



Inter Office Memo

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

DATE: January 26, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12975 - INITIAL STUDY NO. 8312 and AMENDMENT
APPLICATION NO. 3851

APPLICANT: Steve Bains

OWNER: Owen Hunter

REQUEST: Rezone the subject 16.89-acre parcel from the AL-20
(Limited Agricultural, 20-acre minimum parcel size) Zone
District to an R-R (Rural Residential, two-acre minimum
parcel size) Zone District, to facilitate a future mapping
procedure to create five parcels from the subject parcel
that will each have a minimum parcel size of two acres.

LOCATION: The project site is located on the southeast corner of E.
Herndon Ave. and N. Highland Ave., approximately 0.8-
miles north of the City of Clovis (APN: 308-280-63) (9045
E. Herndon Ave.) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of January 26, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Arabian and seconded by Vice Chair Hill to recommend adoption of the Mitigated Negative Declaration prepared for the project; find that the proposed rezone is consistent with the County of Fresno General Plan, and recommend approval of Amendment Application No. 3851, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in Exhibit B.

RESOLUTION NO. 12975

This motion passed on the following vote:

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

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

By:



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

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Attachments

EXHIBIT A

Initial Study No. 8312
Amendment Application No. 3851

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 26, 2023 and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The parcel is part of the Northeast Rural Residential area and is currently undeveloped.
 - The proposed R-R Zone District is compatible zoning for lands designated Rural Residential.
 - The proposal is consistent with the General Plan's Vision Statement, Goals, and Policies.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No additional letters were presented to the Planning Commission in support of or in opposition to the application.

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**Mitigation Monitoring and Reporting Program
Initial Study No. 8312 & Amendment Application No. 3851
(Including Conditions of Approval and Project Notes)**

Mitigation Measure					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public roads.	Applicant	Applicant	On-going
2*.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours.	Applicant	Applicant	On-going

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	Development shall be in substantial accordance with the site plan as approved by the Planning Commission.
2.	An additional 10 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Herndon Avenue.
3.	A 25-foot X 25-foot corner cutoff shall be dedicated to the County of Fresno at the intersection of E Herndon Ave and N Highland Ave.
4.	Proposed parcel at the southeast corner of Herndon and Highland should relinquish direct access to Herndon Ave. Access to this parcel should be via Highland Avenue.
5.	Subject application shows a proposed access easement. Since the subject parcel is within a flood zone, the applicant must provide an engineered Grading and Drainage Plan to show how runoff is being handled and verify compliance with Fresno County's Ordinances.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	If approved, the subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.
2.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
3.	New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
4.	Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any proposals for new sewage disposal systems, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
7.	Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
8.	Herndon Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan.
9.	Highland Avenue currently has 50 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan.

Notes	
10.	Setbacks for new construction must be based on the ultimate road right-of-way for Herndon Ave and Highland Ave.
11.	Any work performed within the County Road right-of-way will require an encroachment permit.

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EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 8312
Amendment Application No. 3851

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

Amendment Application	\$ 6,214.00 ¹
Environmental Assessment	\$ 3,901.00 ²
Public Health Department Review	\$ 721.00 ³
Agricultural Commissioner Fee	\$ 42.00 ⁴
Total Fees Collected	<u>\$10,878.00</u>

1 Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.

2 Review proposal to provide appropriate California Environmental Quality Act (CEQA) Analysis and include documentation to prepare a Mitigate Negative Declaration.

3 Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.

4 Review of proposal and associated environmental documents by the Department Agriculture; comments.



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 January 26, 2023

SUBJECT: Amendment Application No. 3851 and Initial Study No. 8312

Rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an R-R (Rural Residential, two-acre minimum parcel size) Zone District, to facilitate a future mapping procedure to create five parcels from the subject parcel that will each have a minimum parcel size of two acres.

LOCATION: The project site is located on the southeast corner of E. Herndon Ave. and N. Highland Ave., approximately 0.8-miles north of the City of Clovis (APN: 308-280-63) (9045 E. Herndon Ave.) (Sup. Dist. 5).

Owner: Owen Hunter

Applicant: Steve Bains

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8312; and
- Recommend that the Board of Supervisors determine that the proposed R-R (Rural Residential, two-acre minimum parcel size) Zone District is Limited Agriculture to Rural Residential is consistent with the General Plan's Vision Statement, Goals, and Policies, and approve Amendment Application No. 3851; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval, and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed Under Current AL- 20 Zoning
6. Uses Allowed Under Proposed Rural Residential Zoning
7. Site Plan
8. Summary of Initial Study Application No. 8312
9. Proposed Mitigated Negative Declaration Prepared for Initial Study No. 8312
10. Letters of Support

Site Development and Operational Information		
Criteria	Existing	Proposed
General Plan Designation	Rural Residential (Northeast Rural Residential Area)	No Change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	Rezone a 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District
Parcel Size	16.89 acres	Parcel No. 1: 4.0 acres Parcel No. 2: 3.7 acres Parcel No. 3 4.0 acres Parcel No. 4: 2.5 acres Parcel No. 5: 2.5 acres
Project Site	Single Family Residence (SFR)	Parcel No. 1: 4.0 acres, vacant Parcel No. 2: 3.7 acres, vacant Parcel No. 3 4.0 acre, SFR

Site Development and Operational Information		
Criteria	Existing	Proposed
		Parcel No. 4: 2.5 acres, vacant Parcel No. 5: 2.5 acres, vacant
Structural Improvements	Existing shed and well	60-foot ingress and egress easement for access purposes
Nearest Residence	Approximately 55 feet to the east	Approximately 55-feet east of the eastern property line of proposed Parcel No. 4
Surrounding Development	Various agricultural, commercial, and residential land uses	No change
Operational Features	N/A	N/A
Lighting	None	None proposed
Hours of Operation	N/A	N/A

Setback, Separation and Parking			
	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AL-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	R-R: Front: 35 feet Side: 20 feet Rear: 20 feet	N/A (no existing structural improvements; no structural improvements proposed)
Parking	AL-20 Zone District: <u>Residential/By-Right Use:</u> No requirements <u>Discretionary Use:</u> Dependent on use	R-R Zone District: <u>Residential/By-Right Use:</u> One space per dwelling unit <u>Discretionary Use:</u> Dependent on use	N/A (no existing structural improvements; no structural improvements proposed)
Lot Coverage	AL-20 Zone District: No requirement	R-R Zone District: No requirement	N/A

Setback, Separation and Parking			
	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Separation between Buildings	AL-20 Zone District: Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	R-R Zone District: Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	Yes
Wall Requirements	AL-20 Zone District: No requirements	R-R Zone District: No requirements	N/A
Septic Replacement Area	AL-20 Zone District: 100 percent	R-R Zone District: 100 percent	Yes
Water Well Separation	AL-20 Zone District: Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	R-R Zone District: Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	Yes

Circulation and Traffic			
		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	<p>Herndon Avenue is a County maintained road classified as an arterial road with an existing 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan. Total pavement width is 32 feet with paved shoulders, ADT is 5300 VPD, and PCI is 54. Roadway is in fair condition.</p> <p>Highland Avenue is a County maintained road classified as a local road with an existing 50 feet of road right-of-way (20 feet east of section) and an ultimate right-of-way of 60 feet per the Fresno County General Plan. Total</p>	N/A

Circulation and Traffic			
		Existing Conditions	Proposed Operation
		pavement width is 19.7 feet with dirt shoulders, ADT is 300 VPD, and PCI is 46.7. Roadway is in poor condition.	
Traffic Impact Study (TIS) Prepared	No	None was required, as Staff determined that a TIS was not warranted.	N/A
Road Improvements Required		<p>Herndon Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan.</p> <p>Highland Avenue currently has 50 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan.</p>	<p>Herndon Avenue :</p> <p>An additional 23 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Herndon Avenue.</p> <p>Highland Avenue:</p> <p>An additional 10 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Highland Avenue</p>

Surrounding Parcels				
	Size (acres):	Use:	Zoning:	Nearest Residence (feet):
North:	2.23 2.46 4.75 3.49	Single family residence (SFR) SFR SFR SFR	AE-20 (et. al)	365 75 40 208
West:	2.16 4.78	SFR SFR	AE-20 AE-20	110 110
South:	2.51 5.17 2.28 8.34	SFR SFR SFR SFR	AE-20 RR-5 RR AE-20	65 189 384 465
East:	155	Agricultural	AE-20	N/A

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the proposal by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: December 23, 2022.

PUBLIC NOTICE:

Notices were sent to 72 property owners within 1,320 feet of the subject parcel, consistent with Standard Policy established by the Board of Supervisor's which exceeds the minimum requirements of the California Government Code.

PROCEDURAL CONSIDERATIONS:

A Rezoning (Amendment Application) is a legislative act requiring a final decision by the Board of Supervisors. A decision by the Planning Commission recommending the Amendment Application is an advisory action and requires an affirmative vote of the majority of the Commission's total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. Where the Commissioners voting is for denial, the Commission's decision is final unless appealed to the Board within fifteen (15) days after its decision.

BACKGROUND INFORMATION:

County Records indicate that prior to March 8th, 1977 the subject parcel and other parcels in the area were zoned A-1 (Agricultural District; 100,000 square feet minimum parcel size required). Amendment Application (AA) No. 3716 approved on June 24, 1980 (Ord. No. 490-A-1615) rezoned the parcels from the A-1 District to R-R and subsequently to AL-20 (Limited Agricultural, 20-acre minimum parcel size) District. The current zoning on the parcel is AL-20. The parcel is part of the Northeast Rural Residential area (R-R, 2-acre minimum parcel size) zone district. The parcel is currently undeveloped.

This proposal would rezone the subject property from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District to facilitate a future Parcel Map that could subdivide the existing 17.89-acre property into five parcels.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency / Considerations:
General Plan Policy LU-E.10: <i>New subdivisions within areas designated Rural Residential shall utilize individual on-site sewer and water systems and shall be reviewed by the County Geologist and the County Health Officer to determine minimum lot size. Community systems and</i>	According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, the subject property is located in a designated water-short area; however, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates dated

Relevant Policies:	Consistency / Considerations:
<p><i>lots less than two (2) acres may be permitted with a Planned Residential Development, where consistent with the Sierra-North and Sierra-South Regional Plans, or where needed to protect existing rural residential developments from land use conflicts.</i></p>	<p>August 2022 demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.</p> <p>According to the Environmental Health Division of the Fresno County Department of Public Health, the subject property is located in an area that requires engineered septic systems for on-site wastewater disposal. As such, future development shall require submittal of engineered sewage disposal system design proposals to the Fresno County Department of Public Health, Environmental Health Division for review and approval.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-E.11: <i>Subdividers of Rural Residential lots shall provide an effective means for the utilization of surface water entitlements in the area such as: a) Deliver surface water to each parcel; b) Develop a single recharge basin for the development; or c) Participate with a public agency to recharge available supplies for the development.</i></p>	<p>According to the Development Engineering Section of the Department of Public Works and Planning, any additional runoff generated by development cannot be drained across property lines and must be retained on site per County standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-E.17: <i>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.</i></p>	<p>An arial survey of the adjacent properties indicate over 80% of the available lands are developed.</p>
<p>General Plan Policy PF-C.12: <i>County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated.</i></p>	<p>The Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates dated August 2022 demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.</p>

Relevant Policies:	Consistency / Considerations:
<p>General Plan Policy PF-C.17: <i>County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</i></p>	<p>According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, the subject property is located in a designated water-short area; however, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates dated August 2022 demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.</p> <p>Staff believes the proposal is consistent with this Policy.</p>
<p>General Plan Policy TR-A.7: <i>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.</i></p>	<p>As the existing 16.89-acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel by right, the five-parcel Parcel Map associated with this proposal may allow the establishment of four dwelling units (up to ten via DRA permitting) and accessory structures thereto. This proposal was reviewed by the Design Division of the Fresno County Department of Public Works and Planning, which expressed no concern at this point of development, however future projects may require additional analysis regarding the carrying capacities of the adjacent roadways.</p> <p>Staff believes the proposal is consistent with this Policy.</p>

Amendment Application No. 3851:

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject property is currently designated Limited Agriculture in the County General Plan with an underlying land use designation of Rural Residential. The Zoning Compatibility Matrix for the General Plan indicates that the proposed R-R Zone District is a compatible zoning for lands designated Rural Residential.

The Initial Study (IS) prepared for this proposal identified potential impacts related to aesthetics, cultural resources, geology and soils, and utilities and service systems for which Mitigation Measures are recommended and are included in Exhibit 1 of this Staff Report.

With regard to Policy LU-E.10, the subject property is located in a designated water-short area. According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates dated August 2022 demonstrates adequate and

sustainable water supply for the requested rezone and potential subdivision. Additionally, according to the Environmental Health Division of the Fresno County Department of Public Health, the subject property is located in an area that requires engineered septic systems for on-site wastewater disposal. As such, future development shall require submittal of engineered sewage disposal system design proposals to the Fresno County Department of Public Health, Environmental Health Division for review and approval. This requirement has been included as a Mitigation Measure to reduce potential impacts to soils to a less than significant level.

With regard to Policy LU-E.11, any additional runoff generated by development cannot be drained across property lines and must be retained on-site per County standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development. This requirement has been included as a Project Note.

With regard to Policy Plan Policy LU-E.17: An arial survey of the adjacent properties indicate over 80% of the available land are developed thus exceeding the sixty (60) percent requirement concerning developed available lots.

With regard to Policies PF-C.12 and PF-C.17, the subject property is located in a designated water-short area; however, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates dated August 2022 demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.

With regard to Policies TR-A.7, as the existing 16.89-acre property currently has one home currently structural improvements. The R-R Zone District restricts population density to a single dwelling unit per parcel by right, the Parcel Map associated with this proposal may allow the establishment of four dwelling units and accessory structures thereto by right, and up to four additional through DRA processing. 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 at this point of the development and did not require a Traffic Impact Study at this time (TIS).

In summary, if the amendment application is approved, the subject 17.89-acre parcel would be designated Rural Residential. The Policies of the General Plan indicate that the proposed R-R Zone District is a compatible zone for lands designated Rural Residential. The project is consistent with the Northeast Rural Residential Community Plan Designation under County of Fresno Planning Policies.

Recommended Conditions of Approval:

See Mitigation Measures, Recommended Conditions of Approval and Project Notes attached as Exhibit 1.

Reviewing Agencies/Department Comments:

No comments were expressed by reviewing Agencies or Departments.

PUBLIC COMMENT:

Five letters of support from the adjacent property owners were received (Exhibit 8)

CONCLUSION:

Staff believes the proposed R-R (Rural Residential, two-acre minimum parcel size) zoning will be consistent with the Rural Residential General Plan designation and recommends approval of Amendment Application No. 3851, subject to the Mitigation Measures, Conditions of Approval and Project Notes identified in the Staff Report.

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

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared based on Initial Study No. 8312; and
- Recommend that the Board of Supervisors determine that the proposed R-R (Rural Residential, two-acre minimum parcel size) Zone District is Limited Agriculture to Rural Residential is consistent with the General Plan's Vision Statement, Goals, and Policies, and approve Amendment Application No. 3851; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial action)

- Move to determine that the proposed Amendment Application is not appropriate (state reasons); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

ER:jp

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Mitigation Monitoring and Reporting Program
Initial Study No. 8312 & Amendment Application No. 3851
(Including Conditions of Approval and Project Notes)

Mitigation Measure

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public roads.	Applicant	Applicant	On-going
2*.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours.	Applicant	Applicant	On-going

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval

1.	Development shall be in substantial accordance with the site plan as approved by the Planning Commission.
2.	An additional 10 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Herndon Avenue.
3.	A 25-foot X 25-foot corner cutoff shall be dedicated to the County of Fresno at the intersection of E Herndon Ave and N Highland Ave.
4.	Proposed parcel at the southeast corner of Herndon and Highland should relinquish direct access to Herndon Ave. Access to this parcel should be via Highland Avenue.
5.	Subject application shows a proposed access easement. Since the subject parcel is within a flood zone, the applicant must provide an engineered Grading and Drainage Plan to show how runoff is being handled and verify compliance with Fresno County's Ordinances.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

