



EXHIBIT 1

Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.

DATE: May 18, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12648 - INITIAL STUDY APPLICATION NO. 7015 AND AMENDMENT APPLICATION NO. 3813

APPLICANT/
OWNER: Gary Toor

REQUEST: Rezone a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow limited light industrial uses as requested by the Applicant, including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials.

LOCATION: The subject property is 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 (Sup. Dist. 4) (APN 316-080-37).

PLANNING COMMISSION ACTION:

At its hearing of May 18, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Borba and seconded by Commissioner Chatha to recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7015; recommend that the Board of Supervisors approve Amendment Application No. 3813 subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listed in Exhibit "B" with the removal of Condition No. 2 relating to the dedication of road right-of-way and replacement with a condition requiring all on-site improvements be set back 42 feet from the centerline of the road, and direct the Secretary to

RESOLUTION NO. 12648

prepare a Resolution stating that the approval of the proposed rezoning is consistent with the Fresno County General Plan and County-adopted Roosevelt Community Plan.

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Chatha, Ede, Eubanks, and Mendes
 No: None
 Absent: Commissioners Abrahamian, Lawson, Vallis, Woolf
 Abstain: None
 Recused: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By:  _____
William M. Kettler, Manager
Development Services Division

WMK:ea
G:\4360Devs&PIn\ADMIN\BOARD\Board Items\2017\7-11-17\AA3813\AA3813 AI Exhibit 1 (Reso).docx

Attachments

EXHIBIT A

Initial Study Application No. 7015
Amendment Application No. 3813

- Staff: The Fresno County Planning Commission considered the Staff Report dated May 18, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the proposal and offered the following information:
- The owner runs a trucking logistic operation; company trucks are routed across the United States to pick up and deliver merchandise.
 - The business operation requires a small office on the property.
 - An Operational Statement letter was provided with the application submitted to the County.
 - The Applicant has no issue with the removal of the condition requiring dedication of right-of-way and addition of a condition requiring all improvements set back 42 feet from the centerline of Willow Avenue.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: One letter was presented to the planning Commission in support of the application citing displacement of the owner's current business location due to the High-Speed Railroad project.
- No letters were presented to the Planning Commission in opposition to the application.

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

		<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>			
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.	<p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning, future development shall require:</p> <ul style="list-style-type: none"> • 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.	<p>Per the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, future developments shall require:</p> <ul style="list-style-type: none"> • 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.	<p>Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), future development shall be subject to the following:</p> <ul style="list-style-type: none"> • 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.	<p>Per the Fresno Metropolitan Flood Control District (FMFCD), future development shall be subject to the following:</p> <ul style="list-style-type: none"> • 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

EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7015
Amendment Application No. 3813

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 3,901.00 ¹
Amendment Application	\$ 6,214.00 ²
Public Health Department Review	\$ <u>721.00³</u>
Total Fees Collected	<u>\$ 10,836.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.

² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.

³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division; comments.



EXHIBIT 2

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 May 18, 2017

SUBJECT: Initial Study Application No. 7015 and Amendment Application No. 3813

Rezone a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow limited light industrial uses as requested by the Applicant, including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials.

LOCATION: The subject property is 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 (Sup. Dist. 4) (APN 316-080-37).

**OWNER/
APPLICANT:** Gary Toor

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7015; and
- Recommend that the Board of Supervisors approve Amendment No. 3813 with the Mitigation Measures, recommended Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3813 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures, recommended Conditions of Approval, and Project Notes as listed in the Staff Report.

EXHIBITS:

1. Mitigation Measures, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Uses Allowed under the Current AL-20 (Limited Agricultural) Zone District
6. Uses Proposed to be Allowed Under the M-1 (Light Manufacturing) Zone District With Approval of Amendment Application No. 3813
7. Summary of Initial Study Application No. 7015
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Reserve (Limited Industrial) in the County-adopted Roosevelt Community Plan	N/A
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	M-1(c) (Light Manufacturing, Conditional)
Parcel Size	Five acres	No change
Project Site	Undeveloped	Limited light industrial uses as requested by the Applicant, including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials
Structural Improvements	None	N/A. No development proposed by this application
Nearest Residence	15 feet to the south of the proposal	No change
Surrounding Development	Propane transport facility, cold storage facility, truck	No change

Criteria	Existing	Proposed
	depot, Fresno Metropolitan Flood Control Basin, truck repair shop, farm storage building, single-family residences	
Operational Features	N/A	See "Project Site" above
Employees	N/A	N/A. No development proposed by this application
Customers/Supplier	N/A	Same as above
Traffic Trips	None	A Traffic Impact Study (TIS) prepared for the project indicated that development of the uses proposed by this application will have less than significant traffic impact in the area
Lighting	None	N/A. No development proposed by this application
Hours of Operation	None	Same as above

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Existing AL-20 Zone District: Front: 35 feet Side: 10 feet Rear: 20 feet	Proposed M-1 Zone District: Front: Zero feet Side: Zero feet Rear: Zero feet	N/A. No development proposed by this application
Parking	One parking space in a garage or carport for every dwelling unit	One parking space for each two permanent employees One parking space for each truck operated by the concern One parking space for each sales person permanently employed	Same as above
Lot Coverage	No requirement	No requirement	Same as above

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Separation Between Buildings	40 feet separation between animal shelter and building for human occupancy	Same as above	Same as above
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code	N/A	Same as above
Septic Replacement Area	100 percent for the existing system	N/A. No development proposed by this application	Same as above
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	The property is connected to the City of Fresno's public water system for future developments on the property	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Willow Avenue; poor condition	No change
Direct Access to Public Road	Yes	Willow Avenue; poor condition	No change
Road ADT		1500	No change (no development proposed)
Road Classification		Arterial	No change
Road Width		30 feet	Dedication of additional 12 feet of right-of-way across the parcel frontage required to provide half right-of-way of 42 feet from section line in compliance with the road's classification as a Collector in the County's General Plan
Road Surface		Asphalt concrete	No change
Traffic Trips		None	A Traffic Impact Study (TIS) prepared for the project indicated that development of the uses

		Existing Conditions	Proposed Operation
			proposed by this application will have less than significant traffic impact in the area
Traffic Impact Study (TIS) Prepared	Yes	N/A	Same as above
Road Improvements Required		Poor condition	None required

Surrounding Properties

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	3 acres	Truck depot	M-1(C)	None
South:	2.57 acres	Single-Family Residence	AL-20	15 feet
East:	11 acres	Fresno Metropolitan Flood Control Basin	AL-20	None
West:	1 acre & 3.28 acres	Propane transport facility, cold storage facility, truck repair shop, farm storage building	M-3	None

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

Initial Study Application No. 7015 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 7.

Notice of Intent of Mitigated Negative Declaration publication date: April 26, 2017.

PUBLIC NOTICE:

Notices were sent to 82 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission's action as practical to make the final decision on the Amendment Application. Information for that hearing will be provided under separate notice.

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning request is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a rezoning, however, is final unless appealed to the Board of Supervisors.

BACKGROUND INFORMATION:

According to County zoning records, the subject property and the surrounding land were zoned RA (Single-Family Residential Agricultural District) on August 21, 1951. The zoning in the area changed from the RA Zone District to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District on September 29, 1980 and later from the AE-20 Zone District to the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District on September 21, 1993. The property is currently zoned AL-20. The County-adopted Roosevelt Community Plan was first adopted in April of 1991 and has been amended several times since.

Under the subject application, the Applicant is proposing to rezone the property from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow limited light industrial uses including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials. A complete list of proposed uses is included in Exhibit 6 of this staff report.

The Applicant is a High-Speed Rail project-impacted business owner who is in the process of relocating his business from the old location at 2660 S. Railroad Avenue, Fresno, to the subject property. The impact was the full acquisition of the Applicant's property and the High-Speed Railroad Authority took legal possession as of February 9, 2015.

The Initial Study (IS) No. 7015 prepared for the project was routed to public agencies for a 30-day review on February 23, 2017 and the subject application was scheduled for a Planning Commission hearing on March 30, 2017. However, the application was pulled prior to the Planning Commission hearing in order to address concerns raised by the City of Fresno and State Water Resources Control Board (SWRCB), Office of Drinking Water relating to the availability of community water and sewer to the project site. Both agencies, including Fresno County Department of Public Health, Environmental Health Division required that the property connect to the public water and sewer systems. Several subsequent discussions have occurred between the County, City of Fresno and SWRCB. It has been determined that the property was connected to the City of Fresno's public water system in 2016. Connection to the City's public sewer system will be required when a sewer main is constructed and operational within 100 feet of the property. These determinations are reflected in the revisions (strikethrough and **bold**) to the Geology and Soils and Hydrology and Water Quality Section of the Initial Study (Exhibit 7). An update was also made to the Cultural Resources Section of the Initial Study to reflect the most current language used for this mitigation measure.

ANALYSIS/DISCUSSION/GENERAL PLAN CONSISTENCY:

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-F.29: County may approve rezoning requests for new	With regard to Criteria "a", development of the uses proposed by this application will require compliance

Relevant Policies:	Consistency/Considerations:
<p>industrial development, subject to the following criteria:</p> <ul style="list-style-type: none"> a) Operational measures to protect public health, safety, and welfare b) Adequate off-street parking c) Maintenance of non-objectionable use areas adjacent to abutting properties d) Limitations on the industry's size, time of operation, or length of permit 	<p>with the Fresno County Noise Ordinance and Air District rules and regulations. With regard to Criteria "b", "c" and "d", the proposed use will be subject to the M-1 Zone District development standards and will be analyzed against these standards during the Site Plan Review process when development occurs on the property. The five-acre parcel is adequate in size to accommodate off-street parking for the proposed uses. The property is connected to the City of Fresno's public water system and will be required to connect with City of Fresno's public sewer system at the time it becomes available to the property. The proposal is consistent with this Policy.</p>
<p>General Plan Policy LU-F.30: County shall generally require community sewer and water services for industrial development be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board.</p>	<p>The proposal is consistent with this Policy in that the property is connected to the City of Fresno's public water system and will be required to be developed with uses that only generate small amounts of liquid waste until such time that public sewer service from the City of Fresno's public sewer system is available to the property.</p>
<p>Policy LU-G.14 states that the County shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation and provisions of any applicable city/county memorandum of understanding.</p>	<p>The subject property is within the City of Fresno Sphere of Influence (SOI). In accordance with the subject policy, the project was referred to the City of Fresno for possible annexation. The City of Fresno released the project to the County for processing on July 7, 2015 by indicating that annexation to the City of Fresno was not feasible at that time due to unincorporated properties surrounding the subject site. The proposal is consistent with this Policy.</p>
<p>General Plan Policy PF-C.17: County shall undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability.</p>	<p>The subject property is not located in a water-short area and is connected to the City of Fresno public water system for the uses proposed by this application. No water-related concerns were expressed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning. The proposal is consistent with this Policy.</p>
<p>Roosevelt Community Plan, Section 6.02.g. The tier of Limited Industrial-designated properties located along the south side of Jensen Avenue is intended to provide a transition from the existing and planned residential uses along the north side of Jensen Avenue.</p>	<p>The subject rezoning from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District is consistent with this policy.</p>

Reviewing Agency/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The Applicant shall dedicate 12 feet of additional right-of-way across the parcel frontage to provide half right-of-way of 42 feet from the section line in compliance with the road's classification as a Collector in the County's General Plan. This requirement has been included as a Condition of Approval.

Furthermore, drive approaches shall not exceed 35 feet in width, 10-foot by 10-foot corner cutoffs shall be provided on any fencing that may restrict sight visibility for any vehicles exiting the site, and any gates installed along the Willow Avenue frontage shall be set back a minimum of 20 feet from the ultimate road right-of-way. These requirements will be included as a Project Note.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan shall be required 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 shall be required for any grading proposed with this application. Prior to any work done within the County road right-of-way, an encroachment permit shall be obtained from the Road Maintenance and Operations Division. On-site turnarounds shall be required for vehicles leaving the site to enter Willow Avenue in a forward motion.

Fresno County Department of Public Health, Environmental Health Division (Health Department): 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.

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 shall require FID's review and approval.

Fresno Metropolitan Flood Control District (FMFCD): 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 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.

Fresno County Fire Protection District: The project shall 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.

The aforementioned requirements have been included as Project Notes.

Building and Safety, Zoning, and Water/Geology/Natural Resources Sections, and Design Division of the Fresno County Department of Public Works and Planning; Fresno County Department of Agriculture; Local Agency Formation Commission: No concerns.

Analysis:

The subject property is located in an area designated Reserve (Limited Industrial) in the County-adopted Roosevelt Community Plan, which provides for restricted, non-intensive manufacturing and storage activities which do not have detrimental impacts on surrounding properties. The property is currently zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance.

The subject proposal entails rezoning of a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (Light Manufacturing) Zone District to allow limited by-right uses including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials (Exhibit 6).

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. In this case, the subject parcels are designated Reserve (Limited Industrial) in the County-adopted Roosevelt Community Plan. The Zoning Compatibility Matrix for the Roosevelt Community Plan indicates that the proposed conditional M-1 Zone District is compatible with the Reserve (Limited Industrial) designation of the Roosevelt Community Plan. Further, the property is located within the Sphere of Influence of the City of Fresno. Under the City's General Plan and Roosevelt Plan, the property is designated for Light Industrial uses for which the proposed conditional M-1(c) (Light Manufacturing, Conditional) Zone District is appropriate.

Pursuant to the Memorandum of Understanding (MOU) between the County and City of Fresno, the proposal was referred to the City for annexation. The City of Fresno released the project to the County for processing on July 7, 2015 by indicating that annexation to the City of Fresno was not feasible at that time due to unincorporated properties surrounding the subject site. The area of the property is transitioning from agricultural to industrial uses in accordance with the Roosevelt Community Plan Policy (Section 6.02.g) as discussed above. Parcels to the north and west of the proposal are zoned M-1 (Light Manufacturing) and M-3 (Heavy Industrial) and developed with a propane transport facility, cold storage facility, truck depot, and a single-family residence. Parcels to the east and south are zoned AL-20 (Limited Agricultural, 20-acre

minimum parcel size) and developed with a single-family residence and Fresno Metropolitan Flood Control Basin. The by-right uses proposed to be allowed under the M-1(c) Zone District (Exhibit 6) are similar in nature and intensity to the existing industrial uses in the vicinity of the proposal.

An Initial Study prepared for the project has identified potential impacts to aesthetics, air quality, cultural resources and geology and soils. In regard to aesthetics, all outdoor lighting associated with development of industrial uses on the site will be hooded and directed downward so as to not shine toward adjacent property and public streets. In regard to air quality, all uses proposed by this application would require Air District review for District Rule 9510 prior to establishment of a use on the property. In regard to cultural resources, any cultural artifacts or human remains discovered during ground-disturbance activities will require all work to be stopped and findings to be evaluated by an archeologist. In regard to geology and soils, only uses that generate small amounts of liquid waste will be permitted until the property is served by the City of Fresno's public sewer system. A Site Plan Review would be required for the uses proposed by this application to address design of parking and circulation, driveway, access, grading and drainage, dedication of right-of-way, fire protection and lighting.

Adherence to these requirements included as Mitigation Measures (Exhibit 1) will reduce the project impact on the surrounding neighborhood to less than significant.

Potential impacts related to geology and soils, hazards and hazardous materials, and hydrology and water quality are considered to be less than significant. The Applicant will be required to: submit a Grading and Drainage Plan to ensure that the proposed future development will not result in drainage patterns that could adversely affect surrounding properties; obtain a Grading Permit/Voucher; comply with State rules and regulation for the use and/or storage of hazardous materials and/or hazardous wastes; and to have all abandoned water wells on the parcel properly destroyed by an appropriately-licensed contractor.

Based on the above information, and with adherence to the Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes identified in the Initial Study (IS) prepared for this proposal and discussed in this Staff Report, staff finds that the proposed rezone will not have an adverse effect upon surrounding properties and is consistent with the General Plan and the County-adopted Roosevelt Community Plan.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval and mandatory Project Notes attached as Exhibit 1.

Conclusion:

Staff believes that the proposed rezone from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1(c) (Light Manufacturing, Conditional) Zone District to allow limited light industrial uses is consistent with the Fresno County General Plan and Roosevelt Community Plan, and recommends approval of Amendment No. 3813, subject to the Mitigation Measures, recommended Conditions of Approval and Project Notes identified in this Staff Report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7015; and
- Determine that the M-1(c) (Light Manufacturing, Conditional) zoning is consistent with the General Plan and County-adopted Roosevelt Community Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3813 to the Board of Supervisors with a recommendation for approval, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in the Staff Report.

Alternative Motion (Denial Action)

- Determine that the proposed M-1(c) (Light Manufacturing, Conditional) zoning is not consistent with the General Plan and County-adopted Roosevelt Community Plan (state basis for non-consistency); and deny Amendment No. 3813; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3813\SR\AA3813 SR.docx

EXHIBIT 1

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

			<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>		
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.	The Applicant shall dedicate 12 feet of additional right-of-way across the parcel frontage to provide half right-of-way of 42 feet from the section line in compliance with the road's classification as a Collector in the County's General Plan.				
3.	<p>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).</p>				

*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.	<p>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.</p>
2.	<p>Per the Development Engineering Section of the Fresno County Department of Public Works and Planning, future development shall require:</p> <ul style="list-style-type: none"> • 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.	<p>Per the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning, future developments shall require:</p> <ul style="list-style-type: none"> • 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.	<p>Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), future development shall be subject to the following:</p> <ul style="list-style-type: none"> • 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.	<p>Per the Fresno Metropolitan Flood Control District (FMFCD), future development shall be subject to the following:</p> <ul style="list-style-type: none"> • 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 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

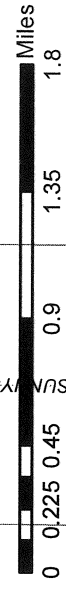
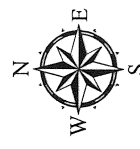
Notes	
	filing a Notice of Intent (NOI) for the State General Permit for Construction Activity with the State Water Resource Control Board.
6.	Future development must comply with the California Code of Regulations Title 24 – Fire Code; require approval of County-approved site plans by the Fire District 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&Pin\PROJSEC\PROJDOCS\AA\3800-3899\3813\SRVAA3813 MMRP (Ex 1).docx

