



Board Agenda Item 9

DATE: August 9, 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) - PC 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 comes before the Board with a recommendation for approval from the Planning Commission (5 to 1, three Commissioners absent).

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.

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.

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.

The item was considered by the Planning Commission on May 26, 2016. After receiving staff's presentation, the Commission heard public testimony from the Applicant and his representative as well as testimony from three members of the public who expressed concerns with the proposal. Two speakers expressed concerns about prior unpermitted commercial trucking activities at the project site and maintenance and upkeep of the property. A third speaker expressed concern about the condition of the soil due to its previous use as an agricultural dehydration facility. Staff from the Fresno County Department of Public Health, Environmental Health Division also spoke at the hearing to respond to questions raised regarding the property's soil conditions. At the conclusion of public testimony, the Commission approved a motion (5 to 1, with three commissioners absent) to forward to the Board a recommendation adopting the Negative Declaration prepared for the project and approving the proposed rezone request. The dissenting Commissioner expressed concerns about the Applicant's management of the subject property in general based on the sentiments expressed by the neighboring property owners who testified at the hearing. 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.

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.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits 1 - 2

On file with Clerk - Ordinance

CAO ANALYST:

John Hays