



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 March 15, 2018

**SUBJECT:** Initial Study Application No. 7300 and Amendment Application No. 3824

Allow the rezone of a 14.21-acre parcel from the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an M-3(c) (Heavy Industrial, Conditional) Zone District to allow limited industrial uses as requested by the Applicant.

**LOCATION:** The subject property is located on the south side of E. Lincoln Avenue between State Highway 99 and Golden State Boulevard approximately one mile northwest of the nearest city limits of the City of Fowler (4685 E. Lincoln Avenue, Fowler) (Sup. Dist. 4) (APN 340-150-27).

**OWNER:** The Farley Living Trust  
**APPLICANT:** West Star Construction

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4204  
  
Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7300; and
- Recommend that the Board of Supervisors approve Amendment Application No. 3824 with the recommended Mitigation Measures, Conditions of Approval and Project Notes; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3824 to the Board of Supervisors with a recommendation of approval, subject to the Mitigation Measures and Conditions of Approval as listed in the Staff Report.

**EXHIBITS:**

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Golden State Industrial Corridor
6. Uses Allowed Under the Current AE-20 (Exclusive Agriculture) Zoning
7. Uses Proposed to be Allowed Under the Proposed M-3(c) (Heavy Industrial, Conditional) Zone District with the Approval of Amendment Application No. 3824
8. Summary of Initial Study Application No. 7300
9. Draft Mitigated Negative Declaration

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Industrial in the Golden State Industrial Corridor (See Exhibit 5)	N/A
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	M-3(c) (Heavy Industrial, Conditional)
Parcel Size	14.21 acres	No change
Project Site	Vineyard; Single-Family Residence	Rezone a 14.21-acre parcel from the existing AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an M-3(c) (Heavy Industrial, Conditional) Zone District to allow limited industrial uses as listed in Zoning Ordinance Section 845.1, 844.1, 843.1, and Exhibit 7.
Structural Improvements	Single-Family Residence	None. Future site development would include industrial uses as listed in Exhibit 7.
Nearest Residence	1,235 feet to the west	No change

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Surrounding Development	Vineyard to the east and heavy industrial uses to the north and west	No change
Operational Features	Project site is planted in vineyard with a single-family residence	See "Project Site" above
Employees	N/A	Determined at the time uses are established on the property
Customers/Supplier	N/A	Determined at the time uses are established on the property
Traffic Trips	N/A	Per the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group and dated January 17, 2018, construction of approximately 115,000 square feet of industrial buildings on the property will generate: <ul style="list-style-type: none"> <li>• 95 AM peak-hour trips (entering and exiting combined, includes 13 truck trips)</li> <li>• 98 PM peak-hour trips (entering and exiting combined, includes 13 truck trips)</li> </ul>
Lighting	None	Determined at the time uses are established on the property
Hours of Operation	N/A	Determined at the time uses are established on the property

### **Setback, Separation and Parking**

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AE-20 Zone District:  Front: 35 feet Side: 20 feet Rear: 20 feet	M-3(c) Zone District:  None required for this application	N/A
Parking	No requirement	None required for this application	Determined at the time uses are established on the property

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Lot Coverage	No requirement	No requirement	N/A
Separation Between Buildings	40 feet separation between structures for sheltering animals and building for human occupancy in the AE-20 Zone District	No requirement	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code in the AE-20 Zone District	None. The proposal is not adjacent to residentially-zoned property.	N/A
Septic Replacement Area	100 percent for the existing system	None required for this application	N/A. The proposed uses will connect to the Selma-Kingsburg-Fowler Sanitation District community sewer system.
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	None required for this application	N/A. The proposed uses will connect to the Three Crowns 2/West Tech private water system.

### **Circulation and Traffic**

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Lincoln Avenue; Good condition	No change
Direct Access to Public Road	Yes	Lincoln Avenue; Good condition	No change
Road ADT		200 (Lincoln Avenue)	No change
Road Classification		Local Road	No change
Road Width		20 feet right-of-way south of Lincoln Avenue section line	Requires dedication of an additional 10-foot right-of-way for Lincoln Avenue south of section line
Road Surface		Asphalt concrete paved	No change

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Traffic Trips		None	Per the Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group and dated January 17, 2018, construction of approximately 115,000 square feet of industrial buildings on the property will generate: <ul style="list-style-type: none"> <li>• 95 AM peak-hour trips (entering and exiting combined, includes 13 truck trips)</li> <li>• 98 PM peak-hour trips (entering and exiting combined, includes 13 truck trips)</li> </ul>
Traffic Impact Study (TIS) Prepared	Yes	N/A	A TIS was prepared for the project by the Peters Engineering Group and dated January 17, 2018. Mitigation Measures resulting from the TIS have been included in Exhibit 1 of this Report.
Road Improvements Required		Good	No change

### Surrounding Properties

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
North	2 acres 6.9 acres	Industrial uses	M-3(c)	None
South	5.6 acres 14.28 acres	Farmland; Commercial use	AE-20; C-6	None
East	27.75 acres	Vineyard	AE-20	1,500 feet
West	5 acres	Industrial use	M-3	1,235 feet

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

### ENVIRONMENTAL ANALYSIS:

Initial Study No. 7300 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 8.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: February 12, 2018.

**PUBLIC NOTICE:**

Notices were sent to 26 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

Should the Planning Commission recommend approval, a subsequent hearing date before the Board of Supervisors will be scheduled as close to the Commission’s action as practical to make the final decision on the Amendment Application. Information for that hearing will be provided under separate notice.

**PROCEDURAL CONSIDERATIONS:**

A rezoning is a legislative act requiring action by the Board of Supervisors. A decision by the Planning Commission in support of a rezoning request is an advisory action requiring an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission decision to deny a rezoning, however, is final unless appealed to the Board of Supervisors.

**BACKGROUND INFORMATION:**

According to County records, the subject 14.21-acre property and other properties in the area were zoned A-1 (Agricultural District) on December 14, 1965. On February 15, 1972 Amendment Application No. 2396 (Ord. No. 490-A-1267) was approved, which rezoned the subject property from the A-1 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The current zoning on the property is AE-20.

Under the current application, the Applicant is proposing to rezone the subject property from the AE-20 Zone District to an M-3(c) (Heavy Industrial, Conditional) Zone District to allow limited heavy industrial, general industrial and light manufacturing uses listed in the Zoning Ordinance Section 845.1, 844.1, 843.1, and Exhibit 7 of this report. The property is located within the City of Fowler Sphere of Influence and is designated Industrial in the Golden State Industrial Corridor in the County General Plan, and Heavy Industrial in the City of Fowler General Plan.

Since the circulation of the project Initial Study No. 7300 to public agencies for review, edits have been made to the text of Section IX. A. HYDROLOGY AND WATER QUALITY (Exhibit 8 – Page 9 & 10) and are noted in bold. The changes will not affect validity of the environmental document, as it involves replacement of a less stringent project requirement (Project Note) with a more stringent project requirement (Mitigation Measure). The Applicant has accepted the additional Mitigation Measure for the project.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
General Plan Policy LU-A.1: County shall maintain agriculturally-designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities and other areas planned for such development where	The subject 14.21-acre project site is designated as Prime Farmland in the 2014 Fresno County Important Farmland Map and is cultivated regularly. Loss of 14.21 acres of prime farmland due to the rezone of the property from agricultural to industrial was determined to be less than significant, as the property is within the

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>public facilities and infrastructure are available.</p> <p>.</p>	<p>Golden State Industrial Corridor which was established exclusively for industrial development. All agricultural lands, including the subject property, within the Industrial Corridor are planned for and are to be developed with industrial uses with public utilities. The Selma-Kingsburg-Fowler Sanitation District will provide sewer services and Three Crowns 2/West Tech will provide water services to the proposed uses on the property. The proposal is consistent with this policy.</p>
<p>General Plan Policy LU-A.12: In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</p> <p>General Plan Policy LU-A.13: County shall require buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The subject property is designated Industrial in the Golden State Industrial Corridor for industrial development. Any future buffering that is required or proposed, such as landscaping or walls, to protect adjoining farming operations will be addressed through the mandatory Site Plan Review. The proposal is consistent with this policy.</p>
<p>Policy LU-F.29, criteria a. b. c. d. states that the County may approve rezoning requests and discretionary permits for new industrial developments subject to the following criteria: a) operational measures or specialized equipment to protect public health and safety and to reduce adverse impact of noise, odor, vibration, smoke, smoke, heat and glare, and other pollutants on abutting properties; b) provisions of adequate off-street parking; c) maintenance of non-objectionable use areas adjacent to or surrounding the use in order to isolate the use from the abutting properties; and d) limitations on the use size, time of operation or length of permits.</p>	<p>This proposal would allow limited by-right industrial uses as listed in the Zoning Ordinance Section 845.1, 844.1, 843.1, and Exhibit 7 of this report. The proposed uses will adhere to the M-3 Zone District property development standards and will be analyzed against these standards during mandatory Site Plan Review. With these considerations, the proposal is consistent with this policy.</p>
<p>Policy LU-F.30 states that the County shall generally require community sewer and water services for industrial development.</p>	<p>The subject property will annex to the Selma-Kingsburg-Fowler Sanitation District to allow the proposed uses to be served by community sewer from the District. Likewise, to receive community water, the property will connect to the Three Crowns 2/West Tech private water system. The proposal is consistent with this policy.</p>
<p>Policy LU-F.36 states that the County may approve rezoning within the Golden State Industrial Corridor subject to the following</p>	<p>The subject property is within the Sphere of Influence of the City of Fowler and Selma-Kingsburg-Fowler Sanitation District (SKFSD).</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>criteria: a) a proposal for development within a city's sphere of influence shall be referred to the appropriate city and sanitation district for annexation; b) all applications for industrial development within a city's sphere of influence shall be referred to that city for review and recommendation; c) the County may approve the zoning where a sanitation district determines to provide service or the County Health Officer and/or State Water Resources Control Board, Division of Drinking Water determines that service is necessary.</p>	<p>The project was referred to the City of Fowler for comments and possible annexation. The City has commented on the project but released the property on May 2, 2017 for development in the County. The property will annex to SKFSD in order to be provided with community sewer services. With these considerations, the proposal is consistent with this policy.</p>
<p>Policy LU-G.14 states that the County shall not approve any discretionary permit for new urban development within a city's sphere of influence unless the development proposal has first been referred to the city for consideration of possible annexation and provisions of any applicable city/County memorandum of understanding.</p>	<p>In accordance with the subject policy and the Memorandum of Understanding (MOU) between the County and the City of Fowler, the project was referred to the City for possible annexation but was released for development in the County of Fresno citing the annexation is not possible at this time due to the property distance from the existing city limits.</p>
<p>General Plan Policy LU-G.1 states that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</p>	<p>See above discussion under Policy LU-F.30, Policy LU-F.36 and Policy LU-G.14.</p>