LOCATION MAP

EXHIBIT 2



**SUBJECT
PROPERTY**

FRESNO SPHERE OF INFLUENCE

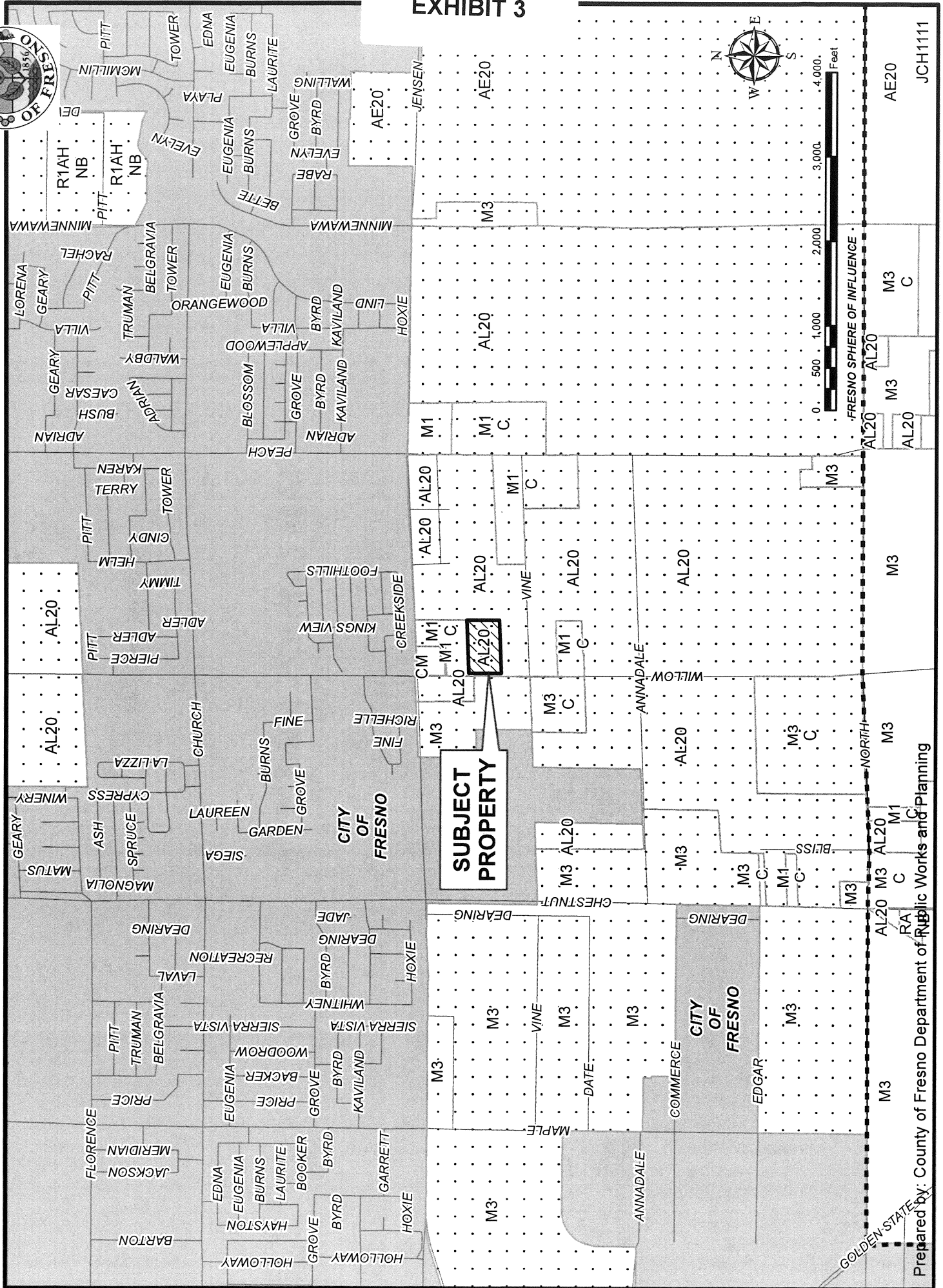
FOWLER SPHERE OF INFLUENCE

CITY OF
FRESNO

EXISTING ZONING MAP



EXHIBIT 3






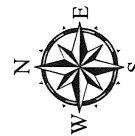
EXISTING LAND USE MAP

EXHIBIT 4

- LEGEND**
- PAH - PACKING HOUSE
 - FC - FIELD CROP
 - I - INDUSTRIAL
 - MHP - MOBILE HOME PARK
 - SF# - SINGLE FAMILY RESIDENCE
 - V - VACANT
 - VIN - VINEYARD
 - C - COMMERCIAL
 - CP# - OFFICE COMM./PROF

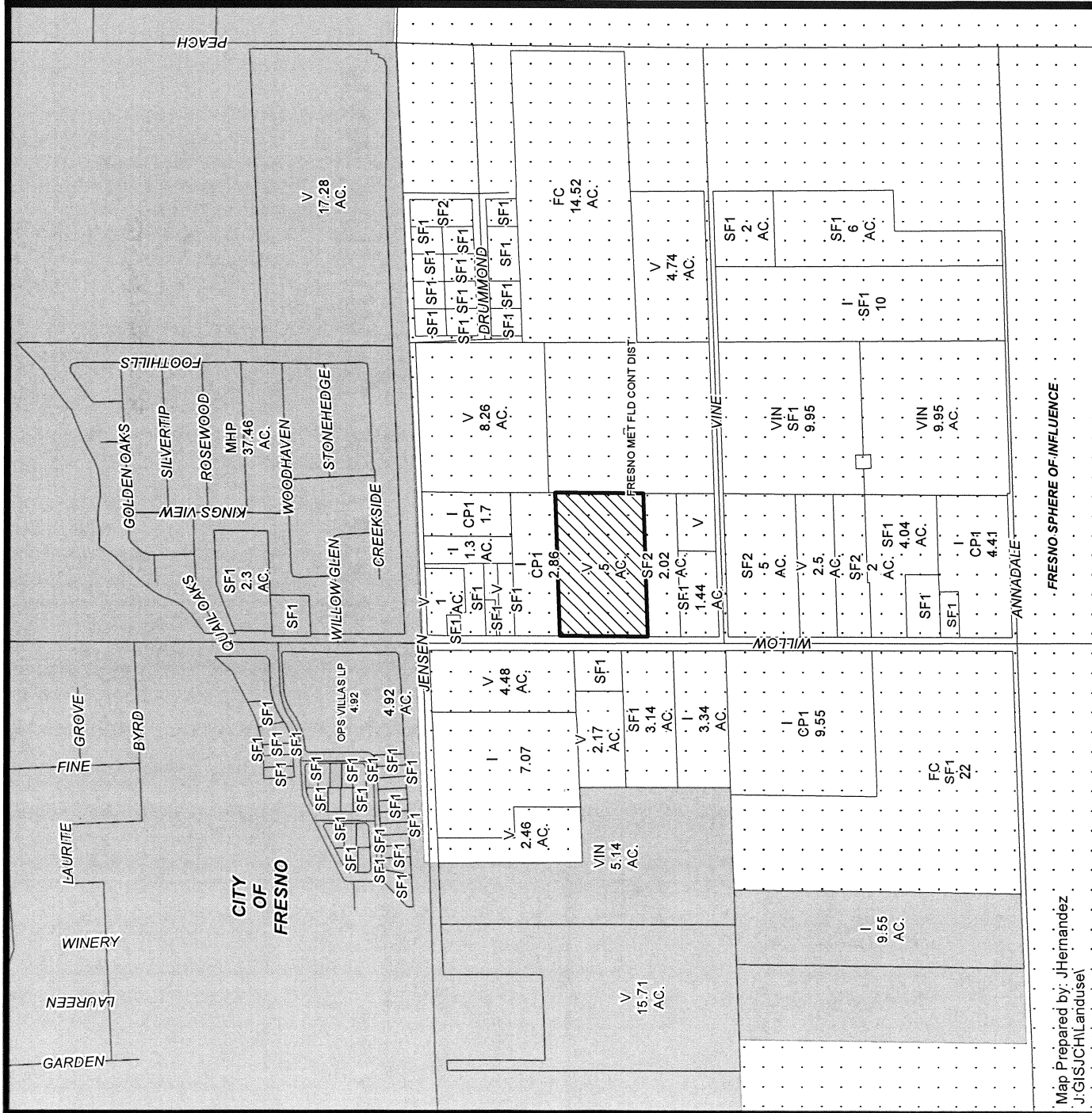
LEGEND:

 Subject Property



0 162.5 325 650 975 1,300 Feet

Department of Public Works and Planning
Development Services Division



Map Prepared by: JHernandez
JGIS/CHL/anduse

EXHIBIT 5

SECTION 817

"AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

The "AL" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designation of 640, 320, 160, 80, 40, and 20 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Section 817 added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.188 adopted 10-29-79)

SECTION 817.1 - USES PERMITTED

The following uses shall be permitted in the "AL" Districts. All uses shall be subject to the Property Development Standards in Section 817.5.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. 490.188 adopted 10-29-79)

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.
(Amended by Ord. 490.174 re-adopted 5-8-79)
- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.
(Amended by Ord. T-038-306 adopted 5-22-90)
- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.
(Added by Ord. T-038-306 adopted 5-22-90).
- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.
(Added by Ordinance 490.174 re-adopted 5-8-79)
- E. One family dwellings, accessory buildings, and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- F. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.

- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.
(Added by Ord. T-052-286 adopted 3-8-94)
- O. Agricultural tourism uses and facilities subject to the provisions of Section 855-N.
(Added by Ord. T-078-353, adopted 12-7-04)

EXHIBIT 6

SECTION 843.1 – USES PERMITTED

The following uses (in **bold**) shall be permitted in the "M-1" District. All uses shall be subject to the Property Development Standards in Section 843.5.