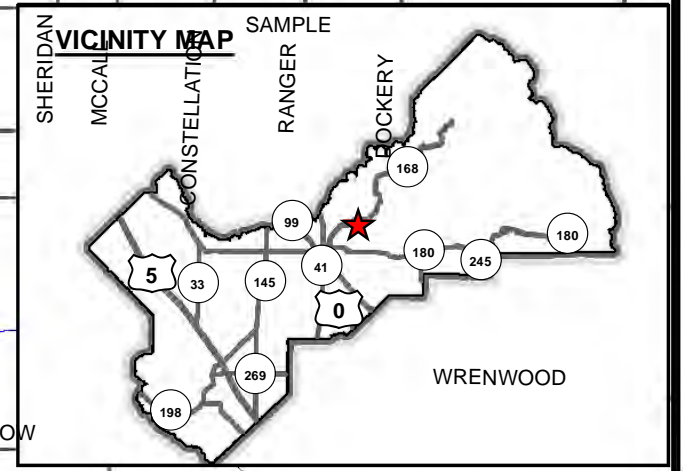
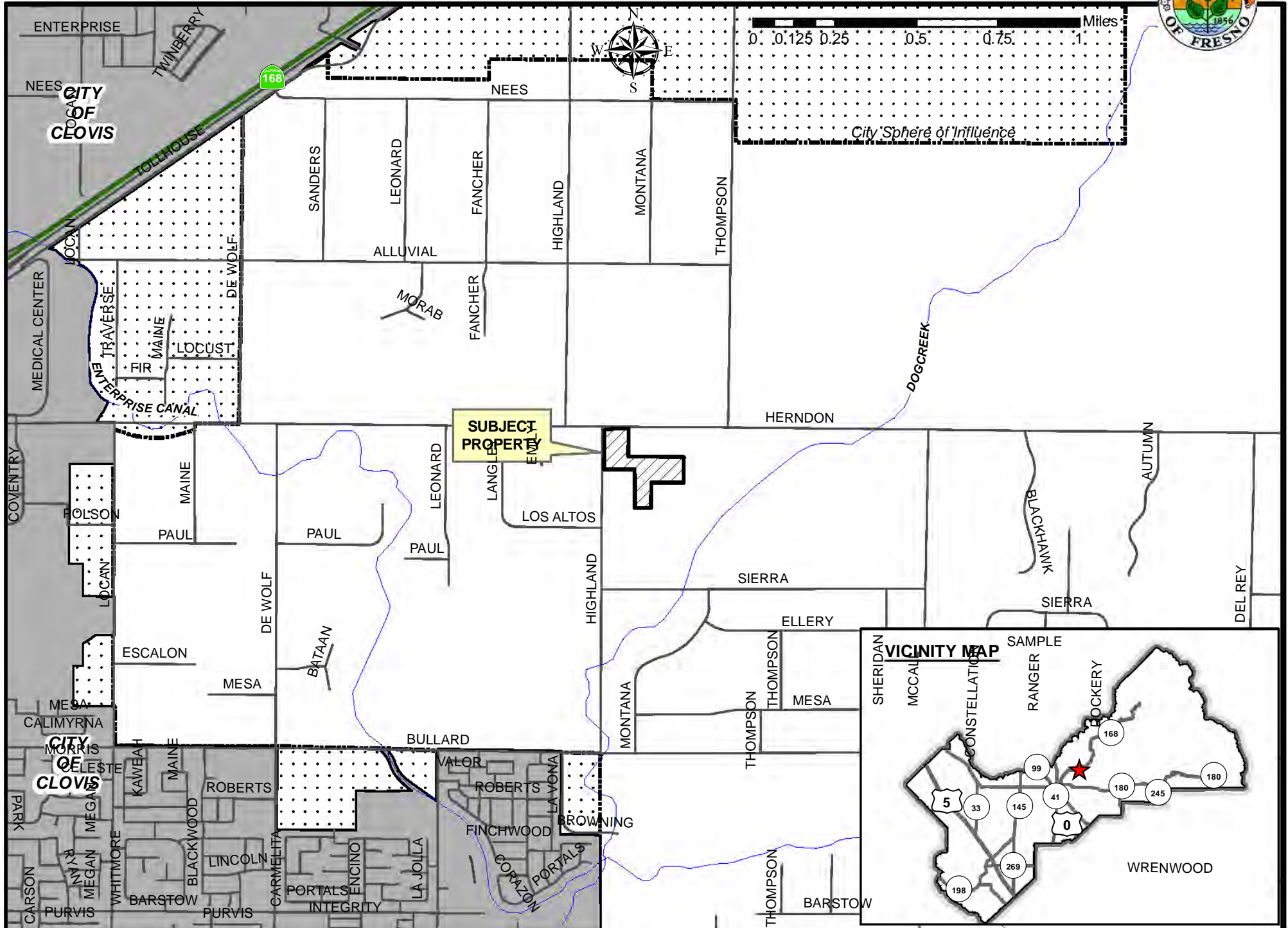
1.	If approved, the subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.
2.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
3.	New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
4.	Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any proposals for new sewage disposal systems, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
7.	Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
8.	Herndon Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan.
9.	Highland Avenue currently has 50 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan.

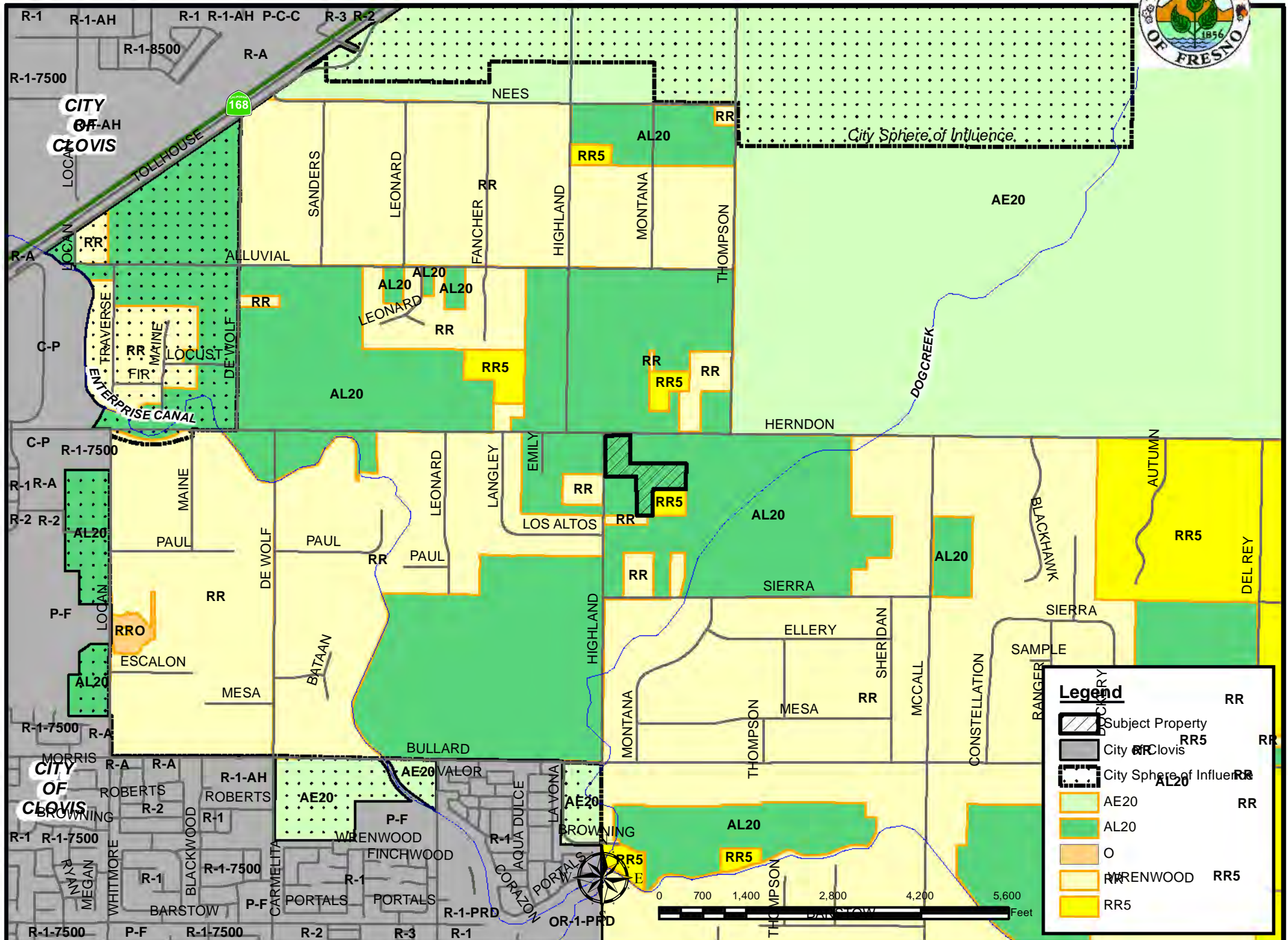
Notes	
10.	Setbacks for new construction must be based on the ultimate road right-of-way for Herndon Ave and Highland Ave.
11.	Any work performed within the County Road right-of-way will require an encroachment permit.

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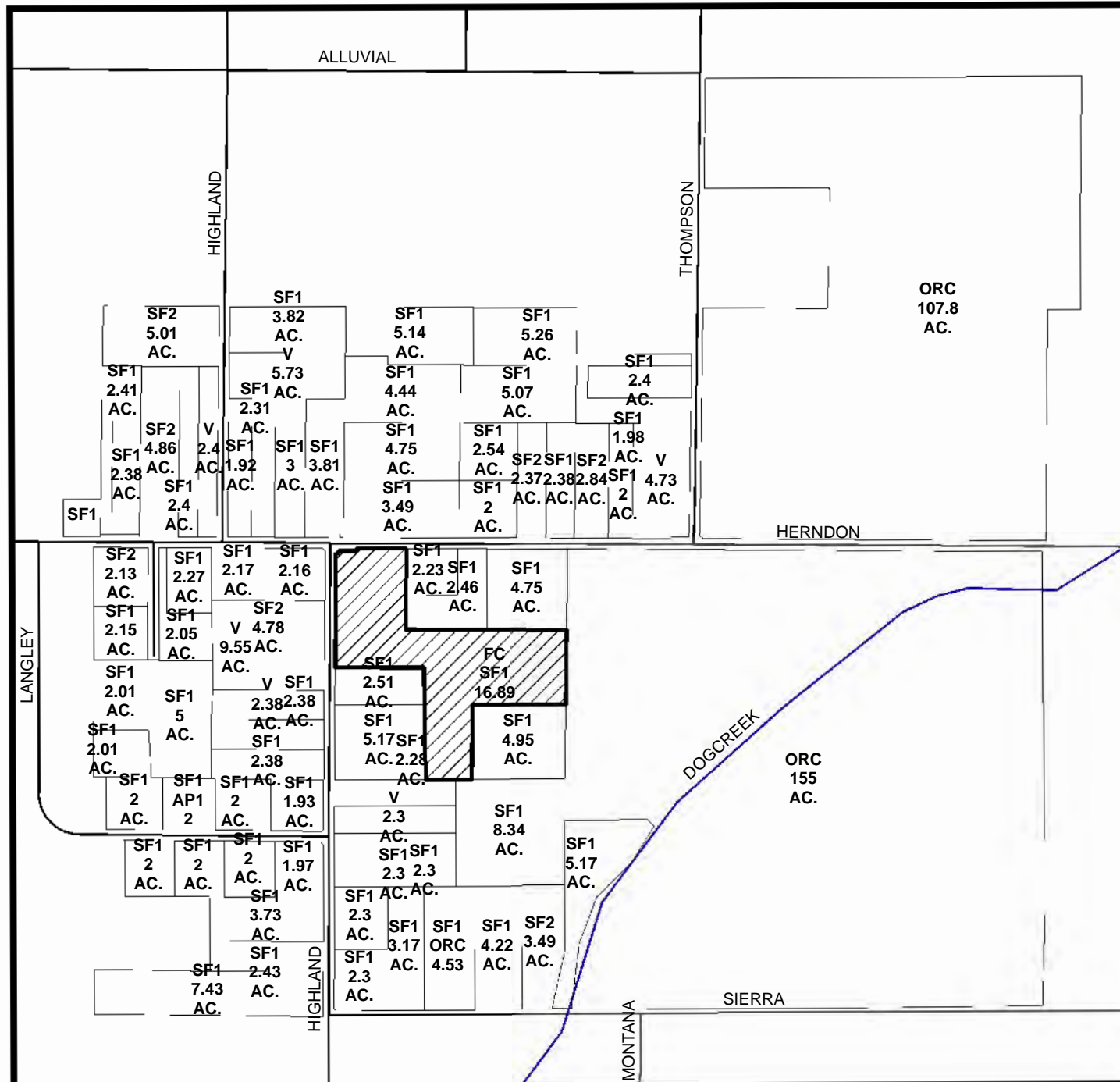
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LOCATION MAP





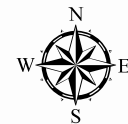
EXISTING LAND USE MAP



LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	
AP1 - APARTMENT	

LEGEND:

 Subject Property



0 215 430 860 1,290 1,720 Feet

Department of Public Works and Planning
Development Services Division

SECTION 817

"AL" - LIMITED AGRICULTURAL DISTRICT

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

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

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

SECTION 817.1 - USES PERMITTED

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

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

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.
(Amended by Ord. 490.174 re-adopted 5-8-79)
- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.
(Amended by Ord. T-038-306 adopted 5-22-90)
- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.
(Added by Ord. T-038-306 adopted 5-22-90).
- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.
(Added by Ordinance 490.174 re-adopted 5-8-79)
- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- F. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.

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

SECTION 817.2 - 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. Churches, parsonages, and other religious institutions.
- B. Commercial stables or riding academies.
- C. Communications equipment buildings, microwave relay structures.
- D. Electrical transmission substations and electric distribution substation.

- E. Philanthropic and eleemosynary institutions where agriculture is carried on to a substantial degree.
- F. Public schools, private or parochial schools of an elementary or secondary level and colleges.
(Amended by Ord. 490.188 adopted 10-29-79; Ord. T-052-286 adopted 3-8-94)
- G. Day Nursery - large.
(Added by Ord. T-052-286 adopted 3-8-94)
- H. Public buildings and yards, fire stations.
- I. Sale of food products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises.
- J. Veterinarian offices and animal hospitals.
(Amended by Ord. 490.195 adopted 2-26-80)
- K. Home Occupations, Class II, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- L. Off-site directional signs for major recreational uses, hospitals, and colleges subject to the criteria set forth in Section 855-K.
- M. Temporary Mobile home 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. Temporary stands for the sale of agricultural produce subject to obtaining an occupancy permit, as provided for in Section 863-B.
(Added by Ord. T-256 adopted 7-20-81)
- O. Breeding and personal kennels.
- P. 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)
- Q. Racetrack for non-motorized vehicles, where there are no permanent facilities.
(Added by Ord. T-052-286 adopted 3-8-94)
- R. Commercial fish farms.
(Added by Ord. T-052-286 adopted 3-8-94)
- S. Agricultural tourism uses and facilities that are not authorized under Section 816.S.
(Added by Ord. T-078-353, adopted 12-7-04)

SECTION 817.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

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

- A. The maintenance and storage of agricultural equipment designed to be used solely for the harvesting of crops, which equipment must be located by the owner thereof upon his own premises when not operated as a secondary occupation in conjunction with, or as part of, a bona fide agricultural operation.
- B. Guest ranches.

- C. Mushroom growing.
- D. Private airports, heliports, and crop dusting strips.
- E. Sewage disposal and treatment plants.
- F. Boarding and training kennels.
- G. Horticultural and landscaping services in conjunction with horticultural nurseries, when carried on as a primary use of the property.
- H. Liquefied petroleum gas distribution and storage, retail.
(Amended by Ord. 490.179 adopted 6-26-79)
- I. When carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten (10) percent of the total land is used and where no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises, any of the following uses:
 - 1. The manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kinds.
 - 2. The manufacture, storage, or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals and insecticides.
 - 3. The transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair, and servicing of the necessary trucks and equipment therefore.
 - 4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries.
- J. Racetracks for remote control electric cars except within the boundaries of the Kings River Regional Plan.
(Added by Ord T-045-315 adopted 10-27-92)
- K. Racetrack for non-motorized vehicles, where there are permanent facilities.
(Added by Ord. T-052-286 adopted 3-8-94)
- L. Personal/RV Storage, subject to the following provisions: a) property must be within one-half mile of the adopted Sphere of Influence of the City of Clovis; b) property must abut a major street; c) setback requirements shall be the same as Storage Yards as defined in the M-1 Zone District (Section 843.5.E); d) setback shall include a twenty-foot minimum landscaped front yard; e) recreational vehicle parking shall be allowed on two-inch minimum thick gravel surface; and f) open or enclosed carports shall be permitted.
(Added by Ord. T-089-370 adopted 9-30-14)

SECTION 817.4 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited in the "AL" District. However, enumerating of these prohibited uses shall not by implication enlarge upon the scope of permitted uses specified in Sections 817.1, 817.2, and 817.3, above, their enumeration herein being for purposes of clarity only.

- A. All manufacturing, service, and commercial uses not specifically permitted in Sections 817.1, 817.2, 817.3, and 860.
- B. Advertising structures.
- C. Art, craft, music, or dancing schools or business, professional or trade schools or colleges.
- D. Columbaria, crematoriums, and mausoleums.
- E. Private clubs and lodges except for the purposes of hunting.
- F. Residential subdivisions.
- G. Sawmills, pulp mills, and similar establishments for the processing of logs, wood and lumber.
- H. Truck yards, terminals, or facilities unless devoted exclusively to the transportation of agricultural products, supplies, and equipment.

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.
- P. Wholesale Limited Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

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)
- Q. Motorcycle safety and training school subject to the provisions of Section 855-N.24 and Section 872. (Added by Ord. T _____ adopted 9-17-13)
- R. Micro Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

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)
- M. Minor Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

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.

SECTION 820.5 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 shall apply to all land and structures in the "R-R" District.

A. LOT AREA

Each lot without a special acreage designation shall have a minimum net area of two (2) acres, exclusive of all road and canal rights-of-way, recreation easements, permanent water bodies and public or quasi-public common use areas. Each lot with an acreage designation of five (5) shall have a minimum gross area of five (5) acres. A nonconforming lot of record under separate ownership at the time it became nonconforming may be used for or occupied by any use as permitted in this District.

(Amended by Ord. 490.197 adopted 3-31-80 and Ord. T-011-265 adopted 11-16-82)

B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards and lots now existing may not be reduced below these standards. Each dimension is minimum only. One or both shall be increased to attain the minimum lot area required. The ratio of lot depth to lot width shall not exceed four to one.

1. Width

- a. All lots, except curve and cul-de-sac lots, shall have a minimum width of one hundred sixty-five (165) feet. Within the Sierra-North and Sierra-South Regional Plan areas, each lot shall have a minimum gross area of five (5) acres unless a public road is provided. West of the Friant-Kern Canal public road frontage shall not be required

for lots twenty (20) acres or larger.

(Amended by Ord. T-011-265 adopted 11-16-82; Ord. T-025-281 adopted 6-25-85)

- b. Curve lots and cul-de-sac lots shall have a minimum street frontage width of ninety (90) feet.
(Added by Ord. 490.197 adopted 3-31-80)

- 2. All lots shall have a minimum depth of one hundred seventy (170) feet.

C. POPULATION DENSITY

Not more than one single family dwelling unit or one mobilehome shall be permitted on any lot in the "R-R" District, except that one of the following may be permitted:

- 1. A temporary mobilehome subject to the provisions of Section 820.2.
- 2. A second dwelling unit subject to the provisions of Section 820.2.
(Amended by Ord. 490.163 adopted 11-14-78; Ord. 490.169 re-adopted 4-24-79; Ord. T-269 adopted 5-24-83)
- 3. Residential uses subject to the provisions of Section 867-A.2.
(Added by Ord. T-034-297 adopted 9-20-88)

D. BUILDING HEIGHT

No building or structure erected in this District shall exceed thirty-five (35) feet in height, with the following exceptions:

(Amended by Ord. T-080-355, adopted 12-5-06)

a. Roof Structures

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, roof signs, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures, when approved by the Commission, may be erected above the height limits herein prescribed, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances, but no roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

E. YARDS

1. General Yard Requirements

- a. All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided by Section 820.5.E.3, 4 and 5 below.
- b. Aggregate area for accessory buildings permitted in required yards on any one lot shall not exceed five hundred (500) square feet except that additional area may be approved subject to the Director Review and Approval Procedures of Section 872.
(Added by Ord. 490.169 re-adopted 4-24-79)
- c. No main building shall be erected within fifty (50) feet of the right-of-way of any railroad or freeway.

d. Swimming pools.

