



Inter Office Memo

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

DATE: May 26, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12570 – INITIAL STUDY APPLICATION NO. 7067 AND AMENDMENT APPLICATION NO. 3814

APPLICANT/
OWNER:

Muhammad Attique

REPRESENTATIVE:

Roger A. Smith

REQUEST:

Rezone a 9.82-acre parcel from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District to an R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION:

The project is located on the east side of Grantland Avenue between Yale Avenue and McKinley Avenue approximately one mile west of the nearest city limits of the City of Fresno (2210 N. Grantland Avenue) (SUP. DIST. 1) (APN 312-160-01).

PLANNING COMMISSION ACTION:

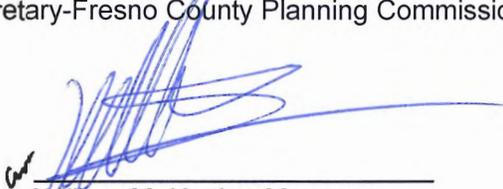
At its hearing of May 26, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Woolf and seconded by Commissioner Mendes to recommend adoption of the Negative Declaration prepared for Initial Study Application No. 7067; recommend that the Board of Supervisors approve Amendment Application No. 3814 with the recommended Findings; and direct the Secretary to prepare a Resolution forwarding the Commission's action to the Board of Supervisors.

This motion passed on the following vote:

VOTING: Yes: Commissioners Woolf, Mendes, Abrahamian, Borba, Chatha
 No: Commissioner Lawson
 Absent: Commissioners Egan, Eubanks, Pagel
 Abstain: None

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

By: 

William M. Kettler, Manager
Development Services Division

Attachments

WMK:db:ksn:
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EXHIBIT "A"

Initial Study Application No. 7067
Amendment Application No. 3814

Staff: The Fresno County Planning Commission considered the Staff Report dated May 26, 2016, and heard a summary presentation by staff.

Applicant: The Applicant's Representative concurred with the Staff Report and offered the following information to clarify details pertaining to the proposed rezoning:

- The property owner intends to build a house on the property and has no intention of using the land for agricultural purposes.
- The subject rezoning is being initiated before the filing of any mapping application to further subdivide the property.

Others: Two individuals presented information in opposition to the proposal, stating:

- The Applicant has previously stored commercial trucks on the property when it was not permitted, and there is concern that similar unpermitted activities involving trucks may occur on the property.
- The property has not been well-maintained and has at times contained an overgrowth of weeds.
- Prior uses on the property related to the dehydrator and other activities may have caused pollution of the soil which could affect future residential users of the property.

Staff from the Fresno County Department of Health, Environmental Health Division, spoke at the hearing at the request of one of the Commissioners to specifically address the public testimony regarding soil pollution, stating:

- There are some records of hazardous materials being stored on the property in the past, although the Regional Water Quality Control Board may have additional records.
- The property owners could voluntarily elect to test the soil prior to any structures being built, or the Commission could put a condition on the rezoning that the soil be tested prior to structures being built.

Correspondence: No letters were presented in support of or in opposition to the proposal.

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County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 May 26, 2016

SUBJECT: Initial Study Application No. 7067 and Amendment Application No. 3814

Rezone a 9.82-acre parcel from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District to an R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project is located on the east side of Grantland Avenue between Yale Avenue and McKinley Avenue approximately one mile west of the nearest city limits of the City of Fresno (2210 N. Grantland Avenue) (SUP. DIST. 1) (APN 312-160-01).

**OWNER/
APPLICANT:** Muhammad Attique

REPRESENTATIVE: Roger A. Smith

STAFF CONTACT: Daniel Brannick, Planner
(559) 600-4297

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Negative Declaration prepared for Initial Study (IS) Application No. 7067; and
- Recommend that the Board of Supervisors approve Amendment No. 3814 with recommended Findings; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3814 to the Board of Supervisors with a recommendation of approval.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Assessor’s Parcel Map
5. Summary of Initial Study Application No. 7067
6. Draft Negative Declaration
7. March 28, 2000 Board of Supervisors’ Resolution for Amendment Application No. 3693, Classified Conditional Use Permit Application No. 2921, and Variance Application No. 3658
8. List of Uses Permitted in the R-R (Rural Residential) Zone District

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Rural Residential	No change
Zoning	AE-20(c) (Exclusive Agricultural, conditional to allow a fruit dehydrating facility)	R-R (Rural Residential, two-acre minimum parcel size)
Parcel Size	9.82 acres	No change
Project Site	Fallowed land with pole barn, office building, and chain-link fencing around the perimeter of the parcel	No direct change proposed. Rezoning would allow by-right development of a single-family residence.
Structural Improvements	<ul style="list-style-type: none"> • Pole barn • Office building 	No change directly proposed with rezone
Nearest Residence	Approximately 20 feet south of the nearest property line	No change
Surrounding Development	Low-density single-family residential uses, agriculture, vacant land	No change

Setback, Separation and Parking

	Current Standard: AE-20(c)	Proposed Operation: R-R	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front: 35 feet Side: 20 feet Rear: 20 feet	Yes
Parking	N/A	For Residential Use: At least one parking space per dwelling unit	Yes
Lot Area	20 acres	2 acres	Yes
Lot Coverage	No requirement	No requirement	N/A
Separation between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	Six feet minimum (40 feet minimum between human habitations and structures utilized to house animals)	Yes
Wall Requirements	No requirements	No requirements	N/A
Septic Replacement Area	100 percent	100 percent	N/A
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Grantland Avenue	No change
Direct Access to Public Road	Yes	Grantland Avenue	No change
Road ADT		1,500	No change
Road Classification		Arterial	No change
Road Width		42-foot right-of-way east of the centerline (53 feet required)	No change
Road Surface		Pavement width of 19.1 feet	No change

		Existing Conditions	Proposed Operation
Traffic Trips		N/A	Increase associated with residential traffic
Traffic Impact Study (TIS) Prepared	No	N/A	N/A
Road Improvements Required		N/A	None required

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	1.15 acres	Single-family residence	R-R	40 feet
	3.74 acres	Single-family residence	R-R	500 feet
East	4.75 acres	Single-family residence	R-R	562 feet
South	2.45 acres	Single-family residence	R-R	400 feet
	2.31 acres	Single-family residence	R-R	230 feet
	1.0 acre	Single-family residence	R-R	20 feet
West	1.0 acre	Single-family residence	AE-20	170 feet
	4.86 acres	Single-family residence	AE-20	174 feet
	4.86 acres	Single-family residence	AE-20	465 feet
	4.86 acres	Single-family residence	AE-20	165 feet

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

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 5.

Notice of Intent to Adopt a Negative Declaration publication date: May 6, 2016

PUBLIC NOTICE:

Notices were sent to 76 property owners within one quarter-mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning request is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a rezoning, however, is final unless appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

This proposal entails rezoning a 9.82-acre parcel from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District to an R-R (Rural Residential, two-acre minimum parcel size) Zone District. The parcel is located in an area designated Rural Residential in the Fresno County General Plan.

The project site is located in an area of mixed residential and agricultural uses. The area to the west of the parcel across Grantland Avenue is zoned AE-20 and is developed with single-family residences on large parcels, agricultural operations, and a commercial nursery. The properties to the north, east, and south are zoned R-R and are developed with residential uses. The subject parcel currently contains a pole barn and a single-story office building; both structures are set back approximately 350 feet from the front property line. No agricultural operations are currently conducted at the project site.

The subject application involves a parcel that has been previously rezoned four times, including once to the R-R Zone District. Historically, the subject parcel was owned by an agricultural business and had been utilized in the business's operations as a fruit dehydration facility as early as 1947. The parcel was initially zoned for agricultural uses (A-1 when zoning first went into effect and then later AE-5 in 1972).

In March of 1977, the County of Fresno undertook a broad-scale rezoning associated with the update of the County General Plan, which involved rezoning a large portion of land west of the City of Fresno from agricultural zoning to the R-R Zone District and changing the underlying General Plan designation to Rural Residential. The rezoning extended west to Grantland Avenue, and the subject parcel (which is located on the east side of Grantland Avenue and thus within the new Rural Residential area) was encompassed within the rezoning and re-designation. This occurred even though the fruit dehydration facility was still in operation at the time.

Approximately 20 years later, while attempting to transfer the property, the former property owner discovered that the dehydration facility (which was still in operation) was not permitted in the R-R Zone District. In order to facilitate a transfer of the property while allowing the dehydration facility to continue operating, the owner applied to have the parcel rezoned to a zone district that would permit the dehydration facility. Although the parcel was still designated Rural Residential in the Fresno County General Plan, a determination was made by the County that the dehydration facility could remain in operation without requiring an amendment to the General Plan if the parcel was rezoned to AE-20 conditional zoning. On March 28, 2000, the Board of Supervisors approved Amendment Application No. 3693, which rezoned the subject 9.82-acre parcel from the R-R (Rural Residential, two-acre minimum parcel size) Zone District to the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District.

According to the current property owner, the intent of returning the property back to R-R zoning is to make the parcel's zoning consistent with the property's underlying General Plan

designation and allow future residential development on the property. The rezoning would allow at least one single-family residence on the property, with the possibility of future subdivision to two-acre lots through a separate land use application.

ANALYSIS/DISCUSSION:

Relevant Policies:	Consistency / Considerations:
<p>General Plan Policy LU-E.16: County shall not designate additional land for Rural Residential or Foothill Rural Residential development, except for unique circumstances to be determined by the Board of Supervisors.</p>	<p>As discussed in the Background Information section, the proposal would conform to the parcel's General Plan designation of Rural Residential.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-E.17: County shall consider the current inventory of undeveloped parcels when reviewing rezoning and subdivision proposals involving lands currently designated Rural Residential or Foothill Rural Residential. Such proposals shall generally not be considered appropriate until such time as at least sixty (60) percent of the available lots in the area have been developed.</p>	<p>A substantial majority of the Rural Residential lots in the immediate area have been developed with single-family residences. Prior calculations of Rural Residential on the Valley Floor have indicated development percentages much higher than 60 percent. Future subdivision of the subject parcel would require additional mapping and/or land use applications, during which time such a proposal could be re-evaluated in regard to LU-E.17.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy PF-C.12: County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.</p> <p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The proposal was reviewed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns pertaining to water supply issues, as the project is not located in a water-short area. Additionally, the City of Fresno was consulted to determine if the proposal should require connection to city water services, but it was determined that connection would be impractical at this time. In the future as city water services expand, the project area may be required to connect to water services provided by the City of Fresno.</p> <p>Staff believes the proposal is consistent with these Policies.</p>
<p>General Plan Policy TR-A.7: County shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.</p>	<p>This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning as well as the City of Fresno's Traffic and Engineering Services Division. Neither agency expressed any concerns regarding the carrying capacities of the</p>

Relevant Policies:	Consistency / Considerations:
<p>General Plan Policy TR-A.8: County shall ensure that land development that affects roadway use or operation, or requires roadway access to plan, dedicate, and construct required improvements is consistent with the criteria in the Circulation Diagram and Standards section of the General Plan.</p>	<p>adjacent roadways and did not require a Traffic Impact Study (TIS) or any other studies or conditions related to transportation impacts.</p> <p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the total existing right-of-way for the portion of Grantland Avenue which fronts the subject property is 42 feet. Due to this portion of Grantland Avenue being classified as an Arterial, the minimum right-of-way required for Grantland Avenue is 53 feet east of the section line. Any future mapping activity will be evaluated to determine if additional right-of-way is required.</p> <p>Staff believes the proposal is consistent with these Policies.</p>

Reviewing Agency/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: This property is designated Rural Residential on Figure LU-1c in the General Plan. A rezone from AE-20(c) to R-R removes a non-conforming zone district [AE-20(c)] and replaces it with a zone district (R-R) that conforms to the General Plan designation of Rural Residential.

Zoning Section of the Fresno County Department of Public Works and Planning: No Comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Grantland Avenue is classified as an Arterial with an existing 42-foot right-of-way east of the section line along the parcel frontage, per Plat Book. The minimum width for an Arterial right-of-way east of the section line is 53 feet. Records indicate this section of Grantland Avenue from Yale Avenue to McKinley Avenue has an ADT of 1500, pavement width of 26.6 feet, structural section of 0.25 feet AC, and is in excellent condition. According to FEMA FIRM Panel 1545H, the subject parcel is not subject to flooding from the 1%-chance storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent or running through the subject parcel.

Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial is usually limited to one common point. No new access points are allowed without prior approval. Any work done within the right-of-way to construct a new driveway will require an Encroachment Permit from the Road Maintenance and Operations Division. A 30' x 30' corner cutoff is need for sight distance purposes at the exiting driveway onto Grantland Avenue.

Design Division of the Fresno County Department of Public Works and Planning: No comments.

Fresno County Department of Agriculture: No comments.

San Joaquin Valley Unified Air Pollution Control District: No comments.

Fresno County Department of Public Health, Environmental Health Division: Potential adverse impacts caused by development occurring subsequent to approval of the proposed rezoning could include water quality degradation caused by an increase in individual on-site sewage disposal systems. It is highly recommended that all future development of the property require connection to community water and community sewer facilities. In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

California Department of Public Health, Drinking Water Field Operations Branch: No comments.

Fresno Metropolitan Flood Control District: The subject site shall pay drainage fees at the time of any development based on the fee rates in effect at that time. Runoff shall be directed east toward the back of the lot to conform to the District's Master Plan. The District will need to review and approve all future improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area.

City of Fresno Public Works Department, Traffic and Engineering Services Division: No comments.

Analysis:

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. As discussed above, the proposed rezoning would change the parcel to R-R, which is a zone district that is consistent with the Rural Residential land use designation as indicated in the General Plan Zoning Compatibility Matrix (Table LU-2 in the Agricultural and Land Use Section of the Fresno County General Plan) and would bring the zoning of the property into consistency with the General Plan.

A Memorandum of Understanding (MOU) between the County and the City of Fresno requires that applications for new urban development within the City's Sphere of Influence are referred to the City for annexation, and this application was referred as part of the pre-application review, mailed on December 9, 2015. The City did not elect to annex the parcel and released the project to the County to process. County staff also consulted with the City of Fresno during its review of the project in order to evaluate potential impacts on transportation, public facilities, and other factors, and staff at the City of Fresno indicated there were no immediate concerns with the proposed rezoning.

The parcels directly adjacent to the east, west, and south are zoned R-R (Rural Residential, two-acre minimum parcel size) and are developed with single-family residences and related accessory buildings. The four parcels directly adjacent to the west of the subject parcel are zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). Although zoned AE-20, the parcels range from 1.0 to 4.86 acres in size and they contain single-family residences and are developed similarly to the R-R zoned parcels in the area. The proposed rezoning would create

a parcel that is somewhat large compared to other parcels zoned R-R in the immediate area, but the types of development and uses that would be permitted are already prevalent in the area.

Based on the above information and analysis, staff believes that the proposed rezone will not have an adverse effect upon surrounding properties and is consistent with the General Plan.

The following information has been provided to the Applicant to inform them of possible future mandatory requirements (Project Notes) related to subsequent site development:

- Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
- Development of the property shall be consistent with the R-R Zone District. Any subsequent mapping application shall be reviewed, subject to the development standards of the R-R Zone District, the County's improvement standards, and the Subdivision Map Act.
- The project will be required to pay the Fresno Metropolitan Flood Control District drainage fees at the time of any development based on the fee rates in effect at that time. Runoff shall be directed east toward the back of the lot to conform to the District's Master Plan. The District will need to review and approve all future improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area.
- If not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial in a forward motion so that vehicles do not back out onto the roadway. No new access points are allowed without prior approval.
- Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
- If not already present, 30' x 30' corner cutoffs will need to be improved for sight distance purposes at the exiting driveway onto Grantland Avenue.
- Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of, per County Standards.
- It is highly recommended that all future development of the property require connection to community water and community sewer facilities.
- In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required). Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

PUBLIC COMMENT:

None

CONCLUSION:

Staff finds that the proposed rezone from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District to an R-R (Rural Residential, two-acre minimum parcel size) Zone District is consistent with the Fresno County General Plan, and recommends approval of Amendment No. 3814.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Negative Declaration prepared for Initial Study Application No. 7067; and
- Move to determine that the proposed rezone is consistent with the intent of the Zoning Ordinance and General Plan, and move to recommend approval of Amendment No. 3814; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application (AA) No. 3814 to the Board of Supervisors with a recommendation of approval.

Alternative Motion (Denial Action)

- Move to determine that the proposed rezone is not consistent with the intent of the Zoning Ordinance and/or General Plan and move to deny Amendment No. 3814; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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LOCATION MAP

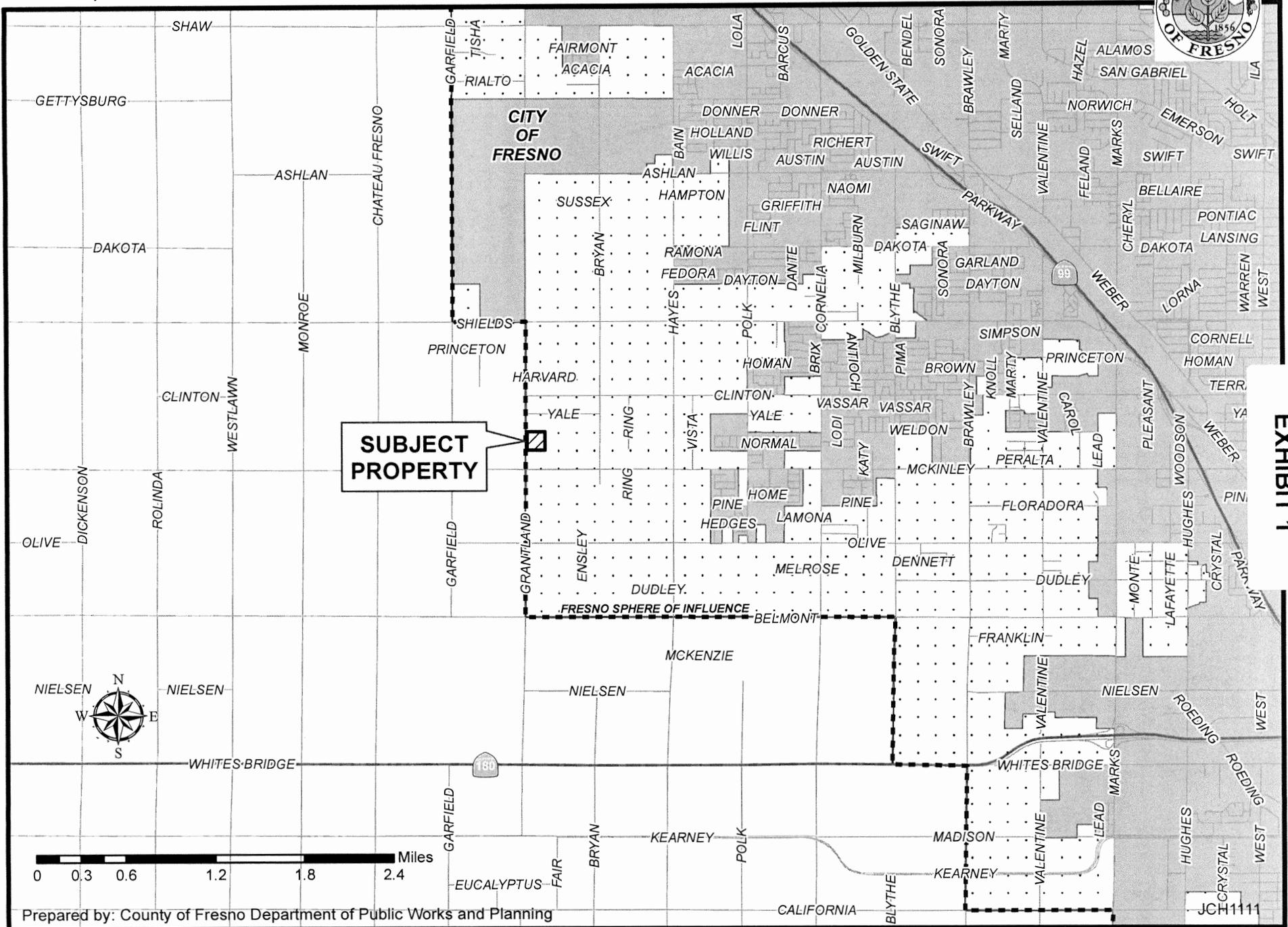
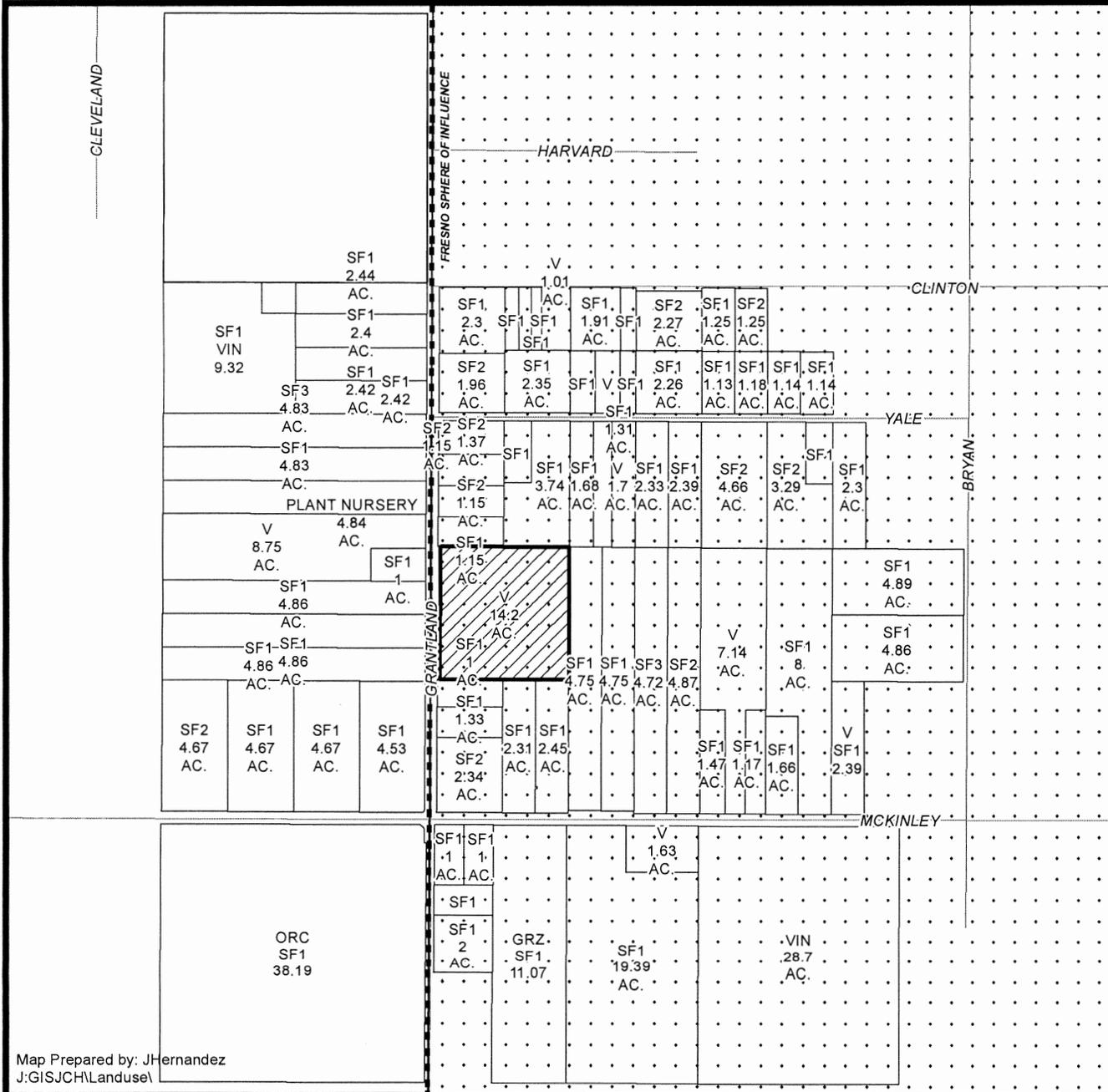