A. RELATED USES

1. **Advertising structures.**
2. ~~Animal hospitals and shelters.~~
3. **Automobile repairs (conducted within a completely enclosed building).**
4. **Automobile re-upholstery.**
5. ~~Automobile service stations.~~
6. ~~Banks.~~
7. **Caretaker's residence, which may include an office for the permitted industrial use. (Amended by Ord. 490.152 adopted 7-10-78)**
8. ~~Commercial uses that are incidental to and directly related to and serving the permitted industrial uses.~~
9. ~~Delicatessens.~~
10. **Electrical supply.**
11. **Equipment rental or sale**
12. **Farm equipment sales and service.**
13. ~~Frozen food lockers.~~
14. ~~Grocery stores.~~
15. **Boarding and training, breeding and personal kennels. (Amended by Ord. 490.36 adopted 7-25-67)**
16. **Ice and cold storage plants**
17. ~~Mechanical car, truck, motor and equipment wash, including self-service. (Added by Ord. 490.23 adopted 12-28-65)~~
18. ~~Newspaper publishing~~
19. ~~Offices:~~
 - a. ~~Administrative.~~
 - b. ~~Business.~~
 - c. ~~General.~~
 - d. ~~Medical~~
 - e. ~~Professional~~
20. ~~New and used recreational vehicle sales and service. (Added by Ord. 490.129 adopted 1-11-77)~~
21. ~~Restaurants.~~
22. **Signs, subject to the provisions of Section 843.5-K.**
23. ~~Truck service stations.~~
24. **Truck driver's training schools. (Amended by Ord. T-070-341 adopted 4-23-02)**

B. ~~ADULT BUSINESSES that are licensed under Chapter 6.33 of Ordinance Code, including uses such as:~~

1. ~~Bars.~~
2. ~~Restaurants.~~
3. ~~Theaters.~~
4. ~~Video stores.~~
5. ~~Book stores.~~

6. ~~Novelty sales. (Added by Ord. T-074-346 adopted 7-30-02)~~

C. MANUFACTURING

1. Aircraft, modification, storage, repair and maintenance
2. Automotive:
 - a. Painting.
 - b. Automotive reconditioning.
 - c. Truck repairing and overhauling.
 - d. Upholstering.
 - e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components. (Added by Ord. 490.33 adopted 1-17-67)
3. Boat building and repairs.
4. Book binding.
5. Bottling plants.
6. Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas.
7. Commercial grain elevators.
8. Garment manufacturing.
9. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
 - a. Blacksmith shops.
 - b. Cabinet or carpenter shops.
 - c. Electric motor rebuilding.
 - d. Machine shops.
 - e. Sheet metal shops.
 - f. Welding shops.
 - g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals.
10. Manufacturing, compounding, processing, packing or treatment of such products as:
 - a. Bakery goods.
 - b. Candy.
 - c. Cosmetics.
 - d. Dairy products.
 - e. Drugs.
 - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system.
 - g. Fruit and vegetables (packing only).
 - h. Honey extraction plant.
 - i. Perfume.
 - j. Toiletries.
11. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
 - a. Canvas.
 - b. Cellophane.
 - c. Cloth.
 - d. Cork.
 - e. Felt.

- f. Fibre.
- g. Fur.
- h. Glass.
- i. Leather.
- j. Paper, no milling.
- k. Precious or semi-precious stones or metals.
- l. Plaster.
- m. Plastic.
- n. Shells.
- o. Textiles.
- p. Tobacco.
- q. Wood.
- r. Yarns.
- 12. Manufacturing and maintenance of electric or neon signs
- ~~13. Novelties.~~
- 14. Planing mills.
- 15. Printing shops, lithographing, publishing.
- ~~16. Retail lumber yard.~~
- ~~17. Rubber and metal stamps.~~
- 18. Shoes.
- 19. Stone monument works.
- 20. Storage yards:
 - a. Contractors storage yard.
 - b. Draying and freight yard.
 - c. Feed and fuel yard.
 - d. Machinery rental.
 - e. Motion picture studio storage yard.
 - f. Transit storage.
 - g. Trucking yard terminal, except freight classifications.
- 21. Textiles.
- 22. Wholesaling and warehousing.
- ~~23. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing. (Added by Ord. 490.21 adopted 9-14-65)~~

D. PROCESSING

- 1. Creameries.
- 2. Laboratories.
- 3. Blueprinting and photocopying.
- 4. Laundries.
- 5. Carpet and rug cleaning plants.
- 6. Cleaning and dyeing plants.
- 7. Tire retreading, recapping, rebuilding.
- 8. Lumber drying kilns; gas, electric or oil fired only.
(Added by Ord. 490.77 adopted 8-17-72)
- 9. Feather cleaning and storage of cleaned feathers within an enclosed structure. (Added by Ord. 490.82 adopted 11-21-72)

E. FABRICATION

- 1. Rubber, fabrication of products made from finished rubber.

2. **Assembly of small electric and electronic equipment.**
3. **Assembly of plastic items made from finished plastic.**

F. OTHER USES

1. **Agricultural uses.**
2. **Communication equipment buildings.**
3. **Electric transmission substations.**
4. **Off-street parking.**
5. ~~Medical Marijuana Cultivation Facility licensed under Chapter 6.6 of Title of County Ordinance Code. (Added by Ord. T-086-364 adopted 8-9-11)~~
6. **Public utility service yards with incidental buildings.**
7. **Electric distribution substations.**
8. **Temporary or permanent telephone booths.**
9. **Water pump stations.**



EXHIBIT 7

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Gary Toor

APPLICATION NOS.: Initial Study Application No. 7015 and Amendment
Application No. 3813

DESCRIPTION: Rezone a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (Light Manufacturing) Zone District to allow limited light industrial uses as requested by the Applicant, including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials.

LOCATION: The project site is 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 (Sup. Dist. 4) (APN 316-080-37).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The project site is located along Willow Avenue which is not designated as a State Scenic Highway in the County General Plan. The site is currently undeveloped. No scenic vistas or scenic resources, including trees, rock outcroppings, or historic buildings, were identified on or near the property. The project will have no impact on scenic resources.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal would rezone a five-acre parcel from the AL-20 Zone District to an M-1 Zone District to allow limited by-right industrial uses as requested by the Applicant.

The subject property is located in an area transitioning from agricultural to industrial uses. Parcels to the north and west of the proposal are zoned M-1 (Light Manufacturing) and M-3 (Heavy Industrial) and are developed with a propane transport facility, cold storage facility, truck depot, and a single-family residence. Parcels to the east and south are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and are developed with a single-family residence and Fresno Metropolitan Flood Control Basin. Residential developments in the City of Fresno are located approximately 700 feet north of the property. The proposed uses are similar in nature to the existing industrial uses in the vicinity of the proposal.

