

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 489 -3829

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. The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows: The West 1475.00 feet of the North half of the Northeast quarter of Section 31, Township 14 South, Range 21 East, Mount Diablo Base & Meridian, according to the Official Plat thereof. Excepting therefrom that portion of the North half of the Northeast quarter of said Section 31, being more particularly described as follows: Beginning at the Southwest corner of the North half of the Northeast quarter of said Section 31; thence North 00°03'26" East along the West line of the North half of the Northeast quarter of said Section 31, a distance of 302.28 feet; thence South 89°56'34" East, a distance of 301.57 feet to a point on a line 301.57 feet East of and parallel the West line of the North half of the Northeast quarter of said section 31; thence South 00°03'26" West, along said parallel line, a distance of 300.56 feet to a point on the South line of the North half of the Northeast quarter of said Section 31; thence South 89°43'50" West, along said South line, a distance of 301.57 feet to the Point of Beginning. Being Parcel A of Property Line Adjustment No. 17-29, APN: 331-090-74, 331-090-75 (portion), 331-090-87 (portion), which heretofore has been classified with split zoning [40.1 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel

1 size) Zone District and 2.5 acres from the M-3(c) (Heavy Industrial, Conditional) Zone District, limited to
2 a parking lot] pursuant to the Zoning Division of the Ordinance Code of Fresno County, located on the
3 southeast corner of E. Central Avenue and S. Willow Avenue approximately 3,002 feet east of the
4 nearest city limits of City of Fresno, is hereby changed to the M-3(c) (Heavy Industrial, Conditional)
5 Zone District, general industrial and light manufacturing uses as requested by the Applicant as depicted
6 in the attached Exhibit "A" subject to the Mitigation Measures and Conditions of Approval listed in
7 Exhibit "B."

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

11 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-65857,
12 this Ordinance, designated as Ordinance No. R- 489 -3829 shall take effect thirty days after its
13 passage.

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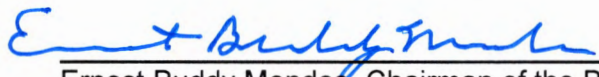
1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 4th day of February 2020, to wit:

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4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

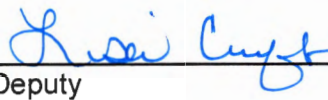
6 ABSENT: None

7 ABSTAINED: None
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Ernest Buddy Mendes, Chairman of the Board of
Supervisors of the County of Fresno

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12 **ATTEST:**
13 Bernice E. Seidel
14 Clerk of the Board of Supervisors
County of Fresno, State of California

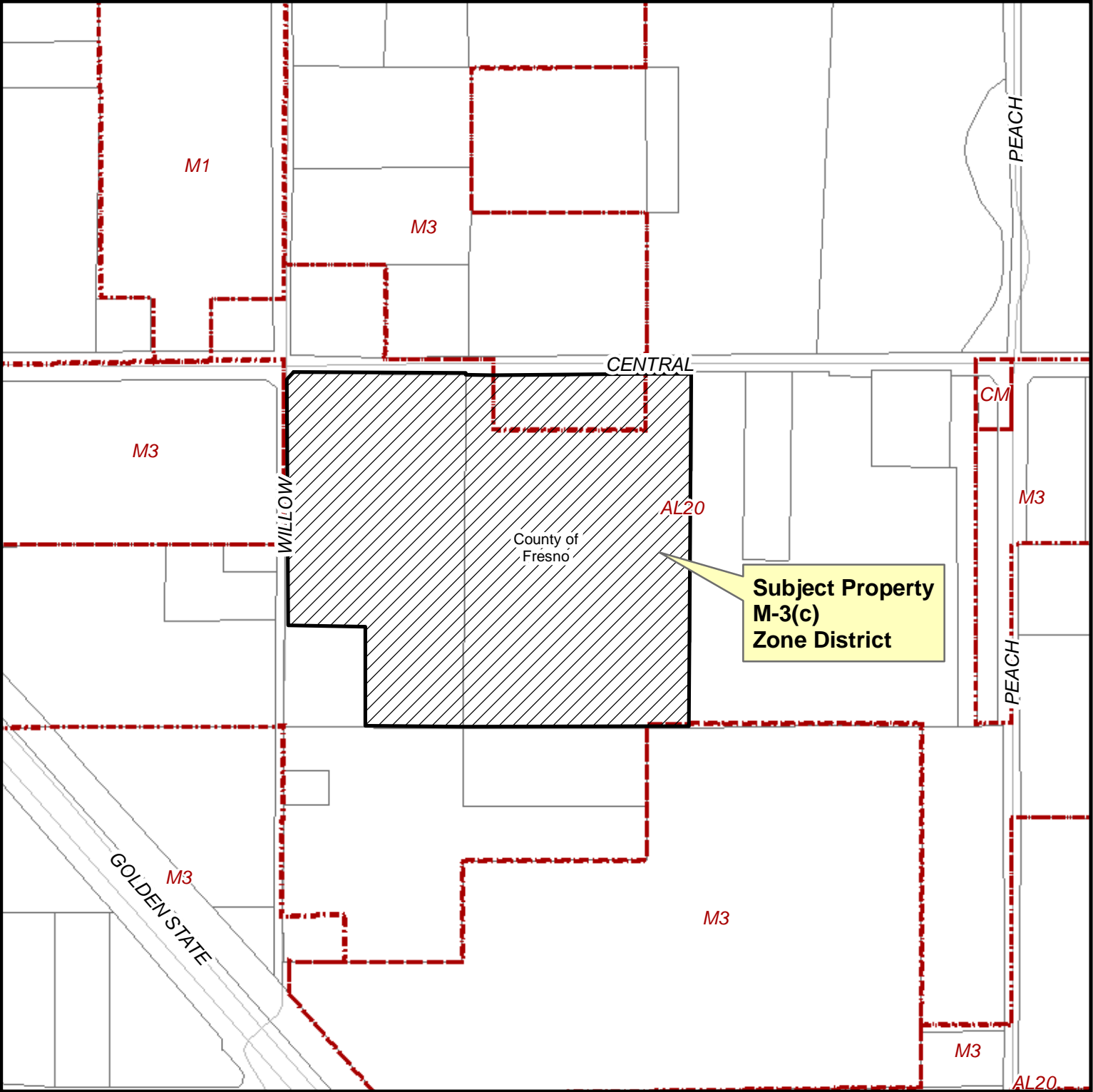
15 By 
16 Deputy

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18 FILE # 19-1698

19 AGENDA # 6

20 ORDINANCE # R-489-3829
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EXHIBIT A



Mitigation Monitoring and Reporting Program
Initial Study Application No. 7449/Amendment Application (AA) No. 3829
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	<p>Consistent with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM₁₀ Prohibitions), the following measures shall be implemented for dust control during construction:</p> <ol style="list-style-type: none"> 1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant, or covered with a tarp or other suitable cover or vegetative ground cover. 2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. 3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. 4. When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. 5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) 6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said 	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)/San Joaquin Valley Air Pollution Control District	As noted

		piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.			
2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/ PW&P	As noted
3.	Transportation	To address project-related impacts to Willow Avenue, and per the conclusions of the Traffic Impact Study (revised) prepared for the project by Peters Engineering Group, dated September 3, 2019, the Applicant shall construct a Hot-Mix Asphalt (HMA) overlay on Willow Avenue that shall extend across the entire property frontage along Willow Avenue with a thickness based on achieving an overall structural section to satisfy a Traffic Index (TI) of 8.5, and submit plans for the overlay work to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning for review and approval.	Applicant	Applicant/ PW&P	As noted
4.	Transportation	<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 (TMA) with California Department of Transportation agreeing to participate in the funding of future off-site traffic improvements as defined in item 'a' below and pay for the funding deemed appropriate by Caltrans based on the following pro-rata share.</p> <p>a. To add an additional turn lane for the State Route (SR) 99 northbound off-ramp to Chestnut Avenue, the project shall pay its fair share cost of \$11,690.00 (seven a.m. peak-hour trips at \$1,670/trip).</p>	Applicant	Applicant/ PW&P/California Department of Transportation	As noted

Conditions of Approval

1.	<p>The uses allowed on the property shall be limited to the following by-right uses listed in Section 845.1 (M-3; Heavy Industrial District); Section 844.1 (M-2; General Industrial District) and Section 843.1 (M-1; Light Manufacturing District) of the Zoning Ordinance:</p> <ul style="list-style-type: none">• Organic fertilizer, bulk sale and storage• Baled cotton storage• Microwave relay structures• Advertising structures• Electrical supply• Frozen food lockers• Ice and cold storage plants• Signs subject to the provisions of Section 843.5-K• Aircraft modification, storage, repair and maintenance• Boat building and repairs• Manufacturing and maintenance of electric or neon signs• Rubber and metal stamps• Wholesaling and warehousing• Laboratories• Blueprinting and photocopying• Communication equipment buildings• Electric transmission substations• Electric distribution substations• Temporary or permanent telephone booths• Water pump stations
2.	<p>The property shall annex to the Malaga County Water District (MCWD) to receive the District's sanitary sewer service. The conditions of service include specific will-serve letters prepared for each specific phase of development and improvement plans identifying all sewer improvements for review and approval by the District. The developer shall pay for the District's engineering and legal review of the sewer improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD.</p>
3.	<p>The property shall annex to the Malaga County Water District (MCWD) to receive the District's community water service. The conditions of service include specific will-serve letters prepared for each specific phase of development and improvements plans identifying all water improvements for review and approval by the District. The developer shall pay for District's engineering and legal review of the water improvement plans and facilities, pay for construction review of the improvements, pay all applicable District fees in accordance with the rates in effect at the time of payment, and provide schedules for the proposed construction and a copy of as-built plans to MCWD.</p>
4.	<p>A 53-foot right-of-way south of the section line is required for Central Avenue. The owner of the subject property shall record a document irrevocably offering the northerly 23-foot undedicated portion of the subject property to the County of Fresno as future right-of-way for Central Avenue. This dedication shall also include a 30-foot by 30-foot corner cut-off at Willow Avenue.</p>

	Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.
5.	<p>In accordance with the County's local industrial road standard, a 32-foot right-of-way east of the section line is required for Willow Avenue. The owner of the subject property shall record a document irrevocably offering the westerly two (2) feet of the subject property to the County of Fresno as future right-of-way for Willow Avenue.</p> <p>Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial re-conveyance, or any other document required to clear title to the property, shall be borne by the owner or developer.</p>
6.	Landscaping, consisting of evergreen trees and shrubs for a depth of 15 feet, shall be provided along south and west property lines within the southwesterly portion of the subject 42.6-acre property to minimize visual/aesthetical impacts resulting from site development to a single-family residence on an adjacent parcel. The design of the required landscaping shall be reviewed for approval prior to the issuance of building permits. The amount of landscaping will exceed 500 square feet; therefore, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). For more information on MWELO requirements visit: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance and for Water Use Classification of Landscape Species (WUCOLS IV): https://ucanr.edu/sites/WUCOLS/Plant_Search/ . All landscaping shall be completed prior to occupancy of a use on the property.
7.	Landscaping, consisting of lawn, evergreen trees and shrubs for a depth of 35 feet shall be provided and maintained along the entire Central Avenue frontage of the subject 42.6-acre property. The design of the required landscaping shall be reviewed for approval prior to the issuance of building permits. The amount of landscaping will exceed 500 square feet; therefore, the developer shall comply with California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELO). For more information on MWELO requirements visit: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance and for Water Use Classification of Landscape Species (WUCOLS IV): https://ucanr.edu/sites/WUCOLS/Plant_Search/ . All landscaping shall be completed prior to occupancy of a use on the property.
8.	Pavement widening and curb and gutter improvements shall be installed on Central and Willow Avenue frontages in accordance with County development standards and taking into account right-of-way requirements in Condition No. 4 and 5. This shall include the undergrounding of any overhead facilities along Central and Willow Avenue frontages and the relocation of the existing pedestrian flashing beacon with the road improvements construction along Central Avenue.