- (1) Swimming pools shall not be located in any required front yard or side yard and its projection to the rear property line when abutting a street.
- (2) Swimming pools shall not be located within five (5) feet of any required front yard setback or within five (5) feet of any required side yard setback and its projection to the rear property line when abutting a street.
- (3) Swimming pools may be located in any required interior side yard and rear yard, provided a space of not less than five (5) feet is maintained from the side and rear property lines.

2. Front Yard

Each lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot.

3. Side Yard

- a. Each lot shall have a side yard on each side of not less than twenty (20) feet except for special conditions treated below.

b. Corner lots.

On corner lots, unless otherwise specified in this Division, the side yard abutting the street shall be not less than twenty-five (25) feet in width.
(Amended by Ord. 490.169 re-adopted 4-24-79)

c. Accessory buildings in side yards.

- (1) Any accessory building located less than one hundred (100) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
- (2) An accessory building may be located on a side property line when said building is located one hundred (100) feet or more from the front property line, except that no structure shall be permitted in a required yard which abuts a street.
- (3) Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject lot.

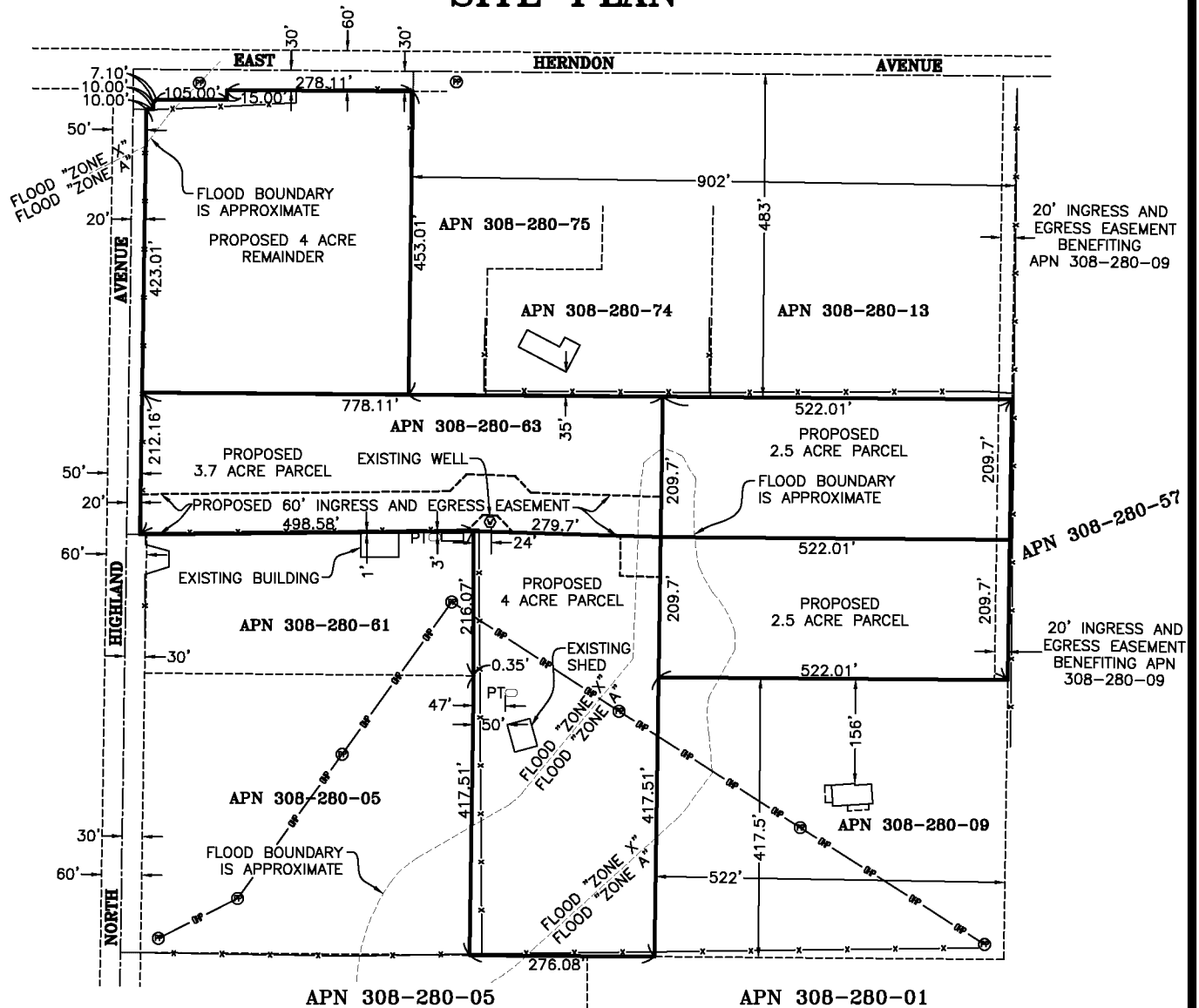
4. Rear Yards

- a. Each lot shall have a rear yard of not less than twenty (20) feet.

b. Accessory Buildings.

- (1) An accessory building may be located on the rear property line when said building is not located within an easement, except that no structures shall be permitted in that portion of the rear yard, which is an extension of a required street yard, and setbacks for accessory structures on reverse corner lots shall

SITE PLAN



LEGEND

- PT PROPANE TANK
- ⊙ POWER POLE
- ⊙ GUY WIRE
- INDICATES PROPOSED PARCEL BOUNDARY
- - - INDICATES PROPOSED EASEMENT
- — — OVERHEAD POWER LINE
- x - x - EXISTING FENCE

SITE DATA

APN: 308-280-63
 GROSS AREA: ±17.120 ACRES
 NET AREA: ±16.829 ACRES
 USE: VACANT
 OWNER: OWEN HUNTER, GURSAVIK BAINS, SARBJIT DEOL & JANICE HUNTER
 ADDRESS: 9045 EAST HERNDON AVENUE, CLOVIS, CA 93611
 ZONING: AL-20 - LIMITED AGRICULTURAL



DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
 CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

22-005
 Owen Hunter



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVE E WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Steve Bains

APPLICATION NOS.: Initial Study Application No. 8312 and Amendment Application No. 3851

DESCRIPTION: Rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.

LOCATION: The subject parcel is located on the southeast corner of E. Herndon Ave. and N. Highland Ave., approximately 0.8-miles north of the city limits of the City of Clovis. (APN: 308-280-63) (9045 E Herndon Ave.) (Sup. Dist.: 5).

I. ALSTHETICS

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.

The population density standards of the AL-20 Zone District allow one dwelling unit to be established per 20 acres whereas the R-R Zone District restricts population density to a single dwelling unit per parcel, regardless of parcel size. As the existing 16.89 - acre property is devoid of structural improvements, the five -parcel Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto, whereas the AL-20 Zone District would not allow

subdivision of the existing 16.89 -acre property on which one dwelling unit could currently be established by right.

The subject property is in an area of mixed agricultural and residential land uses. Surrounding the subject property are AE-20 and R-R zoned parcels.

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 the 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.

- 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 WITH MITIGATION INCORPORATED:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto. Such uses may utilize outdoor lighting which has the potential to generate new sources of light and glare in the area. As such, any future outdoor lighting shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.*

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 Grazing Land on the Fresno County Important Farmland Map (2010).

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the five -parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

Considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on agricultural resources. Further, this proposal was reviewed by the Fresno County Department of Agriculture, which did not express any concerns related to the requested rezone or potential subdivision.

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:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

Considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on air quality. Further, this proposal was reviewed by the San Joaquin Valley Unified

Air Pollution Control District (Air District), which did not express any concerns related to the requested rezone or potential subdivision.

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:

This proposal was referred to the U.S. Fish and Wildlife Service (USFWS) for review, which did not identify any concerns related to the requested rezone. This proposal was also referred to the California Department of Fish and Wildlife (CDFW) for review, which also did not identify any concerns. 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. 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject property is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources. However, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the proposal. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.

This proposal was referred to the NAHC for review, which conducted a Sacred Lands file search that did not identify any Native American cultural resources in the area of the proposal. Further, this proposal was also referred to the following Native American Tribal Governments for review in accordance with State Law requiring tribal consultation for General Plan Amendments:

- *Big Sandy Rancheria of Mono Indians*
- *Cold Springs Rancheria of Mono Indians*
- *Santa Rosa Rancheria*
- *Dumna Wo-Wah Tribal Government*
- *Traditional Choinumni Tribe*

It is noted that no concerns related to the requested rezone were identified by the Native American Tribal Governments listed above.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing*

activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours.

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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT:

This proposal is located in an area designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Any future construction will be subject to the Seismic Design Category C Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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 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:

The subject property 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:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

According to the Fresno County Department of Public Health, Environmental Health Division, the subject parcel is located in an area that requires engineered septic systems for on-site wastewater disposal. As such, prior to the issuance of Building Permits, the developer shall submit an engineered sewage disposal system design proposal to the Fresno County Department of Public Health, Environmental Health Division for review and approval. This requirement will be included as a Mitigation Measure to reduce potential impacts to soils to a less than significant level.

- 1. Prior to the issuance of Building Permits, the developer shall submit an engineered sewage disposal system design proposal to the Fresno County Department of Public Health, Environmental Health Division for review and approval.*

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:

Considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on greenhouse gas emissions. Further, this proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District), which did not express any concerns 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 WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

- 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:

The subject property is located in a designated water short area. According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, no existing drainage patterns nor alterations of streams nor rivers shall result in flooding on or offsite.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils

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

FINDING: NO IMPACT:

No additional water quality impacts were identified in the project analysis.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1585H and 1605H, portions of the area of the subject property are found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.

- 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:

The subject property is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This rezone proposal will not physically divide a community. The subject property is located approximately 0.80-miles south of the nearest city limits of the City of Clovis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Policy Planning Section of the Fresno County Department of Public Works and Planning has determined the following General Plan Policies to be pertinent to the subject proposal: Policy LU-E.10 requires new subdivisions within areas designated Rural Residential to utilize individual on-site sewer and water systems, and to be reviewed by the County Geologist and the County Health Officer to determine minimum lot size. Community systems and lots less than two (2) acres may be permitted with a Planned Residential Development, where consistent with the Sierra-North and Sierra-South Regional Plans, or where needed to protect existing Rural Residential developments from land use conflicts. Policy LU-E.11 requires subdividers of Rural Residential lots to provide an effective means for the utilization of surface water entitlements in the area such as: a) Deliver surface water to each parcel; b) Develop a single recharge basin for the development; or c) Participate with a public agency to recharge available supplies for the development. Policy LU-E.16 states that the 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. Policy LU-E.17 requires the County to 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. Policy PF-C.12 states that the County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated. Policy PF-C.17 requires that the County undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. Policy TR-A.7 requires the County to assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system. Policy TR-A.8 requires the County to ensure that land development that affects roadway use or operation, or requires roadway access, to plan, dedicate, and construct required improvements consistent with the criteria in the Circulation Diagram and Standards section of the General Plan.

With regard to Policy LU-E.10, the subject property is located in a designated water short area. According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision. Additionally, according to the Environmental Health Division of the Fresno County Department of Public Health, the subject property is located in an area that requires engineered septic systems for on-site wastewater disposal. As such, future development shall require submittal of engineered sewage disposal system design proposals to the Fresno County Department of Public Health, Environmental Health Division for review and approval. This requirement will be included as a Mitigation Measure to reduce potential impacts to soils to a less than significant level.

With regard to Policy LU-E.11, any additional runoff generated by development cannot be drained across property lines, and must be retained on-site per County standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development. This requirement will be included as a Project Note.

With regard to Policies LU-E.16 and LU-E.17, the General Plan restricts re-designation of additional areas to Rural Residential because there is a large volume of undeveloped parcels currently designated as Rural Residential land. Further, Rural Residential parcels are generally considered an inefficient use of land for residential use, and there are concerns with potential adverse environmental impacts associated with concentration of individual septic and well systems utilized by rural residential developments. Although the proposal to re-designate the subject property to Rural Residential is not necessarily consistent with the Fresno County General Plan, staff does not consider this conflict to be at a level of significance to warrant preparation of an Environmental Impact Report (EIR).

With regard to Policies PF-C.12 and PF-C.17, the subject property is located in a designated water short area; however, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.

With regard to Policies TR-A.7 and TR-A.8, as the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto. 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).

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

FINDING: NO IMPACT:

This proposal will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. No such impacts 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.

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:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

This proposal may ultimately generate some noise associated with residential uses; however, considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on noise. Further, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which did not express any concerns related to 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 subject property is not located in the vicinity of an airport and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- 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: LESS THAN SIGNIFICANT IMPACT:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto. As such, this proposal has the potential to increase housing in the area to low density residential development standards with the potential for two-acre parcels. Staff believes this to be a less than significant increase and will not result in substantial population growth.

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: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District, which did not identify any concerns related to the requested rezone or potential subdivision. Further, any future development associated with this proposal shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a Project Note.

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 requested rezone or potential subdivision.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the analysis of the proposal.

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: NO IMPACT:

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

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 rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

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).

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the project will not increase traffic hazards due to design features nor result in inadequate emergency access.

- 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 WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

- 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 in Section VI.B Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

- 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 WITH MITIGATION INCORPORATED:

Future development projects may impact cultural resources. The included Mitigation Measure in Section V (Cultural Resources) will minimize such impacts to less than significant.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the analysis of the proposal.

- 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 General Plan Amendment Application No. 540 and Amendment Application No. 3851, staff has concluded that the proposal 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 recreation.

Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, and transportation and traffic have been determined to be less than significant. Potential impacts relating to Aesthetics, cultural resources, geology and soils, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.

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

ER:

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8312		LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	
Responsible Agency (Name): Fresno County		County Clerk File No: E-	
Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor		City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Elliot Racusin Planner		Area Code: 559	Telephone Number: 600-4245
Applicant (Name): Steve Bains		Extension: N/A	
Project Description:		Project Title: Amendment Application No. 3851	
<p>Rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.</p> <p>Justification for Negative Declaration:</p> <p>Initial Study Application No. 8312 indicates that the proposal 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 recreation.</p> <p>Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, and transportation and traffic have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, geology and soils, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.</p> <p>The Initial Study is available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.</p>			
<p>FINDING:</p> <p>The proposal will not have a significant impact on the environment with the incorporated Mitigation Measures.</p>			
Newspaper and Date of Publication: Fresno Business Journal – December 23, 2022		Review Date Deadline: Planning Commission – January 26, 2023	
Date: December 23, 2023	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Elliot Racusin Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

Hello Neighbors

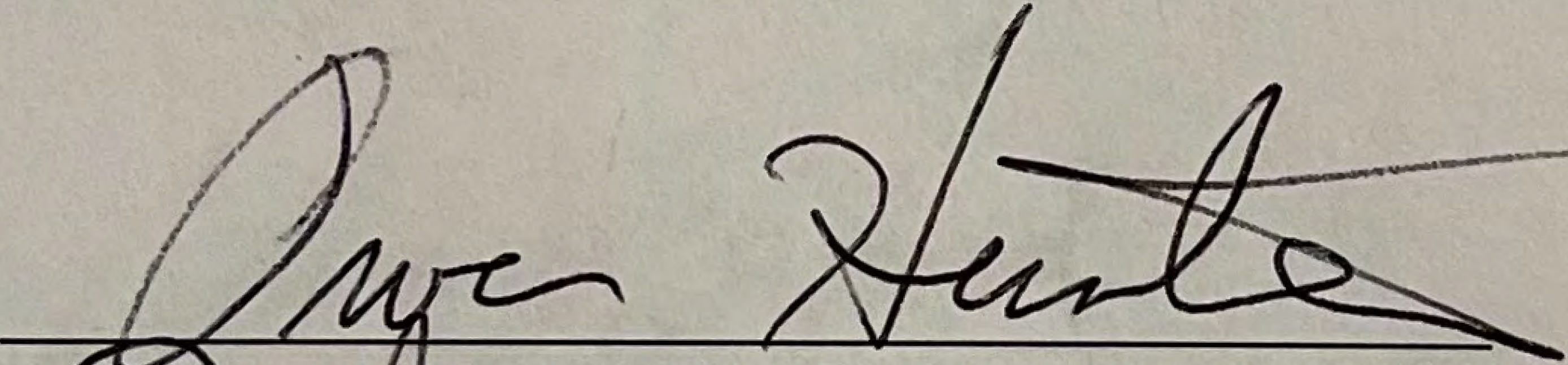
We purchased the 16.89 acres from the Jones Family Trust in December 2021. This land adjoins your property on Herndon or Highland Avenues.

This letter is to inform you that we have applied for a variance that allows us to split the property into multiple parcels for residential homesites and to request your support. As required by the County, we have retained a certified hydrologist that will be preparing a report to satisfy the County that there will be an adequate water supply for the proposed homesite parcel split.

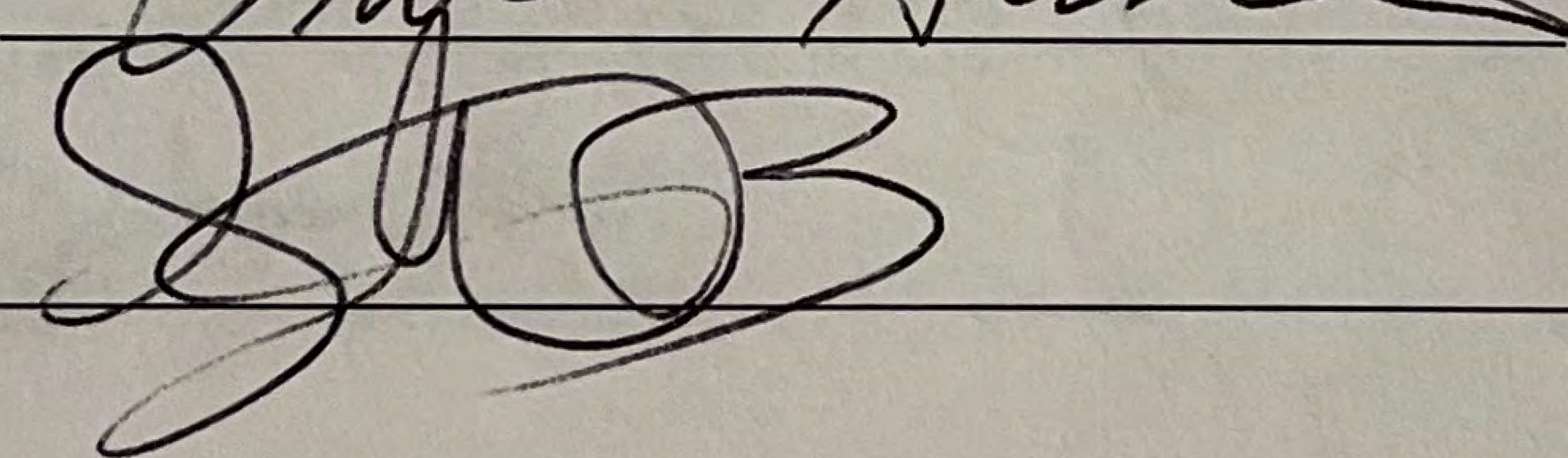
Attached is a copy of the Site Plan for our proposed parcel split. We appreciate your support. Please sign below indicating your support of the variance and proposed parcel split.

