trucks and the diesel emergency generator. The primary source of acute risk is from natural gas combustion in the boiler. The SJVAPCD threshold for risk screening is 10 and for chronic risk and acute risk is 1 each. Per the Prioritization Tool Health Risk Screening Results, the project's risk scoring resulting from on-site operation of diesel trucks would be 5.45 for risk screening, 0.02 for chronic risk and 0.00 for acute risk. Since the project does not exceed SJVAPCD screening thresholds levels, this impact would be less than significant.

Valley fever (coccidioidomycosis), is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*) which lives in soil. Construction activities, could generate fugitive dust that contain *C. immitis* spores. The project will comply with Regulation VIII Fugitive Dust Prohibitions that is expected to reduce fugitive dust produced during earth disturbing activities and thereby reduce exposure to the spores. Therefore, the potential impact would be reduced to less than significant. During operations, dust emissions are anticipated to be relatively small, because the project area would continue to be occupied by buildings, concrete, and asphalt pavement. This condition would lessen the possibility that the project would provide suitable habitat for *C. immitis* spores and generate fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

Per the U.S. Geological Survey 2011, the project area is outside of an area of naturally occurring asbestos in California. Therefore, development of the project is not anticipated to expose receptors to naturally occurring asbestos. Impacts would be less than significant.

In summary, the project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant. The project is not a significant source of TAC emissions during construction or operation, is not in an area with suitable habitat for Valley fever spores and is not in an area known to have naturally occurring asbestos. Therefore, the project would not result in significant impacts to sensitive receptors.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools. Other areas where people may congregate, include recreational facilities, worksites, and commercial areas.

The nearest off-site sensitive receptor is located approximately 102 feet west of and an off-site residential sensitive receptor is located 234 feet to the southwest of the project site and also includes an on-site caretaker residence.

The project could generate odors from operation of diesel trucks which would primarily be concentrated on-site, where on-site idling may occur. Operations of diesel truck trip generated by the proposed project occurring off-site would be dispersed along the local

network and are not expected to create odors that would be detectable by sensitive receptors for any extended period. As such, odors from the operations of diesel truck trips generated by the project would not expose substantial numbers of people to objectionable odors.

Per the SJVAPCD, the common odor producing land uses are landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. Uses allowed under the proposed M-1 zoning would be light industrial uses and are not identified as potential odor generating land uses by SJVAPCD. Therefore, the proposed project would not be a generator of objectionable odors during operations.

During construction, various diesel-powered vehicles and equipment used on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts would therefore be less than significant.

#### IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:**

The project site currently improved with a single-family residence and field crops. These improvements do not provide habitat for special-status species; however, it is possible that such species would forage on site and there is the potential for raptors to nest in the trees near the existing residence. Review of the California Natural Diversity Database revealed that the site was not in range of any reported observations of special-status species and the water feature bisecting the parcel is an irrigation canal which does not result in riparian habitat. Review of the predicted habitats for special status species determined that burrowing owl and Swainson's hawk habitat occurs near the project site (such habitat is mapped on an adjacent parcel). Further, the Official Species List provided by the US Department of Fish and Wildlife indicated that the project site did not include any critical habitat for threatened or endangered species.

No habitat surveys or species presence surveys were performed due to the transient nature of these species; however, such surveys shall be required prior to the start of construction. If construction is to occur during the bird nesting season, including the removal of the onsite trees, then preconstruction surveys shall be performed to determine if special-status species are present in the onsite trees. The mitigation measures below spell out avoidance and minimization actions which would be required if species are determined to be present. Due to the transient nature of avian species,



impacts which occur outside of the nesting season are determined to be less than significant.

Due to the presence of critical habitat within one mile of the project site, the possibility for San Joaquin kit fox and Fresno kangaroo rat to traverse the project site requires preconstruction surveys and exclusion methods to be applied during construction in order to reduce impacts on such species to less than significant.

\* **Mitigation Measures**

1. *If construction activities, including tree removal, start during the breeding or nesting season for Migratory Bird Treaty Act (MBTA) protected breeds, a preconstruction survey for nesting birds shall be implemented. Surveys shall be conducted in accordance with U.S. Fish and Wildlife, guidance for minimizing impacts to migratory birds (breeding season is generally defined as between February 1 and mid-September and nesting season between March 1 and mid-September).*
2. *Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the San Joaquin kit fox and the Fresno kangaroo rat. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.*
3. *In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the applicant shall implement the following measures:*
  - a. *Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following US Fish and Wildlife Service's (USFWS) "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011).*
  - b. *If SJKF is determined to be present at the site, the applicant shall consult with California Department of Fish and Wildlife (CDFW) to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.*
4. *In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the applicant shall implement the following measures:*
  - a. *Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS's "Survey Protocol for Determining Presence of Fresno Kangaroo Rats" (2013).*
  - b. *If FKR is detected, the developer shall consult with CDFW and implement recommended avoidance and minimization measures prior to the start of ground disturbance.*

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The canal which bisects the parcel is not considered to be wetlands because it does not support any wetland vegetation and does not provide connectivity to natural bodies of water. It is a canal used to transport irrigation water to farmers in Fresno County. Further, the canal exists within an existing easement to the Fresno Irrigation District and therefore, is not part of the buildable area of this property. Existing regulations, such as those administrated by the Regional Water Quality Control Board ensure that the canal will be protected from fill and discharge during construction. Therefore, no impacts will occur.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project site does not occur in an area which is restricted by any general policies or ordinances to protect biological resources, or in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. As discussed in Section I. Aesthetics, the project site occurs in an area which is intermediate between the urbanized city of Fresno and the rural County. This area does not contain critical or important habitat for special status species and is intended for eventual annexation into the City of Fresno.

## 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 designated as highly or moderately sensitive for archeological resources. However, per the discussion in Section XVIII TRIBAL CULTURAL RESOURCES below, in the unlikely event that cultural resources are unearthed during future construction activities on the property, the following actions shall be required in order to ensure that impacts to such cultural resources remain less than significant.

\* **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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Approval of this application would allow establishment of limited by-right uses on the subject parcel, some of which would require the commitment of nonrenewable resources. Construction will be required to adhere to the Green Building Code current at the time that permits are filed, ensuring that adverse impacts do not occur. Regulation such as the Clean Air Act result in improved efficiency for vehicles and HVAC systems which may be required, which limit the use of nonrenewable resources. Best Management Practices will be applied during construction and operation, such as disallowing idling of car and truck engines for more than five minutes. Therefore, impacts to the wasteful, inefficient, or unnecessary consumption of energy resources is not anticipated.

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

FINDING: NO IMPACT:

New construction associated with the rezone application will comply with existing regulations, including those which apply to renewable energy or energy efficiency. With compliance to current green building standards, this project will not conflict or obstruct a state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

Would the project:

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Alquist-Priolo Fault Activity Map shows only one fault in the vicinity of the project site: The Clovis Fault is believed to be located approximately five to six miles east of the City of Clovis, extending from an area just south of the San Joaquin River to a few miles south of Fancher Creek (Fresno County General Plan Background Report [FCGPBR]). It is not known if this is an active fault. The scope of this project could increase population density at the project site by providing a commercial/industrial use which requires employees in lieu of the farming operation, which only require a limited number of workers at certain times of the year. However, due to the project's distant location from this fault, the uncertainty of the fault's activity, and existing regulations which require buildings to be constructed to withstand a certain amount of groundshaking, there will be less than significant impacts.

Figure 9-5 of FCGPBR describes the Peak Ground Accelerations (PGA) values that have a 10 percent probability of being exceeded in 50 years. The project is in an area with 0-20 percent of PGA, which is the lowest impact range available on the map.

Figure 9-6 of FCGPBR shows that the project site is outside of those areas of moderate or high landslide hazard and those areas of shallow or deep subsidence.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

Site grading resulting from future development proposals may result in some soil erosion or loss of topsoil. However, the loss would be less than significant with a Project Note requiring approval of an Engineered Grading and Drainage Plan and a grading permit/voucher for any grading proposed with site improvements.

- 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:

Per Figure 9-6 of Fresno County General Plan Background Report, the subject parcel is not in an area at risk of landslides. Also, the project development involves no underground materials movement and therefore poses no risks related to subsidence.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of Fresno County General Plan Background Report, the project site is not located in an area where soils have been determined to exhibit moderately high to high expansion potential. However, the project development 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 within the City of Fresno Sphere of Influence (SOI). Per the City of Fresno, Department of Public Utilities, sanitary sewer facilities located in South Peach Avenue are available to service the project site, provided sewer connection requirements are met, and the applicable fees are paid. A Condition of Approval would require that the property shall connect to the City of Fresno sanitary sewer facilities.

The Fresno County Department of Public Health, Environmental Health Division (Health Department), also requires that the project site should connect to community sewer. However, if on-site 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 a community sewer facility. 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 a Project Note.

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

FINDING: NO IMPACT:

No paleontological resources or geologic features were identified on the subject parcel. Therefore, impacts to such resources shall not occur. Also see discussion under Section V, CULTURAL RESOURCES above.

## 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:

An Air Quality and Greenhouse Gas Analysis Report (GHG Analysis) completed by Mitchell Air Quality Consulting, dated May 27, 2021, estimated project GHG emissions for construction and operation 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 total GHG emission generated during all phases of construction for 2022 is 950 metric tons of CO<sub>2</sub> per year. However, to account for the construction emissions, amortization of the total emission generated during construction based on 30-year life of the development amounts to 32 metric tons of CO<sub>2</sub> per year which is less than significant.

The project operational Greenhouse Gases (2023) would be approximately 2,211 metric tons of CO<sub>2e</sub> under Business as Usual (BAU) and 1,347 metric tons of CO<sub>2</sub> for year 2023. The project would achieve a reduction of 39.1 percent from BAU which is 17.4 percent beyond the 21.7 percent average reduction required by State from all sources to achieve Assembly Bill (AB) 32 targets (AB 32 requires GHGs emitted in California be reduced to 1990 levels by the year 2020).

Likewise, the project operational Greenhouse Gases (2030) would be approximately 2,211 metric tons of CO<sub>2e</sub> under Business as Usual (BAU) and 1,124 metric tons of CO<sub>2</sub> for year 2030. The project would achieve a reduction of 49.1 percent from BAU which is 27.4 percent beyond the 21.7 percent average reduction required by State from all sources to achieve AB 32 targets. The project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution (through compliance of Title

24 and CALGreen; regulations on energy production, fuels, and voluntary actions to improve energy efficiency in existing development) to achieving 2030 target.

- 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:

Per the Air Quality and Greenhouse Gas Analysis Report, the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted Climate Action Plan cannot be applied to the project because it does not contain measures that are applicable to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with Air Resources Board's (ARB) adopted Scoping Plan. This would be achieved with an assessment of the project's compliance with Assembly Bill (AB) 32 Scoping Plan measures.

Adopted in 2006, AB 32 focuses on reducing Greenhouse Gases to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the ARB adopted the Climate Change Scoping Plan in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan calls for reduction in California's GHG emissions, cutting approximately 30 percent (currently 21.7 percent) from BAU emission levels projected for 2020 to achieve AB 32 targets.

The Scoping Plan contains a variety of strategies to reduce the State's emissions. The project is consistent with most of the strategies contained in the Scoping Plan while others are not applicable to the project.

## 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This project proposes to rezone the subject parcels to a limited Light Industrial District; however, even with some typical Light Industrial Uses excluded by definition, the remaining uses have the potential to result in the routine transport and/or usage of hazardous materials.

Project Notes from the Fresno County Department of Public Health, Environmental Health Division requires the following: 1) Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the

California Code of Regulations (CCR), Title 22, Division 4.5.; and 3) Any business that handles a hazardous material or hazardous waste may require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95, Section 25507.

- 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:

There are no schools within one quarter mile of the project site. The nearest school, Southeast Elementary School, is approximately 1.13 miles north 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:

According to the search results of the U.S. EPA's NEPAAssist Tool, the project site is not listed as a hazardous materials site. The project will not create hazards 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: NO 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 4.5 miles north of the project site. Given the distance, the airport will not be a safety hazard, or a cause of excessive noise for people residing/working on the site.

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

FINDING: NO IMPACT:

The project site is in an area where existing emergency response times for fire protection, emergency medical services, and sheriff protection meet adopted standards. The future development proposals do not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the project vicinity. No impacts would occur.

- 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 protection. No persons or structures will be exposed to wildland fire hazards.

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 waste discharge requirements.

Per the Fresno County Department of Public Health, Environmental Health Division's review of the subject proposal, a Project Note would require that in an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor.

The Regional Water Quality Control Board, Central Valley Region reviewed the subject proposal and identified no impact on groundwater quality.

The State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) also reviewed the subject proposal and offered no concerns related to water supply for 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 within the City of Fresno Sphere of Influence (SOI) in an area authorized for service by the Malaga County Water District (MCWD) per 2016 Memorandum of Understanding among Local Area Formation Agency (LAFCo), City of Fresno and MCWD. Per the Malaga County Water District (MCWD) for future development proposals on the property, the applicant shall consult with the City of Fresno prior to making a request for water supply to the District and the District will respond to specific requests. Any extension of services from MCWD will require authorization from Fresno LAFCO, as noted by that agency.

Per the City of Fresno, Department of Public Utilities review of the subject proposal, the project is in Growth Area 2 which according to the Ground Water Sustainability Act of 2014(GWSA) is not allowed new development until the year 2035. Therefore, the

parcel's existing well shall provide fire flow as well as meet the domestic needs of the new development

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the subject proposal, the property should connect to a community water system pursuant to General Plan Policy LU-F.30. However, in the case where onsite water wells and/or sewage disposal systems are permitted, only low water uses shall be allowed producing small amount of liquid waste until the property is served by a community water service, or adequate information is submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes. This requirement will be included as a Project Note.

Per the Water and Natural Resources Division of the Fresno County Department of Public Works and Planning review of the proposal, the project site is not located in a water short area. The proposed rezone will have a less than significant impact to water resources in the area.

The State Water Resources Control Board, Division of Drinking Water offered no comments on the project.

- 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?
  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:

No development is proposed under this proposal. As such no potential impact would result from the proposed parcel rezone. 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.

Per the Fresno Irrigation District (FID), the FID Washington Colony No. 15 runs south, traverses the middle portion of the property. Any street and or utility improvements along North Avenue, or in the vicinity of the canal, shall require FID review and approval of all plans. The landowner shall grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy.