*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.

Project Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Prior to the establishment of any of the uses proposed by this application in the 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, right-of-way dedication, design of parking and circulation, access, grading and drainage, fire protection, noise, and control of light.

Project Notes	
2.	For the establishment of any of the uses proposed by this application, plans, permits and inspections shall be required from the Building and Safety Section of the Fresno County Department of Public Works and Planning.
3.	If the uses proposed by this application are not served by a water district, a preliminary technical report in compliance with Senate Bill 1263 that looks at consolidating with nearby existing water systems shall be prepared and submitted to the State Water Resources Control Board, Division of Drinking Water a minimum of six months prior to any water-related construction. Note: This requirement will be addressed through mandatory Site Plan Review.
4.	<p>To address public health impact resulting from the establishment of any of the uses proposed by this application, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • If on-site 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 community water and sewer facilities. Alternatively, adequate information shall be submitted to the Health Department to demonstrate that the property can accommodate higher volumes of liquid wastes. • 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; and the "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Future development proposals shall comply with the County Noise Ordinance regulations. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>
5.	Per the Fresno Irrigation District (FID), Washington Colony No. 15 runs southerly along the west side of Peach Avenue and crosses Central Avenue approximately 500 feet east of the subject property. FID shall review and approve all plans for future site development, which include any street and/or utility improvements along Peach Avenue, Central Avenue, or near the canal. Furthermore, a privately-owned pipeline, La Rue No. 238, which is currently in use by many entities, runs westerly and traverses the southwest section of the subject property. This is an active pipeline and must be treated as such.
6.	<p>To address site drainage impacts resulting from the establishment of any of the uses proposed by this application, the Fresno Metropolitan Flood Control District (FMFCD) requires the following:</p> <ul style="list-style-type: none"> • The project shall pay drainage fees at the time of development based on the fee rates in effect at that time; storm drainage patterns shall conform to the District Master Plan and Master Plan facilities and be constructed if the County requires street improvements on Willow and Central Avenues; and all improvement plans for any proposed construction of curb and gutter or storm drainage facilities shall be reviewed for conformance to the District Master Plan within the project area. • Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area shall require 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, Nov. 1990). The permit shall be secured by filing a Notice of Intent for the State General Permit for

Project Notes	
	Construction Activity with the State Water Resources Control Board prior to the onset of construction. These requirements has been included as Project Notes.
7.	<p>To address grading and drainage impacts resulting from the establishment of any of the uses proposed by this application, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> • An Engineered Grading and Drainage Plan to show how additional storm water runoff generated by the development will be handled without adversely affecting adjacent properties. • A Grading Permit or Voucher for site grading. • A 10' X 10' corner cutoff to be improved for sight distance purposes at the exiting driveways onto Central Avenue. • A 30' x 30' corner cutoffs at the intersection of Willow Avenue and Central Avenue for sight distance purposes. <p>Note: These requirements will be addressed through mandatory Site Plan Review.</p>
8.	The establishment of any of the uses proposed by this application shall comply with the California Code of Regulations Title 24 – Fire Code, California Code of Regulations Title 14 - Natural Resources 1272.00 Maintenance of Defensible Space Measures, provide plans for review and approval by the Fire district, and annex the property to Community Facilities District (CFD) No. 2010-01 of the Fresno County Fire Protection District.
9.	Prior to conducting any improvements within the County rights-of-way, an encroachment permit shall be obtained from Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.

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