

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 484 -3835

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. That portion of the Northeast quarter of the Southeast quarter of Section 4, Township 14 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the US Government Plat, described as follows: Beginning at the Southeast corner of said northeast quarter of the Southeast quarter of said Section; thence North along the Easterly line of said Section, 937 feet in a direct line to its intersection with the Southerly line of Highway 180; thence Southwesterly along said Southerly boundary of Highway 180, 250 feet to a point; thence South in a direct line to the intersection with the Southerly boundary line of the above described land; thence East along the said Southerly boundary line to the point of beginning, which heretofore has been classified in the R-R (Rural Residential) Zone District pursuant to the Zoning Division of the Ordinance Code of Fresno County, located on the south side of State Route (SR) 180 approximately 2,540 feet east of its intersection with George Smith Road within the unincorporated community of Squaw Valley, is hereby changed to the C-6(c) (General Commercial) Zone District, limited to Variety Stores, Automobile Parts Sales (new) and Hardware Stores as depicted in the attached Exhibit "A" subject to the Mitigation Measures and Conditions of Approval listed in Exhibit "B."

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

4 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-65857,
5 this Ordinance, designated as Ordinance No. R- 484 -3835 shall take effect thirty days after its
6 passage.

7 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
8 of the County of Fresno this 7th day of May 2019, to wit:

9
10 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

11 NOES: None

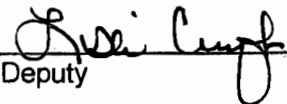
12 ABSENT: None

13 ABSTAINED: None
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17 Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

18 **ATTEST:**
19 Bernice E. Seidel
20 Clerk of the Board of Supervisors
County of Fresno, State of California

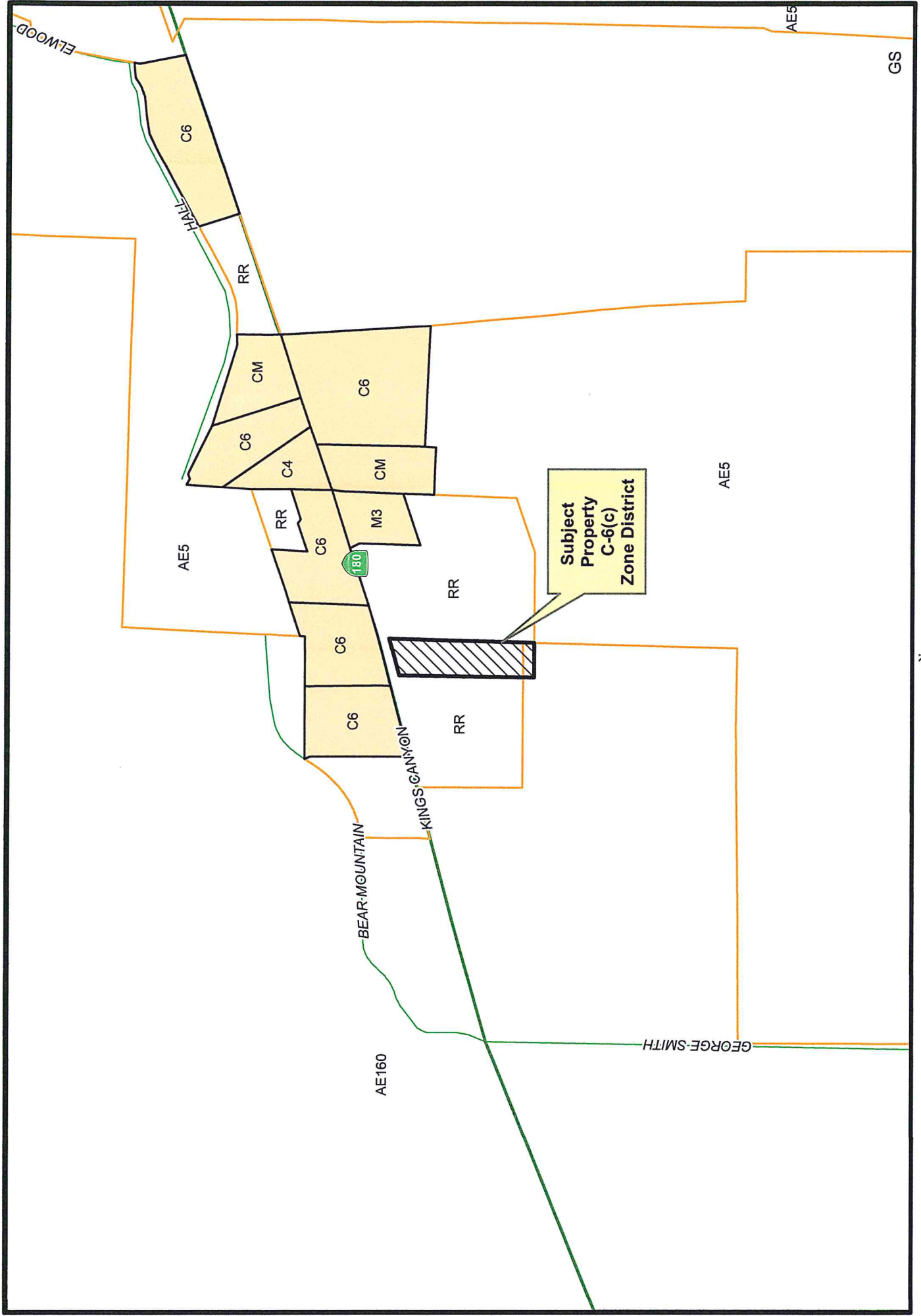
21 By 
22 Deputy

23
24 FILE # 19-0298

25 AGENDA # 11

26 ORDINANCE # R-484-3835
27
28

EXHIBIT A



Mitigation Monitoring and Reporting Program
Initial Study Application No. 7543/Amendment Application (AA) No. 3835
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Cultural Resources	A qualified archaeologist shall be retained to conduct a Worker's Environmental Awareness Program training in archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	As noted
2.	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 shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, 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	As noted
Conditions of Approval					
1.	The uses allowed on the property shall be limited to the following by-right uses listed in Section 838.1 (C-6; General Commercial District) of the Zoning Ordinance: - Variety stores - Automobile parts sales (new) - Hardware stores				
2.	At the time of the establishment of any of the uses proposed by this application, the project shall pay into the Fresno County Regional Transportation Mitigation Fee (RTMF) through the Fresno County Council of Governments.				
3.	Access to the site off State Route 180 shall be designed and constructed per current California Department of Transportation (Caltrans) Standard Plans.				