Possible visual impacts of future industrial development to the nearby single-family residence located approximately 15 feet from the southern property line could be greatest. However, this impact should not be significant with a proposed Condition of Approval requiring that landscaping shall: 1) be provided for a depth of ten feet along the southern property line of the project site; 2) consist of trees and shrubs of reasonable size and density to provide visual screening; and 3) be maintained in a healthy condition.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Development of the uses proposed by this application could result in the creation of new sources of light and glare in the area. The project will be subject to Zoning Ordinance, Section 855-I.3.d. which requires that lighting for any development in the proposed conditional M-1 Zone District shall be hooded and so arranged and controlled so as not to cause a nuisance to the surrounding environment. This requirement will be included as a Mitigation Measure and addressed through mandatory Site Plan Review.

* **Mitigation Measure**

1. *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.*

II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not forest land or timberland. The site is classified as Semi-Agricultural and Rural Commercial Land in the 2012 Fresno County Important Farmland Map and is not restricted by a Williamson Act Land Conservation Contract. Per the County Zoning Ordinance, the project site is currently zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and designated Reserve (Limited Industrial) in the County-adopted Roosevelt Community Plan. The proposed rezoning from the AL-20 Zone District to the M-1 (Light Manufacturing) Zone District is conditionally compatible with the Reserve (Limited Industrial) designation in the Roosevelt Community Plan and would be limited to by-right industrial uses subject to the approval of a Site Plan Review.

The Fresno County Department of Agriculture (Ag Commissioner's Office) reviewed the proposal and expressed no concerns with the project.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard; or
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the proposal and stated that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

However, future development of proposed industrial uses will be subject to Air District Rule 9510 (Indirect Source Review) if upon full build-out the project would include any one of the 2,000 square feet of commercial space, 25,000 square feet of light industrial space, 100,000 square feet of heavy industrial space, 20,000 square feet of medical office space or 39,000 square feet of general office space, 9,000 square feet of educational space, 9,000 square feet of educational space, 10,000 square feet of government space, 20,000 square feet of recreational space; and an assessment of the potential project related health impacts if the emissions of toxic Air Contaminants (TACs) will pose a significant health impact to nearby residents/worksites. Uses subject to District Rule (9510) will require an Air Impact Assessment (AIA) Application to be submitted to the District no later than seeking final discretionary approval and pay any applicable off-site mitigation fees before issuance of first building permit. This will be included as a Mitigation Measure:

* **Mitigation Measure**

1. *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.*

E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or

- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is located in an area comprised of mixed industrial and residential uses with limited active farming operations.

The proposal was routed to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for review and comments. No concerns were expressed by either agency. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) the movement of any native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or native wildlife nursery sites.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The subject proposal involves no development. As such, it will not conflict with any local policies or ordinances protecting biological resources, or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or

- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

The project is not located within any area designated to be highly or moderately sensitive for archeological resources. Although no impact to historical, archeological, or paleontological resources are expected from this proposal, a mitigation measure would require that if cultural materials, including human remains, are unearthed during construction, all work is to be halted in the area of the find, and an archeologist is to be called in to evaluate the findings in order to make any necessary recommendations.

* **Mitigation Measure**

1. ~~*In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.*~~ ***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.***

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: LESS THAN SIGNIFICANT IMPACT:

With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact on tribal cultural resource as defined in Public Resources Code Section 21074. No concerns relating to this proposal were expressed by Table Mountain Rancheria or Santa Rosa Rancheria Tachi Yokut Tribe.

VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT:

The project is not located within a fault zone or an area of known landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal will not result in substantial erosion or loss of topsoil. Any site grading and drainage associated with future development of the property will adhere to the Grading and Drainage Sections of the County Ordinance Code. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning, future development of proposed uses shall require: 1) 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; and 2) a Grading Permit or Voucher. These requirements will be included as Project Notes.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: NO IMPACT:

No impacts related to off-site landslides, lateral spreading, subsidence, liquefaction, or collapses were identified in the project analysis.

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

No soils-related impacts were identified in the project analysis.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:**

The subject property is located near the City of Fresno within the City's Sphere of Influence (SOI). The nearest City sewer line at the northwest corner of Jensen and Willow Avenues is approximately 680 feet north of the property.

~~According to the City of Fresno Public Utilities Department, the City sewer services are available to serve the project site and shall connect to the City of Fresno sewer system pursuant to Section 6-303 of the Municipal Code of the City of Fresno. To connect, the owner/contractor: 1) shall pay sewer facility charges per the Fresno Municipal Code Sections 6-303, 6-304 and 6-305 prior to issuance of a building permit by the County; 2) shall pay all applicable Sewer Connection Fees(s) per the Fresno Municipal Code and Master Fee Schedule; and 3) shall abandon all existing on-site private sanitary sewer system(s) in accordance with City standards, specifications, and policies. Local Agency Formation Commission (LAFCo) and Fresno County Department of Public Health, Environmental Health Division (Health Department) also recommends that all future development of the property shall require connection to community sewer facilities. As noted earlier, all uses proposed by this application in the M-1 Zone District are subject to a mandatory Site Plan Review. A determination to connect with the City of Fresno sewer system will be made through the Site Plan Review process based on the evaluation of a use (or uses) prior to the issuance of building permits. The Applicant has been informed of this requirement concerning future evaluation of sewer connection and will be included as a Project Note. The City of Fresno Public Utilities Department reviewed the proposal and stated that City's public sewer system is currently not available to serve the property. However, pursuant to the City's Ordinance, the system will be considered available with the presence of a public sewer main constructed and operational within 100 feet of the property. According to the City, connection to the City sewer of several project planned along Willow Avenue south of Jensen Avenue in the near future would make the City's sewer line to be within 100 feet of the subject parcel. If that occurs, the subject property will be required to connect with the City of Fresno's public sewer system. This requirement made by the City and accepted by the Applicant is reflected in the following mitigation measure for the project:~~

*** Mitigation Measure**

- 1. 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 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 onsite wastewater system that serves the property in accordance with State and County onsite 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 reimbursement to the City of Fresno full costs for onsite wastewater system destruction costs, 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.

VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

No greenhouse gas impacts were identified in the project analysis. All uses proposed by this application will require a Site Plan Review and comments from the Air District for any issues related to greenhouse gas emission.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The proposal is a rezone application that will be conditioned to allow limited by-right uses in the M-1 Zone District.

The Fresno County Public Health Department, Environmental Health Division reviewed the proposal and stated that: 1) future tenants may be required to comply with hazardous materials business plan reporting requirements; 2) 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.; and 3) 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. These requirements will be included as Project Notes.

The project is not located within one quarter-mile of a school. The nearest school, Southeast Elementary, is approximately 0.4 mile north of the proposal.

D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project is not located on a hazardous materials site.

E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan area, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airstrip, Turner Field, is approximately 2.2 miles south of the proposal.

G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan.

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not within a wildland area. The Fresno County Fire Protection District reviewed the proposal and expressed no concerns with the project.

IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils in regard to waste discharge requirements.

Regarding impact on groundwater quality, the Fresno County Department of Public Health, Environmental Health Division requires the following: 1) in an effort to protect groundwater, all abandoned water wells on the parcel shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; 3) 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 4) the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. These requirements will be included as Project Notes.