EXHIBIT 1

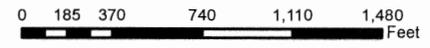
EXISTING LAND USE MAP



- LEGEND**
- AP1 - APARTMENT
 - GRZ - GRAZING
 - ORC - ORCHARD
 - SF#- SINGLE FAMILY RESIDENCE
 - V - VACANT
 - VIN - VINEYARD

LEGEND:

Subject Property



Department of Public Works and Planning
Development Services Division

Map Prepared by: JHernandez
J:GISJCH\Landuse\

EXHIBIT 3

SUBDIVIDED LAND IN POR. SEC. 28, T. 13 S., R. 19 E., M.D.B. & M.

Tax Rate Area
62-015

312-16

--- NOTE ---

This map is for Assessment purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

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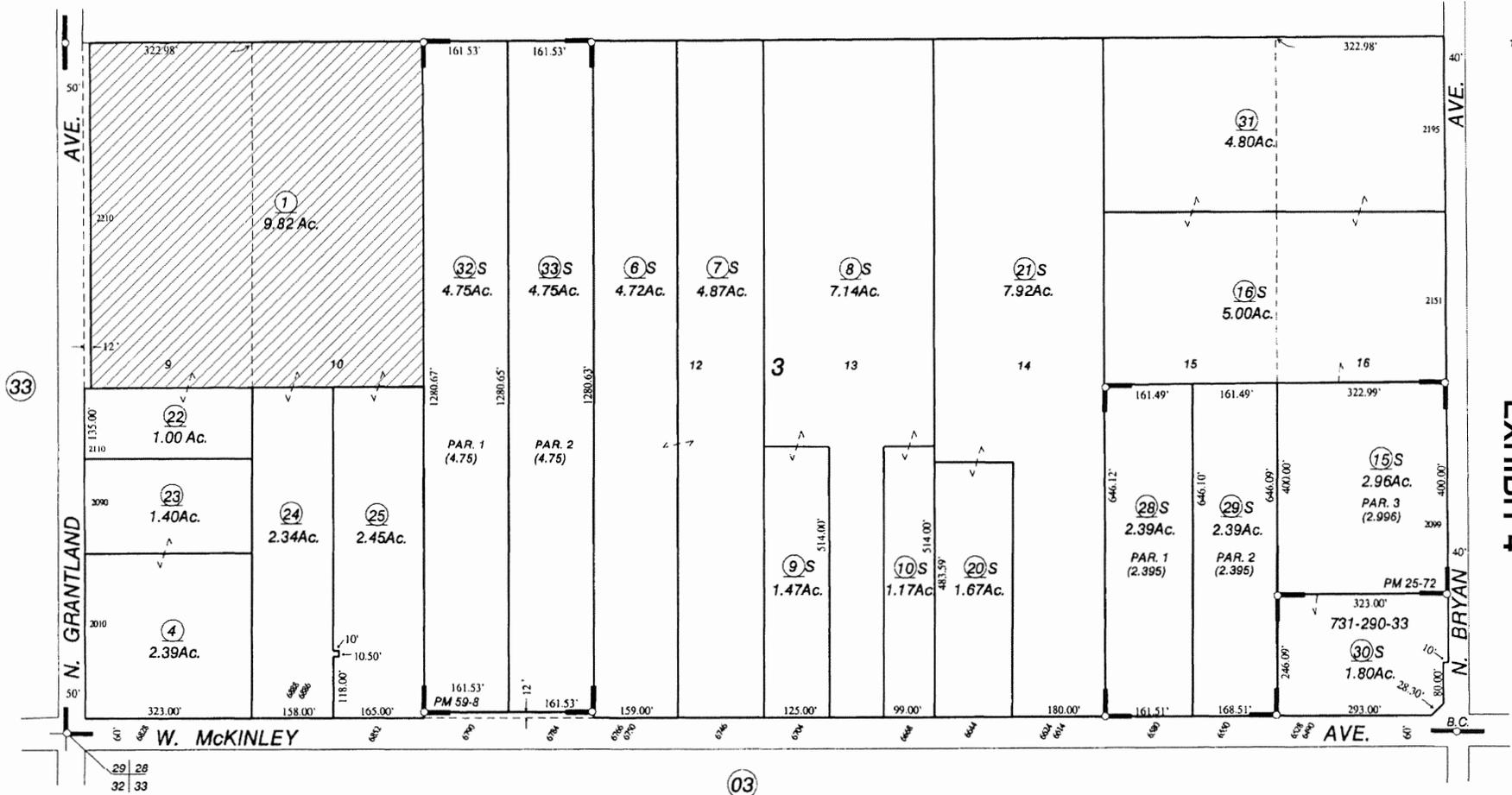


EXHIBIT 4

Agricultural Preserve
Brix colony - Plat Bk. 9, Pg. 5
Parcel Map No. 3837 - Bk. 25, Pg. 72
Parcel Map No. 7731 - Bk. 59, Pg. 8

Assessor's Map Bk. 312 - Pg. 16
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.