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

California Department of Transportation: To ensure potential traffic impacts to state facilities are mitigated/addressed to less than significant levels, the project shall require the following: 1) Add roundabout at State Route 99 northbound ramps and Clovis Avenue. The Project's share is 9 percent or \$207,000; and 2) Add roundabout at State Route 99 southbound ramps and Clovis Avenue. The Project's share is 5.7 percent or \$131,100. These requirements have been included as Mitigation Measures.

City of Fowler: Any on- or off-site improvements shall require review by the City of Fowler and construction of any improvements in accordance with the City of Fowler standard specifications. This has been included as a Condition of Approval.

Road Maintenance and Operations (RMO) Division of the Fresno County Department of Public Works and Planning: Lincoln Avenue shall be developed to a local industrial road standard with curb and gutter and right-of-way dedication. This has been included as a Condition of Approval.

Fresno County Department of Public Health, Environmental Health Division (Health Department): In an effort to protect groundwater, all water wells and septic systems that have



been abandoned within the project area 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. These requirements have been included as Mitigation Measures.

Future tenants proposing to use and/or store hazardous materials/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 shall submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507, and system plans and specifications regarding the installation of any underground storage tanks. Future tenants: 1) proposing to operate food facilities shall submit complete food facility plans and specifications for review and approval prior to issuance of building permits; 2) shall obtain permits to operate a food facility prior to operations; and 3) shall obtain a license to sell alcoholic beverages and construction and operating permits from the State of California, Department of Health Services for wholesale food manufacturing. Future tenants shall be advised of the State of California Public Resources Code, Division 30, Waste Management (Chapter 16), Waste Tire Facilities (Chapter 19), and Waste Tire Haulers, and shall obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Future tenants shall obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program, and operating permits from the State of California, Department of Food and Agriculture for proposed meat processing, slaughterhouse, and/or poultry plants.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall contact the District's Small Business Assistance Office to identify District rules or regulations that apply to this project or to obtain information about District permit requirements.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A Grading Permit or Voucher shall be required for any grading done without permit and any grading proposed with this application. If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the existing driveway accessing Lincoln Avenue. Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an Encroachment Permit from the Road Maintenance and Operations Division.

Consolidated Irrigation District (CID): The Elm Lateral, a Class B private lateral fed from the Briggs Canal to the north, runs south close to or along the easterly property line of the subject parcel and continues south to serve additional properties. As the parcels develop, the lateral shall be field-located by the developer and protected to provide uninterrupted surface water delivery to the other users of the lateral.

Fresno County Fire Protection District: Future industrial uses shall comply with the California Code of Regulations Title 24 – Fire Code, County-approved site plans shall require Fire District approval prior to the issuance of building permits by the County. The property shall annex to the Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.

Selma-Kingsburg-Fowler Sanitation District: The property is located within the City of Fowler Sphere of Influence (SOI) and will require annexation to the Selma-Kingsburg-Fowler Sanitation District.

The aforementioned requirements are included as Project Notes.

Local Agency Formation Commission: The property shall annex to the Selma-Kingsburg-Fowler (SKF) Sanitation District. Adequacy of sustainable water supply to the proposed uses on the property through Three Crowns 2/West Tech private water system shall be confirmed.

U.S. Fish and Wildlife Service; Fresno County Fire Protection District; Regional Water Quality Control Board; State Water Resources Control Board, Division of Drinking Water; California Department of Fish and Wildlife; Road Maintenance and Operations Division, Water and Natural Resources Division, and the Building and Safety, Zoning, and Site Plan Review Sections of the Fresno County Department of Public Works and Planning: No concerns with the project.

### **Analysis:**

The subject property is designated Industrial within the Golden State Industrial Corridor in the County General Plan, zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance, and planted in vineyard with a single-family residence. Parcels to the north, west and east are also designated Industrial in the Golden State Industrial Corridor, zoned M-3(c), M-1 and AE-20, and are developed with heavy industrial uses and farmed. Parcels further to the east and west and outside of the Industrial Corridor are designated Agriculture in the County General Plan, zoned AE-20, and are planted in vineyards and orchards. The property is within the City of Fowler Sphere of Influence (SOI) and is located approximately one mile northwest of the nearest city limits of the City of Fowler.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. The subject property is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance and is designated Industrial within the Golden State Industrial Corridor in the County General Plan. The City of Fowler General Plan designates the property for heavy industrial uses within the City's Sphere of Influence (SOI). The proposed rezone is compatible with the City and the County General Plans.

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base. This zone district also includes the uses allowed in the M-2 and M-1 Zone Districts. The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base, and the "M-1" Light Manufacturing District is intended to provide for the development of industrial uses which are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to those residing in the area. The subject proposal would allow limited heavy industrial, general industrial and light manufacturing uses listed in the Zoning Ordinance Section 845.1, 844.1, 843.1, and Exhibit 7 of this report.

As discussed above in General Plan consistency/consideration, the subject proposal is consistent with all applicable General Plan policies. Concerning consistency with Policy LU-A.1 and Policy LU-A.12, the subject property is located in the Golden State Industrial Corridor designated for industrial uses, the proposed uses will connect to community sewer and water services, and adequate buffering (walls/landscaping) will be provided to protect adjoining farming operations. Concerning consistency with Policy LU-F.29, this proposal would allow limited by-right industrial uses, which will adhere to the M-3, M-2 and M-1 Zone District property development standards. In regard to consistency with Policy LU-F.30, Policy LU-F.36, Policy

LU-G.1 and Policy LU-G. 14, the property will annex to Selma-Kingsburg-Fowler Sanitation District for community sewer, connect to Three Crowns 2/West Tech for community water, and will not annex to the City of Fowler at this time. The Selma-Kingsburg-Fowler Sanitation District has provided a Will-Serve to provide community sewer services to the property upon its annexation with the District. Likewise, the State Water Resources Control Board, Division of Drinking Water has confirmed that Three Crowns 2/West Tech private water system has the capacity to provide community water to the future industrial uses on the property.

The Initial Study (IS) prepared for the project has identified hydrology and water quality and transportation/traffic as potential impacts. Regarding hydrology and water quality, all abandoned water well and septic systems within the project area will require proper destruction. Regarding transportation/traffic, to mitigate traffic impacts, the project will be required to pay its pro-rata share toward the construction of roundabouts at State Route 99 northbound and southbound ramps. These requirements have been included as Mitigation Measures in Exhibit 1 of this report.

Potential impacts related to geology and soils, hazards and hazardous materials, and public services have been determined to be less than significant. All future improvements on the property will comply with Grading and Drainage Sections of the County Ordinance Code; will require necessary grading permits; and will comply with state laws regarding the handling of hazardous materials, food facilities, medical waste and waste tire hauling. Mandatory Site Plan Review (SPR) is included as a Project Note to address these issues and others identified in this Report, including, but not limited to, design of parking and circulation, access, right-of-way, grading and drainage, fire protection, and control of light.

Based on the above information, and with adherence to the aforementioned Mitigation Measures, Conditions of Approval and mandatory Project Notes, staff believes that the subject rezoning from the AE-20 Zone District to an M-3(c) Zone District will not have an adverse effect upon surrounding properties, and that the proposal is consistent with the Fresno County General Plan.

#### **Recommended Conditions of Approval:**

*See Mitigation Measures, Conditions of Approval and project Notes attached as Exhibit 1.*

#### **Conclusion:**

Staff believes that the proposed rezone from the AE-20 (Exclusive Agricultural) Zone District to an M-3(c) (Heavy Industrial, Conditional) Zone District is consistent with the Fresno County General Plan, and recommends approval of Amendment Application No. 3824, subject to the Mitigation Measures, Conditions of Approval and Project Notes attached as Exhibit 1.

#### **PLANNING COMMISSION MOTIONS:**

##### **Recommended Motion** (Approval Action)

- Recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7300; and
- Determine that the M-3(c) (Heavy Industrial, Conditional) zoning is consistent with the General Plan; and

- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3824 to the Board of Supervisors with a recommendation for approval, subject to the Mitigation Measures, Conditions of Approval, and Project Notes listed in the Staff Report.

**Alternative Motion** (Denial Action)

- Determine that the M-3(c) (Heavy Industrial, Conditional) zoning is not consistent with the General Plan, and deny Amendment Application No. 3824 (state basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Conditions of Approval and Project Notes:**

See attached Exhibit 1.

EA:ksn

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**Mitigation Monitoring and Reporting Program  
Initial Study Application No. 7300/Amendment Application (AA) No. 3824  
(Including Conditions of Approval and Project Notes)**

<b>Mitigation Measures</b>					
<b>Mitigation Measure No.*</b>	<b>Impact</b>	<b>Mitigation Measure Language</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>	<b>Time Span</b>
*1.	Hydrology and Water Quality	<p>Environmental Health records indicate there are two water wells on the parcel: one agricultural well installed in 1978 and one domestic well installed in 1981.</p> <p>a. In an effort to protect groundwater, all water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).</p> <p>b. Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should 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. Contact the Water Surveillance Program at (559) 600-3357 for more information.</p>	Applicant	Applicant/Fresno County Department of Public Health, Environmental Health Division	As noted
*2.	Transportation/Traffic	<p>Prior to the issuance of building permits for the uses allowed on M-3(c)-zoned property, the Applicant shall enter into a "Traffic Mitigation Agreement" with the California Department of Transportation (Caltrans), agreeing to participate in the funding of future off-site traffic improvements as defined in items a and b below and pay for funding deemed appropriate by Caltrans as project development is phased based on the following pro-rata shares:</p> <p>a. Add roundabout at State Route 99 northbound ramps and Clovis Avenue. The Project's share is 9 percent or \$207,000.</p> <p>b. Add roundabout at State Route 99 southbound ramps and Clovis Avenue. The Project's share is 5.7 percent or \$131,100.</p>	Applicant	Applicant/California Department of Transportation/ Fresno County Department of Public Works and Planning	As noted

**EXHIBIT 1**

## Conditions of Approval

1. The uses allowed on the property shall be limited to the following by-right uses listed in Section 845.1 (M-3 Zone District), Section 844.1 (M-2 Zone District) and Section 843.1 (M-1 Zone District):
- Alcohol distillation, including wineries and breweries, when connected with adequate public sewers
  - Organic fertilizer, bulk sales and storage
  - Concrete and cement products
  - Ready-mix concrete
  - Building materials
  - Used materials yards
  - Manufacturing
    1. Automotive:
      - a. Assembly
      - b. Battery manufacture
      - c. Body and fender works
      - d. Rebuilding
    2. Machinery and shop [no punch presses over twenty (20) tons or drop hammers]:
      - a. Automatic screw machines
      - b. Blacksmith shop
    3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
      - a. Bone
      - b. Feathers
      - c. Hair
      - d. Horns
      - e. Paints, not employing a boiling process
      - f. Rubber
  - Microwave relay structures
  - Advertising structures
  - Automobile repairs (conducted within a completely enclosed building)
  - Automobile re-upholstery
  - Caretaker's residence, which may include an office for the permitted industrial use
  - Commercial uses that are incidental to and directly related to and serving the permitted industrial uses
  - Electrical supply
  - Equipment rental or sale
  - Farm equipment sales and service
  - Boarding and training, breeding and personal kennels
  - Ice and cold storage plants
  - New and used recreational vehicle sales and service
  - Signs, subject to the provisions of Section 843.5-K
  - Truck driver's training schools
  - Aircraft, modification, storage, repair and maintenance

- Automotive:
  - a. Painting
  - b. Automotive reconditioning
  - c. Truck repairing and overhauling
  - d. Upholstering
  - e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components
- Boat building and repairs
- Book binding
- Bottling plants
- Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas
- Commercial grain elevators
- Garment manufacturing
- Machinery and shop [no punch presses over twenty (20) tons or drop hammers]:
  - a. Blacksmith shops
  - b. Cabinet or carpenter shops
  - c. Electric motor rebuilding
  - d. Machine shops
  - e. Sheet metal shops
  - f. Welding shops
  - g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals
- Manufacturing, compounding, processing, packing or treatment of such products as:
  - a. Bakery goods
  - b. Candy
  - c. Cosmetics
  - d. Dairy products
  - e. Drugs
  - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system
  - g. Fruit and vegetables (packing only)
  - h. Honey extraction plant
  - i. Perfume
  - j. Toiletries
- Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
  - a. Canvas
  - b. Cellophane
  - c. Cloth
  - d. Cork
  - e. Felt
  - f. Fibre
  - g. Fur

- h. Glass
- i. Leather
- j. Paper, no milling
- k. Precious or semi-precious stones or metals
- l. Plaster
- m. Plastic
- n. Shells
- o. Textiles
- p. Tobacco
- q. Wood
- r. Yarns

- Manufacturing and maintenance of electric or neon signs
- Planing mills
- Printing shops, lithographing, publishing
- Rubber and metal stamps
- Shoes
- Stone monument works
- Storage yards:
  - a. Contractors storage yard
  - b. Draying and freight yard
  - c. Feed and fuel yard
  - d. Machinery rental
  - e. Motion picture studio storage yard
  - f. Transit storage
  - g. Trucking yard terminal, except freight classifications
- Textiles
- Wholesaling and warehousing
- Creameries
- Laboratories
- Blueprinting and photocopying
- Laundries
- Carpet and rug cleaning plants
- Cleaning and dyeing plants
- Tire retreading, recapping, rebuilding
- Lumber drying kilns; gas, electric or oil fired only
- Feather cleaning and storage of cleaned feathers within an enclosed structure
- Rubber, fabrication of products made from finished rubber
- Assembly of small electric and electronic equipment
- Assembly of plastic items made from finished plastic
- Agricultural uses
- Communication equipment buildings
- Electric transmission substations



	<ul style="list-style-type: none"> <li>• Off-street parking</li> <li>• Public utility service yards with incidental buildings</li> <li>• Electric distribution substations</li> <li>• Temporary or permanent telephone booths</li> <li>• Water pump stations</li> </ul>
2.	Lincoln Avenue shall be developed to a local industrial road standard with curb and gutter and right-of-way dedication.
3.	Development of uses proposed on the site shall be subject to the standards of the City of Fowler unless Fresno County standards are more stringent; furthermore, at the time of submittal of a Site Plan Review application, the City shall be provided all development plans for review and comment.
4.	The existing single-family residence on the property must be used as a caretaker residence for permitted industrial uses, or it must be removed from the property.

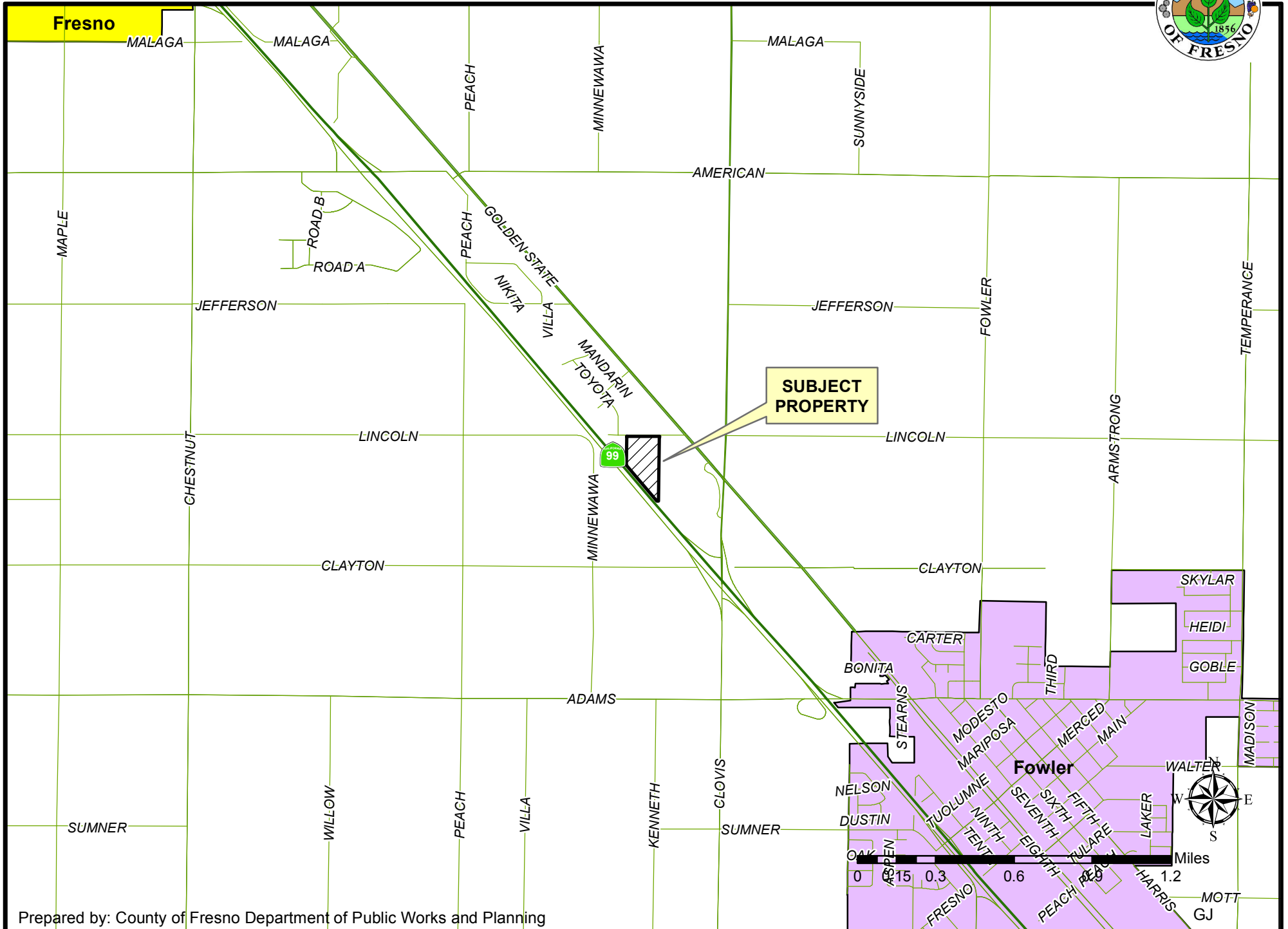
\*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document.  
Conditions of Approval reference recommended Conditions for the project.

<b>Project Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	The construction of any structures on the project location shall meet all the Building Code requirements in effect at the time they are constructed.
2.	Prior to the establishment of any of the uses proposed by this application in the M-3 (c) Zone District, a Site Plan Review shall be submitted for approval by the Director of the Department of Public Works and Planning in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include, but not be limited to, design of parking and circulation, access, grading and drainage, right-of-way dedication, fire protection, noise, and control of light.
3.	<p>To address public health impact resulting from this proposal, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> <li>• 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 (<a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a> or <a href="https://www.fresnocupa.com/">https://www.fresnocupa.com/</a>). The default State reporting thresholds that apply are: ≥55 gallons (liquids), ≥500 pounds (solids), ≥200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances.</li> <li>• Certain uses allowed may utilize underground storage tank systems. If a tenant with such uses is proposed, then the Applicant or future tenant shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 600-3271 for more information.</li> <li>• Future tenants proposing to operate food facilities will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division for review and approval prior to issuance</li> </ul>

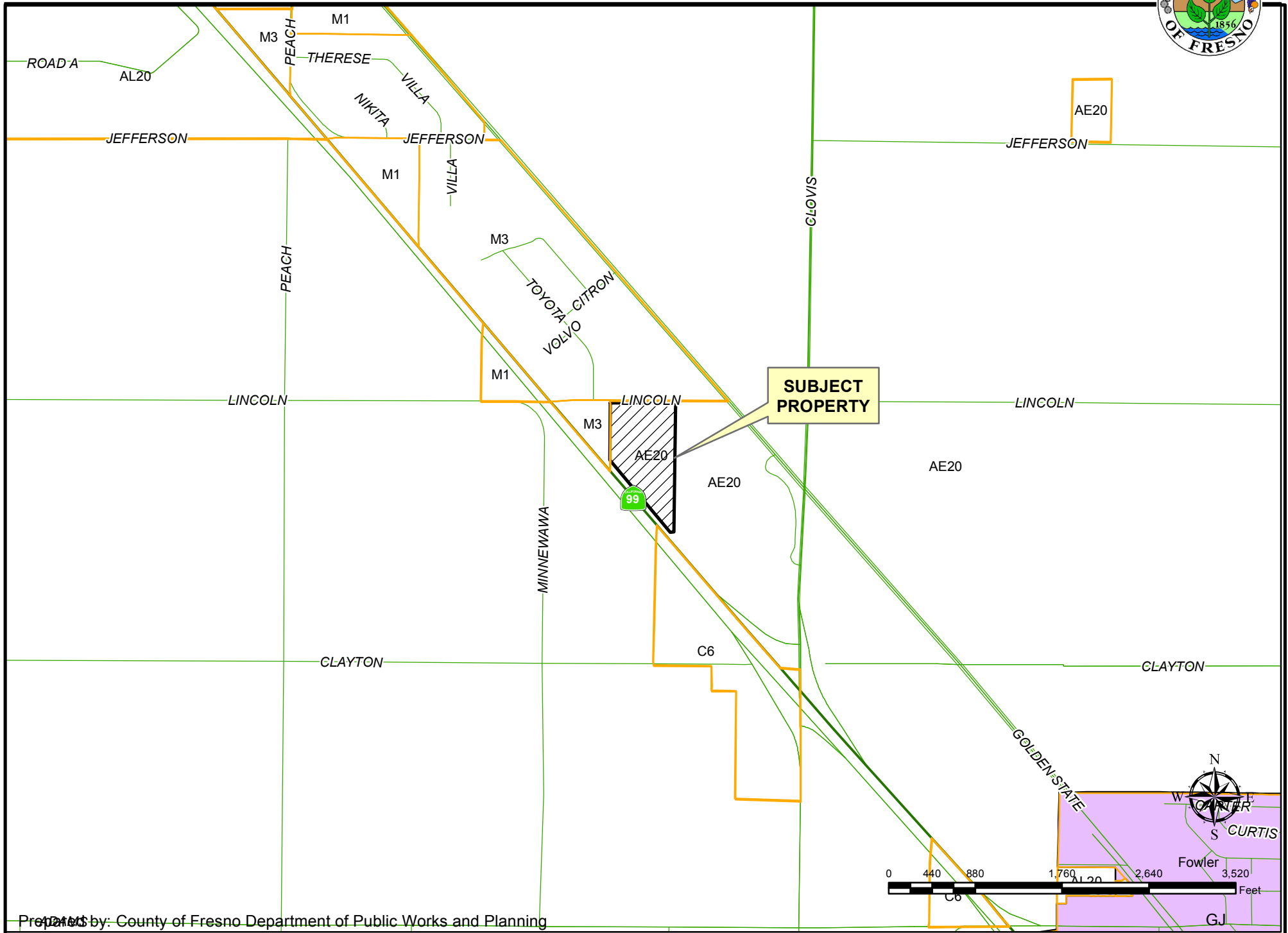
**Project Notes**

	<p>of building permits. Prior to operations, they will be required to apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. Permits, once issued, are nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.</p> <ul style="list-style-type: none"> <li>• Prior to operation, the Applicant or future tenant may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.</li> <li>• The Applicant should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Food and Drug Branch at (800) 495-3232 or <a href="mailto:fdbinfo@cdph.ca.gov">fdbinfo@cdph.ca.gov</a> for more information.</li> <li>• Construction and operating permits may be required by the State of California, Department of Food and Agriculture for proposed meat processing, slaughterhouse, and/or poultry plants. Contact the Meat, Poultry, &amp; Egg Safety Branch at (916) 900-5004 or <a href="mailto:cdfa.mpes_feedback@cdfa.ca.gov">cdfa.mpes_feedback@cdfa.ca.gov</a>.</li> <li>• Future tenants should be advised of the State of California Public Resources Code, Division 30; Waste Management, Chapter 16; Waste Tire Facilities and Chapter 19; and Waste Tire Haulers, which may require the Owner/Operator to obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle). Contact the Local Tire Enforcement Agency (TEA) at (559) 600-3271 for additional information.</li> <li>• Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.</li> </ul>
4.	<p>To address grading and drainage impacts resulting from the future development projects, the Development Engineering Section of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• A Grading Permit or Voucher shall be required for any grading done without permit and any grading proposed with this application.</li> <li>• If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the existing driveway accessing Lincoln Avenue.</li> <li>• Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.</li> </ul>
5.	<p>The Applicant shall contact the San Joaquin Valley Air Pollution Control District Small Business Assistance Office to identify District rules or regulations that apply to this project or to obtain information about District permit requirements.</p>
6.	<p>The Elm Lateral, a Class B private lateral fed from the Briggs Canal to the north, runs south close to or along the easterly property line of the subject parcel and continues south to serve additional properties. As the parcels develop, the lateral will need to be field-located by the developer and protected to provide uninterrupted surface water delivery to the other users of the lateral.</p>
7.	<p>The proposed uses on the property shall comply with the California Code of Regulations Title 24 – Fire Code. County-approved site plans shall be required for Fire District approval prior to the issuance of building permits by the County. The property shall be annexed to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>
8.	<p>The property shall annex to the Selma-Kingsburg-Fowler Sanitation District to provide sewer services to the property.</p>

# LOCATION MAP



# EXISTING ZONING MAP





# EXISTING LAND USE MAP

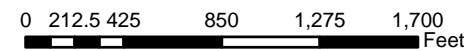


LEGEND	
C	COMMERCIAL
CHU	CHURCH
CP#	OFFICE COMM./PROF
FC	FIELD CROP
I	INDUSTRIAL
ORC	ORCHARD
	PONDING BASIN
SF#	SINGLE FAMILY RESIDENCE
V	VACANT
VIN	VINEYARD

**LEGEND:**

 Subject Property

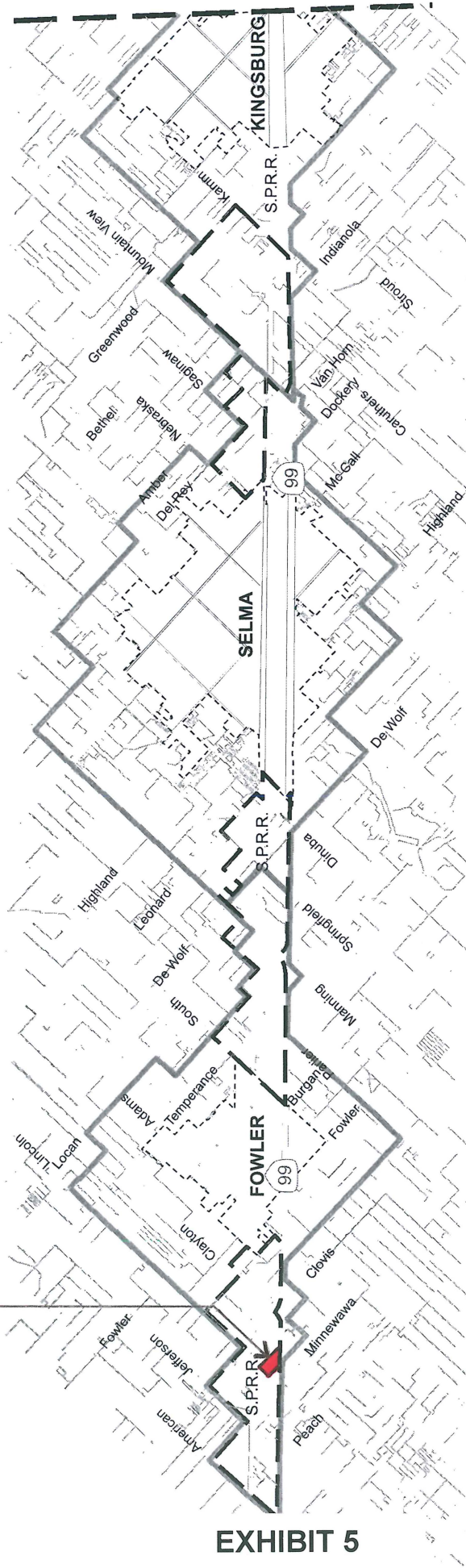
 Ag Contract Land



Department of Public Works and Planning  
Development Services Division



Map Prepared by: GJ  
J:GISJCHLanduse\

**SUBJECT PROPERTY**



**EXHIBIT 5**



-  Industrial Corridor Overlay
-  Sphere of Influence
-  City Limits

Fresno County General Plan  
**Golden State Industrial Corridor**  
 Figure LU-4

1/03/2000

## SECTION 816

### "AE" EXCLUSIVE AGRICULTURAL DISTRICT

The "AE" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district.

The "AE" District shall be accompanied by an acreage designation which establishes the minimum size lot that may be created within the District. Acreage designations of 640, 320, 160, 80, 40, 20, 5 are provided for this purpose. Parcel size regulation is deemed necessary to carry out the intent of this District.

(Amended by Ord. 490.38 adopted 11-21-67)

#### SECTION 816.1 - USES PERMITTED

The following uses shall be permitted in the "AE" Districts, except as otherwise provided in Subsection K of Section 816.2 for Interstate Interchange Impact Areas. All uses shall be subject to the Property Development Standards in Section 816.5.

(Amended by Ord. 490.95 adopted 11-27-73; Ord. 490.174 re-adopted 5-8-79)

- A. The maintaining, breeding, and raising of livestock of all kinds, except as provided in Sections 816.2 and 816.3.  
(Amended by Ord. 490.117 adopted 10-5-76; Ord. T-038-306 adopted 5-22-90)
- B. The maintaining, breeding, and raising of poultry of all kinds, subject to the provisions of Section 868.  
(Added by Ord. T-038-306 adopted 5-22-90)
- C. The raising of tree, vine, field, forage, and other plant life crops of all kinds.  
(Amended by Ord. T-077-352, adopted 3-2-04)
- D. One family dwellings and accessory buildings and farm buildings of all kinds, when located upon farms and occupied or used by the owner, farm tenant or other persons employed thereon or the non-paying guests thereof; provided, however, that a residence once constructed and used for one of the foregoing uses, and no longer required for such use shall acquire a nonconforming status and may be rented for residential purposes without restriction.
- E. Home Occupations, Class I, subject to the provisions of Section 855-N.  
(Amended by Ord. T-288 adopted 2-25-86)
- F. The harvesting, curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, subject to the provisions of 855-N.32.  
(Amended by Ord. T-077-352, adopted 3-2-04)
- G. When carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten (10) percent of the total land is used and where no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises, any of the following uses:

1. The manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kinds.
  2. The manufacture, storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals and insecticides.
  3. The transportation of agricultural products, supplies or equipment together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor.
  4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries.  
(Added by Ord. 490.65 adopted 8-4-70)
- H. The maintenance of temporary and permanent farm labor camps when carried on as a secondary function in conjunction with a bona fide agricultural operation. The density standards of Section 816.5-C shall not apply.  
(Amended by Ord. 490.31 adopted 10-11-66)
- I. The use, storage, repair and maintenance of tractors, scrapers, and land leveling and development equipment when operated in conjunction with, or as part of, a bona fide agricultural operation.  
(Amended by Ord. 490.117 adopted 10-5-76)
- J. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- K. Signs, subject to the provisions of Section 816.5-K.
- L. Temporary or permanent telephone booths.
- M. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- N. Trailer house occupancy consisting of one or more trailers, subject to the provisions of Section 856 and 816.1-C.  
(Amended by Ord. 490.18 adopted 12-29-64; Ord. 490.81 adopted 10-24-72)
- O. Breeding and personal kennels.  
(Added by Ord. 490.36 adopted 7-25-67)
- P. Historic and monument sites.  
(Added by Ord. 490.117 adopted 10-5-76)
- Q. Water-well drilling or pump installation service.  
(Added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.157 adopted 9-19-78)
- R. Welding and blacksmith shops and farm equipment and machinery sales, rental storage, and maintenance facilities when in conjunction with welding and blacksmith shops.  
(Added by Ord. 490.117 adopted 10-5-76)



- S. Value-added agricultural uses and facilities subject to the provisions of Section 855-N.32 and Section 874.  
(Added by Ord. T-077-352, adopted 3-2-04)
  
- T. Agricultural tourism uses subject to the provisions of Section 855-N.  
(Added by Ord. T-078-353, adopted 12-7-04)

## EXHIBIT 7

### Uses Allowed Under the M-3 (c) (Heavy Industrial, Conditional) Zoning

#### Uses permitted "by right" shall be limited to:

- Alcohol distillation, including wineries and breweries, when connected with adequate public sewers.
- Organic fertilizer, bulk sales and storage.
- Concrete and cement products.
- Ready-mix concrete.
- Building materials.
- Used materials yards.
- Manufacturing.
  1. Automotive:
    - a. Assembly
    - b. Battery manufacture
    - c. Body and fender works
    - d. Rebuilding
  2. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
    - a. Automatic screw machines
    - b. Blacksmith shops
  3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
    - a. Bone
    - b. Feathers
    - c. Hair
    - d. Horns
    - e. Paints, not employing a boiling process
    - f. Rubber
- Microwave relay structures
- Advertising structures
- Automobile repairs (conducted within a completely enclosed building)
- Automobile re-upholstery
- Caretaker's residence, which may include an office for the permitted industrial use
- Commercial uses that are incidental to and directly related to and serving the permitted industrial uses
- Electrical supply
- Equipment rental or sale
- Farm equipment sales and service
- Boarding and training, breeding and personal kennels
- Ice and cold storage plants
- New and used recreational vehicle sales and service
- Signs, subject to the provisions of Section 843.5-K
- Truck driver's training schools
- Aircraft, modification, storage, repair and maintenance
- Automotive:

- a. Painting.
- b. Automotive reconditioning.
- c. Truck repairing and overhauling.
- d. Upholstering.
- e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components.
- Boat building and repairs.
- Book binding.
- Bottling plants.
- Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas.
- Commercial grain elevators.
- Garment manufacturing.
- Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
  - a. Blacksmith shops.
  - b. Cabinet or carpenter shops.
  - c. Electric motor rebuilding.
  - d. Machine shops.
  - e. Sheet metal shops.
  - f. Welding shops.
  - g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals.
- Manufacturing, compounding, processing, packing or treatment of such products as:
  - a. Bakery goods
  - b. Candy
  - c. Cosmetics
  - d. Dairy products
  - e. Drugs
  - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system
  - g. Fruit and vegetables (packing only)
  - h. Honey extraction plant.
  - i. Perfume
  - j. Toiletries
- Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
  - a. Canvas.
  - b. Cellophane.
  - c. Cloth.
  - d. Cork.
  - e. Felt.
  - f. Fibre.
  - g. Fur.
  - h. Glass.
  - i. Leather.
  - j. Paper, no milling.
  - k. Precious or semi-precious stones or metals.
  - l. Plaster.

- m. Plastic.
- n. Shells.
- o. Textiles.
- p. Tobacco.
- q. Wood.
- r. Yarns.
- Manufacturing and maintenance of electric or neon signs
- Planing mills.
- Printing shops, lithographing, publishing.
- Rubber and metal stamps.
- Shoes.
- Stone monument works.
- Storage yards:
  - a. Contractors storage yard.
  - b. Draying and freight yard.
  - c. Feed and fuel yard.
  - d. Machinery rental.
  - e. Motion picture studio storage yard.
  - f. Transit storage.
  - g. Trucking yard terminal, except freight classifications.
- Textiles.
- Wholesaling and warehousing.
- Creameries.
- Laboratories.
- Blueprinting and photocopying.
- Laundries.
- Carpet and rug cleaning plants.
- Cleaning and dyeing plants.
- Tire retreading, recapping, rebuilding.
- Lumber drying kilns; gas, electric or oil fired only.
- Feather cleaning and storage of cleaned feathers within an enclosed structure.
- Rubber, fabrication of products made from finished rubber.
- Assembly of small electric and electronic equipment.
- Assembly of plastic items made from finished plastic.
- Agricultural uses.
- Communication equipment buildings.
- Electric transmission substations.
- Off-street parking.
- Public utility service yards with incidental buildings.
- Electric distribution substations.
- Temporary or permanent telephone booths.
- Water pump stations.

SECTION 845

"M-3" - HEAVY INDUSTRIAL DISTRICT

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

SECTION 845.1 - USES PERMITTED

The following uses shall be permitted in the "M-3" District. All uses shall be subject to the Property Development Standards in Section 845.5.

- A. All uses permitted in the "M-2" District, Section 844.1.
- B. Alcohol distillation, including wineries and breweries, when connected with adequate public sewers.
- C. Organic fertilizer, bulk sales and storage.
- D. Concrete and cement products.
- E. Ready-mix concrete.

## SECTION 844

### "M-2" - GENERAL INDUSTRIAL DISTRICT

The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base.

#### SECTION 844.1 - USES PERMITTED

The following uses shall be permitted in the "M-2" District. All uses shall be subject to the Property Development Standards in Section 844.5.

(Amended by Ord. 490.174 re-adopted 5-29-79)

A. All uses permitted in the "M-1" District, Section 843.1.

~~B. Baled cotton storage.~~

C. Building materials.

~~D. Cotton compress.~~

E. Used materials yards.

F. Manufacturing.

1. Automotive:

- a. Assembly.
- b. Battery manufacture.
- c. Body and fender works.
- d. Rebuilding.

2. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):

- a. Automatic screw machines.
- b. Blacksmith shops.

3. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:

- a. Bone.
- b. Feathers.
- c. Hair.
- d. Horns.
- e. Paints, not employing a boiling process.
- f. Rubber.

~~4. Wholesale lumber yards.~~

~~5. Meat packing & meat processing, subject to the provisions of Section 855-N.  
(Added by Ord. 490.21 adopted 9-14-65)~~

G. Microwave relay structures.

## SECTION 843

### "M-1" - LIGHT MANUFACTURING DISTRICT

The "M-1" (Light Manufacturing) District is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing of material that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other district.

#### SECTION 843.1 – USES PERMITTED

The following uses shall be permitted in the "M-1" District. All uses shall be subject to the Property Development Standards in Section 843.5.

##### A. RELATED USES

1. Advertising structures.
- ~~2. Animal hospitals and shelters.~~
3. Automobile repairs (conducted within a completely enclosed building).
4. Automobile re-upholstery.
- ~~5. Automobile service stations.~~
- ~~6. Banks.~~
7. Caretaker's residence, which may include an office for the permitted industrial use.  
(Amended by Ord. 490.152 adopted 7-10-78)
8. Commercial uses that are incidental to and directly related to and serving the permitted industrial uses.
- ~~9. Delicatessens.~~
10. Electrical supply.
11. Equipment rental or sale
12. Farm equipment sales and service.
- ~~13. Frozen food lockers.~~
- ~~14. Grocery stores.~~
15. Boarding and training, breeding and personal kennels.  
(Amended by Ord. 490.36 adopted 7-25-67)
16. Ice and cold storage plants
- ~~17. Mechanical car, truck, motor and equipment wash, including self-service.~~

(Added by Ord. 490.23 adopted 12-28-65)

~~48. Newspaper publishing~~

~~49. Offices:~~

- ~~a. Administrative.~~
- ~~b. Business.~~
- ~~c. General.~~
- ~~d. Medical.~~
- ~~e. Professional.~~

20. New and used recreational vehicle sales and service.  
(Added by Ord. 490.129 adopted 1-11-77)

~~21. Restaurants.~~

22. Signs, subject to the provisions of Section 843.5-K.

~~23. Truck service stations.~~

24. Truck driver's training schools.  
(Amended by Ord. T-070-341 adopted 4-23-02)

~~B. ADULT BUSINESSES that are licensed under Chapter 6.33 of Ordinance Code, including uses such as:~~

- ~~1. Bars.~~
- ~~2. Restaurants.~~
- ~~3. Theaters.~~
- ~~4. Video stores.~~
- ~~5. Book stores.~~
- ~~6. Novelty sales.~~

(Added by Ord. T-074-346 adopted 7-30-02)

C. MANUFACTURING

1. Aircraft, modification, storage, repair and maintenance

2. Automotive:

- a. Painting.
- b. Automotive reconditioning.
- c. Truck repairing and overhauling.
- d. Upholstering.
- e. Battery assembly (including repair and rebuilding) limited to the use of previously manufactured components.

(Added by Ord. 490.33 adopted 1-17-67)

- 3. Boat building and repairs.
- 4. Book binding.



5. Bottling plants.
6. Ceramic products using only previously pulverized clay and fired in kilns only using electricity or gas.
7. Commercial grain elevators.
8. Garment manufacturing.
9. Machinery and shop (no punch presses over twenty (20) tons or drop hammers):
  - a. Blacksmith shops.
  - b. Cabinet or carpenter shops.
  - c. Electric motor rebuilding.
  - d. Machine shops.
  - e. Sheet metal shops.
  - f. Welding shops.
  - g. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared metals.
10. Manufacturing, compounding, processing, packing or treatment of such products as:
  - a. Bakery goods.
  - b. Candy.
  - c. Cosmetics.
  - d. Dairy products.
  - e. Drugs.
  - f. Food products (excluding fish and meat products, sauerkraut, wine, vinegar, yeast and the rendering of fats and oils) if connected with an adequate sewer system.
  - g. Fruit and vegetables (packing only).
  - h. Honey extraction plant.
  - i. Perfume.
  - j. Toiletries.
11. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:
  - a. Canvas.
  - b. Cellophane.
  - c. Cloth.
  - d. Cork.
  - e. Felt.
  - f. Fibre.
  - g. Fur.
  - h. Glass.
  - i. Leather.
  - j. Paper, no milling.
  - k. Precious or semi-precious stones or metals.
  - l. Plaster.
  - m. Plastic.
  - n. Shells.
  - o. Textiles.

- p. Tobacco.
- q. Wood.
- r. Yarns.

12. Manufacturing and maintenance of electric or neon signs

~~13. Novelties.~~

14. Planing mills.

15. Printing shops, lithographing, publishing.

~~16. Retail lumber yard.~~

17. Rubber and metal stamps.

18. Shoes.

19. Stone monument works.

20. Storage yards:

- a. Contractors storage yard.
- b. Draying and freight yard.
- c. Feed and fuel yard.
- d. Machinery rental.
- e. Motion picture studio storage yard.
- f. Transit storage.
- g. Trucking yard terminal, except freight classifications.

21. Textiles.

22. Wholesaling and warehousing.

~~23. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing.~~

~~(Added by Ord. 490.21 adopted 9-14-65)~~

D. PROCESSING

- 1. Creameries.
- 2. Laboratories.
- 3. Blueprinting and photocopying.
- 4. Laundries.
- 5. Carpet and rug cleaning plants.
- 6. Cleaning and dyeing plants.
- 7. Tire retreading, recapping, rebuilding.

8. Lumber drying kilns; gas, electric or oil fired only.  
(Added by Ord. 490.77 adopted 8-17-72)
9. Feather cleaning and storage of cleaned feathers within an enclosed structure.  
(Added by Ord. 490.82 adopted 11-21-72)

E. FABRICATION

1. Rubber, fabrication of products made from finished rubber.
2. Assembly of small electric and electronic equipment.
3. Assembly of plastic items made from finished plastic.

F. OTHER USES

1. Agricultural uses.
2. Communication equipment buildings.
3. Electric transmission substations.
4. Off-street parking.
- ~~5. Medical Marijuana Cultivation Facility licensed under Chapter 6.6 of Title 6 of County Ordinance Code.  
(Added by Ord. T-086-364 adopted 8-9-11)~~
6. Public utility service yards with incidental buildings.
7. Electric distribution substations.
8. Temporary or permanent telephone booths.
9. Water pump stations.



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: West Star Construction
- APPLICATION NOS.: Initial Study Application No. 7300 and Amendment Application No. 3824
- DESCRIPTION: Rezone a 14.21-acre parcel from the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District to an M-3 (c) (Heavy Industrial; Conditional) Zone District to allow limited industrial uses as requested by the Applicant.
- LOCATION: The project site is located on the south side of E. Lincoln Avenue between State Route 99 and Golden State Blvd. approximately one mile northwest of the nearest city limits of the City of Fowler (Sup. Dist.: 4) (APN: 340-150-27).

### I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or
- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

FINDING: NO IMPACT:

The subject property is currently planted in vineyard with a single-family residence and located in an area comprised of industrial uses and farmlands. No scenic vistas or scenic resources including trees, rock outcroppings, and historic buildings were identified on or near the property. The property is located along Lincoln Avenue which is not designated as Scenic Highway in the County General Plan. The project will have no impact on scenic resources.

- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal involves rezoning of a 14.21-acre parcel from the AE-20 Zone District to an M-3(c) (Heavy Industrial, Conditional) Zone District. This is to allow, in the future, limited by-right industrial uses in the M-3 Zone District through Site Plan Review.

The "M-3" Heavy Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base. This zone district also includes the uses allowed in the M-2 and M-1 Zone Districts. The "M-2" General Industrial District is intended to provide for the establishment of industrial uses essential to the development of a balanced economic base and the "M-1" Light Manufacturing District is intended to provide for the development of industrial uses which are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to any degree which might be obnoxious or offensive to those residing in the area. The subject proposal would allow limited by-right uses in the M-3 Zone District as requested by the Applicant.

The subject property is located within the Golden State Industrial Corridor and borders with Linclon Avenue to the north, Golden State Blvd. to the east, and State Route 99 to the west. There is a vineyard on the property with a single-family residence. The adjacent parcel to the east is also a vineyard and the parcels to the north and west contain heavy industrial uses. There is no other residential development near the property. Given the property is located within an Industrial Corridor and is intended to be developed with industrial uses, visual impacts on the surrounding area would be minimal. The visual impacts from industrial developments would be comparable to the visual impacts generated by the existing industrial uses on parcels to the north and west of the proposal within the Industrial Corridor.

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: NO IMPACT:

The subject application involves no development and therefore no lighting impacts will result from this proposal. All uses allowed in the conditional M-3 (c) Zone District require a Site Plan Review (SPR). The lighting requirements will be addressed through SPR appropriate to the use established on the property.

## II. AGRICULTURAL AND FORESTRY RESOURCES

- A. Would the project convert prime or unique farmlands or farmland of state-wide importance to non-agricultural use; or
- B. Would the project conflict with existing agricultural zoning or Williamson Act Contracts; or
- C. Would the project conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production; or
- D. Would the project result in the loss of forest land or conversion of forest land to non-forest use; or

- E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not forestland or timberland. The site is classified as Prime Farmland in the 2010 Fresno County Important Farmland Map and unrestricted by a Williamson Act Land Conservation Contract.

Per the County Ordinance, the project site is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and designated Industrial in the County General Plan due to its location within the Golden State Industrial Corridor. The proposed rezoning from the AE-20 Zone District to an M-3 (c) (Heavy Industrial, Conditional) Zone District is compatible with the industrial designation.

General Plan Policies LU-A.1 and LU-A.12 require that the County shall maintain agriculturally-related areas for agriculture uses, direct urban growth closer to areas where public facilities and infrastructures are available, and protect agricultural activities from encroachment of incompatible land uses. As noted above, the property is located within the Golden State Industrial Corridor, which was established to permit industrial development that can be provided with public utility services. All agricultural lands within the Industrial Corridor are either already built or planned for, and will be built with industrial uses in the future. Section X. Land Use and Planning has additional discussion regarding General Plan Policies.

The potential impact of the proposed rezone to farming operations in the area will be limited. The proposal would allow limited by-right industrial uses in the M-3 Zone District. These uses are similar in nature to other existing industrial uses near the project site within the Golden State Industrial Corridor.

Fresno County Department of Agriculture (Ag. Commissioner's Office) reviewed the proposal and expressed no concerns with the project.

### III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project violate any air quality standard or contribute to an existing or projected air quality violation; or
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a Federal or State ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The San Joaquin Valley Air Pollution Control District (Air District) reviewed the proposal and requires the Applicant to contact the District's Small Business Assistance Office to identify District rules or regulations that apply to this project or to obtain information about District permit requirements. This requirement will be included as a Project Note.

- D. Would the project expose sensitive receptors to substantial pollutant concentrations; or
- E. Would the project create objectionable odors affecting a substantial number of people?

FINDING: NO IMPACT:

No such impacts were identified by the San Joaquin Valley Air Pollution Control District.

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species; or
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS); or
- C. Would the project have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means; or
- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is located within the Golden State Industrial Corridor and the City of Fowler Sphere of Influence (SOI). The property has been actively farmed over the years and contains no water channels. As such, it is unlikely that any wildlife species, including fish and rare or endangered plants, are present on the property.

This proposal was routed to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for review and comments. No concerns were expressed by either agency. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) the movement of any native resident or

migratory fish or wildlife species, established native resident or migratory wildlife corridors, or native wildlife nursery sites.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

FINDING: NO IMPACT:

The subject conditional rezoning involves no development. As such, it will not conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

#### V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5; or
- B. Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5; or
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

The project is not located in an area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, or paleontological resources would result from this proposal.

- E. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?

FINDING: NO IMPACT:

The project will have no impact on tribal Cultural Resources and was routed to the Dumna Wo Wah Tribal Government, the Santa Rosa Tribal Government, and the Picayune Rancheria of the Chukchansi Indians in accordance with Public Resources Code Section 21080.3.1 (b).



## VI. GEOLOGY AND SOILS

A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:

1. Rupture of a known earthquake; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction; or
4. Landslides?

FINDING: NO IMPACT:

The project is not located within a fault zone or an area of known landslides.

B. Would the project result in substantial erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject proposal will not result in substantial erosion or loss of topsoil. Any site grading and drainage associated with future development of the property will adhere to the Grading and Drainage Sections of the County Ordinance Code and will require a Grading Permit or Voucher from the Development Engineering Section of the Fresno County Department of Public Works and Planning. This requirement will be included as a Project Note.

C. Would the project result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

FINDING: NO IMPACT:

There are no impacts related to off-site landslides, lateral spreading, subsidence, liquefaction, or collapse, nor is the project within an area of known expansive soils.

D. Would the project be located on expansive soils, creating substantial risks to life or property?

FINDING: NO IMPACT:

No soil-related impacts were identified in the project analysis.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?

FINDING: NO IMPACT:

Future development projects on the property will not use individual sewage disposal systems.

The property is located within the Selma-Kingsburg-Fowler (SKF) Sanitation District Sphere of Influence and the City of Fowler Sphere of Influence (SOI). In order for the future industrial developments to receive community sewer services, the property will require annexation with SKF Sanitation District. The Applicant is has obtained a Will-Serve letter from the District.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to wastewater disposal.

## VII. GREENHOUSE GAS EMISSIONS

- A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Would the project conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

No greenhouse gas impacts were identified in the project analysis. Subsequent industrial developments on the property will require Site Plan Review and review of each development by the Air District for any issues related to greenhouse gas emission.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials; or
- B. Would the project create a significant public hazard involving accidental release of hazardous materials into the environment; or
- C. Would the project create hazardous emissions or utilize hazardous materials, substances or waste within one quarter-mile of a school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Fresno County Public Health Department, Environmental Health Division (Health Department) reviewed the proposal and requires that future tenants proposing to use and/or store hazardous materials/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 shall submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter

6.95, Section 25507, and system plans and specifications shall be submitted regarding the installation of any underground storage tanks.

Also, future tenants: 1) proposing to operate food facilities shall submit complete food facility plans and specifications for review and approval prior to issuance of building permits; 2) shall obtain permits to operate a food facility prior to operations; and 3) shall obtain a license to sell alcoholic beverages and construction and operating permits from the State of California, Department of Health Services for wholesale food manufacturing.

Additionally, future tenants shall be advised of the State of California Public Resources Code, Division 30, Waste Management (Chapter 16), Waste Tire Facilities (Chapter 19), and Waste Tire Haulers and shall obtain a permit from the California Department of Resources Recycling and Recovery (CalRecycle).

Furthermore, future tenants shall obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program and construction, and operating permits from the State of California, Department of Food and Agriculture for proposed meat processing, slaughterhouse, and/or poultry plants. These requirements will be included as Project Notes.

The nearest school, Fowler High School in the City of Fowler, is approximately 1.9 miles southeast of the project site.

D. Would the project be located on a hazardous materials site?

FINDING: NO IMPACT:

The project site is not a hazardous materials site. No concerns were expressed by the Fresno County Department of Public Health, Environmental Health Division.

E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area; or

F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan area or two miles of a public use airport. The nearest airstrip, Turner Field, is approximately 1.8 miles northwest of the project site.

G. Would the project impair implementation of or physically interfere with an adopted Emergency Response Plan or Emergency Evacuation Plan?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan.

- H. Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

FINDING: NO IMPACT:

The project site is not within or adjacent to a wildland fire area. The project will not expose persons or structures to wildland fire hazards.

## IX. HYDROLOGY AND WATER QUALITY

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?

~~FINDING: LESS THAN SIGNIFICANT IMPACT:~~

**FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:**

See discussion in Section VI. E. Geology and Soils concerning waste discharge requirements.

According to Fresno County Department of Public Health, Environmental Health Division, review of the proposal: 1) in an effort to protect groundwater, all water wells and septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately-licensed contractor; 2) prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil; and 3) should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. These will be included as ~~Project Notes~~ **Mitigation Measures**.

***\*Mitigation Measures:***

1. ***Prior Environmental Health records indicate there are two water wells on the parcel: one agricultural well installed in 1978 and one domestic well installed in 1981.***
  - a. ***In an effort to protect groundwater, all water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor (permits required).***
  - b. ***Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of***

***lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should 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. Contact the Water Surveillance Program at (559) 600-3357 for more information.***

The Regional Water Quality Control Board, Central Valley Region, also reviewed the proposal and identified no impacts on groundwater quality.

- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?

FINDING: NO IMPACT:

The project will not use groundwater for future industrial uses. Public water is available to the property and can be provided by the Three Crowns 2/West Tech public water system. The State Water Resources Control Board, Division of Drinking Water which oversees the water system supplying West Tech Industrial Park indicated that the current water system has the capacity to meet the water needs of future industrial developments on the property.

The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning also reviewed the proposal and expressed no concerns related to water for the project.

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site; or
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off site?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No stream or river runs through the property that may be impacted by this proposal. According to the Consolidated Irrigation District (CID), the District does not own any facilities located on the subject parcel. The Elm Lateral, a Class B private lateral fed from the Briggs Canal to the north, runs south close to or along the easterly property line of the subject parcel and continues south to serve additional properties. As the parcels develop, the lateral will need to be field-located by the developer and protected so as to provide uninterrupted surface water delivery to the other users of the lateral. This requirement will be included as a Project Note.

- E. Would the project create or contribute run-off which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Development of the industrial uses resulting from this project will cause insignificant changes in absorption rates, drainage patterns or the rate and amount of surface run-off with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. The site drainage requirements appropriate to the proposed future uses will be addressed through subsequent Site Plan Review.

- F. Would the project otherwise substantially degrade water quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion in IX. A. above.

- G. Would the project place housing within a 100-year floodplain?

FINDING: NO IMPACT:

No housing is proposed with this application.

- H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?

FINDING: NO IMPACT:

According to Federal Emergency Management Agency (FEMA) FIRM Panel 2139H, the subject property is not subject to the flooding from the 100-year storm.

- I. Would the project expose persons or structures to levee or dam failure; or

- J. Would the project cause inundation by seiche, tsunami or mudflow?

FINDING: NO IMPACT:

The subject site is not prone to a seiche, tsunami or mudflow, nor is the project likely to expose persons or structures to potential levee or dam failure. No levee or dam exists near the site.

X. LAND USE AND PLANNING

- A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The nearest city, the City of Fowler, is approximately one mile southeast of the project site.

- B. Will the project conflict with any Land Use Plan, policy or regulation of an agency with jurisdiction over the project?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is designated Industrial in the County General Plan due its location within the Golden State Industrial Corridor. The site is also located within the City of Fowler Sphere of Influence (SOI).

The project will not be in conflict with any land use plan, policy, or regulation of the City of Fowler. The City reviewed the proposal, chose not to annex the property at this time, and noted that off-site improvements shall be constructed in accordance with City's standard specifications, and wastewater collection fees and applicable connection fees and service charges shall be provided to the City.