The Regional Water Quality Control Board, Central Valley Region also reviewed the proposal and expressed no concerns with the project.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: ~~NO IMPACT LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:~~

The subject property is located near City of Fresno within the City's Sphere of Influence (SOI). ~~The nearest City water line in Jensen Avenue is approximately 680 feet north of the property.~~

- ~~According to the City of Fresno Public Utilities Department, City water services are available to serve the project site and it shall connect to the City of Fresno water system. To connect, the Applicant shall: 1) pay all applicable Water Connection Fee(s) per the City of Fresno Municipal Code and Master Fee Schedule; 2) seal and abandon all existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90, or current revisions to standards that are issued by the California Department of Water Resources and City of Fresno; and 3) install water service(s) and~~

~~meter box(s).~~ The Local Agency Formation Commission (LAFCo), State Water Resource Control Board (SWRCB), Office of Drinking Water, and Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed the proposal and ~~also recommends future development of the property require connection~~ **requires that the project shall connect** to City of Fresno community water **and sewer services** facilities. However, the Health Department also states that if onsite water wells and/or sewage disposal systems are permitted, only low water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the property is served by a community water and sewer facilities or adequate information is submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes. This requirement will be included as a Mitigation Measure:

*** Mitigation Measure**

- ~~1. Only low water uses and uses that generate small amounts of liquid waste shall be permitted until the property is served by a community sewer and water system or adequate information is submitted to the Fresno County Public Health Department, Environmental Health Division to demonstrate that the property can accommodate higher volumes of liquid wastes.~~

The property has been connected to the City of Fresno public water system since 2016 and will connect to City of Fresno's public sewer system as noted in a mitigation measure in Section VI. E. Geology and Soils. In 2016, the Applicant installed the City water main south from Jensen Avenue in Willow Avenue across the subject property frontage and connected the property to that main. Due to the availability of public water system, no impact on groundwater supplies/resources are expected from this proposal.

The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning review of the proposal resulted in no concerns with the project.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No natural drainage channel runs through the property. Fresno Irrigation District (FID) Benefield Canal No. 239 runs westerly and crosses Willow Avenue approximately 500 feet south and the FID's Central Canal No. 23 runs southwesterly and crosses Willow Avenue approximately 1,500 feet north of the subject property. Per FID, any plans for

street and/or utility improvements along Willow Avenue and in the vicinity of the canal crossing shall require FID's review and approval.

- E. Would the project create or contribute to runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As noted above in Section VI. B. Geology and Soils, any changes to the existing drainage pattern resulting from this proposal will be subject to review and approval of an Engineered Grading and Drainage Plan and a Grading Permit or Voucher from the Development Engineering Section of the Development Services Division. Site drainage requirements appropriate to the development of the future uses will be addressed through a subsequent Site Plan Review.

The project site is located within Fresno Metropolitan Flood Control District (FMFCD) boundaries. According to FMFCD, the project lies within the Drainage Area "BD" and FMFCD's storm drainage system can accommodate any storm water generated by the future use of the property. FMFCD also stated that: 1) runoff for the proposed development shall connect to the existing Master Plan system located north of and along the north property line; 2) 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; 3) temporary on-site storm water retention facilities shall be provided until permanent facilities become available; and 4) 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).

Furthermore, all construction activities, including grading, clearing, grubbing, filling, or excavation that results in a disturbance of one acre or more 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.

The aforementioned requirements will be included as Project Notes and addressed through a subsequent Site Plan Review.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this application.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel 2130H, the parcel is not subject to flooding from the one percent (1%)-chance storm.

- I. Would the project expose persons or structures to levee or dam failure; or
J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject site is not prone to a seiche, tsunami or mudflow, nor is the project exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide a community. The subject project site is outside the boundaries of the City of Fresno.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT NO IMPACT:

The subject proposal is to rezone a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (Light Manufacturing) Zone District to allow limited by-right uses on the subject property. The property is designated Reserve (Limited Industrial) in the Roosevelt Community Plan.

Located within the Sphere of Influence of the City of Fresno, the property will not be in conflict with the City policies or regulations. In accordance with General Plan Policy LU-G.14 and the Memorandum of Understanding (MOU) between the County and City of Fresno, the project was referred to the City for possible annexation. The City of Fresno released the project to the County for processing on July 7, 2015 by indicating that annexation to the City of Fresno is not feasible at this time due to unincorporated properties surrounding the subject site. Under the City's General Plan and Roosevelt

Plan, the property is designated for Light Industrial uses for which the proposed M-1 (Light Manufacturing) Zone District is appropriate.

The proposal will adhere to the following General Plan Policies of Fresno County:

The Roosevelt Community Plan, Section 6.02.g. states that the tier of Limited Industrial designated properties located along the south side of Jensen Avenue is intended to provide a transition from the existing and planned residential uses along the north side of Jensen Avenue. The subject rezone from the AL-20 Zone District to an M-1 Zone District is in conformance with this policy.

General Plan Policy LU-F.29.a. requires that operational features protect public health, safety and welfare and reduce adverse impact of noise, odor, smoke, heat and glare on abutting properties. Criteria b. requires provisions for adequate off-street parking to handle a maximum number of company vehicles, salespersons, and customers/visitors. Criteria c. requires mandatory maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from abutting properties. Criteria d. requires limitation on the use size, time of operation, or length of permit.

With regard to Criteria “a”, development of the uses proposed by this application will require compliance with the Fresno County Noise Ordinance and Air District rules and regulations. With regard to Criteria “b”, “c” and “d”, the proposed use will be subject to the M-1 Zone District development standards and will be analyzed against these standards during the Site Plan Review when development occurs on the property.

General Plan Policy LU-F.30 provides that the County shall generally require community sewer and water services for industrial development and that it be provided in accordance with the provisions of the Fresno County Ordinance, or as determined by the State Water Quality Control Board. The subject property will require connection with the City of Fresno sewer and water systems, or be allowed to use on-site septic and water with only low-water uses and uses that generate small amounts of liquid waste until such time that the property is served by community water and sewer facilities or adequate information is submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes.

Policy PF-C.17 requires that the County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. The subject property is not located in a water-short area and is connected to the City of Fresno’s public water system. No concerns related to water sustainability for the project were expressed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

The project site is not located in a mineral resources area identified in Policy OS-C.2 of the General Plan.

XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion in Section VIII. E. F.

XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?

FINDING: NO IMPACT:

The project will not result in an increased need for housing, nor will it otherwise induce population growth.

XIV. PUBLIC SERVICES

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

- 1. Fire protection?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Fresno County Fire Protection District reviewed the proposal and expressed no concerns with the project. Fire protection requirements applicable to the proposed uses will be addressed through a mandatory Site Plan Review. This includes: 1) project compliance with the California Code of Regulations Title 24 – Fire Code and approval of County-approved site plans by the Fire District prior to issuance of building permits by the County; and 2) project joining the Community Facilities District (CFD) before plans are submitted to the Fresno County Fire Protection District.

- 2. Police protection; or

- 3. Schools; or

- 4. Parks; or

- 5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact police protection, schools, parks or other public facilities.