Please call me at any time if you have any questions.
Owen Hunter 559-906-4877.

Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63

Dan Ho, Hoa STEARNS

Date: 6/21/22

My address is: 9109 E Herndon Ave Clovis CA 93619
Enclosure.

Hello Neighbors

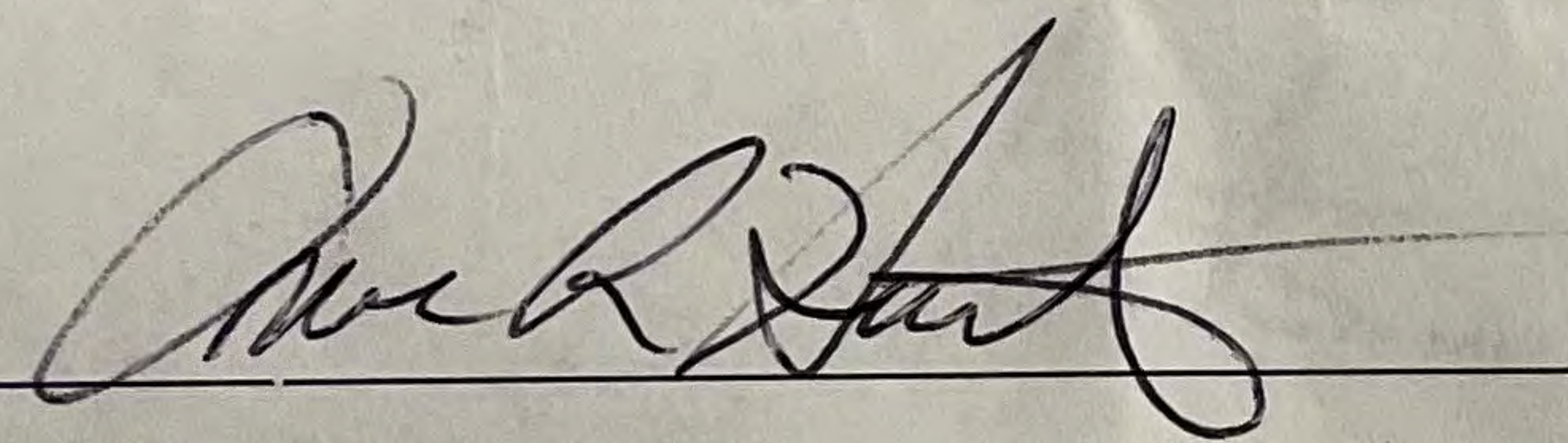
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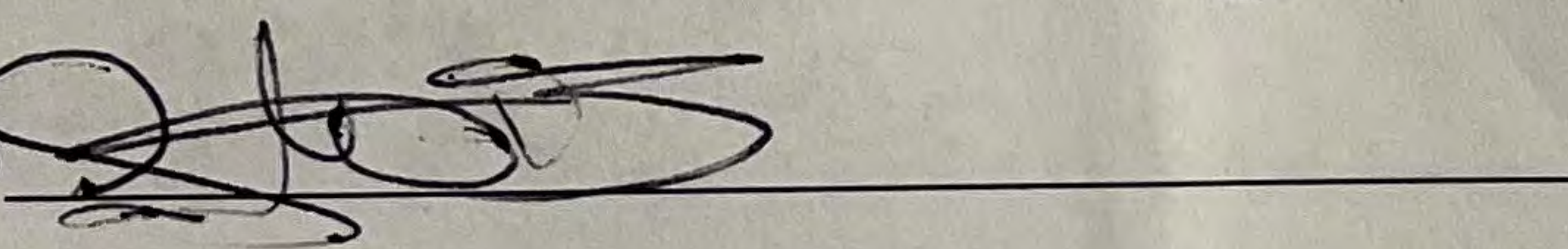
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Owen Hunter 559-906-4877.

Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63

Lucas

Date: 8/29/2022

My address is:

6722 N Highland Ave

Enclosure.

Clovis, Ca 93619.

Hello Neighbors

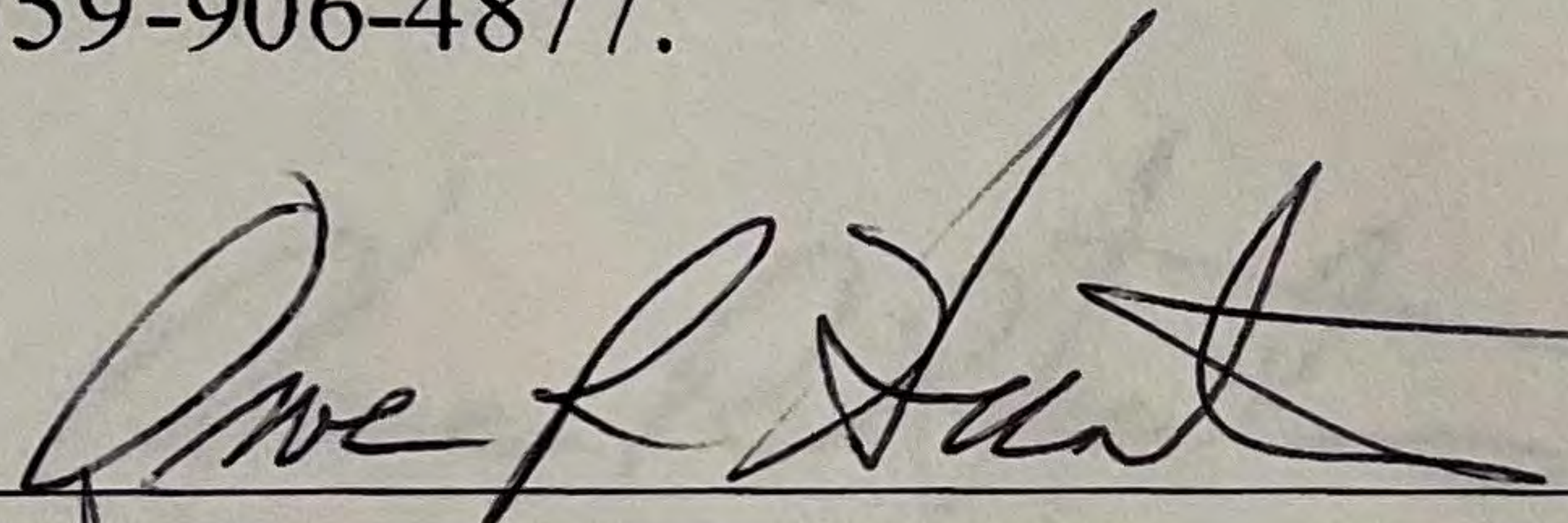
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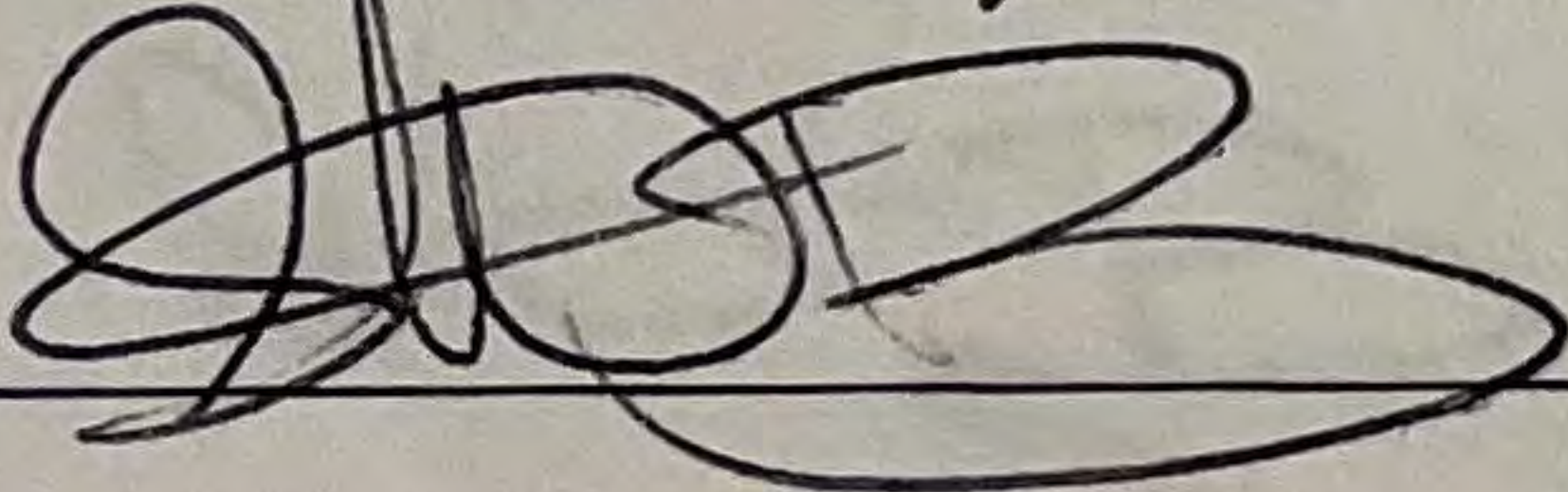
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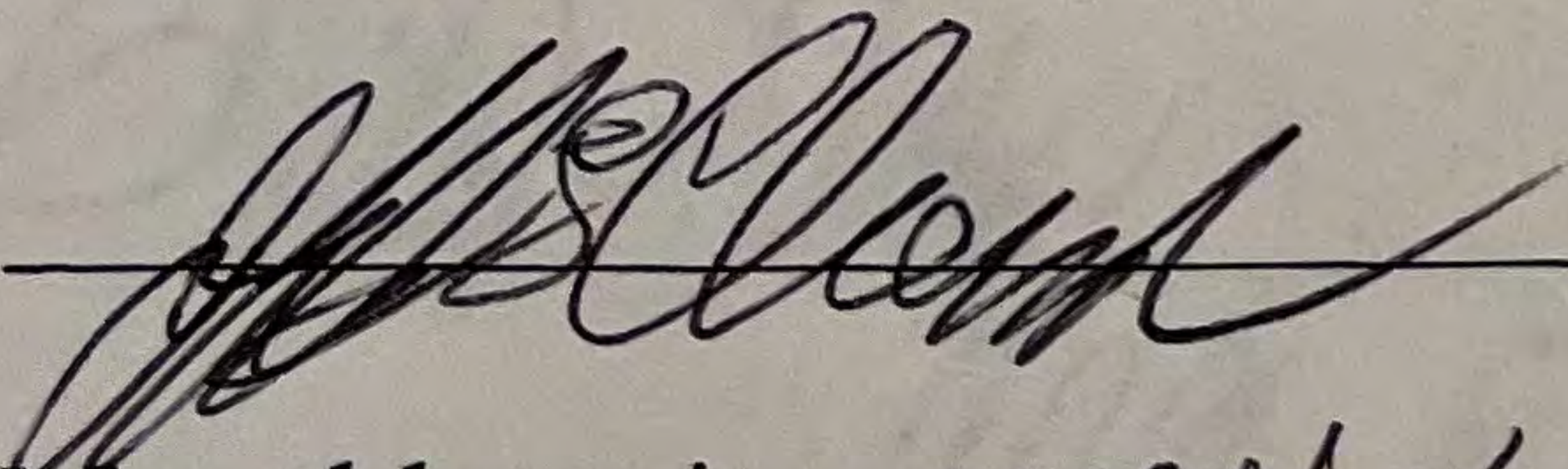
Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63



Date: 6-21-2022

My address is: 6698 N. Highland
Enclosure.

Hello Neighbors

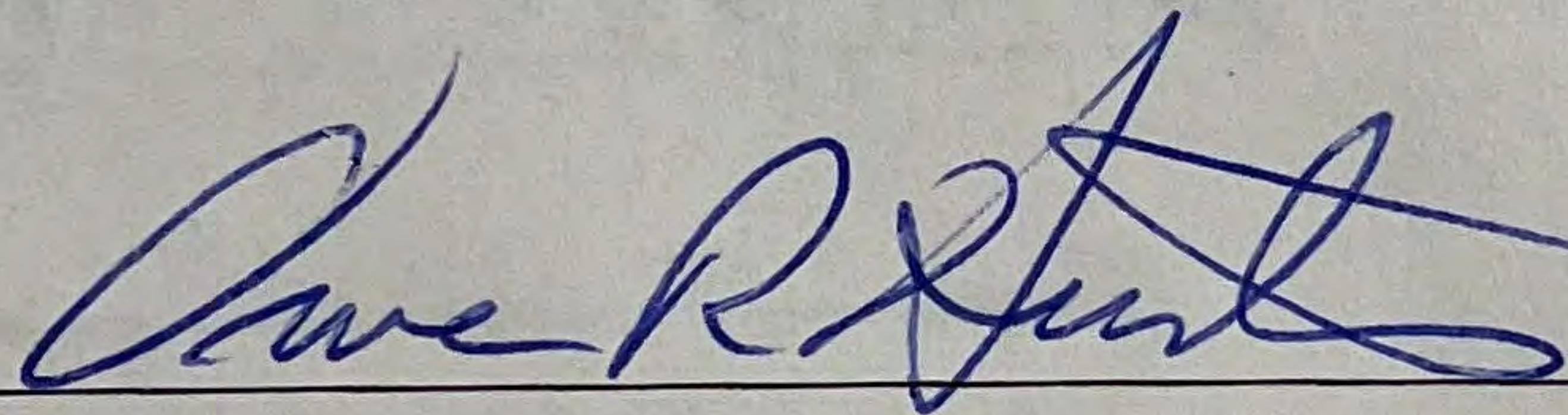
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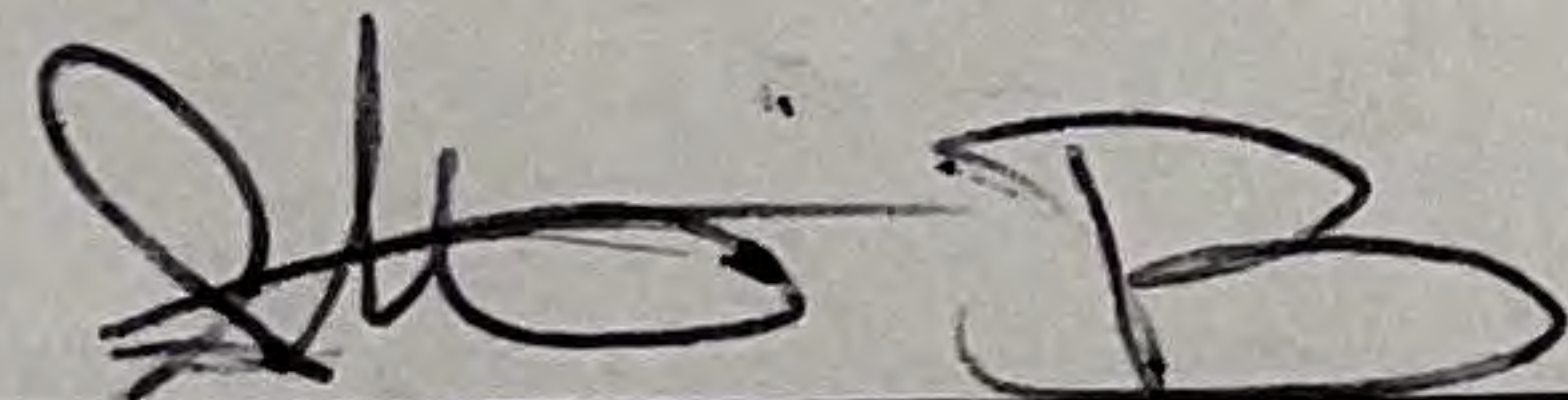
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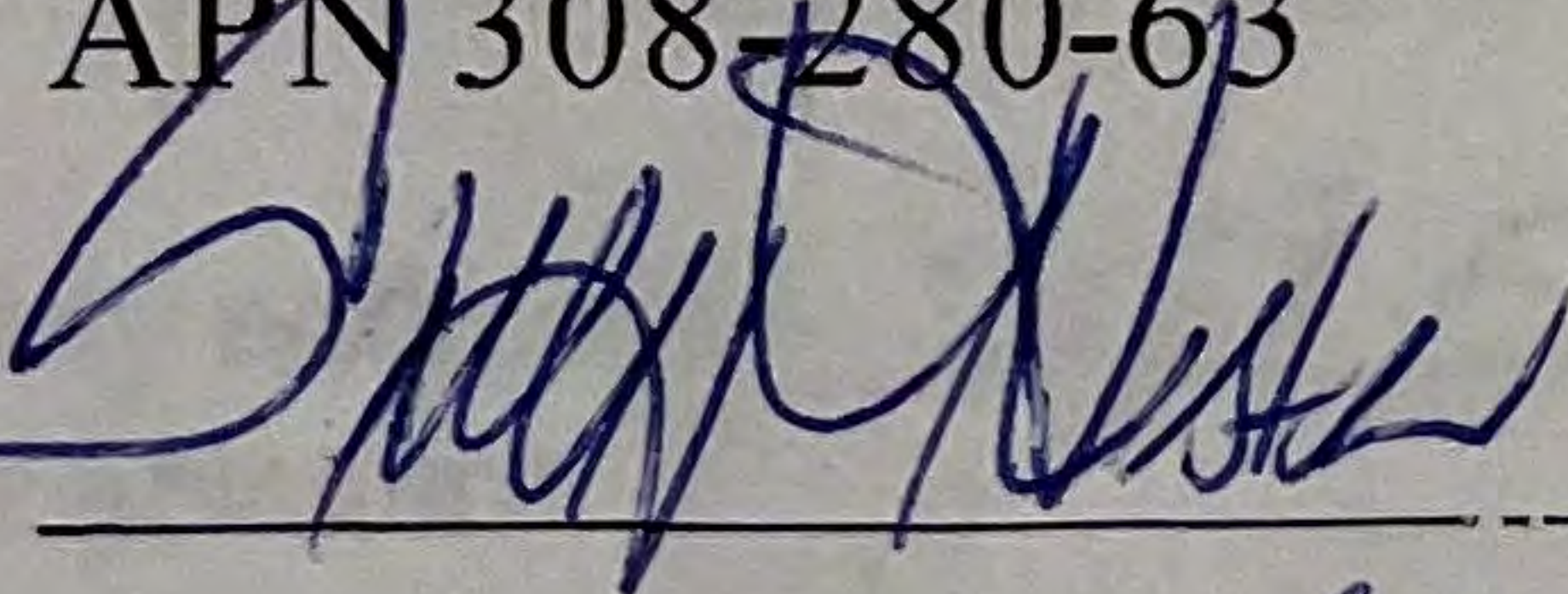
Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63



Date:

8/30/23

My address is:

9091 E Herndon

Enclosure.