The FID Wilder No. 289 runs westerly, crosses Peach Avenue approximately 40 feet north of the subject property. Any street and/or utility improvements along Peach Avenue, or in the vicinity of this facility shall require FID review and approval of all plans. A Private pipeline known as the Washington Colony No. 15 runs westerly along the western portion of FID's Washington No. 115 and traverses the subject property. This line is active and will need to be treated as such.

The project site lies within the Fresno Metropolitan Flood Control District (FMFCD) drainage area "CS" and "CU" and will be subject to the following requirements from the District included as Project Notes: 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 for the development shall conform to the District Master Plan; 3) all improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed and approved by FMFCD for conformance to the District Master Plan within the project area; 3) site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property; 4) temporary storm drainage facility shall be provided on the property until permanent service becomes available; and 5) construction activity shall secure a storm water discharge permit.

- 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, the project site is not in a 100-Year Flood Inundation Area and not subject to flooding from the one percent-chance storm per the Federal Emergency Management Agency (FEMA) FIRM Panel 2130 H.

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

FINDING: NO IMPACT:

There is no Water Quality Control Plan for Fresno County. As such, the subject proposal would not conflict with any water quality control plan. The project is located within the North Kings Groundwater Sustainability Area (NKGSA). No concerns related to groundwater sustainability were expressed by NKGSA.

## XI. LAND USE AND PLANNING

Would the project:

- A. Physically divide an established community?

FINDING: NO IMPACT:

The project site will not physically divide an established community. The site is outside of the limits of the City of Fresno to the north and the community of Malaga to the southwest.

- B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal entails rezoning of two contiguous parcels totaling 8.38 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow limited number of light industrial uses.

The subject parcels are designated Reserve (Limited Industrial) in the County-adopted Roosevelt Community Plan. The M-1 (c) zone district is shown in the Roosevelt Community Plan as a compatible zone district for land designated Reserved (Limited Industrial) in that plan. Per the County-adopted Roosevelt Community Plan, Section 6.02. g. the tier of Limited Industrial-designated properties located along the south side of Jensen Avenue is intended to provide a transition from the existing and planned residential uses along the north side of Jensen Avenue. The subject parcel is located on the south side of Jensen Avenue within the City of Fresno's Sphere of Influence. The City of Fresno General Plan designates medium density residential uses for the subject property and is not consistent with the County General Plan. While the City General Plan does direct the city to repeal the Roosevelt Community Plan, such direction has not yet been carried forth.

In accordance with General Plan Policy LU-G.14 and the Memorandum of Understanding (MOU) between the City of Fresno and the County, the project was referred to the City for possible annexation. The City decided not to annex the property at this time and allowed the County to process the subject application. However, City expressed concerns regarding spot industrial development within an area designated for residential development by the City General Plan.

The subject proposal complies with the following General Plan policies.

Regarding General Plan Policy LU-F.29. Criteria a, b, c & d, the proposed industrial uses on the property will require adherence to the San Joaquin Valley Air Pollution Control District rules and regulations, provisions of Fresno County Noise Ordinance, and the M-1(c) Zone District development standards.

Regarding General Plan Policy LU-F. 30, the subject property will connect to the City of Fresno community sewer system. Or, if onsite water wells and/or sewage disposal systems are permitted, the property will 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.

## 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, the project site is not 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 subject proposal involves no development. Future development proposals on the property include limited by-right uses in the M-1 Zone District.

Per the Fresno County Department of Public Health, Environmental Health Division (Health Department) review of the proposal, future development proposals, including off-street parking that have the potential to expose nearby sensitive receptor residents to elevated noise levels, should adhere to the Noise Element of the Fresno County General Plan and Fresno County Noise Ordinance. The applicant shall prepare an on-site and off-site parking acoustical analysis prepared by a qualified acoustical consultant prior to storage/parking of any refrigerated trailers or vehicles on-site and off the subject property. The analysis shall be submitted for approval to the Health Department and any mitigation measures, as recommended by the acoustical consultant and accepted by the Health Department, shall be implemented prior to storage/parking of any refrigerated trailers on or off the subject property. This requirement will be included as a Condition of Approval.

- 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 in Section IX. E above. The project will not be impacted by airport noise.

#### 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 will allow for specific industrial uses on the property. As these uses involve no housing, no increase in population would occur from this proposal.

#### 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 (CalFire) reviewed the subject proposal and expressed no concerns related to fire. However, future development proposals will require compliance with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; 2) CalFire conditions of approval; and 3) annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

2. Police protection; or

1. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Industrial uses resulting from this proposal would not need additional public services related to police protection, schools, or parks.

## 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:

Industrial uses resulting from this proposal will have no impact on neighborhood and regional parks or other 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 and the California Department of Transportation (Caltrans) reviewed the subject proposal and required that a Traffic Impact Study (TIS) be prepared to determine the traffic impact to County and State roadways.

