



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 August 11, 2016

SUBJECT: Initial Study Application No. 7098 and Amendment Application No. 3817

Rezone a 38.03-acre parcel from an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The Applicant proposes to submit a subsequent Conditional Use Permit Application at a future date to permit the establishment of a Personal/Recreational Vehicle Storage in the AL-20 Zone District.

This item was continued from the Planning Commission Hearing of June 30, 2016 at the request of the Applicant

LOCATION: The project site is located on the northwest corner of E. Copper Avenue and Auberry Road, approximately 2,800 feet east of the nearest city limits of the City of Fresno (Sup. Dist. 5) (APN 580-040-09).

OWNER: Wesclo, LP
APPLICANT: Derrel's Mini Storage, Inc.

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Recommend that the Board of Supervisors adopt the Negative Declaration prepared for Initial Study (IS) Application No. 7098; and
- Recommend that the Board of Supervisors approve Amendment No. 3817; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3817 to the Board of Supervisors with a recommendation of approval.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Uses Allowed Under AE-20 (Exclusive Agricultural) Zone District
5. Uses Allowed Under AL-20 (Limited Agricultural) Zone District
6. Summary of Initial Study Application No. 7098 with modifications
7. Draft Negative Declaration
8. Public Correspondence

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	N/A
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	AL-20 (Limited Agricultural, 20-acre minimum parcel size)
Parcel Size	38.03 acres	No change
Project Site	Vacant	Rezone a 38.03-acre parcel from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to establish a Personal/Recreational Vehicle Storage in the AL-20 Zone District through a Conditional Use Permit
Structural Improvements	Single-Family Residences	None. Future development of a personal/recreational vehicle storage facility in the AL-20 Zone District will require a discretionary land use application
Nearest Residence	585 feet southeast of the proposal	No change
Surrounding Development	Farmlands with single-family residences; produce stand	No change

Criteria	Existing	Proposed
Operational Features	Project site is vacant and undeveloped	See "Project Site" above
Employees	N/A	N/A. No development proposed by this application
Customers/Supplier	N/A	N/A
Traffic Trips	None	None. A Traffic Impact Study may be required for future personal/recreational vehicle storage in the AL-20 Zone District as part of a subsequent discretionary land use application.
Lighting	None	N/A. No development proposed by this application
Hours of Operation	N/A	N/A

Setback, Separation and Parking

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	For AE-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	For AL-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	N/A. No development proposed by this application
Parking	No requirement in the AE-20 Zone District	No requirement in the AL-20 Zone District	N/A
Lot Coverage	No requirement in the AE-20 Zone District	No requirement in the AL-20 Zone District	N/A
Separation Between Buildings	40 feet separation between animal shelter and building for human occupancy in the AE-20 Zone District	No requirement in the AL-20 Zone District	N/A
Wall Requirements	Per Section 855-H.2 of the County Ordinance Code in the AE-20 Zone District	Per Section 855-H.2 of the County Ordinance Code in the AL-20 Zone District	N/A
Septic Replacement Area	100 percent for the existing system	100 percent for the existing system	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A

Circulation and Traffic

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Copper Avenue; Good condition Auberry Road; Good condition	No change No change
Direct Access to Public Road	Yes	Copper Avenue; Good condition Auberry Road; Good condition	No change No change
Road ADT		5000 (Copper Avenue) 5400 (Auberry Road)	No change No change
Road Classification		Super Arterial (Copper Avenue) Arterial (Auberry Road)	No change No change
Road Width		60 feet (Copper Avenue) 60 feet (Auberry Road)	N/A. No development proposed by this application
Road Surface		Asphalt concrete (Copper Avenue); pavement width: 30.5 feet Asphalt concrete (Auberry Road); pavement width: 30.5 feet	No change No change
Traffic Trips		None	N/A. No development proposed by this application
Traffic Impact Study (TIS) Prepared	No	N/A	None. A Traffic Impact Study may be required for future

	Existing Conditions	Proposed Operation
		personal/recreational vehicle storage in the AL-20 Zone District through a discretionary land use application
Road Improvements Required	Good	N/A. Road improvements may be required for future personal/recreational vehicle storage in the AL-20 Zone District as part of a subsequent discretionary land use application.

Surrounding Properties

	Size:	Use:	Zoning:	Nearest Residence:
North	39.09 acres	Vacant	AE-20	None
South	4.6 and 14.3 acres	Vacant	AE-20	585 feet southeast
East	191.6 acres	Vineyard	AE-20	585 feet southeast
West	170.5 acres	Natatorium/recreation room	AE-20	None

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

ENVIRONMENTAL ANALYSIS:

Initial Study Application No. 7098 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 Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 6.

Notice of Intent of Negative Declaration publication date: July 29, 2016.

PUBLIC NOTICE:

Notices were sent to 24 property owners within 1,320 feet of the subject property, 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 for final action will be scheduled as close to the Commission's action as practical with separate noticing provided for that hearing.

PROCEDURAL CONSIDERATIONS:

A rezoning is a legislative act requiring final 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:

The subject property is currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). The zoning was enacted on March 8, 1977 by the County Board of Supervisors (Amendment No. 2898).

Under the subject application, the Applicant is proposing to rezone the property from the AE-20 Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to permit a subsequent application for a Personal/Recreational Vehicle Storage in the AL-20 Zone District through a discretionary land use permit. In relation to this proposal, the Fresno County Board of Supervisors approved Amendment to Text (AT) No. 370 on September 30, 2014, amending Sections 803.13 and 817.3 of the Fresno County Zoning Ordinance by adding Personal/Recreational Vehicle Storage in the AL (Limited Agriculture) Zone District, and permitted the use by Conditional Use Permit for those unincorporated areas of Fresno County located in an area within one half-mile of the Sphere of Influence (SOI) of the City of Clovis. The subject proposal is within one half-mile of the City of Clovis SOI and is subject to this requirement.

This item was continued from the Planning Commission Hearing of June 30, 2016. The Applicant requested continuance of the item to the August 11, 2016 hearing in order to discuss with staff the 200-foot setback of natural open space for Auberry Road required by General Plan Policy OS-L.3. Edits to the text of Policy OS-L.3 are noted in Section I. B. Aesthetics (Exhibit 6 – Page 1) of Initial Study No. 7098 (Exhibit 6) to reflect the potential for flexibility with this policy. A complete review of Policy OS-L.3 with any exceptions that may apply to it will occur through a subsequent Conditional Use Permit Application to allow the establishment of a Personal/Recreational Vehicle Storage in the AL-20 Zone District.