Clovis CA 93619

Hello Neighbors

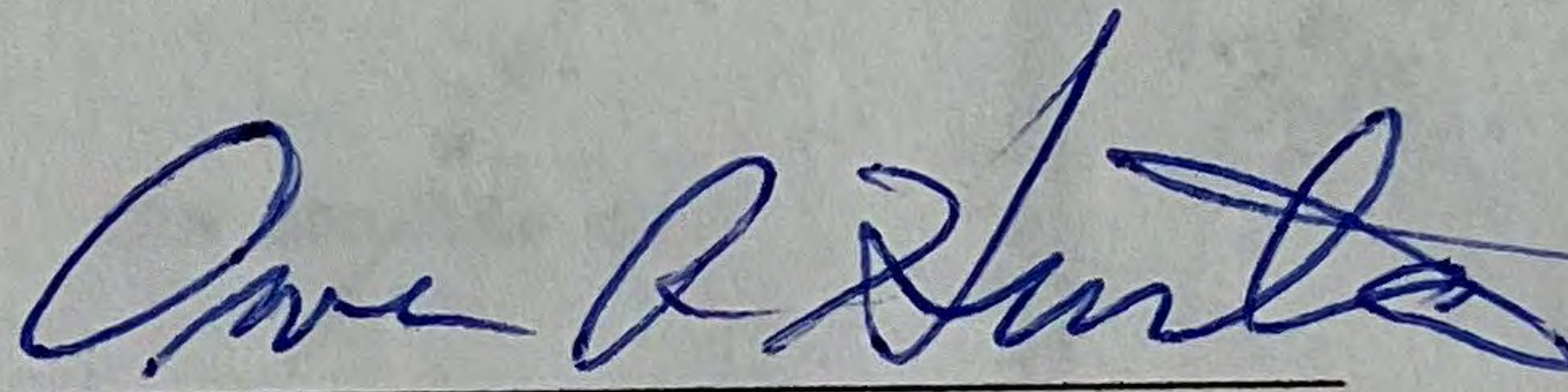
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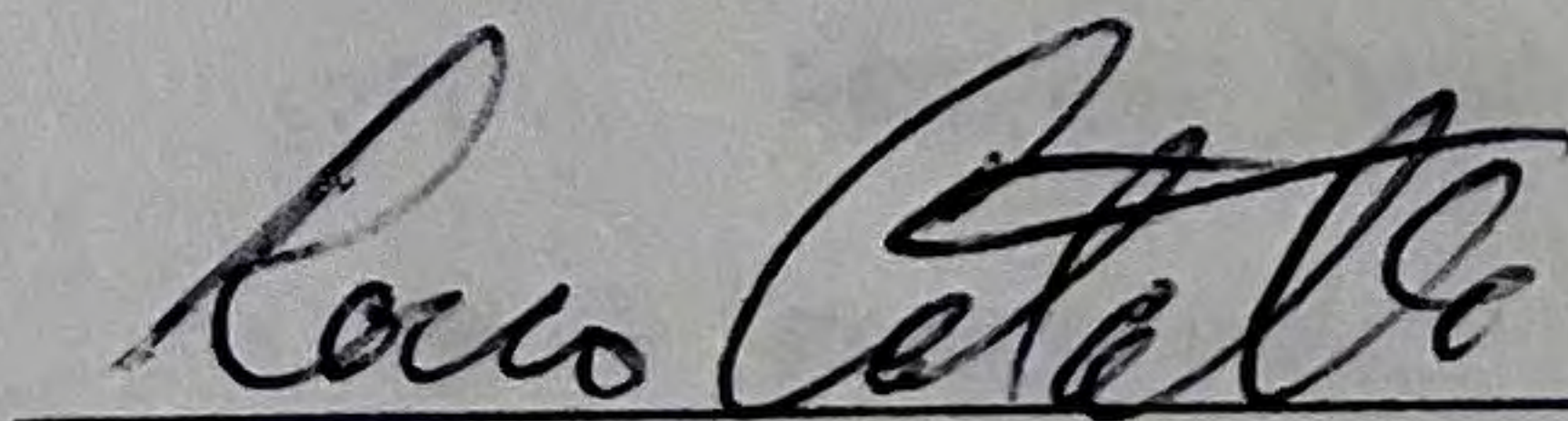
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Owen Hunter 559-906-4877.

Owen Hunter



Steve Bains

We support the proposed variance and parcel split of Fresno County
APN 308-280-63



Date: 9-13-2022

My address is: 9239 E. HERNDON
Enclosure.

Mitigation Monitoring and Reporting Program
Initial Study No. 8312 & Amendment Application No. 3851
(Including Conditions of Approval and Project Notes)

Mitigation Measure

Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public roads.	Applicant	Applicant	On-going
2*.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours.	Applicant	Applicant	On-going

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval

1.	Development shall be in substantial accordance with the site plan as approved by the Planning Commission.
2.	An additional 10 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Herndon Avenue.
3.	A 25-foot X 25-foot corner cutoff shall be dedicated to the County of Fresno at the intersection of E Herndon Ave and N Highland Ave.
4.	Proposed parcel at the southeast corner of Herndon and Highland should relinquish direct access to Herndon Ave. Access to this parcel should be via Highland Avenue.
5.	Subject application shows a proposed access easement. Since the subject parcel is within a flood zone, the applicant must provide an engineered Grading and Drainage Plan to show how runoff is being handled and verify compliance with Fresno County's Ordinances.

Notes

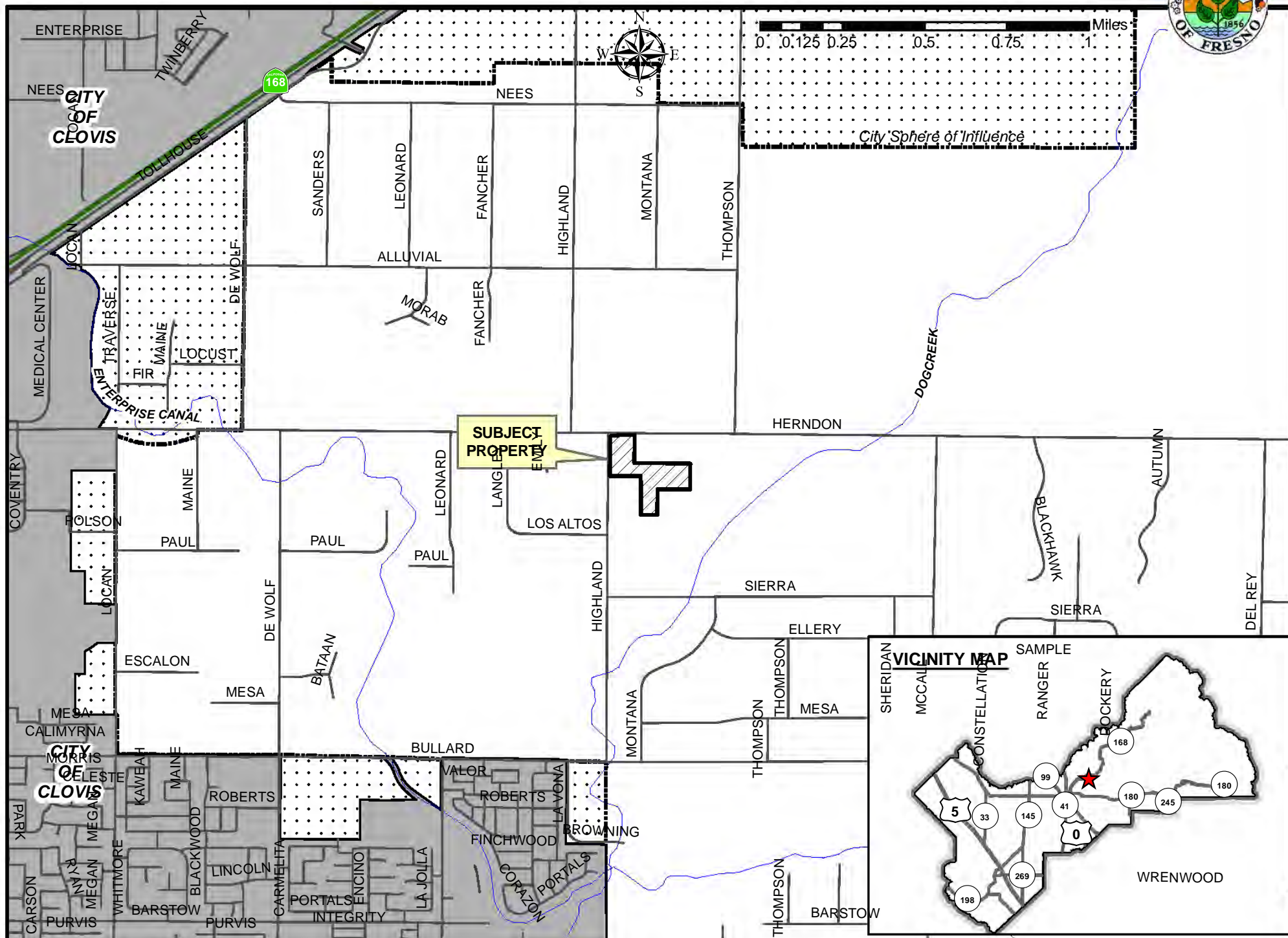
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

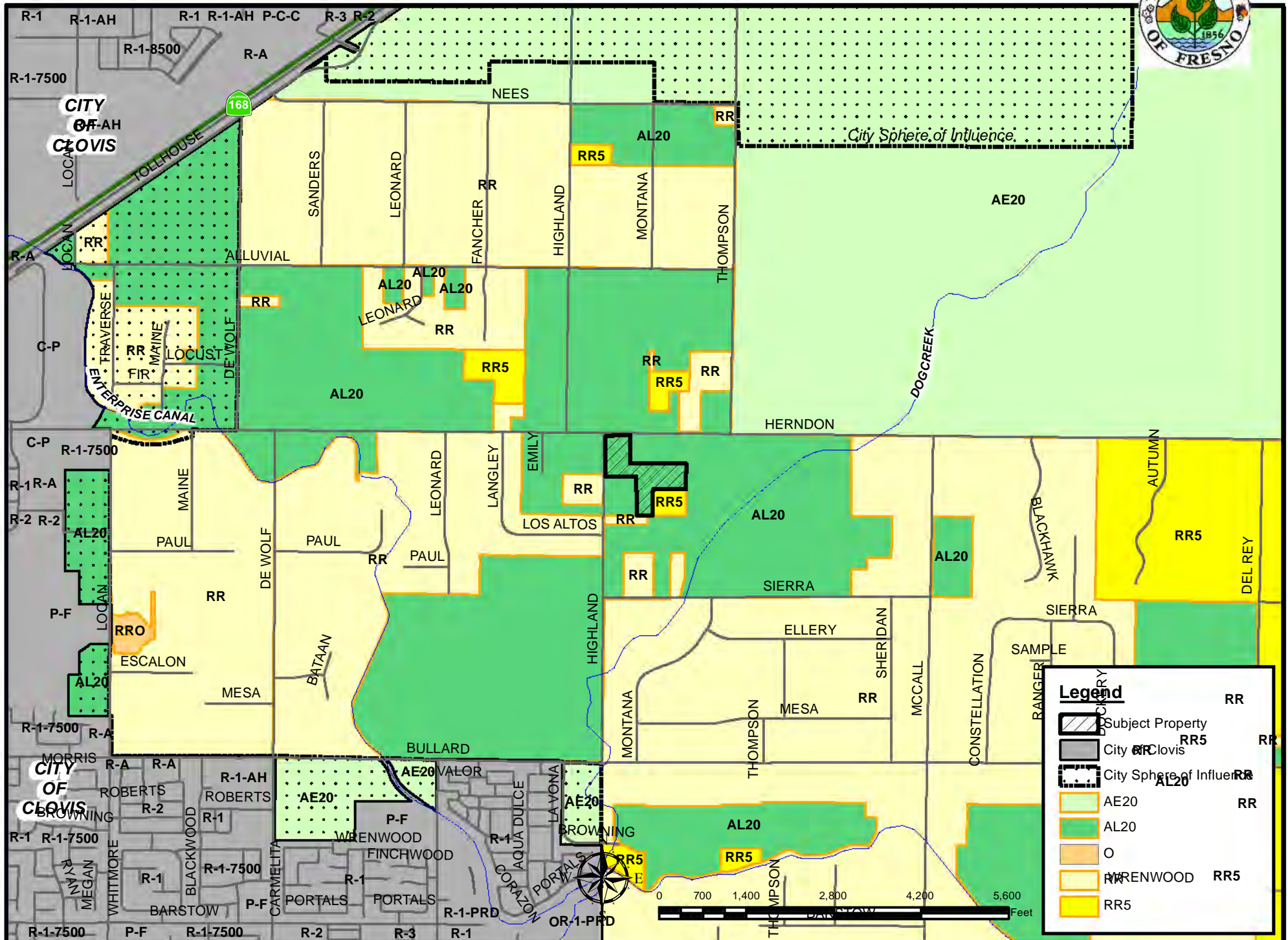
1.	If approved, the subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.
2.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
3.	New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
4.	Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any proposals for new sewage disposal systems, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
7.	Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
8.	Herndon Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan.
9.	Highland Avenue currently has 50 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan.

Notes	
10.	Setbacks for new construction must be based on the ultimate road right-of-way for Herndon Ave and Highland Ave.
11.	Any work performed within the County Road right-of-way will require an encroachment permit.

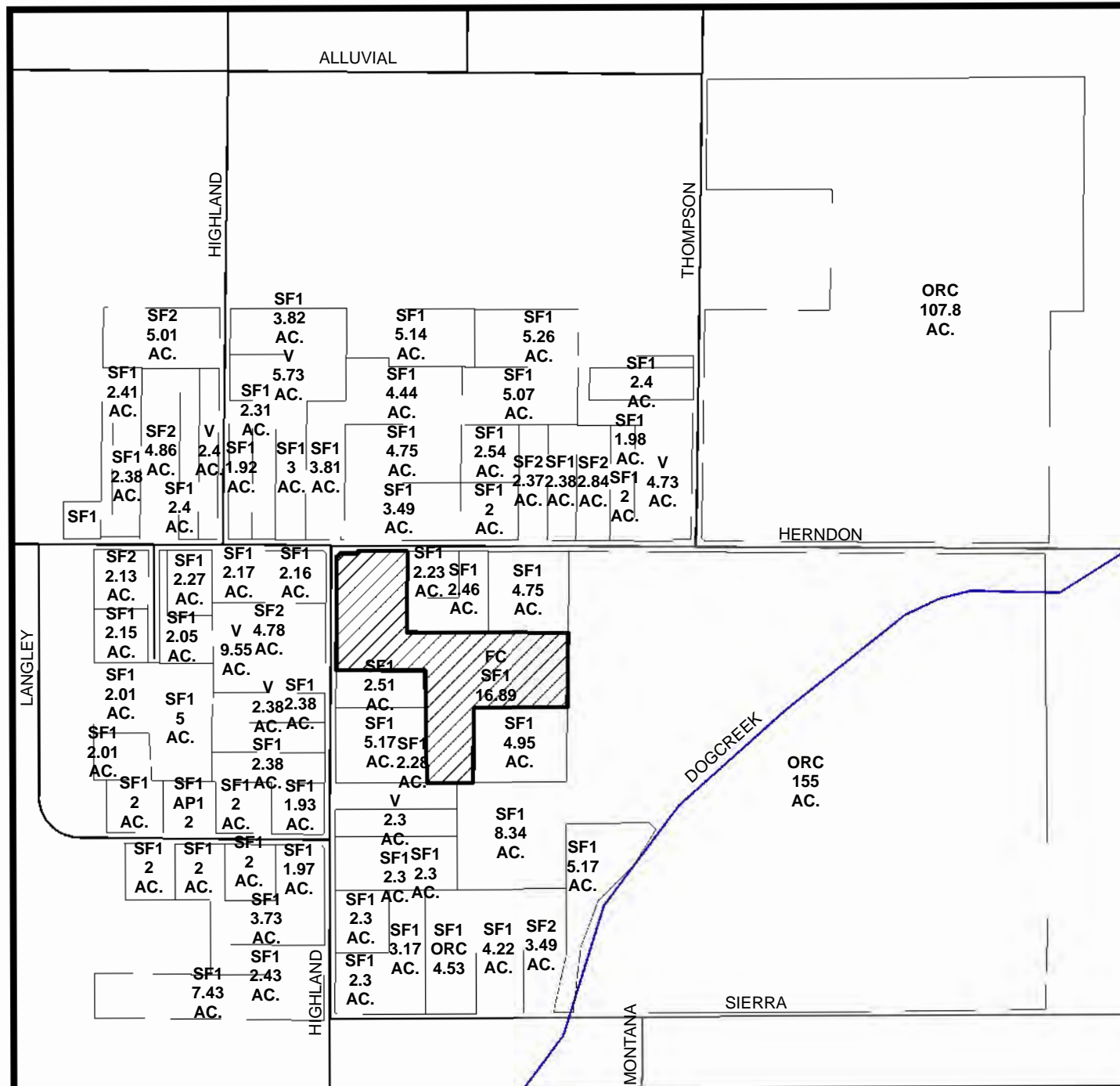
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3851 (Previously VA 4133)\Staff Report\AA 3851 MMRP (Ex 1).docx





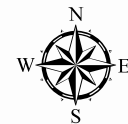
EXISTING LAND USE MAP



LEGEND	
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
AP1	APARTMENT

LEGEND:

 Subject Property



0 215 430 860 1,290 1,720 Feet

Department of Public Works and Planning
Development Services Division

SECTION 817

"AL" - LIMITED AGRICULTURAL DISTRICT

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

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

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

SECTION 817.1 - USES PERMITTED

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

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

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.
(Amended by Ord. 490.174 re-adopted 5-8-79)
- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.
(Amended by Ord. T-038-306 adopted 5-22-90)
- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.
(Added by Ord. T-038-306 adopted 5-22-90).
- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.
(Added by Ordinance 490.174 re-adopted 5-8-79)
- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- F. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.

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

SECTION 817.2 - 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. Churches, parsonages, and other religious institutions.
- B. Commercial stables or riding academies.
- C. Communications equipment buildings, microwave relay structures.
- D. Electrical transmission substations and electric distribution substation.

- E. Philanthropic and eleemosynary institutions where agriculture is carried on to a substantial degree.
- F. Public schools, private or parochial schools of an elementary or secondary level and colleges.
(Amended by Ord. 490.188 adopted 10-29-79; Ord. T-052-286 adopted 3-8-94)
- G. Day Nursery - large.
(Added by Ord. T-052-286 adopted 3-8-94)
- H. Public buildings and yards, fire stations.
- I. Sale of food products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises.
- J. Veterinarian offices and animal hospitals.
(Amended by Ord. 490.195 adopted 2-26-80)
- K. Home Occupations, Class II, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- L. Off-site directional signs for major recreational uses, hospitals, and colleges subject to the criteria set forth in Section 855-K.
- M. Temporary Mobile home 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. Temporary stands for the sale of agricultural produce subject to obtaining an occupancy permit, as provided for in Section 863-B.
(Added by Ord. T-256 adopted 7-20-81)
- O. Breeding and personal kennels.
- P. 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)
- Q. Racetrack for non-motorized vehicles, where there are no permanent facilities.
(Added by Ord. T-052-286 adopted 3-8-94)
- R. Commercial fish farms.
(Added by Ord. T-052-286 adopted 3-8-94)
- S. Agricultural tourism uses and facilities that are not authorized under Section 816.S.
(Added by Ord. T-078-353, adopted 12-7-04)

SECTION 817.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

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

- A. The maintenance and storage of agricultural equipment designed to be used solely for the harvesting of crops, which equipment must be located by the owner thereof upon his own premises when not operated as a secondary occupation in conjunction with, or as part of, a bona fide agricultural operation.
- B. Guest ranches.

- C. Mushroom growing.
- D. Private airports, heliports, and crop dusting strips.
- E. Sewage disposal and treatment plants.
- F. Boarding and training kennels.
- G. Horticultural and landscaping services in conjunction with horticultural nurseries, when carried on as a primary use of the property.
- H. Liquefied petroleum gas distribution and storage, retail.
(Amended by Ord. 490.179 adopted 6-26-79)
- I. When carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten (10) percent of the total land is used and where no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises, any of the following uses:
 - 1. The manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kinds.
 - 2. The manufacture, storage, or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals and insecticides.
 - 3. The transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair, and servicing of the necessary trucks and equipment therefore.
 - 4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries.
- J. Racetracks for remote control electric cars except within the boundaries of the Kings River Regional Plan.
(Added by Ord T-045-315 adopted 10-27-92)
- K. Racetrack for non-motorized vehicles, where there are permanent facilities.
(Added by Ord. T-052-286 adopted 3-8-94)
- L. Personal/RV Storage, subject to the following provisions: a) property must be within one-half mile of the adopted Sphere of Influence of the City of Clovis; b) property must abut a major street; c) setback requirements shall be the same as Storage Yards as defined in the M-1 Zone District (Section 843.5.E); d) setback shall include a twenty-foot minimum landscaped front yard; e) recreational vehicle parking shall be allowed on two-inch minimum thick gravel surface; and f) open or enclosed carports shall be permitted.
(Added by Ord. T-089-370 adopted 9-30-14)

SECTION 817.4 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited in the "AL" District. However, enumerating of these prohibited uses shall not by implication enlarge upon the scope of permitted uses specified in Sections 817.1, 817.2, and 817.3, above, their enumeration herein being for purposes of clarity only.

- A. All manufacturing, service, and commercial uses not specifically permitted in Sections 817.1, 817.2, 817.3, and 860.
- B. Advertising structures.
- C. Art, craft, music, or dancing schools or business, professional or trade schools or colleges.
- D. Columbaria, crematoriums, and mausoleums.
- E. Private clubs and lodges except for the purposes of hunting.
- F. Residential subdivisions.
- G. Sawmills, pulp mills, and similar establishments for the processing of logs, wood and lumber.
- H. Truck yards, terminals, or facilities unless devoted exclusively to the transportation of agricultural products, supplies, and equipment.

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.
- P. Wholesale Limited Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

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)
- Q. Motorcycle safety and training school subject to the provisions of Section 855-N.24 and Section 872. (Added by Ord. T _____ adopted 9-17-13)
- R. Micro Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

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)
- M. Minor Winery subject to the provisions of Section 855-N. (Added by Ord. T-093-377 adopted 6-12-18)

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.

SECTION 820.5 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 shall apply to all land and structures in the "R-R" District.

A. LOT AREA

Each lot without a special acreage designation shall have a minimum net area of two (2) acres, exclusive of all road and canal rights-of-way, recreation easements, permanent water bodies and public or quasi-public common use areas. Each lot with an acreage designation of five (5) shall have a minimum gross area of five (5) acres. A nonconforming lot of record under separate ownership at the time it became nonconforming may be used for or occupied by any use as permitted in this District.

(Amended by Ord. 490.197 adopted 3-31-80 and Ord. T-011-265 adopted 11-16-82)

B. LOT DIMENSIONS

All lots hereafter created shall comply with the following minimum standards and lots now existing may not be reduced below these standards. Each dimension is minimum only. One or both shall be increased to attain the minimum lot area required. The ratio of lot depth to lot width shall not exceed four to one.

1. Width

- a. All lots, except curve and cul-de-sac lots, shall have a minimum width of one hundred sixty-five (165) feet. Within the Sierra-North and Sierra-South Regional Plan areas, each lot shall have a minimum gross area of five (5) acres unless a public road is provided. West of the Friant-Kern Canal public road frontage shall not be required

for lots twenty (20) acres or larger.

(Amended by Ord. T-011-265 adopted 11-16-82; Ord. T-025-281 adopted 6-25-85)

- b. Curve lots and cul-de-sac lots shall have a minimum street frontage width of ninety (90) feet.
(Added by Ord. 490.197 adopted 3-31-80)

- 2. All lots shall have a minimum depth of one hundred seventy (170) feet.

C. POPULATION DENSITY

Not more than one single family dwelling unit or one mobilehome shall be permitted on any lot in the "R-R" District, except that one of the following may be permitted:

- 1. A temporary mobilehome subject to the provisions of Section 820.2.
- 2. A second dwelling unit subject to the provisions of Section 820.2.
(Amended by Ord. 490.163 adopted 11-14-78; Ord. 490.169 re-adopted 4-24-79; Ord. T-269 adopted 5-24-83)
- 3. Residential uses subject to the provisions of Section 867-A.2.
(Added by Ord. T-034-297 adopted 9-20-88)

D. BUILDING HEIGHT

No building or structure erected in this District shall exceed thirty-five (35) feet in height, with the following exceptions:

(Amended by Ord. T-080-355, adopted 12-5-06)

a. Roof Structures

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, roof signs, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures, when approved by the Commission, may be erected above the height limits herein prescribed, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances, but no roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

E. YARDS

1. General Yard Requirements

- a. All required yards shall extend the full width or depth of the lot and shall be open from the ground to the sky, except as provided by Section 820.5.E.3, 4 and 5 below.
- b. Aggregate area for accessory buildings permitted in required yards on any one lot shall not exceed five hundred (500) square feet except that additional area may be approved subject to the Director Review and Approval Procedures of Section 872.
(Added by Ord. 490.169 re-adopted 4-24-79)
- c. No main building shall be erected within fifty (50) feet of the right-of-way of any railroad or freeway.

d. Swimming pools.

- (1) Swimming pools shall not be located in any required front yard or side yard and its projection to the rear property line when abutting a street.
- (2) Swimming pools shall not be located within five (5) feet of any required front yard setback or within five (5) feet of any required side yard setback and its projection to the rear property line when abutting a street.
- (3) Swimming pools may be located in any required interior side yard and rear yard, provided a space of not less than five (5) feet is maintained from the side and rear property lines.

2. Front Yard

Each lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot.

3. Side Yard

- a. Each lot shall have a side yard on each side of not less than twenty (20) feet except for special conditions treated below.

b. Corner lots.

On corner lots, unless otherwise specified in this Division, the side yard abutting the street shall be not less than twenty-five (25) feet in width.
(Amended by Ord. 490.169 re-adopted 4-24-79)

c. Accessory buildings in side yards.

- (1) Any accessory building located less than one hundred (100) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
- (2) An accessory building may be located on a side property line when said building is located one hundred (100) feet or more from the front property line, except that no structure shall be permitted in a required yard which abuts a street.
- (3) Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject lot.

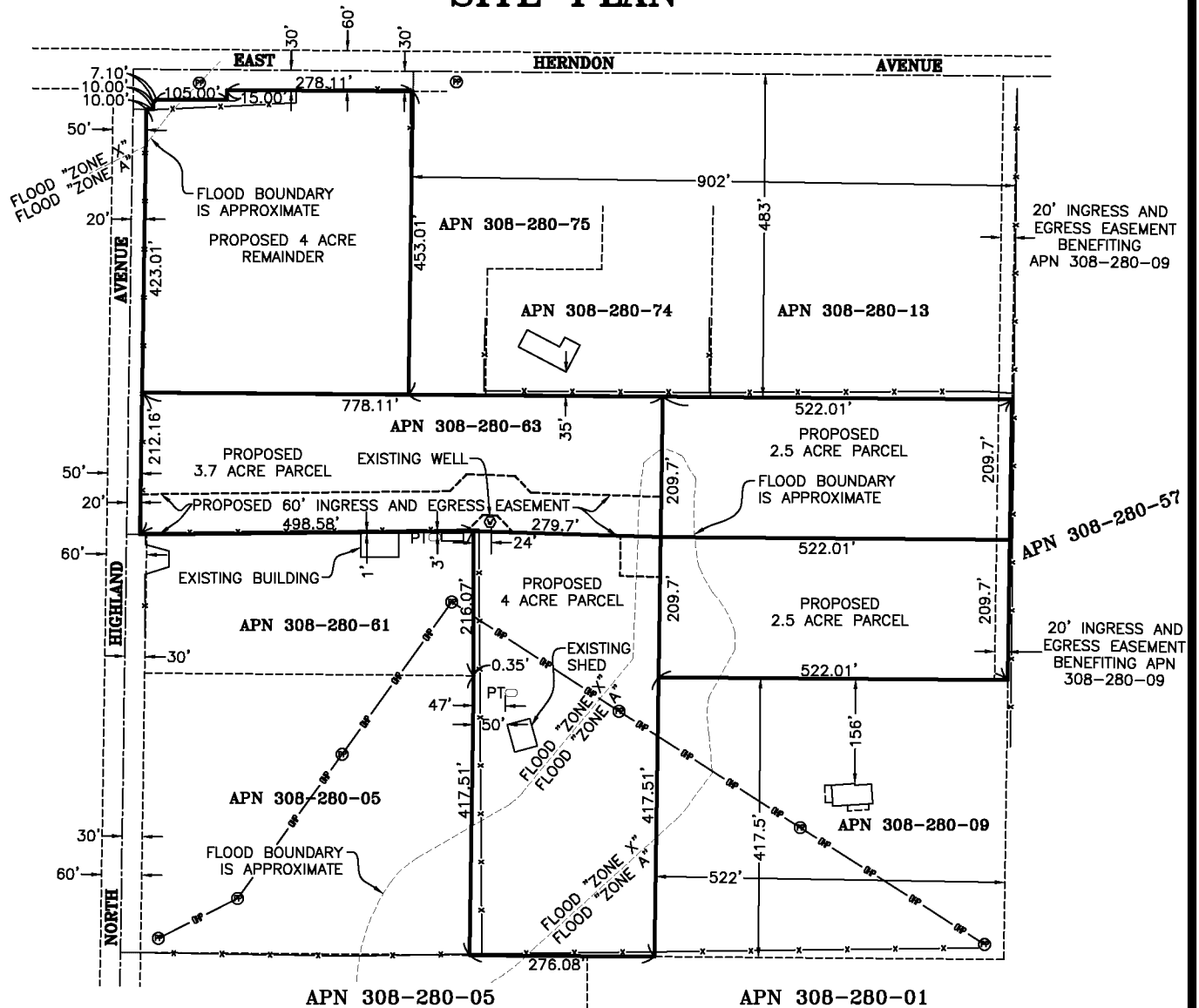
4. Rear Yards

- a. Each lot shall have a rear yard of not less than twenty (20) feet.

b. Accessory Buildings.

- (1) An accessory building may be located on the rear property line when said building is not located within an easement, except that no structures shall be permitted in that portion of the rear yard, which is an extension of a required street yard, and setbacks for accessory structures on reverse corner lots shall

SITE PLAN



DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVE E WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Steve Bains

APPLICATION NOS.: Initial Study Application No. 8312 and Amendment Application No. 3851

DESCRIPTION: Rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.

LOCATION: The subject parcel is located on the southeast corner of E. Herndon Ave. and N. Highland Ave., approximately 0.8-miles north of the city limits of the City of Clovis. (APN: 308-280-63) (9045 E Herndon Ave.) (Sup. Dist.: 5).

I. ALSTHETICS

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.

The population density standards of the AL-20 Zone District allow one dwelling unit to be established per 20 acres whereas the R-R Zone District restricts population density to a single dwelling unit per parcel, regardless of parcel size. As the existing 16.89 - acre property is devoid of structural improvements, the five -parcel Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto, whereas the AL-20 Zone District would not allow

subdivision of the existing 16.89 -acre property on which one dwelling unit could currently be established by right.

The subject property is in an area of mixed agricultural and residential land uses. Surrounding the subject property are AE-20 and R-R zoned parcels.

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 the 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.

- 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 WITH MITIGATION INCORPORATED:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto. Such uses may utilize outdoor lighting which has the potential to generate new sources of light and glare in the area. As such, any future outdoor lighting shall be required to be hooded and directed as to not shine towards adjacent properties and public streets. This requirement will be included in the following Mitigation Measure:

* **Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.*

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 Grazing Land on the Fresno County Important Farmland Map (2010).

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the five -parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

Considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on agricultural resources. Further, this proposal was reviewed by the Fresno County Department of Agriculture, which did not express any concerns related to the requested rezone or potential subdivision.

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:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

Considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on air quality. Further, this proposal was reviewed by the San Joaquin Valley Unified

Air Pollution Control District (Air District), which did not express any concerns related to the requested rezone or potential subdivision.

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:

This proposal was referred to the U.S. Fish and Wildlife Service (USFWS) for review, which did not identify any concerns related to the requested rezone. This proposal was also referred to the California Department of Fish and Wildlife (CDFW) for review, which also did not identify any concerns. 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. 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?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject property is not located within proximity of any area designated to be highly or moderately sensitive for archeological resources. However, in the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition of the remains. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours. A Mitigation Measure reflecting this requirement has been incorporated into the proposal. The Mitigation Measure will reduce potential impacts to cultural resources to a less than significant level.

This proposal was referred to the NAHC for review, which conducted a Sacred Lands file search that did not identify any Native American cultural resources in the area of the proposal. Further, this proposal was also referred to the following Native American Tribal Governments for review in accordance with State Law requiring tribal consultation for General Plan Amendments:

- *Big Sandy Rancheria of Mono Indians*
- *Cold Springs Rancheria of Mono Indians*
- *Santa Rosa Rancheria*
- *Dumna Wo-Wah Tribal Government*
- *Traditional Choinumni Tribe*

It is noted that no concerns related to the requested rezone were identified by the Native American Tribal Governments listed above.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground disturbing activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing*

activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours.

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; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT:

This proposal is located in an area designated as Seismic Design Category C in the California Geological Survey. No agency expressed concerns related to ground shaking, ground failure, liquefaction or landslides. Any future construction will be subject to the Seismic Design Category C Standards.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

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 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:

The subject property 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:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

According to the Fresno County Department of Public Health, Environmental Health Division, the subject parcel is located in an area that requires engineered septic systems for on-site wastewater disposal. As such, prior to the issuance of Building Permits, the developer shall submit an engineered sewage disposal system design proposal to the Fresno County Department of Public Health, Environmental Health Division for review and approval. This requirement will be included as a Mitigation Measure to reduce potential impacts to soils to a less than significant level.

- 1. Prior to the issuance of Building Permits, the developer shall submit an engineered sewage disposal system design proposal to the Fresno County Department of Public Health, Environmental Health Division for review and approval.*

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:

Considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on greenhouse gas emissions. Further, this proposal was reviewed by the San Joaquin Valley Unified Air Pollution Control District (Air District), which did not express any concerns 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 WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

- 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:

The subject property is located in a designated water short area. According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, no existing drainage patterns nor alterations of streams nor rivers shall result in flooding on or offsite.

- 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?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI.B Geology and Soils

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

FINDING: NO IMPACT:

No additional water quality impacts were identified in the project analysis.

- 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: LESS THAN SIGNIFICANT IMPACT:

According to FEMA FIRM Panel 1585H and 1605H, portions of the area of the subject property are found to be under Flood Zone A, subject to flooding from the 100-year storm. Any future development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any future structure and associated electrical equipment/electrical system components (e.g., service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) must comply with the FEMA flood elevation requirements. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. Grading import is not allowed within the flood zone. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding. FEMA Elevation Certificate is required for every future structure to be constructed within the Special Flood Hazard Area. If the future building/structure is near the Special Flood Hazard Area, a certified Map of Survey/Map of Flood Hazard Area (MOS), stamped and signed by a Professional Land Surveyor delineating the distances from proposed structure(s) to the flood zone boundary and at least two property lines will be required. The MOS must show spot elevations within the perimeter of the proposed structure and the flood zone for verification purposes.