The Golden State Industrial Corridor was established to permit industrial development in the County of Fresno. All agricultural lands within the Industrial Corridor bordered by Golden State Blvd. and State Route 99 are either already built or planned for, or are going to be built with industrial uses in the future. The subject property located within the Industrial Corridor meets the following General Plan Policies.

The proposal meets General Plan Policies LU-A.12 in that all properties within the Industrial Corridor are reserved for and will be developed with industrial uses. Regarding Policy LU-A.13, any buffering (landscaping, wall, etc.) necessary for the separation of industrial uses on the project site from the adjacent farming operation would be addressed through mandatory Site Plan Review required of all uses in the M-3 Zone District.

The project meets General Plan Policies LU-A.29 and LU-A.30 in that the future development projects will adhere to the property development standards of the M-3 Zone District and be provided with community sewer and water services. The project meets General Plan Policies LU-A.36, LU-G.1 and LU-G.7 in that the property is located within City of Fowler Sphere of Influence (SOI) and the city declined to annex the property at this time and requested that on-site and off-site improvements be constructed in accordance with the City of Fowler's standards. Additionally, the property will be annexed to and provided with community sewer from Selma-Kingsburg-Fowler (SKF) sanitation district.

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

FINDING: NO IMPACT:

The project will not conflict with any Habitat Conservation or Natural Community Conservation Plans.

## XI. MINERAL RESOURCES

- A. Would the project result in the loss of availability of a known mineral resource; or
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a General Plan?

FINDING: NO IMPACT:

No mineral resource impacts were identified in the project analysis. The project site is not located in a mineral resources area identified in Policy OS-C.2 of the General Plan.

## XII. NOISE

- A. Would the project result in exposure of people to severe noise levels; or
- B. Would the project result in exposure of people to or generate excessive ground-borne vibration or ground-borne noise levels; or
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity; or
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?

FINDING: NO IMPACT:

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and expressed no concerns related to noise.

- E. Would the project expose people to excessive noise levels associated with a location near an airport or a private airstrip; or
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion in Section VIII. E. F.

## XIII. POPULATION AND HOUSING

- A. Would the project induce substantial population growth either directly or indirectly; or
- B. Would the project displace substantial numbers of existing housing; or
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?



FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth.

#### XIV. PUBLIC SERVICES

A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically-altered public facilities in the following areas:

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District (Cal Fire) reviewed the proposal and identified no concerns with the project. Future industrial uses will comply with the California Code of Regulations Title 24 – Fire Code, County-approved site plans will require Fire District’s approval prior to the issuance of building permits by the County, and the property will require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. Site Plan Review required for all uses in the M-3 Zone District will address these requirements.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact police services, schools, parks or any other public facilities.

#### XV. RECREATION

A. Would the project increase the use of existing neighborhood and regional parks; or

B. Would the project require the construction of or expansion of recreational facilities?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

#### XVI. TRANSPORTATION/TRAFFIC

- A. Would the project conflict with any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation; or
- B. Would the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demands measures?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION  
INCORPORATED:

The Design and Road Maintenance and Operations Divisions of the Department of Public Works and Planning reviewed the proposal and required a Traffic Impact Study (TIS) to assess project's potential impacts to County and state roadways and intersections.

The Traffic Impact Study (TIS) prepared for the project by Peters Engineering Group and dated January 17, 2018 found that the study intersections are currently operating at acceptable levels of service (LOS), with the exception of the intersection of Clovis Avenue and the SR 99 southbound ramps, which operate at LOS F. This project would exacerbate an existing condition. The report suggested that the project impact could be mitigated by constructing a traffic signal at this intersection, or roundabouts. However, roundabouts would be substantially more expensive. The report also stated that the cumulative (2038) analyses indicate that State Route 99 northbound ramps, Clovis Avenue and State Route 99 southbound ramps, and Clovis Avenue are expected to operate at LOS F with or without the project. The project contributes to the cumulative significant impact at these intersections.

The California Department of Transportation (Caltrans) reviewed the TIS, concurred with its findings, and stated that a signal installation could be used to improve this intersection's operations to an acceptable level. However, the heavy volume of left-turn movements from southbound Clovis Avenue during 6:38 a.m. and 5:33 p.m. would require dual left-turn lanes. Widening Clovis Avenue would be constrained by columns located within the median and just off the right shoulder supporting the State Route (SR) 99 overcrossing. Since construction cost for the required widening would be cost-extensive, Caltrans recommended the installation of roundabouts at both intersections named above. To ensure potential traffic impacts to state facilities are mitigated/ addressed to less than significant levels, Caltrans has identified the following pro-rata share for the project, which has been included as a Mitigation Measure:

***\*Mitigation Measures:***

1. *Prior to the issuance of building permits for the uses allowed on M-3(c)-zoned property, the applicant shall enter into a "Traffic Mitigation Agreement" with California Department of Transportation, agreeing to participate in the funding of future off-site traffic improvements as defined in items a and b below and pay for funding deemed appropriate by Caltrans as project development is phased based on the following pro-rata shares:*

- a. *Add roundabout at State Route 99 northbound ramps and Clovis Avenue. The Project's share is 9 percent or \$207,000.*
- b. *Add roundabout at State Route 99 southbound ramps and Clovis Avenue. The Project's share is 5.7 percent or \$131,100.*

The Design and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning also reviewed the Traffic Impact Study and expressed no concerns related to the project impact on County roadways.

- C. Would the project result in a change in air traffic patterns?

FINDING: NO IMPACT:

The project will not result in a change in air traffic patterns.

- D. Would the project substantially increase traffic hazards due to design features?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site borders with Lincoln Avenue which is a public road maintained by the County.

The Road Maintenance and Operations (RMO) Division and Development Engineering Section of the Fresno County Department of Public Works and Planning reviewed the proposal and, given no development proposed by this application, expressed no concerns related to traffic hazards due to design features. However, RMO noted that Lincoln Avenue shall be developed to a local industrial road standard with curb and gutter and right-of-way dedication. This will be included as a Condition of Approval.

- E. Would the project result in inadequate emergency access?

FINDING: NO IMPACT:

Emergency access to the site will be analyzed by the Fresno County Fire Protection District at the time the proposed M-3 uses are established on the property.

- F. Would the project conflict with adopted plans, policies or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

FINDING: NO IMPACT:

The project will not conflict with any adopted transportation plans

## XVII. UTILITIES AND SERVICE SYSTEMS

- A. Would the project exceed wastewater treatment requirements?

FINDING: NO IMPACT:

See discussion in Section VI. E. Geology and Soils.

- B. Would the project require construction of or the expansion of new water or wastewater treatment facilities?

FINDING: NO IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- C. Would the project require or result in the construction or expansion of new storm water drainage facilities?

FINDING: LESS THAN SIGNIFICATION IMPACT:

See discussion in Section IX. E Hydrology and Water Quality.

- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?

FINDING: NO IMPACT:

See discussion in Section IX. B. Hydrology and Water Quality.

- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?

FINDING: NO IMPACT:

See discussion in Section VI. E Geology and Soils.

- F. Would the project be served by a landfill with sufficient permitted capacity; or

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?

FINDING: NO IMPACT:

No such impacts were identified in the project analysis.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal, or eliminate important examples of the major periods of California prehistory or history?

FINDING: NO IMPACT:

The project will have no impact on sensitive biological or cultural resources.

- B. Does the project have impacts that are individually limited, but cumulatively considerable?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to the permitting requirements and rules and regulations set forth by the Fresno County Grading and Drainage Ordinance, San Joaquin Valley Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis other than Transportation/Traffic, which will be addressed with the Mitigation Measure discussed in Section XVI.

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No substantial impacts on human beings, either directly or indirectly, were identified in the analysis.

## **CONCLUSION/SUMMARY**

Based upon the Initial Study (IS No. 7300) prepared for Amendment Application No. 3824, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to cultural resources, greenhouse gas emissions, mineral resources, noise, population and housing, or recreation.

Potential impacts related to aesthetics, agricultural and forestry resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant.

Potential impacts to transportation/traffic have been determined to be less than significant with the identified Mitigation Measure.

A Mitigated Negative Declaration is recommended for the project and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Streets, Fresno, California.

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File original and one copy with: <b>Fresno County Clerk 2221 Kern Street Fresno, California 93721</b>		Space Below For County Clerk Only.  CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7300	<b>LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION</b>		County Clerk File No: <b>E-</b>
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): West Star Construction	Project Title: Amendment Application No. 3824		
Project Description: Rezone a 14.21-acre parcel from the AE-20 (Exclusive Agricultural; 20-acre minimum parcel size) Zone District to an M-3 (c) (Heavy Industrial; Conditional) Zone District to allow limited industrial uses as requested by the Applicant. The project site is located on the south side of E. Lincoln Avenue between State Route 99 and Golden State Blvd. approximately one mile northwest of the nearest city limits of the City of Fowler (Sup. Dist.: 4) (APN: 340-150-27).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7300) prepared for Amendment Application No. 3824, staff has concluded that the project will not have a significant effect on the environment.  No impacts were identified related to cultural resources, greenhouse gas emissions, mineral resources, noise, population and housing, or recreation.  Potential impacts related to aesthetics, agricultural and forestry resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, and utilities and service systems have been determined to be less than significant.  Potential impact related to transportation/traffic has been determined to be less than significant with the identified mitigation measure.  The Initial Study and MND is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – February 12 , 2018		Review Date Deadline: March 13, 2018	
Date: February 6, 2018	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: \_\_\_\_\_

**LOCAL AGENCY  
MITIGATED NEGATIVE DECLARATION**

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**EXHIBIT 9**