Peters Engineering Group prepared a *Traffic Impact Study (TIS)*, dated November 17, 2018 and *Traffic Impact Study – Addendum 1*, dated May 24, 2019. Per the TIS, the traffic impact study found that the study intersections are currently operating at acceptable levels of service with acceptable queuing conditions. The intersections are expected to continue to operate at acceptable conditions with development of the project site in accordance with the proposed zoning in the existing-plus-project conditions. The project does not cause a project-specific significant impact. The study intersections are expected to operate below the target LOS by the year 2040, and the project will contribute to the cumulative significant impacts. The intersections will require widening and eight-phase traffic signal operation as described herein. The project is responsible for an equitable share of the mitigation measures. Left-turn lanes at the site access driveways are not warranted.

The Design Division and the Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning and California Department of Transportation (Caltrans) identified no concerns with Traffic Impact Study (TIS) or the addendum to TIS. The following improvements identified by Design Division has been included as a Mitigation Measure and will be addressed through mandatory Site Plan Review prior to a use is established on the property.

\* **Mitigation Measure:**

1. *Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c & d below. The traffic improvements and the project's maximum pro-rata share based on 8.38 acres of the associated costs are as follows:*
  - a. *North Avenue and Willow Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.57 % construction cost or \$ 38,913.00, 15% preliminary engineering or \$ 5,837, 15% construction engineering or \$5,837, totaling \$50,587.00.*
  - b. *The project's percent fair share for right -of-way acquisition at North Avenue and Willow Avenue intersection is 3.57 % or \$ 5,248.00.*
  - c. *North Avenue and Peach Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.91 % construction cost or \$ 51,439.00, 15% preliminary engineering or \$7,716, 15% construction engineering or \$7,716, totaling \$66,871.00*
  - d. *The project's percent fair share for right -of-way acquisition at North Avenue and Chestnut Avenue intersection is 3.91 % or \$5,748.00.*

*The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.*

- 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:

According to the *Traffic Impact Study – Addendum 2, dated February 26, 2021*, a rezone alone generates no trips and corresponds to zero vehicle miles travelled.



The subject parcels rezone to M-1 Zone District will be limited to 27 by-right uses. For the purpose of the operational analyses and by-right uses, County analyzes a worst-case scenario with respect to trip generation for rezones that are not associated with a particular project.

Per the Traffic Impact Study for the project, the worst-case project site development would generate 514 trips per day, 68 of which are expected to be truck trips. Therefore, the project may be presumed to cause a less-than-significant transportation impact because the automobile trips will be less than 500 per day in the worst-case scenario, and substantial evidence exists as presented by COG (Council of Government) that projects generating less than 500 trips per day may be presumed to cause a less-than-significant transportation impact.

- 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:

Access to the site will be restricted to S. Peach Avenue. Future development proposals will be subject to mandatory Site Plan Review to ensure that the design of each development avoid traffic hazards due to design features and 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 Assembly Bill (AB) 52, the project 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. Dumna Wo Wah Tribal Government requested for consultation but did not respond to the County's request to meet with the staff and discussed the project, nor did they provide any evidence of tribal cultural resources on the property. Consequently, the consultation was concluded with the tribe. The Picayune Rancheria of the Chuckchansi Indians and Table Mountain Rancheria, however, requested that the tribe should be informed in the unlikely event that cultural resources are identified on the property. With the Mitigation Measure included in the CULTURAL ANALYSIS section of this report it is expected that any potential impact to tribal cultural resources will be reduced to less than significant.

## 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 subject proposal involves no developments. The waste disposal resulting from future development proposals will be through regular trash collection service.

## 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:

The project site is not within or near state responsibility areas or lands classified as very high fire hazard severity zones.

## 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 Impacts on biological and cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed in Section IV. A. BIOLOGICAL RESOURCES and 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:

Each of the projects located within Fresno County has been or would be analyzed for potential impacts, and appropriate project-specific Mitigation Measures are developed to reduce that project’s impacts to less than significant levels. Projects are required to comply with applicable County policies and ordinances. The incremental contribution by the subject proposal to overall development in the area is less than significant.

The subject proposal will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code at the time development occurs on the property. No cumulatively considerable impacts relating to Agricultural and Forestry Resources, Air Quality, or Transportation were identified in the project analysis. Impacts identified for Aesthetics, Biological Resources, Cultural Resources, and Transportation will be addressed with the Mitigation Measures discussed above in Section I, Section IV, Section V, and Section XVII.

- 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 No. 7071 prepared for Amendment Application No. 3815, 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, mineral resources, noise, population and housing, public services, recreation, and wildfire.

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

Potential impacts to aesthetics, biological resources, cultural resources, and transportation have been determined to be less than significant with the identified Mitigation Measure.