EXHIBIT 5

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Muhammad Attique

APPLICATION NOS.: Initial Study Application No. 7067 and Amendment Application No. 3814

DESCRIPTION: Rezone a 9.82-acre parcel from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size) Zone District (conditional to allow a fruit dehydrating facility) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project is located on the east side of N. Grantland Avenue between W. Yale Avenue and W. McKinley Avenue approximately 1.1 miles west of the nearest limits of the City of Fresno (APN 312-160-01, 2210 N. Grantland Avenue)

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or
- D. Would the project 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:

This proposal entails rezoning a 9.82-acre parcel from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, conditional) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District. The intent of the rezoning is to return the property back to R-R zoning, which is consistent with the property's underlying General Plan designation and allow future residential development on the property. The rezoning would allow at least one single-family residence on the property, with the possibility of future subdivision to two-acre lots with a separate land use application (parcel map).

The project site is located in an area of mixed residential and agricultural uses. The area to the west of the parcel across Grantland Avenue is zoned AE-20 and is developed with

DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

single-family residences on large parcels, agricultural operations, and a commercial nursery. The properties to the north, east, and south are zoned R-R and are developed with residential uses. The subject parcel currently contains a pole barn and a single-story office building; both structures are set back approximately 350 feet from the front property line. No agricultural operations are currently conducted at the project site.

Considering that the subject property is not located along a designated Scenic Highway, that no scenic vistas or scenic resources were identified near the proposal, and that there are existing residential land uses in the area, this proposal will not damage any scenic resource or degrade the visual character of the site or its surroundings. Further, the rezoning could foster uses more compatible with existing residential uses in the area as well as uses compatible with the existing General Plan designation.

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is not located on forest land, is not under Williamson Act Contract, and is classified as Rural Residential Land on the California Department of Conservation's Important Farmland Map (2014). The property is designated for Rural Residential uses in the Fresno County General Plan.

This rezone proposal could result in future subdivision. However, the parcel is smaller than the minimum 20-acre parcel size that is standard for agricultural parcels and the parcel has not been actively farmed or used for agriculture-related commercial operations for at least the last five years. Additionally, the General Plan designation for the area is Rural Residential and similar rural residential uses already exist immediately adjacent to the parcel. Further, this proposal was reviewed by the Fresno County Department of Agriculture, which did not express any concerns related to the requested rezoning. Considering these factors, the proposal would have a less than significant impact on agricultural resources.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Unified Air Pollution Control District (Air District) reviewed this proposal and did not express any concerns related to the requested rezoning.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project 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; or
- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project 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: LESS THAN SIGNIFICANT IMPACT:

The project site is located within the City of Fresno's Sphere of Influence (three-fourths of a mile from the nearest city limits). The area is marked by residential and agriculture-related land uses. Neighboring properties to the west of the project site have been previously disturbed as those properties are currently being utilized for a combination of residential, agricultural, and commercial uses. Neighboring properties to the north, east, and south have also been previously disturbed as those properties are currently being utilized for residential and agricultural uses. The project site is not located in a wetland area.

This proposal was routed to the United States Fish and Wildlife Service (USFWS), which did not express any concerns related to the project. This proposal was also routed to the California Department of Fish and Wildlife (CDFW), which also did not express any concerns. The 9.82-acre property has been historically developed with facilities related to commercial agricultural operations and has been disturbed. Therefore, no impacts were identified in regard to: 1) Any candidate, sensitive, or special-status species; 2) Any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; 3) Federally protected wetlands as defined by Section 404 of the Clean Water Act; and 4) 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. Further, this proposal will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries; or
- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources, and the site has been heavily disturbed by prior commercial uses. The proposed rezoning would not result in any direct ground disturbance other than the possible construction of a single-family residence, and future parcelization will be evaluated with subsequent land use permitting.

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake;
2. Strong seismic ground shaking;
3. Seismic-related ground failure, including liquefaction;
4. Landslides?

FINDING: NO IMPACT:

The project is not located within a fault zone or area of known landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal to rezone the parcel from AE-20(c) to R-R, in and of itself, does not directly involve any construction or development. Changes in topography and erosion could result from grading activities associated with future development projects. However, any such impacts would be less than significant with mandatory adherence to the Grading and Drainage Sections of the Fresno County Ordinance Code.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

There are no known or identified active or potentially active faults on or adjacent to the proposed project site. The project site is not located within an area of known risk for landslides, lateral spreading, subsidence, liquefaction, collapse, or within an area of known expansive soils.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division, potential adverse impacts caused by development occurring subsequent to approval of the proposed rezoning could include water quality degradation caused by an

increase in individual onsite sewage disposal systems. The Environmental Health Division also noted it is highly recommended that all future development of the property require connection to community water and community sewer facilities. Currently, however, the nearest community water and sewer facilities (provided by the City of Fresno) are not located at a distance where connection would be reasonably feasible for low density residential land use. The proposal to rezone the subject parcel also does not directly involve any construction or development of a septic system or other wastewater disposal system. Further, at the time of such development, these systems will be required to adhere to County septic standards.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed in Section III, the San Joaquin Valley Unified Air Pollution Control District reviewed this proposal and did not express any concerns related to the requested rezoning. Considering the limited number of additional parcels and relatively low population density of the potential subdivision that could occur from the rezoning, this proposal will have a less than significant impact related to greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school; or
- D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

No hazardous materials sites were identified in the analysis of the proposal. Further, there are no schools located within one quarter-mile of the subject property.

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The subject property is not located within an Airport Land Use Plan or in the vicinity of a public or private use airport.

- G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

This proposal will not impair the implementation of, or physically interfere with an adopted Emergency Response Plan. No such impacts were identified in the analysis of the proposal.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The subject property is not located within a wildland area.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Fresno County Department of Public Health, Environmental Health Division, potential adverse impacts caused by development occurring subsequent to approval of the proposed rezoning could include water quality degradation caused by an increase in individual onsite sewage disposal systems. The Environmental Health Division noted it is highly recommended that all future development of the property require connection to community water and community sewer facilities (see Section VI.E above) and further noted that all abandoned water wells and septic systems on the parcel are required to be properly destroyed by an appropriately licensed contractor, which will require permits from the Environmental Health Division. As discussed in Section VI.E, there are not currently community sewer and water facilities present in the area capable of feasibly serving the proposal, and any septic systems related to future improvement of the land would be subject to County septic standards.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Water/Geology/and Natural Resources Section of the Fresno County Department of Public Works and Planning, which expressed no concerns with the project as it relates to water quantity as the project site is not located in a water short area. Further, this proposal does not directly propose additional development.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site; or
- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off; or

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno Metropolitan Flood Control District (FMFCD), which is responsible for storm water management in the project site area. According to comments from FMFCD, the property will be required to pay drainage fees at the time of development. Future development will also be required to conform to FMFCD's Master Plan, which concerns features including storm drainage patterns. Plans will be required to be submitted to FMFCD for review at the time of development. The Applicant was advised of these requirements, which may be applicable with future development.

