

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. R- 494 -3812

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. That certain portion of the southwest quarter of the Southeast quarter of Section 19, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, according to the official plat thereof described as follows: commencing at the Northeast corner of the Southwest quarter of the Southeast quarter of said Section 19; thence westerly 81 feet, along the North line of said Southwest quarter of the Southeast quarter to a point; and thence South 1° 19' 20" West 969 feet to the point of beginning of this description; thence South 1° 19' 20" West, 323 feet to a point in the center line of North Avenue; thence westerly along the center line of North Avenue 1,051 feet to a point; thence North, parallel with the center line of Willow Avenue, a distance of 327.4 feet to a point and thence easterly 1,052.15 feet a little more or less to the point of beginning; excepting therefrom any portion lying within the following described property: Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 19 and running thence westerly along the South line of said Section a distance of 108.0 feet to a point; thence northwesterly a distance of 1,338.3 feet a little more or less, to a point on the North line of the Southwest quarter of the Southeast quarter of said Section 19; thence easterly along the North line of the said Southwest quarter of the Southeast quarter of said Section 19; a distance of 81.0 feet to the Northeast corner of the Southwest quarter of the

1 Southeast quarter of said Section 19; thence southerly along the East line of the Southwest quarter of
2 the Southeast quarter of said Section 19 a distance of 1,338.83 feet, a little more or less, to the point"
3 of beginning. Together with all the right, title and interest of the grantor in and to the land underlying
4 the public streets, highways and alleys abutting upon the property herein described. Excepting
5 therefrom that portion of land conveyed to the County of Fresno in the Deed recorded September 2,
6 1965 in Book 5213 Page 79, as Document No. 71096 of official records. Also excepting therefrom that
7 portion of land conveyed to Pacific Gas & Electric Company in a Deed recorded April 15, 1966, in Book
8 5301, Page 114, as Document No. 29100 of official records as reserved in Grant Deed recorded
9 January 31, 2014 as Doc-2014- 0010760, Official Records, APN 316-071-48, which heretofore has
10 been classified with 6.58 acres from the AL-20 (Limited Agricultural, 20-acre minimum parcel size)
11 Zone District, pursuant to the Zoning Division of the Ordinance Code of Fresno County, located on the
12 north side of E. North Avenue approximately 415 feet east of its intersection with S. Willow Avenue and
13 3,246 feet southeast of the nearest city limits of the City of Fresno is hereby changed to the M-1 (c)
14 (Light Manufacturing, Conditional) Zone District as depicted in the attached Exhibit "1" subject to
15 Mitigation Measures and Conditions of Approval listed in Exhibit "2".

16
17 **SECTION 3.** Prior to the expiration of fifteen (15) days from the adoption of this Ordinance, it
18 shall be published in accordance with the requirements of Government Code Section 25124 at least
19 one time in the Fresno Business Journal, a newspaper of general circulation in Fresno County.

20 **SECTION 4.** In accordance with Government Code Sections 25123, 25131, and 65854-65857,
21 this Ordinance, designated as Ordinance No. R- 494 -3812 shall take effect thirty days after its
22 passage.

23 //

24 //

25 //

26 //

27 //

28 //

1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 26th day of January 2021, to wit:

3
4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

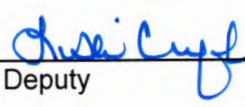
5 NOES: None

6 ABSENT: None

7 ABSTAINED: None
8

9
10 By  _____
Steve Brandau, Chairman of the
Board of Supervisors of the County of Fresno

11 **ATTEST:**
12 BERNICE E. SEIDEL
13 Clerk of the Board of Supervisors
County of Fresno, State of California

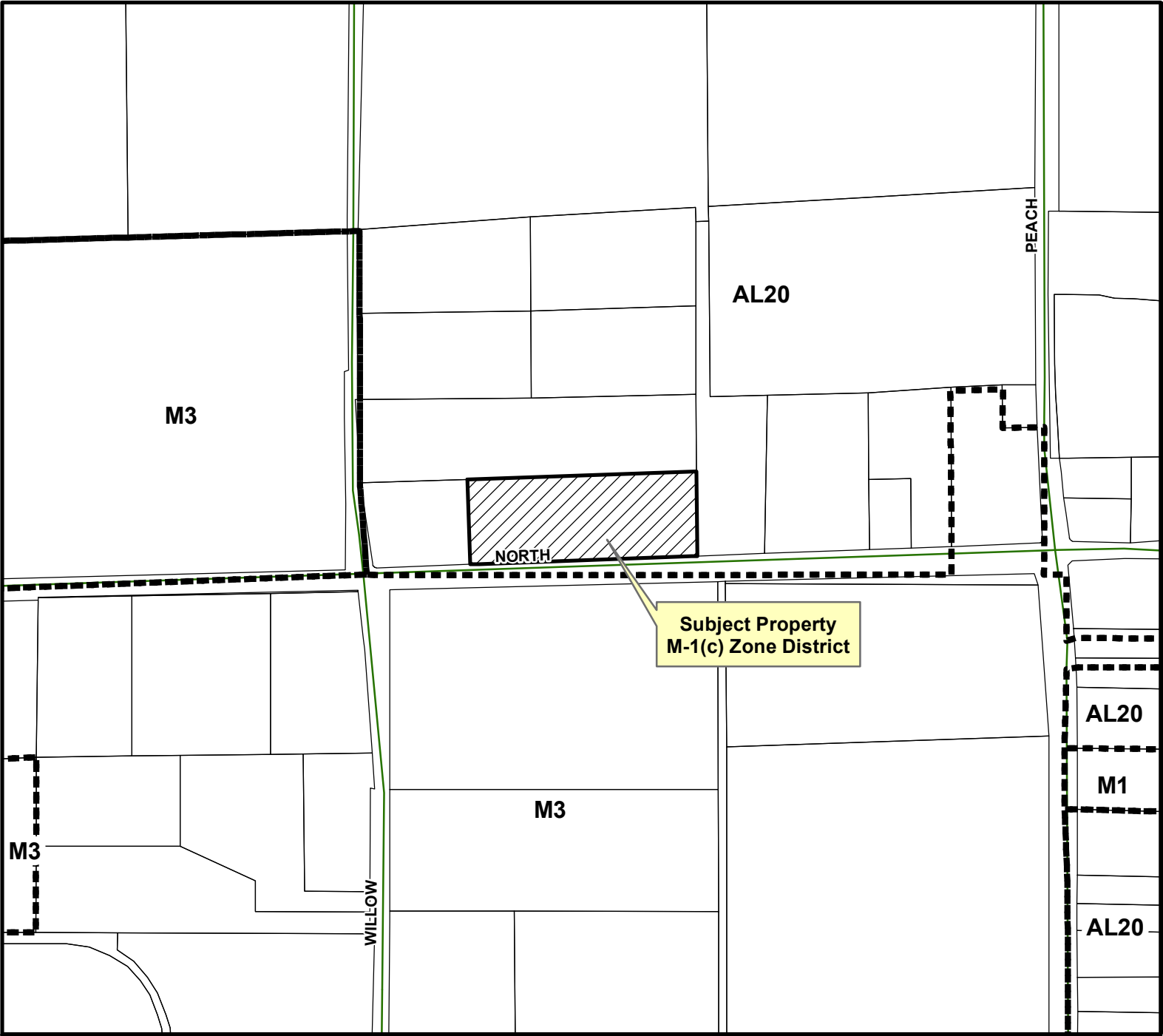
14
15 By  _____
Deputy

16
17 FILE # 20-1372

18 AGENDA # 4

19 ORDINANCE # R-494-3812
20
21
22
23
24
25
26
27
28

EXHIBIT 1



Mitigation Monitoring and Reporting Program
Initial Study Application No. 7014; Amendment Application No. 3812

Mitigation Measures						
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span	
1.	Aesthetics	All outdoor lighting associated with the development of industrial uses on the property shall be hooded and directed downward so as to not shine toward adjacent property and public streets.	Applicant	Applicant/Fresno County Dept. of Public Works and Planning	At time of Installation	
2.	Air Quality	On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles: a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and b. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.	Applicant	Applicant/San Joaquin Valley Air Pollution Control District (SJVAPCD)	As noted	
3.	Air Quality	Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.	Applicant	Applicant/SJVAPCD	As noted	
4.	Air Quality	Signs shall be posted at the project site construction entrance to remind drivers and operators of the state's 5-minute idling limit.	Applicant	Applicant/SJVAPCD	During construction	
5.	Air Quality	To the extent available, replace fossil-fueled equipment with alternatively-fueled (e.g., natural gas) or electrically-driven equivalents.	Applicant	Applicant/SJVAPCD	During construction	

6.	Air Quality	Construction truck trips shall be scheduled, to the extent feasible, to occur during non-peak hours, and truck haul routes shall be selected to minimize impacts to nearby residential dwellings.	Applicant	Applicant/SJVAPCD	During construction
7.	Air Quality	The burning of vegetative material shall be prohibited.	Applicant	Applicant/SJVAPCD	During construction
8.	Air Quality	The proposed project shall comply with SJVAPCD Regulation VIII for the control of fugitive dust emissions. Regulation VIII can be obtained on the SJVAPCD's website https://www.valleyair.org/rules/1ruleslist.htm. At a minimum, the following measures shall be implemented: a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition. e. 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. f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each work day. (The use of dry rotary brushes is expressly prohibited except where preceded	Applicant	Applicant/SJVAPCD	During construction

		or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. h. On-road vehicle speeds on unpaved surfaces of the project site shall be limited to 15 mph. i. Sandbags or other erosion control measures shall be installed sufficient to prevent silt runoff to public roadways from sites with a slope greater than one percent. j. Excavation and grading activities shall be suspended when winds exceed 20 mph (regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent-opacity limitation). The above measures for the control of construction-generated emissions shall be included on site grading and construction plans.			
9.	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/Fresno County Department of Public Works and Planning (PW&P)	As noted
10.	Transportation	Prior to the issuance of building permits for the uses allowed on M-1(c) zoned property, the applicant shall enter into an agreement with the County of Fresno agreeing to participate on a pro-rata basis per acreage	Applicant	Applicant/Fresno County Department of Public Works and Planning	As noted

				developed in the funding of future off-site traffic improvements defined in items a, b, c and d below. The traffic improvements and the project's maximum pro-rata share costs are as follows: <i>a.</i> North Avenue and Willow Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 3.65 % construction cost or \$ 39,785.00, 15% preliminary engineering or \$ 5,968, 15% construction engineering or \$5,968, totaling \$51,721.00. <i>b.</i> The project's percent fair share for right -of-way acquisition at North and Willow Avenues intersection is 3.65 % or \$ 5,366.00. <i>c.</i> North Avenue and Chestnut Avenue intersection shall be widened, and the eight-phase traffic signal operations shall be implemented. The project's percent fair share for the 2040 P.M. peak hour traffic scenario is 1.13 % construction cost or \$ 59,305.00, 15% preliminary engineering or \$ 8,896, 15% construction engineering or \$8,896, totaling \$77,096.00. <i>d.</i> The project's percent fair share for right -of-way acquisition at North and Chestnut Avenues intersection is 1.13 % or \$1,661.00. The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.		
--	--	--	--	--	--	--

Conditions of Approval	
1.	The uses allowed on the property shall be limited to those uses specified in Exhibit 9 of the Planning Commission Staff Report.
2.	At the time of development, the site shall be connected to and utilize water service from the Malaga County Water District or City of Fresno if service is available adjacent to the parcel at the time of development. At the time service is available to the parcel, the City may choose to extend the time the property is required to connect by a reasonable period.
3.	Landscaping consisting of trees and shrubs of reasonable size and density for a depth of 15 feet shall be provided along the easterly property line of the subject property.
4.	The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.
5.	At the time of the development of the property, the Applicant shall pay into Fresno County Regional Transportation Traffic Mitigation Fee (RTMF).
Project Notes	
1.	A Site Plan Review shall be required prior to any development of the property per Section 843.6 of the Fresno County Zoning Ordinance.
	The construction of any structures on the property shall meet all the Building Code requirements in effect at the time they are constructed.
2.	Development of the property shall include installation of a service lateral to connect and utilize sewer service from the City of Fresno via the existing sewer line in North Avenue and pay all City connection fees.
3.	Per the Fresno County Department of Public Health, Environmental Health Division (Health Department), development of the property shall be subject to the following: • 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://www.fresnocupa.com/ or http://cers.calepa.ca.gov/). • In an effort to protect groundwater, all abandoned water wells and septic systems 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.

4.	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 Fresno County Department of Public Health and Department of Public Works & Planning to demonstrate that the property can accommodate higher volumes of liquid wastes.
5.	Per the Development Engineering Section of the Fresno County Department of Public Works and Planning, development of the property shall be subject to the following: • 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 North Avenue in a forward motion.
6.	At the time of the development of the property, any plans for street and/or utility improvements along Willow Avenue, North Avenue or North and/or Chestnut Avenue and near the canal crossing (Fresno Irrigation District Wilder Canal No. 289, Washington Colony Canal No. 15, Central Canal No. 23) shall require District's review and approval.

*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.

DR:EA, cwm
G:\4360Devs&Pin\ADMIN\BOARD\Board Items\2020-2029\2021\1-26-21\AA 3812 (CFX Trucking)\AA 3812 (BOS Items)\Attachment C\AA 3812 MMRP (Attachment C).docx