

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 495 -3815

AN ORDINANCE TO CHANGE THE BOUNDARIES OF CERTAIN ZONES AND THE ZONING DISTRICT OF PROPERTY THEREBY AFFECTED IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING DIVISION OF THE ORDINANCE CODE OF FRESNO COUNTY, AND TO AMEND THE ZONE MAP ESTABLISHED BY SAID DIVISION ACCORDINGLY.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1. This Ordinance is adopted pursuant to California Constitution, Article XI, Section 7, Government Code Sections 65850, 65854-65857, and Sections 811 and 878 of the Ordinance Code of Fresno County.

SECTION 2. Parcel 1 of Parcel Map No, 1078, recorded April 12, 1973 in Book 7 of parcel maps at Page 23, Fresno County records; that portion of the southeast quarter of the southeast quarter of Section 19, Township 14 South, Range 21 East, J,D,B, &M, lying east of the center line of Peach Avenue as now located, and being particularly described as the east 90 feet of said southeast quarter of said southeast quarter of said Section 19; excepting therefrom all that portion as conveyed to the County of Fresno, recorded January 28, 1969 in Book 5656, Page 118 records of said county and all that portion as conveyed to Donald G. Smith and Martha D. Smith, recorded April 1, 1969 in Book 5674, Page 970 records of said county, described therein as commencing at a point on the easterly right of way line of Peach Avenue; said point being south 88° 44' 40" west 419.12 feet, and north 88° 44' 40" east 69.79 feet from the southeast corner of Section 19, said point being on a curve whose radian bears south 87° 10' 10" west; thence southerly along a curve to the left, having a radius of 6,458 feet, through a central angle of 0° 02' 43", an arc distance of 5.10 feet; thence leaving said easterly right of way line, south 89° 47' 20" east 394.14 feet; thence north 2° 08' east 588.63 feet; thence north 84° 54' 01' west 115.12 feet; thence south 89° 36' west 72.48 feet; thence north 76° 37' west 62.00 feet thence north 89° 39' 53" et 175.78 feet to a point on the future easterly right of way line of Peach Avenue; thence southerly along said

1 easterly line south 0° 11' 57" west 265.41 feet; thence along a curve to the left, having a radius of 6,458
2 feet, through a central angle of 03° 01' 47", an arc distance of 341.49 feet to the point of commencement;
3 also excepting therefrom all of Parcel Map No. 1078, recorded April 12, 1973 in Book 7 of parcel maps
4 at Page 23, Fresno County records, a 30-foot easement and road right of way over and across the east
5 30 feet of Parcel 2 said Parcel Map 1078, Fresno County records (APN 316-180-13 and 316-180-20)
6 which heretofore has been classified with 8.38 acres (10.44 acres including canal) from the AL-20
7 (Limited Agricultural, 20-acre minimum parcel size) Zone District, pursuant to the Zoning Division of the
8 Ordinance Code of Fresno County, located on the east side of S. Peach Avenue, approximately 360 feet
9 north of its intersection with E. North Avenue and 4,038 feet south of the City of Fresno is hereby changed
10 to the M-1 (c) (Light Manufacturing, Conditional) Zone District as depicted in attached Exhibit 1 subject
11 to Mitigation Measures and Conditions of Approval listed in Exhibit 2.
12

13 **SECTION 3.** Prior to the expiration of fifteen (15) days from the adoption of this Ordinance, it
14 shall be published in accordance with the requirements of Government Code Section 25124 at least one
15 time in the Fresno Business Journal, a newspaper of general circulation in Fresno County.

16 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-65857,
17 this Ordinance, designated as Ordinance No. R- 495 -3815 shall take effect thirty days after its
18 passage.

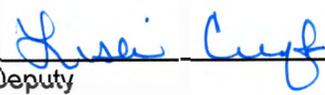
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1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 2nd day of November, 2021, to wit:

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4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
5 NOES: None
6 ABSENT: None
7 ABSTAINED: None
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11 _____
12 Steve Brandau, Chairman of the
13 Board of Supervisors of the County of Fresno

14 **ATTEST:**
15 BERNICE E. SEIDEL
16 Clerk of the Board of Supervisors
17 County of Fresno, State of California

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20 By 
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22 Deputy

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EXHIBIT 1

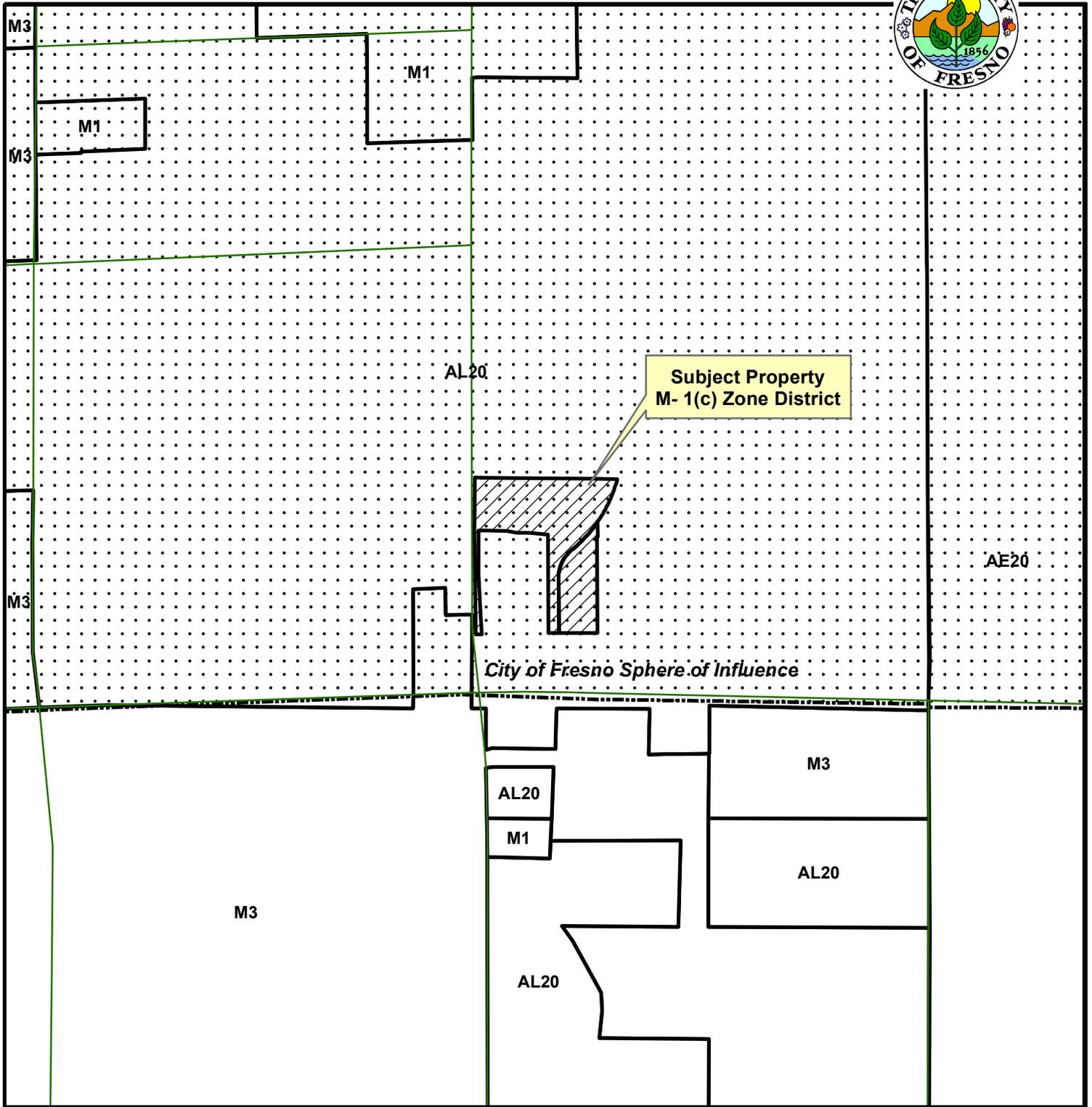


EXHIBIT 2
Mitigation Monitoring and Reporting Program
Initial Study Application No. 7071; Amendment Application No. 3815

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 2

		<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 & 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

EXHIBIT 2, 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"> • Animal Hospitals and Shelters • Automobile Repairs • Automobile 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 (Administrative, Business, General, Medical, Professional) • New and Used Recreational Vehicle Sales and Service • Signs • Cabinet or Carpenter Shop • Fruit and Vegetable Packing • Honey Extraction Plant • Printing Shops, Lithographing, Publishing • Stone Monument Works • Contractors Storage Yard • 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 • Public Utility Service Yards with Incidental Buildings
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.
Project Notes	
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"> • 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. • 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. • 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. • 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. • 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).
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"> • 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
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"> • The project shall pay drainage fees at the time of development based on the fee rates in effect at that time. • Storm drainage patterns for the development shall conform to the District Master Plan • 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 • Site development shall not interfere with the operation and maintenance of the existing canal/pipeline on the property • Temporary storm drainage facility shall be provided on the property until permanent service becomes available. • Construction activity shall secure a storm water discharge permit.
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"> • 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. • A grading permit or voucher for any grading proposed with the proposed uses. • An encroachment permit from the Road Maintenance and Operations Division prior to any work done within the county road right-of-way. • On-site turnarounds for vehicles leaving the site to enter Peach Avenue in a forward motion. • 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. • A 30-foot by 30-foot corner cutoff for sight distance purposes at the exiting driveway onto Peach Avenue.
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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