- F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

Aside from the factors discussed in Section IX.A, no other potential impacts to water quality were identified.

- G. Would the project place housing within a 100-year floodplain; or
- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to the Development Engineering Section, the subject property is designated as being within FEMA FIRM Panel 1545H and is not subject to flooding from the 1-percent chance storm.

- I. Would the project expose persons or structures to levee or dam failure; or

J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The subject parcel is located in a rural area and situated such that the proposed rezoning and any subsequent development would not physically divide an established community.

B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: NO IMPACT:

This proposal entails rezoning a 9.82-acre parcel from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, conditional) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

Comments from the Policy Planning Section of the Department of Public Works and Planning indicated that the property is designated Rural Residential on Figure LU-1.C in the Agriculture and Land Use section of the Fresno County General Plan, and that a rezone from AE-20(c) to R-R would remove a non-conforming zone district and replace it with a zone district that conforms to the General Plan designation of Rural Residential. No specific policies or regulations where conflict might arise were identified in regards to rezoning the property to R-R.

Considering that the proposed rezoning would conform to the General Plan designation underlying the property, the proposal will have no impact related to land use policies or regulations.

C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

No such plans were identified in the analysis of the proposal.

XI. MINERAL RESOURCES

A. Would the project result in the loss of availability of a known mineral resource; or

- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the analysis of the proposal. The proposal does not propose ground disturbance or extraction activities.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal was reviewed by the Fresno County Health Department's Environmental Health Division, which made no comments as to potential noise impacts from the proposal. This proposal may ultimately generate some noise associated with residential uses. However, considering the relatively low population density around the project site and that uses are already present in the area, this proposal would have a less than significant impact on noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

The project site is not located near an airport. The closest airport facilities identified in the vicinity of the proposal are Chandler Executive Airport and Sierra Sky Park Airport which are located 5.5 miles southeast and 5.5 miles northeast of the project site, respectively.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This rezone proposal could result in future subdivision. The R-R Zone District restricts population density to a single dwelling unit per parcel, so up to four dwelling units and accessory structures could be established on the project site. As such, this proposal has the potential to increase housing in the area to rural density residential development standards with the potential for two-acre parcels by right. As the property is already designated Rural Residential in the General Plan, staff believes this to be a less than significant increase and will not result in substantial population growth.

- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not displace any existing housing.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

- 1. Fire protection;

FINDING: NO IMPACT:

This proposal was routed for review to the North Central Fire Protection District for review, which did not identify any concerns related to the proposal.

- 2. Police protection;

FINDING: NO IMPACT:

This proposal was reviewed by the Fresno County Sheriff's Department, which did not identify any concerns related to the proposal.

- 3. Schools;

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No such impacts were identified in the analysis of the proposal. Any increase in population resulting from the project would have a negligible impact on parks and/or recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which did not express any concerns regarding the carrying capacities of the adjacent roadways and did not require a Traffic Impact Study (TIS).

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, the total existing right-of-way for the portion of Grantland Avenue which fronts the subject property is 42 feet. Due to this portion of Grantland Avenue being classified as an arterial road, the minimum right-of-way required for Grantland Avenue is 53 feet east of the section line. Any future mapping activity will be evaluated to determine if additional right-of-way is required.

The proposal was also routed to the City of Fresno's Traffic Engineering Division, which had no comments regarding the proposal.

- C. Would the project result in a change in air traffic patterns; or
- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

No such impacts were identified in the analysis of the proposal.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

This proposal will not conflict with any adopted alternative transportation plans. No such impacts were identified in the analysis of the proposal.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion under Section IX.A.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion under Section IX.E.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

No such impacts were identified in the analysis of the proposal.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion under Section IX.A.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the analysis of the proposal.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to 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, 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 prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As discussed in Section IV and Section V of this analysis, any impacts from the project on Biological Resources or Cultural Resources are expected to be less than significant.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No cumulatively considerable impacts were identified in the analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the analysis of the proposal.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Amendment Application No. 3814, 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 Hazards and Hazardous Materials, Mineral Resources, or Public Services.

Potential impacts related to Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Recreation, Transportation/Traffic, and Utilities and Service Systems have been determined to be less than significant.

A 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 southeast corner of Tulare and "M" Street, Fresno, California.

DB

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EXHIBIT 7

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File #15882
March 28, 2000
Ordinance #R-402-3693



Agenda Item

DATE: March 28, 2000

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11488 - ENVIRONMENTAL ASSESSMENT APPLICATION NO. 4562, AMENDMENT APPLICATION NO. 3693, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2921, AND VARIANCE APPLICATION NO. 3658

APPLICANT: Lamanuzzi and Pantaleo

- REQUEST:
1. Rezone a 9.82-acre parcel from the RR (Rural Residential, two-acre minimum parcel size) District to the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District;
 2. Allow continued operation of an existing fruit dehydrating facility, and land application of wastewater derived from said operation; and
 3. Allow a 9.82-acre parcel in the AE-20 District (20 acres minimum required).

LOCATION: On the eastside of North Grantland Avenue between West McKinley and West Clinton Avenues. (2110 N. Grantland Avenue) (APN: 312-160-01) (SUP. DIST. 1)

ADMINISTRATIVE OFFICE REVIEW Joe Lem-Bauer Page 1 of 2
 BOARD ACTION: DATE March 28, 2000 APPROVED AS RECOMMENDED OTHER X



ADOPTED FINDINGS; APPROVED NEGATIVE DECLARATION, AMENDMENT APPLICATION NO. 3693, CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2921 AND VARIANCE APPLICATION NO. 3658; ADOPTED ORDINANCE NO. R-402-3693.

UNANIMOUS X ARAMBULA _____ CASE _____ KOLIGIAN _____ LEVY _____ OKEN _____
 FC-17 (1/98) RPV 11/98

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Board of Supervisors
March 28, 2000
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PLANNING COMMISSION ACTION:

At its hearing of February 17, 2000, the Commission considered the Staff Report and public testimony (summarized on Exhibit "A").

A motion was made by Commissioner Molen and seconded by Commissioner Eaton to approve the Negative Declaration prepared for the project, determine the proposed AE-20(c) Zoning to be consistent with the General Plan, adopt the required findings as stated in the Staff Report, and to forward Amendment Application No. 3693, Classified Conditional Use Permit Application No. 2921, and Variance Application No. 3658 to the Board of Supervisors with a recommendation for approval subject to the conditions stated in the Staff Report and additional conditions requiring installation of landscaping, chain link fencing, and a sign identifying the plant supervisor's name and telephone number, and prohibiting the playing of amplified music and discharging of firearms, as set forth in Exhibit "B". This motion passed on the following vote:

VOTING: Yes: Commissioners Molen, Eaton, Johnson, King, Moore,
Tokmakian, Peters

No: None

Absent: Commissioners Laub, Wilcox

CAROLINA JIMENEZ-HOGG, Director
Planning & Resource Management Department
Secretary-Fresno County Planning Commission

By 
Leona Franke James, Manager
Development Services Division

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RESOLUTION NO. 11488

EXHIBIT "A"

Staff: The Fresno County Planning Commission accepted the Staff Report dated February 17, 2000, without a presentation.

A representative of the Fresno County Health Department, Environmental Health Systems indicated that a site visit was conducted near the end of the operating season in October 1999, that their office had no record of complaints regarding the facility, and that an acoustical analysis was not warranted.

Applicant: The applicant's representative presented information in support of the project as summarized below:

- The dehydrating facility has operated continuously at this location since 1947.
- This property was mistakenly rezoned from the AE-5 District to the RR District as part of the broadscale rezoning.
- The applicant has operated the facility under the assumption that the parcel was zoned AE-5.
- This parcel is one the largest in the area.
- A USDA inspection site and a caretaker's residence are located on the property.
- All vehicle circulation areas are paved except for the south portion of property which is treated with an oil palliative for dust control.
- All on-site lighting is hooded and the furrows utilized in the washwater application are located towards the southern portion of the property.
- Water consumption has been reduced due to installation of new nozzles which are utilized during the fruit washing process.

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- The washwater is periodically oxygenated with Yucca to increase the breakdown of the wash water Biochemical Oxygen Demand (BOD). This significantly reduces odor impacts.
- Sulfur tunnels are concrete and very well insulated. They have three, four foot diameter fans that run at low velocity
- The facility operates from August to November and continually reports to the California Regional Water Quality Control Board (CRWQCB).
- The water is monitored weekly during the dehydrating season.
- There is ample area for our washwater discharge.
- The furrow areas are disced approximately every two weeks during the season.
- The County Health Department & Planning staff conducted an on-site visit and did not note any problems.
- A new filtration system has been installed for the fruit wash water before it is discharged into the ponds. This feature has resulted in dramatic improvements in the color and odor of the wash water discharge.
- The variance is needed because of the non-conforming size of the subject property as it relates to the proposed AE-20 District.
- As the new owner of the property, I intend to operate the facility as outlined in the operational statement.
- We want to be proactive in dealing with our neighbors.
- Surrounding neighbors were sent letters. We have 17 letters in support of our proposal. We did not receive any request to meet with us.

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Others

- Noise issues are directed at the employee's radios, not the plant operation.
- We propose, as additional conditions of the project, the installation of signage that will identify a contact person to address inquires or complaints and the prohibition of discharging of fire arms and playing of loud music on the property.
- No intensification of the current use is being requested.

Three individuals presented testimony in support of the project as summarized below:

- I own three properties in the area.
- This property has been kept clean and the use has never caused traffic congestion.
- I've done business with the applicant for approximately 60 years.
- The installation of an asphalt apron along the applicant's frontage has eliminated previous dust problems.

Four individuals presented testimony in opposition to the project as summarized below:

- This facility was destroyed by fire in the 1970's and was later reconstructed.
- I am not trying to put them out of business.
- I have noticed an increase in traffic.
- I do have information which documents our complaints.
- Complaints made to the operator went unresolved.
- The San Joaquin Valley Air Pollution Control District has nine complaints on record.
- There are a number of people that live on-site.

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- A slight breeze carries odors from the wash water onto our property.
- Most of the applicant's letters of support come from property owners to the north who are not impacted by odors due to the wind patterns.
- I have lived in the area for 16 years and have noticed target practice occurring on the property.
- There are days that you can not go outside or use a swamp cooler due to the smell.
- I can't use my pool in our backyard during the summer and my mother can't open her windows due to the smell generated when they discharge the wash water.
- The operation has lasted until October and I have experienced the odors from the ponds as early as July.
- Chain link fencing does not exist around the entire perimeter of the property.
- Trash gets blown onto my property because fencing is barbwire and not chain link.
- Noise is also a concern due to the workers blasting their radios.
- We have had to call the Sheriff in the past due to the loud noise.
- Many of these problems are due to lack of supervision on the property.
- The existing fence is not a visual barrier.

Correspondence: Seventeen letters were received in support of the proposal and three letters were received in opposition to the proposal.

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EXHIBIT "B"

Conditions of Approval
Amendment Application No. 3693
Classified Conditional Use Permit Application No. 2921
Variance Application No. 3658

Amendment Application No. 3693:

Uses permitted as a matter of right shall be limited to the existing fruit dehydrating facility.

Classified Conditional Use Permit Application No. 2921 and Variance Application No. 3658:

1. Development and operation of the fruit dehydrating facility shall be in substantial compliance with the site plan and operational statement approved by the Planning Commission.
2. The use shall be conducted and maintained in a manner so as to avoid creating noise, dust, and odor and vector nuisances to surrounding properties.
3. The playing of amplified music and/or radios shall be prohibited on the property during the hours of 9:00 p.m. to 7:00 a.m. daily.
4. Discharging of any firearms on the property shall be prohibited.
5. The operator shall install and maintain a sign, visible from Grantland Avenue, identifying the plant supervisor's name and telephone number to call regarding complaints or inquires.
6. Within 90 days of the effective date of approval, six-foot high chain link fencing shall be installed along the south, east, and north property lines.
7. Landscaping, including trees and shrubs shall be installed and maintained along the southern and eastern boundaries of the property. Said landscaping shall be installed prior to the beginning of the next dehydration season. Within 60 days of the effective date of approval, a landscape plan shall be submitted to the Planning and Resource Management Department for review and approval.

File #15882
March 28, 2000

ORDINANCE NO.R-402-3693

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 THE COUNTY OF FRESNO, AND TO AMEND THE ZONE MAP ESTABLISHED BY SAID DIVISION ACCORDINGLY.

The Board of Supervisors of the County of Fresno do ordain as follows:

Section 1. All that portion of the unincorporated area of the County of Fresno described in Amendment Application No. 3693 heretofore classified RR (Rural Residential, two acre minimum parcel size) District pursuant to the Zoning Division of the Ordinance Code of the County of Fresno, and more particularly described as:

AMENDMENT APPLICATION NO.3693

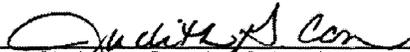
The north half of lots 9 and 10 in block 3, section 28, Brix Colony, as per map recorded In Book 9, Page 5 of Plats, in the Office of the County Recorder of said County.

is hereby changed to AE-20(c) (Exclusive Agriculture, 20 acre minimum parcel size, Conditional) District subject to the conditions listed in Exhibit "A", as set forth in said Zoning Division and the uses permitted, together with the regulations and restrictions imposed thereon in said District by said Zoning Division, and hereby declared to be in effect thereon; and the Zone Map established pursuant to said Division of the Ordinance Code is hereby amended accordingly.

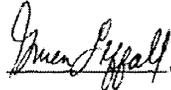
Section 2. This Ordinance, designated as Ordinance No. R-402-3693 shall take effect from and after thirty days after its passage.

ADOPTED by the Board of Supervisors of Fresno County, California, on March 28, 2000, by the vote, to-wit:

AYES: Supervisors Koligian, Levy, Arambula, Oken, Case
NOES: None
ABSENT: None


Chairman, Board of Supervisors
Fresno County, California

ATTEST:
Shari Greenwood
Clerk to the Board of Supervisors

By: , Deputy

#15882
Ord. #R-402-3693

EXHIBIT "A"

Ordinance No R-402-3693

Condition of Approval
Amendment Application No. 3693

Uses permitted as a matter of right shall be limited to the existing fruit dehydrating facility.

Bj.vgr
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Ord. #R-402-3693

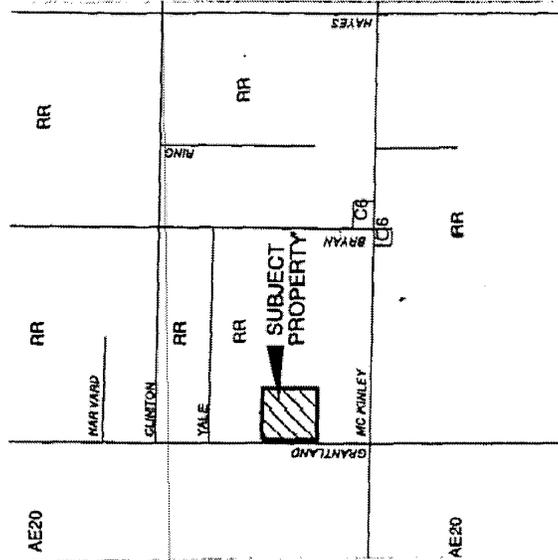


EXHIBIT 8

SECTION 820

"R-R" - RURAL RESIDENTIAL DISTRICT

The "R-R" District is intended to create or preserve rural or very large lot residential homesites where a limited range of agricultural activities may be conducted. The "R-R" District is intended to be applied to areas designated as Rural Residential by the General Plan. The minimum lot size that may be created within the "R-R" District without a special acreage designation shall be two (2) acres. The "R-R" District accompanied by the acreage designation of five (5) establishes that the minimum lot size that may be created within the District shall be five (5) acres.

(Added by Ord. 490.128 adopted 1-11-77; amended by Ord. 490.133 adopted 6-7-77)

SECTION 820.1 - USES PERMITTED

The following uses shall be permitted in the "R-R" District. All uses shall be subject to the property development standards in Section 820.5.

- A. One family dwelling units, not more than one (1) dwelling per lot.
- B. Accessory buildings including servant's quarters, accessory living quarters, garages and farm buildings.
- C. Agricultural crops, greenhouses, fruit trees, nut trees and vines.
- D. Bovine animals, horses, sheep, and goats where the lot area is thirty-six thousand (36,000) square feet or more and provided that the number thereof shall not exceed a number per each thirty-six thousand (36,000) square feet equal to four (4) adult animals in any combination of the foregoing animals and their immature offspring with not more than three (3) adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six (6) immature bovine or equine animals or combination thereof where no adult animals are kept per each thirty-six thousand (36,000) square feet. Where the lot is less than thirty-six (36,000) square feet in area, but twenty thousand (20,000) square feet or greater in area, horses may be maintained for personal use in a number not to exceed two (2) animals with their offspring less than one (1) year of age.
(Amended by Ord. 490.191 adopted 12-3-79)
- E. Dogs and cats as domestic pets only (limited to three (3) or fewer animals four (4) months of age or older).
(Amended by Ord. 490.133 adopted 6-7-77)
- F. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
(Amended by Ord. T-027-288 adopted 2-25-86)
- G. Mobilehome occupancy, not more than one (1) mobilehome per lot, subject to the provisions of Section 856.
- H. Signs subject to the provisions of Section 820.5-K.
- I. Storage of petroleum products for use by the occupants of the premises, but not for resale or distribution.
- J. Storage or parking of boats, trailers, recreational vehicles, or commercial vehicles, limited to

the private non-commercial use by the occupants of the premises.

- K. The keeping of rabbits and other similar small furbearing animals for domestic use on a lot containing not less than thirty-six thousand (36,000) square feet.
(Amended by Ord. T-038-306 adopted 5-22-90)
- L. 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. In no case shall the poultry facility be kept or maintained on a lot containing less than thirty-six thousand (36,000) square feet.
(Added by Ord. T-038-306 adopted 5-22-90)
- M. The sale of agricultural products produced upon the subject property.
- N. Day nursery - small.
- O. Plant nurseries limited to the sale of agricultural products produced on the property.

SECTION 820.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Apiaries subject to the provisions of Section 855-N.
- B. Home Occupations, Class II, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- C. Microwave relay structures.
- D. Day nursery - large.
(Amended by Ord. 490.188 adopted 10-29-79)
- E. Off-site directional signs for major recreational uses, hospitals and colleges, subject to the criteria set forth in Section 855-K.
- F. Personal kennels.
- G. Public, moderate intensity parks and playgrounds.
(Amended by Ord. 490.175 re-adopted 5-29-79)
- H. Public, private or parochial schools of an elementary or secondary level.
- I. Temporary tract homes and model homes in the tract being developed.
- J. The teaching of swimming lessons for four (4) or less children per day or five (5) or more children per day if for a period not to exceed two continuous weeks in any year.
- K. Water pump stations.
- L. Swine raising where the lot area is five (5) acres or greater, and provided that the number thereof shall not exceed four (4) weaned swine. The unweaned offspring of said weaned swine are permitted without limitation of number.
(Added by Ord. 490.133 adopted 6-7-77)

- M. Temporary mobilehome occupancy subject to the provisions of Section 856-A.1.b.
(Added by Ord. 490.163 adopted 11-14-78; amended by Ord. 490.194 adopted 1-28-80)
- N. Second dwelling units, subject to the provisions of Section 855-N.
(Added by Ord. T-269 adopted 5-24-83; amended by Ord. T-280 adopted 12-18-84)
- O. Yard setback reduction for energy conservation purposes on single lots, subject to the provisions of Section 855-N.
(Added by Ord. T-266 adopted 9-6-83)
- P. Observatory, provided that the maximum total square footage of all observatories on a lot shall not exceed three thousand (3,000) square feet.
(Added by Ord. T-084-362 adopted 1-11-11)

SECTION 820.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to a Conditional Use Permit as provided for in Section 873.

- A. Boarding, training, and breeding kennels.
- B. Churches.
- C. Commercial stables and riding academies.
- D. Country clubs, golf courses, swim clubs, tennis clubs, high intensity parks and fishing lakes.
(Amended by Ord. 490.175 re-adopted 5-29-79)
- E. Electric distribution stations.
- F. Day nursery - institutional.
(Amended by Ord. 490.188 adopted 10-29-79)
- G. Subdivision signs - off site, subject to conditions of Section 820.5-K.4.
- H. The teaching of swimming lessons for five (5) or more children per day, excluding swimming lessons for a period not to exceed two continuous weeks in any year when authorized by the Director Review and Approval procedure.
- I. Planned Residential Developments.
(Added by Ord. 490.197 adopted 3-31-80, amended by Ord. T-255 adopted 8-2-82 and Ord. T-268 adopted 12-21-82)
- J. Yard setback reduction or lot dimension modifications for energy conservation purposes on multiple lots, subject to the provisions of Section 855-N.
(Added by Ord. T-266 adopted 9-6-83)
- K. Rural Commercial Center Development subject to the provisions of Section 867.
(Added by Ord. T-034-297 adopted 9-20-88)
- L. Observatory, provided that the minimum square footage of all observatories on a lot shall exceed three thousand (3,000) square feet.
(Added by Ord. T-084-362 adopted 1-11-11)

SECTION 820.4 - USES EXPRESSLY PROHIBITED

The following uses are expressly prohibited in the "R-R" District.

- A. Advertising structures.
- B. Commercial uses, other than permitted by Section 820.1, 820.2, 820.3 and 867.
(Amended by Ord. T-034-297 adopted 9-20-88)
- C. Industrial uses.
- D. Multiple family residential uses, except as permitted by Section 820.2.