- 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:

The subject property is not prone to seiche, tsunami or mudflow, nor is the subject parcel exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

This rezone proposal will not physically divide a community. The subject property is located approximately 0.80-miles south of the nearest city limits of the City of Clovis.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Policy Planning Section of the Fresno County Department of Public Works and Planning has determined the following General Plan Policies to be pertinent to the subject proposal: Policy LU-E.10 requires new subdivisions within areas designated Rural Residential to utilize individual on-site sewer and water systems, and to be reviewed by the County Geologist and the County Health Officer to determine minimum lot size. Community systems and lots less than two (2) acres may be permitted with a Planned Residential Development, where consistent with the Sierra-North and Sierra-South Regional Plans, or where needed to protect existing Rural Residential developments from land use conflicts. Policy LU-E.11 requires subdividers of Rural Residential lots to provide an effective means for the utilization of surface water entitlements in the area such as: a) Deliver surface water to each parcel; b) Develop a single recharge basin for the development; or c) Participate with a public agency to recharge available supplies for the development. Policy LU-E.16 states that the 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. Policy LU-E.17 requires the County to 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. Policy PF-C.12 states that the County shall approve new development only if an adequate sustainable water supply to serve such development is demonstrated. Policy PF-C.17 requires that the County undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. Policy TR-A.7 requires the County to assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system. Policy TR-A.8 requires the County to ensure that land development that affects roadway use or operation, or requires roadway access, to plan, dedicate, and construct required improvements consistent with the criteria in the Circulation Diagram and Standards section of the General Plan.

With regard to Policy LU-E.10, the subject property is located in a designated water short area. According to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision. Additionally, according to the Environmental Health Division of the Fresno County Department of Public Health, the subject property is located in an area that requires engineered septic systems for on-site wastewater disposal. As such, future development shall require submittal of engineered sewage disposal system design proposals to the Fresno County Department of Public Health, Environmental Health Division for review and approval. This requirement will be included as a Mitigation Measure to reduce potential impacts to soils to a less than significant level.

With regard to Policy LU-E.11, any additional runoff generated by development cannot be drained across property lines, and must be retained on-site per County standards. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development. This requirement will be included as a Project Note.

With regard to Policies LU-E.16 and LU-E.17, the General Plan restricts re-designation of additional areas to Rural Residential because there is a large volume of undeveloped parcels currently designated as Rural Residential land. Further, Rural Residential parcels are generally considered an inefficient use of land for residential use, and there are concerns with potential adverse environmental impacts associated with concentration of individual septic and well systems utilized by rural residential developments. Although the proposal to re-designate the subject property to Rural Residential is not necessarily consistent with the Fresno County General Plan, staff does not consider this conflict to be at a level of significance to warrant preparation of an Environmental Impact Report (EIR).

With regard to Policies PF-C.12 and PF-C.17, the subject property is located in a designated water short area; however, a Ground Water Supply Report prepared for this proposal by Kenneth D. Schmidt and Associates demonstrates adequate and sustainable water supply for the requested rezone and potential subdivision.

With regard to Policies TR-A.7 and TR-A.8, as the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto. 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).

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

FINDING: NO IMPACT:

This proposal will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. No such impacts 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.

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:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

This proposal may ultimately generate some noise associated with residential uses; however, considering the limited number of additional parcels and relatively low population density of the potential subdivision, this proposal will have a less than significant impact on noise. Further, this proposal was reviewed by the Fresno County Department of Public Health, Environmental Health Division, which did not express any concerns related to 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 subject property is not located in the vicinity of an airport and is not impacted by airport noise.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- 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: LESS THAN SIGNIFICANT IMPACT:

This rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto. As such, this proposal has the potential to increase housing in the area to low density residential development standards with the potential for two-acre parcels. Staff believes this to be a less than significant increase and will not result in substantial population growth.

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: LESS THAN SIGNIFICANT IMPACT:

This proposal was reviewed by the Fresno County Fire Protection District, which did not identify any concerns related to the requested rezone or potential subdivision. Further, any future development associated with this proposal shall comply with the California Code of Regulations Title 24 – Fire Code. This requirement will be included as a Project Note.

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 requested rezone or potential subdivision.

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

No impacts on the provision of other services were identified in the analysis of the proposal.

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: NO IMPACT:

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

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 rezone proposal may result in the recordation of a Parcel Map that would subdivide the existing 16.89 -acre property into five parcels. As the existing 16.89 -acre property is devoid of structural improvements, and the R-R Zone District restricts population density to a single dwelling unit per parcel, the Parcel Map associated with this proposal may allow the establishment of five dwelling units and accessory structures thereto.

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).

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

This proposal will not result in a change in air traffic patterns.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, the project will not increase traffic hazards due to design features nor result in inadequate emergency access.

- 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 WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

- 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 in Section VI.B Geology and Soils.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX.B Hydrology and Water Quality.

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

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

See discussion in Section VI.E Geology and Soils.

- 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 WITH MITIGATION INCORPORATED:

Future development projects may impact cultural resources. The included Mitigation Measure in Section V (Cultural Resources) will minimize such impacts to less than significant.

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

FINDING: NO IMPACT:

No cumulatively considerable impacts were identified in the analysis of the proposal.

- 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 General Plan Amendment Application No. 540 and Amendment Application No. 3851, staff has concluded that the proposal 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 recreation.

Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, and transportation and traffic have been determined to be less than significant. Potential impacts relating to Aesthetics, cultural resources, geology and soils, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures.

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

ER:

G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3851 (Previously VA 4133)\CEQA\AA 3851 IS wu.docx

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8312	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Elliot Racusin Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Steve Bains		Project Title: Amendment Application No. 3851	
Project Description: Rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.			
Justification for Negative Declaration: Initial Study Application No. 8312 indicates that the proposal 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 recreation. Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, and transportation and traffic have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, geology and soils, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures. The Initial Study is available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.			
FINDING: The proposal will not have a significant impact on the environment with the incorporated Mitigation Measures.			
Newspaper and Date of Publication: Fresno Business Journal – December 23, 2022		Review Date Deadline: Planning Commission – January 26, 2023	
Date: December 23, 2023	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Elliot Racusin Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

Hello Neighbors

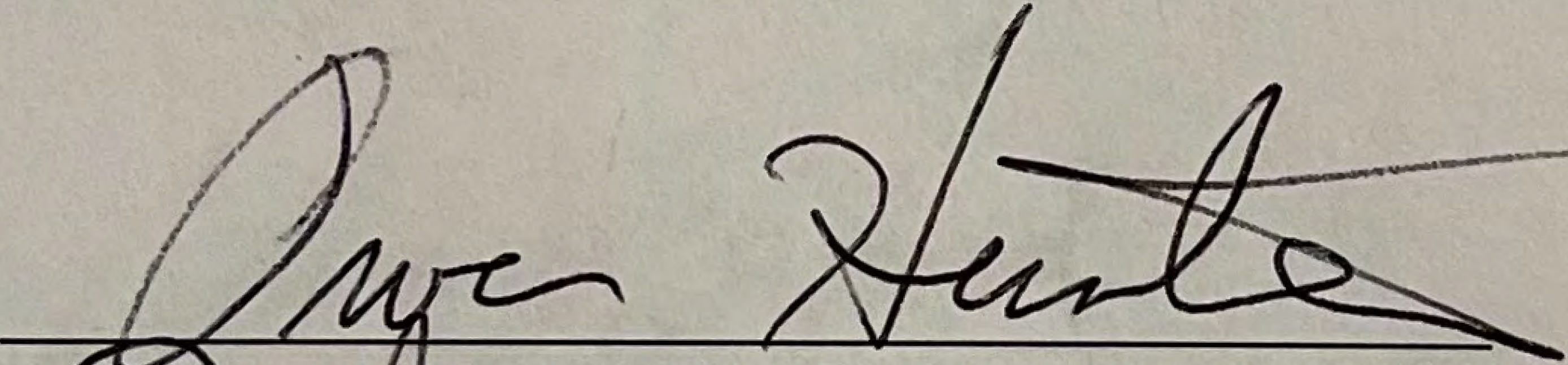
We purchased the 16.89 acres from the Jones Family Trust in December 2021. This land adjoins your property on Herndon or Highland Avenues.

This letter is to inform you that we have applied for a variance that allows us to split the property into multiple parcels for residential homesites and to request your support. As required by the County, we have retained a certified hydrologist that will be preparing a report to satisfy the County that there will be an adequate water supply for the proposed homesite parcel split.

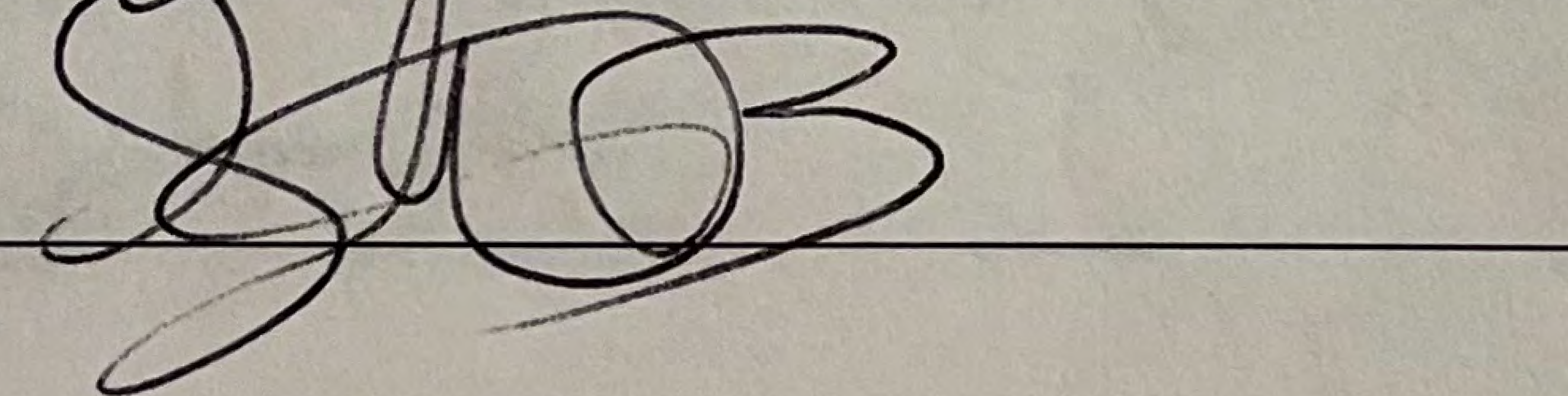
Attached is a copy of the Site Plan for our proposed parcel split. We appreciate your support. Please sign below indicating your support of the variance and proposed parcel split.

Please call me at any time if you have any questions.
Owen Hunter 559-906-4877.

Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63

Dan Ho, Hoa STEARNS

Date:

6/21/22

My address is:

9109 E Herndon Ave Clovis CA 93619

Enclosure.

Hello Neighbors

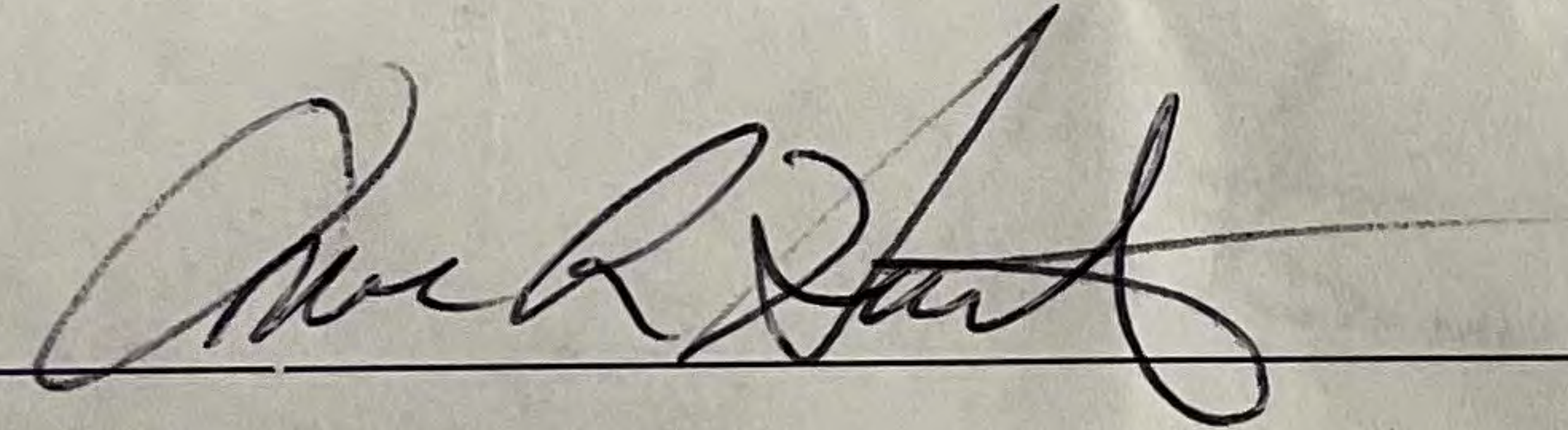
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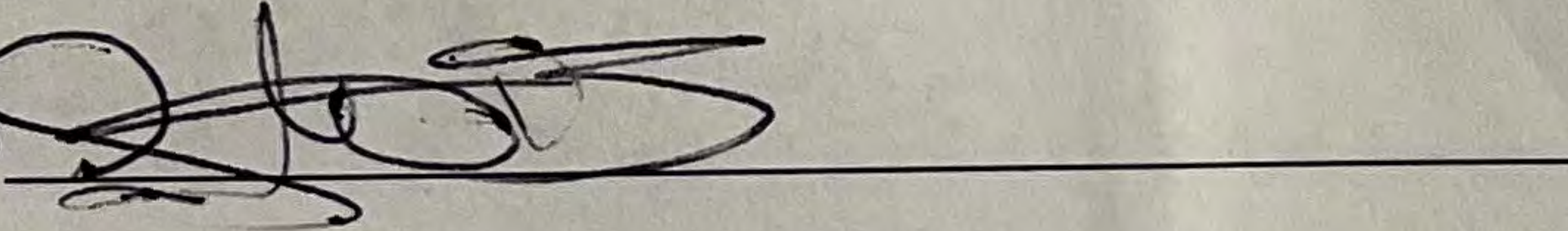
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Owen Hunter 559-906-4877.

Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63

Lucas

Date: 8/29/2022

My address is:

6722 N Highland Ave

Enclosure.

Clovis, Ca 93619.

Hello Neighbors

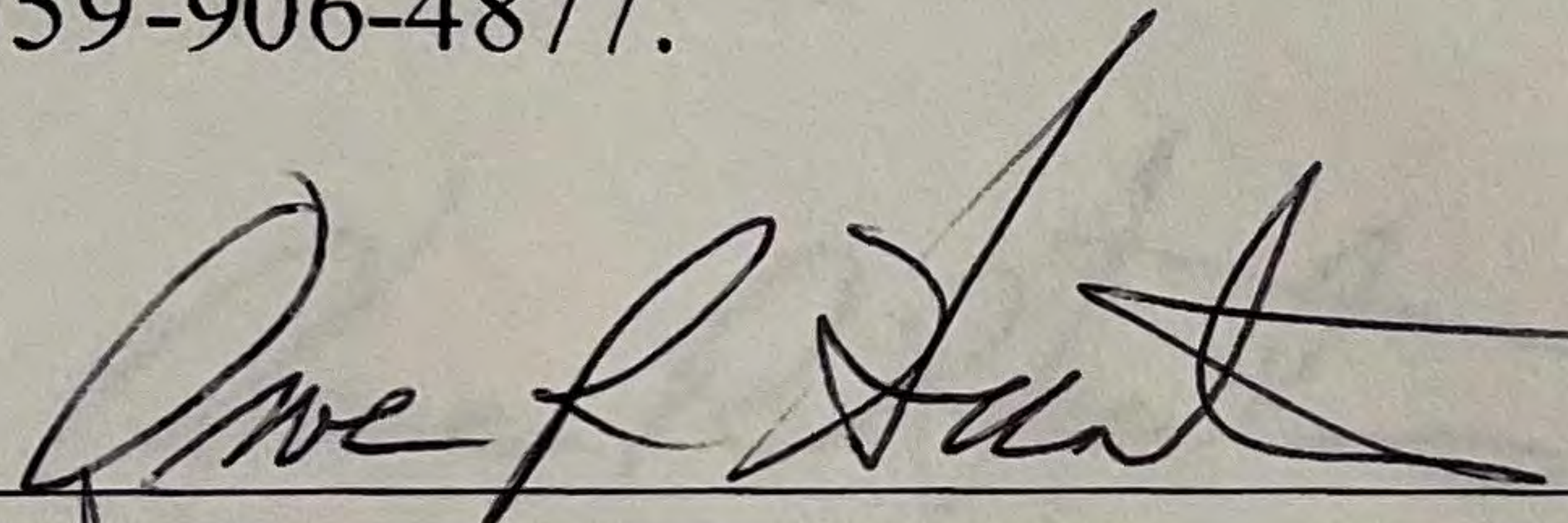
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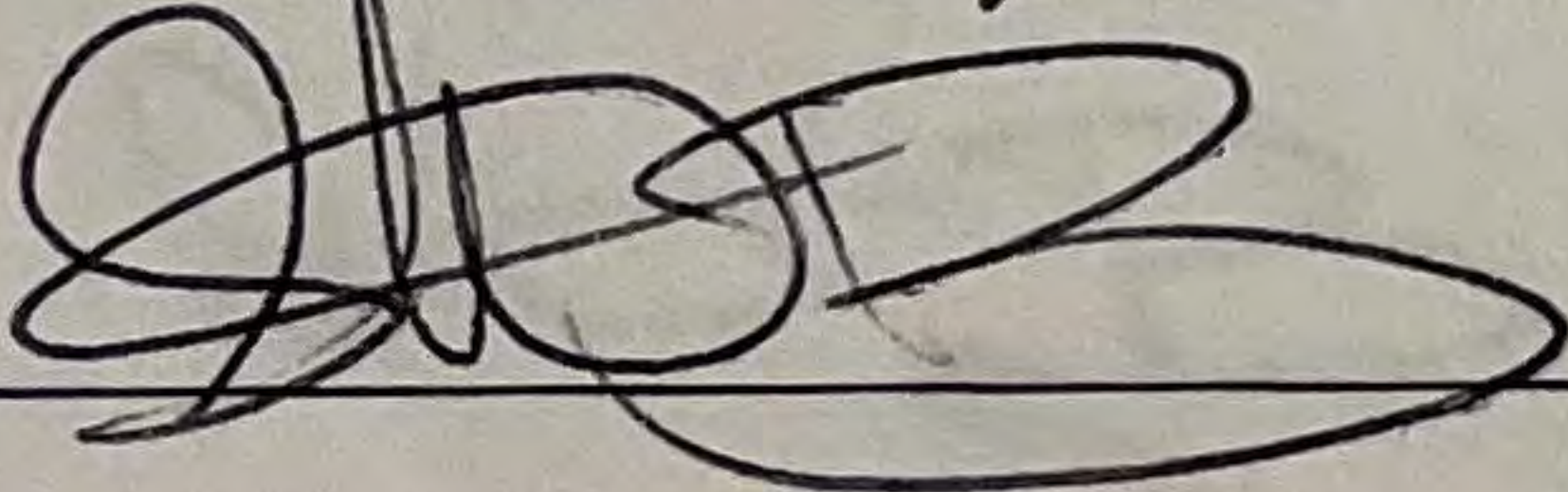
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Owen Hunter 559-906-4877.