Relevant Policies:	Consistency/Considerations:
<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: The county shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The subject property is unfarmed with no improvements. Adjacent parcels to the north, south and east are also unfarmed with no improvements. The unfarmed westerly parcel contains a non-residential development and the adjacent southeasterly parcel contains a produce stand.</p> <p>The subject proposal would rezone the property from an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The rezone would result in an agricultural-zoned property and any impact the</p>

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.14: The County shall ensure that the review of discretionary permits include an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.	development of Personal/Recreational Vehicle Storage may have on the adjacent farmlands will be addressed through subsequent discretionary land use approval. The proposal is consistent with Policies LU-A.12, 13 and 14.
General Plan Policy PF-C.17: County shall, prior to consideration of any discretionary projects related to land use, undertake a water supply evaluation. The evaluation shall include a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question and if groundwater is proposed, a hydrological investigation may be required to confirm the availability of water in amounts necessary to meet project demand.	The subject property is located in a water-short area. A well yield test is required by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning at the time proposed personal/recreational vehicle storage is permitted on the property through a subsequent discretionary land use approval. With this requirement, the proposal is consistent with Policy PF-C.17.

Reviewing Agency/Department Comments:

U.S. Fish and Wildlife Service: If kit fox are present on site during construction, there is potential for take to occur through mortality, harassment, or harm. In order to minimize the likelihood of this occurrence, avoidance and minimization measures found in the *2011 Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* should be implemented. If any small burrows within the proposed project area are disturbed or destroyed by construction activities, take of California tiger salamander (CTS) may occur which requires consultation with the Service under Section 7 or Section 10 of the Endangered Species Act of 1973. This requirement would be applicable to more intense site development associated with approval of a subsequent Conditional Use Permit. A Project Note has been provided to the property owner to make him aware that future biological analysis may be required.

Development Engineering Section of the Fresno County Department of Public Works and Planning: An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher may be required for grading expected by the proposed development. Any runoff generated by the site development cannot be drained across property lines. Any work done within the right-of-way to construct a new driveway shall require an encroachment permit from the Road Maintenance and Operations Division. A turnaround shall be required for vehicles leaving the site to enter an Arterial (Auberry Road and Copper Avenue) in a forward motion. Direct access to an Arterial shall be limited to one common point. Any additional access points shall require prior approval.

Fresno Metropolitan Flood Control District: The Applicant shall pay drainage fees at the time of proposed development (personal/recreational vehicle storage) based on the fee rates in effect at that time. The Applicant shall construct Master Plan facilities according to the District's Master Plan to provide for permanent storm drainage service to the project and provide an on-

site storm water retention basin if the County defers the construction of street improvements. The project shall require a State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharge associated with construction activities resulting in soil disturbance of at least one acre or more of the total land area by filing a 'Notice of Intent for the State General Permit for Construction Activity' with the State Water Resources Control Board.

Fresno County Agricultural Commissioner's Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding inconveniences and discomfort associated with normal farm activities that occur surrounding the proposed project.

Fresno County Department of Public Health, Environmental Health Division: In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel 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.

The aforementioned requirements will be included as Project Notes.

Design Division, Road Maintenance and Operations Division, and Building and Safety Section of the Fresno County Department of Public Works and Planning; San Joaquin Valley Air Pollution Control District; Fresno County Fire Protection District; Local Agency Formation Commission (LAFCo); San Joaquin Valley Air Pollution Control District; City of Clovis; California Department of Fish and Wildlife; California Regional Water Quality Control Board, Central Valley Region: No concerns with the project.

Analysis:

The subject property is currently designated Agriculture in the County General Plan and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. The surrounding lands are also designated Agriculture in the County General Plan and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Zoning Ordinance. This proposal would rezone the 38.03-acre subject property from an AE-20 Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District to allow, in the future, personal/recreational vehicle storage in the AL-20 Zone District through a discretionary land use application. The project is located approximately 2,800 feet east of the City of Fresno in an area consisting of sporadic farming activities mixed with residential developments.

One fundamental issue regarding any rezone request is whether the proposed zone change is consistent with the General Plan. According to the Zoning Compatibility Matrix for the General Plan, the proposed AL-20 Zone District is conditionally compatible with land designated Agriculture.

The 'AL' District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. By-right uses allowed in the AL District include the breeding and raising of animals, trees, apiaries, honey extraction, plants, vines, fields, forage, storage and repair of farm equipment, harvesting and processing of agricultural products, single-family dwellings and home occupations. These uses are allowed in the current AE District that allows additional uses that are necessary and an integral part of an agricultural operation. Given that fewer uses are allowed in an 'AL' District than an 'AE' District, rezoning of the property from the AE Zone District to an AL Zone District is

expected to have less of an impact on the surrounding land uses based on allowed by-right uses. Uses that require discretionary land use applications in the AL-20 Zone District, including personal/recreational vehicle storage, will be assessed as to their impacts based on the project being proposed.

An Initial Study (IS) prepared for this proposal has identified potential impacts related to aesthetics, agriculture and forestry resources, biological resources, geology and soils, hydrology and water quality, land use and planning, transportation/traffic, and utilities and service systems as less than significant. As such, no mitigation measures are required for this proposal. Identified Conditions of Approval relating to biological resources, including mandatory project requirements (Project Notes), as discussed in this staff report would more appropriately apply to the future personal/recreational vehicle storage subject to discretionary land use application and related Site Plan Review as specified in Section 874 of the County Zoning Ordinance.

The subject proposal is adjacent to the City of Clovis Sphere of Influence (SOI). Both the City of Clovis and the Local Agency Formation Commission (LAFCo) reviewed the proposal and expressed no concerns with the subject rezoning from an AE Zone District to an AL Zone District. Likewise, no concerns were expressed by Table Mountain Rancheria, Tribal Government Office.

In Summary, the proposal would meet General Plan Policies discussed above by being compatible in intensity to the uses allowed in the current zoning and by having no negative impacts on biological resources with adherence to any included Conditions of Approval.

