



Legislation Details (With Text)

File #: 19-1485

On agenda: 12/10/2019

Final action: 12/10/2019

Enactment date:

Enactment #: Ordinance No. R-487-3837

Title: Consider and adopt Mitigated Negative Declaration prepared for Initial Study Application No. 7655 including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3837 and Variance Application No. 4073; approve Ordinance pertaining to Amendment Application No. 3837 thereby rezoning a 2.5-acre portion of a 15.10-acre parcel from the AL-40 to an AE-20 Zone District; approve Variance Application No. 4073 to allow 2.5-acre portion to be created with less than required 20-acre minimum parcel size and remaining 12.6-acre portion of parcel to remain as a legal non-conforming parcel in AL-40 Zone District; and designate County Counsel to prepare fair and adequate summary of proposed ordinance and direct Clerk of the Board to post and publish required summary in accordance with California Government Code, Section 25124(b)(1), subject parcel is located on east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of nearest city limits of City of Sanger

Attachments: 1. Agenda Item, 2. Attachments A - C, 3. Ordinance No. R-487-3837, 4. Ordinance Summary, 5. Additional Information

Date	Ver.	Action By	Action	Result
12/10/2019	1	Board of Supervisors	Approved as Recommended	Pass

DATE: December 10, 2019

TO: Board of Supervisors

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

SUBJECT: Initial Study No. 7655, Amendment Application No. 3837, and Variance Application No. 4073 (Harris Farms, Inc.; Hazelton Farms, Inc.)

RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7655 including Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3837 and Variance Application No. 4073; and**
- 2. Approve Ordinance pertaining to Amendment Application No. 3837 thereby rezoning a 2.5-acre portion of a 15.10-acre parcel from AL-40 (Limited Agricultural, 40-acre minimum parcel size) to AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District; and**
- 3. Approve Variance Application No. 4073 to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size and the remaining 12.6-acre portion of the parcel to remain as a legal non-conforming parcel in the AL-40 Zone District; and**
- 4. Designate County Counsel to prepare a fair and adequate summary of the proposed ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with California Government Code, Section 25124(b)(1).**

The subject parcel is located on the east side of E. Trimmer Springs Road approximately 4.3 miles north of its intersection with Belmont Avenue and 7.8 miles northeast of the nearest city limits of the City of Sanger (APN 158-070-40S).

This item comes before your Board with a unanimous recommendation for approval from the Planning Commission (5 to 0, with four Commissioners absent and one abstention) and requires final action from your Board 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. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If your Board determines that the proposed Amendment Application (AA) to re-designate a 2.5-acre portion of a 15.10-acre parcel from the AL-40 (Limited Agricultural, 40-acre minimum parcel size) to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) is not consistent with the County of Fresno General Plan's Vision Statement, Goals, and Policies, and your Board is unable to make the four required Findings to approve Variance Application (VA) No. 4073 to allow the 2.5-acre portion to be created with less than the required 20-acre minimum parcel size, a motion to deny AA No. 3837 and VA No. 4073 would be appropriate.

FISCAL IMPACT:

Pursuant to the County's Master Schedule of Fees, the Applicant has paid \$17,326 in land use processing fees to the County for Initial Study (IS) Application No. 7655, AA No. 3837 and VA No. 4073.

DISCUSSION:

A rezoning (AA) is a legislative action requiring final approval by your Board of Supervisors, and final action by your Board is also required for the approval of the associated VA and the adoption of the Mitigated Negative Declaration (MND) prepared for the IS filed concurrently with the rezoning. Approval of the variance is necessary to permit the substandard-sized AE-20 portion of the 15.10-acre parcel and effectuate the rezoning. If approved, the rezoning and variance would become effective 30 days after adoption.

To approve a variance request, the following four findings must be made, pursuant to Zoning Ordinance Section 877:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*
2. *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*
3. *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*
4. *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

Department of Public Works and Planning staff, in its recommendation to the Planning Commission, was able to make all four required findings.

On October 10, 2019, the Planning Commission considered the subject applications. During the hearing, the property owner's representative and another individual spoke in favor of the applications, which would allow for more storage space on the property. No individuals spoke in opposition. After receiving Department staff's

presentation and considering public testimony, the Commission voted unanimously (5 to 0) in favor of forwarding a recommendation adopting the MND prepared for the request to your Board. In addition, the Commission voted to recommend for approval the proposed rezoning and variance subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listed in the Planning Commission Staff Report (Attachment B).

If your Board finds that the proposed rezoning is consistent with the General Plan and is able to make the above-noted required variance findings, a motion to approve would be appropriate. In the motion your Board would state that it is adopting the MND prepared for IS No. 7655, approving the Ordinance pertaining to AA No. 3837, rezoning the subject 2.5-acre portion of the 15.10-acre parcel from the AL-40 to the AE-20 Zone District. The proposed MND prepared for IS No. 7655 is attached as Attachment C.

If your Board determines that the rezoning is not consistent with the Fresno County General Plan, denial of the application would then be appropriate citing the reasons for denial and the proposal's inconsistency with the General Plan and the inability of your Board to make the required variance findings.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - C
Ordinance
On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa