



# Board Agenda Item 12

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DATE: August 23, 2016

TO: Board of Supervisors

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

SUBJECT: Amendment to Text Application No. 373 (Applicant: County of Fresno)

RECOMMENDED ACTION(S):

**Consider and approve Amendment to Text Application No. 373 and adopt ordinance amending various sections of the Fresno County Zoning Ordinance to add Temporary Mill/Chipping Facilities as a matter of right in the RC (Resource Conservation), TPZ (Timberland Preserve), and AE (Exclusive Agricultural) Districts, subject to certain standards and limited in duration to the declared local state of emergency due to tree mortality and degraded forest conditions, plus an additional 180 consecutive days thereafter.**

This item has been prepared pursuant to Board direction provided to staff on April 12, 2016, to develop expedited land use processes to address the tree mortality and received a unanimous recommendation for approval from the Planning Commission (see Exhibit 1). Staff has determined that the subject proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to Statutory Exemption Section 15269(c) Emergency Projects (specific actions necessary to prevent or mitigate an emergency), Categorical Exemption - Section 15301(h) Existing Facilities (Maintenance of existing landscaping, native growth, etc.) and Section 15308 Actions by Regulatory Agencies for Protection of the Environment (maintenance/protection of the environment).

ALTERNATIVE ACTION(S):

If the Board determines that the proposed Amendment to the Zoning Ordinance is not consistent with the General Plan, a motion to deny Amendment to Text Application No. 373 would be appropriate.

FISCAL IMPACT:

Preparation of the Amendment to Text and related Agenda Item in the amount of approximately \$7,500 is a Net County Cost, which is being absorbed within the Department of Public Works and Planning FY 2016-17 Org 43600200 Adopted Budget.

DISCUSSION:

An Amendment to the Zoning Ordinance is a legislative act requiring final approval from your Board. If approved, the amended Zoning Ordinance would then become effective 30 days after adoption. Specific language relating to this Amendment to Text is included in Exhibits B-2 of the Planning Commission Resolution (Exhibit 1).

On April 12, 2016, the Board of Supervisors renewed its Proclamation of Local Emergency and directed staff to initiate research, consider options, and propose necessary amendments to the County Zoning Ordinance to streamline the County process to respond to the tree mortality conditions. This Amendment to Text Application

would streamline the County's existing permitting process by establishing new by-right options for Temporary Mill/Chipping Facilities, provided the uses do not exceed certain operational thresholds identified in the proposed standards.

As discussed in the Planning Commission staff report (Exhibit 2), if approved, the proposed amendment will provide an option in the Ordinance to allow a by-right use for Temporary Mill/Chipping Facilities to assist with the prompt removal of dead or dying trees resulting from the tree mortality. These by-right uses would be limited to the operational criteria requirements outlined in the proposed text. It should be noted that the proposed amendment is limited to existing zoning districts that allow similar uses as proposed and that are also located most common to the eastern foothill/mountain regions which have been most impacted by tree mortality. The "O" (Open Space) District is not included in the districts proposed for this amendment given the limited amount of parcels zoned "O" in the eastern foothill/mountain region and sensitive nature/intent of the "O" Zoning District. For illustrative purposes, Exhibit 3 of the Planning Commission staff report is included to depict the zoning in the eastern foothill/mountain region of the County, which is the area of greatest impact related to tree mortality.

This item was heard by the Planning Commission at its regularly scheduled June 30, 2016 hearing. After considering the Staff Report and testimony, the Planning Commission considered the subject Amendment to Text Application and voted unanimously (seven to zero, two Commissioners absent) to recommend that the Board approve Amendment to Text Application No. 373 with modification to add a standard to limit hours of operation between sunrise and sunset to address potential noise issues. This addition has been included in the proposed standards attached as Exhibit B-2 of the Planning Commission Resolution (Exhibit 1).

If the Board determines that the proposed Amendment to the Zoning Ordinance is consistent with the General Plan, an approval motion would be appropriate. If the Board determines that the proposed Amendment to the Zoning Ordinance 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 and 2  
Ordinance

CAO ANALYST:

John Hays