The following information has been provided to the Applicant to inform them of possible future mandatory requirements (Project Notes) related to subsequent site development:

- An Engineered Grading and Drainage Plan may be required to show how additional storm water runoff generated by the proposed development will be handled without adversely impacting adjacent properties. A grading permit or voucher may also be required for grading expected by the proposed development.
- Any runoff generated by the site development cannot be drained across property lines.
- Any work done within the right-of-way to construct a new driveway shall require an encroachment permit from the Road Maintenance and Operations Division.
- A turnaround shall be required for vehicles leaving the site to enter an Arterial (Auberry Road and Copper Avenue) in a forward motion.
- Direct access to an Arterial shall be limited to one common point. Any additional access points shall require prior approval.
- The Applicant shall pay drainage fees at the time of proposed development (personal/recreational vehicle storage) based on the fee rates in effect at that time.
- The Applicant shall construct Master Plan facilities according to the District's Master Plan to provide for permanent storm drainage service to the project and provide an on-site storm water retention basin if the County defers the construction of street improvements.
- The project will require a State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharge associated with construction activities resulting in

soil disturbance of at least one acre or more of the total land area by filing a 'Notice of Intent for the State General Permit for Construction Activity' with the State Water Resources Control Board.

- In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel 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.
- The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding inconveniences and discomfort associated with normal farm activities that occur surrounding the proposed project.

Public Comments:

Staff received comments from a concerned neighbor stating that traffic movement in and out of the site, street improvements and signalization, and fencing/wall to provide for property aesthetics should be given consideration for the project. Also, the proposed development could have a negative impact on property values in the area.

Conclusion:

Staff believes that the proposed rezone from the AE-20 (Exclusive Agricultural) Zone District to an AL-20 (Limited Agricultural) Zone District is consistent with the Fresno County General Plan, and recommends approval of Amendment No. 3817, subject to the Conditions of Approval and Project Notes in the Staff Report.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Recommend adoption of the Negative Declaration prepared for Initial Study Application No. 7098; and
- Determine that the AL-20 (Limited Agricultural) zoning is consistent with the General Plan; and
- Direct the Secretary to prepare a Resolution to forward Amendment Application No. 3817 to the Board of Supervisors with a recommendation for approval.

Alternative Motion (Denial Action)

- Determine that the AL-20 (Limited Agricultural) zoning is not consistent with the General Plan, and deny Amendment No. 3817 (state basis for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.



EXHIBIT 1

LOCATION MAP

AA 3817

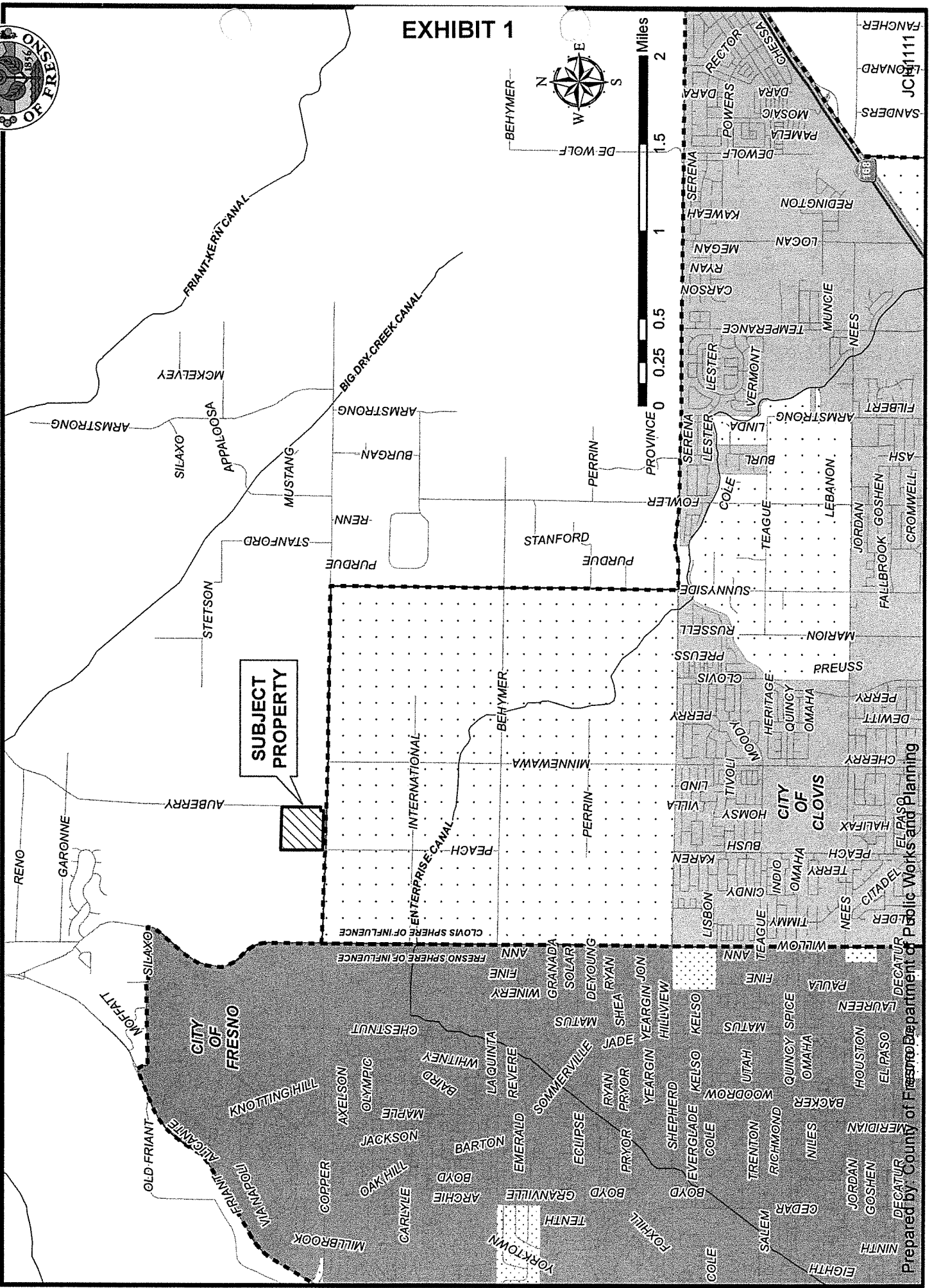
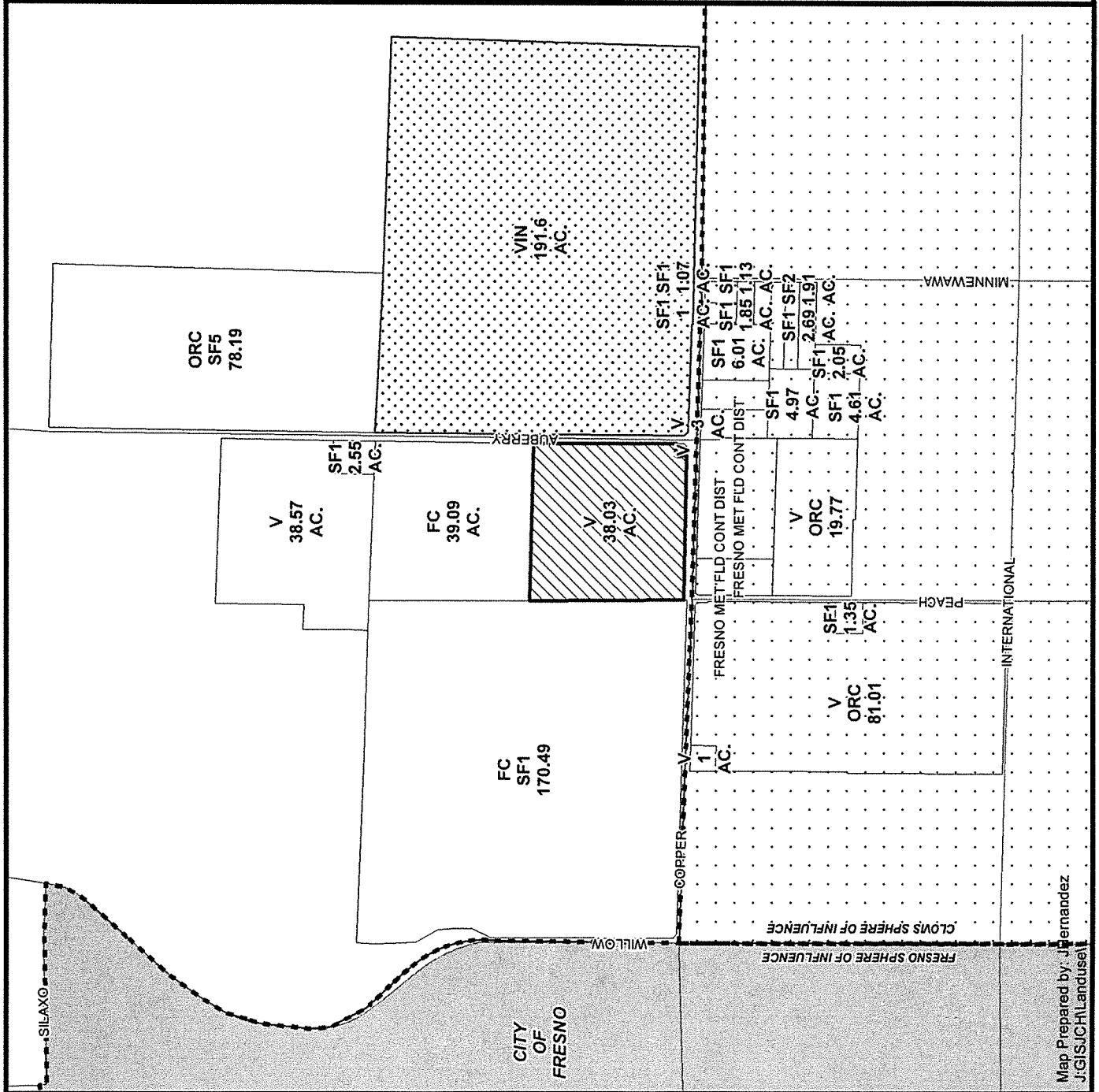




EXHIBIT 3

EXISTING LAND USE MAP

AA 3817

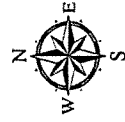


LEGEND

- FC - FIELD CROP
- ORC - ORCHARD
- SF# - SINGLE FAMILY RESIDENCE
- V - VACANT
- VIN - VINEYARD

LEGEND:

- Subject Property
- Ag Contract Land



Department of Public Works and Planning
Development Services Division

EXHIBIT 4

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)

SECTION 816.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Churches, parsonages and other religious institutions.
- B. Commercial stables and riding academies.
- C. Communications equipment buildings and microwave relay structures.
- D. Electrical transmission substations and electric distribution substations.
- E. Commercial specialty animal raising, including fish, fur-bearing animals, wild or undomesticated animals, amphibians, insects and birds for products, numerical increase, or, value increase.
(Amended by Ord. 490.117 adopted 10-5-76)
- F. Wineries and distilleries – Small, subject to the provisions of 855-N.
(Added by Ord. T-075 adopted 3-25-03)
- G. Philanthropic and eleemosynary institutions where agriculture is carried on to a substantial degree.
- H. Public schools, private or parochial schools of an elementary or secondary level, colleges, and day nursery large.
(Amended by Ord. 490.188 adopted 10-29-79)
- I. Public buildings and yards, fire stations.
- J. Sale of food products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises when not authorized under Section 816.1-S.
(Added by Ord. 490.2 adopted 7-25-61, amended by Ord. T-077-352, adopted 3-2-04)
- K. Veterinarian offices and animal hospitals.
(Amended by Ord. 490.195 adopted 2-26-80)
- L. All uses listed in Section 816.1, except as provided in Subsection B thereof, located within an Interstate Interchange Impact Area identified in Section 816.7.
(Added by Ord. 490.95 adopted 11-27-73)
- M. Home Occupations, Class II, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)

- N. Off-site directional signs for major recreational uses, hospitals and colleges subject to the criteria set forth in Section 855-K.
(Added by Ord. 490.105 adopted 4-22-75)
- O. Farm labor contractor services.
(Added by Ord. 490.117 adopted 10-5-76)
- P. Antique sales.
(Added by Ord. 490.117 adopted 10-5-76)
- Q. The maintenance and storage of agricultural equipment designed to be used solely for the harvesting of crops, which equipment must be located by the owner thereof upon his own premises when not operated as a secondary occupation in conjunction with, or as part of, a bona fide agricultural operation.
(Added by Ord. 490.117 adopted 10-5-76)
- R. Commercial land leveling and development establishments when they are not operated in conjunction with, or as part of, a bona fide agricultural operation.
(Added by Ord. 490.117 adopted 10-5-76)
- S. Commercial crop planting, cultivating, and soil preparation service establishments when they are not operated in conjunction with, or as part of, a bona fide agricultural operation.
(Added by Ord. 490.117 adopted 10-5-76)
- T. The maintenance and storage of trucks and trailers, when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment.
(Added by Ord. 490.117 adopted 10-5-76)
- U. Temporary mobilehome occupancy subject to the provisions of Section 856 A.1.b.
(Added by Ord. 490.145 adopted 2-14-78; amended by Ord. 490.194 adopted 1-28-80)
- V. Dog grooming in conjunction with a single-family residence limited to a maximum of eight dogs per day.
(Added by Ord. 490.146 adopted 2-28-78)
- W. Second dwelling units, subject to the provisions of Section 855-N.
(Added by Ord. T-269 adopted 5-24-83; amended by Ord. T-280 adopted 12-18-84)
- X. The maintaining, breeding, and raising of poultry of all kinds, when not permitted by 816.1-B.
(Added by Ord. T-038-306 adopted 5-22-90)
- Y. Existing facilities intended for the commercial storage of agricultural products, equipment, and supplies where such activity is not conducted as a secondary occupation in conjunction with, or part off, a bona side agricultural operation provided that such facilities were legally established with building permits prior to the adoption of this ordinance section.
(Added by Ord. T-057-326 adopted 6-4-96)
- Z. Agricultural tourism uses that are not authorized under Section 816.S.
(Added by Ord. T-078-353 adopted 12-7-04)
- AA. Commercial cattle dairies and feedlot facilities, subject to the provisions of Section 869.
(Added by Ord. T-082-358 adopted 10-23-07)

SECTION 816.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to a Conditional Use Permit as provided for in Section 873.

- A. Value added agricultural uses and facilities that are not authorized under Section 816.1-S. This section may also include ancillary uses and facilities that are operated in association with a value-added agricultural processing facility.
(Amended by Ord. 490.155 adopted 9-5-78; Ord. 490.161 adopted 10-2-78; Ord. 490.179 re-adopted 6-26-79, amended by Ord. T-077-352 adopted 3-2-04)
- B. Commercial stock feeding yards and feed lots when not operated as a secondary occupation in connection with, or as part of, a bona fide agricultural operation.
- C. Community auction and sale yards for sale of farm animals, products, implements, supplies, or equipment.
- D. Guest ranches.
- E. Temporary and permanent farm labor camps that are not carried on as a secondary function in conjunction with a bonafide agricultural operation.
(Amended by Ord. 490.31 adopted 10-11-66)
- F. The sale of beer to be consumed off the premises in conjunction with and secondary to a permanent roadside stand for the sale of agricultural products; that the percentage of beer sales to total roadside stand sales shall be determined as a condition to the Conditional Use Permit.
(Added by Ord. 490.142 adopted 12-6-77)
- G. Private use airports, heliports and crop dusting strips.
(Amended by Ord. 490.161 adopted 10-2-78)
- H. Sewage disposal and treatment plants.
- I. Commercial establishments for the processing, storage, sale, and off-site application of agricultural chemicals, including but not limited to fertilizers, insecticides (flammable and inflammable types) and pesticides.
(Added by Ord. 490.35 adopted 5-16-67)
- J. Boarding and training kennels.
(Added by Ord. 490.36 adopted 7-25-67)
- K. Horticultural and landscaping services in conjunction with horticultural nurseries, when carried on as a primary use of the property.
(Added by Ord. 490.65 adopted 8-4-70)
- L. Off-road vehicle areas consisting of recreational facilities for the driving, testing and racing of motorcycles, trail bikes, 4-wheel drive vehicles, or similar vehicles which are principally designed or commonly used for off-highway recreation purposes. Features of such sites may include hill climb areas, race courses, or motor-cross/auto-cross. Such sites shall not be located on land which is productive or potentially productive agricultural land as defined in the General Plan.
(Added by Ord. 490.107 adopted 9-8-75; amended by Ord. 490.125 adopted 12-7-76; and Ord. T-275 adopted 4-24-84)
- M. Swine, sheep, or goat feed lots or yards.

- N. Liquefied petroleum gas distribution and storage, retail.
(Amended by Ord. 490.179 adopted 6-26-79)
- O. Feed and farm supply sales.
- P. Farm equipment and machinery sales, rental, storage, and maintenance.
- Q. Irrigation systems administrative offices.
- R. Building materials sales.
- S. Racetracks for non-motorized and motorized vehicles including bicycles, motorcycles, automobiles, and similar vehicles when conducted on land which is not productive or potentially productive agricultural land as defined in the General Plan. Off-road vehicle areas are excluded.
(Added by Ord. No. 490.125 adopted 12-7-76; amended by Ord. No. T-275 adopted 4-24-84)
- T. Swim schools operated in conjunction with a single-family residence with a maximum of fifteen (15) students at one time.
(Added by Ord. 490.143 adopted 1-24-78)
- U. Off-site rock, sand, and gravel trucking operations which may include a newly created parcel size of not less than five acres (See Section 816.5-A.4) on sites located outside the Sphere of Influence of any City or community and not located on productive agricultural land as defined in Section 204-02:3.02a of the General Plan.
(Amended by Ord. No. T-240 adopted 8-17-81; amended by Ord. No. T-033-299 adopted 6-7-88)
- V. Agricultural Commercial center development subject to the provisions of Section 867.
(Added by Ord. T-034-297 adopted 9-20-88)
- W. Assembly of equipment for the post-harvest processing of agricultural products provided such equipment is sold directly to the farmer or processor.
(Added by Ord. T-044-312 adopted 6-30-92)
- X. Commercial cattle dairies and feedlot facilities, subject to the provisions of Section 869.
(Added by Ord. T-082-358, adopted 10-23-07)

(Section 816.3 amended by Ord. T-077-352, adopted 3-2-04)

EXHIBIT 5

SECTION 817

"AL" - LIMITED AGRICULTURAL DISTRICT

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The District is also intended to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.

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

(Section 817 added by Ord. 490.117 adopted 10-5-76; amended by Ord. 490.188 adopted 10-29-79)

SECTION 817.1 - USES PERMITTED

The following uses shall be permitted in the "AL" Districts. All uses shall be subject to the Property Development Standards in Section 817.5.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. 490.188 adopted 10-29-79)

- A. The maintaining, breeding and raising of bovine and equine animals except dairies, feed lots and uses specified in Sections 817.2 and 817.3.
(Amended by Ord. 490.174 re-adopted 5-8-79)
- B. The keeping of rabbits and other similar small fur-bearing animals for domestic use.
(Amended by Ord. T-038-306 adopted 5-22-90)
- C. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations.
(Added by Ord. T-038-306 adopted 5-22-90).
- D. The raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing.
(Added by Ordinance 490.174 re-adopted 5-8-79)
- E. One family dwellings, 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.
- F. Home Occupations, Class I, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- G. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses when operated in conjunction with, or as part of, a bona fide agricultural operation.

- H. Apiaries and honey extraction plants subject to the provisions of Section 855-N.
- I. Signs, subject to the provisions of Section 817.5-K.
- J. Temporary or permanent telephone booths.
- K. Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- L. Mobile home occupancy consisting of one or more mobile homes, subject to the provisions of Section 856 and Section 817.1-D.
- M. Historic and monument sites.
- N. The harvesting curing, processing, packaging, packing, shipping, and selling of agricultural products produced upon the premises, or where such activity is carried on in conjunction with, or as a part of, a bona fide agricultural operation.
(Added by Ord. T-052-286 adopted 3-8-94)
- O. Agricultural tourism uses and facilities subject to the provisions of Section 855-N.
(Added by Ord. T-078-353, adopted 12-7-04)

SECTION 817.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval as provided for in Section 872.

- A. Churches, parsonages, and other religious institutions.
- B. Commercial stables or riding academies.
- C. Communications equipment buildings, microwave relay structures.
- D. Electrical transmission substations and electric distribution substation.
- E. 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 817.5-C shall not apply.
- F. Philanthropic and eleemosynary institutions where agriculture is carried on to a substantial degree.
- G. Public schools, private or parochial schools of an elementary or secondary level and colleges.
(Amended by Ord. 490.188 adopted 10-29-79; Ord. T-052-286 adopted 3-8-94)
- H. Day Nursery - large.
(Added by Ord. T-052-286 adopted 3-8-94)
- I. Public buildings and yards, fire stations.
- J. Sale of food products produced off the premises provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises.
- K. Veterinarian offices and animal hospitals.
(Amended by Ord. 490.195 adopted 2-26-80)

- L. Home Occupations, Class II, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- M. Off-site directional signs for major recreational uses, hospitals, and colleges subject to the criteria set forth in Section 855-K.
- N. Temporary Mobile home occupancy subject to the provisions of Section 856-A.1.b.
(Added by Ord. 490.163 adopted 11-14-78; amended by Ord. 490.194 adopted 1-28-80)
- O. Temporary stands for the sale of agricultural produce subject to obtaining an occupancy permit, as provided for in Section 863-B.
(Added by Ord. T-256 adopted 7-20-81)
- P. Breeding and personal kennels.
- Q. Second dwelling units, subject to the provisions of Section 855-N.
(Added by Ord. T-269 adopted 5-24-83; amended by Ord. T-280 adopted 12-18-84)
- R. Racetrack for non-motorized vehicles, where there are no permanent facilities.
(Added by Ord. T-052-286 adopted 3-8-94)
- S. Commercial fish farms.
(Added by Ord. T-052-286 adopted 3-8-94)
- T. Agricultural tourism uses and facilities that are not authorized under Section 816.S.
(Added by Ord. T-078-353, adopted 12-7-04)

SECTION 817.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses shall be permitted subject to Conditional Use Permit as provided for in Section 873.

- A. The maintenance and storage of agricultural equipment designed to be used solely for the harvesting of crops, which equipment must be located by the owner thereof upon his own premises when not operated as a secondary occupation in conjunction with, or as part of, a bona fide agricultural operation.
- B. Guest ranches.
- C. Mushroom growing.
- D. Private airports, heliports, and crop dusting strips.
- E. Sewage disposal and treatment plants.
- F. Boarding and training kennels.
- G. Horticultural and landscaping services in conjunction with horticultural nurseries, when carried on as a primary use of the property.
- H. Liquefied petroleum gas distribution and storage, retail.
(Amended by Ord. 490.179 adopted 6-26-79)
- I. 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 therefore.
 4. Horticultural and landscaping services, when operated in conjunction with horticultural nurseries.
- J. Racetracks for remote control electric cars except within the boundaries of the Kings River Regional Plan.
(Added by Ord T-045-315 adopted 10-27-92)
- K. Racetrack for non-motorized vehicles, where there are permanent facilities.
(Added by Ord. T-052-286 adopted 3-8-94)
- L. **Personal/RV Storage, subject to the following provisions: a) property must be within one-half mile of the adopted Sphere of Influence of the City of Clovis; b) property must abut a major street; c) setback requirements shall be the same as Storage Yards as defined in the M-1 Zone District (Section 843.5.E); d) setback shall include a twenty-foot minimum landscaped front yard; e) recreational vehicle parking shall be allowed on two-inch minimum thick gravel surface; and f) open or enclosed carports shall be permitted.**



EXHIBIT 6

County of Fresno

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

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: Darrel's Mini Storage, Inc.
- APPLICATION NOS.: Initial Study Application No. 7098 and Amendment Application No. 3817
- DESCRIPTION: Rezone a 38.03-acre parcel from an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The Applicant proposes to submit a subsequent Conditional Use Permit Application at a future date to permit the establishment of a Personal/Recreational Vehicle Storage in the AL-20 Zone District.
- LOCATION: The project site is located on the northwest corner of E. Copper Avenue and Auberry Road approximately 2,800 feet east of the nearest city limits of the City of Fresno (Sup. Dist. 5) (APN 580-040-09).

I. AESTHETICS

- A. Would the project have a substantial adverse effect on a scenic vista; or

FINDING: NO IMPACT:

No scenic vistas or scenic resources, including trees, rock outcroppings, and historic buildings were identified on or near the property. The project will have no impact on scenic resources.

- 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:

Auberry Road at Copper Avenue **and a small portion of Copper Avenue between Willow Avenue and Auberry Road** is identified as a Scenic Drive in the Fresno County General Plan. General Plan Policy OS-L.3 requires that scenic drives shall adhere to a 200-foot setback of natural open space. **However, modifications to setback requirements can be granted if topographic or vegetation characteristics preclude such setback, provide screening of the building and parking area from the roadways, or the property dimension**

~~preclude such a setback. Given the subject application involves no improvements, the setback requirements for Auberry Road will be addressed through subsequent land use application to permit the establishment of a Personal/Recreational Vehicle Storage in the AL-20 Zone District.~~ **The subject application involves no improvement. As such, the setback requirement for Auberry Road with any possible modification to the setback will be addressed through subsequent land use application to permit the establishment of a Personal/Recreational Vehicle Storage in the AL-20 Zone District.**

- 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 38.03-acre parcel from an AE-20 Zone District to an AL-20 Zone District.

The project site is currently unfarmed with no improvements. The surrounding area has a mix of active and non-active farmland with individual single-family residences. The adjacent parcel to the north, south and east of the subject proposal are unfarmed with no improvements and the parcel to the west is unfarmed with a non-residential development. The adjacent southeasterly parcel at the corner of Copper Avenue and Auberry Road contains a produce stand which currently is subject to approval of a land use application.

The "AL" District is a limited agricultural district. It is intended to protect the general welfare of the agricultural community by limiting intensive uses in agricultural areas where such uses may be incompatible with, or injurious to, other less intensive agricultural operations. The subject proposal is located in an area less intensive to agricultural operations.

By-right uses allowed in an AL District include breeding and raising of animals, trees, apiaries, honey extraction plants, vines, fields, forage, storage and repair of farm equipment, harvesting and processing of agricultural products, single-family dwellings and home occupations. These uses are allowed in the current AE District that allows additional uses that are necessary and an integral part of an agricultural operation. Given that less uses are allowed in the AL District than the AE District, it is expected that the rezone of the subject properties from an AE Zone District to an AL Zone District will have less impact on the surrounding land uses based on allowed by-right uses. Any subsequent discretionary land use application will be assessed as to its visual impacts based on the project being proposed.

Based on this information, the subject rezone proposal will have a less than significant impact on the surrounding area.

- 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. Future applications (personal/ recreational vehicle storage) that require a discretionary land use approval will be evaluated based on their design. The lighting requirements will be addressed through that process or Site Plan Review appropriate to the use allowed by this future application.

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 forest land or timberland. The site is classified as Farmland of Local Importance in the 2010 Fresno County Important Farmland Map and is not restricted by a Williamson Act Land Conservation Contract.

Per the County Ordinance, the project site is currently zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) and designated Agriculture in the County General Plan. The proposed rezone from an AE-20 Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District is conditionally compatible with the Agriculture designation. The proposal will allow the subject parcel to remain in agricultural zoning (AL-20) but also allow for future application of a discretionary land use application to permit a storage facility. This use was added to the AL-20 Zone District by the Applicant through Amendment to Text (AT) No. 370, approved by the County Board of Supervisors on September 30, 2014.

The Fresno County Agricultural Commissioners' Office reviewed the proposal and requests that the Applicant acknowledge the Fresno County Right-to-Farm Ordinance regarding inconveniences and discomfort associated with normal farm activities that occur surrounding the proposed project. This requirement will be included as a Project Note and addressed through a subsequent land use application for the proposed personal/recreational vehicle storage on the property.

The proposal was also routed to the City of Clovis and Local Agency Formation Commission (LAFCo), but no concerns were expressed by either agency.

III. AIR QUALITY

- A. Would the project conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Would the project isolate 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: NO IMPACT:

The San Joaquin Valley Air Pollution Control District reviewed the proposal and expressed no concerns with the project.

- 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 in an area of limited farming with single-family homes. The parcel is currently unfarmed with a single-family residence.

The 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. Further, the proposal does not involve any ground disturbance activities.

- 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 proposal 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 of 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; or
- 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 is not located within any area designated to be highly or moderately sensitive for archeological resources. No impact on historical, archeological, paleontological, or tribal cultural resources would result from this proposal.

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?
2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?
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.

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

FINDING: NO IMPACT:

No impacts related to off-site landslides, lateral spreading, subsidence, liquefaction, or collapses were identified in the project analysis.

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

FINDING: NO IMPACT:

No such 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:

The subject proposal involves no development. As such, no concerns related to wastewater disposal were expressed by the Fresno County Department of Public Health, Environmental Health Division.

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. Future development of a personal/recreational vehicle storage facility on the property will require a discretionary use permit and review of the proposal by the Air District for greenhouse gas emissions.

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: NO IMPACT:

The project does not involve transport, use, disposal, release, or handling of hazardous materials. No concerns related to this matter were expressed by the Fresno County Department of Public Health, Environmental Health Division.

The project is not located within one quarter-mile of a school. The nearest school, Clovis North High School, is approximately 3,350 feet west of the proposal.

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

FINDING: NO IMPACT:

The project site is not a hazardous materials site.

- 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, within two miles of a public use airport, or in the vicinity of a private airstrip. The nearest airport, Clovis VORTAC CZQ is approximately 3.2 miles west of the proposal.

- 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 a wildland area. The Fresno County Fire Protection District reviewed the proposal and expressed no concerns with the project.

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:

The subject proposal involves no development. As such, no concerns related to wastewater disposal were expressed by the Fresno County Department of Public Health, Environmental Health Division except that: 1) in an effort to protect groundwater, all abandoned water wells and septic systems on the parcel 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. Included as Project Notes, these requirements will be completed through a future discretionary land use approval for the proposed personal/recreational vehicle storage in the AL-20 Zone District.

- 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: LESS THAN SIGNIFICANT IMPACT:

The subject proposal is in a water-short area. The Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and requires a well yield test. Included as a Project Note, this requirement will be completed through a future discretionary land use approval required by the AL-20 Zone District for the proposed personal/recreational vehicle storage.

- 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: NO IMPACT:

According to the United States Geological Survey Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel. The proposal will not impact water channels.

- 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:

Future development of personal/recreational vehicle storage on the property may cause significant changes in absorption rates, drainage patterns or the rate and amount of surface run-off. According to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) an Engineered Grading and Drainage Plan may be required to show how additional storm water run-off generated by the proposed development will be handled without adversely impacting adjacent properties; and 2) a grading permit or voucher may be required for grading proposed by the proposed development.

The Fresno Metropolitan Flood Control District (FMFCD) also reviewed the proposal and requires the following: 1) the applicant shall pay drainage fees at the time of proposed development (personal/recreational vehicle storage) based on the fee rates in effect at that time; 2) construct Master Plan facilities according to the District's Master Plan to provide for permanent storm drainage service to the project; 3) on-site storm water retention basin shall be provided, if the County defers the construction of street improvements; and 4) the project shall require a State National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharge associated with

construction activities resulting in soil disturbance of at least one acre or more of the total land area by filing a 'Notice of Intent for the State General Permit for Construction Activity' with the State Water Resource Control Board.

The aforementioned requirements will be included as Project Notes and be addressed through future discretionary land use approval for the proposed personal/recreational vehicle storage on the property.

F. Would the project otherwise substantially degrade water quality?

FINDING: NO IMPACT:

See discussion in IX. A.

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 FEMA FIRM Panel 1040H, the subject parcel is not subject to flooding from the one-percent chance flood.

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 exposed to potential levee or dam failure.

X. LAND USE AND PLANNING

A. Will the project physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide a community. The project site is outside the boundaries of the City of Clovis and City of Fresno.

