



Board Agenda Item 11

DATE: October 11, 2016

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Initial Study No. 7067 and Amendment Application No. 3814 (Applicant: Muhammad Attique) - Planning Commission Resolution No. 12570

RECOMMENDED ACTION(S):

1. Consider and adopt the Negative Declaration prepared for Initial Study Application No. 7067; and
2. Approve Ordinance pertaining to Amendment Application No. 3814 rezoning 9.82 acres from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

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

This item was originally heard before the Board on August 9, 2016 following a May 26, 2016 recommendation for approval by the Planning Commission (5 to 1, three Commissioners absent). A copy of the Planning Commission Action is attached as Exhibit 1. At its August 9, 2016 hearing, the Board voted unanimously (5 to 0) to continue this item to a date uncertain after receiving public testimony in opposition to the proposal with regard to property maintenance concerns including weeds and overgrowth, impacts to the site from the prior dehydration facility, advertising sale of the site for commercial use, and the Applicant and/or representative were not present at the hearing to provide a response.

ALTERNATIVE ACTION(S):

If the Board determines that the rezoning is not consistent with the General Plan, a motion to deny Amendment Application No. 3814 would be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan.

FISCAL IMPACT:

Pursuant to the County's Master Schedule of Fees, the applicant has paid \$10,836 in land use processing fees to the County for the processing of the Amendment Application and Variance request including the required environmental analysis.

DISCUSSION:

A rezoning is a legislative act requiring final approval by the Board. Final action by the Board is also required for the adoption of the Initial Study Application (IS), filed concurrently with the rezoning application. If approved, the

rezoning would then become effective 30 days after approval by the Board. A copy of Planning Commission Resolution No. 12570 documenting the Commission's action is attached as Exhibit 1.

Background Information

The Applicant has requested a rezoning of 9.82 acres on the parcel identified as APN 312-160-01 from the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) Zone District to the R-R (Rural Residential, two-acre minimum parcel size) Zone District. According to information provided by the Applicant, the purpose of the rezoning is to facilitate construction of a single-family residence on the parcel. The current AE-20(c) zoning limits the property to be used solely for operation of a fruit dehydrator facility. Therefore, no other land uses other than a fruit dehydrator are currently permitted as a matter of right. If approved, the rezoning would allow the Applicant to construct one single-family residence by-right, with the possibility of a second residence through approval of a Director Review and Approval application. Additionally, if the rezoning is approved, the property could potentially be subdivided into smaller parcels with a minimum size of two acres. However, this course of action would require a separate mapping application to be filed with and approved by the County. The Planning Commission staff report is attached as Exhibit 2.

As a point of information, the subject property has been previously rezoned including once to the Rural Residential Zone District. The parcel was initially zoned for agricultural uses (A-1 when zoning first went into effect and then later AE-5 in 1972). Historically, the property was owned by an agricultural business and had been utilized as a fruit dehydration facility as early as 1947.

By way of background, in March of 1977, the County of Fresno undertook a broad-scale rezoning associated with the update of the County General Plan involving a large portion of land west of the City of Fresno. In this area several properties, including the subject parcel, were changed from agricultural zoning to the Rural Residential Zone District with a corresponding change to the underlying General Plan designation to Rural Residential. This rezoning extended west to Grantland Avenue and included the subject property with the existing fruit dehydration facility.

Approximately 20 years later a prior property owner initiated a rezoning of the subject property from Rural Residential to AE-20 Conditional with the sole permitted agricultural use of a fruit dehydrator in order to facilitate a transfer of the property while allowing the dehydration facility to continue operating. On March 28, 2000 the Board of Supervisors approved Amendment Application No. 3693 rezoning the subject 9.82-acre parcel from the Rural Residential to the AE-20(c) (Exclusive Agricultural, 20-acre minimum parcel size, Conditional) which permitted the dehydrator to remain as a use conforming to zoning. A copy of the March 2000 Board of Supervisors action to rezone the property to AE-20(c) is attached as Exhibit 7 to Exhibit 2 (Planning Commission staff report).

The current property owner desires to return the property back to Rural Residential Zoning to allow future residential development on the property. The rezoning would allow at least one single-family residence on the property, with the possibility of future subdivision to two-acre lots through a separate mapping application.

May 26, 2016 Planning Commission Hearing

At its May 26th hearing, the Commission approved a motion (5 to 1, with three commissioners absent) to forward a recommendation of approval for the rezoning request to the Board of Supervisors. The Planning Commission made its decision after considering public testimony from the Applicant, three speakers speaking in opposition to the request, and clarification from a staff member of the Fresno County Department of Public Health, Environmental Health Division. The Commission also included a recommendation that the Board adopt the Negative declaration prepared for the project as part of the Commission's approval recommendation. A copy of the May 26, 2016 Planning Commission Staff Report is attached as Exhibit 2. The proposed Negative Declaration prepared for Initial Study 7067 is attached as Exhibit 6 to the Planning Commission staff report.

August 9, 2016 Board of Supervisors Hearing

On August 9, 2016, the Board of Supervisors considered this item. During public testimony a neighboring property owner expressed opposition to the proposal citing concerns with advertising sale of the site for commercial use and the presence of weeds and overgrowth. The Board inquired whether the Applicant could speak to the concerns presented by the neighbor, but neither the Applicant nor his representative was present at the hearing to respond. A motion was subsequently made to continue the item to a date uncertain with direction to staff to work with the Applicant on the condition of the site related to weeds and property signage in order to allow the Applicant the opportunity to address the concerns identified. The motion was approved unanimously (5 to 0).

Following the Board's action to continue the item, staff conducted a site visit on the afternoon of August 9, 2016. Staff did observe the presence of the for-sale sign and some weed growth on the property. Specifically, the majority of the weeds were limited to a narrow strip of land outside the fence line of the parcel adjacent to Grantland Avenue. At the time of the staff visit, the weed growth was not at a significant level. There was also some limited growth of weeds located behind the fence line. Much of the site is paved and some weeds were observed between the pavement cracks. Site photographs taken on August 9, 2016 are attached as Exhibit 3.

After the Board hearing and the site visit, the Applicant was apprised of the concerns expressed at the August 9, 2016 hearing both in regards to the weed growth and the sign. The Applicant has indicated he will be present for the October 11, 2016 Board hearing and has expressed a willingness to address the weed growth and was encouraged to do so prior to the October 11th Hearing. Regarding the sign, it should be noted that it is not uncommon for a property owner, as a contingency, to advertise a property during the land use application review process in the event that the land use application is denied. In this case, under the current zoning, the sole permitted use is a commercial agricultural activity (dehydrator).

If the Board determines that the proposed rezoning is consistent with the General Plan, an approval motion would be appropriate stating in its motion to approve that the Board is adopting the Negative Declaration prepared for IS 7067.

If the Board determines that the rezoning is not consistent with the General Plan, denial of the application would be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan.

REFERENCE MATERIAL:

BAI #9, August 9, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits 1 - 3
Ordinance

CAO ANALYST:

John Hays