



Legislation Details (With Text)

File #: 18-0361

On agenda: 5/8/2018

Final action: 5/8/2018

Enactment date:

Enactment #: Ordinance No. R-481-3823, Resolution No. 18-186

Title: Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7298 including Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 551 and Amendment Application No. 3823, amending Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating 3.57-acre parcel from Rural Density Residential to Limited Industrial; approve Ordinance pertaining to Amendment Application No. 3823 thereby rezoning subject 3.57-acre parcel from R-R(nb) to M-1(c); and adopt Resolution approving General Plan Amendment Application No. 551 as First General Plan Amendment of Agriculture and Land Use Element of Fresno County General Plan for 2018, subject parcel is located on south side of W. Dudley Avenue, between N. Valentine Avenue and N. Marks Avenue, westerly adjacent to city limits of City of Fresno

Attachments: 1. Agenda Item, 2. Attachments A - E, 3. Ordinance No. R-481-3823, 4. Resolution No. 18-186, 5. Ordinance Summary, 6. Additional Information

Date	Ver.	Action By	Action	Result
5/8/2018	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: May 8, 2018

TO: Board of Supervisors

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

SUBJECT: Initial Study Application No. 7298, General Plan Amendment Application No. 551 and Amendment Application No. 3823 (Applicant: Larry and Shelly Rompal)

RECOMMENDED ACTION(S):

1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7298 including the Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 551 and Amendment Application No. 3823, amending the Fresno County General Plan and County-adopted Fresno High-Roeding Community Plan by re-designating a 3.57-acre parcel from Rural Density Residential to Limited Industrial; and
2. Approve Ordinance pertaining to Amendment Application No. 3823 thereby rezoning the subject 3.57-acre parcel from R-R(nb) (Rural Residential, two-acre minimum parcel size, Neighborhood Beautification Overlay) to M-1(c) (Light Manufacturing, Conditionally limited to a Contractors Storage Yard); and
3. Adopt Resolution approving General Plan Amendment Application No. 551 as the First General Plan Amendment of the Agriculture and Land Use Element of the Fresno County General Plan for 2018.

The subject parcel is located on the south side of W. Dudley Avenue, between N. Valentine Avenue and

N. Marks Avenue, westerly adjacent to the city limits of the City of Fresno (APN 449-110-23).

This item comes before your Board with a recommendation for approval from the Planning Commission and requires final action from the Board of Supervisors as required by the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's Action is included in Attachment A. The proposal consists of amending the County-adopted Fresno High-Roeding Community Plan and rezoning a vacant 3.57-acre parcel to permit a contractors storage yard. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed General Plan Amendment to re-designate a 3.57-acre parcel from Rural Density Residential to Limited Industrial is not consistent with the General Plan's Vision Statement, Goals, and Policies, a motion to deny General Plan Amendment Application No. 551 and concurrent Amendment Application No. 3823 would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Applicants have paid \$19,545 in land use processing fees to the County for the processing of Initial Study Application No. 7298, General Plan Amendment Application No. 551 and Amendment Application No. 3823.

DISCUSSION:

A General Plan Amendment (GPA) and rezoning (Amendment Application) are legislative actions requiring final approval by the Board of Supervisors, and final action by the Board of Supervisors is also required for the adoption of the Mitigated Negative Declaration prepared for the Initial Study filed concurrently with the GPA and Amendment Application. If approved, the GPA and rezoning would become effective 30 days after adoption.

The subject property is located in the City of Fresno (City) Sphere of Influence and is adjacent to the Fresno city limits located to the east. The proposal consists of amending the County-adopted Fresno High-Roeding Community Plan and rezoning a vacant 3.57-acre parcel to permit a contractors storage yard. The proposed storage yard would be used in conjunction with an existing irrigation contractor's operation located on a southerly-adjacent industrially zoned parcel. The Planning Commission Staff Report, included as Attachment B provides additional project information.

On January 15, 2015, the City released the proposed General Plan Amendment and rezoning for processing after being referred for annexation per the City-County Memorandum of Understanding (MOU). In its release, the City requested conditions regarding perimeter block wall fencing and non-objection to future annexation by the property owners. Subsequently, in May of 2017 while the application was in process, the County received a second letter from the City objecting to the property's proposed industrial designation, citing the proposal was inconsistent with the City's General Plan and the MOU. In this letter, the City also requested additional conditions including W. Dudley Avenue street frontage improvements, right-of-way dedication, and water and wastewater limitations. Staff incorporated most of the requested conditions into the project's conditions of approval with the exception of the block wall, which is already addressed by County Ordinance. Copies of both City letters are included as Attachment C.

On March 15, 2018, the Planning Commission considered the subject applications. After receiving staff's presentation and considering public testimony from the Applicants' representative and three speakers in opposition, the Commission voted 6 to 2 (one Commissioner absent) in favor of forwarding to the Board of Supervisors a recommendation adopting the Mitigated Negative Declaration prepared for the requests, and recommending approval of the proposed General Plan Amendment and rezoning subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listed in the Planning Commission Staff

Report, with inclusion of one additional Condition. The additional Condition requires a cross-access agreement between the subject parcel and the parcel directly adjacent to the south (both currently owned by the Applicant) in order to limit street entrance to Dudley Avenue only as an emergency access, and direct site traffic access from Belmont Avenue to the south (Attachment A, Exhibit B). Staff notes the operational statement included in the Planning Commission Staff Report was provided for informational purposes only, as the Conditional Zoning will control site development and activities.

Three individuals spoke in opposition to the applications at the Planning Commission Hearing citing concerns that the neighborhood is a rural farming area being encroached upon by industrial uses, that the Applicants are currently utilizing the subject parcel for storage activities, and that the existing industrial uses in the area are aesthetically displeasing. Seven individuals sent letters of support (Attachment D).

If your Board determines that the proposed rezoning is consistent with the General Plan, a simple approval motion would be appropriate stating in its motion to approve that the Board is adopting the Negative Declaration prepared for Initial Study No. 7298. The proposed Negative Declaration prepared for Initial Study No. 7151 is included as Attachment E. If your Board determines that the rezoning is not consistent with the General Plan, denial of the applications would then be appropriate citing the reasons for denial and the proposal's inconsistency with the General Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - E

Ordinance

On file with Clerk - General Plan Amendment Resolution

On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa