



County of Fresno

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Legislation Text

File #: 18-1157, **Version:** 1

DATE: October 23, 2018

TO: Board of Supervisors

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

SUBJECT: Initial Study Application No. 7359, General Plan Amendment Application No. 552, and Amendment Application No. 3825 (Applicant: Fresno Humane Animal Services)
CONTINUED FROM SEPTEMBER 11, 2018

RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7359 including the Mitigation Monitoring and Reporting Program prepared for General Plan Amendment Application No. 552 and Amendment Application No. 3825, amending the Fresno County General Plan by re-designating two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial to permit an animal hospital/shelter and associated uses.**
- 2. Approve Ordinance pertaining to Amendment Application No. 3825 thereby rezoning the subject 4.15-acre site from R-R(nb) (Rural Residential, Neighborhood Beautification Overlay) Zone District to M-1(c) (Light Manufacturing, Conditionally limited to animal hospital/shelter) Zone District.**
- 3. 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).**
- 4. Adopt Resolution approving General Plan Amendment Application No. 552 as the Second General Plan Amendment of the Agriculture and Land Use Element of the Fresno County General Plan for 2018.**

The subject parcels are located on the east side of N. Grantland Avenue, between N. Parkway Drive and W. Tenaya Avenue, and approximately 180 feet southwest of the City of Fresno (APN 504-081-02S and -03S).

The recommended actions were originally before your Board on September 11, 2018 following a July 26, 2018 recommendation for approval by the Planning Commission (5 to 4). The recommended actions, which consist of amending the General Plan to redesignate two adjacent parcels and rezone the subject property to permit an animal hospital/shelter and associated uses, requires final action from your Board per Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's action is included in Attachment A.

During the September 11, 2018 meeting, after receiving public testimony both in favor and in opposition to the recommended actions, your Board voted unanimously (5 to 0) to continue the item to today's Board Meeting to allow the Applicant additional time to conduct public outreach with concerned residents and to allow Department of Public Works and Planning staff the opportunity to review certain conditions of approval.

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 two adjacent parcels totaling 4.15 acres from Rural Residential to Limited Industrial is not consistent with the General Plan, a motion to deny General Plan Amendment Application No. 552 and concurrent Amendment Application No. 3825 would be appropriate.

FISCAL IMPACT:

Pursuant to the County's Master Schedule of Fees, the Applicant has paid \$16,045 in land use processing fees to the County for the processing of Initial Study Application No. 7359, General Plan Amendment Application No. 552, and Amendment Application No. 3825.

DISCUSSION:

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

At the September 11, 2018 Board Meeting, a number of speakers provided testimony in either support of or in opposition to the proposal. Speakers in opposition expressed concern that future development of the site per the rezoning request (animal hospital/shelter) would exacerbate traffic congestion, generate noise and odor issues, and present a hazardous situation for neighboring uses. Other concerns were articulated in written correspondence received prior to the Board Meeting, which included part of the Reference Material associated with the September 11, 2018 item.

Project representatives stated that if the property, which is located within the City of Fresno's Sphere of Influence, developed according to the site's City of Fresno General Plan designation of Business Park, potential uses could be much more intensive in regards to traffic and noise than the proposed use. Additionally, the property owner provided testimony regarding his concerns with the cost associated with the on-site irrigation pipeline improvements requested by Fresno Irrigation District (FID) and its potential burden on a non-profit organization.

At the conclusion of public testimony, your Board continued the item to today's date. In the continuance action, your Board requested that the Applicant to address the concerns through public outreach by meeting with property owners, and directed Department staff to review project conditions of approval including a condition related to Fresno Irrigation District (FID) Epstein No. 48 pipeline, which runs along the north property line of the project site.

Following the September 11, 2018 meeting, Department staff was advised by the Applicant that a public information meeting had been scheduled for October 10, 2018. Staff provided the Applicant a map and list of property owners that were provided notice of the land use application. During today's meeting, staff will provide a verbal update on the outcome of the public information meeting held by the Applicant.

Department staff reviewed the project conditions of approval and recommends modification of an existing condition and the addition of three additional conditions to address neighborhood concerns. Staff is also recommending inclusion of a condition requiring indemnification.

To address your Board's concerns regarding the FID-related project conditions of approval, staff recommends replacing existing project Condition of Approval No. 5 with the following revised condition language:

- *Prior to the issuance of permits, evidence from Fresno Irrigation District (FID) must be provided demonstrating that issues related to the on-site FID improvements (Epstein No. 48 pipeline) have been satisfied.*

Finally, staff recommends that if your Board approves the request, the following indemnification condition be included:

- *The Applicant shall enter into an agreement indemnifying the County for all legal costs associated with its approval of General Plan Amendment Application No. 552, and Amendment Application No. 3825.*

If your Board determines that proposed General Plan Amendment No. 552 and its associated rezoning are consistent with the General Plan, a motion to approve would be appropriate stating in its motion that your Board is:

- Adopting the Mitigated Negative Declaration prepared for Initial Study No. 7359;
- Adopting a resolution approving General Plan Amendment No. 552 to re-designate the subject 4.15 acres from Rural Density Residential to Limited Industrial as the second General Plan Cycle of 2018; and,
- Approve the Ordinance pertaining to Amendment Application No. 3825, rezoning the subject 4.15-acre site from the R-R(nb) to the M-1(c) Zone District, limited to animal hospital/shelter and associated uses with mitigation measures, conditions of approval and project notes as listed as Exhibit B of Attachment A, with modification to Condition No. 5 related to on-site FID improvements and the inclusion of additional conditions of approval as recommended by Department staff.

The proposed Mitigated Negative Declaration prepared for Initial Study No. 7359 is included as Attachment D.

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.

REFERENCE MATERIAL:

BAI #10 - September 11, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D
Ordinance
On file with Clerk - Resolution
On file with Clerk - Ordinance Summary

CAO ANALYST:

Sonia M. De La Rosa