



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISOR'S ACTION SUMMARY MINUTES.

DATE: March 15, 2018

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12704 - INITIAL STUDY APPLICATION NO. 7298,
GENERAL PLAN AMENDMENT APPLICATION NO. 551 AND AMENDMENT
APPLICATION NO. 3823

APPLICANT: Larry and Shelly Rompal

REQUEST: Amend the Fresno County General Plan and County-
adopted Fresno High-Roeding Community Plan by re-
designating a 3.57-acre parcel from Rural Density
Residential to Limited Industrial, and rezone the subject
3.57-acre parcel from R-R(nb) (Rural Residential, two-acre
minimum parcel size, Neighborhood Beautification
Overlay) to M-1(c) (Light Manufacturing, Conditionally
limited to Contractors Storage Yard).

LOCATION: The subject parcel is located on the south side of W.
Dudley Avenue, between N. Valentine Avenue and N.
Marks Avenue, westerly adjacent to the city limits of the
City of Fresno (Sup. Dist. 1) (APN 449-110-23).

PLANNING COMMISSION ACTION:

At its hearing of March 15, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Vallis and seconded by Commissioner Eubanks to recommend adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 7298; recommend to the Board of Supervisors approval of General Plan Amendment Application No. 551 and Amendment Application No. 3823; and direct the Secretary to prepare a resolution recommending that the proposed changes to the County General Plan and approval of the proposed rezone are consistent with the Fresno County General Plan, subject to the Conditions as listed in Exhibit "B", with inclusion of an additional Condition to require a Cross-Access Agreement between the subject parcel and a southerly-adjacent parcel owned by the Applicants.

RESOLUTION NO. 12704

This motion passed on the following vote:

VOTING: Yes: Commissioners Vallis, Eubanks, Burgess, Ede, Lawson and
 Abrahamian

 No: Commissioners Delahay and Woolf

 Absent: None

 Abstain: None

 Recused: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William M. Kettler, Manager
Development Services and Capital Projects Division

DC:
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Attachments

EXHIBIT A

Initial Study Application No. 7298
General Plan Amendment Application No. 551
Amendment Application No. 3823

Staff: The Fresno County Planning Commission considered the Staff Report dated March 15, 2018, and heard a summary presentation by staff.

Applicant: A representative of the Applicant disagreed with the Staff Report recommendation for denial. He described the proposal and offered the following information:

- Multiple letters of support have been provided for the proposed General Plan Amendment and rezoning (letters provided directly to Planning Commission at the March 15, 2018 Planning Commission Hearing).
- The area of the proposal has inconsistent General Plan designations for industrial and residential land uses.
- County staff referred the subject parcel to the City of Fresno for annexation; however, the City declined annexation while acknowledging the proposed General Plan Amendment and rezoning request proposed industrial zoning.
- The Applicants are willing to offer an additional Condition of Approval to require slatted chain-link fencing along the westernmost property line of the subject parcel.
- The owners of the subject parcel are also the owners and operators of a southerly-adjacent irrigation contractor's operation (Agri-Valley Irrigation) which plans to utilize the subject parcel as additional storage space for the existing irrigation contractor's operation.
- Different General Plan designations should be separated by roads, which is not the case with the subject parcel.
- Vehicular access to Dudley Avenue will be for emergencies only, and the Applicants are willing to offer an additional Condition of Approval to require a Cross-Access Agreement between the subject parcel and the southerly-adjacent parcel, which is the location of the Applicants' existing irrigation contractors operation.
- The land use to be allowed by this proposal is limited in scope to a Contractors Storage Yard.

Others: The Applicant provided additional testimony in support of the application stating:

RESOLUTION NO. 12704

- The existing irrigation contractors operation (Agri-Valley Irrigation) located on the property southerly-adjacent to the subject parcel has been growing and additional storage space is necessary.
- It is the intention of Agri-Valley Irrigation to remain in the Fresno area and this proposal will allow the business to grow without re-locating.
- Some materials from Agri-Valley Irrigation were stored on a neighboring property, with said property owner's permission, as a temporary emergency measure.

Others:

Three individuals representing property owners in the vicinity spoke in opposition to the proposal, offering the following testimony:

- The neighborhood is a rural farming area being encroached upon by industrial uses.
- The Applicants are currently utilizing the subject parcel for storage activities.
- The existing industrial uses in the area are aesthetically displeasing.

Correspondence:

No letters were presented to the Planning Commission in opposition to the applications. Seven letters in support of the proposal were presented to the Planning Commission by the Applicants' representative.

DC:

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Mitigation Monitoring and Reporting Program
Initial Study (IS) Application No. 7298 / General Plan Amendment Application No. 551 / Amendment Application No. 3823
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded, directed and permanently maintained as to not shine toward adjacent properties and roads.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	Ongoing
*2.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photographs, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant	During ground-disturbing activities
*3.	Geology and Soils	Only low water uses and uses that generate small amounts of liquid waste shall be permitted until such time that the subject parcel is served by community sewer and community water systems, or adequate information is submitted to the Environmental Health Division of the Fresno County Department of Public Health and the Fresno County Department of Public Works and Planning to demonstrate that the subject parcel can accommodate higher volumes of liquid wastes.	Applicant	Applicant/Fresno County Department of Public Health/PW&P	Ongoing
*4.	Transportation/Traffic	Storage of trucks shall be prohibited on the subject parcel.	Applicant	Applicant/PW&P	Ongoing

EXHIBIT B

Conditions of Approval	
1.	The subject parcel shall be limited to the following use: Contractors Storage Yard
2.	The project developer shall construct all street frontage improvements along the subject parcel's Dudley Avenue frontage per City of Fresno development standards. This requirement shall include any right-of-way dedication necessary for the street frontage improvements.
3.	Only low water uses shall be permitted until such time that public water service from the City of Fresno public water system is available to the subject parcel. Availability of public water service shall be defined as the presence of a potable water main constructed and operational within 100 feet of the subject parcel. At such time when public water service is available to the subject parcel, the property shall be required to: (a) connect to the City of Fresno public water system within 60 calendar days; (b) destroy any on-site water well in accordance with State and County well destruction standards within 60 days; and (c) pay all City of Fresno water meter, service connection, and capacity fees as specified in the City's Master Fee Schedule. If the subject parcel fails to connect to the City of Fresno public water system within 60 calendar days of public water service being available to the property, the property owner consents to the City of Fresno placing a lien on the subject parcel equal to the value of the water well destruction cost, water meter cost, service connection cost, and capacity fee cost.
4.	Only uses that generate small amounts of liquid waste shall be permitted until such time that public sewer service from the City of Fresno public sewer system is available to the subject parcel. Availability of public sewer service shall be defined as the presence of a public sewer main constructed and operational within 100 feet of the subject parcel. At such time when public sewer service is available to the subject parcel, the property shall be required to: (a) connect to the City of Fresno public sewer system within 60 calendar days; (b) destroy any on-site wastewater disposal system in accordance with State and County wastewater disposal system destruction standards within 60 days; and (c) pay all City of Fresno sewer lateral, connection, and capacity fees as specified in the City's Master Fee Schedule. If the subject parcel fails to connect to the City of Fresno public sewer system within 60 calendar days of public sewer service being available to the property, the property owner consents to the City of Fresno placing a lien on the subject parcel equal to the value of the wastewater disposal system destruction cost, sewer lateral cost, service connection cost, and capacity fee cost.
5.	<p>The owner of the subject parcel shall record a document irrevocably offering 10 feet of the subject parcel to the County of Fresno as future right-of-way for Dudley Avenue (20 feet existing). The southern edge of said offer shall establish the building setback line for future development.</p> <p>Note: A preliminary title report or lot book guarantee may be required before the irrevocable offer of dedication can be processed. The property owner is advised that where deeds of trust or any other type of monetary liens exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication free of charge.</p>
6.	The owner(s) of the subject parcel shall execute a Cross-Access Agreement to ensure vehicular access to the subject parcel from the southerly-adjacent parcel identified as Assessor's Parcel Number (APN) 449-110-12. The Cross-Access Agreement shall be reviewed for approval by the Fresno County Department of Public Works and Planning.

*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.

Notes

The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.

1.	Prior to issuance of Building Permits, a Site Plan Review (SPR) shall be submitted to and approved by the Department of Public Works and Planning in accordance with Section 874 of the Fresno County Zoning Ordinance. Conditions of the Site Plan Review may include: design of parking and circulation areas, access, on-site grading and drainage, fire protection, landscaping, signage, and lighting.
2.	Future development shall satisfy 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. Future development which handles hazardous materials or hazardous waste above the following State reporting thresholds shall be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95: 1) 55 gallons of liquid material; 2) 500 pounds of solid material; 3) 200 cubic feet of compressed gas; or 4) the threshold planning quantity for extremely hazardous substances.
3.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, which discusses proper labeling, storage and handling of hazardous wastes.
4.	Future development shall comply with the California Code of Regulations Title 24 – Fire Code.
5.	Future development may be subject to the following San Joaquin Valley Unified Air Pollution Control District Rules and Regulations: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt Paving and Maintenance Operations).
6.	Future development shall be subject to the Seismic Design Category D Standards, including the requirement to provide a Geotechnical Investigation to the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits.
7.	Future development shall require a Grading Permit or Grading Voucher for any grading activities.
8.	Future development that disturbs more than one acre shall require compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity. Should compliance with the NPDES General Permit for Discharges of Storm Water Associated with Construction Activity be required, before construction begins, the developer must submit to the State Water Resources Control Board a Notice of Intent to comply with said permit, a Storm Water Pollution Prevention Plan (SWPPP), a Site Plan, and appropriate fees. The SWPPP must include descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
9.	Due to the subject parcel being located within Fresno Metropolitan Flood Control District (FMFCD) Drainage Area UU, future development shall require payment of an FMFCD Drainage Fee, the amount of which will be determined at the time the new development is proposed.
10.	Future development shall comply with the Fresno County Noise Ordinance related to construction noise, limiting noise-generating construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.
11.	A ten-foot by ten-foot corner cutoff shall be maintained for sight distance purposes at any driveway accessing Dudley Avenue.

Notes

12.	Any work performed within the County right-of-way shall require an Encroachment Permit from the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning.
13.	Any unpaved or gravel-surfaced driveway must be graded and asphalt concrete paved or treated with a dust palliative for the first 100 feet from the edge of the Dudley Avenue right-of-way.
14.	Any additional run-off generated by development cannot be drained across property lines, and must be retained on site per County Standards.

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EXHIBIT "C"

ATTACHMENT
TO
AGENDA ITEM

FISCAL IMPACT STATEMENT

Initial Study Application No. 7298
General Plan Amendment Application No. 551
Amendment Application No. 3823

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Initial Study Application	\$ 5,151.00 ¹
General Plan Amendment Application	\$ 7,000.00 ²
Amendment Application	\$ 6,214.00 ²
Public Health Department Review	\$ <u>1,180.00³</u>
Total Fees Collected	\$ <u>19,545.00</u>

¹ Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
² Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.
³ Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division.



County of Fresno
Board of Supervisors
Minute Order

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May 8, 2018

Present: 5 - Vice Chairman Andreas Borgeas, Supervisor Nathan Magsig, Supervisor Buddy Mendes, Supervisor Brian Pacheco, and Chairman Sal Quintero

Agenda No. 12.

Public Works & Planning

File ID: 18-0361

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

A MOTION WAS MADE BY SUPERVISOR PACHECO, SECONDED BY VICE CHAIRMAN BERGEAS, THAT THIS MATTER BE APPROVED AS RECOMMENDED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Ayes: 5 - Borgeas, Magsig, Mendes, Pacheco, and Quintero

Ordinance No. R-481-3823, Resolution No. 18-186