

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 480 -3824

AN ORDINANCE TO CHANGE THE BOUNDARIES OF CERTAIN ZONES AND THE ZONING DISTRICT OF PROPERTY THEREBY AFFECTED IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING DIVISION OF THE ORDINANCE CODE OF FRESNO COUNTY, AND TO AMEND THE ZONE MAP ESTABLISHED BY SAID DIVISION ACCORDINGLY.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1. This Ordinance is adopted pursuant to California Constitution, Article XI, Section 7, Government Code Sections 65850, 65854-65857, and Sections 811 and 878 of the Ordinance Code of Fresno County.

SECTION 2. All that portion of the unincorporated area of Fresno County consisting of the parcel described as Lot 14 of Nye-Marden Colony, in Section B, Township 15 South, Range 21 East, Mount Diablo Base and Meridian, according to the map recorded in Book 4, Page 52 of Plats, Records of said County; excepting therefrom all that portion conveyed to the State of California by Deed recorded December 6, 1960 in Book 4475 Page 159 of official Records; excepting therefrom all that portion lying southwesterly of that portion conveyed to the State of California by Deed recorded December 6, 1960 in Book 4475 Page 159 of Official Records which heretofore have been classified in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District pursuant to the Zoning Division of the Ordinance Code of Fresno County, located on the south side of E. Lincoln Avenue between State Route 99 and Golden State Boulevard approximately one mile northwest of the nearest city limits of the City of Fowler is hereby changed to the M-3 (c) (Heavy Industrial, Conditional) Zone District as shown in Exhibit A, subject to the Mitigation Measures, Conditions of Approval and Mandatory Project Notes listed in Exhibit B.

1
2 **SECTION 3.** Prior to the expiration of fifteen (15) days from the adoption of this Ordinance, it
3 shall be published in accordance with the requirements of Government Code Section 25124 at least
4 one time in the Fresno Business Journal, a newspaper of general circulation in Fresno County.
5

6 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-65857,
7 this Ordinance, designated as Ordinance No. R- 480 -3824 shall take effect thirty days after its
8 passage.
9

10 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
11 of the County of Fresno this 8th day of May, 2018, to wit:
12

13 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

14 NOES: None

15 ABSENT: None

16 ABSTAINED: None
17

18 BY Sal Quintero
19 Sal Quintero, Chairperson of the Board of
20 Supervisors of the County of Fresno

21 **ATTEST:**
22 Bernice E. Seidel
23 Clerk of the Board of Supervisors
County of Fresno, State of California

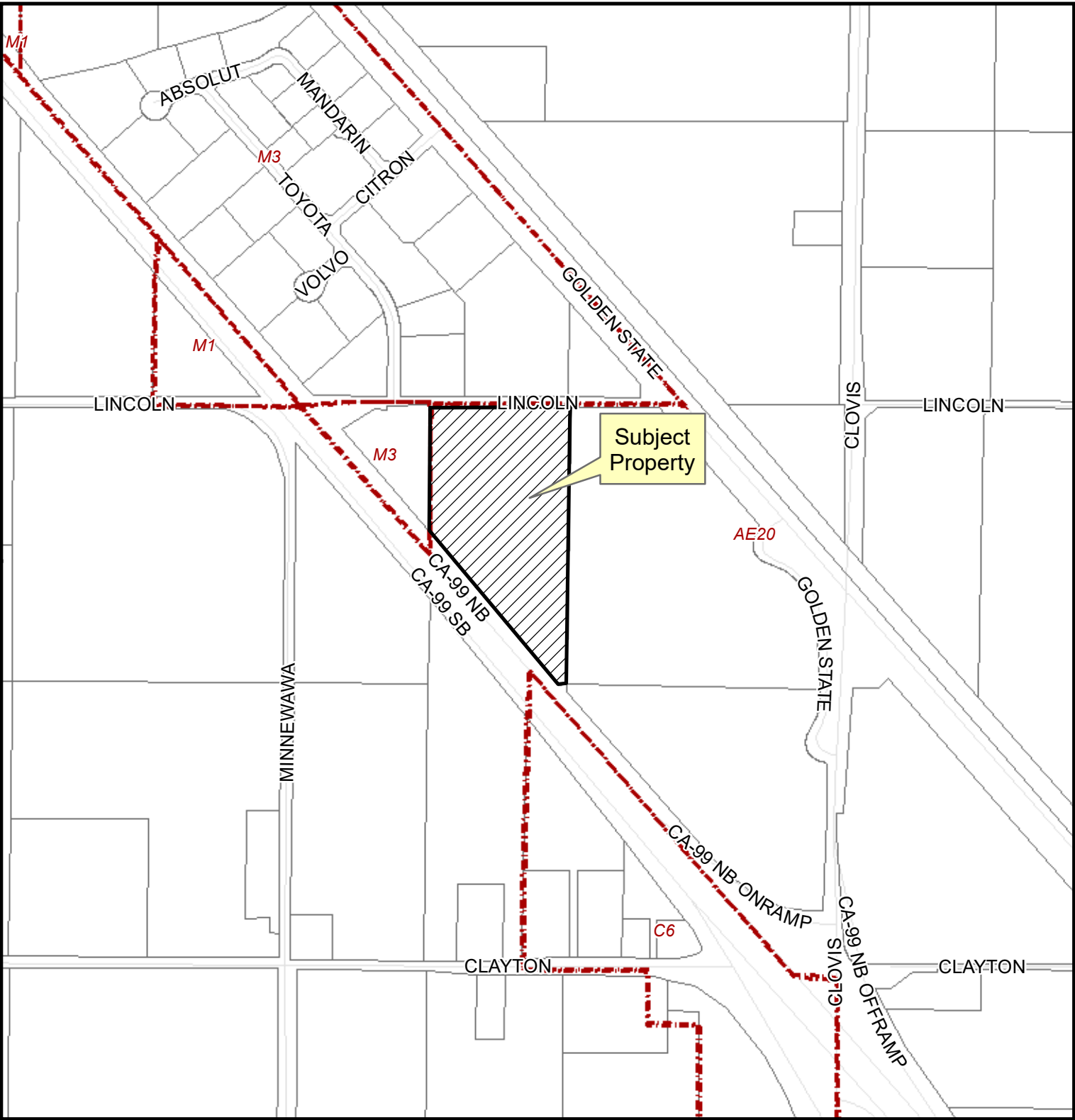
24 BY Rose Cuyler
25 Deputy

26 FILE # 18-0360
27

28 AGENDA # 11

ORDINANCE # R-480-3824

EXHIBIT A



Mitigation Monitoring and Reporting Program
Initial Study Application No. 7300/Amendment Application (AA) No. 3824
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Hydrology and Water Quality	<p>Environmental Health records indicate there are two water wells on the parcel: one agricultural well installed in 1978 and one domestic well installed in 1981.</p> <p>a. In an effort to protect groundwater, all water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).</p> <p>b. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should 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. Contact the Water Surveillance Program at (559) 600-3357 for more information.</p>	Applicant	Applicant/Fresno County Department of Public Health, Environmental Health Division	As noted
*2.	Transportation/Traffic	<p>Prior to the issuance of building permits for the uses allowed on M-3(c)-zoned property, the Applicant shall enter into a "Traffic Mitigation Agreement" with the California Department of Transportation (Caltrans), agreeing to participate in the funding of future off-site traffic improvements as defined in items a and b below and pay for funding deemed appropriate by Caltrans as project development is phased based on the following pro-rata shares:</p> <p>a. Add roundabout at State Route 99 northbound ramps and Clovis Avenue. The Project's share is 9 percent or \$207,000.</p> <p>b. Add roundabout at State Route 99 southbound ramps and Clovis Avenue. The Project's share is 5.7 percent or \$131,100.</p>	Applicant	Applicant/California Department of Transportation/Fresno County Department of Public Works and Planning	As noted

EXHIBIT B

Conditions of Approval

1. The uses allowed on the property shall be limited to the following by-right uses listed in Section 845.1 (M-3 Zone District), Section 844.1 (M-2 Zone District) and Section 843.1 (M-1 Zone District):

- Alcohol distillation, including wineries and breweries, when connected with adequate public sewers
- Organic fertilizer, bulk sales and storage
- Concrete and cement products
- Ready-mix concrete
- Building materials
- Used materials yards
- Manufacturing
 1. Automotive:
 - a. Assembly
 - b. Battery manufacture
 - c. Body and fender works
 - d. Rebuilding
 2. Machinery and shop [no punch presses over twenty (20) tons or drop hammers]:
 - a. Automatic screw machines
 - b. Blacksmith shop
 3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
 - a. Bone
 - b. Feathers
 - c. Hair
 - d. Horns
 - e. Paints, not employing a boiling process
 - f. Rubber
- Microwave relay structures
- Advertising structures
- Automobile repairs (conducted within a completely enclosed building)
- Automobile re-upholstery
- Caretaker's residence, which may include an office for the permitted industrial use
- Commercial uses that are incidental to and directly related to and serving the permitted industrial uses
- Electrical supply
- Equipment rental or sale
- Farm equipment sales and service
- Boarding and training, breeding and personal kennels
- Ice and cold storage plants
- New and used recreational vehicle sales and service
- Signs, subject to the provisions of Section 843.5-K
- Truck driver's training schools
- Aircraft, modification, storage, repair and maintenance

- 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
- Boat building and repairs
- Book binding
- Bottling plants
- Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas
- Commercial grain elevators
- Garment manufacturing
- 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
- 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
- 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

	<ul style="list-style-type: none"> 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 • Manufacturing and maintenance of electric or neon signs • Planing mills • Printing shops, lithographing, publishing • Rubber and metal stamps • Shoes • Stone monument works • Storage yards: <ul style="list-style-type: none"> 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 • Textiles • Wholesaling and warehousing • Creameries • Laboratories • Blueprinting and photocopying • Laundries • Carpet and rug cleaning plants • Cleaning and dyeing plants • Tire retreading, recapping, rebuilding • Lumber drying kilns; gas, electric or oil fired only • Feather cleaning and storage of cleaned feathers within an enclosed structure • Rubber, fabrication of products made from finished rubber • Assembly of small electric and electronic equipment • Assembly of plastic items made from finished plastic • Agricultural uses • Communication equipment buildings • Electric transmission substations
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	<ul style="list-style-type: none"> • Off-street parking • Public utility service yards with incidental buildings • Electric distribution substations • Temporary or permanent telephone booths • Water pump stations
2.	Lincoln Avenue shall be developed to a local industrial road standard with curb and gutter and right-of-way dedication.
3.	Development of uses proposed on the site shall be subject to the standards of the City of Fowler unless Fresno County standards are more stringent; furthermore, at the time of submittal of a Site Plan Review application, the City shall be provided all development plans for review and comment.
4.	The existing single-family residence on the property must be used as a caretaker residence for permitted industrial uses, or it must be removed from the property.

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

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The construction of any structures on the project location shall meet all the Building Code requirements in effect at the time they are constructed.
2.	Prior to the establishment of any of the uses proposed by this application in the M-3(c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, right-of-way dedication, fire protection, noise, and control of light.
3.	<p>To address public health impact resulting from this proposal, the Fresno County Department of Public Health, Environmental Health Division requires 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 the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/ or https://www.fresnocupa.com/). The default State reporting thresholds that apply are: ≥55 gallons (liquids), ≥500 pounds (solids), ≥200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. • Certain uses allowed may utilize underground storage tank systems. If a tenant with such uses is proposed, then the Applicant or future tenant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 600-3271 for more information. • Future tenants proposing to operate food facilities will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division for review and approval prior to issuance

Project Notes

	<p>of building permits. Prior to operations, they will be required to apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. Permits, once issued, are nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.</p> <ul style="list-style-type: none"> • Prior to operation, the Applicant or future tenant may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information. • The Applicant should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Food and Drug Branch at (800) 495-3232 or fdinfo@cdph.ca.gov for more information. • Construction and operating permits may be required by the State of California, Department of Food and Agriculture for proposed meat processing, slaughterhouse, and/or poultry plants. Contact the Meat, Poultry, & Egg Safety Branch at (916) 900-5004 or cdfa.mpes_feedback@cdfa.ca.gov. • Future tenants should be advised of the State of California Public Resources Code, Division 30; Waste Management (Chapter 16), Waste Tire Facilities (Chapter 19), and Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the Local Tire Enforcement Agency (TEA) at (559) 600-3271 for additional information. • Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.
4.	<p>To address grading and drainage impacts resulting from the future development projects, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> • A Grading Permit or Voucher shall be required for any grading done without permit and any grading proposed with this application. • If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the existing driveway accessing Lincoln Avenue. • Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.
5.	<p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District Small Business Assistance Office to identify District rules or regulations that apply to this project or to obtain information about District permit requirements.</p>
6.	<p>The Elm Lateral, a Class B private lateral fed from the Briggs Canal to the north, runs south close to or along the easterly property line of the subject parcel and continues south to serve additional properties. As the parcels develop, the lateral will need to be field-located by the developer and protected to provide uninterrupted surface water delivery to the other users of the lateral.</p>
7.	<p>The proposed uses on the property shall comply with the California Code of Regulations Title 24 – Fire Code. County-approved site plans shall be required for Fire District approval prior to the issuance of building permits by the County. The property shall be annexed to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
8.	<p>The property shall annex to the Selma-Kingsburg-Fowler Sanitation District to provide sewer services to the property.</p>