



## Legislation Details (With Text)

**File #:** 20-1196 **Name:** AA 3841 and DRA 4610 - NutriAg

**In control:** Public Works & Planning

**On agenda:** 11/3/2020 **Final action:** 11/3/2020

**Enactment date:** **Enactment #:** Ordinance No. R-493-3841

**Title:** Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7799, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3841 and Director Review and Approval Application No. 4610; and find that proposed rezone of two contiguous parcels totaling 2.6-acres from M-1 (Light Manufacturing) Zone District to M-3 (Heavy Industrial) Zone District is consistent with the County's General Plan, including the Housing element and the Biola Community Plan; and approve ordinance pertaining to Amendment Application No. 3841 thereby rezoning the subject 2.6-acres site from M-1 (Light Manufacturing) to M-3 (Heavy Industrial) Zone District; and approve Director Review and Approval Application No. 4610 to permit expansion of an existing inorganic fertilizer operation on an additional 2.6 acres; and 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 Government Code, Section 25124(b)1. The subject parcels are located on the south side of 'H' Street between North Biola Avenue (6th Street) and North 7th Street within the unincorporated community of Biola (4460 N. Biola Avenue, Biola) (APN: 016-300-02, 17S, 18S)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Attachments A - C, 3. Ordinance No. R-493-3841, 4. AA 3841 Ordinance summary, 5. Additional Information

Date	Ver.	Action By	Action	Result
11/3/2020	1	Board of Supervisors	Approved as Recommended	Pass

**DATE:** November 3, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Initial Study Application No. 7799, Amendment Application No. 3841 and Director Review and Approval No. 4610 (Applicant: NutriAg)

### RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7799, including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3841 and Director Review and Approval Application No. 4610;**
- 2. Find that the proposed rezone of two contiguous parcels totaling 2.6-acres from M-1 (Light Manufacturing) Zone District to M-3 (Heavy Industrial) Zone District is consistent with the County's General Plan, including the Housing element and the Biola Community Plan.**

- 3. Approve ordinance pertaining to Amendment Application No. 3841 thereby rezoning the subject 2.6-acres site from M-1 (Light Manufacturing) to M-3 (Heavy Industrial) Zone District;**
- 4. Approve Director Review and Approval Application No. 4610 to permit expansion of an existing inorganic fertilizer operation on an additional 2.6 acres; and**
- 5. 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 Government Code, Section 25124(b)1.**

The subject parcels are located on the south side of 'H' Street between North Biola Avenue (6th Street) and North 7th Street within the unincorporated community of Biola (4460 N. Biola Avenue, Biola) (APN: 016-300-02, 17S, 18S).

This item comes before your Board with a recommendation for approval from the Planning Commission (5 to 1 with three Commissioners absent) and as a legislative action, requires final action from your Board per the Fresno County Zoning Ordinance and State planning law to adopt the Mitigated Negative Declaration (MND) prepared for Initial Study Application (IS) No. 7799 filed concurrently with the rezoning, Amendment Application (AA) No. 3841 and Director Review and Approval Application (DRA) No. 4610. A summary of the Planning Commission's action is included in Attachment A. This item pertains to a location in District 1.

#### ALTERNATIVE ACTION(S):

Your Board may determine that the proposed rezone (Amendment Application No. 3821) is not consistent with the General Plan and the County-adopted Biola Community Plan and determine not to approve DRA 4610, in which case denial of the rezoning and DRA 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 Applicant has paid land use processing fees in the amount of \$12,576.

#### DISCUSSION:

By way of background, on May 21, 2013, AA No. 3795 and DRA No. 4302 were considered by the Board of Supervisors to permit an inorganic fertilizer operation on a 2.07-acre parcel located directly south of the subject application. That action was unanimously approved, and since its approval and operation, the site has had one additional expansion approved in August of 2018 through DRA No. 4555. Staff has not received any complaints or concerns on the existing operation and is not aware of any concerns expressed to other public permitting agencies.

The application is proposing to rezone the subject parcels from the M-1 (Light Manufacturing) Zone District, to a M-3 (Heavy Industrial) Zone District. The subject parcels are listed as Industrial in the County-Adopted Biola Community Plan.

The rezone is proposed to expand the operation of an existing fertilizer facility located on the parcel to the south of the current proposal. The proposed expansion does not increase the capacity of the operation but will increase its efficiency allowing for storage and improved on site operations. The DRA is required for fertilizers (inorganic) and the compounding of dried inorganic materials in the M-3 (Heavy Industrial) Zone District per the Zoning Ordinance. Based on the Environmental Review, the corresponding rezone will have less than significant impacts on the environment and surrounding land uses. The purpose of the project is to increase efficiency of the existing NutriAg facility on the parcel directly south of the subject parcels. The proposed expansion will not increase traffic or the number of employees on site. The proposed warehouse will be used to store and package the product until it is hauled away for sale.

On September 10, 2020, the Planning Commission considered the rezoning. After receiving the Department of Public Works and Planning staff presentation and considering public testimony from the Applicant, and no one speaking in opposition, the Commission voted five to one to forward a recommendation for approval to your Board and a recommendation to adopt the MND prepared for the request and recommending approval of the proposed rezoning subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listened in the Staff Report (Attachment B). The dissenting Commissioner expressed concerns with expansion of a fertilizer facility in an area with residential land uses and concerns with the type of inorganic fertilizers which may be stored on the site. The proposed MND prepared for IS No. 7799 is included as Attachment C.

If your Board determines that the proposed rezoning is consistent with the County's General Plan, including the Housing Element and Biola Community Plan, and determines to approve DRA No. 4610, as recommended by the Planning Commission, an approval motion as described in the Recommended Action would be appropriate.

If your Board determines that the proposed rezone is not consistent with the County's General Plan and determines not to approve DRA No. 4610, denial of the rezoning and DRA would then be appropriate, citing the reasons for denial and the proposal's inconsistency with the General Plan and Biola Community Plan.

ATTACHMENTS INCLUDED AND/OR ON FILE:

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

CAO ANALYST:

Samantha Buck