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

EA:im

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**EXHIBIT 6**

File original and one copy with: <b>Fresno County Clerk</b> <b>2221 Kern Street</b> <b>Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00		
Agency File No: Initial Study (IS) No 7071	<b>LOCAL AGENCY                  PROPOSED MITIGATED                  NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
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: 600-4052	Extension: N/A
Project Applicant/Sponsor (Name): Lakhvir Singh Sidhu		Project Title: Amendment Application (AA) No. 3815		
Project Description:  Rezone two contiguous parcels totaling 8.38 acres (10.44 acres including canal) from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to the following uses: animal hospitals/ shelters; automobile repair & service stations; caretaker's residence; commercial uses related to industry; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops, lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundry processing; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings. The subject parcels are located on the east side of South Peach Avenue, approximately 360 feet north of its intersection with East North Avenue and 4,038 feet south of the City of Fresno (2929 S. Peach Avenue, Fresno CA) (APNs: 316-180-13 and 316-180-20 (Sup. Dist. 4)).				
Justification for Negative Declaration:  Based upon the Initial Study (IS 7071) prepared for Amendment Application No. 3815, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to mineral resources, noise, population and housing, public services, recreation, and wildfire. Potential impacts related agricultural and forestry resources, air quality, energy, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, land use and planning, tribal cultural resources, and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics, biological resources, 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 – July 21, 2021			Review Date Deadline: Planning Commission – August 26, 2021	
Date:	Type or Print Signature: David Randall, Senior Planner	Submitted by (Signature): Ejaz Ahmad, Planner		

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
 MITIGATED NEGATIVE DECLARATION**

## EXHIBIT 7

### 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)



EXHIBIT 8

**“M-1” – LIGHT MANUFACTURING DISTRICT**

(Uses allowed by-right – Strikethrough not allowed by proposed conditional zoning)

The uses allowed on the property shall be limited to the following by-right uses (in **bold**) listed in Section 843.1 and shall be subject 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. ~~Medical Marijuana Cultivation Facility licensed under Chapter 6.6 of Title of County Ordinance Code. (Added by Ord. T-086-364 adopted 8-9-11)~~
6. **Public utility service yards with incidental buildings.**
7. ~~Electric distribution substations.~~
8. ~~Temporary or permanent telephone booths.~~
9. ~~Water pump stations.~~

ATTACHMENT C

**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7071; Amendment Application No. 3815**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting associated with the development of industrial uses on the property shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning	At time of Installation
2.	Biological Resources	If construction activities, including tree removal, start during the breeding or nesting season for Migratory Bird Treaty Act (MBTA) protected breeds, a preconstruction survey for nesting birds shall be implemented. Surveys shall be conducted in accordance with U.S. Fish and Wildlife, guidance for minimizing impacts to migratory birds (breeding season is generally defined as between February 1 and mid-September and nesting season between March 1 and mid-September)..	Applicant	Applicant/ U.S. Fish and Wildlife (USFW)	As noted
3.	Biological Resources	Prior to ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for the San Joaquin kit fox and the Fresno kangaroo rat. If habitat for such species is determined to be present, additional studies will be necessary to determine the actual presence of special-status species and further mitigation may be required.	Applicant	Applicant/USFWL/CA Dept. of Fish & Wildlife (CDFW)	As noted
4.	Biological Resources	In order to reduce impact to the San Joaquin Kit Fox (SJKF), if suitable habitat is present, the applicant shall implement the following measures:  a. Not more than 30 days prior to and not less than 14 days earlier than the start of ground-disturbing activities, a qualified biologist shall assess the presence or absence of SJKF by conducting surveys following US Fish and Wildlife Service’s (USFWS) “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (2011).	Applicant	Applicant/ USFWL/ CDFW	During construction

ATTACHMENT C

		<p>b. If SJKF is determined to be present at the site, the applicant shall consult with California Department of Fish and Wildlife (CDFW) to determine how to avoid take, or if avoidance is not feasible, shall acquire an Incidental Take Permit prior to ground-disturbing activities.</p>			
5.	Biological Resources	<p>In order to reduce impacts to the Fresno Kangaroo Rat (FKR), if suitable habitat is present, the applicant shall implement the following measures:</p> <p>a. Focused protocol-level trapping surveys shall be conducted by a qualified biologist in accordance with USFWS’s “Survey Protocol for Determining Presence of Fresno Kangaroo Rats” (2013).</p> <p>b. If FKR is detected, the developer shall consult with CDFW and implement recommended avoidance and minimization measures prior to the start of ground disturbance.</p>	Applicant	Applicant/ USFWS/ CDFW	During construction
6.	Cultural Resources	<p>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 shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.</p>	Applicant	Applicant/ Fresno County Sheriff-Coroner	During construction
7.	Transportation	<p>Prior to the issuance of building permits for the uses allowed on M-1 (c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage developed in the funding of future off-site traffic improvement defined in items a, b, c &amp; d below. The traffic improvements and the project’s maximum pro-rata share based on 8.38 acres of the associated costs are as follows:</p>	Applicant	Applicant/PWP	As noted

		<p>a. North Avenue and Willow Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.57 % construction cost or \$ 38,913.00, 15% preliminary engineering or \$ 5,837, 15% construction engineering or \$5,837, totaling \$50,587.00.</p> <p>b. The project's percent fair share for right -of-way acquisition at North Avenue and Willow Avenue intersection is 3.57 % or \$ 5,248.00.</p> <p>c. North Avenue and Peach Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.91 % construction cost or \$ 51,439.00, 15% preliminary engineering or \$7,716, 15% construction engineering or \$7,716, totaling \$66,871.00.</p> <p>d. The project's percent fair share for right -of-way acquisition at North Avenue and Chestnut Avenue intersection is 3.91 % or \$5,748.00.</p> <p>The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall annually adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.</p>			
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\*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.

Conditions of Approval

ATTACHMENT C, Page 4

1.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Section 843.1 (M-1 Zone District):</p> <ul style="list-style-type: none"> <li>• Animal Hospitals and Shelters</li> <li>• Automobile Repairs</li> <li>• Automobile Service Stations</li> <li>• Caretaker's Residence</li> <li>• Commercial Uses Incidental to Permitted Industrial Uses</li> <li>• Equipment Rental or Sale</li> <li>• Farm Equipment Sales and Service</li> <li>• Ice and Cold Storage Plants</li> <li>• Mechanical Car, Truck, Motor and Equipment Wash</li> <li>• Offices (Administrative, Business, General, Medical, Professional)</li> <li>• New and Used Recreational Vehicle Sales and Service</li> <li>• Signs</li> <li>• Cabinet or Carpenter Shop</li> <li>• Fruit and Vegetable Packing</li> <li>• Honey Extraction Plant</li> <li>• Printing Shops, Lithographing, Publishing</li> <li>• Stone Monument Works</li> <li>• Contractors Storage Yard</li> <li>• Machinery Rental</li> <li>• Motion Picture Studio Storage Yard</li> <li>• Transit Storage</li> <li>• Blueprinting and Photocopying</li> <li>• Laundries</li> <li>• Assembly of Small Electric and Electronic Equipment</li> <li>• Assembly of Plastic Items Made from Finished Plastic</li> <li>• Communication Equipment Buildings</li> <li>• Public Utility Service Yards with Incidental Buildings</li> </ul>
2.	<p>At the time of development, the applicant shall consult with the City of Fresno and Malaga County Water District (MCWD) for the site to connect and utilize water service from the Malaga County Water District, if the service is available adjacent to the parcel at the time of development.</p>
3.	<p>The property shall connect to the City of Fresno sanitary sewer facilities. Development of the property shall include installation of a service lateral to connect and utilize the City sewer service via the existing sewer line in Peach Avenue and pay all City connection fees.</p>
4.	<p>If onsite 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 a community water and sewer facilities or adequate information is</p>



	submitted to the Fresno County Department of Public Health and Department of Public Works & Planning to demonstrate that the property can accommodate higher volumes of liquid wastes. Leach fields shall not be paved over nor parking of vehicles to allow for treatment of effluent and protection of piping.
5.	Prior to the storage/parking of any refrigerated trailers or vehicles on-site and off the subject property, an on-site and off-site parking acoustical analysis shall be prepared by a qualified acoustical consultant and be submitted for approval to the Fresno County Department of Public Health, Environmental Health Division (Health Department). Any mitigation measures, as recommended by the acoustical consultant and accepted by the Health Department shall be implemented prior to storage/parking of any refrigerated trailers on or off the subject property.
6.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.
7.	The existing single-family residence on the property must be used as a caretaker residence for permitted industrial uses (Exhibit 8), or it must be removed from the property.
<b>Project Notes</b>	
1.	Prior to the issuance of building permits and establishing uses permitted by this application in the M-1 (c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, right-of-way dedication, fire protection, noise, and control of light.
2.	The construction of any structures on the property shall meet all the Building Code requirements in effect at the time they are constructed.
3.	<p>To address public health impact resulting from permitted uses on the property, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> <li>• Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5.</li> <li>• Any business that handles a hazardous material or hazardous waste may require submittal of a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95, Section 25507.</li> <li>• As a measure to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor.</li> <li>• Should any underground storage tank(s) be found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.</li> <li>• Per the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; Waste Tire Haulers and facilities, the owner/operator shall obtain a Tire Program Identification Number (TPID) and possibly a waste and used tire hauler permit from the California Department of Resources Recycling and Recovery (CalRecycle).</li> </ul>
4.	To address impacts on the Fresno Irrigation District (FID) facilities resulting from permitted uses on the property, FID requires the following:

	<ul style="list-style-type: none"> <li>• FID Washington Colony No. 15 runs south, traverses the middle portion of the property. Any street and or utility improvements along North Avenue, or in the vicinity of the canal, shall require FID review and approval of all plans.</li> <li>• The landowner shall grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy.</li> <li>• The FID Wilder No. 289 runs westerly, crosses Peach Avenue approximately 40 feet north of the subject property. Any street and/or utility improvements along Peach Avenue, or in the vicinity of this facility shall require FID review and approval of all plans.</li> <li>• A Private pipeline known as the Washington Colony No. 15 runs westerly along the western portion of FID's Washington No. 115 and traverses the subject property. This line is active and will need to be treated as such</li> </ul>
5.	<p>To address impacts on the Fresno Metropolitan Flood Control District (FMFCD) facilities resulting from permitted uses on the property, the FMFCD requires the following:</p> <ul style="list-style-type: none"> <li>• The project shall pay drainage fees at the time of development based on the fee rates in effect at that time.</li> <li>• Storm drainage patterns for the development shall conform to the District Master Plan</li> <li>• All improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed and approved by FMFCD for conformance to the District Master Plan within the project area</li> <li>• Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property</li> <li>• Temporary storm drainage facility shall be provided on the property until permanent service becomes available.</li> <li>• Construction activity shall secure a storm water discharge permit.</li> </ul>
6.	<p>To address grading and drainage impacts resulting from the permitted uses on the property, the Development Engineering Section of the Fresno County Department of Public Works and Planning, requires the following:</p> <ul style="list-style-type: none"> <li>• An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties.</li> <li>• A grading permit or voucher for any grading proposed with the proposed uses.</li> <li>• An encroachment permit from the Road Maintenance and Operations Division prior to any work done within the county road right-of-way.</li> <li>• On-site turnarounds for vehicles leaving the site to enter Peach Avenue in a forward motion.</li> <li>• For any unpaved or gravel surface access roads, the first 100 feet of the edge of the road right-of-way shall be graded and asphalt concrete paved or treated with dust palliative.</li> <li>• A 30-foot by 30-foot corner cutoff for sight distance purposes at the exiting driveway onto Peach Avenue.</li> </ul>
7.	<p>The permitted uses on the property shall comply with the California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19; obtain CalFire conditions of approval; and annex the property into Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
8.	<p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District Small Business Assistance Office to identify District rules or regulations that apply to the permitted uses on the property and obtain necessary information about District permit requirements. The following District rules may apply: Regulation VIII (Fugitive PM10 Prohibitions); Rule 4102 (Nuisance); Rule 2201 (New and Modified Stationary Source Review Rule); Rule 4201 (Particulate Matter Concentration); Rule 4601(Architectural Coatings); Rule 4641(Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations); Rule 4002 (National Emission Standards for Hazardous Air Pollutants); Rule 4702 – Internal Combustion Engine, and Rule 2010 (Authority to Construct (ATC) and Permit to Operate (PTO) permits).</p>

9.	The applicant shall acknowledge the need to control weeds and rodents within the project area to prevent the permitted uses on the property from becoming a nuisance to neighboring properties. Any weed or rodent infestation that is of a nature and magnitude as to constitute a "public nuisance" (as defined in Section 5551 of the California Food and Agricultural Code; Sections 3479 and 3480 of the Civil Code; and Section 372 of the Penal Code); and that the maintenance of such public nuisance is unlawful under California Food and Agricultural Code Section 5553 and Penal Code Section 372.
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**ATTACHMENT D**

File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00			
Agency File No: Initial Study (IS) No 7071		<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>	
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: 600-4052	Extension: N/A	
Project Applicant/Sponsor (Name): Lakhvir Singh Sidhu		Project Title: Amendment Application (AA) No. 3815			
Project Description:  Rezone two contiguous parcels totaling 8.38 acres (10.44 acres including canal) from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District limited to the following uses: animal hospitals/ shelters; automobile repair & service stations; caretaker's residence; commercial uses related to industry; equipment rental or sale; farm equipment, sales and service; ice and cold storage plants; mechanical car, truck, motor and equipment wash; offices, new and used recreational vehicle sales and service; signs; cabinet/carpenter shop; fruit and vegetable packing; honey extraction plant; printing shops, lithographing, publishing; stone monument works; contractors storage yards; machinery rental; motion picture studio storage yard; transit storage; blueprinting and photocopying; laundry processing; assembly of small electric and electronic equipment; assembly of plastic items made from finished plastic; communication equipment buildings, and public utility service yards with incidental buildings. The subject parcels are located on the east side of South Peach Avenue, approximately 360 feet north of its intersection with East North Avenue and 4,038 feet south of the City of Fresno (2929 S. Peach Avenue, Fresno CA) (APNs: 316-180-13 and 316-180-20 (Sup. Dist. 4).					
Justification for Negative Declaration:  Based upon the Initial Study (IS 7071) prepared for Amendment Application No. 3815, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to mineral resources, noise, population and housing, public services, recreation, and wildfire. Potential impacts related agricultural and forestry resources, air quality, energy, geology and soils, greenhouse gas emission, hazards and hazardous materials, hydrology and water quality, land use and planning, tribal cultural resources, and utilities and service systems have been determined to be less than significant. Potential impact related to aesthetics, biological resources, 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 – October 20, 2021			Review Date Deadline: Board of Supervisors – November 2, 2021		
Date:	Type or Print Signature: David Randall, Senior Planner		Submitted by (Signature): Ejaz Ahmad, Planner		

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**