EXHIBIT B

4.	The Applicant shall submit a preliminary technical report to the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) six months prior to any water-related construction for the future development on the property.
5.	A 180-foot setback beyond the ultimate right-of-way for State Route (SR) 180 (60 feet south of centerline) shall be provided for all structures and parking areas for the uses allowed by this application. The setback area shall be maintained as much as practical in natural condition minimizing the removal of mature trees and grading and be provided with landscaping to minimize the visual impact of the development from SR 180.
6.	Commercial structures shall use an exterior earth-tone color scheme and non-reflective roofing material (brown, tan, etc.) that reduces glare and blends with or compliments the surrounding landscape and on-site landscaping. Color schemes shall be submitted at the time of Site Plan Review and approved by the Department of Public Works and Planning prior to permit issuance.
7.	The number of contrasting colors on the building exterior shall be minimized with primary colors solely utilized to accent building elements such as door and window frames or signage lettering. Fluorescent colors, shall be prohibited.
8.	Any architectural detail shall be painted to compliment the primary (anchor) structure's façade and shall tie-in with adjacent on-site buildings.
9.	One free-standing business sign advertising only the on-site use shall be permitted. The sign shall be a maximum of 15 feet in height and 100 square feet in area and shall be externally illuminated by continuous, stationary, shielded light sources directed solely at the sign and installed in a manner as to minimize glare on the public right-of-way or adjacent properties. The sign frame, pylon/pole and light standards shall be painted in an identical earth tone, non-reflective color scheme approved for the commercial structure(s).
10.	Building signage shall be limited to the exterior facing State Route 180 and utilize individual interior lighted lettering mounted to the building exterior.
11.	All outdoor storage areas shall be screened by fencing or landscaping and shall not be visible from State Route 180 or any other public roadway.
12.	Development shall maintain a minimum of 600 feet of sight distance in each direction from the drive entrance.
13.	The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of Initial Study No. 7543 and Amendment Application No. 3835 and provide a bond in the amount of \$150,000 as security for any such legal costs incurred by the County.

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

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Prior to the establishment of any of the uses proposed by this application in the C-6(c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section

Project Notes	
	874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, fire protection, noise, and control of light.
2.	Permits shall be required from the State Water Resources Control Board, Division of Drinking Water to operate the existing well on the property as a public water system. Note: These requirements will be addressed through mandatory Site Plan Review.
3.	To address public health impact resulting from the establishment of any of the uses proposed by this application, the Fresno County Department of Public Health, Environmental Health Division requires the following: • A test hole and inspection shall be required prior to the issuance of construction permits. • Prior to the issuance of building permits, the Applicant shall submit complete food facility plans and specification to the Health Department. • Prior to operation, the Applicant shall apply for and obtain a permit to operate food facilities from the Health Department. • The Applicant shall submit an application for a permit to operate a Public Water System, and supporting information in the form of a technical report, to the California Department of Health Services, Drinking Water Field Operations Branch for review. • In an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by a 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, and the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. • Future tenants 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 the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507. • If any underground storage tank(s) are found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Health Department. Note: These requirements will be addressed through mandatory Site Plan Review.
4.	To address grading and drainage impacts resulting from the establishment of any of the uses proposed by this application, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following: • An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties • A Grading Permit or Voucher for site grading • Handling of storm water runoff from the property per County Standards • The development be in accordance with the applicable SRA Fire Safe Regulations as they apply to driveway construction and access. Note: These requirements will be addressed through mandatory Site Plan Review.
5.	To address air quality impacts resulting from the establishment of any of the uses proposed by this application, the Applicant shall submit an Air Impact Assessment (AIA) Application with the San Joaquin Valley Air Pollution Control District and pay applicable off-site Mitigation Fees prior to issuance of the first Grading/Building Permit.

Project Notes

	The future development projects may also be subject to: • Regulation VIII (Fugitive Dust Rules) • Rule 4102 (Nuisance) • Rule 4601 (Architectural Coatings) • Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations) • Rule 4002 (National Emission Standards for Hazardous Air Pollutants) in the event an existing building will be renovated, partially demolished or removed. Note: These requirements will be addressed through mandatory Site Plan Review.
6.	Any of the uses proposed by this application shall comply with the California Code of Regulations Title 24 – Fire Code. The property shall annex to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District, and comply with the California Code of Regulations Title 14 - Natural Resources 1272.00 Maintenance of Defensible Space Measures.
7.	To address air quality impacts resulting from the establishment of any of the uses proposed by this application, the Applicant will adhere to the following: • Proposed landscape improvement area of 500 square feet or more shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO) and require submittal of Landscape and Irrigation plans per the Governor's Drought Executive Order of 2015. The Landscape and Irrigation plans shall be submitted to the Department of Public Works and Planning, Site Plan Review (SPR) Unit for review and approval prior to the issuance of Building Permits. • All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance. Note: These requirements will be addressed through mandatory Site Plan Review.

EA:ksn

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