

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 476 -3813**

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

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

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

SECTION 2. All that portion of the unincorporated area of Fresno County consisting of the parcel described as THAT PORTION OF LOT 4, AS SAID LOT IS DESIGNATED AND DELINEATED ON THAT CERTAIN MAP ENTITLED "DARIUS MYERS COLONY", RECORDED IN BOOK 3 OF RECORDS OF SURVEYS AT PAGE 2, FRESNO COUNTY RECORDS, LYING SOUTHERLY OF THAT PORTION OF SAID LOT 4 DESCRIBED IN THE DEED TO NICK DOBRETT RECORDED NOVEMBER 23, 1932 IN BOOK 1246 AT PAGE 36, FRESNO COUNTY OFFICIAL RECORDS `EXCEPT THE SOUTH FIVE (5) ACRES, which heretofore have been classified in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District pursuant to the Zoning Division of the Ordinance Code of Fresno County, located on the east side of S. Willow Avenue approximately 370 feet south of its intersection with E. Jensen Avenue and the nearest city limits of the City of Fresno is hereby changed to the M-1(c) (Light Manufacturing, Conditional) Zone District as shown in Exhibit "A",

1 subject to the Mitigation Measures, Conditions of Approval and Mandatory Project Notes listed
2 in Exhibit "B".

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

8 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-
9 65857, this Ordinance, designated as Ordinance No. R- 476 -3813 shall take effect thirty
10 days after its passage.

11
12 Adopted by the Board of Supervisors of Fresno County, California, on July 11,
13 2017 by the following vote, to wit:

14 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero
15 NOES: None
16 ABSENT: None

17
18 
19 BRIAN PACHECO, CHAIRMAN
20 Board of Supervisors

21 ATTEST:

22
23 
24 BERNICE E. SEIDEL, CLERK
25 Board of Supervisors
26
27
28

Exhibit “A”

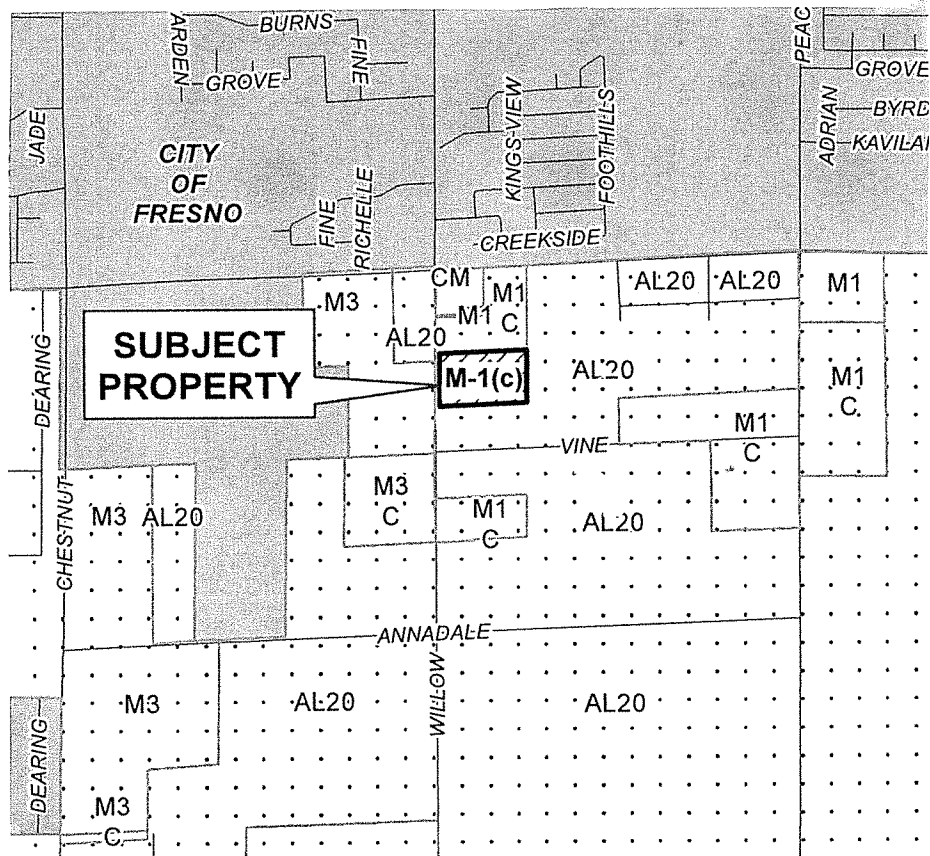


EXHIBIT B
Mitigation Monitoring and Reporting Program
Initial Study (IS) Application No. 7015 / Amendment Application No. 3813
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting associated with development of industrial uses on the site shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Air Quality	For all the uses proposed by this application, consultation with the San Joaquin Valley Air Pollution Control District (Air District) shall occur through the mandatory Site Plan Review process to determine if and when an Air Impact Assessment for District Rule 9510 will be completed for the development, and to determine the applicability of any mandatory requirements or regulations administered through the Air District.	Applicant	Applicant/PW&P/ Air District	As noted
*3.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P/ Native American Heritage Commission	As noted
*4.	Geology and Soils	To address on-site wastewater, uses that only generate small amounts of liquid waste shall be permitted on site until such time that public sewer service from the City of Fresno's public sewer system is available to the property. Availability of public water shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the property. At such time when public sewer service becomes available to the	Applicant	Applicant/Fresno County Public Health Department, Environmental Health Division	As noted

		property, the City of Fresno will notify the property owner in writing of such availability. From the date of the letter, the property shall be required to: a. Connect to the City's public sewer system within 180 calendar days; and b. Destroy any on-site wastewater system that serves the property in accordance with State and County on-site wastewater system destruction standards within 60 days thereafter; and c. Pay all appropriate sewer lateral, connection and capacity fees as specified in the City's Master Fee Schedule. If the property fails to meet the above requirements, the property owner consents to reimburse the City of Fresno for full costs of on-site wastewater system destruction, and all sewer lateral, service connection and capacity fee costs. The City shall be entitled to pursue all remedies allowed by law to secure reimbursement from the property owner for sewer-related utility costs, up to and including disconnection of public water service. Prior to the expiration of any of the timeframes discussed herein, and upon good showing by the owner that the required actions are being diligently pursued, the City of Fresno may extend applicable timeframes by a reasonable amount.			
Conditions of Approval					
1.	The uses allowed on the property shall be limited to those uses specified in Exhibit 6 of the Planning Commission Staff Report.				
2.	This segment of Willow Avenue which borders the property is classified as a Collector in the Circulation Element of the General Plan; therefore, all new structures and improvements shall be set back a minimum of forty-two (42) feet from the centerline of Willow Avenue. The 42-foot half road line shall establish the building setback line for future development including above-grade improvements requiring a building permit.				
3.	Drought-tolerant landscaping shall be planted and maintained along the southern property line of the subject parcel parallel to the existing single-family residence on the adjacent property. A landscaping and irrigation plan designed by a Landscape Architect, licensed landscaping contractor, or other licensed/certified professional shall be submitted to the Department of Public Works and Planning, Development Services Division for review and approval at the time the mandatory Site Plan Review is submitted. Said landscaping shall be no less than ten feet in width, shall be maintained in a healthy condition and shall consist of evergreen trees and shrubs of adequate size, height and density to provide reasonable visual screening and buffer of the subject facility from the existing single-family residence on the adjacent parcel. If the amount of landscaping provided to satisfy this requirement is equal to or greater than 500 square feet, the developer shall comply with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO).				

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	A Site Plan Review shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, right-of-way, landscaping, signage and lighting.
2.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning, future development shall require: • An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. • A grading permit or voucher for any grading proposed with this application. • An encroachment permit from the Road Maintenance and Operations Division prior to any work done within the county road right-of-way. • On-site turnarounds for vehicles leaving the site to enter Willow Avenue in a forward motion.
3.	Per the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, future developments shall require: • 10-foot x10-foot corner cutoffs on any fencing that may restrict sight visibility for any vehicles exiting the site. • Any gates installed along the Willow Avenue frontage set back a minimum of 20 feet from the ultimate road right-of-way.
4.	Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), future development shall be subject to the following: • Future tenants may be required to comply with hazardous materials business plan reporting requirements. • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to HSC, Division 20, Chapter 6.95. • In an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements.
5.	Per the Fresno Metropolitan Flood Control District (FMFCD), future development shall be subject to the following: • Runoff for the proposed development shall connect to the existing Master Plan system located north of and along the north property line. All improvement plans for any proposed construction of curb and gutter or storm drainage facilities for conformance to the Master Plan within the project area shall be reviewed and approved by FMFCD. • Temporary on-site storm water retention facilities shall be provided until permanent facilities become available. • Drainage fees shall be paid at the time of development based on the fee rates in effect at the time (currently estimated at \$39,947). • All construction activities, including grading, clearing, grubbing, filling, or excavation that results in a disturbance of one acre or more

Notes	
	of the land shall be subject to a storm water discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, November 1990). The discharge permit must be secured by filing a Notice of Intent (NOI) for the State General Permit for Construction Activity with the State Water Resource Control Board.
6.	Future development must comply with the California Code of Regulations Title 24 – Fire Code; require approval of County-approved site plans by the Fire District prior to issuance of building permits by the County for future uses on the property; and join the Community Facilities District (CFD) before plans are submitted to the Fresno County Fire Protection District.
7.	Per the Fresno Irrigation District (FID), FID's Benefield Canal No. 239 runs westerly and crosses Willow Avenue approximately 500 feet south and FID's Central Canal No. 23 runs southwesterly and crosses Willow Avenue approximately 1,500 feet north of the subject property. Any plans for street and/or utility improvements along Willow Avenue and in the vicinity of the canal crossing will require FID's review and approval.

EA:ksn

G:\4360Devs&Pln\PROJSEC\PROJDOCS\AA\3800-3899\3813\SR\AA3813 MMRP (Ex 1).docx