XV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks; or
- B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Design Division of the Fresno County Department of Public Works and Planning reviewed the project and required a Traffic Impact Study (TIS) to assess the project's potential impacts to County roads and intersections.

A Traffic Impact Study (TIS) was prepared for the project by Peters Engineering Group, and dated December 7, 2016. The TIS indicated that: 1) the intersection of Willow and Jensen Avenue is currently operating at acceptable levels of service (LOS) but is expected to operate below the target LOS by the year 2037 with or without the project. The project does not cause a project-specific significant impact; and 2) no left-turn lane is warranted at the site access driveway on Willow Avenue. As such, the project will have less than significant traffic impact.

The TIS was routed to the Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning and City of Fresno Traffic Engineering Division for review and comments. The Design Division reviewed the TIS and required the Applicant's traffic engineers (Peters Engineering Group) to provide additional information to clarify issues related to the traffic. Upon reviewing the additional information provided on February 1, 2016, the Design Division expressed no concerns or required any mitigation measures for the project.

The Road Maintenance and Operations Division concurred with the TIS findings that no significant traffic impact will occur and no mitigation measures are required for the project. Likewise, the City of Fresno expressed no traffic concerns based on the number of trips projected to be generated by the project.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features; or
- E. Would the project result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No concerns related to traffic hazards due to design features or inadequate emergency access was expressed by the Road Maintenance and Operations Division (RMO) of the Fresno County Department of Public Works and Planning. According to Development Engineering Section prior to any work done within the county road right-of-way an encroachment permit shall be obtained from the RMO and on-site turnarounds shall be required for vehicles leaving the site to enter Willow Avenue in a forward motion. These requirements will be included as Project Notes.

The project site fronts Willow Avenue which is classified as an Arterial in the Circulation Element of the County General Plan with an existing right-of-way of 30 feet east of the centerline.

According to the RMO, the Applicant shall dedicate additional right-of-way (12 feet) across the parcel frontage. These requirement will be included as a Condition of Approval. Furthermore, drive approaches shall not exceed 35' in width, 10'x10' corner cutoffs shall be provided on any fencing that may restrict sight visibility for any vehicles exiting the site, and any gates installed along the Willow Avenue frontage shall be set back a minimum of 20' from the ultimate road right-of-way. These requirements will be included as Project Notes.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans or policies.

XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements; or
- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils. The project will not require construction of or the expansion of new water treatment facilities.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section IX. E. Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in Section VI. E. Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or
- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on sensitive biological resources. Impacts on cultural resources will be addressed with the mitigation measure discussed in Section V. A. B. C. D. of this analysis.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than aesthetics, air quality, cultural resources, and geology and soils. These impacts will be addressed with the mitigation measures discussed in Section I. D., Section III. A. B. C. D., Section V. A. B. C. D., and Section VI. E., of this analysis.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

CONCLUSION/SUMMARY

Based upon Initial Study (IS) 7015 prepared for Amendment Application No. 3813, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to greenhouse gas emissions, mineral resources, noise, population and housing, or recreation.

Potential impacts related to agriculture and forestry resources, biological resources, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant.

Potential impacts to aesthetics, air quality, cultural resources, and geology and soils have been determined to be less than significant with the identified mitigation measure.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Streets, Fresno, California.

EA.

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3813\IS-CEQA\AA3813 IS wu.docx

EXHIBIT 8

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. <div style="text-align: center; font-size: small;">CLK-2046.00 E04-73 R00-00</div>		
Agency File No: <div style="text-align: center;">IS 7015</div>	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: <div style="text-align: center;">E-</div>	
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721	
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner		Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Gary Toor		Project Title: Amendment Application (AA) No. 3813		
Project Description: Rezone a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (Light Manufacturing) Zone District to allow limited light industrial uses as requested by the Applicant, including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials. The project site is 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 (Sup. Dist. 4) (APN 316-080-37). The project site is 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 (Sup. Dist. 4) (APN 316-080-37).				
Justification for Negative Declaration: Based upon the Initial Study (IS) No. 7015 prepared for Amendment Application No. 3813, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to greenhouse gas emissions, mineral resources, noise, population and housing, or recreation. Potential impacts related to agriculture and forestry resources, biological resources, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant. Potential impacts to aesthetics, air quality, cultural resources and geology and soils have been determined to be less than significant with the identified mitigation measure. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.				
FINDING: The proposed project will not have a significant impact on the environment.				
Newspaper and Date of Publication: Fresno Business Journal – April 26, 2017			Review Date Deadline: Planning Commission – May18, 2017	
Date: April 21, 2017	Type or Print Signature: Chris Motta, Principal Planner		Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION^{EA}:

EXHIBIT 3

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7015	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): Gary Toor		Project Title: Amendment Application (AA) No. 3813	
<p>Project Description:</p> <p>Rezone a five-acre parcel from the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to an M-1 (Light Manufacturing) Zone District to allow limited light industrial uses as requested by the Applicant, including, but not limited to: driver training schools; cold storage plants; aircraft, automotive and boat repair and maintenance; trucking yard terminals; manufacturing, compounding, processing, packing and wholesale and warehousing; and processing and fabrication of various materials. The project site is 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 (Sup. Dist. 4) (APN 316-080-37). The project site is 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 (Sup. Dist. 4) (APN 316-080-37).</p>			
<p>Justification for Negative Declaration:</p> <p>Based upon the Initial Study (IS) No. 7015 prepared for Amendment Application No. 3813, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to greenhouse gas emissions, mineral resources, noise, population and housing, or recreation.</p> <p>Potential impacts related to agriculture and forestry resources, biological resources, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, transportation/traffic, and utilities and service systems have been determined to be less than significant.</p> <p>Potential impacts to aesthetics, air quality, cultural resources and geology and soils have been determined to be less than significant with the identified mitigation measure.</p> <p>The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.</p>			
<p>FINDING:</p> <p>The proposed project will not have a significant impact on the environment.</p>			
Newspaper and Date of Publication: Fresno Business Journal – June 28, 2017		Review Date Deadline: Board of Supervisors – July 11, 2017	
Date: May 24, 2017	Type or Print Signature: Chris Motta, Principal Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**

EXHIBIT 4

11 March 2017

Gurdial Singh
DK TRANSPORT INC
5561 E. Pitt Ave
Fresno, CA 93727

RECEIVED
COUNTY OF FRESNO

MAR 17 2017

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

County of Fresno
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721-2104

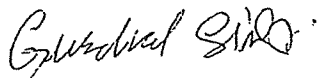
Re: Initial Study Application No. 7015 and Amendment Application No. 3813 filed by GARY TOOR

This letter in favor of Gary Toor's proposal of Initial Study Application No. 7015 and Amendment Application No. 3813 of property 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 (APN 316-080-37).

Due to the High Speed Railroad project, many businesses have been displaced from industrial or manufacturing zoned areas depending on their businesses to other area some of which are agricultural and residential. As my own business was one of those which had to be moved to a new location after the zone had been changed, I understand Mr. Toor's situation and would like to help him in any way I can. Thus, I am in favor of this proposal.

If you have any question, please call (559) 994-0974.

Sincerely,



Gurdial Singh