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 subject application involves the rezone of a 38.03-acre parcel from an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The proposal will adhere to the following General Plan Policies:

Policy LU-A.12 of the General Plan requires that agricultural activities be protected from encroachment of incompatible uses; Policy LU-A.13 requires buffers between proposed non-agricultural uses and adjacent agricultural operations; and Policy LU-A.14 requires an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.

The project site is currently unfarmed with a single-family residence. The surrounding area has a mix of active and non-active farmland with individual single-family homes. There are single-family residences to the north and west and vacant parcels to the east and south of the proposal.

Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation, including determinations of water supply adequacy, impact on other water users in the County, and water sustainability. The subject property is located in a water-short area. A well yield test is required by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning at the time proposed personal/recreational vehicle storage is permitted on the property through a subsequent discretionary land use approval.

- 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 as 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:

The project 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 expressed no concerns with the project. Fire protection requirements for any subsequent land use application will be addressed during that process.

2. Police protection; or
3. Schools; or
4. Parks; or
5. Other public facilities?

FINDING: NO IMPACT:

The project will not impact police protection, schools, parks or 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: NO IMPACT:

The subject proposal involves no development. The Design and Road Maintenance and Operations Divisions of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no concerns with the traffic nor required a Traffic Impact Study for the project.

A Traffic Impact Study will be required for personal/recreational vehicle storage on the property through a future discretionary land use application and any traffic requirements related to the proposal will be addressed at that time.

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

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site fronts Copper Avenue and Auberry Road which are public roads maintained by the County.

Given no development proposed by this application, no concerns related to traffic hazards due to design features were expressed by the Road Maintenance and Operations Division of Fresno County Department of Public Works and Planning.

However, according to the Development Engineering Section of the Fresno County Department of Public Works and Planning: 1) any work done within the right-of-way to construct a new driveway shall require an encroachment permit from the road Maintenance and Operations Division; and 2) a turn-around shall be required for vehicles leaving the site to enter an Arterial road (Auberry Road and Copper Avenue) in a forward motion. Included as Project Notes, these requirements will be addressed through a subsequent discretionary use permit for personal/recreational vehicle storage in the AL-20 Zone District.

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

FINDING: NO IMPACT:

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

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

FINDING: LESS THAN SIGNIFICANT 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: LESS THAN SIGNIFICANT 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 Air Pollution Control District, and California Code of Regulations Fire Code. No cumulatively considerable impacts were identified in the analysis.

- 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 Initial Study (IS) 7098 prepared for Amendment Application No. 3817, 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 air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, population and housing, public services, or recreation.

Potential impacts related to aesthetics, agriculture and forestry resources, biological resources, geology and soils, hydrology and water quality, land use and planning, transportation/traffic, and utilities and service systems have been determined to be less than significant.

A Negative Declaration is recommended 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 southeast corner of Tulare and "M" Streets, Fresno, California.

EJ:ksn

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EXHIBIT 7

File original and one copy with:		Only.	
Fresno County Clerk 2221 Kern Street Fresno, California 93721		CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7098	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION	County Clerk File No: E-	
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): Darrel's Mini-Storage, Inc.	Project Title: Amendment Application (AA) No. 3817		
<p>Project Description:</p> <p>Rezone a 38.03-acre parcel from an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to an AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The Applicant proposes to submit a subsequent Conditional Use Permit Application at a future date to permit the establishment of a Personal/Recreational Vehicle Storage in the AL-20 Zone District. The project site is located on the northwest corner of E. Copper Avenue and Auberry Road approximately 2,800 feet east of the nearest city limits of the City of Fresno (Sup. Dist. 5) (APN 580-040-09).</p>			
<p>Justification for Negative Declaration:</p> <p>Based upon the Initial Study (IS) No. 7098 prepared for Amendment Application No. 3817, staff has concluded that the project will not have a significant effect on the environment.</p> <p>No impacts were identified related to air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, population and housing, public services, or recreation.</p> <p>Potential impacts related to aesthetics, agriculture and forestry resources, biological resources, geology and soils, hydrology and water quality, land use and planning, transportation/traffic, and utilities and service systems have been determined to be less than significant.</p> <p>The Initial Study and Negative Declaration (ND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.</p>			
<p>FINDING:</p> <p>The proposed project will not have a significant impact on the environment.</p>			
Newspaper and Date of Publication: Fresno Business Journal – May 30, 2016		Review Date Deadline: June 29, 2016	
Date: May 26, 2016	Type or Print Signature: Chris Motta, Principal Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

LOCAL AGENCY MITIGATED NEGATIVE DECLARATION

EXHIBIT 8

Ahmad, Ejaz

From: Hardeep Chohan <hardeepschohan@gmail.com>
Sent: Thursday, June 16, 2016 11:53 PM
To: Ahmad, Ejaz
Subject: Initial Study Application No 7098 and Amendment Application No 3817

Hi Ejaz,

Good afternoon. I received the letter recently in regards to the Planning Commission Applications above. I own the lot across the street from this parcel (address: 3719 E. Copper Ave). The concerns I would have in regards to approving this site for a large storage facility are the following:

- 1) Traffic/Street Improvements---> the intersection at Auberry and Copper Avenues is a very busy intersection and has been the location of many accidents over the past few years (including fatalities), so I would hope the planning commission will consider this. It should be considered that entrance and exit points to such facility will only add to traffic, delays, risk of accidents. Adequate turning from or onto local streets should be considered. I understand this intersection is planned to be signalized and expanded in the future, but this will expand the need for widening further down both Auberry and Copper adjacent to the property. Is there a time frame for signalizing this intersection?
- 2) Rural Residential Currently---> there are currently many homes adjacent to the proposed facility that could have negative effects on property value with Industry/Storage Complex in close proximity. Also, as being in Clovis SOI, the plan is for increased Density homes to be built in the future with many single family houses across the street. So, I hope the Planning Commission would consider this and discuss with City of Clovis if having industrial facilities/storage in such close proximity to residential property is a good idea. It may be best to have these type of facilities in Industrial or Heavy Commercial areas. Also, does Fresno County Planning guidelines allow for Industrial/Storage facilities in such close proximity to residential units in other parts of the County?
- 3) Aesthetics---> would ask the planning commission to consider the aesthetics of any proposed facility and to provide proper fencing/walls and distance from property lines to provide for proper aesthetics.

These are just my concerns. I am not necessarily opposed to the Applications or projects being proposed, just letting the Planning Commission know my concerns.

Sincerely,

Hardeep Chohan, MD