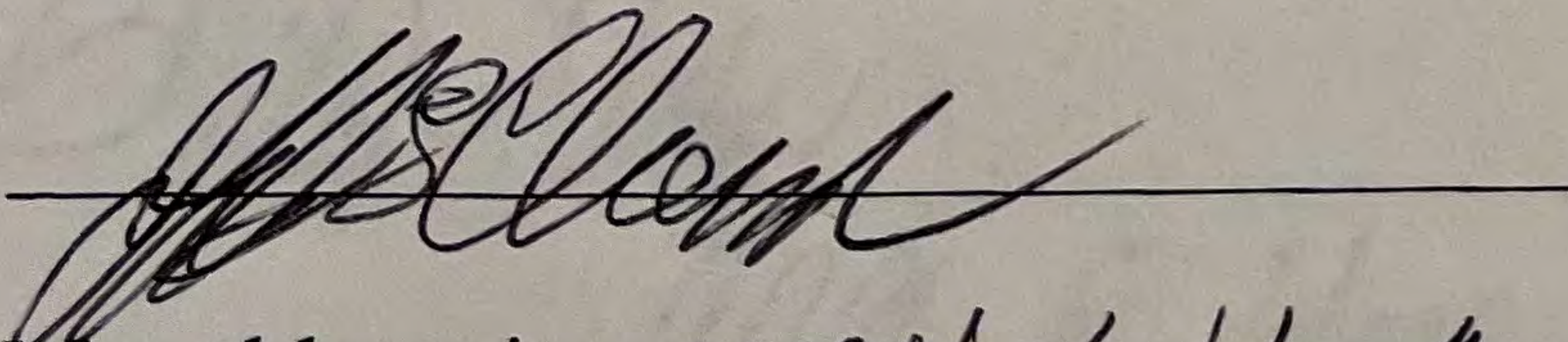
Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63



Date: 6-21-2022

My address is: 6698 N. Highland
Enclosure.

Hello Neighbors

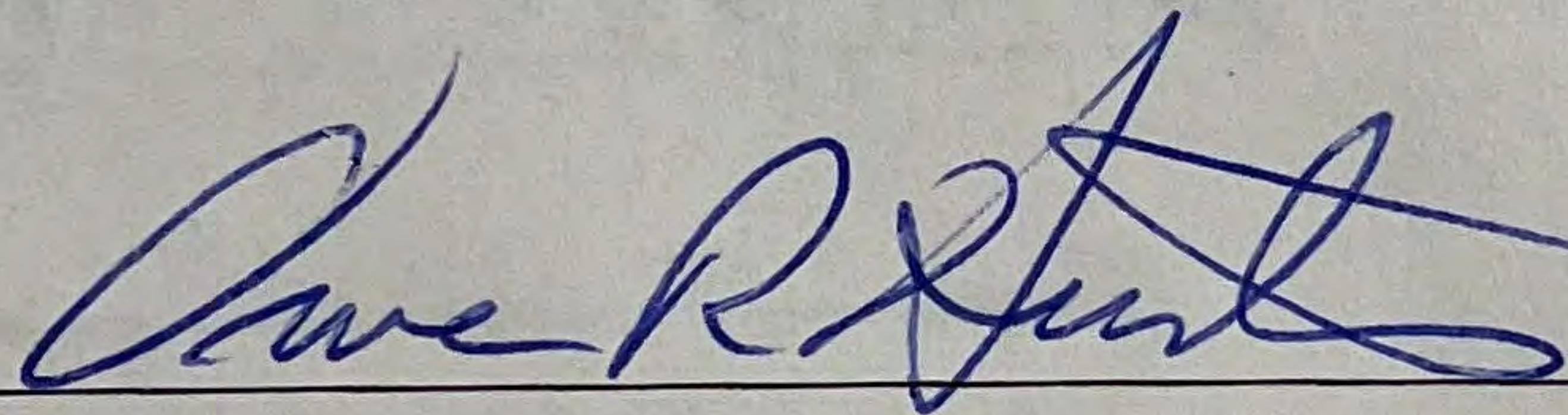
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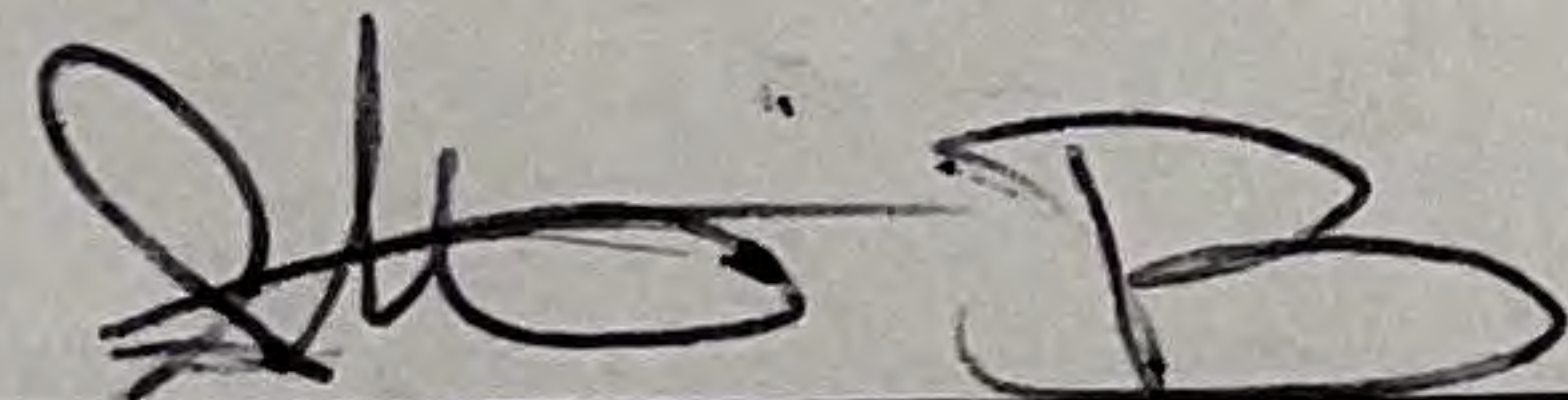
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Owen Hunter 559-906-4877.

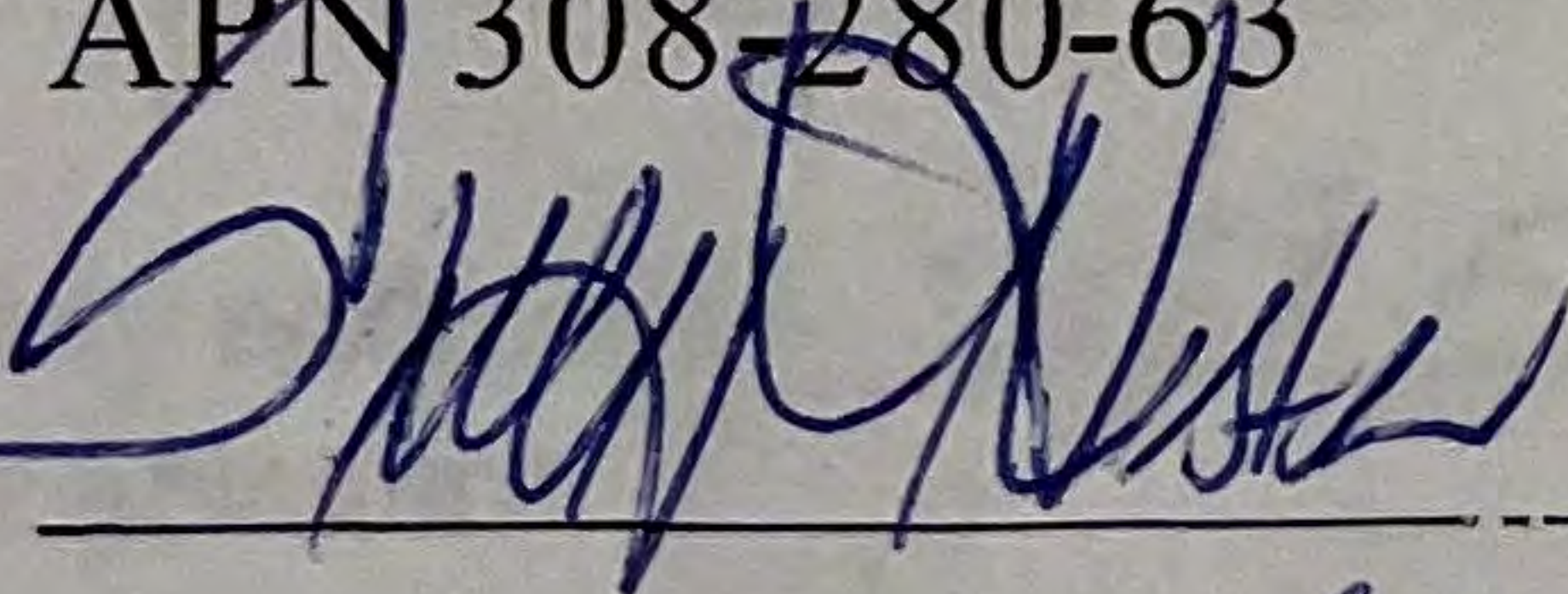
Owen Hunter



Steve Bains



We support the proposed variance and parcel split of Fresno County
APN 308-280-63



Date:

8/30/23

My address is:

9091 E Herndon

Enclosure.

Clovis CA 93619

Hello Neighbors

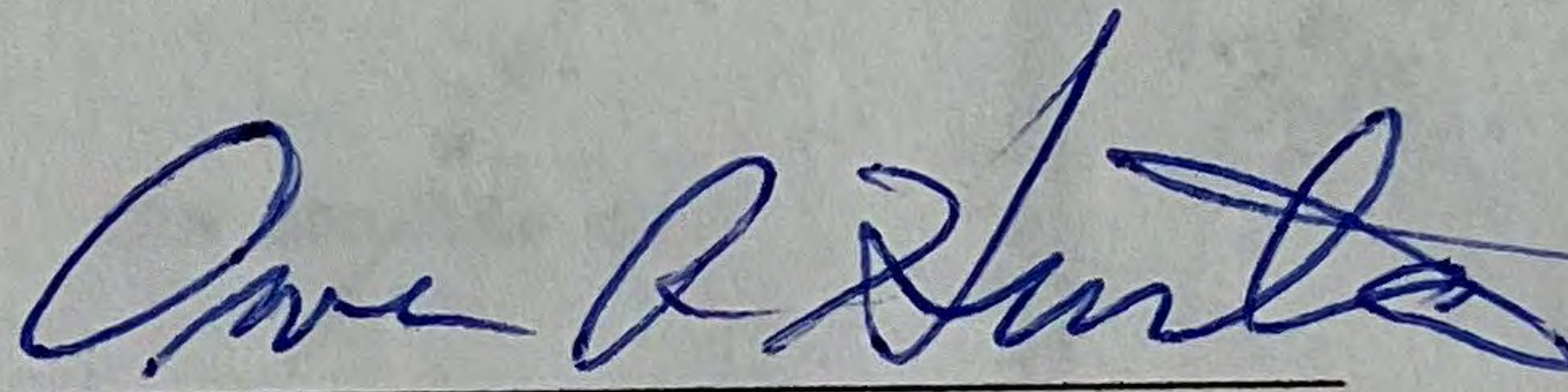
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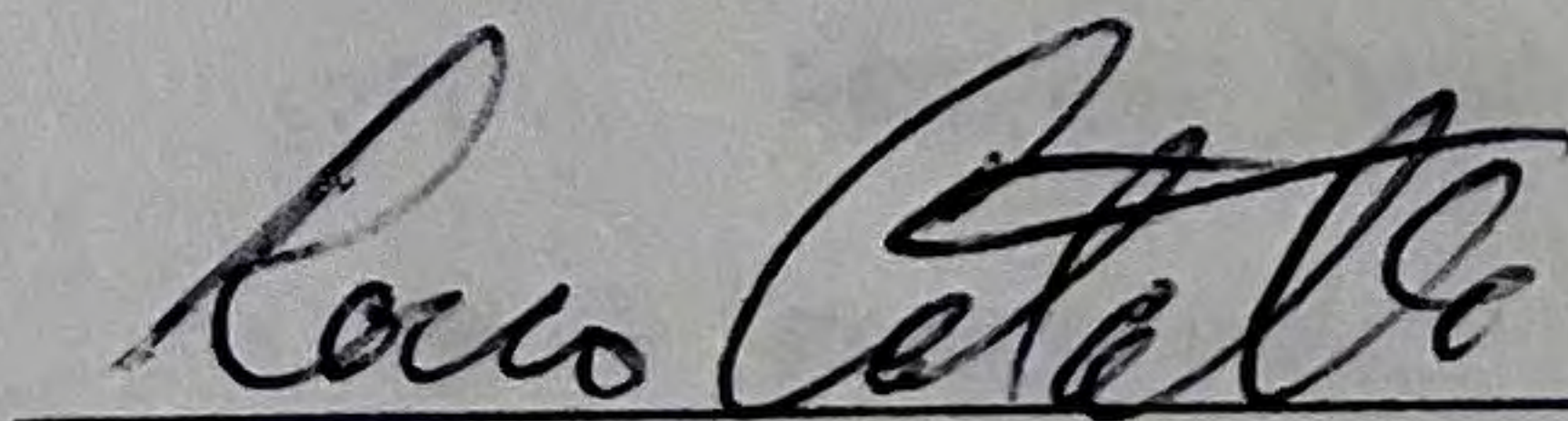
Please call me at any time if you have any questions.
Owen Hunter 559-906-4877.

Owen Hunter



Steve Bains

We support the proposed variance and parcel split of Fresno County
APN 308-280-63



Date: 9-13-2022

My address is: 9239 E. HERNDON
Enclosure.

ATTACHMENT C

Mitigation Monitoring and Reporting Program Initial Study No. 8312 & Amendment Application No. 3851 (Including Conditions of Approval and Project Notes)

Mitigation Measure					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1*.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine toward adjacent properties and public roads.	Applicant	Applicant	On-going
2*.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activity, all work shall be halted in the area of the find and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activity, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are determined to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours.	Applicant	Applicant	On-going

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document and Conditions of Approval reference recommended Conditions for the project.

Conditions of Approval	
1.	Development shall be in substantial accordance with the site plan as approved by the Planning Commission.
2.	An additional 10 feet of road right-of-way must be dedicated along the subject parcel to meet the ultimate right-of-way for Herndon Avenue.
3.	A 25-foot X 25-foot corner cutoff shall be dedicated to the County of Fresno at the intersection of E Herndon Ave and N Highland Ave.
4.	Proposed parcel at the southeast corner of Herndon and Highland should relinquish direct access to Herndon Ave. Access to this parcel should be via Highland Avenue.
5.	Subject application shows a proposed access easement. Since the subject parcel is within a flood zone, the applicant must provide an engineered Grading and Drainage Plan to show how runoff is being handled and verify compliance with Fresno County's Ordinances.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	If approved, the subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.
2.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
3.	New sewage disposal system proposals shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
4.	Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any proposals for new sewage disposal systems, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
7.	Should any underground storage tank(s) be found, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
8.	Herndon Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 106 feet per the Fresno County General Plan.
9.	Highland Avenue currently has 50 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan.

Notes	
10.	Setbacks for new construction must be based on the ultimate road right-of-way for Herndon Ave and Highland Ave.
11.	Any work performed within the County Road right-of-way will require an encroachment permit.

ER:jp

G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3851 (Previously VA 4133)\Staff Report\AA 3851 MMRP (Ex 1).docx

ATTACHMENT D

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 8312	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-2022100000371
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Elliot Racusin Planner	Area Code: 559	Telephone Number: 600-4245	Extension: N/A
Applicant (Name): Steve Bains		Project Title: Amendment Application No. 3851	
Project Description: Rezone the subject 16.89-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) to the R-R (Rural Residential, two-acre minimum parcel size) Zone District, and allow a mapping procedure to create five parcels meeting the minimum parcel size of two acres.			
Justification for Negative Declaration: Initial Study Application No. 8312 indicates that the proposal 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 recreation. Potential impacts related to agricultural and forestry resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, and transportation and traffic have been determined to be less than significant. Potential impacts relating to aesthetics, cultural resources, geology and soils, and utilities and service systems have been determined to be less than significant with the identified Mitigation Measures. The Initial Study is available for review at 2220 Tulare Street, Suite A, Fresno, CA 93721.			
FINDING: The proposal will not have a significant impact on the environment with the incorporated Mitigation Measures.			
Newspaper and Date of Publication: Fresno Business Journal – December 23, 2022		Review Date Deadline: Board of Supervisors – May 9, 2023	
Date: December 23, 2023	Type or Print Signature: David Randall Senior Planner	Submitted by (Signature): Elliot Racusin Planner	

State 15083, 15085

County Clerk File No.: E-2022100000371

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**